



Sefton Metropolitan Borough Council

Constitution

NOVEMBER 2024

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CHAPTER 1 – SUMMARY AND EXPLANATION

1. The Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, whilst others are for the Council to choose.
2. The Constitution is divided into 11 chapters which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules of procedure and protocols at the end of the document.

A WHAT'S IN THE CONSTITUTION?

3. Chapter 1 of the Constitution commits the Council to Chapters 1 to 11 and explains the rights of citizens and how the key parts of the Council operate.
4. The purpose of the Constitution is to:
 - a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
 - b) support the active involvement of citizens in the process of local authority decision making;
 - c) help Councillors represent their constituents more effectively;
 - d) enable decisions to be taken efficiently and effectively;
 - e) create a powerful and effective means of holding decision makers to public account;
 - f) ensure that no one will review or scrutinise a decision in which they were directly involved;
 - g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
 - h) provide a means for improving the delivery of services to the community; and
 - i) enable the Council to provide services to the community in an efficient, effective and economical manner.

B HOW THE COUNCIL OPERATES

5. The Council is composed of 66 Councillors with one-third of them (22) elected three in every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
6. Councillors agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Council trains and advises them on the Code of Conduct.
7. All Councillors meet together as the Council. Meetings of the Council are open to Members of the public except when personal or confidential matters are being discussed. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader, approves those matters which are part of the Council's main policies (known as the 'policy framework') and provides an opportunity through questioning and debate for the Cabinet to be held to account. There is also the opportunity for the public to ask questions or make statements directly to the Council.

C HOW DECISIONS ARE MADE

8. The Cabinet is the part of the Council which is responsible for key and most day-to-day decisions. The Cabinet is made up of the Leader and nine other Councillors. When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan unless they are urgent. These decisions will be taken in public, including any discussion with Council officers, except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.
9. Decisions which are not made by the Cabinet (or Cabinet Members individually) may either be dealt with by the Licensing and Regulatory Committee or the Planning Committee as applicable.
10. Meetings of the Council's Cabinet and Committees are open to the public except where personal or confidential matters are being discussed. The Government has defined categories of information which can, or must, be discussed in private. These are outlined in the Section of this Constitution dealing with access to information principles (See Chapter 11).

D OVERVIEW AND SCRUTINY

11. There are four Overview and Scrutiny Committees which support the work of the Cabinet, Cabinet Members and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and how it delivers its services. Overview and Scrutiny Committees also monitor the decisions of the Cabinet and Cabinet Members. They consider 'called-in' decisions that have been made by the Cabinet or a Cabinet Member but not yet implemented. (See Overview and Scrutiny Procedure Rules (Chapter 6). This enables the relevant Overview and Scrutiny Committee to consider whether the decision is appropriate. They may recommend that the executive reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

E THE COUNCIL'S STAFF

12. The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and Members of the Council, which can be found in Chapter 11.

F CITIZENS' RIGHTS

13. Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Chapter 3. Some of these are legal rights, whilst others depend on the Council's own processes. Local advice agencies can advise on individuals' legal rights.

14. Where Members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

15. Citizens have the right to:

- a) vote at local elections if they are registered;
- b) contact their local Councillor about any matters of concern to them;

- c) obtain a copy of the Constitution;
- d) attend meetings of the Council and its Committees unless meeting in private session, for example, personal or confidential matters are being discussed;
- e) petition to request a referendum on a mayoral form of executive;
- f) participate in the Council's question time;
- g) find out, from the executive's Forward Plan, what major decisions are to be discussed by the executive or decided by the executive or officers, and when;
- h) attend meetings of the Cabinet and Cabinet Members where key decisions are being discussed or decided (unless meeting in private session);
- i) see reports and background papers (citizens cannot see reports and background papers in relation to matters which are or have been considered in private session) and any record of decisions made by the Council and Cabinet;
- j) complain to the Council about any matter for which it is responsible through the complaints procedure;
- k) complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- l) complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- m) inspect the Council's accounts and make their views known to the external auditor.

16. The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Democratic Services, Town Hall, Trinity Road, Bootle.

17. All of the publicly available information including agendas, reports, minutes and a calendar of meetings is available on the Council's website.

G DECISION MAKING

RESPONSIBILITY FOR DECISION MAKING

18. The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

PRINCIPLES OF DECISION MAKING

19. All decisions of the Council will be made in accordance with the following principles:

- a) proportionality (that is the action must be proportionate to the outcome);
- b) due consultation and the taking of professional advice from officers;
- c) respect for human rights;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes;
- f) take account of all relevant matters;
- g) discount all irrelevant matters; and
- h) in accordance with the law.

TYPES OF DECISION

20. There are decisions reserved to full Council which are decisions relating to the functions listed in Chapter 4 will be made by the full Council and not delegated.

21. A KEY DECISION is:

- a) any executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater; or

- b) any executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards.

22. A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Chapter 5 of the Constitution.

DECISION MAKING BY THE FULL COUNCIL

23. Subject to paragraph 27, the Council meeting will follow the Council and Committee Procedure Rules (Standing Orders) set out in Chapter 4 of the Constitution when considering any matter.

Decision Making by the Cabinet

24. Subject to paragraph 27, the Cabinet will follow the Cabinet Procedure Rules (Standing Orders) set out in Chapter 5 of this Constitution when considering any matter.

DECISION MAKING BY OVERVIEW AND SCRUTINY COMMITTEES

25. Overview and Scrutiny Committees will follow the Scrutiny Procedures Rules set out in Chapter 6 of this Constitution when considering any matter.

DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL

26. Subject to paragraph 27, other Council Committees and Sub-Committees will follow the Council and Committee Procedure Rules (Standing Orders) set out in Chapter 4 of this Constitution which apply to them.

DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

27. The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of the Human Rights Act 1998.

H MEMBERS OF THE COUNCIL

COMPOSITION AND ELIGIBILITY

- a) composition: The Council will comprise 66 Members otherwise called Councillors. Three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State;
- b) eligibility: Only registered voters of Sefton or those living, working or owning/occupying land there will be eligible to hold the office of Councillor.

ELECTION AND TERMS OF COUNCILLORS

28. The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year except that in 2013 and every fourth year after there will be no regular election. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

29. The Council has adopted a Code of Conduct governing elected and co-opted Members which applies when they are acting in those capacities.

ROLES AND FUNCTIONS OF ALL COUNCILLORS

- (a) key roles: all Councillors will:
 - (i) collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision making process that is become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward and represent the ward as a whole;
 - (v) be involved in decision making;

- (vi) where appropriate to represent the Council on other bodies (with their consent); and
 - (vii) maintain the highest standards of conduct and ethics.
- (b) rights and duties:
- (i) Councillors will have rights of access to documents (and electronically held information), information, land and buildings of the Council necessary for the proper discharge of their functions and in accordance with the law;
 - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it; and
 - (iii) for these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Chapter 11 of this Constitution.

CONDUCT

30. Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Chapter 11 of this Constitution.

ALLOWANCES

31. Councillors will be entitled to receive allowances in accordance with the Members' Allowances set out in Chapter 2 of this Constitution.

I THE CONSTITUTION

POWERS OF THE COUNCIL

32. The Council will exercise all its powers and duties in accordance with the law and this Constitution.

THE CONSTITUTION

33. This Constitution is the Constitution of Sefton Metropolitan Borough Council.

INTERPRETATION AND REVIEW OF THE CONSTITUTION

34. Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
35. The Council will monitor and evaluate the operation of the Constitution as set out in Chapter 1.

DUTY TO MONITOR AND REVIEW THE CONSTITUTION

36. The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

PROTOCOL FOR MONITORING AND REVIEW OF CONSTITUTION BY MONITORING OFFICER

37. A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out above. In undertaking this task the Monitoring Officer may:
- a) observe meetings of different parts of the Members and officer structure;
 - b) undertake an audit trail of a sample of decisions;
 - c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
 - d) compare practices in this Authority with those in other comparable authorities or national examples of best practice.

CHANGES TO THE CONSTITUTION

38. Legislative and any other necessary and urgent changes to the Constitution can be made by the Monitoring Officer and such actions are reported to the next Council meeting as appropriate. Any such step is taken in consultation with the Cabinet Member and/or Leader of the Council.
39. The Monitoring Officer has authority to amend the constitution to reflect changes in the composition of Cabinet and portfolio responsibility without the need to seek prior approval from Full Council.

J SUSPENSION OF THE CONSTITUTION

LIMIT TO SUSPENSION

40. The Sections of this Constitution may not be suspended unless the Chief Executive (or Emergency Duty Co-ordinator who must be a Chief Officer) considers suspension to be appropriate to deal with an emergency or situation of urgency in which case they may suspend such parts of the Constitution which they consider to be necessary to deal with the emergency or situation of urgency. Such a step should only be taken in exceptional circumstances and 'emergency' is to have the same meaning as defined in the Civil Contingencies Act 2004.
41. The Rules of Procedure specified in Chapter 4 may be suspended by the full Council to the extent permitted within those Rules and the law.

PROCEDURE TO SUSPEND

42. The Chief Executive (or Emergency Duty Co-ordinator) may suspend such parts of the Constitution as they consider necessary under paragraph 40 above by giving written notice of the suspension to the Leader (or his nominee) and the Monitoring Officer.
43. Subject to paragraph 41 above, the Rules of Procedure in Chapter 4 of the Constitution may only be suspended by motion to suspend. Such motion may not be moved without notice unless one half of the whole number of Councillors is present.
44. The extent and duration of any suspension under paragraphs 40 and 41 above will be proportionate to the result to be achieved, taking account of the principles of the Constitution set out above.

RULES CAPABLE OF SUSPENSION:

The Council and Committee Procedure Rules (except paragraphs 92 and 96) may be suspended in accordance with paragraphs 41, 42 and 43. The rules can only be suspended for the duration of the meeting.

RESTORATION FOLLOWING SUSPENSION UNDER PARAGRAPHS 40 AND 41 ABOVE

45. The suspension shall terminate and the Constitution shall be fully in force at the next Council meeting following the suspension or at the date of the Chief Executive gives written notification to the Leader and the Monitoring Officer that the Constitution is restored, whichever is the earlier.

K INTERPRETATION

46. In relation to proceedings of Council the ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council is final. Such interpretation will have regard to the purposes of this Constitution contained above.

L PUBLICATION

47. The Chief Legal and Democratic Officer will ensure that copies of this Constitution are available to each Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
48. The Chief Legal and Democratic Officer will ensure that copies are available for inspection at principal Council offices and available for inspection on the Council's website.

M DESCRIPTION OF EXECUTIVE ARRANGEMENTS

49. The following parts of this Constitution are the executive arrangements: -
- a) Chapter 5 – Cabinet;
 - b) Chapter 8 – Joint Arrangements; and
 - c) Chapter 11 -Access to Information Procedure Rules.

CHAPTER 2 - MEMBERS

A CODE OF CONDUCT

DEFINITIONS

For the purposes of this Code of Conduct, a “Member” means a member or co-opted member of a local authority [or a directly elected mayor]. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;

For the purposes of this Code of Conduct, “local authority” includes the upper tier councils, town or parish councils and the combined authorities across the Liverpool City Region.

PURPOSE OF THE CODE OF CONDUCT

The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Member and local government.

GENERAL PRINCIPLES OF MEMBER CONDUCT

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Member.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Member.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

APPLICATION OF THE CODE OF CONDUCT

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Member.

This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:

- you misuse your position as a Member; or
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Members are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

STANDARDS OF MEMBER CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

GENERAL CONDUCT

RESPECT

As a Member:

1.1 I treat other Members and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member- officer protocol.

BULLYING, HARASSMENT AND DISCRIMINATION

As a Member:

1.3 I do not bully any person.

1.4 I do not harass any person.

1.5 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

IMPARTIALITY OF OFFICERS OF THE LOCAL AUTHORITY

As a Member:

- 1.6 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

CONFIDENTIALITY AND ACCESS TO INFORMATION

As a Member:

- 1.7 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

- 1.8 I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.**
- 1.9 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

DISREPUTE

As a Member:

- 1.10 I do not bring my role or local authority into disrepute.**

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the local authority whilst continuing to adhere to other aspects of this Code of Conduct.

USE OF POSITION

As a Member:

- 1.11 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these

opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

USE OF LOCAL AUTHORITY RESOURCES AND FACILITIES

As a Member:

- 1.12 **I do not misuse local authority resources.**
- 1.13 **I will, when using the resources of the local or authorising their use by others:**
- a. **act in accordance with the local authority's requirements; and**
 - b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

COMPLYING WITH THE CODE OF CONDUCT

As a Member:

- 1.14 **I undertake Code of Conduct training provided by my local authority.**
- 1.15 **I cooperate with any Code of Conduct investigation and/or determination.**
- 1.16 **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 1.17 **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

PROTECTING YOUR REPUTATION AND THE REPUTATION OF THE LOCAL AUTHORITY

2. Interests

As a Member:

2.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the local authority.

You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision

making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

PRE-DETERMINATION OR BIAS

As a Member I:

- 2.2 **Never place myself under any financial or other obligation to outside individuals or organisations who might seek to influence me in the performance of my official duties.**
- 2.3 **Consider all matters with an open mind and make decisions based upon weighing the best evidence before me, fairly and on merit.**

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your role as Member. However, you must ensure that your integrity is not compromised.

You may be pre-disposed to a number of outcomes to a decision, based upon your, philosophy, beliefs or political allegiance (including any application of a Group whip), but this must not predetermine your actions or the outcome of a decision you are to make. You must always remain open to the potential for further evidence or argument to alter any previously expressed or held viewpoint at the time of making your decision. For this reason, particularly in relation to contractual matters or those affecting individuals' civil rights, it is often best to be cautious about how or if your views are expressed before coming to make a decision.

GIFTS AND HOSPITALITY

As a Member:

- 2.4 **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons**

seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

- 2.5 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 2.6 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

APPENDIX A – THE SEVEN PRINCIPLES OF PUBLIC LIFE

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

ANNEX B REGISTERING INTERESTS

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

“Standard Dispensation” means a dispensation that has been granted by the Authority relieving the member or co-opted member from the restrictions or obligations under this Code as detailed in **Table 3** below.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Disclosure and Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation or a Standard Dispensation applies. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

DISCLOSURE OF OTHER REGISTERABLE INTERESTS AND NON-REGISTERABLE INTERESTS (PERSONAL AND PREJUDICIAL INTERESTS)

PERSONAL INTERESTS

6. Where a matter arises at a meeting which **affects**:
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing the interest the following test should be applied

PREJUDICIAL INTERESTS

7. In the following instances, you must disclose the interest and you may speak on the matter only if members of the public are also

allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

- a. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registerable Interests (as set out in **Table 2**).
 - b. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate.
 - c. Where a matter ***affects*** your financial interest or well-being:
 1. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 2. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
8. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

TABLE 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	<p>Any employment, office, trade, profession or vocation carried on for profit or gain.</p> <p>[Any unpaid directorship.]</p>
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the local authority) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Member, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the Member or their spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p>

	<p>—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<p>Land and Property</p>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<p>Licenses</p>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<p>Corporate tenancies</p>	<p>Any tenancy where (to the Member’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the Member, or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>

<p>Securities</p>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the Member’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member, or his/ her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

TABLE 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) Any body of which you are in general control or management and to which you are nominated or appointed by your authority

- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

TABLE 3: Standard Dispensations

<p>1. You will not be regarded as having a prejudicial interest in any business of your authority in respect of any Other Registerable Interest:</p> <p>(a) where that business relates to:</p> <p>(i) another local authority of which you are also a member;</p> <p>(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;</p> <p>(iii) a body to which you have been elected, appointed or nominated by your authority, but only in the circumstance where the sole purpose of participating is to make representations, answer questions or give evidence relating to the business at the request of the [elected mayor, cabinet, cabinet member or] Committee meeting</p> <p>(iv) your role as a school governor, unless it relates particularly to the school of which you are a governor; or</p> <p>(v) your role as a member of a National Health Service board or governing body;</p> <p>(b) except that no dispensation described in sub-paragraph (a) above will apply where the business to be transacted at the meeting is the determination of any regulatory approval, consent, licence, permission or registration (<i>for example, determination of an application for planning permission or consent or licence under the Licensing Act 2003</i>).</p>
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2. You will not be regarded as having a prejudicial interest in any business where that business relates to:
- (a) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (b) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (c) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (d) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
 - (e) any ceremonial honour given to one or more Members; or
 - (f) the setting of the authority's council tax requirement, council tax, levy or a precept under the Local Government Finance Act 1992.

ICT ACCEPTABLE USE POLICY

(September 2020)

INTRODUCTION

The purpose of this document is to ensure that all Users of Sefton Council's ICT (Information Communications Technology) Services feel confident in the use of ICT to complete their work. The aim of this policy document is to describe in plain English what is acceptable activity to ensure the security of Sefton's ICT network, to protect the disclosure of information and ensure we can prevent, as far as possible, cyber-attack or cybercrime. To view a full version of this the ICT Acceptable Use Policy click [here](#).

The increasing use of Information and Communication Technology and the development of information strategies to support the process of providing effective services make it necessary to take appropriate action to ensure that these systems are developed, operated and maintained in a safe and secure manner.

Whilst the aim is to provide facilities for employees to use freely in pursuit of their job there are, however, management and legal issues, which should be borne in mind to ensure the effective and appropriate use of information technology.

SCOPE

This document applies to all authorised users of Sefton's ICT systems; including; council employees, members, contractors, consultants, commissioned service providers and organisations that connect to or support any part of the IT Infrastructure

INDIVIDUAL RESPONSIBILITIES

- All elected Members must accept responsibility for maintaining ICT standards within the organisation.
- All managers must accept responsibility for initiating, implementing and maintaining ICT standards including those outlined in the Starters, Movers and Leavers policy within the organisation.
- All non-managerial employees must accept responsibility for maintaining standards by conforming to those controls, which are applicable to them.
- The ICT Client Team, supported by Agilisys, is responsible for implementation of technical security solutions to protect the network

HOW TO USE THE ICT POLICY DOCUMENT

This document outlines what Sefton deems to be acceptable and unacceptable use of ICT, all colleagues as defined within the scope of this document must comply with this policy failure to do so may lead to disciplinary action.

If you do not understand the definitions and guidance in this document please do not hesitate to seek advice from either your manager, The ICT Client Team or the IT Helpdesk.

USER ACCOUNTS AND PASSWORDS

Access to Sefton Council's ICT systems and Information must be adequately protected. Whilst different business applications have varying security requirements, these individual requirements must be identified through risk assessments that will 'control the access' to the ICT systems and filing cabinets where the information is held in paper form.

MANAGEMENT RESPONSIBILITIES

- Managers must ensure that all staff within their team have access rights to systems and IT services that are commensurate with the tasks they are expected to perform
- All staff must have unique login that is not shared with or disclosed to any other users along with an associated unique password that is requested at each new login
- Employees must not make copies of computer software owned by the Council for private use
- User's access rights must be reviewed at regular intervals by their manager to ensure that the appropriate rights are still allocated. System administration accounts must only be provided to users that are required to perform system administration tasks.
- Managers must ensure that all computer software and hardware is purchased via the ICT Client team, under no circumstances should any free of charge evaluation software be installed without prior approval from the ICT client team
- All authorised users are required to comply with the Starters, Movers and Leavers Policy document found in Appendix A
- Managers must ensure that all new employees must complete the Information Management and Governance and ICT Acceptable Usage Policy training on MeLearning within 7 days of their start date. Failure to

complete the MeLearning courses will result in limitations being placed on the ICT account.

IT DEVICE MANAGEMENT

As a principle, and to ensure value for money, there will be no more than one workstation asset allocated per user (desktop, laptop or thin client) In exceptional cases staff requiring multiple assets must provide a business case (signed by Head of Service) to the ICT Client team before an additional device will be purchased.

HOW YOU SHOULD USE YOUR DEVICE (KEY PRINCIPLES)

- All devices directly connected to the Sefton MBC Network (wired, wireless or access via VPN) must be approved, deployed and supported by the ICT Managed Service Provider
- The installation of any software and any required local configuration is managed and supported by the ICT Managed Service Provider
- All devices are owned by Sefton MBC
- All mobile end user devices must be assigned a named individual within a team
- If a person moves role within the organisation the device remains with the leavers team for reallocation to the new postholder, in cases where there is no new postholder it must be returned to the ICT Managed Service Provider.
- All fixed desktops must be assigned to the departmental manager for that area
- All devices must be recorded within the departmental asset register
- When a device is no longer in use then the device must be returned to the ICT Managed Service provider
- All devices must be listed within the team's equipment inventory

THINGS YOU MUST NOT DO

- Connect any personal devices to the corporate network – Bring your Own Device (BYOD) is not permitted
- Do not move or install devices without the support of ICT, all requests for installation, moves or changes to any device must be logged through the ICT Service Desk
- Do not dispose or reallocate any device without logging a call with the ICT Service Desk, any disposals must comply with WEEE Regulations 2017

USER NETWORK AND APPLICATIONS ACCOUNTS

- Always use your own personal Sefton Council account to carry out your work
- Only use your administration account to carry daily specific system administrator duties assigned to you by your manager (if relevant)
- All Sefton Council IT Accounts not accessed for longer than 30 days will be disabled
- **Always use CTRL ALT DEL/Windows Key + L to lock your machine when unattended**
- Follow the password policy, a summary of what you should not do is described below

THINGS YOU MUST NOT DO

- Never write passwords down
- Never send a password through email
- Never include a password in a non-encrypted stored document
- Never tell anyone your password or hint at the format of your password
- Never use your network password on an account over the internet which does not have a secure login, Secure web pages have addresses that start with https://
- Don't use common acronyms as part of your password
- Don't use spaces, common words or reverse spelling of words in part of your password
- Don't use names of people or places as part of your password
- Don't use parts of your login name in your password
- Don't use parts of numbers easily remembered such as phone numbers, NI numbers or street address
- Never let someone see you type your password

ONE DRIVE AND SHAREPOINT

Access to OneDrive for Business is from a managed Sefton Council **Windows 10** device or a managed mobile device only.

OneDrive for Business is your personal area on the cloud, confidential to you, previously known as your H:/. OneDrive for Business requires an Office 365 license, once employment ends this data will be accessible to the user's manager and will then be removed in line with the data retention policy.

SharePoint - a web-based collaborative platform that integrates with MS Office, used for sharing documents, this is where you will find all the documents migrated from your old G:/ or team drive or Microsoft Shares.

HOW YOU SHOULD USE ONE DRIVE FOR BUSINESS AND SHAREPOINT

- All data stored in OneDrive for Business should be relevant to the user's role
- All data that needs to be shared across teams/groups must be stored in Share Point
- Data should be stored in line with the retention schedule and deleted when no longer required
- The sharing of files to third parties is permitted however this should only be done for valid business purpose, and approved by ICT Client and basic configuration supported by the ICT Service Desk

THINGS YOU MUST NOT DO

- Personal data must not be kept in OneDrive for Business
- Personal/Copyright Pictures must not be stored in OneDrive for Business or SharePoint
- Personal/Copyright Videos must not be stored in OneDrive for business or SharePoint
- Any pictures, music or videos that are stored will be deemed to be property of Sefton Council

INTERNET ACCEPTABLE USE POLICY

The Council recognises that it is not practical to define precise rules that cover the full range of Internet activities available and in general, it is adherence to

the spirit and essence of the policy that will allow the Council as a whole, and employees in person, to productively benefit from access to this powerful technology.

All personal usage must be in accordance with this policy. Your computer and any data held on it are the property of Sefton Council and may be accessed at any time by the Council to ensure compliance with all its statutory, regulatory and internal policy requirements.

WHAT YOU SHOULD USE YOUR COUNCIL INTERNET ACCOUNT FOR

Your Council Internet account should be used in accordance with this policy to access anything in pursuance of your work including:

- Access to and/or provision of information.
- Research
- Electronic commerce (for example purchasing equipment for the Council)
- Supported council applications which are hosted externally by the supplier
- Personal use in your own time (ie: during your lunchbreak), any personal use must not include any activity listed in the section below

The Council is not however responsible for any personal transactions you enter, for example in respect of the quality, delivery or loss of items ordered. You must accept responsibility for, and keep the Council protected against, any claims, damages, losses or the like which might arise from your transaction for example in relation to payment for the items or any personal injury or damage to property they might cause.

If you purchase personal goods or services via the Council's Internet service, you are responsible for ensuring that the information you provide shows that the transaction is being entered into by you personally and not on behalf of the Council.

You should ensure that personal goods and services purchased are not delivered to Council property, rather, they should be delivered to your home or other personal address.

The Council is not responsible for any losses or issues relating to personal use of the Council's internet facility.

If you are in any doubt about how you may make personal use of the system you are advised not to do so.

THINGS YOU MUST NOT DO

- Browse non-work sites during working hours
- Leave open live internet feeds to collect news, sports updates or to download images, video or audio streams for none work purposes
- Download any copyrighted material without the owner's permission
- Create, download, upload, display or access knowingly, sites that contain pornography or other "unsuitable" material that might be deemed illegal, obscene or offensive.
- Subscribe to, enter or use peer-to-peer networks or install software that allows sharing of music, video or image files.
- Subscribe to, enter or utilise real time chat facilities such as chat rooms, text /image messenger or pager programs.
- Subscribe to, enter or use online gaming or betting sites.
- Subscribe to or enter "money making" sites or enter or use "money making" programs.
- Run a private business.
- Download any software used for hacking or cracking passwords
- Make repeated attempts to access any sites automatically blocked by the Council's filtering software

The above list gives examples of "unsuitable" usage but is neither exclusive nor exhaustive.

EMAIL ACCEPTABLE USE POLICY

The email system is provided to allow electronic communication in pursuance of Council business between Elected Members, Council employees, individual Council service users and external organisations. All email sent and received via Sefton Council is owned by the council and should not be deemed personal. The Council will monitor your email account usage may access your email content. Be aware that Sefton MBC may be required to disclose your emails or responses to them to third parties for legal reasons, which may include requests made under the GDPR or Freedom of Information.

HOW YOU SHOULD USE YOUR EMAIL (KEY PRINCIPLES)

- Communication in connection with Sefton Council's business
- Users must exercise due care when writing an email to ensure that their message maintains the standards of professionalism the Sefton Council expects of their position
- Users should not make statements on their own behalf or on behalf of the Sefton Council that do or may defame, libel or damage the reputation of Sefton Council or any person
- Limited personal use of email is allowed provided it is kept to a reasonable level, does not interfere with a user's performance in carrying out their duties, does not have a negative impact on Sefton Council in any way, is lawful and adheres to the principles contained within this email Policy.
- Sefton Council email / public folders and shared mailboxes not accessed (for example opened content) for longer than 30 days will be disabled
- Sefton Council email / public folders and shared mailboxes not accessed for longer than 90 days will be deleted except where otherwise directed by the relevant manager that is: for long term sickness, maternity or direct instruction from HR, see Appendix A
- All Sefton Council email / public folders and shared mailboxes must have an owner and if an owner leaves it must be reassigned or the mailbox will also be removed in accordance with policies above.
- The Sefton Council ICT Division does not archive leavers information unless formally requested and approved by a manager or HR.
- Sefton Council reserves the right to monitor and/or record individual email use for lawful business purposes. Users should therefore have no expectation of privacy whilst using Sefton Council equipment for the purposes of communicating via email
- The contents of all email attachments, inbound and outbound, are scanned electronically to help implement this Mandatory Policy against the acceptable use policy and to prevent malware
- Individual users are responsible for the day-to-day house-keeping of their account and must minimise their mailbox space.

THINGS YOU MUST NOT DO

- Use the Council's email system to facilitate or operate any business/commercial activity, other than that of the Council.
- Send business related email to large distribution groups without the permission of the ICT Client Team (over 250 recipients)
- **Email confidential, sensitive or personally identifiable information to other people (either internal or external) without ensuring that the**

data is secured and that the authority has the legal power or explicit consent to do so

- Provide your work email address as contact details to sites you have accessed for non-work purposes
- Use personal web-based email from your work equipment ie: Google mail
- Send files with non-business-related attachments (ie compressed files, video streams, executable code, video or audio streams or graphical images)
- Email must only be accessed via the user's personal user account and users must not attempt to use another user's account without their prior expressed permission, but an individual's email may be accessed by an authorized Sefton Council colleague or manager once a user has left the Sefton Council or where it has been approved by the Head of HR
- Except where it is strictly and necessarily required for your work (for example, corporate advertising, IT audit activity or other investigation), you must not create, download, access, display, transmit or engage in the following:
 - full videos or clips
 - photographic or cartoon images
 - chain letters
 - jokes or 'joke' chains
 - conversational email
 - harassing or bullying content
 - entertainment software
 - other non-work related software
 - advertisements
 - global emails (see paragraph 13 below)
 - game
 - gambling

Again, except where it is strictly necessary and required for your work (as defined above) you must not create, download, access, display, transmit or engage in the following

- material that is obscene, offensive, sexually explicit, pornographic, racist, sexist, ageist, defamatory, hateful, or homophobic in nature, incites or depicts violence, or describes techniques for criminal or terrorist acts
- derogatory remarks or express derogatory opinions regarding the Council, its Officers or Members or communicate extreme views

that could be to the detriment of the Council or its reputation or bring the Council into disrepute

If you receive an unsolicited "unsuitable" email please inform your manager, and notify the ICT Service Desk.

TELEPHONES

For the purpose of this policy the term 'Phones' refers to Council landlines and mobile telephony devices, including pool phones. Users are expected to exercise due care when making telephone calls and using mobile messaging, to ensure that they maintain the standards of professionalism the Council expects of their position. Managers have the responsibility to inform the ICT Service Desk when a mobile phone is no longer required, for example a member of staff has left, and the phone is not being passed on, so that the contract can be cancelled.

Sefton reserves the right to monitor and record/log individuals' use of the mobile device systems for its lawful business purposes. Sefton's employees, secondees and workers must not expect privacy whilst using Council equipment for the purposes of communicating. Sefton MBC may be required to disclose voice recordings to third parties for legal reasons, which may include requests made under the GDPR or Freedom of Information Act.

How you should use your Telephone (key principles)

- In connection with normal business
- Use of personal mobile phones in work for short conversations/messages provided it is kept to a reasonable level, does not interfere with a user's performance in carrying out their duties, does not have a negative impact on Sefton Council in any way, is lawful and adheres to the principles contained within this Policy

THINGS YOU MUST NOT DO

- Allow the use of Council Phones by unauthorised person(s)
- Use Council phones for personal calls (this includes the use of SMS text messages/internet use) except in an emergency
- Excessively use personal mobile phones during working hours to make calls, access the internet or send text messages

- Incur international roaming costs unless pre-authorized by your manager (or Democratic Services Manager, for members)
- Use phones in a manner that could bring Sefton Council into disrepute
- Send SMS or MMS messages that could contain discriminatory, abusive, racist, pornographic, obscene, illegal, offensive, potentially libellous or defamatory content
- Send personal and/or sensitive data using SMS or MMS messages without verifying that the Council has the legal powers or explicit consent to do so.
- Use a Sefton Council number to promote any external private business
- Use a Sefton phone to contact premium rate numbers
- Remove the Council SIM card for any purpose (unless explicitly told to do so by a member of the ICT Service Desk as part of fault diagnosis/repair)
- Transfer the SIM Card to any personal device

If you receive any harassment via telephone, do not attempt to contact a person who has left you an unpleasant, suspicious or threatening message. Do not engage in conversation with a person making an unwanted call. Remain calm and try not to show emotion. Put the handset to one side for a few minutes then replace it. Record the date and time of the call as well as the details even if they were unanswered or silent calls. Write down and save any text messages and the time they were received. In the first instance users should inform their line manager and contact HR for further advice.

SECURITY

All computer equipment should be placed in suitable physical locations that

- Reduce risk from environmental hazards, for example; heat, fire, smoke, water, dust and vibration
- Reduce the risk of theft
- Facilitates workstations handling personal data being positioned so that the screen cannot be seen by unauthorised personnel
- All items of equipment must be maintained on a departmental inventory

- When working in an agile way users are responsible for the security of device(s), some key general guidance notes are provided below
 - Ensure the device is logged out of the network when not in use
 - Devices must not be left unattended in a public location
 - Conceal when transporting on leaving ie: in the boot of a vehicle instead of the back seat
 - Do not leave devices in parked cars overnight, even if they are concealed
 - Place in a safe place if the device is to be stored at home/away from the office

REPORTING INFORMATION SECURITY EVENTS AND WEAKNESSES

Security events, for example a Data Security Breach or a virus infection could quickly spread and cause data loss across the organisation. All users must be able to identify that any unexpected or unusual behaviour on the workstation could potentially be a software malfunction. If an event is detected users must:

- Note the symptoms and any error messages on screen
- Disconnect the workstation from the network if an infection is suspected (with assistance from IT Support Staff)

All security events should be reported immediately to the ICT Service Desk on ext 4999.

APPENDIX A - DATA RETENTION (IT SYSTEMS)

This document does not replace the authorities Retention Schedule but outlines the core principles of how data will be managed on the IT Infrastructure, this document only relates to electronic files, paper files are not included in this policy.

- User data for confirmed leavers is to be deleted after 90 days this includes data and information stored in **OneDrive** and **Email**
- Managers are responsible for ensuring the removal of electronic information from systems once retention periods are expired.
- It is expected that business information required for regulatory purposes will be stored in the relevant business document management systems. For example, finance data must be stored in Oracle or finance server not in user's email.
- Where an end user device is a desktop the saving of information will be restricted, where the device is mobile then that device will have approved encryption methods enabled and are not to be circumvented. Usage of approved and encrypted devices for storage of information while conducting daily work activities is permitted. Such devices include Council tablets and other smart devices; however, users must upload content to the appropriate systems (for example planning photographs) and remove it from the device.
- Unauthorised use of any cloud storage or online file transfer sites for example drop box or We Transfer is prohibited by the policy and using any cloud storage not authorised may result in disciplinary action.

COUNCILLOR CALL FOR ACTION - GUIDANCE FOR COUNCILLORS

COUNCILLOR CALL FOR ACTION – PROTOCOL

The Councillor Call for Action (CCfA) process provides ward Members with a means of escalating matters of ward concern (any local government matter or any crime and disorder matter) to an Overview and Scrutiny Committee (OSC), for possible onwards recommendations to the Council's executive and / or other agencies. The power to refer a matter to Overview and Scrutiny is available only where the matter is of direct concern to the ward which the councillor represents. A councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for councillors in multi-Member wards to agree – any of them can refer a matter.

However it is very important to note that a CCfA is intended to be a measure of “last resort” and may not be used until all other avenues have been exhausted. The CCfA may not be used in relation to individual planning and licensing decisions or where other avenues of appeal exist.

A ward Member requesting a call for action will be asked to demonstrate that they have sought to address the issue through all existing means and the call will not be considered unless the Overview and Scrutiny Management Board is satisfied that:

- a) the councillor has made all reasonable efforts to resolve the matter via dialogue with council officers and / or relevant partner agencies;
- b) the issue of concern is a matter in respect of which the Council has a statutory power or duty to deal with which is not precluded by legislation; and

- c) the issue of concern has a demonstrable impact on a part of, or the whole of, a councillor's ward.

Before a CCfA can be progressed to scrutiny, the Member must provide documentation to show that they have taken the following steps:

- a) If a local crime and disorder matter, raise the issue through the Crime and Disorder Reduction Partnership to find a way to resolve the issue (Crime and Disorder issues are referred to the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) which acts as the Crime and Disorder Scrutiny Committee).
- b) Made the relevant service request / Member's enquiry/ letter to the relevant partner agencies and given enough time for them to resolve it.
- c) Ensure that all relevant internal routes have been exhausted – for example discussions with Cabinet Members, Officers, questions at committees, motions on the agenda at full Council as appropriate.
- d) Raised the issue of concern at area level.
- e) Ensure that this is not an issue that is currently being, or should be, pursued via the Council's complaints procedure.

How to make a Councillor Call for Action Referral

As a "last resort" a ward councillor may submit a signed referral form to the Head of Overview and Scrutiny. This form is available on the Council's website or from the Democratic Services Team. The form for a CCfA includes:

- a) The name of the councillor and ward they represent;
- b) Title of the CCfA and date of submission;
- c) Whether the CCfA relates to a local government matter or a crime and disorder matter;
- d) Background – including details of attempts to resolve matter via other means;
- e) Evidence in support of the CCfA;
- f) Desired outcomes; and
- g) Any deadlines associated with the CCfA of which the Overview and Scrutiny Management Board / Committees needs to be aware.

The Head of Overview and Scrutiny will receive the referral form, log it to track its progress and will submit the request to the next available Overview and Scrutiny Management Board for consideration.

The Head of Overview and Scrutiny will, within five working days of the Overview and Scrutiny Management Board notify the sponsoring Councillor that the CCfA is considered, and will refer the item to the appropriate Overview and Scrutiny Committee agenda. A valid CCfA will be considered at the next available meeting, in public session unless the consideration of the issue involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules, of the Constitution.

Alternatively, if the CCfA is rejected the Overview and Scrutiny Management Board may give advice and / or signposts on other appropriate ways forward to help resolve the issue. The lead councillors and relevant Cabinet Members will be advised accordingly.

The Overview and Scrutiny Management Board may reject any Call for Action if it entails:

- a) Individual complaints concerning personal grievances or commercial issues.
- b) Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
 - Planning and licensing applications and appeals;
 - Council Tax/Housing Benefits complaints and queries; or
 - Issues currently under dispute in a court of law.
 - Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the relevant Overview and Scrutiny committee.
 - Substantially the same as a Councillor Call for Action which has been put to any meeting of the Council in the past 6 months.

The Ward Councillor's role in the consideration of the CCfA, as with any formal council business, is subject to compliance with the Members' Code of Conduct.

REFERRAL TO THE OVERVIEW AND SCRUTINY COMMITTEE

If the Overview and Scrutiny Management Board decides that the matter should be taken to the relevant Overview and Scrutiny Committee then the appropriate Overview and Scrutiny Officer will liaise with the Chair of the Committee to decide how the matter should be taken forward and included within the work programme. This could include:

- a) asking the service area (s) / partner organisation (s) to respond to the CCfA;
- b) setting up a working group to undertake a more in-depth review;
- c) asking for further evidence and / or witnesses to be brought to a future meeting then making recommendations to the Cabinet / partner organisations.

Potential Outcomes

Following referral to the Overview and Scrutiny Committee there are a number of potential outcomes:

- a) The Committee could determine not to make a report or recommendations with the ward councillor notified in writing;
- b) The Committee could determine that it is a complex issue that requires further investigation and undertake a mini-investigative review or in-depth review of the issue;
- c) The Committee could write a report and make recommendations on the CCfA to the Cabinet and/or relevant partners.

Once the Committee has completed its work on the CCfA referral the Member who made the CCfA referral will receive a copy of the report or recommendations made. The report / recommendations will also be made available on the Council's website, unless the matter is an exempt item, in which case the report cannot be made public.

Once a CCfA has been assessed as not being a matter which is excluded from referral to Overview and Scrutiny Committee, the item will be included on the next OSC agenda. If the Committee agrees to take the matter forward, the hearing will usually be held as an item on the next available agenda. In exceptional circumstances, for example where there are unavoidable time constraints, a separate meeting may be convened.

Should a CCfA hearing result in recommendations to the Cabinet being made, the Cabinet will usually respond to the recommendations, setting out any action it intends to take, within 28 days of the date of the Cabinet agenda within which the recommendations are included.

Should a CCfA hearing result in recommendations to partner organisations, such organisations will also be requested to make a response to the recommendations. Although they are under no legal obligation to do so, they are obliged to “take it into consideration”.

EXPLANATORY NOTES

Definition of a local government matter and a local crime and disorder matter:

Local Government Matter

For the purpose of the Act a local government matter, in relation to a Member of a local authority is one which:

- a) relates to the discharge of any function of the authority;
- b) affects all or part of the electoral area for which the referring Member is elected or any person who lives or works in the area (that is it must be specific to a particular locality); and
- c) is not an excluded matter.

However, the guidance produced by the Centre for Public Scrutiny and Improvement and Development Agency advises that, to give full effect to CCfA the interpretation of “local government matter” needs to be broader. This includes issues relating to the Council’s partners, in line with the area focus of Comprehensive Area Assessment (CAA), and the fact that an authority’s duties increasingly impact on other organisations, and involve partners within and outside the Local Strategic Partnership (LSP).

Local crime and disorder matter

A local crime and disorder matter, in relation to a Member of a local authority, has been defined to mean a matter concerning:

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (b) the misuse of drugs, alcohol and other substances that affects the electoral area represented by the Member, or the people who live or work in that area. Definitions of “vexatious”, “persistent”, “discriminatory” and “not reasonable”.

Statutory regulations deal with matters that can be excluded from CCfA, stating that “any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee is to be excluded”.

Vexatious/Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause. Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid – it may relate to a systematic problem that has not been effectively resolved.

CCfAs need to be looked at on their merits, rather than on the basis of who is bringing them, or whether somebody thinks there is an ulterior motive for them being brought. Where a request for a CCfA is clearly vexatious, detailed reasons for coming to this decision will be given to the councillor concerned. There could, however, be instances where changes to the scope of the CCfA, or its focus, could make it more acceptable while still meeting the councillor's requirements.

Discriminatory

The word "discrimination" is provided at Sections 13-19, 21 and 108 of the Equality Act 2010

Not reasonable

It is suggested that, in the interests of transparency, authorities do not interpret "not reasonable" as being the same as the legal word "unreasonable". It is best to consider it as a qualifier to the word "vexatious", as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.

Councillor Call for Action Request Form

This form should be used by any Councillor who would like the Overview and Scrutiny Committee to consider a Councillor Call for Action in their Ward

Councillor:
The ward you represent:
'Is this referral related to a local government matter or crime and disorder matter?
Title of your Councillor Call for Action:
Date of Submission:
Have you approached the Overview and Scrutiny Commission on the same issue in the past six months? If yes, please give details:
Why you think the issue should be referred to the Overview and Scrutiny Committee:

<p>What evidence do you have in support of your CCfA (please enclose any supporting information)</p>
<p>How have you tried to resolve the issue:</p>
<p>Is the CCfA currently the subject of legal action by any party (to your knowledge) or being examined by a formal complaints process? If yes, please give details:</p>
<p>Are there any deadlines associated with the CCfA of which the Overview and Scrutiny Committee needs to be aware:</p>
<p>Would you like your response by Email or Letter:</p>

Please complete and return the form to:

Democratic Services Manager
Sefton MBC
Town Hall
Trinity Road
Bootle
L20 7AE

Scrutiny of Crime and Disorder Matters- Procedure Rules

INTRODUCTION

These procedure rules have been produced in accordance with Part 3 of the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

The legislation requires every local authority to have a “Crime and Disorder Committee”, with the power:-

- d) to review or scrutinise decisions made, or action taken, in connection with the discharge by the “Responsible Authorities” of their crime and disorder functions;
- e) to make reports and recommendations to the Council with regard to the discharge of the Responsible Authorities’ function.

Councillor Calls for Action (CCfA) regarding crime and disorder issues and community safety issues are addressed within these rules.

A separate CCfA has been produced, outlining how CCfAs that do not relate to crime and disorder issues will be dealt with.

SCRUTINY OF CRIME AND DISORDER

The Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) is designated as the Council’s “Crime and Disorder Committee” (referred to as “the Committee” below).

ROLE OF THE “CRIME AND DISORDER COMMITTEE”

The role of the Committee should be focused on the work of the Partnership as a whole and its joint responses to issues of community safety. If issues arise which relate specifically to a particular partner organisation, it may be

appropriate to refer such issues to the governing body of that organisations for action, for example, the Police Authority.

OPTION TO CO-OPT ADDITIONAL MEMBERS

The Crime and Disorder Committee may co-opt additional Members, in accordance with the Regulations, to serve on the Committee where it is considered appropriate for the exercise of its functions

A co-opted person's Membership may be limited in relation to the Committee's discharge of its functions in relation to a particular matter or type of matter.

The Committee shall not co-opt any person to consider a matter where that person was wholly or partly responsible for a decision or action, or otherwise directly involved.

A person co-opted to serve on the Committee has the same entitlement to vote as any other Member.

The number of any additional co-opted Members shall not be greater than the number of permanent Committee Members.

The Committee shall not co-opt any person who is: -

- a) a Member of the Executive (that is the Cabinet);
- b) not an employee or officer of the responsible authority / body

The Committee will consult the relevant authority / body as to the most appropriate person before co-opting an additional Member.

FREQUENCY OF MEETINGS

The Committee will meet to review / scrutinise decisions / actions taken in connection with crime and disorder functions, not less than twice in a 12 month period.

RESPONSIBLE AUTHORITIES

“Responsible Authorities” are those defined in Section 5 of the Crime and Disorder Act 1998, namely: -

- a) the Council;
- b) the Chief Constable;
- c) the Fire and Rescue Authority; and
- d) Clinical Commissioning Groups.

CO-OPERATING BODIES

Responsible Authorities have a duty to work in co-operation with the “Co-operating Bodies” who are Probation, parish councils, NHS Trusts, NHS Foundation Trusts, proprietors of independent schools and governing bodies of an institution within the further education sector.

REQUEST FOR INFORMATION

- a) Where the Committee requires information in relation to the discharge of its functions, the Partnership and/or the responsible authority, or co-operating bodies must provide that information no later than the date requested or as soon as reasonably possible.
- b) Information requested shall not identify an individual unless identification is deemed necessary / appropriate.

- c) Information requested shall not prejudice legal proceedings or current or future operations carried out by the responsible authorities or co-operating bodies.
- d) All requests for information should be notified to the Head of Communities who will seek to coordinate an appropriate response by the date requested.

ATTENDANCE AT COMMITTEE MEETINGS

The Committee may require attendance of a representative of the Partnership and /or a responsible authority in order to answer questions or provide information, giving reasonable notice to that representative. Notice shall be at least two weeks unless the representative agrees shorter period of notice.

All requests for attendance at Committee should be notified to the Head of Communities who will seek to ensure appropriate attendance on the date requested.

REPORTS AND RECOMMENDATIONS

When the Crime and Disorder Scrutiny Committee makes a report or recommendations which have an impact on community safety issues the committee will send a copy of the report and recommendations to the responsible authorities or co-operating bodies as are affected by the report or recommendations, the Head of Communities, or as otherwise appropriate in accordance with section 19(8) of the Police and Justice Act 2006.

The responses to such report or recommendations shall be in writing and within one month from the date of the report or recommendations, or if this is not reasonably possible, as soon as possible thereafter.

The Crime and Disorder Committee shall review such responses and agree with the relevant partner(s) how the actions will be monitored, in accordance with its powers under section 19(1) of the 2006 Act.

COUNCILLOR CALL FOR ACTION

Issues relating to Crime and Disorder shall follow the Council's process for Councillor Call for Action, with the exception that the request would be directed to the Chair of the Crime and Disorder Committee, rather than the Overview and Scrutiny Management Board, who would then make the decision about the validity of the request.

MEMBERS ALLOWANCES SCHEME 2024/25

The following scheme is made under powers conferred by Section 174 of the Local Government Act 1972 and the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) (the Regulations).

The scheme shall be cited as the Sefton Council Members' Allowances Scheme and have effect from 1 April 2023 and for subsequent years commencing on 1 April.

Increases in Members Allowances will be linked to the average pay increase given to Sefton Council employees; and the annual adjustment in Members' Allowances will be implemented for a period of four years from April 2023 in accordance with the Regulations. This does not prevent the Independent Remuneration Panel from reviewing the Scheme at any time but allows for the Scheme to continue without a full review subject to the annual adjustment being applied.

In this Scheme, "Councillor" means a Member of Sefton Council who is a Councillor.

1. BASIC ALLOWANCE

The Basic Allowance is a flat rate sum paid to all Members. It recognises the time devoted, and expenses incurred by Members in carrying out their duties.

Subject to paragraph 4, the amount allocated for 2023/24 is £11,006.76

2. SPECIAL RESPONSIBILITY ALLOWANCE

In order to recognise additional time and expenses incurred by Councillor's who have significant additional responsibilities in carrying out their duties for Sefton Council, and subject to paragraph 4, the Special Responsibility Allowances as set out below shall be paid:

With the exception of the Leader of the Council, Political Group Leaders with a membership of 10 or more members will receive a Special Responsibility Allowance which is 50% of the Basic Allowance set out in paragraph 1 above (£5,503.38) and any Political Group Leaders with fewer than 10 members will receive one tenth of £5,503.38 per Member of the Group, as set out below.

Only one Special Responsibility Allowance is paid per Member and the allowances for 2023/24 are:

Leader of the Council	£27,206.78
Deputy Leaders	£20,858.10
Cabinet Members	£18,137.43
Committee Chairs:	
Planning Committee	£11,006.76
Licensing and Regulatory	£11,006.76
Audit and Governance	£5,503.38
Overview and Scrutiny	£5,503.38
Political Group Leaders:	
Liberal Democrat Leader (9 Members)	£4,953.04
Conservative Group Leader (4 Members)	£2,201.35

3. PART YEAR PAYMENTS

If in the course of a year, the scheme is amended or a Councillor becomes, or ceases to be a Councillor, then all allowances shall be adjusted on a pro-rata basis.

4. RENUNCIATION

A Councillor may, by giving notice in writing to Executive Director of Corporate Resources and Customer Services elect to forgo any part of their entitlements to an allowance under the Scheme.

5. MAYORAL ALLOWANCE

The allowance paid to the Mayor is linked to the Scheme of Members Allowances and the following shall be paid for 2023/24:

Mayor £16,510.14

6. APPOINTMENT TO THE LIVERPOOL CITY REGION COMBINED AUTHORITY - TRANSPORT COMMITTEE

Members appointed to sit on the Liverpool City Region Combined Authority Transport Committee by Sefton Council shall subject to paragraph 4 be paid a basic allowance of £6,577.10.

In order to recognise additional time and expenses incurred by Councillor's who have significant additional responsibilities in carrying out their duties on the Transport Committee, the following Special Responsibility Allowances shall subject to paragraph 4 be paid if applicable:

Vice Chair of the Committee - £11,560.67

Lead Member for Rail and Freight - £5,137.67

7. TRAVEL AND SUBSISTENCE

Travel and Subsistence Allowances will be paid for travel to meetings etc outside of the borough which are authorised by the Council for example:

- meetings and annual conferences of Outside Bodies to which Sefton has made appointments or nominations as set out in the appendix below.
- meetings and annual conferences of Local Authority Associations of which Sefton is a member.

- meetings, conferences and other duties which have been authorised in advance by the Council, Cabinet or by a Cabinet Member.

8. DEPENDENTS CARERS ALLOWANCE

Members who incur additional expenses in order to arrange care for dependents may claim these expenses. This rate is based on the National Minimum Wage up to a maximum of ten hours per week.

9. CLAIMS AND PAYMENTS

Payments shall be made in respect of Basic and Special Responsibility Allowances in monthly instalments on the 15th day of each month by bank transfer.

All claims for additional expenses must be accompanied by receipts and will therefore be paid in arrears directly into Members Bank Accounts.

APPENDIX

APPENDIX

Outside Bodies Approved by Council

Liverpool City Region Combined Authority

Liverpool City Region Combined Authority Overview and Scrutiny Committee

Liverpool City Region Combined Authority Transport Committee

Merseyside Fire and Rescue Authority

Merseyside Police and Crime Panel

Merseyside Waste Disposal Authority

Outside Bodies Approved by the Cabinet

Armed Forces Member Champion

Ashton Memorial Fund, Formby

British Destinations

Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee

Consolidated Charities of Thomas Brown and Marsh Dole

Elevate Education Business Partnership

Formby Pool Trust Board

Halsall Educational Foundation

Liverpool City Region Combined Authority Special Action Group on Child Poverty and Life Chances

Liverpool City Region Employment and Skills Board

Liverpool City Region Housing and Spatial Planning Board

Liverpool City Region Local Enterprise Partnership Board

Liverpool John Lennon Airport Consultative Committee

Liverpool University Hospitals NHS Foundation Trust – Council of Governors

Liverpool Women's NHS Foundation Trust – Council of Governors

Local Government Association General Assembly
Mersey Care NHS Foundation Trust – Council of Governors

Mersey Forest Partnership Steering Group

Mersey Port Health Committee

Merseyside Pensions Fund Pensions Committee

Merseyside Playing Fields Association

Merseyside Strategic Flood and Coastal Erosion Risk Management
Partnership

North-West Employer's Organisation

North-West Older Peoples Network

North-West Reserve Forces and Cadets Association

North-Western Inshore Fisheries and Conservation Authority

PATROL Adjudication Joint Committee (Parking and Traffic Regulations
Outside London)

Peterhouse School, Southport – Governance Committee

Regenerus – South Sefton Development Trust

Safer Merseyside Partnership

Sandway Homes Limited Board (Sefton Housing Development Company)

Sefton Coast and Landscape Partnership Board

Sefton Council for Voluntary Service

Sefton Cycling Forum

Sefton Hospitality Operations Limited Board

Sefton New Directions Limited Board

Sefton Sports Council

Southport Pier Trust

Standing Advisory Committee for Religious Education (SACRE)

Trans Pennine Trail Members' Steering Group

Veterans in Sefton Board

CHAPTER 3 - CITIZENS

A CITIZENS AND THE COUNCIL

CITIZENS' RIGHTS

- 1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Chapter 11 of this Constitution.

voting and petitions: Citizens on the electoral register, who are entitled to vote as electors at the election of Councillors for an electoral area which is situated within the area of the Local Authority concerned may vote as electors at an election for the return of an elected mayor under the Local Government Act 2000 as amended. If there are 3 or more candidates, vote is limited to one first preference vote and one second preference vote. Citizens can also still petition, but whether that petition will result in a referendum will depend on the provisions in force at the time of the petition (these are provided by statutory instruments).

- a) information: citizens have the right to:
 - (i) attend meetings of the Council, its Committees and the Cabinet except where confidential or exempt information is likely to be disclosed and the meeting (or part of it) is therefore held in private;
 - (ii) find out from the Forward Plan what key decisions will be taken by the executive and when;
 - (iii) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
 - (iv) inspect the Council's accounts and make their views known to the external auditor.
- c) participation: citizens may participate in question time at Council meetings, make representations to the Cabinet, a Cabinet Member or a Committee and may be asked to contribute to investigations by Overview and Scrutiny Committees.
- d) complaints: citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme;

- (iii) the Monitoring Officer about a breach of the Members' Code of Conduct.

CITIZENS' RESPONSIBILITIES

- 2 Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.
- 3 Citizens on the electoral roll should exercise their voting rights.

CHAPTER 4 – FULL COUNCIL

A THE FULL COUNCIL

MEANINGS

POLICY FRAMEWORK:

- 1 The policy framework means the following plans and strategies which must be approved by the full Council:
 - a) Medium Term Financial Plan
 - b) Treasury Management Policy and Strategy
 - c) Capital Strategy
 - d) Strategic Asset Management Plan
 - e) Corporate Plan
 - f) Plans and Strategies which together comprise the Local Development Framework
 - g) Local Transport Plan
 - h) Sefton Strategic Needs Assessment
 - i) Health and Wellbeing Strategy
 - j) Youth Justice Plan
 - k) Sefton Safer Community Partnership Plan
 - l) Statement on Gambling Licensing Policy, and
 - m) Statement on Licensing Policy

BUDGET:

- 2 The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Functions of the Full Council

3 Only the Council will exercise the following functions

- (a) adopting and changing the Constitution (subject to the provisions for legislative or urgent and necessary amendments set out in Chapter 1 paragraph 38);
- (b) approving or adopting the policy framework and the budget including approval for publication, submission and adoption of the Local Plan and Community Infrastructure Levy Charging Schedule;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Chapter 11 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the leader;
- (e) agreeing/amending the powers and duties of Committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (g) adopting a Members' allowances scheme;
- (h) changing the name of the area, changing the name of any Parish in the area, conferring the title of honorary Alderman or Freedom of the Borough;
- (i) confirming the appointment of the Chief Executive;
- (j) making, amending, revoking, re-enacting or adopting by-laws and promoting or opposing the making of local legislation or personal Bills;
- (k) making a request for single-Member electoral areas under section 14A (1) of the Local Government Act 1992;

- (l) resolving to change a scheme for elections under Part 2 of the Local Government and Public Involvement in Health Act 2007 and subsequent legislation;
- (m) deciding whether to make proposals for a change in governance arrangements or complying with a duty to make a change in governance arrangements, approving the proposals, deciding whether the change should be subject to approval in a referendum and passing a resolution to make the change under Part 2 of the Local Government Act 2000 and subsequent legislation;
- (n) making a reorganisation order implementing recommendations of a community governance review, under section 86 of the Local Government and Public Involvement in Health Act 2007;
- (o) all local choice functions set out in the Constitution which the Council decides should be undertaken by itself;
- (p) receive the annual report of the Head of Health and Wellbeing;
- (q) approving the annual Pay Policy Statement under s.38 Localism Act 2011, and
- (r) all other matters which, by law, must be reserved to Council.

COUNCIL MEETINGS

FREQUENCY OF FULL COUNCIL MEETINGS

The Council will ordinarily hold 4 ordinary meetings per municipal year in March, July, September, and November; one ordinary meeting dedicated to budgetary matters in February (Budget Council); and an annual general meeting in May.

- 5 There are three types of full Council meeting which will be conducted in accordance with the Council and Committee Procedure Rules
 - (a) the annual meeting (Mayor making, and appointment of Deputy and appointment of Cabinet and Committees);
 - (b) ordinary meetings;

- (c) extraordinary meetings.

RESPONSIBILITY FOR FUNCTIONS

- 6 The Council will maintain the tables in the Constitution setting out the responsibility for the Council's functions which are not the responsibility of the Cabinet.

B CHAIRING THE COUNCIL

ROLE OF THE MAYOR

- 7 The Mayor will be elected by the Council at the annual meeting (Mayor making). The Deputy Chair will also be appointed at the annual meeting.
- 8 The Mayor and in their absence, the Deputy (excluding items d), e) and f)), will have the following roles and functions:
- a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
 - c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet to account;
 - d) to promote public involvement in the Council's activities;
 - e) to attend civic and community functions;
 - f) to carry out an ambassadorial and promotional role on behalf of the Borough.

C RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

- 9 The responsibility for functions which may be (but need not be) the responsibility of the Executive set out in Schedule 2 of the Local

Authorities (Functions and Responsibilities) Regulations 2000, as amended, are set out below: -

Function	Decision Making Body	Delegation of Functions
10 The determination of an appeal against any decision made by or on behalf of the Authority, except for appeals for which alternative statutory arrangements apply	Council	Licensing and Regulatory Committee Appeals Committee
11 The making of arrangements pursuant to Sections 51A and 52 of the Education Act 2002 (appeals against exclusion of pupils)	Council	Executive Director of Corporate Resources and Customer Services
12 The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (as amended) (admission appeals)	Council	Executive Director of Corporate Resources and Customer Services
13 The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies) (as amended)	Council	Executive Director of Corporate Resources and Customer Services
14 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Council	Appropriate Officer

D COUNCIL AND COMMITTEE PROCEDURE RULES

ANNUAL MEETING OF THE COUNCIL (MAYOR MAKING)

15 In a year where there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year the meeting will take place in March, April or May. The annual meeting will commence at 6.00 p.m.

16 At the annual meeting the Council will:

- a) elect the Mayor;
- b) elect the Deputy Chair.

ADJOURNED ANNUAL MEETING OF THE COUNCIL

TIMING AND BUSINESS

17 The adjourned annual meeting of the Council will take place in May and commence at 18:30.

18 The adjourned annual meeting will be chaired by the Mayor and will: -

- a) elect a person to preside if the Mayor or Deputy Chair is not present;
- b) note declarations of interest;
- c) receive apologies for absence;
- d) approve the Minutes of the last meeting;
- e) note any announcements by the Mayor;
- f) appoint the Leader to a four year term of office (or note his/her appointment for the remainder of the four year term);
- g) be notified by the Leader of the Council of the number and Members he/she is appointing to the Cabinet, their names, portfolios and which of them is to be the Deputy Leader;
- h) appoint at least one Overview and Scrutiny Committee, and other Committees which the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions;
- i) approve any amendments to the Constitution;

- j) appoint representatives to serve on the Joint Authorities; and
- k) consider any other business set out in the notice convening the meeting

APPOINTMENT OF COUNCILLORS TO COMMITTEES AND OUTSIDE BODIES

19 At the adjourned annual meeting the Council will: -

- a) decide which Committees to establish for the Municipal Year;
- b) decide the size and powers and duties for those Committees;
- c) decide the allocation of seats to political groups in accordance with the political balance rules;
- d) receive nominations of Councillors to serve on each Committee and Outside Body; and
- e) appoint to those Committees and Outside Bodies except where this has been delegated by the Council or is exercisable only by the Cabinet or Leader

ORDINARY MEETINGS

20 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. The order of business at ordinary meetings will be: -

- a) choose a person to preside if the Mayor or Deputy Chair is absent;
- b) apologies for absence;
- c) declarations of interest;
- d) approve the Minutes of the last meeting;
- e) Mayor's announcements;
- f) statements/questions from Members of the public under paragraphs [37 to 48](#);
- g) business (if any) remaining from the last meeting;
- h) deal with any other business expressly required by law to be done;

- i) questions asked by Councillors under paragraphs 49 to 55;
- j) recommendations of the Cabinet and decision-making Committees;
- k) motions under paragraphs 56 to 59 in the order in which notice has been received;
- l) other business (if any) specified in the summons, including reports submitted by the Leader, a Cabinet Member, Head of Paid Service, Monitoring Officer or any other Chief Officer.

BUDGET COUNCIL

The order of business at budget meetings will be:-

- a) Apologises for absence
- b) Declarations of interest
- c) Approve the Minutes of the last meeting
- d) Mayor's announcements
- e) The setting of the Council Tax for the following financial year
- f) The setting of the Council's budget and related decisions determined by the Council's S.151 Officer
- g) If it is the final meeting before the end of the financial year, any decisions that are required by law to be made by Full Council, and
- h) Any business agreed by the Mayor following advice from the Monitoring Officer.

EXTRAORDINARY MEETINGS

CALLING EXTRAORDINARY MEETINGS

21 Those listed below may request the Head of Corporate Resources to call Council meetings in addition to ordinary meetings:

- a) the Council by resolution;
- b) the Mayor;
- c) the Monitoring Officer and/or Chief Finance Officer; and

- d) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

BUSINESS

- 22 No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting.

APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

ALLOCATION

- 23 As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members.

NUMBER

- 24 For each Committee or Sub-Committee, with the exception of the Licensing and Regulatory Committee, the Council will appoint the same number of named substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee.

POWERS AND DUTIES

- 25 Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

SUBSTITUTION

- 26 Substitute Members may attend meetings in that capacity only:
 - a) to take the place of the ordinary Member for whom they are the designated substitute;
 - b) where the ordinary Member will be absent for the whole of the meeting.

TIME AND PLACE OF MEETINGS

- 27 The time and place of meetings will be notified in the summons.

NOTICE OF AND SUMMONS TO MEETINGS

28 The Chief Legal and Democratic Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear working days before a meeting, the Chief Executive will publish a summons signed by him or her and inform every Member of the Council of its publication. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

CHAIR OF MEETING

29 The person presiding at the meeting may exercise any power or duty of the Mayor in relation to the conduct of the meeting.

QUORUM

30 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

GUILLOTINE

INTERRUPTION OF THE MEETING

31 If the business of the meeting has not been concluded by 23:00. the Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

MOTIONS AND RECOMMENDATIONS NOT DEALT WITH

32 If there are other motions or recommendations on the agenda that have not been dealt with by 23:00, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

RECORDED VOTE

33 If a recorded vote is called for during this process it will be taken immediately.

MOTIONS WHICH MAY BE MOVED

34 During the process set out in paragraphs 30 to 32 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

POSTPONEMENT OF GUILLOTINE

35 At the request of any Member any proposal to postpone this procedure shall be put to the vote by a show of hands without debate.

CLOSE OF THE MEETING

36 When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

PUBLIC SESSION

GENERAL

37 Members of the public may ask a question, submit a motion for debate or present a petition at ordinary meetings of the Council.

38 While a meeting of the Council, Cabinet, a Committee or Sub-Committee is open to the public, any person attending is permitted to report on the meeting by filming, photographing or making an audio recording of proceedings at the meeting. They may also use any other means for enabling persons not present to see or hear proceedings at such a meeting as it takes place or later and may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

Should a person cause a disturbance at a meeting whilst reporting on the proceedings, for example by:

- moving to areas outside the areas designated for the public without the consent of the Chairman,
 - making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
 - intrusive lighting and use of flash photography; or
 - asking for people to repeat statements for the purposes of recording
- then the provisions of rules 104 to 109 (Chapter 4) (Members' conduct and disturbance by the public) shall apply.

Nothing in this rule shall allow any person to report on any part of a meeting, without the consent of the meeting, whilst the public is excluded to allow it to debate confidential or exempt matters.

PETITIONS

- 39 The Council has adopted a [petitions scheme](#) which applies to paper and ePetitions to trigger full council debates and to require Officers to give evidence to the relevant Overview and Scrutiny Committee. Details of the [petitions scheme](#) are contained within Chapter 11 of the Constitution.

PUBLIC QUESTIONS

- 40 A member of the public, being a resident of the Borough, may ask the appropriate Cabinet Member questions on any matter relating to the discharge of the Council's functions. The question must be in writing and submitted to the Chief Legal and Democratic Officer at least five clear working days before the day of the Council Meeting. The question(s) should be accompanied by a copy of any document to which it refers.
- 41 At any one meeting, no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- 42 The Chief Legal and Democratic Officer will keep a record open to public inspection of all questions asked and immediately upon receipt will send a copy of the question to the Member to whom it is to be put.
- 43 The Chief Legal and Democratic Officer may reject a question if it:
- a) is not about a matter for which the Local Authority has a responsibility or which affects the Borough;
 - b) is defamatory, frivolous or offensive;
 - c) is substantially the same as a question which has been put at a meeting of the Council in the past three months; or
 - d) requires the disclosure of confidential or exempt information.
- 44 The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the

questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

- 45 A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds referred to in paragraph 43 above.
- 46 Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.
- 47 Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.
- 48 In the event of the questioner failing to conform to the foregoing provisions, or to the ruling of the Mayor on such, the Mayor shall have discretion to rule that no further questions may be accepted from that questioner for a period of six months.

QUESTIONS BY MEMBERS

ON REPORTS OF THE EXECUTIVE OR COMMITTEES

- 49 A Member of the Council may ask an executive Member or Chair of a Committee any question without notice upon an item of the report of the executive or a Committee when that item is being received or under consideration by the Council.

QUESTIONS ON NOTICE AT FULL COUNCIL

- 50 Subject to paragraph 51, a Member of the Council may ask:
- a) the Mayor;
 - b) a Member of the executive;
 - c) the Council representative on a Joint Authority;
 - d) the Chair of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects Sefton. The period set aside for questions shall not exceed 30 Minutes.

e) Questions should be stand-alone questions with no sub-questions.

QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES

51 Subject to paragraph 52, a Member of a Committee or Sub-Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect Sefton and which falls within the terms of reference of that Committee or Sub-Committee

NOTICE OF QUESTIONS

52 A Member may ask a question under paragraphs 49 or 50 only if either:

- (a) notice of the question is given to the Chief Legal and Democratic Officer by 12 noon 5 clear working days before the meeting (If the meeting is on a Thursday, notice must be given by 12 noon on the preceding Thursday); or
- (b) if a question is to a Spokesperson on a Joint Authority, notice must be given by 12 noon, 5 clear working days before the meeting.

RESPONSE

53 An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

54 The person to whom a question is put may decline to answer.

SUPPLEMENTARY QUESTION

55 A Member asking a question under paragraph 49 or 50 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

MOTIONS WHERE NOTICE GIVEN/ISSUES FOR DEBATE

NOTICE

56 Except for motions which can be moved without notice under paragraph 61, written notice of every motion must be delivered to the Chief Legal and Democratic Officer no later than 12 noon eight clear days before the date of the meeting. These will be entered in a book open to public inspection.

57 Notice of specific issues for debate, as determined by the Party Groups (and co-ordinated by the Party Group Whips), shall be submitted in writing and delivered by noon at least eight clear days before the next meeting of the Council, at the Office of the Chief Legal and Democratic Officer by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open for inspection by every Member of the Council.

(The effect of this provision is that, where a Council Meeting is to be held on Thursday, notice must be delivered by noon on the Monday of the preceding week).

MOTION SET OUT IN AGENDA

58 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw the motion.

SCOPE

59 Motions must be about matters for which the Council has a responsibility or which affect Sefton.

VARY OR REVOKE STANDING ORDERS

60 Any motion under this Standing Order to vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

MOTIONS WITHOUT NOTICE

61 The following motions may be moved without notice:

(a) to appoint a Chair of the meeting at which the motion is moved;

- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions flowing from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a Member named under paragraph 106 or to exclude them from the meeting under paragraph 107; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

RULES OF DEBATE

NO SPEECHES UNTIL MOTION SECONDED

62 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

RIGHT TO REQUIRE MOTION IN WRITING

63 Unless notice of motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

SECONDER'S SPEECH

64 When seconding a motion or amendment, a Member may reserve their speech until later in the debate. The Secunder will lose their right to speak as seconder of that motion if it is subsequently amended before they have exercised their right.

CONTENT AND LENGTH OF SPEECHES

65 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed eight minutes without the consent of the Council, and any such extension of time granted shall not exceed a further three Minutes. This rule will not apply to the statements by party leaders on the revenue budget at the budget setting Council.

WHEN A MEMBER MAY SPEAK AGAIN

66 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

AMENDMENTS TO MOTIONS

67 An amendment to a motion must be relevant to the motion and will either be:

- a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- b) to leave out words;
- c) to leave out words and insert or add others; or

d) to insert or add words

as long as the effect of (b) to (d) is not to negate the motion.

- 68 Notice of an amendment must be put in writing and submitted to the Chief Legal and Democratic Officer no later than 12 noon one clear day before the Full Council meeting (If the full council meetings is on a Thursday questions must be submitted by 12 noon on the preceding Tuesday).
- 69 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed.
- 70 If an amendment is not carried, other amendments to the original motion may be moved.
- 71 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 72 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
- 73 Friendly Amendments - Where the mover of a substantive motion wishes to accept a 'friendly amendment' to that motion, they can do so and remain as a mover of the substantive motion.

ALTERATION OF MOTION

- 74 A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 75 A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 76 Only alterations which could be made as an amendment may be made.

WITHDRAWAL OF MOTION

- 77 A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent

will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

RIGHT OF REPLY

- 78 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- 79 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- 80 The mover of the amendment has no right of reply to the debate on his or her amendment.

MOTIONS WHICH MAY BE MOVED DURING DEBATE

- 81 When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw a motion;
 - (b) to amend a motion;
 - (c) to proceed to the next business;
 - (d) that the question be now put;
 - (e) to adjourn a debate;
 - (f) to adjourn a meeting;
 - (g) to exclude the public and press in accordance with the Access to Information Rules; and
 - (h) to not hear further a Member named under paragraph 106 or to exclude them from the meeting under paragraph 107.

CLOSURE MOTIONS

- 82 A Member may move, without comment, the following motions at the end of a speech of another Member:
- a) to proceed to the next business;

- b) that the question be now put;
- c) to adjourn a debate; or
- d) to adjourn a meeting.

83 If a motion to proceed to the next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

84 If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.

85 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

POINT OF ORDER

86 A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

PERSONAL EXPLANATION

87 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

MOTIONS ON EXPENDITURE

88 Any motion or amendment (which is moved otherwise than in pursuance of a recommendation or report of the Cabinet/any Committee) which would increase the expenditure or reduce the revenue of any service which is under the management of the Cabinet/any Committee or would involve capital expenditure shall, if carried, stand referred to the Cabinet

or Committee affected for formal consideration of the financial implications in advance of any budgetary commitment and prior to any action being taken to implement the decision.

RULES OF DEBATE – THE POWERS OF THE MAYOR

- 89 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation or on the interpretation of the rules of debate shall not be open to discussion.
- 90 Whenever the Mayor speaks or rises during a debate, a Member then speaking or standing shall resume his or her seat and the Council shall be silent.

PREVIOUS DECISIONS AND MOTIONS

MOTION TO RESCIND A PREVIOUS DECISION

- 91 A motion to rescind a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion is signed by at least 22 Members.

MOTION SIMILAR TO ONE PREVIOUSLY REJECTED

- 92 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 22 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

NB: The provisions of paragraphs 90 and 91 are suspended to allow Political Group Leaders to move a motion previously moved and/or amendments to the forthcoming Revenue and Capital Budgets where items have been previously debated and voted upon at a Council meeting in the past six months.

VOTING

MAJORITY

- 93 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room and seated in their places at the time the question was put.

MAYOR'S CASTING VOTE

- 94 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

SHOW OF HANDS

- 95 Unless a recorded vote is demanded under paragraph 96, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

- 96 If 7 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

- 97 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

RECORDED VOTES AT BUDGET COUNCIL MEETINGS

- 98 The votes of all Members present in the room will be recorded for and against the motion or amendment or abstaining from voting and will be taken down in writing and recorded in the minutes of Budget Council meetings in respect of determination of the budget, setting of council taxes or issuing of precepts.

VOTING ON APPOINTMENTS

- 99 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

MINUTES

SIGNING THE MINUTES

100 The Mayor will sign the Minutes of the proceedings at the next suitable meeting. The Mayor will move that the Minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT EXTRAORDINARY MEETING

101 Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 to the Act relating to signing of Minutes.

FORM OF MINUTES

102 Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

EXCLUSION OF PUBLIC

103 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Chapter 11 of this Constitution or paragraphs 12 - 14.

MEMBERS CONDUCT

104 At the discretion of the Mayor, the following rules shall apply.

STANDING TO SPEAK

105 When a Member speaks at full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must

remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

MAYOR STANDING

106 When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

MEMBER NOT TO BE HEARD FURTHER

107 If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

MEMBER TO LEAVE THE MEETING

108 If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

GENERAL DISTURBANCE

109 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

DISTURBANCE BY PUBLIC

REMOVAL OF MEMBER OF THE PUBLIC

110 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

CLEARANCE OF PART OF MEETING ROOM

111 If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

SUSPENSION AND AMENDMENT OF COUNCIL AND COMMITTEE PROCEDURE RULES

SUSPENSION

112 All of these Council and Committee Rules of Procedure except paragraphs 92 and 96 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present and vote in favour thereof. Suspension can only be for the duration of the meeting.

AMENDMENT

113 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

COMMITTEES

APPOINTMENT OF COMMITTEES

114 Apart from the annual meeting the Council may at any other meeting appoint any Committees necessary to carry out any area of work or function of the Council but

- (a) shall not appoint any Member of a Committee to hold office later than the next annual meeting of the Council; and
- (b) may at any time dissolve a Committee or alter its Membership and/or office holders.

NOMINATION OF MEMBERS OF COMMITTEES

115 Council Members of Committees shall be nominated by the political parties and seats allocated in accordance with the political balance rules set out in the Local Government and Housing Act 1989.

ITEMS FOR COMMITTEE AGENDAS

116 Committee Members may, by giving written notice to the Chief Legal and Democratic Officer at least seven working days before the normal day for publication of agendas for a Committee meeting, submit an item for consideration at that meeting. Items submitted shall appear on the

agenda as the last item for decision and in the case of information items under the title 'items submitted by Members'.

117 A Member shall be limited to the submission of one such item per Committee meeting.

SPECIAL MEETINGS OF COMMITTEES

118 The following may ask the Chief Legal and Democratic Officer to call a special meeting:

- a) the Committee by resolution;
- b) the Chair of the Committee;
- c) the Mayor;
- d) a quarter of the whole number of the Committee (not being fewer than three Members) who have signed a requisition presented to the Chief Legal and Democratic Officer.

119 Only business set out on the agenda may be dealt with at a special meeting.

QUORUM OF COMMITTEES

120 Except where authorised by Statute or ordered by the Council, business shall not be transacted at a meeting of any Committee, unless at least one quarter of the Members thereof are present (subject to a minimum of 2 Members).

ATTENDANCE AT COMMITTEES

121 Members may attend all Committee meetings to which the public are normally admitted. Provided the matter is on the agenda only Members of a Committee may vote but other Members may, with the consent of the Chair, take part in the discussion. A Member shall in any case be entitled to discuss a matter falling within the powers of another Committee of which they are Chair, or a matter which is the subject of a motion which they have proposed and which has been referred to the Committee.

APPLICATION TO COMMITTEES AND SUB-COMMITTEES

122 Only paragraphs 26 to 35, 48 to 60, 94 and 100 to 121 (but not paragraph 102) apply to meetings of the Committees and Sub-

Committees. Rules relating to meetings of the Cabinet are set out in Chapter 5.

REPRESENTATIVES BY THE PUBLIC TO CABINET MEMBERS AND AT THE CABINET AND COMMITTEE MEETINGS

(See also separate code for dealing with Planning matters in Chapter 11 of the Constitution).

- 123 With the exception of the Planning Committee, if a written petition relating to any matter affecting the administration of the Borough, and containing the signatures of at least 25 residents of the Borough, is submitted by a Councillor to the Chief Legal and Democratic Officer with a request that a deputation in support of such petition be received, the Head of Service shall arrange for the deputation to attend the next appropriate meeting of the Cabinet Member/Committee concerned. The submission of a petition by a Councillor shall not be taken as an indication that that Councillor is in agreement with the objects of the petition.
- 124 With the exception of the Planning Committee, where the petition relates to a matter already upon an Agenda issued for a Committee meeting provided that the Chief Legal and Democratic Officer received a copy of the petition by 10:00(am) three days before the meeting. The deputation shall be invited to attend that meeting, and the matter concerned shall be dealt with in advance of other items on the Agenda. Where the petition relates to a matter for which the Agenda has not yet been issued, the deputation shall be invited to attend the next appropriate meeting and the matter referred to in the petition shall be included as the first substantive item on the Agenda for such meeting.
- 125 When a deputation is received in accordance with this Standing Order, only one of the deputation, who need not necessarily be a petitioner, shall speak, and such speech (inclusive of the reading of the petition) shall not exceed five minutes. The Member of the deputation speaking shall address the Cabinet Member/Chair and no Members of the deputation shall enter into discussion or debate. The Member of the deputation speaking may be asked questions on his/her presentation.

CHAPTER 5 – THE CABINET

A THE CABINET

ROLE

- 1 The Council's Cabinet will operate as the strategic policy and decision making body of the Council carrying out such of the Council's functions which are not the responsibility of any other part of the Council and which are allocated to the Cabinet by the Leader of the Council.

FORM AND COMPOSITION

- 2 The Council's Cabinet will consist of the Leader of the Council and between one and nine other Councillors appointed by the Leader.

CHANGE OF FORM OF CABINET

- 3 The Council will take reasonable steps to consult local electors and other interested persons in drawing up proposals, in line with Sefton's Consultation Standards.

ELECTION OF LEADER

- 4 The Leader will be a Councillor elected to the position of Leader at a special meeting of the Council. The Leader will hold office for a four-year period unless:
 - (a) they resign from the office; or
 - (b) they are no longer a Councillor; or
 - (c) they are removed from office by resolution of the Council.
- 5 If the serving Leader ceases to be Leader for one of the above reasons, the Council will elect a new Leader.

ROLE OF THE LEADER

- 6 The Leader will carry out the following roles:
 - a) lead and chair the Cabinet;
 - b) provide political leadership;

- c) provide community leadership; and
- d) in the name of the Cabinet, propose the general budget and policy plans to the Council.

DEPUTY EXECUTIVE LEADERS

- 7 The Leader will nominate Member(s) of the Cabinet as their deputy. A Deputy Leader will act as Leader if the post of Leader is vacant or if for any reason the Leader is unable to act. The Deputy Leader will hold office until the end of the Leader's term of office unless removed by the Leader or, for any of the reasons set out in paragraph 4 a) to c) above.
- 8 If the Leader or Deputy Executive Leader is unable to act or both positions are vacant the Cabinet must act in the Leader's place or arrange for a Member of the Cabinet to act in their place.

OTHER CABINET MEMBERS

- 9 The Leader will nominate up to nine members to the Cabinet. Their names and portfolios will be notified by the Leader to the Council.
- 10 The Cabinet Members will hold office until the Leader's term of office expires, unless removed by the Leader or for any of the reasons set out in paragraph 4 a) to c) above.

RESPONSIBILITY FOR FUNCTIONS

- 11 The Leader will maintain a list in this Constitution setting out which individual Members of the Cabinet, Officers, or joint arrangements are responsible for the exercise of particular executive functions.
- 12 Current Cabinet portfolios are:
 - (a) Leader of the Council
 - (b) Adult Social Care and Health and Deputy Leader
 - (c) Children, Schools and Families
 - (d) Cleansing and Street Scene
 - (e) Communities and Partnership Engagement
 - (f) Corporate Services
 - (g) Public Health and Wellbeing
 - (h) Housing and Highways
 - (i) Regeneration, Economy and Skills and Deputy Leader

PROCEEDINGS OF THE CABINET

13 Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in the Constitution.

RESPONSIBILITY FOR FUNCTIONS

14 The Chief Legal and Democratic Officer will maintain a list in the Constitution setting out which individual Members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

B RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

15 The responsibility for functions which may be (but need not be) the responsibility of the Executive set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, are set out below: -

Function	Decision Making Body	Delegation of Functions
16 Any function relating to contaminated land	Cabinet	Financial issues relating to contaminated land (Council's own land); - Head of Economic Growth and Housing
17 The appointment of any individual: - (a) to any office other than an office in which he is employed by the Authority; (b) to any body other than: - (i) the Authority; (ii) a joint Committee or Sub-Committee of such a body; or	Cabinet	-

Function	Decision Making Body	Delegation of Functions
(c) to any Committee or Sub-Committee of such a body and the revocation of any such appointment		
18 The making of agreements with other Local Authorities for the placing of staff at the disposal of those other authorities	Cabinet	-
19 Any function of the Local Authority in their capacity as harbour Authority	Cabinet	-

C AUTHORISATION OF EXPENDITURE

POWER TO APPROVE EXPENDITURE AND ACCEPT TENDERS

20 To authorise expenditure in connection with Capital Schemes, within the Capital Programme approved by the Council, and on particular items for which provision has previously been made by the Council in the Revenue Estimates, provided that where the Council's Standing Orders require tenders to be obtained, the tender accepted is in accordance with the following limits:

21	DECISION MAKING LEVEL	LIMIT	HIGHEST SCORING TENDER UNDER A QUALITY/PRICE BASIS OF EVALUATION
22	Head of Service	Up to £150,000	Chief Officer to agree the basis of evaluation in line with Financial Procedure Rules.
23	Cabinet Member	Up to 3 x OJEU Limit	Cabinet Member to formally approve the basis of evaluation.

24	Cabinet	Above 3 x OJEU Limit	Cabinet to formally approve the basis of evaluation
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25 All tenders should be evaluated on the basis of quality and price to ensure value for money is obtained.

POWER TO APPROVE VIREMENT

CABINET MEMBER/COMMITTEES

Each Cabinet Member is authorised to approve virement

- a) within a portfolio between £250,001 and £1M in consultation with the Cabinet Member for Corporate Services (or the Leader of the Council if the virement concerns the Corporate Services portfolio);
- b) between portfolios between £250,001 and £1M in consultation with the Cabinet Member for Corporate Services (or the Leader of the Council if the virement concerns the Corporate Services portfolio).

D RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

LEADER OF THE COUNCIL

26 To Chair the Cabinet and to appoint between one and nine other Councillors as Cabinet Members.

CABINET

27 Matters Upon Which Recommendations are Made to Council

- a) Those matters which have been reserved for determination by the Council in Chapter 4 of this Constitution.
- b) Any matter where there is a statutory requirement for it to be considered by the full Council.
- c) Any matter which the Head of the Paid Service, the Monitoring Officer or the Section 151 Officer determines should be considered by the full Council (including reports prepared in accordance with Section 114 of the Local Government Finance Act, 1988).

- d) Approval of the Authority's Statement of Accounts and the Council's Treasury Policy and Strategy Statement.

Matters Delegated to the Full Cabinet

- 28 NB: At the meeting of Council on 29th May 2008 Members resolved that Cabinet should have a general power of competence to determine all executive functions (notwithstanding the general delegations set out below) or elsewhere within the Constitution.
- 29 Determination and implementation of policy of a strategic/corporate nature not delegated to Council (including the functions under the enactments specified in the first column of Schedule 1 to the Local Authority Social Services Act 1970 of a strategic/corporate nature).
- 30 The determination of matters which cross the portfolios of more than one Cabinet Member and which cannot be resolved by them jointly.
- 31 Matters within their portfolios which Cabinet Members require to be referred to the Cabinet.
- 32 Matters in which the relevant Cabinet Member has declared a pecuniary or other interest.
- 33 Any matter with strategic implications within a Cabinet Member's portfolio (that is within the Cabinet Member's individual terms of reference/delegations).
- 34 Strategic matters relating to human resource management, employee relations, health and safety of employees and recruitment and training.
- 35 Requests for virement above £1m.
- 36 Any expenditure not contained within approved estimates.
- 37 The disposal (or alternative use) of land, buildings or other property assets held by the Authority or the allocation of the proceeds thereof.
- 38 To make recommendations on any matter that requires approval of full Council.
- 39 To make appointments to outside bodies as appropriate.
- 40 Implementation and monitoring of budget changes, including the approval of the entry of new schemes into the Capital Programme.

- 41 Where the Council has authorised the purchase of land, to approve the price, where this exceeds £80,000.
- 42 To authorise the taking of all necessary steps to safeguard the public interest in any kind of emergency situation. Where time does not permit the convening of the full Cabinet, these powers may be exercised by Leader of the Council or his or her nominee (who must be a Cabinet Member).
- 43 To accept tenders and approve basis of the evaluation of tenders for schemes exceeding three times the relevant OJEU limit.
- 44 In respect of JNC officers, three Members of the Cabinet, appointed as a Committee of the Cabinet; the hearing and determining of grievances and appeals other than in relation to pay/grading matters. (Grievances and Appeals relating to a decision of the Cabinet will be heard and determined by the Appeals Committee).
- 45 To manage community involvement, including: -
 - a) receiving reports from the Local Strategic Partnership; and
 - b) receiving views of service consultation panels on issues of strategic/ corporate concern.
- 46 In relation to the conducting of service improvement reviews - to set the programme for reviews and consider recommendations from Overview and Scrutiny Committees.
- 47 Financial issues relating to contaminated land (Council's own land).
- 48 The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.
- 49 Any function of a local authority in their capacity as a harbour authority.
- 50 All steps necessary to obtain a Local Child Curfew.
- 51 Primary responsibility for the Authority's community consultation procedures including the formulation of community consultation strategies.
- 52 To determine the Council Tax Base.
- 53 To approve the financial implications in relation to personnel policies, including discretionary pay awards and those relating to terms and conditions of employment.

- 54 The making of orders relating to the compulsory purchase of land.
- 55 In respect of the Local Plan and associated documents:
- a) Approval of Pre-publication Local Plan Documents for consultation purposes;
 - b) Adoption of Supplementary Planning Documents (SPDs) for Development Management Purposes;
 - c) Adoption of the Council’s Statement of Community Involvement.
- 56 Approval of the following:
- a) Draft Strategic Environmental Assessment /Sustainability Appraisal for the Local Plan, for consultation purposes;
 - b) Final Strategic Environmental Assessment / Habitats Regulation Assessment for Supplementary Planning Documents [SPDs];
 - c) Draft Community Infrastructure Levy Charging Schedule for consultation purposes.
- 57 To take all necessary steps to manage and safeguard any shareholding the Council owns in a company including but not limited to granting permissions, giving consents, and selling the shareholding as appropriate and where the Council is the sole shareholder, delegated authority be given to grant permission for further shares in a company to be issued.
- 58 The authority to approve self-financing schemes for inclusion in the Capital Investment Plan.
- 59 Cabinet can delegate one or more Cabinet Members to act as its shareholder representative to a company and to determine what decision-making powers that representative or representatives may have in that capacity.

E EXECUTIVE PROCEDURE RULES

OPERATION OF THE CABINET

WHO MAY MAKE CABINET DECISIONS?

- 60 The arrangements for the discharge of executive functions as determined by the Leader are set out in this Constitution adopted by the Council. Those arrangements may provide for executive functions to be delegated to or be discharged by:

- a) the Cabinet as a whole;
- b) a Committee of the Cabinet;
- c) an individual Member of the Cabinet;
- d) an officer;
- e) joint arrangements; or
- f) another Local Authority.

ARRANGEMENTS FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS

61 The Council at its adjourned annual meeting each year will note the arrangements as determined by the Leader for the discharge of executive functions and the delegation of those functions as provided in above.

CHANGES TO ARRANGEMENTS FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS

62 The Leader may submit a report to a meeting of the Council at any time containing changes to the arrangements for the discharge of executive functions for inclusion in this Constitution.

CONFLICTS OF INTEREST

63 Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Chapter 2 of this Constitution.

64 If every Member of the Cabinet has a conflict of interest and this would prevent a decision being made then consideration should be given to requesting a dispensation.

65 If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised by the person or body by whom the delegation was made.

ABSENCE OF A CABINET MEMBER

66 In the absence of any Cabinet Member or where he/she is unable to act, a designated Cabinet Member from the same Party Group is able, with the Leader's consent, to act on behalf of that Cabinet Member.

TIME AND PLACE OF CABINET MEETINGS

67 The Cabinet will meet on dates and at times to be agreed by the Cabinet. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Cabinet.

PUBLIC/PRIVATE MEETINGS OF THE CABINET

68 Meetings of the Cabinet will normally be held in public.

69 The Access to Information Rules in Chapter 11 of this Constitution set out the requirements covering public and private meetings.

QUORUM

70 The quorum for a meeting of the Cabinet shall be five. A Committee of the Cabinet must not transact business unless 50% of the Membership are present.

DECISION MAKING BY THE CABINET

71 Executive decisions shall be taken in accordance with the principles set out in the Chapter 1, Section G.

72 Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Chapter 11 of the Constitution.

73 Where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

CONDUCT OF CABINET MEETINGS

CHAIR OF THE MEETING

74 If the Leader is present they will preside. In their absence the Deputy Executive Leader shall preside. If neither the Leader nor Deputy are present the Members of the Cabinet will elect a Chair for the meeting.

ENTITLEMENT TO ATTENDANCE

75 Attendance shall be as set out in the Access to Information Rules in Chapter 11 of the Constitution.

BUSINESS

76 At each meeting of the Cabinet the following business will be conducted:

- a) consideration of the Minutes of the last meeting;
- b) declarations of interest, if any;
- c) matters referred to the Cabinet (whether by Overview and Scrutiny Committees or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in this Constitution;
- d) consideration of reports from Overview and Scrutiny Committees; and
- e) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Chapter 11 of this Constitution.

CONSULTATION

77 All reports to the Cabinet from any Member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

THE CABINET AGENDA

78 The Leader may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or officer in respect of that matter. The Chief Legal and Democratic Officer will comply with the Leader's requests in this respect.

79 Any Member of the Cabinet may require the Chief Legal and Democratic Officer to make sure that an item is placed on the agenda of the next

available meeting of the executive for consideration. If they receive such a request the Chief Legal and Democratic Officer will comply.

- 80 The Chief Legal and Democratic Officer will make sure that an item is placed on the agenda of the next available meeting of the executive where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet. However, the number of such items on any one agenda shall be at the discretion of the Leader, subject to paragraph 25 of Chapter 6 of the Constitution.
- 81 Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. [This Councillor will be invited to attend the meeting, whether or not it is a public meeting]. However, the Leader has discretion to limit the number of such items to be considered per Cabinet meeting.
- 82 The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Legal and Democratic Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

VOTING AT CABINET MEETINGS

- 83 Matters before the Cabinet shall be decided by a show of hands. In the case of an equality of votes the Chair shall have a second or casting vote.

F RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

CABINET MEMBERS (GENERAL)

- A. Terms of Reference
- i. To lead the policy/service area allocated.

- ii. To propose to the Cabinet new policy, or variations to existing policy, of a strategic/ corporate nature falling within the portfolio allocated to the individual.
- iii. To attend Service Consultation Panels to discuss issues relevant to allocated portfolios.
- iv. To hold meetings with non-Cabinet Members and other interested parties when developing and reviewing policy.
- v. To attend meetings of the appropriate Overview and Scrutiny Committee as requested by the relevant Chair and answer questions relating to decisions 'called-in' under the scrutiny procedure.
- vi. To attend Council meetings and answer questions put forward by non-Cabinet Members and Members of the public.
- vii. To assume operational responsibility for the management of land and property assets within individual portfolios reporting as appropriate to the Leader of the Council/Cabinet on Strategic Asset Management issues.

B. Matters Delegated

- i. To determine service specific policy and implement within the allocated service area provided that any proposals are within the budget allocated to the service. There is no general power of virement. Specific power to approve expenditure is set out in Chapter 10.
- ii. To undertake performance reviews of aspects of the service area allocated, with a view to achieving continuous improvement in service delivery.
- iii. To accept tenders and approve the basis of evaluation for tenders up to 3 times the relevant OJEU limit.
- iv. To make all non-key executive decisions within their terms of reference that are not already covered by the scheme of delegation to Cabinet, the Leader, officers or regulatory committees.
- v. Responses to consultation papers issued by the Government and outside organisations on strategic and corporate matters.

LEADER OF THE COUNCIL

TERMS OF REFERENCE

- i. To Chair the Cabinet and appoint between one and nine other Councillors as Cabinet Members.
- ii. Overall responsibility for strategic policy initiatives.
- iii. Overall responsibility for the Authority's capital and revenue budgets.
- iv. Overall responsibility for financial monitoring.
- v. Overall responsibility for the production of the Authority's Corporate Plan and Sustainable Community Strategy.
- vi. Overall responsibility for the duties of the Council with respect to Home Defence and peacetime Emergency Planning services.
- vii. To represent the Council to external audiences on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- viii. Overall responsibility for the Council's land and property resources.
- ix. To attend meetings of the Sefton Borough Partnership.
- x. To make recommendations to the Cabinet on matters within its delegated powers in respect of items falling within these terms of reference.
- xi. To make recommendations to the Cabinet on matters delegated to the Council in respect of those items falling within these terms of reference.
- xii. Matters which originate within the Chief Executive's Department and not within the terms of reference of any other Cabinet Members.
- xiii. Overall responsibility for the Council's equal opportunities policies (working towards the elimination of disadvantage).
- xiv. To have overall responsibility for the Council's relations with the media.
- xv. To have overall responsibility for the Council's relations with external bodies, including twinning arrangements.

MATTERS DELEGATED (SEE ALSO GENERAL DELEGATIONS TO CABINET MEMBERS)

- i. To take up corporate Membership of any appropriate body or organisation whose objectives are considered to be beneficial to the pursuit of the Authority's own activities.
- ii. To take urgent decisions on matters which fall within the Executive functions of the Cabinet, subject to any such decisions being reported to the next Cabinet meeting.
- iii. To request or commission research and other studies on any matters of policy or service provision within these terms of reference.

Portfolio: Adult Social Care

- Health and Care Integration
- Day Opportunities Domiciliary Care
- Nursing and residential care
- Respite care.
- Carers Safeguarding
- Assessments
- Self-Directed Support
- Discharge to assess
- Intermediate care
- Extra Care
- Support Living
- Safeguards
- Life course commissioning integrated
- NHS Partnerships
- Court of Protection
- Shareholder Rep Sefton New Directions

Portfolio: Children Schools & Families

- Early Help & Family Wellbeing Centres
- Youth Services
- Youth Offending
- Education Excellence up to 16 years
- SEND & Inclusion
- Early Years
- Statutory LEA functions and welfare
- Virtual School
- Family Support Pathway
- Independent reviewing service
- Quality Assurance, Performance Management and Improvement

- Safeguarding Partnership
- Local Authority Designated Officer
- Social Work Academy

Portfolio: Communities and Partnership Engagement

- Neighbourhood co-ordination
- Community Safety
- ASB
- Voluntary Community and Faith Sector
- Welfare Rights & housing options
- Libraries
- Arts & Culture
- Advocacy
- Domestic Abuse
- Asylum seekers and refugees
- Consultation & Engagement

Portfolio: Health, Wellbeing & Inclusion

- Public Health commissioning
- Integrated Wellness Service
- Leisure and physical activity
- Flood & Coastal Erosion Risk
- Climate change
- Parks and greenspace (including allotments, golf courses, trees and sports pitches, play areas, skate parks and cemetery maintenance)

Portfolio: Cleansing and Street Scene

- Waste Management (Refuse & Recycling)
- Street Cleansing
- School Crossing patrols
- Security Services
- Building Cleaning
- Burials and cremations
- Catering
- Corporate fleet provision
- Specialist Transport
- Waste Strategy
- Enforcement
- Licensing
- Trading Standards
- Public Conveniences

Portfolio: Corporate Services

- Legal coroners and registrars
- Governance
- Elections Finance
- ICT
- Personnel
- Internal Audit
- Health & Safety (in the councils capacity as an employer)
- Customer Services
- Revenues & Benefits
- Procurement
- Performance and Business Intelligence
- Communications

Portfolio: Regeneration, Economy & Skills

- Regeneration
- Strategic Transport
- Environmental Stewardship
- Sefton@Work
- Invest Sefton
- Adult Skills (Post 14)
- Tourism
- Asset Management
- Shareholder Rep SHOL

Portfolio: Housing & Highways

- Planning (Chair- James Hansen)
- Conservation & Building control
- Strategic Housing, Homeless and Investment
- Private Sector Licensing/Housing standards
- Transportation & Highways infrastructure
- Network Management & Highway Safety
- Highways Maintenance
- Street Lighting & Urban Traffic Control
- TRO
- Gritting
- Highway Landscaping Management
- Environmental Health
- Parking
- Shareholder Rep Sandways

CHAPTER 6 – OVERVIEW AND SCRUTINY

A OVERVIEW AND SCRUTINY COMMITTEES

TERMS OF REFERENCE

1. The Council will appoint Overview and Scrutiny Committees to discharge the functions conferred by Section 21 of the Local Government Act 2000 (as amended) and Regulations made under Section 32 of that Act.

GENERAL ROLE

2. Within their terms of reference, Overview and Scrutiny Committees will:
 - a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - b) make reports and/or recommendations to the Cabinet or full Council and/or any policy, joint committee in connection with the discharge of any functions;
 - c) consider any matter affecting the area or its inhabitants;
 - d) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or any policy (see Overview and Scrutiny Procedure Rules for further details); and
 - e) to consider Councillor calls for action relevant to their terms of reference.

SPECIFIC FUNCTIONS

POLICY DEVELOPMENT AND REVIEW

3. Overview and Scrutiny Committees may:
 - a) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - b) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

- d) question Members of the executive and/or Committees and chief officers about their views on issues and proposals affecting the area; and
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

SCRUTINY

- 4. Overview and Scrutiny Committees may:
 - a) review and scrutinise the decisions made by and performance of the executive and/or Committees and Council officers both in relation to individual decisions and over time;
 - b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - c) question Members of the executive and/or Committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - d) make recommendations to the executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
 - e) review and scrutinise the performance of other public bodies and partners in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
 - f) question and gather evidence from any person (with their consent); and
 - g) review and scrutinise service plans.

FINANCE

- 5. Overview and Scrutiny Committees may exercise overall responsibility for the finance made available to them.

ANNUAL REPORT

- 6. Overview and Scrutiny Committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

7. All Overview and Scrutiny Working Group Final Reports should be reported to Cabinet and full Council for final approval.

OFFICERS

8. Overview and Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.

PROCEEDINGS OF OVERVIEW AND SCRUTINY COMMITTEES

9. Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in this Constitution.

B OVERVIEW AND SCRUTINY PROCEDURE RULES

NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES

10. The Council will have the four Overview and Scrutiny Committees and will appoint Members to them at the annual adjourned meeting; casual or temporary changes of Membership may be made at other Council meetings. Such Committees may appoint task groups.

MEMBERSHIP OF OVERVIEW AND SCRUTINY COMMITTEES

11. All Councillors, except Members of the Cabinet, are eligible to be Members of an Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

ADVISORY MEMBERS

12. Each Overview and Scrutiny Committee shall be entitled to appoint people as non-voting advisory Members.

EDUCATION REPRESENTATIVES

13. Each relevant Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:
 - (a) one Church of England diocese representative;
 - (b) one Roman Catholic archdiocese representative;

(c) two parent governor representatives; and

14. When the Overview and Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

15. Ordinary meetings of each Overview and Scrutiny Committee shall take place in accordance with the agreed meetings programme. In addition, special meetings may be called from time to time as and when appropriate on the request of its Chair or on the written requisition of two of its Members.

QUORUM

16. The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in this Constitution.

CHAIR OF OVERVIEW AND SCRUTINY COMMITTEES

17. Chairs of Overview and Scrutiny Committees will be appointed by the Council and be drawn from among the Councillors sitting on the Committee. The Chair and Vice-Chair will remain in office for the Municipal Year in which they are appointed unless the Council revokes that appointment, they resign from that office or are disqualified from the office of Councillor.

WORK PROGRAMME

18. The Overview and Scrutiny Committees will be responsible for setting their own work programme (subject to any Service Improvement Review programme agreed by the Cabinet) and in doing so they shall take into account wishes of Members on that Committee.

AGENDA ITEMS

19. A Member of an Overview and Scrutiny Committee shall be entitled to give notice to the Chief Legal and Democratic Officer in accordance with this Constitution that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Legal and Democratic Officer will ensure that it is included on the next available agenda.

20. The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within eight weeks of receipt.

POLICY REVIEW AND DEVELOPMENT

21. The role of the Overview and Scrutiny Committees in the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
22. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
23. Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. Any costs incurred must be within any budget provided for these purposes by the Council.

REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

24. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Chief Legal and Democratic Officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (for example if the recommendation would require a departure from or a change to the agreed budget and policy framework).
25. If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then a minority report may

be prepared and submitted for consideration by the Council or Cabinet with the majority report.

26. The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within eight weeks of it being submitted to the Chief Legal and Democratic Officer.

CONSIDERATION OF OVERVIEW AND SCRUTINY REPORTS BY THE CABINET

27. Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Chief Legal and Democratic Officer who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Chief Legal and Democratic Officer refers the matter to Council, they will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet will have four weeks in which to respond to the report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the scrutiny proposals.
28. Where an Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where the decision making power has been delegated to an individual Member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report to him/her for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Chief Legal and Democratic Officer. The Member with delegated decision making power must consider the report and respond in writing to the Overview and Scrutiny Committee within four weeks of receiving it. A copy of their written response to it shall be sent to the Chief Legal and Democratic Officer and the Leader. The Member will also attend a future meeting of the Overview and Scrutiny Committee to present their response.
29. Overview and Scrutiny Committees will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able

to respond in the course of the Cabinet's consultation process in relation to any key decision.

RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

30. In addition to their rights as Councillors, Members of the Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Chapter 11 of this Constitution.
31. Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

MEMBERS AND OFFICERS GIVING ACCOUNT

32. Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Chief Executive and/or any chief officer or their respective representatives to attend before it to report on matters within their remit:
 - a) any particular decision or series of decisions;
 - b) the extent to which the actions taken implement Council policy; and/or
 - c) their performanceand it is the duty of those persons to attend if so required.
33. Where any Member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Chief Legal and Democratic Officer. The Chief Legal and Democratic Officer shall inform the Member or officer in writing giving at least five working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow the preparation of that documentation.

34. Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or officer arrange an alternative date for attendance [which will normally be the next ordinary meeting of the Committee].

ATTENDANCE BY OTHERS

35. Cabinet Members may attend and speak at Overview and Scrutiny Committees when a matter within their responsibility is considered. In addition, an Overview and Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend. Attendance by such people is entirely optional.

CALL-IN OF DECISIONS

36. When a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority, or under joint arrangements, the decision shall be published normally within five working days of being made.
37. The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called in.
38. Executive decisions may be called in for further consideration upon receipt by the Chief Legal and Democratic Officer, within five clear days of the publication of a decision, of a requisition:
- a) signed by three Members of the Council who are not Members of the Cabinet;
 - b) in relation to education matters, any one of the added Members (see paragraph 12) may lodge an objection to such a decision;
 - c) signed by all the Members representing a ward where the decision affects that ward only (unless a pecuniary or other interest exists in the matter in which case action may be initiated by the remaining ward Member[s]);

39. The Chief Legal and Democratic Officer shall notify the decision-taker of the call-in. The decision will be considered at the next available Overview and Scrutiny Committee.
40. All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:
 - a) to seek more understanding of the decision and its implications;
 - b) to question the soundness of the decision based on facts taken or not taken into account;
 - c) to identify the need for Council policies to guide decisions;
 - d) to make recommendations to the Cabinet and/or Council;
 - e) to question whether the decision conforms with agreed policies.

In relying on paragraphs (a) to (e) above, Members instigating a call-in shall provide as much information, detail, explanation, evidence and/or facts as possible so as to ensure that the full reasons, evidence, rationale and purpose of the call-in are understood.

41. Having considered the decision, the Overview and Scrutiny Committee may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.
42. If, following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the meeting, or the expiry of that further five working day period referred to in paragraph 36, whichever is the earlier.
43. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the

Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within five working days of the Council request.

44. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
45. See also Budget and Policy Framework Procedure Rules for call-in of decisions outside the budget or policy framework.

CALL-IN AND URGENCY

46. The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would for example seriously prejudice the Council's or the public interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the relevant Overview and Scrutiny Committee of the Council and the Leader of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Vice Chair's consent shall be required. In the absence of both, the Mayor's consent shall be required.
47. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
48. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

THE PARTY WHIP

49. In this context, the Party Whip means:

"Any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should they speak or vote in any particular manner."

50. When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a Party Whip the Member must declare the existence of the Whip, and the nature of it before the start of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

51. Overview and Scrutiny Committees shall consider the following business:
- a) Minutes of the last meeting;
 - b) declarations of interest (including whipping declarations);
 - c) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
 - d) responses of the executive to reports of the Overview and Scrutiny Committee; and
 - e) the business otherwise set out on the agenda for the meeting.
52. Where the Overview and Scrutiny Committee conducts investigations (for example, with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
- a) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
53. Following any investigation or review, the Committee may prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public subject to the usual provisions relating to exempt or confidential information.
54. Matters within the Remit of More Than One Overview and Scrutiny Committee

55. Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committee, the decision as to which Overview and Scrutiny Committee will consider it will be resolved by the Chairs of the Committees concerned, if necessary at a joint meeting. If the matter remains unresolved it shall be determined by the Chief Executive.

MEMBERSHIP AND TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES

ADULT SOCIAL CARE AND HEALTH

MEMBERSHIP

10 Councillors

TERMS OF REFERENCE

To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Adult Social Care and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to review and make recommendations for improvement in relation to the following functions:

- Public Health
- Leisure
- Welfare Reform
- Integrated Wellness Service
- Parks and green spaces (including Allotments, Golf Courses, Trees and Sports Pitches, play areas and skate parks)
- Day care
- Home care
- Residential care
- Respite care
- Carers
- Quality
- Safeguarding

- Assessments
- Direct Payments
- To formally respond to consultations by relevant NHS bodies and relevant service health providers on substantial reconfiguration proposals.

CHILDREN'S SERVICES AND SAFEGUARDING

MEMBERSHIP

10 Councillors

2 voting Church Representatives:

1 church representative nominated by the Roman Catholic Archdiocese of Liverpool;

1 church representative from the Church of England Diocese of Liverpool.

2 voting Parent Governor Representatives:

1 parent governor representing primary schools;

1 parent governor representing secondary schools.

Up to 3 non-voting Associate Co-Opted Members:

Any non-voting associate co-opted members will be subject to a two-year term of office. At the conclusion of the two-year term, the Chair will have discretion to determine whether to seek re-appointment of Associate Co-Opted Members from the recognised nominating body concerned, where possible.

Co-opted members on the Committee will be subject to a twelve-month rule, in that failure to attend a Committee meeting over a period of twelve months will result in disqualification from the Committee. The Chair of the Committee shall have discretion to authorise prolonged absence(s).

TERMS OF REFERENCE

To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Children's Services and Safeguarding and to review and make recommendations for improvement in relation to the following functions:

- Children's social care and safeguarding;
- The education of children and young people within the Borough;
- The health and wellbeing of children and young people within the Borough;
- The commissioning and provision of services for children and young people within the Borough;
- Special Educational Needs and Disabilities
- Early Years

Public Question Time

The Overview and Scrutiny Committee (Children's Services and Safeguarding) will hold a Public Question Time as the first substantive item on agendas at each meeting.

Public Question Time shall be dealt with as follows:-

1. A total of 15 minutes will be allocated for dealing with questions from members of the public who are residents of the Borough, to ask questions at meetings of the Overview and Scrutiny Committee (Children's Services and Safeguarding), on matters that fall under the remit of the Committee.
2. Written notice of questions must be provided by 12 noon, 4 working days prior to the date of the meeting to the Committee Support Officer.

At any one meeting, no person/organisation may submit more than one question.

3. Questions will be directed to the Chair of the Committee.
4. The Chair of the Committee will retain sole discretion as to the management of public speaking and questions, but normally a total period of 15 minutes will be permitted.
5. One supplementary question (relating to the original question) may be asked by the questioner.
6. Public Question Time is not intended for debate. Issues raised will be responded to either at the meeting or in writing at a later date.
7. The Chair may reject a question if it:
 - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - Is defamatory, frivolous or offensive;
 - Is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
 - Requires the disclosure of confidential or exempt information.

CHILDREN'S SERVICES AND SAFEGUARDING PARENTS/CARERS SUB-COMMITTEE

(5 Members)

Membership to include the Chair and Vice-Chair of the Committee, plus three other elected Members from the Committee.

1. The Sub-Committee shall meet with parents and parent/carers groups, at the discretion of the Chair of the Committee, officers to attend at the discretion of the Chair of the Committee.
2. The Sub-Committee may make recommendations to the Committee.
3. The Sub-Committee shall meet quarterly and advertise meetings via Family Hubs, Schools and the Sefton Parent Carer Forum.

REGENERATION AND SKILLS

MEMBERSHIP

10 Councillors

TERMS OF REFERENCE

To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Regeneration and Environment Services and to review and make recommendations for improvement in relation to the following functions:

- Neighbourhood Co-ordination
- Voluntary Community and Faith Sector
- Welfare Rights
- Libraries
- Arts
- Safer Stronger
- Advocacy
- Strategic Transport
- Infrastructure

- Regeneration
- Environmental Stewardship
- Housing
- Planning
- Building Control
- Transport Infrastructure
- Network Management
- Sefton@work
- Invest Sefton
- Adult Skills
- Connexions
- Tourism
- Refuse
- Cleansing
- School Crossing patrols
- Security Service
- Building Cleaning
- Cemeteries and Cremations
- Catering
- Highways Maintenance
- Waste Strategy
- Gritting
- Grounds Maintenance (all)
- Street lighting
- Coast
- Specialist Transport

REGULATORY, COMPLIANCE AND CORPORATE SERVICES

MEMBERSHIP

10 Councillors

TERMS OF REFERENCE

To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Regulatory, Compliance and Corporate Services and to review and make recommendations for improvement in relation to the following functions:

- Environmental Health
- Licensing
- Trading Standards
- Legal
- Coroners
- Registrars
- Governance and Elections
- Parking
- Traffic Regulation Orders
- Finance
- ICT
- Personnel
- Asset Management
- Internal Audit
- Corporate Commissioning Strategy & Framework
- Social Care Commissioning Support
- Public Health Commissioning Support
- Procurement
- Policy

- Performance
- Partnerships
- Transformation
- Communications



EXECUTIVE / SCRUTINY PROTOCOL



ONECOUNCIL Working
Together

PROTOCOL ON EXECUTIVE & OVERVIEW AND SCRUTINY RELATIONS IN SEFTON

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1. INTRODUCTION

- 1.2 This Protocol applies to all Members of Overview and Scrutiny (O&S) Committees, co-opted members who sit on O&S Committees, all Members of the Cabinet and senior officers.
- 1.3 The Protocol is not intended to replace *Chapter 6 – Overview and Scrutiny* of the Council’s Constitution, nor is intended to replace *Chapter 2 – Members – Code of Conduct*”, rather it is intended to enhance and supplement the requirements of the Constitution and set out guidance for good practice.
- 1.4 Scrutiny should be a strategic function of the authority. It should be central to the organisation’s corporate governance; a crucial cog in the decision-making machine.

2. AIMS OF THE PROTOCOL

- 2.1 Clarify Relationships
- 2.2 The aim of the Protocol is to clarify relationships between O&S Members and Cabinet Members, to ensure an efficient O&S function, including holding the Cabinet to account on behalf of the electorate, and to encourage good communication between O&S and the Cabinet.
- 2.3 Positive Interaction
- 2.4 The Protocol refers to the respective powers, roles and responsibilities for both O&S Members and Cabinet Members. Guidance is set out on the way in which both O&S Members and Cabinet Members should interact, in order that Members maximise their roles and for the Authority to have an effective O&S function for the benefit of the Council as a whole. It also offers guidance to senior officers who support this process.
- 2.5 Promote a Culture of Mutual Respect
- 2.6 The Protocol aims to promote a culture of mutual respect, trust and courtesy in the relationships between O&S Members, Cabinet Members and senior officers, and to foster a climate of openness leading to constructive debate and communication, with a view to ensuring service improvements for the benefit of Sefton citizens.

2.7 Parity of Esteem

- 2.8 “Parity of esteem” means that the scrutiny function of the Council deserves the same respect, and has the same importance in the governance system, as executive decision-making activities. Requests from scrutiny to engage with, and recommended changes to, policies, plans and activities should be treated with the same respect and consideration as if they came from a Cabinet Member.

3. FUNCTIONS OF OVERVIEW AND SCRUTINY

- 3.1 The general role and specific functions of the O&S Committees can be found within Chapter 6 of the Council’s Constitution. The key responsibilities of O&S are to:
- (a) Hold the Cabinet, Cabinet Members and senior officers to account for their decisions, on behalf of the electorate;
 - (b) Review Council policy, the way policies are implemented and their impact on local citizens;
 - (c) Scrutinise Executive decisions before they are made and before they are implemented; and
 - (d) Contribute to the development of policy by investigating issues of local concern and making recommendations to the Cabinet, to the Council and to partner organisations.

4. THE CONDUCT OF MEETINGS

- 4.1 Cabinet Members are actively encouraged to attend meetings of O&S Committees relevant to their Portfolio, in order to present their Cabinet Member Update Reports and to respond to questions/comments from O&S Members.
- 4.2 Cabinet Members may be required to attend meetings of O&S Committees in particular circumstances, e.g. the consideration of “called-in” items.
- 4.3 The principle of the “critical friend” should always be adhered to between Scrutiny Members and Cabinet Members, senior officers and any external partners.

- 4.4 All Members should promote an atmosphere of openness at the O&S Committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust.
- 4.5 O&S Committee Members should be prepared to ask searching questions and where necessary, provide constructive challenge to Cabinet Members on issues that fall under their Portfolio.
- 4.6 Cabinet Members should be willing to respond to any question put. However, it should be noted that that Cabinet Members may not necessarily be in a position to answer every question immediately or in detail. In such circumstances the matter may be referred to a senior officer in attendance or a written answer may be sought.
- 4.7 Cabinet Members should value the contribution of O&S Committee Members who raise issues and respond in an appropriate and manner, in order to make a positive contribution to Scrutiny meetings.
- 4.8 Cabinet Members should, with the permission of the Chair, be permitted by the O&S Committee to speak upon any item on the agenda under discussion and may at any time offer to assist the Committee by the provision of factual information or advice in relation to the matters under discussion.
- 4.9 The Chair, supported by senior officers, shall provide leadership and guidance to the Committee on all scrutiny matters and shall promote the Committee's role in improving services and monitoring the effectiveness of Council policies, through effective scrutiny.
- 4.10 Party politics and the use of the Party Whip shall be avoided during O&S Committees.
- 4.11 Senior officers shall liaise and agree their attendance at meetings of O&S Committees during the Municipal Year.

5. THE OVERVIEW AND SCRUTINY WORK PROGRAMME

- 5.1 The Council's Strategic Leadership Board, comprised of the Chief Executive, Executive Directors and Heads of Service, shall be invited to identify any appropriate items for inclusion in the Work Programme of O&S Committees.
- 5.2 The Work Programme of items submitted to O&S Committees at the beginning of each Municipal Year shall be drafted in liaison with the appropriate Heads of Service, whose roles fall under the remit of the Committee.

- 5.3 A manageable number of items should be identified in order to demonstrate that the scrutiny function “adds value” to the Council.
- 5.4 The O&S Committees will be responsible for setting their own work programme.
- 5.5 O&S Members are reminded at each meeting that they are able to request other items for inclusion within the Work Programme, provided such items fall within the terms of reference of the Committee.
- 5.6 A Member of an O&S Committee is entitled to give notice to the Chief Legal and Democratic Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee.
- 5.7 The Cabinet and/or the Council may refer a matter to one or more O&S Committees.
- 5.8 The Chair of the O&S Committee may consider alternative methods of dealing with items in order to avoid over-loading Committee agendas. These may include informal presentations, visits to front-line services, site visits / informal discussions with external partners, etc.

6. PRE-SCRUTINY

- 6.1 The Key Decision Forward Plan sets out the list of items to be submitted to the Cabinet for consideration during the following four-month period. The Forward Plan is updated and published each month. The Forward Plan appears on the Council’s website and an email alert is sent to all Members of the Council when a new Forward Plan is published.
- 6.2 A summary of the latest Forward Plan, setting out the Key Decisions that fall under the remit of each O&S Committee, is submitted to each meeting of the O&S Committees and appears under the Work Programme item, a standing item on each O&S agenda.
- 6.3 O&S Members should peruse Decisions to be taken and may request to pre-scrutinise items from the Key Decision Forward Plan that fall under the remit (terms of reference) of the O&S Committee.
- 6.4 The pre-scrutiny process assists the Cabinet Members to make effective decisions by examining issues beforehand and making recommendations prior to a determination being made. Pre-scrutiny can be used to resolve potential disagreements.

- 6.5 Any items agreed for pre-scrutiny will be included within the O&S Committee's work programme.
- 6.6 Where O&S Committees request to pre-scrutinise a Key Decision, the relevant Cabinet Member should endeavour to attend the meeting concerned, in order to respond to questions, and consider the views put by O&S Members.
- 6.7 Relevant senior officers shall attend an O&S Committee meeting where a Key Decision is pre-scrutinised by O&S Members, in order to respond to questions, and consider the views put by those Members.
- 6.8 Cabinet Members may wish to seek views from Scrutiny Members on a Key Decision, particularly on policy development and review, before it is taken. The relevant senior officer will be responsible for forwarding the details through to the Scrutiny Manager for inclusion on the agenda.
- 6.9 The O&S Committee may express views or make recommendations in relation to Decisions to be taken.
- 6.10 The Cabinet will consider any recommendations or views expressed by the O&S Committees and to take such action it sees fit.
- 6.11 Utilising the option for pre-scrutiny does not exclude the Decision from being subject to "call-in". However, it will allow the Cabinet Member(s) the ability to consider different views and perspectives of a Decision, before it is taken and avoid potential conflict and a requirement for "call-in".
- 6.12 Heads of Service shall be requested to identify any policy/strategy items for pre-scrutiny by the relevant O&S Committee.

7. "CALL-IN" OF DECISIONS

- 7.1 Decisions taken by the Cabinet appear within the Minutes of Cabinet Meetings. The Minutes indicate the "call-in" period for the Decisions made.
- 7.2 Decisions taken by individual Cabinet Members are subject to "call-in", are published on the Council's website, and an email alert is sent to all Members of the Council.
- 7.3 "Call-in" can occur when three non-Executive Members have reasons/evidence to challenge the Decision, based on the guidance set out within Chapter 6 of the Council's Constitution.

- 7.4 A decision shall only be the subject of one “call-in” by non-Executive Members.
- 7.5 Non-Executive Members shall refer to a specific Decision and in instigating the “call-in”, are required to provide as much information, detail, explanation, evidence and/or facts as possible, within the requisition. This will enable appropriate officers to determine whether the “call-in” is valid or not.
- 7.6 Non-Executive Members shall trigger the “call-in” electronically, using the Council’s Modgov system. This will alert the relevant officers and prevent the Decision from being actioned.
- 7.7 During 2017/18, the O&S Management Board developed a [Call-In Procedure](#) to be used at O&S Committees when dealing with “called-in” items. This was agreed by the four O&S Committees and shall be adhered to at all meetings held to consider “call-in items”.
- 7.8 The following are required to attend the O&S Committee meeting to consider the “called-in” item, in order to address O&S Members on the item and respond to questions / comments raised by O&S Members:
- (a) the lead “call-in” Member;
 - (b) the Leader of the Council and/or relevant Cabinet Member; and
 - (c) relevant senior officer representative(s).
- 7.9 Only the lead call-in Member shall be permitted to:
- Address the O&S Committee, explaining the reason for “call-in”;
 - Respond to questions put by Committee Members; and
 - Sum up the case for “call-in”.
- 7.10 Subject to the agreement of the O&S Committee, a representative of the public may make representations in relation to the “called-in” item, in accordance with the Call-In Procedure previously agreed by O&S Committees.
- 7.11 The “call-in” procedure should not be abused. It should not be used as a substitute for early involvement in the decision-making process. Its use as a party-political tool should be avoided.
8. WORKING GROUP REVIEWS
- 8.1 Heads of Service will be requested to consider potential topics for review via the Strategic Leadership Board and these will be submitted to O&S Committees for consideration, along with any other

- suggestions from O&S Members. The Committee shall approve any topics to be reviewed.
- 8.2 The [Criteria Checklist for Selecting Topics for Review](#) shall be considered in approving topics to be reviewed.
- 8.3 At least 3 Members of the Committee shall be required to sit on a Working Group and one Member will be appointed as the Lead Member. Co-opted Members may sit on a Working Group.
- 8.4 Heads of Service have a valuable role to play in the review process in terms of suggesting appropriate topics for review, possibly contributing to the scope for the review, the provision of factual evidence, and identifying suitable witnesses. Officers involved in the review shall be open and honest in their discussions with Working Group Members.
- 8.5 The role of the Lead Officer for the review will be to assist in drafting the scope for the review, to provide professional advice and to ensure access to relevant information and personnel for Working Group Members.
- 8.6 Further to a report on Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities being agreed by O&S Committees during October/November 2019, Working Groups shall consider if it is appropriate to seek the views of the general public on the matter under their consideration and, if so, how this should be carried out.
- 8.7 Working Group meetings shall be conducted in the manner outlined within paragraph 4 above. Working Group Members shall adhere to the principle of the “critical friend” during the course of a review. Constructive challenge may be adopted during discussions with Council officers, external partners, key stakeholders, etc. However, a culture of mutual respect shall be maintained at all times.
- 8.8 A final report, including any recommendations from the Working Group, will be drafted by the relevant officer from Democratic Services to reflect the views and wishes of the Working Group concerned, subject to any legal and/or financial implications provided by Legal and Finance officers.
- 8.9 Recommendations may be produced that impact on the Council or external partners.
- 8.10 The final report will be presented to the parent O&S Committee, the Cabinet, and finally to full Council.
- 8.11 The Lead Member of the Working Group concerned will normally present the final report to the Cabinet and to the Council. Where this is

not possible, an alternative Member of the Working Group will be asked to present.

- 8.12 The relevant senior officer shall ensure that an update on the implementation of recommendations is presented to the parent Committee approximately six months following approval of the final report by the Council. Actions taken since approval of the recommendations should be outlined within the update, together with progress on any implementation required. Where actions have not been carried out, reasons should be given, together with an anticipated timeline for implementation.

9. PUBLIC PARTICIPATION IN THE OVERVIEW AND SCRUTINY PROCESS

- 9.1 O&S Members should represent the voice of the public.
- 9.2 As outlined in paragraph 3.1 above, key responsibilities of O&S are to:
- (a) Hold the Cabinet, Cabinet Members and senior officers to account for their decisions, on behalf of the electorate; and
 - (b) Review Council policy, the way policies are implemented and their impact on local citizens;
- 9.3 The Constitution indicates that O&S Committees allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern.
- 9.4 Citizens may contribute to Council considerations by participating in question time at Council meetings, making representations to the Cabinet, a Cabinet Member or a Committee and may be asked to contribute to O&S Working Group reviews.
- 9.5 The Council's petitions scheme, detailed within the Constitution, allows citizens to address O&S Committees.
- 9.6 As outlined in paragraph 7.11 above, subject to the agreement of the O&S Committee, a representative of the public may make representations in relation to the "called-in" item, in accordance with the Call-In Procedure previously agreed by O&S Committees.
- 9.7 As outlined in paragraph 9.5 above, O&S Working Groups shall consider if it is appropriate to seek the views of the general public on the matter under their consideration and, if so, how this should be carried out.

- 9.8 Senior officers may advise O&S Committees of particular matters of public concern, with a view to the possible establishment of a Working Group review to address such matters.

10. SPECIFIC DUTY OF THE OVERVIEW AND SCRUTINY COMMITTEE (ADULT SOCIAL CARE AND HEALTH) – JOINT HEALTH SCRUTINY ARRANGEMENTS

- 10.1 Local authorities may review and scrutinise any matter relating to the planning, provision and operation of the health service in its area.
- 10.2 The NHS Act 2006 (as amended by the Health and Social Care Act 2012) places a statutory duty on commissioners and providers of NHS / health services to consult local authority health overview and scrutiny committees on any proposals for significant development or substantial variation/reconfiguration in health services.
- 10.3 Section 30 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 provides that where more than one local authority is consulted on proposals for significant development or substantial variation in health services, a joint overview and scrutiny committee may be established to comment on the proposals for change.
- 10.4 The Council has delegated its duties relating to health services to the Overview and Scrutiny Committee (Adult Social Care and Health).
- 10.5 At its meeting on 3 June 2014, the Council approved the [Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside](#).
- 10.6 The Council and the Overview and Scrutiny Committee (Adult Social Care and Health) shall adhere to the Protocol in relation to substantial variations and joint health scrutiny arrangements.

CHAPTER 7 – REGULATORY AND OTHER COMMITTEES

A REGULATORY AND OTHER COMMITTEES

- 1 The Council will appoint the Committees set out in the table, "Responsibility for Council Functions" in Chapter 4, Section C of the Constitution to discharge the functions described.
- a) Licensing and Regulatory;
 - b) Planning;
 - c) Employment Procedure;
 - d) Appeals;
 - e) Audit and Governance;
 - f) Health and Wellbeing Board; and
 - g) Pay and Grading.

GENERAL TERMS OF REFERENCE AND MEMBERSHIP OF REGULATORY AND NON-EXECUTIVE COMMITTEES

Committee	Membership	Functions
2 Planning Committee	15 Members of the Authority to form a politically balanced Committee	Planning and Conservation Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended (the Functions Regulations).
3 Licensing and Regulatory Committee	15 Members of the Authority to form a politically balanced Committee	Private/public hire vehicles, gaming, entertainment, food, liquor and miscellaneous licensing Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations. Health and Safety

Committee	Membership	Functions
		<p>Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged, but not in the Council's capacity as an employer</p> <p>To hear and consider petitions relating to matters within the purview of the (now expired) Area Committee (N.B. petitions relating to specific planning or licensing applications must follow procedures laid down in the Council and Committee Procedure Rules set out in Chapter 4).</p> <p>To consider the outcome of consultation and the resultant proposals in respect of the following schemes:</p> <ul style="list-style-type: none"> a) the making of Traffic Regulation Orders; b) details of improvements to highways; c) cycle routes; and either d) approve the scheme as proposed e) approve the scheme with minor amendments f) refer the scheme to the Cabinet Member – Locality Services indicating the (now expired) Area Committee's view on how the proposal should be progressed. <p>The determination of Rights of Way issues.</p> <p>The determination of applications for the creation, diversion and extinguishment of footpaths.</p> <p>The renaming of streets.</p> <p>In connection with the on-street Pay and Display Scheme, to determine whether</p>

Committee	Membership	Functions
		<p>residents' parking permits should be issued, where there is a dispute as to eligibility.</p> <p>To give approval for Gating Orders under Section 129 (A-G) of the Highways Act 1980.</p> <p>To determine requests for the use of parks in those areas where officer delegation is inappropriate (subject to the Council's overall policies).</p> <p>To give approval for, and determine the location of, public donations (for example park benches and memorial trees).</p> <p>Approval of matters relating to the review of Polling Places/Stations, except when consequent on the outcome of a Periodic Electoral Review.</p> <p>To approve routes for horse drawn omnibuses.</p> <p>Determination of applications for permission to site mobile phone masts on Council-owned land in accordance with the Council's protocol.</p> <p>Scrap Metal Dealers Act 2013 Functions of the Licensing Authority in accordance with the Scrap Metal Dealers Act 2013; and the authority to delegate its functions under said Act to Licensing Sub-Committees (consisting of 3 Members).</p>
<p>4 Licensing Sub-Committee</p>	<p>3 Members of the Licensing and Regulatory Committee to form a politically balanced Committee</p>	<p>Functions under the Licensing Act 2003</p> <p>The hearing of representations and the determination of applications for a licence of a Scrap Metal Dealer under Schedule 1 of the Scrap Metal Dealers Act 2013 where the Head of Regeneration and Housing proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act.</p>

Committee	Membership	Functions
5 Hearings Sub-Committee	All Members of the Audit and Governance Committee.	To hear and determine any matters referred for investigation
6 Appeals Committee	<p>All Members of the Council to form a Panel from which 3 Members are selected to form a politically balanced Committee</p> <p>Where the matter to be considered is disciplinary and/or dismissal (not dealt with elsewhere) of a statutory officer, the Committee will invite a minimum of two Independent Persons onto the Committee in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.</p>	<p>Appeals matters including: -</p> <ul style="list-style-type: none"> Certain Staffing Matters Education Financial Awards Social Services Issues Housing matters Any other appeals

<p>Employment Procedure Committee</p>	<p>All Members of the Council to form a Panel from which 3 Members are selected to form a politically balanced Committee.</p> <p>At least one Member of the Cabinet to be included on the Committee.</p> <p>Where the matter to be considered is disciplinary and/or dismissal (not dealt with elsewhere) of a statutory officer, the Committee will invite a minimum of two Independent Persons onto the Committee in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be</p>	<p>The appointment, discipline and dismissal of Chief Officers (as defined in Section 2 of the Local Government and Housing Act 1989).</p> <p>The appointment of Chief Executive as the Head of Paid Service for submission to the Council.</p> <p>Recommendations as to dismissal for the Chief Executive, the Section 151 Officer and the Monitoring Officer and appropriate action in relation to alleged misconduct.</p>
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Committee	Membership	Functions
	amended from time to time.	
7 Pay and Grading Committee	7 Members (appointed by Council)	To monitor progress towards the completion of the Pay and Grading review.
8 Audit and Governance committee	10 Members of the Authority to form a politically balanced Committee	To consider and approve the Council's accounts, internal control systems and corporate governance issues.
9 Initial Assessment Sub-Committee	All Members of the Audit and Governance Committee. Quorum of 3	To determine whether to investigate written complaints that a Member is in breach of the Code of Conduct.
10 Review Sub-Committee	All Members of the Audit and Governance Committee. Quorum of 3	To review and determine any decision of the Initial Assessment Sub-Committee not to refer a matter for investigation. NB. A Member may not sit on both the Initial Assessment Sub-Committee and Review Sub-Committee in respect of the same matter but may sit at the final hearing)

Committee	Membership	Functions
11 Health and Wellbeing Board	<p>As recommended by the Board and appointed by Council. Quorum of 3.</p> <p>3 Members of the Council, 3 statutory directors (Heads of Service) of the Council and 5 representatives from various agreed health organisations.</p>	<ul style="list-style-type: none"> • To encourage integrated working between commissioners of health services, to public health and social care services. • To encourage those who provide services related to wider affects of health, so such as housing, to work closely with the Health and Wellbeing Board. • To lead on the Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS) including involving users and the public in their development. • To be involved throughout the process as Clinical Commissioning Groups • To develop their commissioning plans and ensure that they take proper account of the Joint Health and Wellbeing Strategy when developing these plans.

B RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

12 The responsibility for functions which may be (but need not be) the responsibility of the Executive set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, are set out below: -

Function	Decision Making Body	Delegation of Functions
13 Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authority (Functions and Responsibilities) Regulations 2000 as amended	Licensing and Regulatory Committee	Chief Legal and Democratic Officer
14 The discharge of any function relating to the control of pollution or the management of air quality	Licensing and Regulatory Committee	Chief Legal and Democratic Officer
15 The service of an abatement notice in respect of a statutory nuisance	Licensing and Regulatory Committee	Chief Legal and Democratic Officer
16 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Licensing and Regulatory Committee	Chief Legal and Democratic Officer
17 The inspection of the Authority's area to detect any statutory nuisance	Licensing and Regulatory Committee	Chief Legal and Democratic Officer
18 The investigation of any complaint as to the existence of a statutory nuisance	Licensing and Regulatory Committee	Chief Legal and Democratic Officer
19 The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Planning Committee	Chief Legal and Democratic Officer
20 The obtaining of agreements for the execution of highways works	Planning Committee	Chief Legal and Democratic Officer

DELEGATIONS TO REGULATORY AND NON-EXECUTIVE COMMITTEES

PLANNING COMMITTEE

- 21 Determination of applications comprising:
- a) planning applications for EIA (Environmental Impact Assessment) development
 - b) major planning applications¹ which are the subject of five or more representations *in favour of the application, and / or five or more representations opposing the application* on planning grounds (Section 70 of the Town and Country Planning Act 1990), except where the application is being recommended for determination by officers in line with those representations.
 - c) planning applications which are subject of a formal written request² from a Council Member or are the subject of a petition endorsed by a Council Member (except as set out in paragraph 23 below)
 - d) a material departure from the development plan
 - e) planning applications for their own private development made by serving Councillors or Senior Officers at Head of Service level or above or any member of staff of Planning Services
 - f) any application at the Chief Planning Officer's discretion which is considered to require more formal public debate.
- 22 The following applications will not be considered by the Planning Committee irrespective of any Member's written request, unless otherwise stated:
- a) Any planning application which is subject to a written request by a Council Member, or which is the subject of a petition endorsed by a Council member, but which is to be recommended for approval or refusal by the Chief Planning Officer in line either with the view of the

² 'formal written request' comprises a template to be completed in full (including the reason for the request) and submitted to the Chief Planning officer within 21 days of the date on which neighbours are notified.

³ Householder developments are defined as those within the curtilage of a dwellinghouse which require an application for planning permission and are not a change of use. Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses including footway crossovers, porches and satellite dishes.

Council Member who made the written request or the wish of the petitioner

- b) Applications for householder developmentⁱ, unless objection has been received from one or more adjoining neighbours and a written request has been received from a Council Member under paragraph 22(c) above
- c) Applications for Certificates of Proposed or Existing Lawfulness
- d) Applications for advertisement consent
- e) Applications for 'relevant demolition' in a conservation area
- f) Applications for Listed Building Consent and other heritage consents
- g) Applications made under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent order revoking or re-enacting said Order
- h) Applications for the removal, variation or approval of planning conditions subject to paragraph 22(f) above
- i) Applications for non-material amendments
- j) Applications for works under TPO or for tree works in Conservation Areas.

PLANNING URGENT REFERRALS COMMITTEE

23 To deal with the urgent work of the Planning Committee arising at any time that cannot wait for the next scheduled meeting of that Committee.

LICENSING AND REGULATORY COMMITTEE

24 To exercise the functions of the Licensing Authority in accordance with the Licensing Act, 2003 (as amended);

25 To delegate its functions in relation to 1 above, to Licensing Sub-Committees (consisting of 3 Members) and the Chief Legal and Democratic Officer in accordance with "the recommended delegation of functions" set out in the Secretary of State's Guidance issued under Section 182 of the Licensing Act, 2003 (as amended), and authority for the Chief Legal and Democratic Officer institute and carry on prosecutions and proceedings for alleged offences under the Act;

26 To delegate its functions in relation to the Gambling Act 2005 to Licensing Sub-Committees (consisting of three Members) and the Chief Legal and Democratic Officer in accordance with "the recommended delegation of

functions" set out in the Gambling Commissions "Guidance to Licensing Authorities" issued under Section 25 of the Gambling Act 2005 , and authority for the Chief Legal and Democratic Officer to institute and carry out prosecutions and proceedings for alleged offences under the Act.

- 27 The making of byelaws relating to hackney carriages and horse drawn omnibuses.
- 28 The appointment of hackney carriage and horse drawn omnibus stands and the fixing of fares and other charges for the hire of hackney carriages and horse drawn omnibuses.
- 29 To approve the fitting of One Way or Privacy Glass to any taxi and private hire vehicle, other than a 'Special Event' private hire vehicle.
- 30 The determination of applications for general safety certificates and special safety certificates under the Regulatory Reform (Fire Safety) Order 2005, together with the power to amend, replace, transfer or cancel such certificates.
- 31 The power to fix fees in respect of applications for the issue or amendment of general safety certificates and special safety certificates.
- 32 Determination whether a particular film should be viewed and whether it should be allowed to be exhibited.
- 33 Determination of applications for the grant, renewal, transfer or revocation of licences for sex establishments.
- 34 Determination of applications for permission to display advertisements on metropolitan and saloon type hackney carriages and horse drawn omnibuses referred by the Chief Legal and Democratic Officer.
- 35 All issues relating to the approval of premises for the conduct of Civil Marriages, including the setting of fees.
- 36 Determination of applications for the licensing of vehicles as Special Event Luxury Private Hire Vehicles and the imposition of any special conditions deemed appropriate.
- 37 Determination of applications for the licensing of hackney carriage and private hire vehicles and horse drawn omnibuses which do not comply fully with Licensing Pre-Conditions P4.1 and P4.3 relating to the age of vehicles where the vehicle is of exceptional quality and condition.
- 38 The granting of track betting licences and the licensing of inter-track betting schemes.

- 39 The passing of a Resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.
- 40 The hearing of representations and determination of applications for registration as a Motor Salvage Operator, under the Motor Salvage Operations Regulations 2002, where the Chief Legal and Democratic Officer proposes to refuse or cancel registration and the applicant has given notice to the authority, within the prescribed time, that they require the opportunity to make representations about that proposal.
- 41 The power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 and Criminal Justice and Police Act 2001. The power to make Public Spaces Protection Orders under the Anti -Social Behaviour Crime and Policing Act 2014.
- 42 To delegate its functions in relation to Sections 19-28 of the Criminal Justice and Police Act 2001 (service of Closure Notices) to the Chief Legal and Democratic Officer.
- 43 Functions relating to health and safety under any relevant statutory provisions within the meaning of Part1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged, but not in the Council's capacity as an employer.

LICENSING SUB-COMMITTEE

- 44 To exercise the functions of the Licensing Authority in accordance with the recommended delegations of functions set out in the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.
- 45 To exercise the functions under the Gambling Act 2005 in accordance with the recommended delegation of functions set out in the Gambling Commission's "Guidance to Licensing Authorities" issued under Section 25 of the Gambling Act 2005.
- 46 To disapply the stay provision under Section 208(2) of the Gambling Act 2005 when making a determination under Part 8 of the Act, on a case by case basis.

LICENSING (SEXUAL ENTERTAINMENT VENUES) SUB-COMMITTEE

- 47 Three Members of the Licensing and Regulatory Committee, as determined by the Chief Legal and Democratic Officer, to determine applications for the grant, renewal, transfer or revocation of licenses for sexual entertainment venues in accordance with Schedule 3 of the Local

Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009.

LICENSING AND REGULATORY URGENT REFERRALS COMMITTEE

48 To deal with the urgent work of the Licensing and Regulatory Committee arising at any time which cannot wait for the next scheduled meeting of that Committee.

APPEALS COMMITTEE

Personnel Matters

- 49 In respect of JNC officers, where the matter relates to a decision by the Cabinet, the hearing and determining of grievances and appeals other than in relation to pay/grading matters. (Grievances and appeals not relating to a decision of the Cabinet will be heard and determined by three Members of the Cabinet).
- 50 To consider any appeal from the Chief Executive, Monitoring Officer or S151 Officer against the decision of any Committee or Sub-Committee to make recommendations to Council thereon. To consider any appeal from a Chief Officer (defined as senior management posts graded Hay 5 or above other than the Council's Monitoring Officer or S151 Officer) against the decision of any Committee or Sub-Committee dealing with the report of an Investigating Officer into alleged misconduct on the part of the chief Officer.
- 51 To consider any appeal from the Chief Executive against the decision of any Committee or Sub-Committee dealing with a report relating to his or her dismissal on the grounds of redundancy, capability or ill-health and to make recommendations to Council thereon.
- 52 To consider and determine any appeal from a Chief Officer (defined as senior management posts graded Hay 5 or above) against the decision of any Committee or Sub-Committee dealing with a report relating to his dismissal on the grounds of redundancy, capability or ill-health.
- 53 That for the purposes of dealing with a matter affecting one of the following officers, the Chief Executive, the Council's Section 151 Officer and/or the Monitoring Officer, either the Employment Procedure Committee and/or the Appeals Committee (as necessary) can consist solely of independent members if that is so resolved by ordinary Council Members of the relevant Committee.

Education Matters

54 Appeals against decisions taken by the Head of Schools and Families relating to: -

- (a) refusal of discretionary awards;
- (b) refusal of Benefit and Maintenance Allowances;
- (c) refusal to approve payment of expenses of students attending residential schools;

55 Determination of appeals by teaching staff of non-delegated schools and services against salary assessments made under the current School Teachers Pay and Conditions document.

Children's Services and Safeguarding Matters

56 Consideration and determination of appeals against decisions of the Head of Schools and Families in respect of tenancy guarantees.

57 To consider and determine appeals against decisions of the Head of Schools and Families concerning access to personal files (for under 19s).

Social Services Matters

58 To consider and determine appeals against decisions of the Head of Adult Social Care concerning access to personal files.

Other Appeals

59 To determine any other appeals against decisions taken by or proposed to be taken by or on behalf of the Authority.

EMPLOYMENT PROCEDURE COMMITTEE

60 To appoint Chief Officers (all senior management posts graded Hay 5 or above) in accordance with the following procedure:

- a) the Committee shall consider and agree the wording of the job description and the person specification;
- b) the Committee shall consider and agree the job advertisement and where it will be placed;

(The process at (a) and (b) may be delegated to the appropriate Chief Officer).

- c) the Chief Executive and/or appropriate Officers, together with one Member from each Party Group, shall consider and draw-up a longlist

of candidates on the basis of the match between the job description and the person specification and the application forms;

- d) the Chief Executive and/or appropriate Officer shall interview longlist candidates with a view to selecting a shortlist for the full selection process. The longlisting interviews shall be open to attendance by one Member from each of the Party Groups;
- e) if an Assessment Centre is to be used as part of the selection process, the Committee shall determine how Members may be involved as observers;
- f) the Committee shall formally interview the selected candidates.

(An offer of employment as a Chief Officer shall only be made where no material or well-founded objection of any Member of the Cabinet has been received, following the nomination of the proposed appointee by the Head of Corporate Personnel to every Cabinet Member, and a suitable period for objection).

- 61 Where the value of a proposed remuneration package is over £100k it will be recommended for approval to the full Council prior to the post being advertised.
- 62 To consider requests for honoraria and acting up payments for Chief Officers.
- 63 To recommend to the Council for confirmation, the appointment of the Chief Executive as Head of Paid Service:
- 64 The procedure in paragraph 61 (a) to (f) above, shall be followed save in relation to (c) and (d) above, where the Leader of the Council and the Leaders of the other political groups (or their nominees) shall act.

(An offer of employment as Chief Executive shall only be made where no material or well-founded objection of any Member of the Cabinet has been received, following the nomination of the proposed appointee by the Head of Corporate Personnel to every Cabinet Member and a suitable period for objection).

- 65 To consider and make recommendations to Council as to the appropriate action to be taken in respect of any report submitted by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 in relation to alleged misconduct by the Chief Executive.

66 To consider and take appropriate action in respect of the Investigating Officer's Report in relation to the alleged misconduct of any Chief Officer (other than the Council's Monitoring Officer or Chief Finance Officer).

(The relevant Officer will have the right of appeal to the Council's Appeals Committee in respect of any decision made by the Committee under paragraphs, 3, 4 or 5).

67 To consider and make recommendations to Council as to the appropriate action in respect of any report relating to the dismissal (including on the grounds of redundancy, capability or ill-health) of the Chief Executive.

68 To consider and take appropriate action in respect of any report relating to the dismissal (including on the grounds of redundancy, capability or ill-health) of any Chief Officer.

(A notice of dismissal in respect of the Chief Executive or Chief Officer may only be made where no material or well-founded objection of any Member of the Cabinet has been received, following notification of the proposed dismissal to every Cabinet Member by the Head of Corporate Personnel or Chief Executive and suitable period for objection).

69 That for the purposes of dealing with a matter affecting one of the following officers, the Chief Executive, the Council's Section 151 Officer and/or the Monitoring Officer, either the Employment Procedure Committee and/or the Appeals Committee (as necessary) can consist solely of independent members if that is so resolved by ordinary Council Members of the relevant Committee.

PAY AND GRADING COMMITTEE

70 To review the Council's Pay Policy annually, or sooner if required, and make recommendations to the full Council for approval.

71 To review and determine pay and grading structures and other employees pay arrangements (for example overtime and shift arrangements), as required, and make recommendations to the Cabinet in relation to the financial consequences.

72 Make recommendations on the implementation of review outcomes (for example date of implementation, appeals process, assimilation arrangements).

73 To mandate the Head of Corporate Support and/or other Heads of Service responsible for consulting and/or negotiating with the recognised trade unions relative to the desired outcomes from the review.

- 74 As necessary, to meet with representatives of the recognised trade unions for the purpose of consultation (not negotiation).
- 75 The consideration of severance packages of £100,000 or above in respect of the Chief Executive, and Heads of Service prior to determination by Council; and the determination any severance packages of £100,000 or above in respect of other Council officers.

AUDIT AND GOVERNANCE COMMITTEE

Statement of Purpose

- 77 The Audit and Governance Committee is a key component of Sefton's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 78 The purpose of the Audit and Governance Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Sefton's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, Risk and Control

- 79 To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- 80 To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.

- 81 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 82 To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 83 To monitor the effective development and operation of risk management and Corporate Governance in the Council.
- 84 To monitor progress in addressing risk-related issues reported to the committee including the Corporate Risk Register.
- 85 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 86 To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- 87 To monitor the following activities:
- Counter-fraud/ bribery strategy, actions and resources.
 - Whistleblowing
 - Money Laundering
 - Council Complaints Process including make payments or provide other benefits in cases of maladministration etc. under Section 92 of the Local Government Act, 2000 in excess of £1,000.
 - Breaches of Financial Procedure Rules and Contract Procedure Rules
- 88 To review the governance and assurance arrangements for significant partnerships or collaborations and where appropriate obtain annual third party assurance statements.
- 89 To make recommendations to Council for amendments to the Constitution.
- 90 To make recommendations to the Council on the adoption, implementation and maintenance and review of a local Code of Conduct for Members – co-opted Members and officers of the Council.

- 91 To determine effective training of Councillors and Co-opted Members in matters of conduct and advice to individuals on issues relating to the treatment of interests and on the propriety of conduct generally.
- 92 To deal with the arrangements for Councillors to receive dispensations to speak on, or participate in, matters in which they have an interest.
- 93 To determine the appropriate action on matters referred to the Committee by the Monitoring Officer including disciplinary matters relating to the conduct of individual and/or groups of Councillors including alleged misuse of a Members Self-Maintained Website.
- 94 To ensure compliance throughout the Council with all appropriate Codes of Conduct, including the Protocol for relationships between members and officers of Sefton Council, and procedures from time to time determined by the Committee
- 95 To deal with appropriate matters referred to it from other Committees.
- 96 To determine any applications for the grant and supervision of exemptions from political restrictions in accordance with Section 3A of the Local Government and Housing Act 1989.
- 97 To determine whether a valid petition for a Community Governance review has been received and to determine the terms of reference for such a review, how the review will be conducted including the required consultation and consider replies to a consultation and then make a recommendation to Full Council on the preferred outcome. The Committee has the authority to establish a working group to undertake the committee's responsibilities in this regard.

Internal Audit

- 98 To approve the internal audit charter.
- 99 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

- 100 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 101 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 102 To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- 103 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- 104 To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include
- a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
 - b) regular reports on the results of the Quality Assurance Improvement Plan (QAIP)
 - c) reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Assurance Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement (AGS).
 - d) to consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- 105 To consider the head of internal audit's annual report:

- a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- 106 To consider summaries of specific internal audit reports as requested.
- 107 To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 108 To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 109 To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations (see Appendix A).
- 110 To provide free and unfettered access to the Audit and Governance Committee Chair for the head of internal audit, including the opportunity for a private meeting with the committee.

External Audit

- 111 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- 112 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- 113 To consider specific reports as agreed with the external auditor.

114 To comment on the scope and depth of external audit work and to ensure it gives value for money.

115 To commission work from internal and external audit.

116 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Other Assurance Areas

117 To consider the Council's arrangements for health and safety and receive regular assurances and assessments on the effectiveness of these arrangements.

118 To consider write-offs of debt/ assets above £10,000.

119 To regularly review the Council's Treasury Management activities

Financial Reporting

120 To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

121 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability Arrangements

122 To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

123 To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

124 To publish an annual report on the work of the committee.

INITIAL ASSESSMENT SUB COMMITTEE

125 To receive and determine whether to refer for investigation or other appropriate action any written complaints regarding alleged misconduct and breach of the Code of Conduct of any Borough or Parish or Town Councillor or Co-opted Member.

REVIEW SUB-COMMITTEE

126 To further review and re-consider the decision of the Initial Assessment Sub-Committee in relation to any decision not to refer an allegation for investigation or any other action which was consider by the Sub-Committee and to determine that matter.

HEARING SUB-COMMITTEE

127 To hear and determine any complaints which have been referred for investigation.

128 To impose sanctions where a Councillor is found to have breached the Code of Conduct including the following:

- a) Report the findings of the hearing to the Council for information
- b) Recommend to the Councillors' Group Leader that the Councillor be removed from any or all Committees, Sub-Committees of the Council. Where Councillors do not belong to such a Group such recommendation could be made to full Council.
- c) Recommend to the Leader of the Council that Councillor be removed from Cabinet or removed from particular portfolio responsibilities.
- d) Arrange training for a Member.

APPOINTMENT OF OFFICERS

129 The power to appoint staff is delegated to the Head of the Paid Service or his/her nominee, save in the case of Chief Officers posts (those Officers graded Hay 5 or above). In the cases of Chief Officers and below (as defined in Section 2 of the Local Government and Housing Act, 1989) and graded Hay 5 or above) they are to be appointed by the Employment Procedure Committee, in accordance with the agreed procedure set out in

the Officer Employment Procedure Rules and terms of reference of the
Employment Procedure Committee.

CHAPTER 8 – JOINT ARRANGEMENTS

A ARRANGEMENTS TO PROMOTE WELLBEING

- 1 The Cabinet, in order to promote the economic, social or environmental wellbeing of its area, may:
 - a) enter into arrangements or agreements with any person or body;
 - b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - c) exercise on behalf of that person or body any functions of that person or body.

B JOINT ARRANGEMENTS

- 2 The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions, which are not Cabinet functions, in any of the participating authorities, or advise the Council.
- 3 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint Committees with these other local authorities.
- 4 Except as set out below, the Cabinet may only appoint Cabinet Members to a joint Committee and those Members need not reflect the political composition of the Local Authority as a whole.
- 5 The Cabinet may appoint Members to a joint Committee from outside the Cabinet in the following circumstances:

the joint Committee has functions for only part of the area of the Authority, and that area is smaller than two-fifths of the Authority by area or by population. In such cases, the Cabinet may appoint to the joint Committee any Councillor who is a Member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such an appointment.
- 6 Details of any joint arrangements including any delegations to joint Committees will be found in the Council's Scheme of Delegation in this Constitution.

C ACCESS TO INFORMATION

- 7 The Access to Information Rules in Chapter 11 of this Constitution apply.
- 8 If all the Members of a joint Committee are Members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- 9 If the joint Committee contains Members who are not on the Cabinet of any participating authority then the access to information rules in Schedule 12A of the Local Government Act 1972 (as amended) will apply.

D DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

- 10 The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- 11 The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- 12 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

E CONTRACTING OUT

The Council, for non-Cabinet functions, and the Cabinet, for Cabinet functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, (as amended) or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

CHAPTER 9 – OFFICERS

A PRINCIPLES OF THE SCHEME DELEGATION FOR OFFICERS

1. The exercise of any powers or duties in pursuance of this Scheme shall be in accordance with:
 - a) any policy or direction approved by the Council; or
 - b) any policies approved by the Cabinet acting under delegated powers; and
 - c) due observance of issues of propriety at all times.
2. All functions reserved to the Council by Statute, Standing Orders or Financial Regulations are excluded from the Scheme.
3. The exercise of functions (delegated powers) in respect of any matter involving the expenditure of money shall only take place provided financial provision has been made in the Estimates approved by the Council or financial approval has been obtained from the Cabinet or Cabinet Member.
4. Any powers or duties delegated to a Chief Officer may be exercised by any other person duly authorised by him/her in writing from time to time.
5. References to the term Chief Officer shall include the Chief Executive, Heads of Service Grade Hay 5 and above.

B MANAGEMENT STRUCTURE

6. The full Council may engage such staff (referred to as officers) as it considers it necessary to carry out its functions.
7. The Council will engage posts of Chief Executive, and Heads of Service who currently form its Executive Leadership Team and Strategic Leadership Team as follows:
8. Executive Leadership Team is as follows: Chief Executive, Executive Directors, Director of Children’s Social Care and Education and Adult Social Care, Health and Wellbeing (Place Director) (and whosoever the Chief Executive wishes to include from time to time)

9. Strategic Leadership Team Membership is as follows: Chief Executive, and Heads of Service (and whosoever the Chief Executive wishes to include from time to time).
10. Definition of Chief Officer for the purposes of any interpretation in this Constitution is Chief Executive, Directors, Heads of Service and any staff who are Grade Hay 5 and above.

C FUNCTIONS OF THE CHIEF EXECUTIVE

Post	Designation	Legislation
Chief Executive	Head of Paid Service	Section 4 <u>Local Government</u>

11. The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.
12. The Chief Executive will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
13. The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.
14. The Chief Executive, or their nominee, to appoint Officers below Deputy Chief Officer level (other than Assistants to Political Groups).
15. The Chief Executive shall be authorised to discharge any Council or Executive function not otherwise delegated to a Chief Officer including civic and ceremonial functions of the Council, and to take any action remitted to him/her under corporate policies or this Delegation Scheme.
16. The Chief Executive shall be authorised to act as the Council's proper officer for the purpose of any function not otherwise delegated under these arrangements.

17. The Chief Executive shall be authorised to discharge any function of the Council in relation to those corporate/strategic responsibilities and Departmental supervisory responsibilities allocated to them by the Council.
18. The Chief Executive shall be authorised to act as the Council's 'qualified person' for the purposes of the Freedom of Information Act 2000 and may delegate the role to the Monitoring Officer when necessary.

NON-EXECUTIVE FUNCTIONS

19. To act as Electoral Registration Officer for the registration of Parliamentary and Local Government Elections and Acting Returning Officer/Returning Officer for Parliamentary, Local, and Parish under the relevant provisions of the Representation of the People Act 1983 and as Proper Officer for all related functions and relevant legislation.
20. A key role for the statutory officers is to make recommendations for the way in which the Council and the Constitution could be amended and/or improved to better achieve the overarching purposes of the Council. In undertaking this task, the statutory officers may:
 - Observe meetings of different parts of the Member and officer structure
 - Undertake an audit trail of a sample of decisions
 - Record and analyse issues raised with them by Members, officers, the public and other relevant stakeholders; and
 - Compare practices in this Council with those in comparable authorities, or national examples of best practice.
21. In relation to elections to:
 - a) To assign officers in relation to requisitions of the Electoral Registration officer;
 - b) To pay expenses properly incurred by Electoral Registration Officers;
 - c) Powers in respect of holding of elections;
 - d) To declare vacancy in office in certain areas;
 - e) To give public notice of a casual vacancy;
 - f) To determine fees and conditions for supply of copies of, or extracts from, elections documents

D FUNCTIONS OF THE CHIEF FINANCE OFFICER

Post	Designation	Legislation
22. Executive Director – Corporate Services and Commercial	Chief Finance Officer and S151 Officer	<u>Local Government 1972</u>

23. After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to a Cabinet function and the Council's external Auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
24. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
25. The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
26. The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.
27. The Chief Finance Officer will provide financial information to the media, Members of the public and the community.
28. In relation to borrowing limits, to manage the movement between the separately agreed limits for borrowing and other long-term liabilities within the total authorized limit for any individual year.

29. A key role for the statutory officers is to make recommendations for the way in which the Council and the Constitution could be amended and/or improved to better achieve the overarching purposes of the Council. In undertaking this task, the statutory officers may:

- Observe meetings of different parts of the Member and officer structure
- Undertake an audit trail of a sample of decisions
- Record and analyse issues raised with them by Members, officers, the public and other relevant stakeholders; and
- Compare practices in this Council with those in comparable authorities, or national examples of best practice.

E FUNCTIONS OF THE MONITORING OFFICER

Post	Designation	Legislation
30. Chief Legal and Democratic Officer	Monitoring Officer	Section 5 Local Government and Housing Act 1989

31. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

32. After consulting the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to a Cabinet function, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

33. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct for Members through provision of support to the Audit and Governance Committee.

34. The Monitoring Officer will conduct investigations into matters referred to them and make reports or recommendations in respect of them to the Audit and Governance Committee.
35. The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible (See Access to Information Rules for further details).
36. The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
37. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
38. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
39. The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.
40. The Monitoring Officer may act as the 'qualified officer' under the Freedom of Information Act 2000 when authorised to by the Chief Executive.
41. A key role for the statutory officers is to make recommendations for the way in which the Council and the Constitution could be amended and/or improved to better achieve the overarching purposes of the Council. In undertaking this task, the statutory officers may:
 - Observe meetings of different parts of the Member and officer structure
 - Undertake an audit trail of a sample of decisions
 - Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
 - Compare practices in this Council with those in comparable authorities, or national examples of best practice.

F DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER

42. The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

G FUNCTIONS OF THE STATUTORY SCRUTINY OFFICER

43. The Council's Statutory Scrutiny Officer shall be the Democratic Services Manager, who shall:
 44. To promote the role of Overview and Scrutiny Committees
 45. To provide support for Overview and Scrutiny Committees
 46. To provide support and guidance to Members of the Authority, Members of the Executive of the Authority and Officers of the Authority in relation to Overview and Scrutiny
47. The Designated Scrutiny Officer may not be the Monitoring Officer, Chief Finance Officer or Head of Paid Service.

H FUNCTIONS OF THE DATA PROTECTION OFFICER

48. To inform and advise the controller or the processor and the employees who carry out processing of their obligations pursuant to the GDPR and data protection provisions;
49. To monitor compliance with the GDPR and other data protection provisions and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations, and the related audits; and
50. To act as the Council's point of contact for dealings with the Information Commissioner's Office.

51. The Council shall ensure that the Data Protection Officer is involved, properly and in a timely manner, in all issues which relate to the protection of personal data.
52. The Council shall support Data Protection Officer in performing the tasks under the GDPR by providing resources necessary to carry out those tasks and access to personal data and processing operations, and to maintain his or her expert knowledge.
53. The Council shall ensure that the Data Protection Officer does not receive any instructions regarding the exercise of these tasks. He or she shall not be dismissed or penalised by the controller or the processor for performing his or her tasks. The Data Protection Officer shall be able to directly report to the highest management level of the Council.
54. Whilst the Data Protection Officer may fulfil other tasks and duties the Council shall ensure that any such tasks and duties do not result in a conflict of interest.

I APPOINTMENT OF STATUTORY OFFICERS

55. The Chief Executive will ensure that officers within Service areas are appointed to meet statutory requirements. The following are appointed as follows:

Post	Designation	Legislation
Head of Education Excellence	Chief Education Officer	Section 532 <u>Education Act 1996</u>
Head of Children's Social Care	Executive Director - Children's Social Care and Education	Section 18 <u>Children Act 2004</u>
Head of Adult Social Care	Executive Director - Adult Social Care, Health and Wellbeing	<u>The Local Authority Social Services Act 1970</u> , as amended by

		the Children Act 2004 (schedule 2).
Head of Highways and Public Protection	Inspector	Section 27 Food Safety Act 1990
Head of Highways and Public Protection	Inspector	Section 72 Weights and Measures Act 1985

J GENERALLY:

CONDUCT

56. Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Chapter 10 of this Constitution.

EMPLOYMENT

57. The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in this chapter of the Constitution.

K SCHEME OF DELEGATION TO OFFICERS

58. Council Minute No. 50 (6 September 2012) refers.
59. Officers are appointed to undertake particular roles. Those roles may be established by the terms of their appointment, job or role description, their position in the organisation, or from a specific instruction or the allocation of specific responsibilities by their manager. Officers' roles may vary from time to time to reflect changes in service delivery, staffing levels and to protect the Council's interests.
60. In order to ensure the smooth functioning of the authority and the efficient delivery of all of the services that it is responsible for, the Council and the

Executive delegate to officers all of the powers that they need to do whatever their role requires of them from time to time.

61. All powers and functions not specifically reserved to Members in this Constitution or by statute stand delegated to officers in accordance with the cascade principle set out below.

L CASCADE OF POWERS

62. Officers' powers have been delegated by means of a standing cascade. That means that there are no long lists in this constitution of specific powers and to whom those powers have been delegated and sub-delegated.
63. Instead, there is a standing delegation of all necessary powers from the Council and the Executive (and their committees) to the Chief Executive. From the Chief Executive there is a standing delegation to, each Head of Service. The cascade continues down through the Heads of Service to section heads or team managers and relevant officers in each Service.
64. In each case the powers delegated are the full range and extent of powers vested in the authority from time to time as necessary in order to discharge functions, implement decisions, and undertake the efficient operational management of the Services that the Heads of Service are responsible for from time to time.
65. This includes the power to do anything ancillary or incidental to, arising from, or necessary to give effect to or facilitate the exercise of powers and the discharge of functions delegated to officers.

M USE OF POWERS

66. When officers act under delegated powers, they do so in the name of their Head of Service who will retain ultimate responsibility for ensuring that powers are exercised at the appropriate level by suitably competent and qualified officers.
67. It is for section heads or team managers and Heads of Service to determine, record and keep under review the extent to which officers in their service are authorised to exercise delegated powers in their name. They shall do this by

ensuring that there is clarity in setting out their Service and team structures and defining the respective roles of their officers.

68. It is the responsibility of each officer in the chain of cascade to ensure that powers are being exercised at the most appropriate level by suitably competent and qualified officers. They shall at all times have due regard for the nature, subject matter, and likely impact of any decision and liaise closely with those above them in the chain of cascade, including relevant Members, especially where a matter has potentially significant strategic, policy or operational implications.
69. Any ambiguity that may arise as to whether or not a particular officer is, by reference to the terms of their appointment, job or role description, or their position in the organisation, authorised in respect of any particular function is to be resolved by reference back up through the chain of cascade to section heads or team managers, Heads of Service or ultimately to the Chief Executive as appropriate who shall, where necessary, give written confirmation of the allocation of any given responsibility.
70. In exceptional circumstances, and with the agreement of those above them in the chain of cascade, Officers may decline to exercise powers which rest with them where it is considered, in all the circumstances, that it would be more appropriate for another officer (whether or not further up the chain of cascade) or for Members to exercise the power instead.
71. Unless specifically prohibited by the terms of any authorisation, officers may arrange for any power which rests with them to be discharged by another suitably competent and qualified officer but they shall remain responsible for any powers so exercised.
72. Officers may direct that certain types of decisions or decisions on particular matters be reserved to them (or to another officer) notwithstanding that they would ordinarily be taken at a point further along the chain of cascade.
73. Where the duly empowered officer closest to the point of service delivery is unavailable or unable to act then, subject to any specific arrangements that may have been put in place, a suitably qualified and competent officer who is most proximate to the absent officer in the chain of cascade is empowered to act in place of that officer. This will usually follow the chain of cascade or line of

management back up through section heads or team managers, Heads of Service to the Chief Executive.

N CONTROLS ON THE USE OF POWERS

74. Officers are not empowered in respect of matters that are specifically reserved to Members or which amount to the adoption or implementation of new policy.
75. Officers are only empowered to act in respect of matters which fall foursquare within their Service area, suite of responsibilities and sphere of competence.
76. Officers who propose to exercise powers in respect of any matter that is not wholly within their Service area, suite of responsibilities or sphere of competence shall be obliged to act in consultation with and take appropriate advice from those officers with the relevant responsibilities and expertise and particularly from the Executive Director – Corporate Services and Commercial and the Chief Legal and Democratic Officer in respect of financial and legal considerations.
77. Before taking decisions officers shall be satisfied that they can demonstrate, by keeping appropriate records, that they are duly authorised to act and that they have undertaken all appropriate consultation.
78. Officers must at all times observe and abide by the principles and controls governing officer decision making contained in Chapter 1 of the Constitution (principles of Decision Making/Delegations).

O NOTICES, AUTHORISATIONS, DETERMINATIONS, ORDERS, LICENCES, AGREEMENTS AND CONSENTS

79. For the avoidance of doubt the cascade of power through the officer structure includes the power to take all action necessary in connection with or ancillary to:
 - a. the instruction of the Chief Legal and Democratic Officer in respect of legal (or quasi legal) proceedings.
 - b. the authorisation of officers as may be required by statute (whether inter alia as “Proper Officers”, “Appointed Officer”, “Qualified Officer”, “Designated Officer”, “Specific Point of Contact” or otherwise) to undertake certain roles, or to exercise or discharge any powers, duties or functions including investigatory or regulatory functions and affecting entry to land or premises;

- c. the issuing, service, variation, or withdrawal of any notice, direction, determination, requisition, ultimatum or demand;
- d. the making, confirmation, variation or withdrawal of any order or regulation;
- e. the formation, variation or termination of any contract or agreement; and
- f. the grant, variation, withdrawal or termination of any permission, notice, authorisation, licence or consent.

AUTHORISING EXPENDITURE AND SIGNING AND SEALING AGREEMENTS

- 80. The Finance and Contract Procedure Rules and individual Service Schemes of Financial Delegation will set out the financial limits that officers must work within and procedures that they must follow when authorising expenditure.
- 81. The Finance and Contract Procedure Rules set out which documents can be signed by officers within individual Services and which documents must be signed and/or sealed by the Chief Legal and Democratic Officer.

LEGAL PROCEEDINGS AND PROTECTING THE COUNCIL'S INTERESTS

- 82. All matters in respect of the conduct of legal (or quasi legal) proceedings (including the authentication or execution of documents) are reserved to the Chief Legal and Democratic Officer (and their duly authorised officers) who shall be authorised to institute, defend, settle, discontinue or otherwise participate in any such proceedings or take any other action considered necessary to give effect to decisions of or protect the interests of the Authority.

Senior Leadership Board Members

Chief Executive

Executive Director of Operations and Partnerships

Executive Director of Adult Social Care, Health and Wellbeing

Executive Director of Children's Social Care and Education

Executive Director of Corporate Services and Commercial

Executive Director of Regeneration, Economy and Assets

Assistant Director of People (Operational In-House Services)

Assistant Director of Place (Economic Growth and Housing)

Assistant Director of Place (Highways and Public Protection)

Assistant Director of Place (Commercial Development)

Director of Public Health/Head of Health & Wellbeing

Assistant Director Communities

Assistant Director Children's Services (Education)

Assistant Director of Adult Social Care

Chief Legal and Democratic Officer & Monitoring Office

Acting Assistant Director of Corporate Resources and Customer Services (Strategic Support)

Assistant Director of Children's Services (safeguarding and quality assurance)

Assistant Director, Cared For Children

Assistant Director, Help and Protection and Early Help

Locality Service Manager

P EMPLOYEES CODE OF CONDUCT

SEFTON COUNCIL – CODE OF CONDUCT

October 2020

THE CODE AND ITS PURPOSE

1. The Code of Conduct (the Code) was approved by the Council on 8th January 1997 and has since been updated on a number of occasions to comply with best practice. The Code has been communicated to all departments.
2. The purpose of the Code is to provide employees with guidance on the behaviour and conduct which is expected of them as public sector employees, so as to protect them from any misunderstanding or criticism.
3. The main areas covered by the Code include disclosure of information, undertaking additional employment, offers of gifts/hospitality, appointments and political neutrality. In certain circumstances, employees are required to complete a declaration form, the arrangements for which are described below.
4. The Code applies to all employees of the Council, and is commended to schools; it should, therefore, be included in the induction of new starters to the Authority.

Declaration Forms

5. Declaration forms are available on the Council's Intranet. These forms relate to Sections 4, 5 and 13 of the Code, which are concerned with personal or financial interests, gifts/hospitality, and additional employment.

6. PART A of the form is for the declaration of offers of gifts/hospitality and other favours. The reason for declaring gifts/hospitality/favours is to demonstrate the openness and integrity of the Authority and its employees. As with many codes/procedures, it is not possible to define specific limits on what is or is not acceptable; however, gifts which are of a promotional or insignificant nature, such as calendars, diaries or office sundries, which are offered to a wide variety of people, and thank you gifts of a token nature, are generally acceptable. Any other offers of gifts/hospitality/favours, whether or not they are accepted, must be declared by the employee on PART A of the declaration form. Gifts donated to charity must also be recorded on the declaration form.
7. PART B of the form is for the declaration of personal or financial interests and for declaration of membership of/association with clubs/organisations. Employees must declare any personal or financial interest that they consider conflict with the Council's interests using PART B of the declaration form.
8. PART C of the form (AE1) is concerned with requests for approval to undertake additional employment. No employee is permitted to undertake additional work which conflicts with the interests of the Authority. Employees must not undertake any additional work without the express consent of the Authority. Employees must put their request in writing to their Head of Service using PART C (AE1) of the form. In line with the policy "Additional Employment during off Duty Hours" all employees are required to provide information relative to any additional employment they undertake.
9. Declaration forms should be forwarded to the Executive Director/Head of Service; forms completed by Heads of Service/Executive Directors should be forwarded to the Chief Executive. Responses must be made within ten working days to declaration forms, and a copy of the form, together with the response/acknowledgement, must be retained on the employee's personal record (excluding declarations for gifts, hospitality or favours) and recorded on the Service Area Register maintained by each Executive Director/Head of Service. A copy of form PART B (Declaration of Personal/Financial Interest) must be sent to the Chief Legal and Democratic Officer. Where a decision is made not to allow additional employment or participation in a particular activity, a full reason must be provided.

Additional Information

10. The Code does not provide an exhaustive list of when an employee should make a declaration; there is an onus on the employee to consider whether a particular course of action may lead to accusations of impropriety; as a general rule, where an employee has any doubt, they should not accept offers and must declare the matter on the appropriate form.

11. Where an employee is dissatisfied with the administration of the Code of Conduct in their particular case, they should use the Council's Grievance Procedure.

12. The Code is admissible as evidence and may be taken into account in disciplinary hearings which relate to matters covered by the Code.

Links to Other Policies

- [Politically Restricted Posts](#)
- [Additional Employment During Off Duty Hours](#)
- [Whistleblowing Policy](#)
- [Equal Opportunities Policy Statement](#)
- [Grievance Procedure](#)
- [Disciplinary Procedure and guidelines](#)
- [Anti-Fraud, Bribery & Corruption Policy](#)
- [The Bribery Act 2010](#)
- [Contract Procedure Rules](#)
- [Financial Procedure Rules](#)
- [Recruitment and Selection guidelines](#)
- [Induction Policy](#)
- [Data Protection and Information Handling](#)
- [Information Compliance](#)
- [Social Media Policy](#)
- [ICT Acceptable Use Policy](#)
- [Constitution](#)
- [Protocol for relationships between members and officers of Sefton Council](#)

CODE OF CONDUCT FOR ALL EMPLOYEES

1.0 INTRODUCTION

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code is intended to provide guidance to assist all employees of the Council in their day-to-day work.
- 1.2 The Code sets out the minimum standards that are required of employees. The aim of the Code is to lay down guidelines for employees which will help maintain and improve standards and protect employees from misunderstanding or criticism that they have been influenced by improper motives.
- 1.3 Inevitably, some of the issues covered by the Code will affect senior managerial and professional employees more than it will others but the Code is intended to cover all employees of the Council and is commended to schools, and other organisations associated with the Council, for adoption.
- 1.4 The Code requires employees to declare their interests or seek approval for certain activities and refers to the circumstances in which such declarations must be made. Paragraph 16 describes the practical arrangements for the making of declarations, and the relevant forms are included as annexes. Declaration forms are also available on the Council's Intranet under Personnel Policies and Procedures.

2.0 Framework for the Code

- 2.1 The Code takes into account the requirements of legislation and national/local terms and conditions of employment
- 2.2 National Agreement on Pay and Conditions of Service (the National Agreement)

The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service:

- Official Conduct
 - Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained; and
 - Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.

Similar provisions are incorporated in the National Conditions of Service of Chief Officers.

2.3 The Bribery Act 2010, and the Local Government Act 1972 are relevant.

The Bribery Act 2010 makes it an offence for an employee to give advantage to someone in return for favours in relation to the Council's business (see section 3.0 of the Code, Anti-Fraud, Bribery and Corruption).

Section 117 of the Local Government Act 1972 requires that employees notify the authority in writing of any direct or indirect financial interests which they have in any Council contracts, or proposed contracts, of which they become aware. Breach of Section 117 is a criminal offence subject to a fine (see section 4.0 of the Code Financial, Personal and Other Interests).

2.4 SEVEN PRINCIPLES OF PUBLIC LIFE

This Code reflects the seven principles of public life (also known as 'the Nolan Principles') which outlines the ethical standards those working in the public sector are expected to adhere to.

Principle 1 – Selflessness

You should act solely in terms of the public interest.

Principle 2 – Integrity

You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in their work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

Principle 3 – Objectivity

You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Principle 4 – Accountability

You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

Principle 5 – Openness

You should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Principle 6 – Honesty

You should be truthful.

Principle 7 – Leadership

You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3.0 ANTI-FRAUD, BRIBERY AND CORRUPTION

3.1 The Council is committed to the protection of public funds and seeks to fulfil its responsibility to reduce the risk of fraud, bribery and corruption through an integrated approach which includes deterrence, prevention, detection and investigation of incidences.

3.2 Where fraud, bribery or corruption is identified, whether from internal or external sources, appropriate action will be taken as necessary. This may include disciplinary and/or legal action. The penalties for committing an offence under the Bribery Act 2010 can be serious. Failing to prevent bribery can result in a fine. Offences of giving or receiving a bribe can result in fines and/or up to 10 years' imprisonment.

3.3 The Council's framework for managing the risk of fraud includes a commitment to:

- maintain an anti-fraud culture across the organisation
- minimise opportunities for fraud, bribery and corruption through effective systems, procedures and controls
- maintain effective systems and procedures for the detection of fraud, corruption and bribery
- investigate confirmed reports of fraud, bribery and corruption in an appropriate manner
- report incidents of fraud, bribery and corruption to the appropriate authorities as appropriate
- ensure staff are aware of the risks of fraud, bribery and corruption and their obligations
- impose sanctions and recovering losses where fraud, bribery and corruption is identified

3.4 The Council's Anti-Fraud, Bribery and Corruption Policy (the Policy), available on the intranet, sets out the Council's approach to managing the risk of fraud, bribery and corruption, both internally and externally, and applies to all individuals who work for the Council e.g. employees, members etc. and those who have dealings with the Council e.g. partners, suppliers, contractors, service users, customers etc.

- 3.5 The Policy includes details of the Council's strategy in preventing, detecting, investigating fraud, bribery and corruption. It provides guidance on how any individual can report, in confidence, any suspected fraudulent or corrupt activity.

4.0 FINANCIAL, PERSONAL AND OTHER INTERESTS

- 4.1 Any financial interests of an employee which could conflict with the Authority's interests, e.g. work for which a fee is received must be declared on the correct form and forwarded to their line manager or the Executive Director/ Director/Assistant Director/Head of Service for appropriate action (see section 16 and form at Appendix C). It is a criminal offence, under the provisions of the Local Government Act 1972, for an employee to accept in the course of his/her employment any fee or reward other than his/her proper remuneration.

- 4.2 Interests of a non-financial nature which may conflict with the Authority's interests (for example, if an employee is involved in a decision making capacity with an outside organisation that has dealings with the Council, e.g. grant requests) must also be declared on the correct form and forwarded to their line manager or Executive Director/ Director/Assistant Director/Head of Service for appropriate action (see section 16 and form at Appendix C). Such a declaration must be made as soon as an employee becomes aware of the possibility of any such conflict arising or indeed that may be perceived/construed as arising. A good test is for the employee to ask themselves whether others would think that the interest is of a kind to make this possible. An employee must avoid any action which may create the impression that they are using their position to promote a private or personal interest. Private and personal interests include those of the employee's family and friends, as well as those arising through membership of, or association with clubs, societies and other organisations. Employees must be sensitive to the suspicion that can be generated from belonging to organisations which have secrecy about rules, membership or conduct and are encouraged to declare any involvement.

- 4.3 A more detailed explanation on the disclosure of financial and non-financial interests can be found on the reverse of Part B of the form.

5.0 GIFTS, HOSPITALITY AND OTHER FAVOURS

- 5.1 All gifts, offers of hospitality and other favours, however received, must be declared and recorded by the employee on PART A of the declaration form. Declaration forms are available on the Intranet (see section 16 and form at Appendix B).

- 5.2 In the event of an employee receiving a legacy or bequest from a person for whom services have been provided by the authority, or from a relative of such a person, a declaration by the employee must be made on Part A of the declaration form.
- 5.3 It is recognised that in the private sector, corporate hospitality and promotions are often accepted as part of the normal conduct of business. However, within local government a greater burden or responsibility rests with employees not only to ensure that all dealings are completely beyond reproach but also to be able to demonstrate it publicly.
- 5.4 It is accepted that gifts and favours, such as hospitality, may be offered by outside agencies in good faith and purely in the furtherance of promoting a good working relationship and understanding. Constant refusals to accept such offers could impair essential working relationships and possibly create an atmosphere of distrust with a consequential detrimental effect on the business being conducted.
- 5.5 Where employees find themselves in a position where they have to refuse and/or return gifts or favours, they must not behave in ways which donors of gifts/favours might regard as impolite or unnecessarily critical of a private sector practice. These situations must be handled diplomatically.
- 5.6 It is sometimes acceptable to the giver, for a gift, which in other circumstances would be refused as in (above) to be donated instead to charity. An arrangement of this sort must only be made with Executive Director/Head of Service approval, must be recorded on the declaration form, and the giver informed in writing that the gift has been donated to charity.
- 5.7 Any offer of gifts, favours or hospitality made to an employee must be treated with extreme caution. Employees are personally responsible for avoiding the risk of damage to public confidence which could result from acceptance of inappropriate inducements. Common sense dictates whether the level of hospitality or the nature and scale of any gifts is appropriate to the particular circumstances in which they arise. As a general rule an employee must only contemplate accepting a gift if it is of token value or nature. Gifts of a promotional or insignificant nature offered to a wide variety of people (e.g. calendars, diaries, office sundries) are generally acceptable as are tokens of

thanks, and hospitality is acceptable where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, and not extravagant. All offers/acceptances of gifts (other than basic office sundries, etc.) must be recorded, regardless of whether they are accepted or declined.

- 5.8 Gifts, hospitality or favours must not be accepted from the same party on a frequent or regular basis to avoid any concern that proper working relationships are consequently being compromised.
- 5.9 Where any suggestion of improper influence may be inferred, gifts or hospitality must be refused (and declared). Special caution is necessary where hospitality is offered by a person or body seeking contracts with, or licences or permissions or grant assistance from the Authority, especially where the offer is to an individual employee. For example, a working lunch immediately prior to the acceptance of a tender, or the letting of a contract, may be questionable, whereas it could be acceptable during the currency of the contract.
- 5.10 Offers of free or significantly reduced goods or services, vouchers or any other item with a significant cash value or offers of loans, works to personal property or holidays must be refused. Offers to attend purely social or sporting functions may be accepted only when these are part of the life of the community or where the Authority must be seen to be represented. Where it is considered appropriate to accept offers of hospitality, including purely social and sporting events, authorisation must be obtained in advance, prior to acceptance of the offer. This should be clearly recorded on the appropriate form.
- 5.11 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent is given in advance by the Executive Director/Head of Service or other nominated Manager and where the Authority is clearly not compromised in any way.
- 5.12 The essential principle is that gifts and favours must not affect proper working relationships or allow concern that they are affecting proper working relationships. A secretive treatment of gifts and favours is much more likely to

give rise to concern of impropriety than favours dealt with in the open knowledge of colleagues.

- 5.13 If in any doubt as to the acceptability of any offers of gifts, hospitality, etc., the advice of the employee's line manager or Executive Director/Head of Service must be sought.

6.0 SPONSORSHIP - GIVING AND RECEIVING

- 6.1 Where an outside organisation wishes to sponsor a Council activity, whether by invitation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply (see above). Particular care must be taken when dealing with contractors or potential contractors.

- 6.2 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the employee's line manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

7.0 USE OF FINANCIAL RESOURCES

- 7.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

8.0 DISCLOSURE OF INFORMATION

- 8.1 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor must they pass it on to others who

might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

- 8.2 The proceedings of Committees and Sub-Committees from which the press and public have been excluded to enable the discussion of exempt or confidential matters must not be disclosed by employees to the press or public.
- 8.3 Employees must ensure that confidential or sensitive documents are not left where they can be read by other staff or members of the public.

9.0 RELATIONSHIPS WITH OTHERS

COUNCILLORS

- 9.1 The role of some employees is to give advice to Councillors and senior managers and all employees are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing both to other employees and Councillors and must, therefore, be avoided. Any requests from Councillors for preferential treatment for themselves, their families or friends must be declared. The Protocol for relationships between Members and officers of the Council can be found at Appendix G of the Code.

THE LOCAL COMMUNITY AND SERVICE USERS

- 9.2 Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

CONTRACTORS

- 9.3 All relationships of a business or private nature with external contractors, or potential contractors, must be declared. Orders and contracts must be awarded on merit, by fair competition against other tenders, and special favour must not

be shown to businesses run by, for example, friends, partners or relative in the tendering process.

- 9.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare their interest.

RELATED PARTY TRANSACTIONS

- 9.5 Senior Officers must disclose whether they, or a close member of their family, or someone from the same household, have a controlling interest in a related party, i.e. an organisation (e.g. companies, partnerships or trusts) that receives a significant proportion of its business from the Council. Note: A related party transaction can occur even if there are no financial transactions, e.g. if services were provided free of charge.

10.0 SEPARATION OF ROLES DURING TENDERING

- 10.1 Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the Authority. Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 10.4 Employees contemplating a management buyout must, as soon as they have formed a definite intent, declare their interest and withdraw from the contract awarding processes.

10.5 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11.0 APPOINTMENTS

11.1 When applying for jobs within the Authority, candidates must state whether they have a close personal relationship or are related to any Councillor or Senior Manager within the Authority. If it is found, after appointment, that a candidate has failed to declare such information, then he/she shall be liable to dismissal.

11.2 Employees who are involved in recruitment and selection must ensure that appointments are made on the basis of merit, and that candidates are considered on the basis of their ability to undertake the duties of the job in accordance with the Authority's Recruitment and Selection Policy.

11.3 In order to avoid any accusation of bias, any employee who is involved with an appointment where he/she is related to an applicant, or has a close personal relationship with an applicant, must declare this fact to his/her manager, and must not be involved in the recruitment process.

11.4 It is similarly important that employees are not involved in decisions about the promotion, discipline or payment of monies to any other employee to whom they are related, or with whom they have a close personal relationship. Any employee who may find him/herself in such a situation must declare the fact to their manager immediately.

11.5 Canvassing of staff or Elected Members for any appointment under the Council shall automatically disqualify the candidate. Employees must declare any such incidents.

12.0 POLITICAL NEUTRALITY

12.1 Some jobs within the Authority are politically restricted. This means that the employees in these posts are not allowed to take part in political activities, such as standing as a candidate for election to a public body, canvassing at elections or being a non-executive Director of a Health Trust, etc. The posts are listed in the Politically Restricted Posts Policy in the Personnel Handbook of Policies and Procedures.

12.2 Employees in politically restricted posts are, as part of their Contract of Employment, obliged to observe the regulations. If they fail to do so, they are in breach of their contract and subject to disciplinary action.

12.3 All employees, regardless of whether their posts are politically restricted, serve the Authority as a whole, and must not allow their personal or political views to interfere with their work. No bias must be shown by employees who must ensure that they provide equal service to Members of all political groups, regardless of their own personal views.

13.0 ADDITIONAL EMPLOYMENT

13.1 Employees may wish to undertake additional work outside the Authority. This is not permissible for any employee in circumstances where the work conflicts with the interests of the Authority.

13.2 Employees are not permitted to engage in any other business without declaring the work/activity and obtaining the express consent of the Authority. An employee who wishes to undertake additional work must make his/her request, in writing using Part C - form AE1, to his/her Executive Director/Head of Service (see section 16 and form at Appendix D). Any employee who fails to do so will be liable to disciplinary action.

13.3 No employee is allowed to carry out other business or additional work in the Authority's time, on the Authority's premises, or using the Authority's equipment. Any employee who does so will be liable to disciplinary action.

14.0 INTELLECTUAL PROPERTY

- 14.1 Intellectual property means any inventions, creative drawings, writings, computer systems or programmes.
- 14.2 Some employees may be involved, during the course of their work within the Authority, with the production of intellectual property. This property belongs to the Authority, and employees must not use it in any connection other than with his/her work for the Authority. Employees are not permitted to use intellectual property for their own personal gain, or to pass on such property, or information relating to it, to anybody outside the Authority.
- 14.3 Employees must be aware that the reproduction of the Authority's intellectual property outside the Authority is unlawful.
- 14.4 These rules apply equally to employees who leave the Authority and move to another employer, it would be unlawful for them to use intellectual property belonging to Sefton Council in their new employment. Similarly, any employees who have employment elsewhere are obliged to observe these conditions.

15.0 EQUALITY

- 15.1 The Council has an equal opportunities statement on service delivery and also an equal opportunities policy which aims "to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable".
- 15.2 Every employee has a duty to behave in a non-discriminatory way towards all individuals with whom he/she has contact at work, including Councillors, members of the local community, customers and other employees. Further information regarding equal opportunities and employee conduct can be found at Appendix F.

16.0 DECLARATIONS

- 16.1 A written record of all declarations or requests must be made on the appropriate form. The forms can be found on the Intranet, under Personnel Policies & Procedures, Conduct in the Workplace, Code of Conduct. All declarations forms must be securely held and recorded by each Executive Director/Head of Service on their Service Area Register. The recommended format for Registers is available in at Appendix E. A flowchart is available at Appendix A which sets out the procedure for making a declaration.

16.2 GIFTS, HOSPITALITY OR FAVOURS – PART A

- 16.2.1 All offers of gifts, hospitality or favours must be declared on PART A of the form. This form relates to Section 4 of the Code, which provides an explanation as to the circumstances in which a declaration must be made.
- 16.2.2 Employee's must forward completed forms to their line manager.
- 16.2.3 The employee's line manager will forward these to their Executive Director/ Head of Service for appropriate action.
- 16.2.4 The Executive Director/Head of Service or nominated Senior Officer must countersign all declarations made by employees on receipt of a declaration form for appropriate action. Responses must be made within ten working days to declaration forms.
- 16.2.5 Declarations by Executive Director/Heads of Service must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Chief Legal and Democratic Officer and will be made available to the party leaders upon request or in the event of a decision being required.
- 16.2.6 All declaration forms, together with the response/acknowledgement, must be securely held and recorded by the Executive Director/ Director/Assistant Director/Head of Service on the Service Area Register (or by the CE in the case of Executive Director/ Director/Assistant Director/Head of Service). Any queries or allegations should, in the first instance, be directed to the Executive Director/Head of Service to enable an appropriate response to be initiated.
- 16.2.7 In response to declarations it is feasible for the Executive Director/ Director/Assistant Director/Head of Service (or CE) to initiate or make further enquiries as appropriate.

16.3 PERSONAL OR FINANCIAL INTERESTS - PART B

- 16.3.1 PART B of the form must be used for the declaration of personal or financial interests and for the declaration of membership of clubs/associations. Section 3 of the Code provides an explanation as to the circumstances in which a declaration must be made.

- 16.3.2 Employee's must forward completed forms to their line manager.
- 16.3.3 The employee's line manager will forward these to their Executive Director/ Head of Service for appropriate action.
- 16.3.4 The Executive Director/Head of Service, or nominated Senior Officer, must countersign all declarations made by employees on receipt of a declaration form for appropriate action. Responses must be made within ten working days to declaration forms.
- 16.3.5 Declarations by Executive Director/ Director/Assistant Director/Head of Service must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Chief Legal and Democratic Officer and will be made available to the party leaders upon request or in the event of a decision being required.
- 16.3.6 All declaration forms, together with the response/acknowledgement, must be securely held and recorded by the Executive Director/ Director/Assistant Director/Head of Service on the Service Area Register (or by the CE in the case of Executive Director/Heads of Service). A copy of the form must be held on the employee's personal record and a copy must be sent to the Chief Legal and Democratic Officer. Any queries or allegations should, in the first instance, be directed to the Executive Director/Director/Assistant Director/Head of Service to enable an appropriate response to be initiated.
- 16.3.7 In response to declarations it is feasible for the Executive Director/Director/Assistant Director/Head of Service (or CE) to initiate or make further enquiries as appropriate. Where a decision is made not to allow participation in a particular outside activity, a full reason will be provided.

16.4 ADDITIONAL EMPLOYMENT - PART C

- 16.4.1 PART C of the form (AE1) must be used for requests for approval to undertake additional employment. Section 13 of the Code provides an explanation as to the circumstances in which a declaration must be made.
- 16.4.2 Employee's must forward completed forms to their line manager.

- 16.4.3 The employee's line manager will forward these to their Executive Director/Director/Assistant Director/Head of Service for appropriate action.
- 16.4.4 The Executive Director/Head of Service or nominated Senior Officer must countersign all declarations made by employees on receipt of a declaration form for appropriate action. Responses must be made within ten working days to declaration forms.
- 16.4.5 Declarations by Executive Director/ Director/Assistant Director/Head of Service must be provided to the Chief Executive (CE) for approval. Declarations by the CE will be held by the Chief Legal and Democratic Officer and will be made available to the party leaders upon request or in the event of a decision being required.
- 16.4.6 All declaration forms, together with the response/acknowledgement, must be securely held and recorded by the Executive Director/ Director/Assistant Director/Head of Service on the Service Area Register (or by the CE in the case of Executive Director/ Director/Assistant Director/Head of Service). A copy of the form should be placed on the employee's personal record. Any queries or allegations should, in the first instance, be directed to the Executive Director/Head of Service to enable an appropriate response to be initiated.
- 16.4.7 In response to declarations it is feasible for Executive Director/ Director/Assistant Director/Head of Service (or CE) to initiate or make further enquiries as appropriate. Where a decision is made not to allow outside employment a full reason will be provided.
- 16.5 All Service Area Registers containing all employee declarations must be open for inspection at any time and without prior notice to the following:
- a) Chief Executive
 - b) Executive Director/ Director/Assistant Director/Head of Service
 - c) The Monitoring Officer
 - d) Internal Auditors
 - e) External Auditors

It is the responsibility of each Executive Director/ Director/Assistant Director/Head of Service to ensure that their Service Area Register is up-to-date

and maintained in the recommended format. Registers must be submitted each financial year to the Monitoring Officer by the 30th April.

17.0 SUSPECTED IMPROPRIETY

17.1 The Council expects employees to report suspected impropriety, or serious concerns relating to any aspect of the Council's work. Employees may be assured that provided their action is well founded, treated as confidential within the Authority and pursued as specified in the Whistleblowing Policy the Council will support them and confidences will be respected. Those who voice their concerns can do so without fear of victimisation, subsequent discrimination or disadvantage.

18.0 CONVICTIONS

18.1 The Council has access to criminal records for those employees whose posts would involve responsibility for children and/or other vulnerable groups or posts that are exempt from the Rehabilitation of Offenders Act 1974. This is referred to as a Disclosure and is obtained via the Disclosure and Barring Service (DBS).

18.2 Employees whose roles are subject to Disclosures must report any indictments / convictions during the course of their employment to their Managers.

19.0 SUMMARY

19.1 This document is not intended to provide a complete list of all areas where declarations of interest are required. It is intended to show the most common areas where problems may occur. The onus is on the employee to consider whether the course of action, which they intend to take, may lead to accusations of impropriety. As a general rule, if an employee is in any doubt then they must not accept offers, etc., and must declare the matter on the appropriate form.

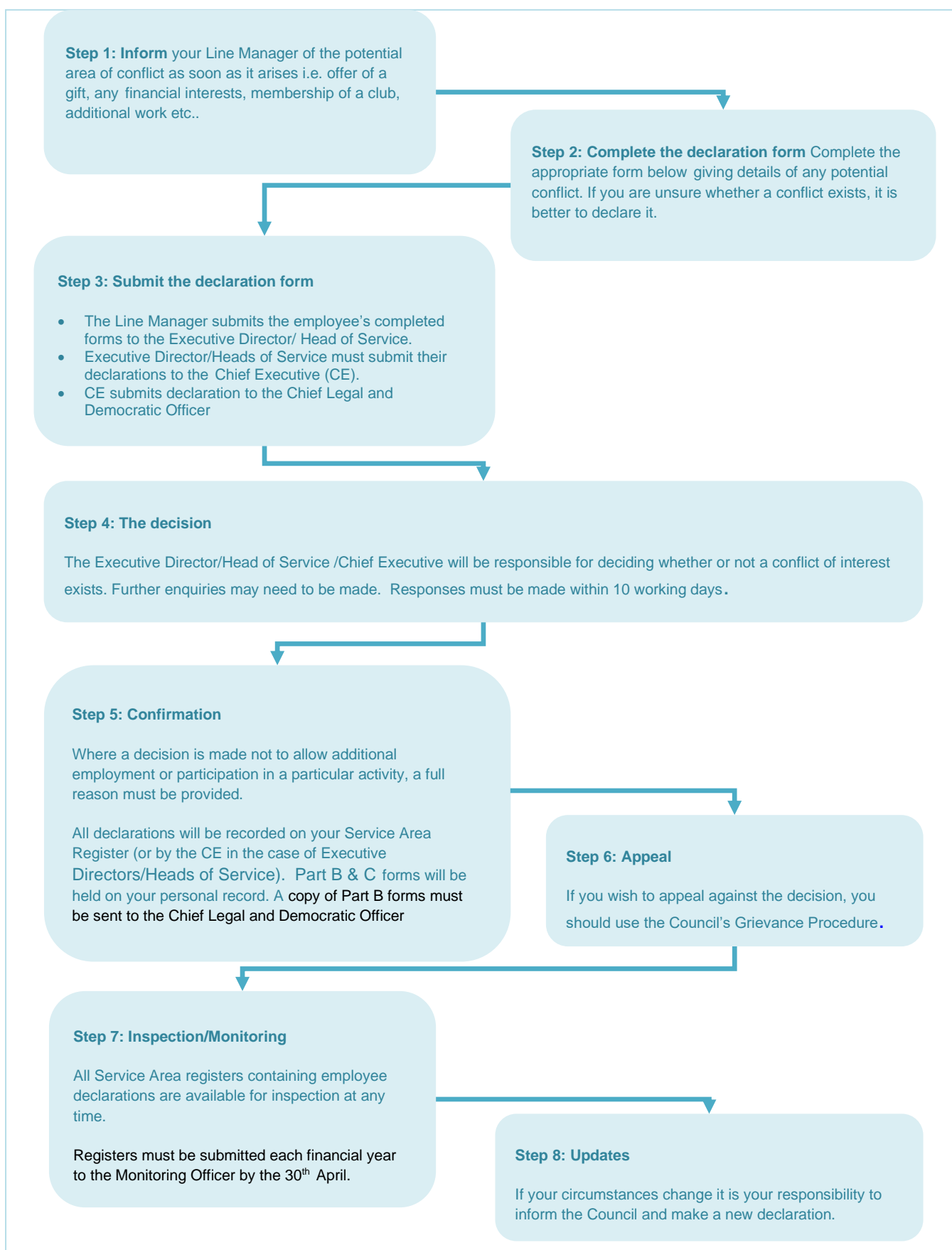
19.2 This code will be made widely available to employees and must be included in the induction material provided to new starters.

19.3 The provisions of the code are admissible as evidence and may be taken into account in disciplinary hearings relating to matters covered by the code.

19.4 Any employee who is dissatisfied with any aspect of the administration of the code in their particular case will have access to the Council's Grievance Procedure.

19.5 The Chief Personnel Officer is responsible for monitoring the operation of the code.

This code is reviewed annually. All employees should therefore ensure they regularly familiarise themselves with the Code and its contents.



Appendix B

(Updated October 2020)

GIFTS, HOSPITALITY OR FAVOURS

EMPLOYEE DECLARATION

This form should be used when reporting an offer of a gift, hospitality or favour to be recorded on the Service Area Register in accordance with the guidance above.

NAME _____ TEL. NO _____

–

POSITION _____ GRADE _____

EMPLOYEE NUMBER _____ LINE MANAGER'S NAME _____

DEPARTMENT _____

SERVICE AREA _____

PART A. DECLARATION

I wish to declare:

Subject of Declaration *(Give full details of the matter which you wish to declare including, if applicable, the name of the person/organisation who made the offer/approach to you; the date/time when the event happened and your response; estimated value. Gifts donated to charity must be recorded on the declaration. Continue on a separate sheet if necessary.*

Signed: _____

Date: _____

Authorised by: _____

Print name:

(Executive Director/Head of Service/Nominated Senior Officer)

Date: _____

Received on:		Date entered on Service Area Register	
Acknowledged on:			
Reply sent on: (If appropriate)			

PERSONAL OR FINANCIAL INTERESTS
EMPLOYEE DECLARATION

NAME _____ TEL. NO _____
-
POSITION _____ GRADE _____
EMPLOYEE NUMBER _____
DEPARTMENT _____ SERVICE AREA _____
-

PART B. DECLARATION

I wish to declare:

Subject of Declaration *(Give full details of the matter which you wish to declare including, if applicable, the name of the person/organisation who made the offer/approach to you; the date/time when the event happened and your response. If you wish to declare your membership of/ association with a society or other organisation, please state its name, your position and how long you have been a member). Continue on a separate sheet if necessary.*

Signed: _____ Date: _____

Authorised by: _____ Print name:

(Executive Director/Head of Service/Nominated Senior Officer)

Date: _____

(See over/page 2 for 'Request for approval to engage in Additional Employment')

Received on:		Date entered on Service Area Register	
Acknowledged on:		Date copy sent to THR for Employee Personal record	

PART B - page 2

Reply sent on: (If appropriate)		Copy to Chief Legal and Democratic Officer	
--	--	---	--

PERSONAL OR FINANCIAL INTERESTS

(i) **Disclosure of Pecuniary and Non-Pecuniary Interest**

The Local Government Act 1972 Section 117 makes specific provision requiring employees to disclose (make known) pecuniary (monetary or financial) interests, whether direct or indirect, in any contract with which the Council is concerned (“conflicts of interest”). The relevant extracts from Section 117 are as follows:

- (a) If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority to the fact that he is interest therein.
- (b) An officer of a local authority shall not, under cover of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

(ii) **Failure to declare an interest may be a criminal offence**

- (a) Section 117 of the local Government Act 1972 states that employees are required to give notice in writing to the Chief Executive as soon as practicable of any interest under that section.

- (b) There are also areas other than contracts where pecuniary interest must be disclosed even though there is no statutory requirement. Remuneration from a firm which as dealing with the Council is a direct interest. If the remuneration were to be paid by the firm to a partner or relative this would also be regarded as a direct interest.

“Remuneration” includes commission, honoraria, dividends, agency fees and interest, as well as salary, wages or fees. “Firm” includes all organisations and individuals.

(iii) **Non-pecuniary Interest**

There may be a conflict of interest even where no pecuniary interest or advantage exists or accrues. This covers areas where relationships might be seen to influence judgements and convey the impression of personal motive. A simple example is where a Council employee, who works for a voluntary association, is also directly involved during the course of his/her employment, with claims for grant from the Council. When such circumstances arise, the employee must advise their Executive Director/Head of Service in writing of their interest on **PART B** of the declaration form.

You must not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest including those of your family and friends as well as those arising through membership of, or association with, clubs, societies and other organisations.

In order to avoid any possible accusations of bias, employees must not be involved in an appointment where they are related to an applicant or have close personal relationship outside work with him/her. Similarly, employees must not be involved in decision relating to discipline, promotion or pay adjustments, for any other employee who is a partner or relative. Equally, the canvassing of Members or Officers of the Council for yourself or anyone else in relation to a job appointment is strictly prohibited and will lead to automatic disqualification for the person concerned and disciplinary action for yourself.



The Council recommends that all interests, financial or otherwise which could be seen as creating a possible conflict, are disclosed.

PART C. ADDITIONAL EMPLOYMENT - EMPLOYEE DECLARATION (Form AE1)

(Updated October 2020)

Name		Department & Service Area	
Position:		Grade	
Employee No.		Date of Appointment	
Name of Line Manager/Supervisor		Tel. No.	

Details of **your existing** working arrangements: *(Please provide details of hours worked per week, together with details of actual days/nights worked if operating on a shift system)*

Complete **PART 1** if your additional employment is **within** the Council.

Complete **PART 2** if your additional employment is **outside** the Council.

Complete **PART 3** if your additional employment is **self-employment**.

If you have **more than one additional job** please complete Part 1, 2 or 3 (as appropriate) and continue on a separate sheet.

PART 4 to be completed by **all** employees declaring additional employment.

PART 1 (if your additional employment is **within** the Council)

Department			
Designation		Grade	
Employee No.		Date of Appointment	
Name of Line Manager/Supervisor		Tel. No.	

Details of **additional** working arrangements: *(Please provide details of hours worked per week, together with details of actual days/nights worked if operating on a shift system)*

PART 2 (if your additional employment is **outside** the Council)

Designation		Date of Appointment	
Name and Address of Employer			
Tel. No.			

Details of **additional** working arrangements: *(Please provide details of hours worked per week, together with details of actual days/nights worked if operating on a shift system)*

PART 3 (if your additional employment is **self-employment**)

Date of Commencement	
----------------------	--

Details of additional working arrangements: *(Please provide details of hours worked per week)*

PART 4 (to be completed by **all** employees)

Would any of the work, which you propose to undertake involve transactions with the Authority, or require the approval of the Authority (e.g. building plans, operating a residential home etc.):

Do you consider that the work, which you propose to undertake, would conflict in any way or react detrimentally to the Authority's interests or in any way weaken public confidence in the conduct of the Authority's business?

Signature		Date	
-----------	--	------	--

PART 5 (To be completed by the Executive Director/Head of Service/**or nominated Senior Officer**)

Consent given (please tick as appropriate):

Yes

No

Signature	
Print Name	
Date	

(Note: if consent refused a full reason must be given to the employee and he/she will have the opportunity to appeal under the Grievance Procedure)

Received on:		Date entered on Service Area Register	
Acknowledged on:		Date copy sent to THR for Employee Personal record	
Reply sent on: (If appropriate)			

Appendix F

EQUAL OPPORTUNITIES – EMPLOYEE CONDUCT

EQUAL OPPORTUNITIES POLICY

Sefton Council is an Equal Opportunities Employer. It strives to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

What you are expected to do in relation to the policy

To make the policy work, every employee has a responsibility to act in a fair, respectful and considerate manner towards colleagues, members of the public, clients/customers and councillors.

The lists below give examples of what is expected from you at work.

Employees of Sefton Council are expected to treat people with dignity:

- by respecting individual rights and the right to be different;
- by respecting individual beliefs and feelings;
- by treating others as they wish to be treated;
- by making it acceptable for all individuals to voice an opinion or share a problem.

Respect the differences in other people:

- by not displaying offensive material;
- by not using offensive language or making hurtful remarks or jokes;
- by thinking of the impact of their actions and words on others;
- by listening to what individuals tell them if they are upset.
- by catering for cultural diversity

By following these guidelines, you will be upholding Sefton's equality policy, and will be contributing to the Council's status as an equal opportunities employer. You will also be complying with the Council's Code of Conduct for employees.

Further Information

Further information about equality and diversity in Sefton Council can be found on the [intranet](#).



The Council holds the Navajo Charter Mark in recognition of our commitment and knowledge of the specific needs, issues and barriers facing lesbian, gay, bisexual and transgender (LGBT) people.

The Navajo Merseyside & Cheshire LGBT Charter Mark is an equality mark sponsored by In-Trust Merseyside & Sefton Embrace and supported by the LGBTQ Community networks across Merseyside.



The Council is a Disability Confident Employer which means that it is committed to removing barriers for disabled people and those with long term health conditions in employment. As part of this scheme candidates are able to apply for all non-schools vacancies under a guaranteed interview scheme.

Equality and Diversity Training is available through the Workforce Learning and Development Team.

The courses, 'Equality & Diversity Awareness' and 'Equality & Diversity for Managers' are designed to help learners to understand more about their responsibilities for promoting equality and diversity in the workplace.

For further information please visit the intranet or for any queries email training.services@sefton.gov.uk or call 0151 934 2872.

(Updated October 2020)

CHAPTER 10 – FINANCIAL PROCEDURAL RULES

SECTION A - INTRODUCTION TO THE FINANCIAL PROCEDURE RULES

- A.1 The Financial and Contract Procedure Rules provide the framework for managing the Council's financial affairs. They apply to every Member and Officer of the Council and anyone acting on its behalf, including School Governors operating under local delegation arrangements. All decision makers need to ensure that they are not only empowered under the Constitution to make every decision that they propose to make, but that they are also authorised under these Rules to incur the financial consequences of every decision that they make.
- A.2 The Rules identify the financial responsibilities of the full Council, Cabinet, Overview and Scrutiny Members, statutory officers and the Executive Directors and Assistant Directors. A written record shall be kept of all decisions taken under these Rules which are taken using delegated powers.
- A.3 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is warranted, properly authorised, provides value for money and achieves best value and is in the interest of the Council's citizens.
- A.4 The Section 151 Officer is responsible for maintaining a regular review of the Financial Procedure Rules and submitting any additions or changes necessary to the full Council for approval. The Assistant Director Corporate Resources and Customer Services (Strategic Support) is responsible for maintaining a regular review of the Contract Procedure Rules and submitting any additions or changes necessary to the full Council for approval. The Section 151 Officer is also responsible for reporting, where appropriate, breaches of the Financial and Contract Procedure Rules to Audit and Governance Committee.
- A.5 Executive Directors and Assistant Directors are responsible for ensuring that all staff in their Services are aware of the existence and content of the Council's Financial and Contract Procedure Rules and other internal regulatory documents and that they comply with them, as required by the Council's Code of Conduct for Employees and this Constitution. Failure to comply with the Code of Conduct will be dealt with in accordance with the Council's Disciplinary Policy and Procedure. These documents will be located on the Sefton intranet for reference. Where staff do not have access to the intranet, Executive Directors and

Assistant Directors must ensure that an adequate number of copies of the relevant policies are available for reference within their Services.

- A.6 The Section 151 Officer, is responsible for issuing advice and guidance to underpin the Financial and Contract Procedure Rules that Members, officers and others acting on behalf of the Council are required to follow.
- A.7 The Rules are not intended to cover every eventuality, but the spirit of the Rules must always be followed. Where there is any uncertainty in matters of interpretation, advice should be sought from the Section 151 Officer before decisions or actions are taken.

SECTION B - FINANCIAL MANAGEMENT

WHY THIS IS IMPORTANT

- B.1 Financial Management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget. Members and Officers have a responsibility to abide by the highest standards of probity in dealing with financial issues, understanding their respective roles and responsibilities and other key financial accountabilities regarding financial management.

WHAT IS COVERED IN THIS SECTION

- B.2 The roles and responsibilities of:
- The full Council
 - The Cabinet
 - The committees delegated by Cabinet
 - Statutory officers; and
 - Executive Directors and Assistant Directors
- B.3 Other financial accountabilities:
- Virement
 - Supplementary estimates
 - Section 106
 - Treatment of year end balances
 - Accounting policies
 - Accounting records and returns
 - The Annual Statement of Accounts

THE FULL COUNCIL

- B.4 The responsibilities of the full Council are set out in Chapter 4 of the Constitution. In respect of financial matters, this includes approving the Budget within which the Cabinet operates.
- B.5 The Budget comprises the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base and Council Tax rate, and decisions relating to the control of the

Council's borrowing requirement, and the allocation and control of capital expenditure.

THE CABINET

- B.6 The Cabinet's responsibilities, in respect of financial matters include:
- a. developing and reviewing the Council's plans and policies
 - b. advising on budget setting
 - c. ensuring proper arrangements exist for the effective and efficient management of the Council's executive affairs
 - d. monitoring and auditing the lawful, proper and efficient conduct of the Council's financial affairs, including the extent to which budgets and financial policies are being met and any appropriate remedial action; and
 - e. ensuring officers exercising delegated powers on behalf of the Cabinet discharge their responsibilities efficiently and effectively.

CABINET MEMBERS

- B.7 Individual Cabinet Members have specific decision-making powers which are set out in Chapter 5 of the Council's Constitution. Cabinet Members responsibilities in respect of financial matters include:
- a. the proper administration of the Council's services
 - b. ensuring adequate staffing, premises and other resources are in place to secure agreed standard and target outcomes within the scope of their portfolio
 - c. ensuring budget control and financial monitoring within the scope of their portfolio
 - d. making recommendations to the Cabinet in respect of strategic policy concerning matters within their portfolio.
- B.8 Cabinet Members must consult with relevant officers before exercising their delegated decision-making powers. In doing so, the individual Member must take account of legal and financial liabilities and risk management issues that may arise from the decision and that they have authority to incur the financial consequences of that decision.

COMMITTEES

OVERVIEW AND SCRUTINY COMMITTEES

- B.9 Overview and Scrutiny Committees are responsible for discharging the Council's functions under Section 9F to 9FU of the Local Government

Act 2000, including:

- a. scrutinising Cabinet decisions before or after they have been implemented; and
- b. establishing task and finish reviews as they see fit.

AUDIT AND GOVERNANCE COMMITTEE

- B.10 The Audit and Governance Committee has right of access to all of the information necessary to effectively discharge its responsibilities and can consult directly with internal and external auditors.
- B.11 The committee responsibilities are detailed in Chapter 7 of the Constitution.

STATUTORY OFFICERS

CHIEF OFFICERS

- B.12 Chief Officers are the Chief Executive, Executive Directors or any Assistant Directors to whom there has been specific delegation in writing by the Council or the Chief Executive.
- B.13 In accordance with the management structure of the Council, Chief Officers will be referred to as follows:
- a. Chief Executive (Head of Paid Service)
 - b. Executive Directors
 - c. Assistant Directors
- B.14 The Chief Executive is the Head of the Council's Paid Service. The responsibilities of the Chief Executive include:
- a. leading and directing the strategic management of the Council
 - b. ensuring the effective pursuit and achievement of the Council's objectives
 - c. ensuring the Council's activities are carried out with maximum effectiveness and efficiency.
- B.15 The Chief Executive must report to and provide information for full Council, the Cabinet, the Overview and Scrutiny Committees and other committees.

MONITORING OFFICER

- B.16 The Council's Monitoring Officer pursuant to Section 5 and 5A of the Local Government and Housing Act 1989 (as amended) is responsible

for exercising the functions of that role. This includes reporting, in consultation with the Chief Executive and Section 151 Officer to the full Council (or to the Executive in relation to an Executive function), if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to a finding of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered by Cabinet.

- B.17 The Monitoring Officer must ensure that Cabinet decisions and the reasons for them are made public. They must also ensure that Council Members are aware of decisions made by the Cabinet and of those made by officers who have delegated responsibility.
- B.18 The Monitoring Officer is responsible for advising all Members and officers about who has authority to take a particular decision.
- B.19 The Monitoring Officer is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the Policy Framework.
- B.20 The Monitoring Officer (together with the Section 151 Officer) is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- a. initiating a new policy which may have financial implications that cannot be contained within existing budgets
 - b. committing expenditure in future years that exceeds Medium Term Financial Plan assumptions
 - c. agreeing budget transfers that exceed approved virement limits
 - d. causing the total expenditure financed from Council tax, grants and corporately held reserves to increase, or to increase by more than a significant amount ("Significant" to be defined by the Section 151 Officer or their representative).
- B.21 The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

RESPONSIBLE FINANCIAL OFFICER (SECTION 151 OFFICER)

- B.22 The Section 151 Officer is the financial adviser to the Council, the Cabinet and officers and is the Council's 'responsible financial officer' under the Accounts and Audit Regulations. They are responsible for the proper administration of the Council's affairs as specified in, and undertaking the duties required by, Section 151 of the Local

Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003 and all other relevant legislation.

- B.23 The Section 151 Officer is responsible generally, for discharging, on behalf of the Council, the responsibilities set out in the Chartered Institute of Public Finance and Accountancy (CIPFA) Statement on the Role of the Chief Financial Officer in Local Government, including:
- a. in conjunction with the Executive Directors and Assistant Directors, the proper administration of the Council's financial affairs
 - b. setting and monitoring compliance with financial management standards
 - c. advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - d. providing financial information
 - e. preparing the revenue budget and capital programme
 - f. treasury management.
- B.24 Section 114 of the Local Government Finance Act 1988 includes a requirement for the Section 151 Officer to report to the full Council, Cabinet and external auditor if the Council or one of its officers:
- a. has made, or is about to make, a decision which involves incurring unlawful expenditure
 - b. has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
 - c. is about to make an unlawful entry in the Council's accounts
- B.25 Section 114 of the 1988 Act also requires:
- a. the Section 151 Officer to nominate a properly qualified Member of staff to deputise should they be unable to perform the duties under section 114 personally. The designated deputy for this purpose is the Service Manager (Finance).
 - b. the Authority to provide the Section 151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114 of the Local Government Finance Act 1988.

MONEY LAUNDERING REPORTING OFFICER

- B.26 The Section 151 Officer is appointed as the Council's Money Laundering Reporting Officer and will maintain and advise on Anti-Money Laundering procedures.

- B.27 They will be responsible for notifying the National Crime Agency (NCA) of any suspected cases of money laundering committed within the accounts of the Council as soon as possible and fulfil other duties as defined by legislation or regulation related to the post. Simultaneously, the Cabinet Member for Regulatory Compliance and Corporate Services will be kept informed of any notifications to NCA and of any issues arising from them.

EXECUTIVE LEADERSHIP TEAM AND STRATEGIC LEADERSHIP BOARD

- B.28 The officer management arrangements for the Council are overseen by an Executive Leadership Team comprising the Chief Executive and Executive Directors including the Section 151 Officer. Each member of the Executive Leadership Team is accountable to the Chief Executive for ensuring that Council Services are managed in accordance with the objectives, plans, policies, programmes, budgets and processes of the Council.
- B.29 The Strategic Leadership Board includes the Executive Leadership Team and all of the Executive Directors and Assistant Directors. The Strategic Leadership Board is responsible for ensuring that the Council's Services are managed in accordance with the Council's strategic objectives and within the agreed policy and budget framework.

EXECUTIVE DIRECTORS AND ASSISTANT DIRECTORS

- B.30 Powers are delegated to Executive Directors and Assistant Directors, who will establish, operate and keep under review Schemes of Financial Delegation, to cascade powers and responsibilities to Service Managers and other subordinate officers. Every such sub-delegation will be recorded in writing within a Scheme of Financial Delegation. The sub-delegation of functions shall not in any way diminish the overall responsibility and accountability of the delegator. Executive Directors, Assistant Directors and their managers should provide leadership, act with integrity, be open and transparent as possible, regarding financial performance and risks.
- B.31 Executive Directors and Assistant Directors are responsible for and accountable for the financial management arrangements within their service area. They shall manage the development of budget policy options with a detailed assessment of financial implications within the budget process and resource framework agreed by the Council.

- B.32 Executive Directors and Assistant Directors will establish, operate and annually review Schemes of Financial Delegation, in consultation with the Section 151 Officer, to ensure that:
- a. the day to day financial management of services within their directorate is carried out in a secure, efficient and effective manner, and in accordance with the Financial Procedure Rules and associated relevant guidance.
 - b. expenditure is contained within the service's overall approved budget and that individual budget heads are not overspent, by monitoring the budget and taking appropriate and timely corrective action where significant variances are forecast and if necessary, seeking specific in year approval for the transfer of resources between budgets.
 - c. regular reports in an approved format are made to Cabinet on projected expenditure against budget and performance against service outcome targets.
 - d. prior approval is sought at the appropriate level for new proposals that create financial commitments in future years, change existing policies, initiate new policies or materially extend or reduce the Council's services.
 - e. resources are only used for the purposes for which they were intended.
 - f. compliance with the scheme of virement (as set out in the following section "MANAGING EXPENDITURE: SCHEME OF VIREMENT").
 - g. risks are appropriately assessed, reviewed and managed.
 - h. all members of staff are fully trained, aware of and comply with the requirements of Financial Procedure Rules, including the Contract Procedure Rules.
 - i. all allegations of suspected fraud, corruption and financial irregularity are promptly reported to the Section 151 Officer and Chief Internal Auditor and that any local investigations are undertaken thoroughly, consistently and impartially.
- B.33 Schemes of Financial Delegation will set out all financial responsibilities and approval limits as delegated by the Executive Directors and Assistant Directors to Service Managers, and any sub-delegations within services. Authorised Officers are those officers given specific delegated authority by their Executive Directors and Assistant Director as documented in that service's Scheme of Financial Delegation. The financial limits specified in the Scheme of Financial Delegation will be used to control access to financial systems and on- line transaction approvals. The Section 151 Officer will provide advice and prescribed format to Executive Directors and Assistant Directors to facilitate the completion of the Schemes of Financial Delegation. The Section 151 Officer to review and approve all Schemes of Financial Delegation on an annual basis.

MANAGING EXPENDITURE

SCHEME OF VIREMENT

- B.34 A virement constitutes the movement of existing approved budgets from one area to another and is not an increase in overall budgets through the addition of new monies.
- B.35 The Scheme of Virement is intended to enable the Cabinet, Executive Leadership Team and Strategic Leadership Board and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full Council, and therefore to optimise the use of resources.
- B.36 The full Council is responsible for agreeing limits for virement of expenditure between budget headings.
- B.37 Executive Directors and Assistant Directors are responsible for agreeing in-year virements within delegated limits; in consultation with the Section 151 Officer where required and ensuring that written records of any changes are maintained.
- B.38 Key controls for the scheme of virement are:
- a. it is administered by the Section 151 Officer within guidelines set by the full Council. Any departure from this scheme requires the approval of the full Council.
 - b. the overall budget is agreed by the Cabinet and approved by the full Council. Executive Directors, Assistant Directors and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. Income received cannot be used to defray expenditure.
 - c. for the purposes of this scheme, a budget head is considered to be a division of service as identified in the approved Budget Report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis
 - d. virement does not create additional overall budget liability
 - e. no virements are permitted from ring fenced budgets
- B.39 Some revenue virements are essentially of an administrative nature, for example, implementation of restructuring and reorganisation proposals that have already received the appropriate level of officer and Member approval; routine changes to the structure of the chart of accounts or changes to notional accounting budgets which are required for reporting purposes but which do not impact on the Councils cash expenditure.

Where the virement is of an administrative nature, Member approval is not required and approval limits will be based on the Scheme of Financial Delegation. Administrative virements that exceed these limits will be approved by the Section 151 Officer.

- B.40 Executive Directors and Assistant Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Executive Directors and Assistant Directors must plan to fund such commitments from within their own budgets.
- B.41 Where transfers are a single transaction they must be affected as such and must not be undertaken as two or more smaller transactions. Approval limits for virements are as follows:

REVENUE AND CAPITAL VIREMENTS

VIREMENT WITHIN A PORTFOLIO

Virement Amount (within portfolio)	Approval Level
Up to and including £100,000	The relevant Executive Director or Assistant Director
In excess of £100,000 up to and £250,000	The relevant Executive Director or Assistant Director in consultation with the Cabinet Member and the Section 151 Officer
In excess of £250,000 up to and including £1,000,000	The relevant Cabinet Member in consultation with Cabinet Member for Regulatory, Compliance and Corporate Service (or the Leader of the Council if the matter concerns the Cabinet Member Regulatory, Compliance and Corporate Services)

Over £1,000,000 (where virement is within budget framework)	Cabinet
Over £1,000,000 (where virement is outside budget framework)	Council

VIREMENT BETWEEN PORTFOLIOS

Virement Amount (between portfolios)	Approval Level
Up to and including £250,000	The relevant Executive Director or Assistant Director in consultation with the Cabinet Members and the Section 151 Officer
In excess of £250,000 up to and including £1,000,000	The relevant Cabinet Members in consultation with Cabinet Member for Regulatory, Compliance and Corporate Service (or the Leader of the Council if the matter concerns the Cabinet Member Regulatory, Compliance and Corporate Services Portfolio).
Over £1,000,000 (where virement is within budget framework)	Cabinet

SUPPLEMENTARY REVENUE ESTIMATES

B.42 Where services wish to undertake an activity not originally identified in the budget or incur additional revenue expenditure on an existing activity where this is fully funded (for example through additional specific grant allocations), approval must be sought for a supplementary revenue estimate in accordance with the following table. The Section 151 Officer must be consulted to establish that any additional grant funding identified can be legitimately linked to the expenditure in question and the net impact of the proposal must be neutral on the Councils overall budget.

B.43 Approval limits for fully funded supplementary revenue estimates are as follows:

Supplementary Estimate Amount	Approval Level
Up to and including £100,000	The relevant Executive Director or Assistant Director
In excess of £100,000 up to and including £250,000	The relevant Executive Director or Assistant Director in consultation with the Cabinet Member and the Section 151 Officer
In excess of £250,000 up to and including £500,000	The relevant Cabinet Member in consultation with Cabinet Member for Regulatory, Compliance and Corporate Service (or the Leader of the Council if the matter concerns the Cabinet Member Regulatory, Compliance and Corporate Services) and the Section 151 Officer
In excess of £500,000 up to and including £1,000,000	Cabinet

Over £1,000,000	Council

B.44 During the financial year, all earmarked reserves and contingencies will be reviewed at least once. In the event that funding can be released the approval limits for the utilisation of this funding for either a supplementary revenue or capital estimate are as follows:

Supplementary Estimate Amount	Approval Level	
	From Earmarked Reserves	From Contingencies
Up to and including £250,000	Section 151 Officer	Section 151 Officer
In excess of £250,000 up to and including £500,000	Section 151 Officer in consultation with the Chief Executive	Section 151 Officer in consultation with the Chief Executive
In excess of £500,000 up to and including £1,000,000	Cabinet	Section 151 Officer in consultation with the Cabinet Member for Regulatory Compliance and Corporate Services
Over £1,000,000	Council with recommendation from Cabinet	Cabinet

- B.45 Supplementary revenue estimates which are to be funded wholly or in part from general reserves or general purpose funding (i.e. Council Tax or non-ring fenced grant) must be approved by Council regardless of value.

SUPPLEMENTARY CAPITAL ESTIMATES

- B.46 Council approves the inclusion of capital block grant allocations within the capital programme. The respective Cabinet Members in conjunction with the Council's Section 151 Officer have delegated authority to allocate capital grants to capital projects to be included within the capital programme up to a level of £1m per individual scheme. Schemes above this threshold will require approval by Council.
- B.47 Supplementary capital estimates which are fully funded from external resources (e.g. specific grant; developer's contributions) must be approved in accordance with following table.
- B.48 Capital budget increases funded wholly or in part from additional Council resources such as capital reserves, borrowing and capital receipts, regardless of value, must be approved by Council. Council approval is also required where there are significant revenue implications for future year's budgets.
- B.49 Approval limits for supplementary capital estimates are as follows:

Supplementary Estimate Amount	Approval Level
Up to and including £100,000	Section 151 Officer in consultation with the Chief Executive
In excess of £100,000 up to and including £250,000	Section 151 Officer in consultation with Cabinet Member for Regulatory Compliance and Corporate Services

In excess of £250,000 up to and £1,000,000	Cabinet
Over £1,000,000	Council with recommendation from Cabinet

SECTION 106

- B.50 Full delegation with respect of the allocation of Neighbourhoods Section 106 balances is given to the Assistant Director of People (Communities).
- B.51 The Assistant Director of People (Communities) will ensure that any expenditure commitments are in accordance with each individual agreement and the associated legislative requirements. The Assistant Director of People (Communities) will make arrangements for adequate records to be kept to meet the reporting requirements of the Annual Infrastructure Funding Statement.
- B.52 Approval limits will be set by the Assistant Director of People (Communities).and agreed with the Section 151 Officer and will be recorded within the Schemes of Financial Delegation for the service area.
- B.53 Reporting will be in accordance with the Council's normal and established monthly monitoring process.

TREATMENT OF YEAR END BALANCES

- B.54 The full Council is responsible for agreeing procedures for carrying forward under-and overspendings on budget headings.
- B.55 A budget heading is considered to be a division of service as identified in the approved Budget Report, or, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis.
- B.56 Any revenue underspending at the year-end may be carried forward, subject to the agreement of the Cabinet. The Section 151 Officer will

identify and make recommendations about the carry forward of underspends to Cabinet as part of the budget monitoring reporting process. All carry forward proposals must be supported by an appropriate business case demonstrating that the underspend was planned and that the resources carried forward will be earmarked for a specific and appropriate purpose. Executive Directors and Assistant Directors should include provisional indications of likely carry forward requests as part of their in year budget and performance monitoring. Before approval is sought for a carry forward, Executive Directors and Assistant Directors should ensure that there are no unfunded overspends within their service. It is extremely unlikely that proposed carry forwards will be approved if there are unfunded overspends elsewhere within the service.

- B.57 Capital block provisions are allocations within which the full cost value of approved schemes must be contained. Any uncommitted sum at the year-end may be carried forward subject to consideration by Cabinet. Any uncommitted sum which is not justified on this basis will be returned to Council balances. Equally, any overspending will be carried forward as the first call on the following year's provision.

ACCOUNTING POLICIES

- B.58 The Section 151 Officer is responsible for selecting appropriate accounting policies; exercising oversight of financial and accounting records and systems; and preparing and publishing reports containing statements on the overall finances of the Council including the annual statement of accounts.
- B.59 The key controls for accounting policies are:
- a. systems of internal control are in place to ensure that financial transactions are lawful
 - b. suitable accounting policies are selected and applied consistently
 - c. accurate and complete accounting records are maintained
 - d. financial statements are prepared which present fairly the financial position of the Council and its expenditure and income
- B.60 The Section 151 Officer is responsible for:
- a. selecting suitable accounting policies and ensuring that they are applied consistently
 - b. exercising supervision over financial and accounting records and systems
 - c. preparing and publishing reports containing the statements on the overall finances of the Council including the Council's Annual Report and Accounts

- B.61 Executive Directors and Assistant Directors are responsible for ensuring that all staff within their directorates receive any relevant financial training which has been approved by the Section 151 Officer, and that they are aware of and adhere to the accounting policies, procedures and guidelines set by down by the Section 151 Officer.

ACCOUNTING RECORDS AND RETURNS

- B.62 The Section 151 Officer is responsible for determining and approving the accounting procedures and records for the Council.
- B.63 All accounts and accounting records will be compiled by the Section 151 Officer or under his/her direction. The form and content of records maintained in other directorates will be approved by the Section 151 Officer.
- B.64 The key controls for accounting policies are:
- a. calculation, checking and recording of sums due to or from the Council will be separated as completely as possible from their collection or payment
 - b. officers responsible for examining and checking cash transaction accounts will not process any of these transactions themselves
 - c. reconciliation procedures are carried out to ensure transactions are correctly recorded
 - d. procedures are in place to enable accounting records to be reconstituted in the event of systems failure
 - e. prime documents are retained in accordance with legislative and other requirements.

THE ANNUAL STATEMENT OF ACCOUNTS

- B.65 The Section 151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Council Accounting in the United Kingdom (CIPFA/LASAAC) and signing them in accordance with the Accounts and Audit Regulation 2015. Approval of the statutory accounts has been delegated by Council to the Audit and Governance Committee.

SECTION C - FINANCIAL PLANNING

WHY THIS IS IMPORTANT

- C.1 Financial planning is the development of effective systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. Preparing a policy framework, comprehensive budgets and robust business and performance plans are the key elements to achieving this. By regular monitoring, the Council can ensure that legal requirements and other relevant government guidelines are met and that variances and spending pressures are identified and dealt with promptly.
- C.2 The full Council is responsible for agreeing the Council's Budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:
- a. the Medium Term Financial Plan – sets out:
 - what the Council wants to achieve in the short and medium term
 - how services will change in the light of priorities, performance, resources, workforce planning needs and consideration of risks
 - investment required to deliver change
 - how much services will cost in overall terms and to service users
 - b. the Budget – this is the financial expression of the Council's Business Plan. It sets out the allocation of resources to services and projects, the level of contingency funding, the Council Tax base and Council Tax rate, borrowing limits and capital financing requirements.
 - c. the Capital Programme – Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
 - d. the Capital Strategy and Treasury Management Strategy – which sets out the arrangements for the management of the Council's borrowing, lending, cash flows and investments
 - e. specific Strategies which have a financial implication

WHAT IS COVERED IN THIS SECTION

C.3 The following aspects of Financial Planning are covered in this section:

- Policy Framework
- Budget Plan
- Revenue Budget Monitoring and Control of Revenue Expenditure
- Monitoring and Control
- Contingent Liabilities
- Determination, Monitoring and Control of Affordable Borrowing
- Resource Allocation
- Capital Expenditure
- Capital Monitoring, Approvals and Amendments to the Capital Programme
- Capital Receipts
- Leasing and Rental Agreements
- Commercial Activity
- Maintenance of Reserves
- Reporting

POLICY FRAMEWORK

C.4 The full Council is required by law, to agree a Policy Framework. The Policy Framework is comprised of the plans and strategies as set out in Chapter 4 of the Constitution.

C.5 The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy Framework.

C.6 The full Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the Policy Framework within the financial limits set by the Council.

BUDGET PLAN

C.7 Each year the Section 151 Officer is responsible for preparing a budget plan for the Council including an approved revenue budget, capital programme, treasury management strategy (new capital strategy) and reserves strategy detailing the financial and service scenario and the

policy and expenditure changes required to respond to this scenario.

- C.8 Executive Directors and Assistant Directors will support this process by assessing and advising on the service scenario and policy and expenditure options for revenue and capital, in their area of responsibility, in a form determined by the Section 151 Officer.
- C.9 The Cabinet, advised by the Section 151 Officer, Executive Directors and Assistant Directors, will develop a budget package including financing options, policy and expenditure options and capital programme. This will be subject to scrutiny by the Overview and Scrutiny Committee before the Cabinet finalises its recommendations to Council. The final Budget policy and Council Tax will be determined by Council.

REVENUE BUDGET MONITORING AND CONTROL REVENUE EXPENDITURE

- C.10 Revenue expenditure is broadly defined as any expenditure incurred on the day to day running of the Council. Examples of revenue expenditure include salaries, energy costs, and consumable supplies and materials.

MONITORING AND CONTROL

- C.11 The Section 151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. They must monitor and control expenditure against budget allocations at a corporate level and report to the Cabinet on the overall position on a regular basis.
- C.12 It is the responsibility of Executive Directors and Assistant Directors to control income and expenditure within their area and to monitor performance, taking account of financial information and guidance provided by the Section 151 Officer. They must report on variances within their own areas. They must also take any action necessary to avoid exceeding their budget allocation and alert the Section 151 Officer to any potential overspending or under-achievement of income budgets in a timely manner.
- C.13 The Section 151 Officer is responsible for the following:

- a. Establishing an appropriate framework of budgetary management and control which ensures that:
 - budget management is exercised within annual budget allocations unless the full Council agrees otherwise
 - timely information on receipts and payments is made available, which is sufficiently detailed to enable officers to fulfil their budgetary responsibilities
 - expenditure is committed only against an approved budget head
 - all officers responsible for committing expenditure comply with relevant guidance, and the Financial and Contract Procedure Rules
 - each cost centre has a single named manager, determined by the relevant Executive Director and Assistant Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
 - significant variances from approved budgets are investigated and reported by budget managers regularly
- b. Administering the Council's scheme of virement
- c. Submitting reports to the Cabinet and to the full Council, in consultation with the relevant Executive Director or Assistant Director, where they are unable to balance expenditure and resources within existing approved budgets under their control
- d. Preparing and submitting reports on the Council's projected income and expenditure compared with the budget on a regular basis.

C.14 Executive Directors and Assistant Directors are responsible for the following:

- a. Maintaining budgetary control within their Services and ensuring that all income and expenditure is properly recorded and accounted for
- b. Ensuring that an accountable budget manager is identified for each item of income and expenditure under their control. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- c. Ensuring that spending remains within the service's overall approved budget, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate and timely corrective action where significant variations from the approved budget are forecast.
- d. Ensuring that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively
- e. Preparing and submitting to the Cabinet regular reports on the service's projected expenditure compared with its budget, in consultation with the Section 151 Officer

- f. Ensuring prior approval by the full Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:
 - create financial commitments in future years
 - change existing policies, initiate new policies or cease existing policies or materially extend or reduce the Council's services.
- g. Ensuring compliance with the scheme of virement
- h. Agreeing with the appropriate Executive Director or Assistant Director any budget proposal, (including a virement proposal) which impacts their respective service areas, after having consulted with the Section 151 Officer and the Cabinet Member Regulatory and Compliance and Corporate Resources
- i. Ensuring Schemes of Financial Delegation are maintained for all within their area of responsibility
- j. Ensuring best value is obtained.

CONTINGENT LIABILITIES

- C.15 Contingent liabilities are possible obligations whose existence will be confirmed by uncertain future events which are not wholly within the control of the Council.
- C.16 The S151 Officer is responsible for:
- a. reviewing at least annually in consultation with Executive Directors and Assistant Directors the existing contingent liabilities and ensuring that a balance sheet provision is made where necessary, in accordance with CIPFA guidance.
 - b. taking steps wherever possible, in consultation with the Chief Executive, Executive Directors and Assistant Directors, to minimise the risk of contingent liabilities.
- C.17 The Chief Executive, Executive Directors and Assistant Directors are responsible for:
- a. setting up procedures and processes to minimise the risk of creating contingent liabilities
 - b. reviewing at least annually their service areas for contingent liabilities
 - c. informing the Section 151 Officer of any new contingent liabilities and of any changes in the circumstances of existing contingent liabilities.

- C.18 These regulations may be modified by any Delegation Scheme which the Council may approve from time to time.

DETERMINATION, MONITORING AND CONTROL OF AFFORDABLE BORROWING

- C.19 Under the Local Government Act 2003 the Council is required by regulation to comply with the CIPFA Prudential Code for Capital Finance in Local Authorities. The key objectives of the Prudential Code are to ensure that within a clear framework, the capital investment plans of local authorities are affordable, prudent and sustainable. A further objective is to ensure that treasury management supports prudence, affordability and sustainability. The Code explicitly states that authorities must not borrow to invest primarily for a financial return.
- C.20 The Council is responsible for approving prior to the commencement of the financial year the prudential indicators for the forthcoming financial year and subsequent financial years as required by the Code. The indicators required as a minimum are:
- a. Estimates of capital expenditure
 - b. Estimate of capital financing requirement (underlying need to borrow for a capital purpose)
 - c. Authorised limit for external debt
 - d. Operational boundary for external debt
 - e. Estimate of gross debt to CFR
 - f. Estimated Liability benchmark
 - g. Estimates of the ratio of financing costs to net revenue stream
 - h. Estimate of net income from commercial and service investments to net revenue stream

After the year end actual values are to be calculated for:

- a. Capital expenditure
 - b. Capital financing requirement
 - c. External debt
 - d. Liability benchmark
 - e. Ratio of financing costs to net revenue stream
 - f. Ratio of net income from commercial and service investments to net revenue stream
- C.21 The Section 151 Officer is responsible for:
- a. establishing procedures to both monitor performance against all forward looking prudential indicators and for ensuring that net external borrowing does not exceed the capital financing requirement.

- b. reporting to Council any significant deviations from expectations.
- c. ensuring that regular monitoring is undertaken in year against the key measures of affordability and sustainability, by reviewing estimates of financing costs to revenue and the capital financing requirement.
- d. reporting to Council, setting out management action, where there is significant variation in the estimates used to calculate these prudential indicators, for example caused by major overruns of expenditure on projects or not achieving in-year capital receipts.

RESOURCE ALLOCATION

- C.22 The Section 151 Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's Policy Framework.
- C.23 The Section 151 Officer is responsible for:
- a. advising on methods available for the funding of resources, such as grants from central government and borrowing requirements
 - b. assisting in the allocation of resources to budget managers
- C.24 Executive Directors and Assistant Directors are responsible for:
- a. working within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way
 - b. identifying opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery

CAPITAL EXPENDITURE

- C.25 Capital expenditure is broadly defined as expenditure on the acquisition of a tangible asset, or expenditure which enhances (rather than merely maintains), the value of an existing asset and/or extends the useful life of an asset and increasing usability, provided that the asset yields benefits to the Council and the services it provides is for a period of more than one year. Sefton's de minimis level for new assets is currently £10,000. This limit can be varied at the discretion of the Section 151 Officer.

CAPITAL MONITORING, APPROVALS AND AMENDMENTS TO THE CAPITAL PROGRAMME

- C.26 The Section 151 Officer is responsible for preparing and submitting reports to Cabinet on the Council's projected capital expenditure and resources compared with the budget on a regular basis, as well as an annual outturn report after the close of the financial year.
- C.27 The Section 151 Officer is responsible for establishing procedures to monitor and report on performance compared to the prudential indicators set by the Council.
- C.28 The Section 151 Officer in conjunction with the Chief Executive is responsible for:
- a. Setting up procedures under which capital expenditure proposals are evaluated and appraised to ensure that value for money is being achieved, are consistent with service and are achievable
 - b. Compiling a capital programme for approval by Council
 - c. Setting up procedures for corporate monitoring of external sources of capital funding
 - d. Ensuring that expenditure treated as capital expenditure by the Council is in accordance with the best accounting practice
- C.29 Executive Directors and Assistant Directors are responsible for:
- a. liaising with the Section 151 Officer ensuring that estimated final costs of schemes in the approved capital programme are included within the reports to Cabinet of the overall capital programme position
 - b. reporting to the Section 151 Officer circumstances when it is considered that additional Council capital resources will be required to implement a project that has previously been given approval to spend, where such additional resources cannot be identified from within the portfolio programme concerned
 - c. reporting to the Section 151 Officer on any proposed variations to the capital programme during a financial year
 - d. seeking authority for a capital scheme which is not in the capital programme agreed by Council or changes to capital programme
- C.30 Any 'in year' approval sought for capital schemes, must be supported by a completed, detailed Business Case template, in a format approved by the Section 151 Officer, prior to submission through the appropriate decision-making route.

CAPITAL RECEIPTS

- C.31 The Section 151 Officer must be informed of all proposed sales of land and buildings so that the effect on financial and property management can be assessed.
- C.32 On the advice of the Section 151 Officer, the Council will determine how capital receipts will be applied when setting the annual revenue and capital budget.

LEASING AND RENTAL AGREEMENTS

- C.33 Leasing or renting agreements must not be entered into unless the service has established that they do not constitute a charge against the Council's prudential borrowing limits. The Section 151 Officer is responsible for issuing any financial procedures /guidance in relation to Leases and Lease agreements including, but not limited to, those leases and lease arrangements relating to schools, commercial and general leasing activity. Leases, including land or property, of less than 20 years can be agreed by the Section 151 Officer via a Chief Officers Report. Leases, including land and property, of 20 years or more will require Cabinet Member approval in addition to the Section 151 Officer.
- C.34 Leases relating to land or property following the approval process can only be signed by the Monitoring Officer or his/her authorised deputies, or persons specifically authorised by the Service Scheme of Financial Delegation, may sign such agreements. The Chief Executive, Executive Directors and Assistant Directors are responsible for ensuring all procedures / guidance issued by the Executive Director of Corporate Resources and Customer Services in regard to Leases and Lease arrangements are complied with.

COMMERCIAL ACTIVITY

- C.35 The Council holds a selection of assets that support the Council's Core Purpose and operate on a more commercial basis than other elements of the Council's General Fund. These include the Council's wholly owned companies – Sandway Homes Limited, Sefton Hospitality Operations Limited and Sefton New Directions Limited – together with Bootle Strand Shopping Centre.

- C.36 For such defined assets, detailed business plans outlining forecast income and expenditure over a determined period are produced for approval by Cabinet. Business plans should be reviewed and refreshed annually and presented to Cabinet for approval. Where the business plans require budgetary approval – including revenue or capital expenditure– this is approved in line with the requirements of the Financial Procedure Rules.
- C.37 In order to support the management of these assets, appropriate governance via officer boards – for Council assets – or shareholder meetings – for Council companies – will be established to provide strategic direction, monitor progress against the delivery of Council objectives, monitor the delivery of the business plan and record any decisions required to be taken in respect of the delivery of the business plan. The approval of these business plans will include provision that all financial (capital and revenue) and operational decisions will be delegated to the officer boards or shareholder meetings (as appropriate) with Cabinet informed of any material variations in accordance with the Council’s normal reporting processes and the governance arrangements between the Council and Company as appropriate.
- C.38 The approach to the management of wholly owned companies will reflect best practice guidance within the sector. This is an area in local government that is continually updated to reflect developments in the sector and to take on learning to ensure governance and management of such companies complies with best practice. As such Cabinet as the Council’s executive and shareholder will be informed of this best practice guidance and any subsequent changes or developments in order that they can execute their role as shareholder effectively. Overview and Scrutiny management board will also receive this report. This will ensure that there is a fully transparent and up to date approach to governance and management within the Council.
- C.39 Any loan arrangements between the Council and the specific Company will be in accordance with the requirement of the Financial Procedure Rules.
- C.40 For Council assets, officer boards will review monitoring reports on financial and operational performance on a monthly basis and will escalate any material variations to Cabinet as part of the Council’s normal monthly budget monitoring process or via standalone reports where appropriate. For Council owned companies, any material variations will be escalated from shareholder meetings to Cabinet as shareholder at the earliest opportunity in accordance with the agreements between the Council and the Company.

- C.41 Where there are requirements for additional financial resources in year for additional activity not included within the approved business plans – such as additional revenue or capital expenditure – approval should be sought in line with the requirements of the Financial Procedure Rules for supplementary revenue or capital estimates. The write-off of any assets or unrecoverable bad debts associated with these commercial assets should be approved as outlined under the Asset Disposal / Write-Off section of the Financial Procedure Rules.
- C.42 Business plans should be reviewed and refreshed annually and presented to Cabinet for approval each Autumn to allow for the financial implications to be included within the budget each Spring. Annual reports on financial and operational performance should also be presented to Overview and Scrutiny Committee.
- C.43 Cabinet will continue to have executive leadership of commercial assets and will monitor performance through the approval and monitoring of business plans, ensuring that capital expenditure is in accordance with the Councils Treasury Management Strategy and Prudential Indicators. Performance will be reported on a quarterly basis.

MAINTENANCE OF RESERVES

- C.44 It is the responsibility of the Section 151 Officer to advise the Cabinet and/or the full Council on prudent levels of reserves for the Council.
- C.45 The key controls are:
- a. Professional standards as set out in the Code of Practice on Local Authority Accounting in the United Kingdom: and agreed accounting policies
 - b. Clear agreement of the purpose for which reserves are held and the type of expenditure which they may be used to fund
 - c. Clear processes for the authorisation of Appropriations (transfers between accounts to and from reserves)
- C.46 The Section 151 Officer is responsible for advising the Cabinet and/or the full Council on prudent levels of reserves for the Council, having due regard to any advice that may be offered by the Council's external auditor and other professional bodies (e.g. CIPFA) in this matter.
- C.47 Executive Directors and Assistant Directors are responsible for ensuring that resources are used only for the purposes for which they were intended.

REPORTING

- C.48 Executive Directors and Assistant Directors are responsible for preparing reports on overall financial and non-financial performance for their Services and for submitting these to the Cabinet, and the Overview and Scrutiny Committee after consulting the Section 151 Officer in accordance with procedures agreed from time to time. These reports must include specific reference to the implementation of policy changes and new developments agreed as part of the budget setting process and other specific requirements as notified in the reporting guidance. Executive Directors and Assistant Directors will also be required to support the Section 151 Officer in reporting on the progress and forecast of all capital expenditure and income against the approved programme.
- C.49 Any reports are to include specific reference to Service performance against the expected non-financial outcomes in the form of key performance targets. Executive Directors and Assistant Directors are expected to achieve value for money in the delivery of services and the reports should demonstrate how this has been achieved together with an analysis of how key policy and expenditure proposals have been implemented.
- C.50 The key reporting stages are:
- a. Approval of the Business Case, which will be in a form prescribed by the Section 151 Officer before it can be included in the Capital Programme
 - b. Monthly reviews of revenue and capital expenditure produced by the Section 151 Officer in consultation with Executive Directors and Assistant Directors
 - c. Final outturn reports for both revenue and capital expenditure, including full post-implementation review, on all major capital schemes completed during the year.
- C.51 In addition, the reports will be specifically required to give details in respect of the following:
- a. Potential overspends and proposed remedial action, including any impact on balances and future year's budgets which may need to be factored in to future financial scenario planning
 - b. Amendments to approved budgets (virements, supplementary capital estimates etc.) where Member approval is required.

SECTION D - RISK MANAGEMENT AND CONTROL OF RESOURCES

WHY THIS IS IMPORTANT

- D.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

WHAT IS COVERED IN THIS SECTION

- D.2 The following aspects of Risk Management and Control of Resources are covered in this section:
- Risk Management and Insurance
 - Operational Risk
 - Business Continuity
 - Internal Controls
 - Audit Requirements (Internal and External)
 - Preventing Fraud and Corruption
 - Assets (Property, Inventory, Stocks, Cash, Disposal / Write Off and Intellectual Property)
 - Treasury Management
 - Banking
 - Investments and Borrowing
 - Loans to Third Parties and Acquisition of Third Party Interests
 - Trust Funds and Funds Held for Third Parties
 - Staffing (Salaries and Wages, Early Retirement/Severance, Travelling and Subsistence, Code of Conduct, Third Party Funds and Retention of Records)

RISK MANAGEMENT AND INSURANCE

- D.3 The Cabinet is responsible for advising Council on an appropriate risk management policy statement and strategy, and for reviewing the effectiveness of risk management. The Audit and Governance Committee is responsible for monitoring the effectiveness of the risk management policy. The Cabinet is also responsible for ensuring that proper insurance exists where appropriate.
- D.4 The Section 151 Officer is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.

INSURANCE

- D.5 The Section 151 Officer will maintain and administer the Council's insurances. The Section 151 Officer is responsible for authorising the settlement or repudiation of insurance claims and associated costs acting on advice from the Council's Legal Services, insurers, and claim handlers.
- D.6 Executive Directors and Assistant Directors are responsible for informing the Section 151 Officer immediately of:
- a. any events which may result in an insurance claim against the Council
 - b. the terms of any indemnity which the Council is required to give prior to entering into any contracts etc.
 - c. any new risks which might require to be insured, together with any changed circumstances affecting existing risks. Consideration should be given to new projects, new ways of working, and changes in legislation requiring new ways of delivery etc., where the insurance impact is often overlooked
- D.7 No new insurances may be taken out without prior consultation with the Section 151 Officer.
- D.8 Executive Directors and Assistant Directors must ensure that there is co-operation with the Insurance Team in providing the correct documentation and that the correct retention of documents is observed.

RISK MANAGEMENT

- D.9 The Council's approach to Risk Management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- D.10 The Section 151 Officer develops the strategy and supporting framework on behalf of Executive Directors and Assistant Directors. The Audit and Governance Committee scrutinise the risk management process ensuring the Council's risks are managed effectively.
- D.11 Executive Directors and Assistant Directors are responsible for ensuring the Risk Management Strategy is implemented and that the full risk

management cycle operates within their Service.

- D.12 The principles within the Corporate Risk Management Handbook consist of:
- a. identification of risks, both negative and positive, in relation to the objectives of the Council.
 - b. evaluation of risks scored for likelihood and impact, both gross (before any controls) and net (with existing controls)
 - c. treatment of the risk either by: treat, tolerate, transfer or terminate the activity.
 - d. actions and risks monitored and reviewed on a regular basis.
 - e. the Council's Corporate Risk Register will be developed and maintained by the Chief Internal Auditor in consultation with Executive Directors and Assistant Directors.
- D.13 There are three levels to the Risk Register. There should be a movement of risks both upwards and downwards throughout the levels and treatment addressed at the most appropriate level of the organisation.
- a. Corporate – those risks that impact on the organisation's overall objectives either because of their frequency of occurrence or the significance of the impact.
 - b. Service – those risks that impact on the service objectives.
 - c. Operational – minor risks that are managed within the service area that impact on the operational performance of the team. Where the risks increase they should move upwards into the service and potentially corporate risk register.

OPERATIONAL RISK

- D.14 Executive Directors and Assistant Directors are responsible for ensuring risk management is carried out at both an operational and strategic level in accordance with the agreed guidance and procedures.
- D.15 Executive Directors and Assistant Directors will take account of, and address, corporate risks and inform the Chief Internal Auditor of any service risks that should be considered significant enough to rise to the corporate risk register level.
- D.16 Service and operational risk registers, and associated actions, should be reviewed on a regular basis (at least quarterly) as part of the performance management process.

- D.17 The Corporate Risk Register will be reported to Executive Directors and Assistant Directors / Strategic Leadership Board and to the Audit and Governance Committee on a quarterly basis.

BUSINESS CONTINUITY

- D.18 The Civil Contingencies Act 2004 places a statutory requirement for Local Authorities to maintain plans for the continuation of services in the event of an emergency, so far as is reasonably practicable. Services are expected to have arrangements in place to ensure the effective identification, evaluation and management of business critical services.

INTERNAL CONTROLS

- D.19 Internal Control refers to the systems devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets are safeguarded.
- D.20 The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.
- D.21 It is the responsibility of Executive Directors and Assistant Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness.

AUDIT REQUIREMENTS

INTERNAL AUDIT

- D.22 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities "make arrangements for the proper administration of their financial affairs". The Accounts and Audit Regulations 2015 more specifically require that a "relevant authority must ensure that it has a sound system of internal control which facilitates the effective exercise of its functions and the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective; and includes effective arrangements for the management of risk."

- D.23 The Public Sector Internal Audit Standards define internal auditing as “an independent, objective assurance and consulting activity designed to add value and improve and organisation’s operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.”
- D.24 The Council’s Internal Audit Team delivers this function within the Council and provides assurance to the Section 151 Officer and the Audit and Governance Committee, with regard to the effectiveness of the Council’s internal control environment.
- D.25 The Council must, on an annual basis, produce an Annual Governance statement. This statement must provide a description of the system of internal control within the Council, a description of any work undertaken to assess the effectiveness of the internal control framework, and any significant governance issues.
- D.26 To contribute to the production of the Annual Governance Statement, the Chief Internal Auditor is responsible for planning and delivering a programme of independent review of the Council’s activities, the scope of the programme being based on the Council’s objectives and an assessment of the risk which may affect the achievement of these objectives.
- D.27 The Chief Internal Auditor is also responsible for reporting to those charged with governance and currently satisfies this requirement by presenting an annual report to the Audit and Governance Committee, in which the activity of the internal audit service during the preceding financial year is summarised as to arrive at an opinion on the effectiveness of the Council’s internal control. The annual internal audit plan is presented to Audit and Governance Committee for approval and a report summarising performance and key findings is presented to every Audit and Governance meeting.
- D.28 The Internal Audit Charter sets out that Audit staff will have, in accordance with the Accounts and Audit Regulations, and with strict accountability for confidentiality, and safeguarding records and information, full, free and unrestricted access to any and all of the Council’s premises, personnel, assets and records. Rights of access to relevant external bodies will be set out in the contracts/ agreements.

EXTERNAL AUDIT

- D.29 The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of

the Audit Commission Act 1998.

- D.30 The Local Audit and Accountability Act 2014 established new arrangements for the audit and accountability of relevant authorities. Under these new arrangements the Council has opted for its external auditors to be appointed by the Public Sector Audit Appointments Limited (PSAA), an independent company established by the LGA for this purpose.
- D.31 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

PREVENTING FRAUD AND CORRUPTION

- D.32 The Section 151 Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy which should be presented to Cabinet for approval.
- D.33 The Council has an approved Anti-Fraud and Corruption Policy which places responsibility for preventing fraudulent activity with all Members, Managers and individual members of staff. Any matters which involve, or are thought to involve, any fraud or other significant irregularity involving Council assets or those of a third party fund, must be notified immediately to the Section 151 Officer and Chief Internal Auditor.
- D.34 The Monitoring Officer will, in consultation with Section 151 Officer and Chief Internal Auditor, decide whether any matter under investigation should be recommended for referral to the Police or the appropriate enforcement agency. The Council's External Auditor also has powers to independently investigate fraud and corruption.

ASSETS

- D.35 In the context of these Rules, assets are defined as the resources, other than people, that the Council uses to deliver its service functions. Assets include buildings, land and infrastructure; furniture; equipment; plant; stores and "intellectual property" such as computer software, data and information of all kinds.
- D.36 Executive Directors and Assistant Directors are responsible for the care, control and proper and economical use of all assets used in connection with the operation and delivery of their Services. Proper records should be maintained for these assets, together with appropriate arrangements for their management and security. Information Assets should be recognised in line with the Council's

guidance and recorded in the Information Asset Register.

- D.37 Executive Directors and Assistant Directors are responsible for ensuring that assets are used only for official purposes and that all appropriate rights, licenses and insurances are obtained.
- D.38 Executive Directors and Assistant Directors are responsible for ensuring that all computer software used is properly licensed.
- D.39 Executive Directors and Assistant Directors are expected to have policies in place for:
- a. the effective disposal of surplus assets
 - b. asset replacement programme
 - c. compilation of and regular review of Asset inventories
- D.40 The Service Manager – Property Services is responsible for ensuring there is a current Asset Management Strategy and Asset Disposal Policy in place.

PROPERTY

- D.41 The Service Manager – Property Services is responsible for maintaining a “property terrier” recording all land and buildings owned by the Council. The delegated Monitoring Officer is responsible for the safe keeping and recording of all property deeds.
- D.42 The Council’s Asset Management Strategy sets out the vision, core values and objectives that form the context for the preparation of the Corporate Asset Management Plan and Service Asset Management Plans.
- D.43 All property acquisitions, lettings and disposals must be in accordance with the Council’s rules and procedures. Separate rules apply to specific processes, such as the use of capital receipts from property sales to pay for new schemes, and guidance should be sought from the Section 151 Officer where this arises.

INVENTORIES

- D.44 Executive Directors and Assistant Directors must ensure that proper arrangements are made to maintain inventories of all valuable and transportable items, including vehicles, furniture, computer and other equipment (including software), visual aids, expensive tools and sports equipment.
- D.45 For ICT equipment, Executive Directors and Assistant Directors must ensure they, and staff within their service areas, adhere to the requirements of the ICT Acceptable Use Policy, the Starters, Movers

and Leavers Policy and any associated guidance.

- D.46 The inventory must be updated for all acquisitions and disposals and checked at least annually. Items acquired under leasing arrangements must be separately identified for disclosure in the published final accounts. The Section 151 Officer will provide guidance on the procedures to be followed.

STOCKS

- D.47 Stock is defined as consumable items constantly required and held by a Service in order to fulfil its functions. Executive Directors and Assistant Directors are responsible for the control of stocks. They must ensure that stocks are appropriately secured and recorded, do not exceed reasonable requirements and that all significant stock is accounted for in the year end accounts. Stocks should be checked at least once a year, more frequently in the case of expensive items.

CASH

- D.48 Cash held on any Council premises should be held securely, and should not exceed any sums for which the Council is insured. If retention of cash on site is unavoidable in exceptional circumstances, the Assistant Director is responsible for making appropriate security arrangements. All cash should be banked as quickly as possible.

ASSET DISPOSAL/WRITE-OFF

- D.49 Executive Directors and Assistant Directors may authorise the disposals, of obsolete or surplus equipment / groups of items, materials, vehicles or stores up to a disposal value of £10,000 in consultation with the Section 151 Officer. For write offs of £10,000 and over per item or group of items, this should be reported jointly by the Section 151 Officer and the relevant Assistant Director to the Audit and Governance Committee for write-off action.
- D.50 Any write off which arises as a result of theft or fraud must be notified to the Chief Internal Auditor immediately.

INTELLECTUAL PROPERTY

- D.51 The Chief Executive is responsible in conjunction with the Monitoring Officer for developing and disseminating best practice regarding the treatment of intellectual property.

- D.52 The Chief Executive, Executive Directors and Assistant Directors are responsible for:
- a. Ensuring that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware that anything they create during the course of their employment, whether written or otherwise, belongs to the Council.
 - b. Complying with copyright, design and patent legislation and, in particular, to ensure that:
 - Only software legally acquired and installed by the authority is used on its computers,
 - Staff are aware of legislative provisions, and
 - In developing systems, due regard is given to the issue of intellectual property rights.

TREASURY MANAGEMENT

- D.53 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- D.54 The full Council is responsible for approving the treasury management policy statement setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the full Council by the Cabinet. The Section 151 Officer has delegated responsibility for implementing and monitoring the statement.
- D.55 All money in the hands of the Council is controlled by the Section 151 Officer as designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the finance director.
- D.56 The Section 151 Officer is responsible for proposing to the Cabinet a treasury management strategy for the coming financial year at or before the start of each financial year. Full Council is responsible for approving the strategy.
- D.57 All Cabinet decisions on borrowing, investment or financing shall be delegated to the Section 151 Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- D.58 The Section 151 Officer is responsible for reporting to the Council no less than two times in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise a mid-year review and an annual report on treasury management for presentation prior to the 30th June following each financial year end.

BANKING

- D.59 It is the responsibility of the Section 151 Officer to operate such bank accounts as are considered necessary. Opening or closing any bank account shall require the approval of the Section 151 Officer.
- D.60 Executive Directors and Assistant Directors are responsible for operating bank accounts opened with the approval of the Section 151 Officer in accordance with issued guidelines.

INVESTMENTS AND BORROWINGS

- D.61 It is the responsibility of the Section 151 Officer to:
- a. ensure that all investments of money are made in the name of the Council or in the name of approved nominees
 - b. ensure that all securities that are the property are held in the name of the Council or its nominees (the Chief Legal and Democratic Officer is responsible for ensuring the title deeds of all property in the Council's ownership is held in safe custody)
 - c. effect all borrowings in the name of the Council
 - d. act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council

LOANS TO THIRD PARTIES AND ACQUISITION OF THIRD PARTY INTERESTS

- D.62 Interests should not be acquired in companies, joint ventures or other enterprises without obtaining prior approval of the full Council, the Leader, Cabinet or the appropriate Cabinet Member as outlined below.
- a. The Section 151 Officer, Cabinet Member for Regulation and Compliance and relevant Cabinet Member(s) are jointly responsible for approving financial and asset loans made to third parties up to £50,000
 - b. The Cabinet is responsible for approving financial and asset loans between £50,000 and £1m
 - c. The Council is responsible for approving financial or asset loans above £1m
 - d. Loans transacted as part of Treasury Management activities are covered by the Treasury Management Policy and Strategy.

D.63 For wholly owned council companies, Cabinet as the Executive of the Council and the shareholder in wholly owned Council companies, make decisions in respect of approving business plans including any loan provision.

TRUST FUNDS AND FUNDS HELD FOR THIRD PARTIES

D.64 It is the responsibility of the Section 151 Officer to:

- a. arrange for all trust funds to be held, wherever possible, in the name of the Council (e.g. 'Sefton Metropolitan Borough Council on behalf of.....'). All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Section 151 Officer, unless the deed otherwise provides.
- b. arrange where funds are held on behalf of third parties, for their secure administration, approved by the Section 151 Officer, and to maintain written records of all transactions
- c. ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust
- d. Approval of procedures for the management of Clients financial affairs, where the Council has been granted advocacy, Appointeeship and/or Deputyship
- e. The Executive Directors of Children's Social Care and Adult Social Care are responsible for ensuring procedures in relation to the management of Clients financial affairs are complied with.

STAFFING

SALARIES AND WAGES

D.65 Executive Directors and Assistant Directors are responsible, in consultation with the Chief Personnel Officer, for providing accurate and appropriate information and instructions to the Transactional HR, Payroll & Pensions Services to enable the calculation and prompt payment of salaries, expenses and pensions, including details of appointments, promotions, regrading, resignations, dismissals, retirements and absences from duty. Human Resources will advise the Transactional HR, Payroll & Pensions Services of relevant changes in respect of employee's pensions. The Service Manager – Employee Support will make arrangements for payment to the appropriate bodies, of all statutory, including taxation, and

other payroll deductions.

- D.66 Time sheets and other pay documents which are used to generate payment of salaries, wages or other employee-related expenses must be on official forms or via authorised electronic inputs. Executive Directors and Assistant Directors are responsible for ensuring that they are certified by an authorised officer and that they are submitted to the Transactional HR, Payroll & Pensions Services in accordance with the specified timetable. This includes on-line input entered locally. The names and specimen signatures of authorised officers must be secured by Executive Directors and Assistant Directors and included in the service Scheme of Financial Delegation notified to the Section 151 Officer.
- D.67 The Chief Personnel Officer will implement national and local pay agreements as soon as possible after their notification from the appropriate body. Arrangements for funding such awards will be determined each year as part of the budgetary process.

EARLY RETIREMENT/SEVERANCE

- D.68 Where Executive Directors and Assistant Directors wish to bring forward proposals under the Council's policies on severance and early retirement, they must be accompanied by a full cost and affordability assessment, in a form agreed by the Chief Executive, the Section 151 Officer and the Chief Personnel Officer. The Cabinet Member for Regulatory Compliance and Corporate Resources shall be consulted for proposals relating to Hay Grade 6 and above.
- D.69 The Chief Executive or Section 151 Officer must approve all requests up to £100,000 including pension strain. All requests in excess of £100,000 including pension strain must be approved by the Pay and Grading Committee.
- D.70 Executive Directors and Assistant Directors will generally be required to meet the costs of severance and early retirement from within their approved budget. Service efficiency applications may be subject to phasing over an agreed period. A corporate budget may also be established for staffing reductions linked to the Council's MTFP saving options and access to this budget will be subject to the agreement of the Chief Executive and the Section 151 Officer.

TRAVELLING AND SUBSISTENCE

- D.71 The Section 151 Officer and the Chief Personnel Officer are responsible for issuing guidance on travelling and subsistence. Executive Directors

and Assistant Directors are accountable for ensuring their teams follow the approved guidance on travelling and subsistence claims.

- D.72 Executive Directors and Assistant Directors are responsible for instructing the Chief Personnel Officer and for providing appropriate and accurate information to enable the prompt and accurate payment of travelling, subsistence and other expenses to authorised employees in accordance with the terms of employment agreed by the Council.
- D.73 Executive Directors and Assistant Directors are responsible for ensuring that Council employees who use their cars for official business are properly insured to indemnify the Council against any loss and for ensuring that payments are only made in respect of journeys which are necessary and actually undertaken. Executive Directors and Assistant Directors should ensure that the most economical available means of transport is used, including pool cars, hire cars and car sharing.
- D.74 All claims for reimbursement must be made using appropriate official claim forms, always using electronic processing where available.
- D.75 Further guidance is available via the Intranet - Pay and Expenses.

CODE OF CONDUCT

- D.76 The Code of Conduct for Employees applies to, and will be followed by all officers. It covers financial, personal and other interests, gifts hospitality and other favours, sponsorship – giving and receiving, use of financial resources, disclosure of information, relationship with others, and separation of duties during tendering, appointments, political neutrality, additional employment, intellectual property, equality and declarations.
- D.77 Where an outside organisation wishes to sponsor or is asked to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts and hospitality applies, as detailed in the Code of Conduct for Employees.
- D.78 Further guidance is available via the Intranet – Personnel Policies and Procedures.

THIRD PARTY FUNDS

- D.79 A third party fund is defined as any fund financed other than by the Council, controlled wholly or partly by a member of the Council's staff in connection with the clients, establishments or activities of the Council such

as School Funds, Amenity Funds or Criminal Injuries Compensation Payments for children in care. A register of third party funds will be maintained by the Corporate Finance team.

- D.80 Money or goods belonging to the Third Party Fund must be kept completely separate from other money or goods belonging to the Council. Similarly, completely separate records must be kept of the money or goods involved.
- D.81 An independent auditor must be appointed who has suitable qualities though not necessarily professionally qualified, to audit the Third Party Fund on an annual basis. Annual Statements of Account and Audit Certificates must be formally presented to a Management Committee or other appropriate governing body of the Third Party fund.
- D.82 Executive Directors and Assistant Directors are responsible for ensuring that any Third Party Funds controlled by Council staff are:
- a. formally declared to Corporate Finance team as part of a register kept by the Service
 - b. maintained separately and correctly in accordance with these Financial Procedure Rules, and
 - c. subject to the same standards of stewardship and probity as Council funds
- D.83 The Returning Officer will be responsible for maintaining complete and accurate records and for reconciliation with regard to elections accounts.

RETENTION OF RECORDS

- D.84 The Council, in common with other public and private organisations, has certain statutory obligations it has to meet for the retention of its records. It also has to fulfil the requirements of HM Revenue and Customs, other legislative requirements and the external auditors in respect of its financial records.
- D.85 All records held should have an appropriate retention period assigned to them, which meet the statutory obligations to retain financial records, but also takes into account legislative requirements such as the Limitation Act and General Data Protection Regulation; Freedom of Information requirements; and the business needs of the Service.
- D.86 The majority of financial records must be kept for six years from the end of the tax year to which they relate. Some records however, may need to be kept for longer periods e.g. if required to defend future insurance claims. It is possible others can be destroyed within shorter periods.

Guidance on the appropriate retention period is given in the Council's Retention Policy and its Information Asset Register.

SECTION E - FINANCIAL SYSTEMS AND PROCEDURES

WHY THIS IS IMPORTANT

E.1 Sound systems and procedures are essential to an effective framework of accountability and control.

WHAT IS COVERED IN THIS SECTION

E.2 The following aspects of Financial Systems and Procedures are covered in this section:

- Banking Services
- Banking Arrangements
- Income (Generating Income, Charging for Income, Collecting Income and Bad Debts)
- Ordering and Paying for Work, Goods and Services (General Principles, Payment of Invoices, Non-Invoice Payments, Credit Cards/Debit Cards/Purchase Cards, Imprest Accounts, Payment to Members and Financial Arrangements in an Emergency)
- Taxation
- Trading Accounts and Business Units

BANKING SERVICES

E.3 The Council will approve the terms under which banking services, including overdraft facilities, are provided.

BANKING ARRANGEMENTS

E.4 All bank accounts must be titled impersonally in the name of Sefton Metropolitan Borough Council.

E.5 Subject to any directions given by the Council, all arrangements with the Council's bankers must be made solely through the Section 151 Officer. No bank accounts may be opened or arrangements made with any other bank except by agreement with the Section 151 Officer.

- E.6 Bank transfers from the General Fund and subsidiary accounts must be authorised by the Section 151 Officer, or those officers authorised to sign through the agreed Scheme of Financial Delegation or in accordance with the Treasury Management Policy and Strategy.
- E.7 Cheques drawn must bear the mechanically impressed signature of the Section 151 Officer or be signed by the Section 151 Officer or other officer authorised to sign through the agreed Scheme of Financial Delegation.

INCOME

GENERATING INCOME

- E.8 The Section 151 Officer is responsible for developing and maintaining standards, procedures, systems and reports to facilitate the effective and efficient identification, collection, receipting, banking and recovery of income due to the Council in accordance with current relevant UK legislation.
- E.9 Executive Directors and Assistant Directors are responsible for ensuring that the appropriate legal authority for all income generating activities has been identified.

CHARGING FOR INCOME

- E.10 Executive Directors and Assistant Directors, in consultation with the relevant Cabinet Member, shall determine on an annual basis the level of fees or charges payable in respect of any chargeable goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery. These will be approved by Cabinet Member in advance of the start of the financial year.
- E.11 There may be circumstances where fees and charges require in year amendments – for example, during periods of economic uncertainty, where there are volatile rates of inflation and sector specific pressures. These in year changes will be approved by the relevant Cabinet Member.

COLLECTION OF INCOME

- E.12 The Council operates a Sundry Debt Collection policy to secure invoiced sundry debt income for the provision of services. All debt owing to the Council must be collected promptly, effectively, efficiently and economically, while ensuring fair treatment of those that owe money, including consideration of any financial difficulties.

- E.13 Council officers must comply with guidelines issued by the Section 151 Officer, and those contained in the Corporate Debt Policy and Corporate Debt Procedures for the safe and efficient collection and recording of all money due to the Council.
- E.14 Executive Directors and Assistant Directors are responsible for ensuring that accounts for income due to the Council, including grant claims, reimbursements and third party contributions, are raised immediately and accurately in a form approved by the Section 151 Officer. These must include VAT where appropriate.
- E.15 The cost of collection should be taken into account when raising accounts. Executive Directors and Assistant Directors must ensure that the method of collection is the most cost effective relative to the value of the transaction.
- E.16 Executive Directors and Assistant Directors are responsible for ensuring that all income received is receipted, where required, recorded correctly against the appropriate budgets, and in the case of cash and cheques, banked with the minimum of delay. The frequency of banking should follow guidelines provided by the Section 151 Officer. Services should avoid incurring disproportionate banking charges on relatively low value transactions, taking into account local security arrangements.
- E.17 Executive Directors and Assistant Directors are responsible for monitoring income collection and ensuring appropriate recovery action is taken. A summary of the position on the level of outstanding debt and collection issues should be included in quarterly financial updates and the final outturn report.
- E.18 The Section 151 Officer will monitor compliance with Executive Director and Assistant Director responsibilities regarding the collection of income and may, in circumstances where avoidable adverse cash flow has resulted, determine an appropriate interest charge against Service budgets.
- E.19 Credit notes must be authorised by appropriate officers nominated in the local Scheme of Financial Delegation.
- E.20 Any receipts, tickets or other documents used as receipts should be in a format agreed by the Section 151 Officer. All controlled stationery issued to an Assistant Director must be recorded in a register, which is held by a single officer within each Service.
- E.21 There may be circumstances where third parties wish to exit income generating contracts early in return for providing the Council with a lump sum. Where these proposals are within the approved budget policy framework and have:

- No detriment financially and reflects current income being received
- That the annual sums are received at the same level and the timeline at least as what is being received under the contract; and
- Any lump sum at the end of the contact period is based on current income levels and the timing is at least as currently set out within the existing agreement

Then this can be approved by the relevant Cabinet Member and the Cabinet Member - Corporate Services and reported in line with the Council's established monitoring process. Any lump sums will be reserved and used to support the budget as originally set out.

- E.22 Where third parties wish to exit income generating contracts early and these cannot be contained within the existing budget policy framework, then these should be approved in line with the requirements for Supplementary Revenue Estimates as set out within the Financial Procedure Rules.

BAD DEBTS

- E.23 The Section 151 Officer is responsible for producing and issuing guidance on bad debt. Executive Directors and Assistant Directors are responsible for ensuring their teams comply with this guidance and the Corporate Debt Policy and Procedures.
- E.24 All debts which are due to the Council will be subject to full recovery, collection and legal procedures as detailed in the Council Corporate Debt Policy and Procedures. However, not all debts may be collectable and therefore it will be appropriate, in certain circumstances, to classify debts as irrecoverable or "bad debts".
- E.25 Bad debts of up £10,000 may be written off by Authorised Officers as contained in the Scheme of Financial Delegation in consultation with the Section 151 Officer and the Monitoring Officer. Bad debts of £10,000 and over should be reported jointly by the Section 151 Officer and the relevant Assistant Director to the Audit and Governance Committee for write-off action.
- E.26 Any write off which arises as a result of theft or fraud must be notified to the Chief Internal Auditor immediately.
- E.27 Executive Directors and Assistant Directors are responsible for ensuring that an adequate provision for bad debt is made in the Council's accounts at year end and that contributions to this provision are included in budgetary projections and outturn reports.

ORDERING AND PAYING FOR WORK, GOODS AND SERVICES

GENERAL PRINCIPLES

- E.28 Executive Directors and Assistant Directors are responsible for providing all appropriate information and instructions to Transactional Services to allow for prompt and accurate payment for goods and services provided and for the analysis of expenditure.
- E.29 Except for purchases by purchase /credit /debit card, all purchases must be supported by an official requisition. All purchases must have regard to Contract and Financial Procedure Rules.
- E.30 All requisition and purchase orders must be authorised in accordance with the relevant service Scheme of Financial Delegation to ensure that funds are available to pay for the purchase.
- E.31 All official purchase orders must include, as a minimum, the order number, the price agreed with the supplier, description of the goods or services to be provided, the delivery address, the address where invoices must be received and a link to the standard terms and conditions for the goods and services to be provided.
- E.32 Executive Directors and Assistant Directors must ensure that there is adequate separation of duties in the raising and authorisation of requisitions, authorising of purchase orders, receipt of goods and authorisation of payments to transactional services.
- E.33 Executive Directors and Assistant Directors must ensure robust processes to continually maintain computer records and accesses, and Schemes of Financial Delegation so that electronic workflows associated with core financial systems are not compromised.
- E.34 All procurement, commissioning, contract administration or contract management must be carried out in accordance with the Council's Contract Procedure Rules
- E.35 Executive Directors and Assistant Directors must consult the Section 151 Officer on appropriate arrangements for purchases of goods and services which cannot be accommodated within standard ordering and payment processes.

PAYMENT OF INVOICES

- E.36 All invoices must be sent directly by the creditor to the address stated on the official purchase order to enable prompt payment.
- E.37 All invoices, as a minimum, must include the official purchase order number, the description of the goods or services provided, the quantity delivered, the delivery address, the date of the invoices and/ or date of delivery of the goods or services, the address and VAT registration number of the supplier and the price and VAT at the prevailing rate.
- E.38 Invoices received without a valid purchase order number may be returned to the creditor as unauthorised for payment.
- E.39 The Council's standard payment terms are 30 days from receipt of a correct invoice by BACS (Bankers Automated Clearing System). Alternative terms may not be negotiated or agreed with suppliers without the explicit approval of the Section 151 Officer. Executive Directors and Assistant Directors are responsible for notifying suppliers of these terms and for ensuring that they are observed by all those involved in the purchasing and payment processing.
- E.40 Payment will only be made for goods and services which have been formally receipted in accordance with receipting procedures set out by the Section 151 Officer.
- E.41 All procurement, commissioning, contract administration or contract management activity must be carried out in accordance with the Council's Contract Procedure Rules and any advice or guidance that may be issued from time to time by the Section 151 Officer regarding the efficient and effective use of the Council's core financial and e-procurement systems and processes. Invoices received for payment must comply with the Council's best practice processes.

NON-INVOICE PAYMENTS

- E.42 Where Executive Directors and Assistant Directors wish to initiate a payment to a third party without a supporting invoice, an official request for payment must be submitted in a form approved by the Section 151 Officer.
- E.43 Any such requests must be authorised by an officer designated with an appropriate approval limit in the relevant service Scheme of Financial Delegation. They are responsible for ensuring that all payment details provided are accurate and that supporting records and documentation are available to substantiate the payment, including an official VAT receipt to

allow for the reclaim of any VAT element.

- E.44 Appropriately authorised requests for payment will be processed and paid by BACS. Cheques will only be used in exceptional cases and by prior agreement.
- E.45 Non-invoice payments should be requested on an exceptional basis only. Where payments of this type need to be made on regular basis Executive Directors and Assistant Directors must consider, in conjunction with the Section 151 Officer, other alternative options which may be more appropriate.
- E.46 Payments or reimbursements in respect of salaries and wages travelling expenses or other employment allowances must be processed through the Payroll system and not treated as a non-invoice payment.

CREDIT CARDS, DEBIT CARDS AND PURCHASE CARDS

- E.47 The Section 151 Officer is responsible for:
 - a. providing credit cards, debit cards and purchase cards to be used for agreed purposes and to be allocated to nominated members of staff
 - b. prescribing procedures for the use of credit cards, debit cards and purchase cards and the accounting arrangements required to record and monitor expenditure incurred with such cards
- E.48 Purchase Cards/Credit Cards/Debit Cards are an effective method of payment for goods and services of low value and for one off purchases. Executive Directors and Assistant Directors are responsible for the appropriate deployment, management and the security of purchase/credit/debit cards within their service in accordance with the Scheme of Financial Delegation.
- E.49 Purchase Cards/Credit Cards/Debit Cards should only be used for legitimate Council business by the person who has been allocated the card and whose name the card is in.
- E.50 Adequate records must be maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT.

IMPREST ACCOUNTS

- E.51 The Section 151 Officer is responsible for providing, in agreed circumstances and where such need is proven to be essential, cash or bank imprest accounts to meet minor or other agreed expenditure. The Section 151 Officer is also responsible for defining procedures for operating these accounts.
- E.52 The Chief Executive, Executive Directors and Assistant Directors are responsible for the operation of approved cash and bank imprest accounts in accordance with procedures issued by the Section 151 Officer.
- E.53 Executive Directors and Assistant Directors are responsible for ensuring that where local arrangements are in place:
- a. Schemes of Financial Delegation set out clearly the responsibilities and approval limits of individual officers in respect of these arrangements; and that these are reviewed and updated regularly
 - b. they are operated in accordance with guidance issued and that appropriate management supervision and compliance monitoring is undertaken
 - c. adequate records must be maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT
 - d. arrangements are being operated for legitimate Council business only
- E.54 Local arrangements may not be used in any circumstances to circumvent either the Council's Contract Procedure Rules or agreed approval and authorisation procedures, nor must they be used for any payments in respect of salaries and wages, travelling or other employment expenses, or payments for work carried out under the Construction Industry Tax Deduction Scheme.

PAYMENT TO MEMBERS

- E.55 The Section 151 Officer is responsible for paying all allowances to Members.
- E.56 The Section 151 Officer will make payments to any Members entitled to claim allowances on receipt of the proper form, completed and certified in accordance with the approved scheme for allowances.

FINANCIAL ARRANGEMENTS IN AN EMERGENCY

- E.57 The Chief Executive, or their representative acting as Emergency Duty Co-ordinator must be able to incur expenditure immediately in order to carry out the role effectively and may rely on the provisions of Section 138 of the Local Government as amended by Section 156 of the Local Government and Housing Act 1989 (LGHA 1989). Section 155 of the LGHA 1989 provides for a scheme whereby local authorities may recoup from central government a proportion of agreed expenditure under 'Bellwin Rules'.
- E.58 The Section 151 Officer is responsible for:
- a. approving a form of record for all emergency expenditure.
 - b. reporting all expenditure to the Cabinet as soon as reasonably practicable.
 - c. issuing a single expenditure code for the emergency.
- E.59 Those who incur expenditure on the occasion of any Emergency or scaled up incident are responsible for:
- a. taking such steps as are reasonable, bearing in mind the local circumstances, to enable proper accounting for any disbursement to be achieved after the event.
 - b. taking such judgments as to what constitutes reasonable controls in light of the scale and the nature of the payments, their urgency and the physical conditions at the time.
 - c. ensuring caution is exercised where large scale cash disbursements to third parties are involved
 - d. attempting to obtain some documented acknowledgement of receipt.
 - e. attempting to utilize cashless methods wherever possible.
- E.60 Wherever possible/practicable, the Council's existing procurement framework contracts should be used.

TAXATION

- E.61 It is the responsibility of the Section 151 Officer, in conjunction with Transactional HR, Payroll & Pensions Services to:
- a. complete all Inland Revenue returns regarding PAYE
 - b. complete a monthly return of VAT inputs and outputs to HM Revenue and Customs
 - c. provide details to HM Revenue and Customs regarding the construction industry tax deduction scheme
 - d. maintain up-to-date guidance for Council employees on taxation issues

E.62 It is the responsibility of Executive Directors and Assistant Directors to:

- a. ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations
- b. ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements
- c. ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency
- d. follow the guidance on taxation issued by the Section 151 Officer.

TRADING ACCOUNTS AND BUSINESS UNITS

E.63 As a general rule, separate trading accounts are required when services are provided to either internal or external clients, on a basis other than a straightforward recharge of full cost. It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading accounts and business units.

E.64 It is the responsibility of Executive Directors, Directors and Assistant Directors to:

- a. consult with the Section 151 Officer and the Monitoring Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- b. observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts
- c. ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units
- d. ensure that each business unit prepares an annual business plan.

SECTION F - EXTERNAL ARRANGEMENTS

WHY THIS IS IMPORTANT

F.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders.

WHAT IS COVERED IN THIS SECTION

F.2 The following aspects of External Arrangements are covered in this section:

- Partnerships
- Bidding for Grant Funding
- Support to Other Organisations
- Sponsorship Arrangements

PARTNERSHIPS

F.3 Partnerships play a key role in delivering community strategies and contributing to the well-being of the area. They also provide new ways to share risks, access new resources and new and better ways of delivering services.

F.4 The Section 151 will provide guidance for Partnership Arrangements. This will outline officer and partner responsibilities and provides a checklist of all necessary requirements before entering into a partnership, during it and following its cessation.

F.5 Executive Directors and Assistant Directors are responsible for:

- a. Adhering to the guidance issued by the Section 151 Officer before embarking on any partnership agreement, ensuring a risk management appraisal is undertaken and obtaining the appropriate approvals
- b. Ensuring partnerships do not impact adversely on Council services
- c. Providing appropriate information for the statement of accounts
- d. Maintaining all contract document and any associated requirements of the Contract Procedure Rules

- e. Ensuring partners are aware of their obligations with regards to confidentiality, conflicts of interest, communication and financial and contractual responsibilities
- f. Ensuring that financial resources are used efficiently and effectively and that accounting arrangements are satisfactory and maintain the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council

BIDDING FOR GRANT FUNDING

F.6 In some circumstances there may be specific grant funds available, where these are aligned with the Council's priorities, accessed through some form of bidding process. The approval process for bidding for grant funding is as follows:

- a. All grant submissions should be approved by the Section 151 Officer and the relevant Assistant Director / Director / Executive Director in advance
- b. The relevant Cabinet Member / Cabinet Member for Corporate Services should be consulted and provide approval to proceed
- c. If a bid is successful, expenditure can only commence when formal approval for the Supplementary Revenue / Capital Estimate has been received.

F.7 Any new capital schemes must be approved in line with the requirement for Supplementary Capital Estimates. Officers must ensure that they understand and are aware of the grant conditions attaching to any funding and consider whether the Council's processes and procedures are sufficient to comply with these conditions or whether more detailed processes need to be followed.

SUPPORT TO OTHER ORGANISATIONS

F.8 The Cabinet Member for Corporate Services will on a periodical basis, agree a policy setting down the approach to be taken to the allocation of grants, donations and other contributions to outside bodies, in consultation with the Section 151 Officer and The Chief Legal and Democratic Services Officer. The Policy would be presented for approval through Cabinet and Council.

- F.9 Grants, donations and contributions will be paid by the Council in accordance with this policy, subject to there being adequate provision in service budgets and the appropriate approvals being sought.

Approval level	Amount
Officers	Up to and including £50,000 (where grant is within approved grant policy)
Cabinet Member	Between £50,000 and £100,000 (where grant is within approved grant policy)
Cabinet	<p>All Grants of £100,000 or more.</p> <p>All grants which do not fall within existing approved grant policy require Cabinet approval.</p>

- F.10 The Grant Funding Protocol sets out further guidance on grant funding, the process for allocation and any conditions that should apply to any grant funding.
- F.11 Executive Directors and Assistant Directors will report on the outcomes achieved through the provision of support to outside bodies on an annual basis to the appropriate Member Group and Cabinet Member, with interim reporting (quarterly reports being the minimum) where the sums involved are in excess of £100,000.

SPONSORSHIP ARRANGEMENTS

- F.12 Sponsorship arrangements must comply with the Council's Sponsorship Policy and Code of Conduct.
- F.13 All sponsorship arrangements will require a business case to be submitted to the Chief Executive and the Section 151 Officer for approval.

F.14 The Assistant Director of Corporate Resources and Customer Services (Strategic Support) is responsible for maintaining a register which will include a list of approved sponsors.

F.15 The following financial thresholds must be adhered to:

Value	Level of Approval
Up to and including £10,000	Executive Director Cc Assistant Director
In excess of £10,000 and up to and including £50,000	Chief Executive Cc Executive Director and Assistant Director
Over £50,000	Cabinet Cc Executive Director and Assistant Director

F.16 Any sponsorship arrangement over £100k or materially affecting 2 or more wards will need including on the Forward Plan as a key decision.

ANNEXE

GLOSSARY OF TERMS / DEFINITIONS

Appropriation – Amounts transferred between the Revenue account and revenue or capital reserves.

Bad Debt – All debts which are due to the Council will be subject to full recovery, collection and legal procedures as outlined in the Council Corporate Debt Policy & Procedures. However, not all debts may be collectable and therefore it will be appropriate, in certain circumstances, to classify debts as irrecoverable or “bad debts”.

Balances (Revenue Account) – The accumulated surplus of income over expenditure. Members may agree that Balances be used to reduce future Council Tax precepts although a minimum level, consistent with prudence and best practice will be maintained. Amounts in excess of that required for day-to-day cash management and to finance working capital can be invested to generate interest income to the Council.

Block Provisions – Annual capital allocations made to cover minor schemes with starting values of less than £250,000.

Business Case Template – This is a pro forma to be completed for all Capital schemes and all significant Revenue proposals. It will provide details on the expected outcomes falling from the proposed investment and identify how the proposal will meet corporate objectives.

Capital Approval – The capital programme provision as amended by any supplementary estimates or virements.

Capital Expenditure – Expenditure on the purchase, construction or replacement of capital (fixed) assets or expenditure which adds to the life or value of an existing fixed asset.

Capital Programme – The Council’s plan of capital projects and spending over future years. Included in this category are the purchase of land and buildings, the erection of new buildings and works, Highway Improvement schemes and design fees, and the acquisition of vehicles and major items of equipment.

Capital Project / Scheme – These terms mean the same thing and are used interchangeably within these Rules. A project/scheme may be separately identified in the capital programme or be an item within a block provision.

Capital Receipts – Income received from the sale of capital assets and available, subject to rules laid down by the Government, to finance new capital expenditure or to repay debt.

All **carry-forwards** (except for Schools) need the approval of the Cabinet upon the presentation of a business case. The Sefton Scheme for Financing Schools identifies the level of balances each maintained school can carry forward without prior permission from the Schools Forum.

Chief Officers – Chief Officers are the Chief Executive or any Assistant Director of the Council to whom there has been specific delegation in writing by the Council or the Chief Executive. Chief Officers must operate efficient systems of financial control.

Contingencies – Sums set aside to meet either:

the potential costs of activities expected to occur during the year over and above those costs included in Service budgets (pay and price contingency); or

items which are difficult to predict in terms of financial impact or timing (contingency for uncertain items).

Contract – An agreement to supply goods, services or works for a price. A contract is normally in writing however a contractual arrangement may, inadvertently be entered into orally.

Contractor – Any person or organisation awarded a Contract. This includes any consultant appointed by the Council to provide advice on any project.

Commissioning Team /Procurement – The central procurement unit is the department responsible for procurement activity within the Council.

Council Fund – The Council's main revenue fund to which all revenue receipts are credited, and from which revenue liabilities are discharged. The movement on the fund in the year represents the excess of income over expenditure within the Consolidated Revenue Account. The level of balances held is based on the Council's assessment of the level of risk and uncertainty and the potential call on such reserves.

Debt Write-Off – Realising the cost of debt which is considered to be "bad" (unrecoverable) by writing it off against the revenue account or bad debt provision.

Earmarked Reserves – These reserves represent monies set aside that can only be used for a specific use or purpose.

Financial Year – The Council's accounting period covers the 12 months from April 1 to March 31.

Forward Plan – As defined in the Constitution.

Key Decision – As defined in the Constitution.

Leases – Agreements covering the hire/rental of equipment or buildings, generally for a specified period of time and at a specified rate.

Option Appraisal/Business Case – This is required for all Capital schemes and all significant revenue proposals and takes the form of a Business Case Template. This will be used to assess whether the scheme is affordable and deliverable. Consequences to the Service are considered and evaluated and it will also provide a basis for monitoring and reporting progress. In the case of revenue proposals, it will also take into account the risk and impact on users.

Policy and Expenditure Planning – The Council's annual cycle of planning for the medium and short-term future, aimed at achieving optimal allocation of available resources.

Policy and Expenditure Proposals – Proposals, including new policies, which have resource implications and will be subject to appraisal by Members, Executive Leadership Team and consultees before inclusion in annual budget preparation.

Provision – An amount set aside by the Authority for any liabilities of uncertain amount or timing that have been incurred.

The main category is estimates of liabilities or losses already incurred but whose exact amount will be determined in the future (e.g. bad debts, obsolete stock). See also Capital Provision and Provision for Doubtful Debt.

Provision for Doubtful Debt – An allocation of funds set aside from Service revenue budgets to cover amounts which may not be recoverable from debtors.

Prudential Borrowing Limits – The maximum amount of borrowing that the Council can enter into at any one point in time during the year. This limit is set by Council prior to the start of the year to which it relates and cannot be breached under any circumstances.

Revenue Account – The Account which sets out the Council's income and expenditure for the year for non-capital spending.

Revenue Expenditure – Spending on the day-to-day running expenses of the Council. It includes expenditure on employees, premises, transport and supplies and services.

Ring Fencing – Certain budgets agreed by the Section 151 Officer are "ring-fenced". This means that under-spends on these budgets will return to balances and overspends will be met centrally. This is to reflect the fact that certain items of expenditure are either demand-led or so significantly influenced by extraneous factors that they are beyond the direct control of managers. Ring-fenced budgets include planning levies, external audit fees and election expenses.

Schemes of Financial Delegation – Schemes of Financial Delegation are the documents that set out, for each Service, all authorisations and approval limits as delegated by the Executive Directors and Assistant Directors to Authorised Officers within their Service. Executive Directors and Assistant Directors are responsible for maintaining up to date and accurate Schemes of Financial Delegation.

Section 106 Agreement - Planning obligations, also known as Section 106 agreements (based on that section of The 1990 Town & Country Planning Act) are private agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. This will set out a number of on-site and/or financial obligations that are necessary to make the proposal acceptable in planning terms.

Service Plan – A plan which outlines measurable Service aims for the year ahead, encompassing both core purpose and specific key objectives for any given year. The Plan will consider both inputs and outputs.

“Starts value” – Represents the full value of the Council’s contribution to a Capital Scheme irrespective of the timing of the payments.

Sponsorship is defined as - “An agreement between the Council and the sponsor, where the Council receives either money or a benefit in kind for an event, campaign or initiative from an organisation or individual which in turn gains publicity or other benefits”.

Supplementary Capital Estimate (SCE) – Additional resources approved by Members during the financial year with funds either provided by a third-party (e.g. developer contributions, receipts, government grant), by the use of Council reserves or from the Revenue budget.

Supplementary Revenue Estimate (SRE) – An approved increase to a Service revenue budget during the financial year, funded centrally from reserves, contingencies or external funding sources such as grants or partner contributions.

Third Party Fund(s) – Funds provided by outside bodies or individuals in support of Council activities, establishments or clients. Can sometimes be known as trust funds.

Underspend – An underspend results when the net costs of a budget holder are lower than the net budget for the year.

Virement – A Revenue virement is a transfer of amounts from one budget heading to another within, or between, Executive Directors / Assistant Directors. Capital virements cover any changes to Capital budgets funded from within the existing Capital programme.

CHAPTER 11 – OFFICERS AND MEMBERS

A ACCESS TO INFORMATION PROCEDURE RULES

SCOPE

1. These rules apply to all meetings of the Council, Overview and Scrutiny Committees, Regulatory Committees, and public meetings of the Cabinet.
2. Where the Audit and Governance Committee is convened to consider or review, as the case may be, an allegation that a member has contravened the Council's Code of Conduct for Members, the provisions set out in the Audit and Governance Committee's Procedure for Local Assessment of Complaints shall apply and the meeting and papers will not be open to the public

ADDITIONAL RIGHTS TO INFORMATION

3. These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law nor do these rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998.

RIGHTS TO ATTEND MEETINGS

4. Members of the public may attend all parts of all meetings subject only to the exceptions in these rules.

NOTICES OF MEETING

5. The Council will give at least five clear days' notice of any meeting by posting details of the meeting at Southport Town Hall, Lord Street, Southport, PR8 1DA or Bootle Town Hall, Oriel Road, Bootle, L20 7AE and on the Council's website unless there is a matter of urgency that cannot wait.

ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

6. The Council will make copies of the agenda and reports open to the public available for inspection at Bootle and Southport Town Halls at least five clear days before the meeting unless the matter is urgent. Agendas are also easily available on the Council's website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda (where reports are prepared after the summons has been sent out, the Chief Legal and Democratic Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors).

SUPPLY OF COPIES

7. The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of the reports for the meeting (save during any part of the meeting to which the public are excluded)

- a) any agenda and reports which are open to public inspection;
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c) if the Head of Corporate Services thinks it is appropriate, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

ACCESS TO MINUTES AFTER THE MEETING

8. The Council will make available copies of the following for six years after a meeting:

- a) the Minutes of the meeting, or records of decisions taken, together with reasons, any alternative options considered, for all meetings of the Cabinet, excluding any part of the Minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- b) a summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
- c) the agenda for the meeting; and
- d) reports relating to items when the meeting was open to the public.

BACKGROUND PAPERS

LIST OF BACKGROUND PAPERS

9. The Officer preparing the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- a) disclose any facts or matters on which the report or an important part of the report is based; and
- b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in paragraphs 12 and 15); and in respect of Cabinet reports, any advice of a political assistant.

PUBLIC INSPECTION OF BACKGROUND PAPERS

10. The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers and these will be available on the Council's website (paragraph 9 refers).

SUMMARY OF PUBLIC'S RIGHTS

11. A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public during office hours at Bootle and Southport Town Halls. These Rules constitute that written summary.

EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

EXTENT OF EXCLUSION

CONFIDENTIAL INFORMATION – REQUIREMENT TO EXCLUDE PUBLIC

12. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

EXEMPT INFORMATION – DISCRETION TO EXCLUDE PUBLIC

13. The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Such a decision to exclude the public is to be made by resolution of the relevant decision making body.
14. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

MEANING OF CONFIDENTIAL INFORMATION

15. Confidential information means information given to the Council by a Government Service or Agency on terms which forbid its public disclosure or information which cannot be publicly disclosed by any enactment or Court Order.

MEANING OF EXEMPT INFORMATION

16. Exempt information means information falling within the following categories (subject to any qualification)

EXTENT OF EXCLUSION

17. The public may only be excluded under paragraphs 12 or 13 for the part or parts of the meeting during which it is likely that confidential or exempt information would be divulged.

[NOTE Information falling within any of the categories below is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.]

Category	Qualification	Interpretation
1- Information relating to any individual	The exemption applies only if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (see note on public interest at the end of the table).	
2-Information which is likely to reveal the identity of an individual	The Public Interest Test Qualification applies, as in 1 above.	
3-Information relating to the financial or business affairs of any particular person (including the authority holding that information).	The Public Interest Test Qualification applies, as in 1 above. "Financial or business affairs" includes contemplated, as well as past or current, activities. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under - the Companies Act 2006; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986 ["registered" in relation to information required to be registered under the	Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined. "person" includes any public authority, company, or other legally constituted organizations and the partners in a partnership or firm.

Category	Qualification	Interpretation
	<p>Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).]; or the Charities Act 2011.</p>	
<p>4-Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connect with any labour relating matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or document the question whether information is exempt or not falls to be determined.</p> <p>"labour relations matter" means-</p> <p style="padding-left: 40px;">any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>"employee" means a person employed under a contract of service;</p> <p>"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by</p>

Category	Qualification	Interpretation
		any joint board on which the authority;
5-Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	The Public Interest Test Qualification applies, as in 1 above.	
6-Information which reveals that the authority proposes- to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.	The Public Interest Test Qualification applies, as in 1 above.	Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined. "person" includes any public authority, company, or other legally constituted organizations and the partners in a partnership or firm.
7-Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	The Public Interest Test Qualification applies, as in 1 above.	
Exempt Information relating to the Audit and Governance Committee and any sub-committee thereof ONLY		
7a-Information which is the subject to any obligation of confidentiality.	The Public Interest Test Qualification applies, as in 1 above.	
7b-Information which relates in any way to matters concerning national security.	The Public Interest Test Qualification applies, as in 1 above.	
7c-Information presented to the Standards Committee or a sub-committee of the Standards Committee set up to consider any matter under regulation 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.	The Public Interest Test Qualification applies, as in 1 above.	

NOTE -The Public Interest Test

The Public Interest Test in the Freedom of Information (FOI) Act 2000 is specifically defined –

The Authority must release the information unless “in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”.

The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations.

- There is a distinction between the public interest and what merely interests the public.
- Does it further the understanding of and participation in the public debate of issues of the day?
- Does it promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?
- Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- Does it bring to light information affecting public health and public safety?

EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

18. If the Chief Legal and Democratic Officer thinks fit, the Council, the Cabinet and Committees may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with paragraph 17, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed. If the information is exempt information, the category of the exempt information must also be marked on the report.

19. The relevant body is requested in the agenda to confirm the action set out in paragraph 17 by resolution. Arrangements will be made to recall the press and public immediately should the motion not be passed.

20. If the matter is considered in public, any related report will also become available to the public.

APPLICATION OF RULES TO CABINET

21. Paragraphs 12 to 21 apply to the Cabinet and its Committees (if any). If the Cabinet or its Committees meet to take a key decision then it must also comply with Paragraph 22 unless Paragraphs 27 and 28 (general exception) or Paragraphs 29 to 31 (special urgency) apply. A key decision is as defined in Chapter 1 paragraph 24 of this Constitution

B PROCEDURE BEFORE TAKING KEY DECISIONS

22. Subject to paragraphs 27 and 28 (general exception) and paragraphs 29 to 31 (special urgency), a key decision may not be taken unless:

- a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- b) at least 28 clear days have elapsed since the publication of the Forward Plan; and
- c) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Paragraph 36 to 42 (notice of meetings).

THE FORWARD PLAN

CONTENTS OF NOTICE OF FORWARD PLAN

23. The Forward Plan will state that a key decision is to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of a Cabinet function. It will describe the particulars below. So far as the information is available or might reasonably be obtained that the key decision is to be made on behalf of the Council:

- the matter in respect of which the decision is to be made;
- where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and a list of its membership;
- the date on which, or the period within which, the decision is to be made;
- a list of the documents submitted to the decision maker for consideration in relation to the matter;
- the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- that other documents relevant to those matters may be submitted to the decision maker; and

- the procedure for requesting details of those documents (if any) as they become available.

PUBLICATION OF THE FORWARD PLAN

24. The Forward Plan must be made available for inspection by the public at Southport Town Hall, Lord Street, Southport, PR8 1DA or Bootle Town Hall, Oriel Road, Bootle, L20 7AE and on www.sefton.gov.uk.

PERIOD OF FORWARD PLAN

25. The Council is not obliged to publish a Forward Plan. The Council has chosen to include in the Forward Plan the statutory requirements with respect to the Notice of Key Decisions, the Notice requirements for a private meeting of the Cabinet. It will therefore continue to publish the Forward Plan.

26. Forward Plans will be prepared by the Head of Corporate Services to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

GENERAL EXCEPTION

27. If a matter which is likely to be a key decision has not been published in the Forward Plan, then subject to paragraphs 29 to 31 (special urgency), the decision may still be taken if:

- a) the decision must be taken by such a date that it is impracticable to publish the relevant information in the Forward Plan to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- b) the Chief Legal and Democratic Officer has informed the Leader of the Council and the chair of the relevant Overview and Scrutiny Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- c) the Chief Legal and Democratic Officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and
- d) at least five clear days have elapsed since the Chief Legal and Democratic Officer complied with (a) and (b).
- e) a further notice is published setting out why compliance with the procedure set out in paragraph 22 is impracticable.

28. Where such a decision is taken collectively, it must be taken in public.

SPECIAL URGENCY

29. If by virtue of the date by which a key decision must be taken paragraphs 27 to 28 (general exception) cannot be followed, then the key decision can only be taken if the decision maker (if an individual) or the chair of the body making the decision, obtains the agreement of the Leader of the Council and the Chair of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant Overview and Scrutiny Committee, or if the chair of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, will suffice.
30. Once agreement has been reached under paragraph 29, a notice must be published setting out the reasons why the decision is urgent and cannot reasonably be deferred.
31. As soon as reasonably practicable after the decision maker has obtained agreement under Paragraph 29 he or she must make available at Southport Town Hall, Lord Street, Southport, PR8 1DA or Bootle Town Hall, Oriol Road, Bootle, L20 7AE and publish on www.sefton.gov.uk a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

REPORT TO COUNCIL

WHEN AN OVERVIEW AND SCRUTINY COMMITTEE CAN REQUIRE A REPORT

32. If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:
- a) included in the Forward Plan; or
 - b) the subject of the general exception procedure; or
 - c) the subject of an agreement with the Leader and a relevant Overview and Scrutiny Committee chair, or the Mayor under paragraphs 29 to 31;

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Overview and Scrutiny Committee specifies. The report must include details of the decision and the reasons for the decision, the decision maker, and the reasons, if any, for the Cabinet believing that the decision was a key decision. The power to require a report rests with the Overview & Scrutiny Committee but is also delegated to the Chief Legal and Democratic Officer who shall require such a report on behalf of the Committee when so requested by the Chair of the Overview and Scrutiny Committee or any 5 members of the Committee. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

QUARTERLY REPORTS ON SPECIAL URGENCY DECISIONS

33. In any event the Leader will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in paragraph 29 to 31 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

RECORD OF DECISIONS

34. After any meeting of the Cabinet or any of its Committees, whether held in public or private, the Chief Legal and Democratic Officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include:

- a) a record of the decision including the date it was made;
- b) a record of the reason for the decision;
- c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
- e) in respect of any declared conflict of interest, a note of dispensation granted by the Council's Chief Executive.

C NOTICE OF AND ATTENDANCE AT PUBLIC MEETINGS OF THE CABINET

35. Meetings of the Cabinet and its committees will be held in public, unless it is likely that exempt or confidential information would be disclosed or whenever a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting. The public may only be excluded for the part or parts of the meeting during which it is likely that exempt or confidential information would be disclosed.

36. All Members of the Council will be given five clear working days' notice of all public meetings of the Cabinet and its Committees unless the meeting is convened at shorter notice.

37. All Members of the Council are entitled to attend public meetings of the Cabinet and its Committees and may be invited to speak only at the discretion of the Chair of the meeting.

38. Members of the Council who are not Members of the Cabinet may not attend a private meeting of the Cabinet or Committee of the Cabinet unless invited to do so by the Chair of the meeting. An invited Member may be invited to speak at that meeting by the person presiding.
39. Members of the Cabinet may speak at its Committees but may only vote if they are a Member of the Committee.
40. The Chief Executive, the Chief Financial Officer, the Monitoring Officer, or their nominees, are entitled to attend any meeting of the Cabinet and its Committees. The Cabinet may not meet unless the Chief Legal and Democratic Officer has been given reasonable notice that a meeting is to take place.
41. A Cabinet meeting may only take place in the presence of the Chief Legal and Democratic Officer or their nominee with responsibility for recording and publicising the decisions.

NOTICE OF PRIVATE MEETINGS OF THE CABINET

42. Members of the Cabinet or its committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.
43. At least 28 clear days before a private meeting, the decision-making body must:
 -
 - a) make available at the offices of the Council a notice of its intention to hold the meeting in private (a "Notice of Private Meeting"); and
 - b) publish that notice on the Council's website.
44. At least five clear days before a private meeting, the decision-making body must:
 - a) make available at the offices of the Council a further notice of its intention to hold the meeting in private; and
 - b) publish that notice on the Council's website
45. A notice under paragraphs 43 to 45 must include: -
 - a) a statement of the reasons for the meeting to be held in private
 - b) details of any representations received by the decision-making body about why the meeting should be open to the public; and
 - c) a statement of its response to any such representations.

46. Where the date by which a meeting must be held makes compliance with this Paragraph impractical, the meeting may only be held in private where the decision-making body has obtained agreement from: -

- a) the Chair of the relevant Overview and Scrutiny Committee; or
- b) if there is no such person, or if the Chair of the relevant overview and scrutiny committee is unable to act, the Mayor of the Council; or
- c) where there is no chair of either the relevant Overview & Scrutiny Committee or of the Council, the Deputy Mayor of the Council,
- d) that the meeting is urgent and cannot reasonably be deferred

47. As soon as reasonably practicable after the decision-making body has obtained agreement under paragraph 46 to hold a private meeting, it must:

- a) make available at the office of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- b) publish that notice on the Council's website.

D DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

REPORTS INTENDED TO BE TAKEN INTO ACCOUNT

48. Where an individual Member of the Cabinet receives a report which they intend to take into account in making any decision, then they will not make the decision until at least five clear days after receipt of that report (unless paragraphs 29 to 31 apply). A copy of the report will be published on the Council's website and be publicly available (unless exempt information is contained within it).

49. Any Member of the Council may ask the Cabinet Member to consider an item. If the Cabinet Member agrees the item will be considered as soon as reasonably practicable.

50. When a Cabinet Member intends to make executive decisions, any Member of the Council may submit comments.

ATTENDANCE BY APPROPRIATE ORGANISATIONS/BODIES

51. At the discretion of the Cabinet Member, relevant bodies/organisations may be invited to comment on matters for decision.

RECORD OF INDIVIDUAL DECISION

52. As soon as reasonably practicable after an executive decision has been taken by an individual Member of the Cabinet, they will prepare, or instruct the Chief Legal and Democratic Officer to prepare a report containing:
- a) a record of the decision including the date it was made;
 - b) a record of the reasons for the decision;
 - c) details of any alternative options considered and rejected by the member when making the decision;
 - d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and
 - e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.
53. The provisions of Paragraphs 55 and 56 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political or mayor's assistant.

E INSPECTION OF DOCUMENTS FOLLOWING EXECUTIVE DECISIONS

54. Subject to Paragraph 70 - 73, after a meeting of a decision-making body at which an executive decision has been made, or after an individual member or an officer has made an executive decision the Chief Legal and Democratic Officer must ensure that a copy of-
- a) any records prepared in accordance with Paragraphs 35 or 43-48; and
 - b) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with Paragraphs 35 or 43-48, where only part of the report is relevant to such a decision, that part, must be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of the Council, and on the Council's website.
55. Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection under Paragraph 55, those documents must be supplied for the benefit of the newspaper by the Council on payment by the newspaper to the Council of postage, copying or other necessary charge for transmission.

INSPECTION OF BACKGROUND PAPERS

56. Subject to Paragraph 70-73, when a copy of the whole or part of a report for a meeting is made available for inspection by members of the public in accordance with Paragraph 35 or 43-48, at the same time-

- a) a copy of a list compiled by the proper officer of the background paper to the report or part of the report, must be included in the report or, as the case may be, part of the report; and
- b) at least one copy of each of the documents included in that list,

must be available for inspection by the public at the offices of the Council and on www.sefton.gov.uk.

F JOINT COMMITTEES

57. These Rules apply to the Council's Joint Committees as follows:

- a) If all the members of a joint committee are members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.
- b) If the joint committee contains members who are not on the Cabinet of any participating authorities then the access to information rules in Part VA of the Local Government Act 1972, as applicable to meetings of the full Council and its committees will apply.

OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

RIGHTS TO COPIES

58. Subject to paragraph 60 below, an Overview & Scrutiny Committee will be entitled to copies of any document within their terms of reference, which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

- a) any business transacted at a meeting of the Cabinet or its Committees; or
- b) any decision taken by an individual Member of the Cabinet;
- c) any decision taken by an officer of the Council in accordance with executive arrangements.

LIMIT ON RIGHTS

59. An Overview and Scrutiny Committee will not be entitled to:

- a) any document that is in draft form;

- b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- c) the advice of a political adviser.

ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

MATERIAL RELATING TO BUSINESS TO BE TRANSACTED AT A PUBLIC MEETING

60. All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its Committees which contain material relating to any business to be transacted at a public meeting unless (a), (b) or (c) applies:

- a) it contains exempt information falling within paragraphs 1, 2, 4, 5 or 7 of the categories of exempt information; or
- b) it contains exempt information falling within paragraph 3 of the categories of exempt information and that information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
- c) it contains the advice of a mayoral/political assistant.

61. Any document which is required by Paragraph 60 to be available for inspection by any member of the Council must be available for such inspection for at least five (5) clear days before the meeting except that-

- a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- b) where an item is added to the agenda at shorter notice, a document that would be required to be available under Paragraph 60 in relation to that time, must be available for inspection when the item is added to the agenda.

MATERIAL RELATING TO PREVIOUS BUSINESS

62. All members will be entitled to inspect any document (except those available only in draft form) which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting or to any decision made by a Member or Officer in accordance with executive arrangements unless paragraph 60 applies. This paragraph is to be applied in conjunction with paragraphs 110, 125, 127 and 134 of the Member Officer Protocol.

63. Any document required to be made available for inspection under paragraph 60 must be made available when the relevant meeting concludes or, where an executive decision is made by an individual member or officer, immediately after the decision has been made, and in any event, within twenty-four (24) hours of the conclusion of the meeting or the decision having been made as the case may be.

NATURE OF RIGHTS

64. These rights of a Member are additional to any other right they may have.

MEMBERS OTHER RIGHTS TO INFORMATION

65. A Member of the Council may, for the purposes of his or her duty as a Member and no other, inspect any document that has been considered by a committee or the Council including background papers. Applications should be made to the Chief Legal and Democratic Officer and, if available, copies will be supplied upon request.

66. A member shall not knowingly inspect or request a copy of any document relating to a matter in which he:

- a) is professionally interested; or
- b) has a registerable or non-registerable personal interest within the meaning of the Code of Conduct for Members as set out in this Constitution.

67. This shall not preclude the Chief Legal and Democratic Officer from declining to allow inspection of any document which is or would be protected by privilege in the event of legal proceedings arising from the relationship of solicitor and client and should be exempt under either the Freedom of Information Act 2000 or the Data Protection Act 1998.

68. All reports, background papers to reports and minutes kept by any committee shall be open for the inspection of any member of the Council, as soon as the committee has concluded action on the matter to which such reports or Minutes relate.

CONFIDENTIAL INFORMATION, EXEMPT INFORMATION AND ADVICE OF A POLITICAL ADVISER OR ASSISTANT

69. Nothing in these Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

70. Nothing in these Rules:

- a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Chief Legal and Democratic Officer, that document or part of a document contains or may contain confidential information; or
- b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political advisors or assistant.

71. Where a member of the Cabinet or an officer makes an executive decision in accordance with executive arrangements, nothing in these Rules:

- a) authorises or requires documents relating to that decision to be disclosed to the public, or made available for public inspection where, the documents contain confidential information; or
- b) requires documents relating to that decision to be disclosed to the public, or made available for public inspection where the disclosure of the documents would, in the opinion of the member or officer making the decision, give rise to the disclosure of exempt information or the advice of a political adviser or assistant.

72. Nothing in these Rules requires a decision making body to permit the taking of any photographs of any proceedings or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.

G PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF SEFTON COUNCIL

INTRODUCTION

73. The Purpose of this Protocol is to serve Members and Officers as a guide to conducting their relationship in a way that promotes good governance. This is not intended as a comprehensive guide, aimed to cover all eventualities but rather as an outline of the core principles. The guidance in this Protocol is underpinned by the duties and obligations contained within the respective individual Codes of Conduct for Members and Officers.

DEFINITIONS

74. Unless the context indicates otherwise, references to the term Council include the Cabinet, Overview and Scrutiny Committees, and other committees and sub-committees.
75. Unless the context indicates otherwise, the terms Member and Members includes elected Councillors and non-elected Members who have been co-opted to serve as part of a formal Committee structure or process.
76. Officers and staff mean all persons employed by the Council including agency staff.
77. Senior officer shall mean all senior management posts graded Hay 5 or above, this will generally refer to Heads of Service and above.
78. Party Group shall mean any group or part thereof acting in a party-political capacity.

PRINCIPLES

79. Members and officers must at all times observe the principles set out in this protocol.
80. This protocol seeks to reflect the Nolan Principles underlying the respective Codes of Conduct which apply to Members and Officers: -
 - a. Selflessness
 - b. Integrity
 - c. Objectivity
 - d. Accountability
 - e. Openness
 - f. Honesty, and
 - g. Leadership
81. The protocol has been approved by Full Council and the Council's Audit and Governance Committee will review the protocol from time to time.
82. Whilst Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only for as long as their term of office lasts. Officers are accountable to the Council as a whole for as long as they are employed. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.
83. Good governance flows from a shared ethos or culture, as well as from systems and structures.
84. It is imperative to good governance and the integrity of the Council that the Members and Officers demonstrate a high level of respect and professional conduct in their dealings with one another.
85. To achieve good governance this code builds upon the seven principles for the code of people in public life that were established by the Committee on

- Standards, known as the Nolan Committee, as revised by the Localism Act 2011. These principles are located in Chapter 2 – Members' Code of Conduct
86. Officers are also bound by the Council's own code of conduct for employees and, in some cases, by the codes of their professional associations.

THE ROLE OF MEMBERS

87. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior officer(s) and/or the Monitoring Officer.
88. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
89. Members represent their electoral ward and are advocates for the citizens who live in their area.
90. Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.
91. Members may approach officers of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their duty.
92. Members must respect the impartiality of officers and do nothing to compromise it.

THE ROLE OF OFFICERS

93. As employees, Officers work to the instructions of their Senior Officers and not under instruction of individual members. Officers are accountable to the Chief Executive as Head of Paid Service.
94. Officers are responsible for giving advice to Members to enable them to fulfil their role.
95. Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees) officers manage and provide the Council's services within the framework of responsibilities delegated to them.
96. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
97. Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers in politically restricted posts.

THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS: GENERAL

98. The conduct of Members and officers should be such as to instil mutual confidence and trust.
99. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other both publicly and privately.
100. Officers work to the instructions of their senior officers, not individual Members. It follows that, whilst such officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers.
101. Members should direct their requests and concerns to the appropriate officer, in the relevant department. If there is any doubt on the part of the Member as to whom the appropriate officer is, or in light of the nature of the particular request or concern, Members are asked to approach a senior officer with the relevant department.
102. Officers reserve the right to refer a matter to a more senior officer, where they feel that it would not be appropriate to deal with the Member's request.

MEMBERS OF COMMITTEES OR SUB-COMMITTEES AND OFFICERS

103. This section does not apply to the role of Cabinet or Cabinet Members, whilst acting in their capacity as Cabinet Member.
104. The appropriate senior officers will offer to arrange regular informal meetings with chairs or vice-chairs of committees or sub committees.
105. Senior officers (including the Monitoring officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.
106. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
107. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chair. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

PARTY GROUPS AND OFFICERS

108. Senior officers may properly be asked to contribute when a party group deliberates matters concerning Council business.
109. Officers will review their attendance at a party group meeting, should the party group include individuals who are not Members of the Council.
110. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
111. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
112. Officer support is limited to providing factual information or professional advice in relation to matters of Council business.
113. Officers will respect the confidentiality of any party group discussion at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members.
114. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis. Any such information will also be subject to the confidentiality requirements contained in Employees' Code of Conduct. (Chapter 10)
115. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
116. No Member will refer in public or at meetings of the council to advice or information given by officers to a party group meeting.

LOCAL MEMBERS AND OFFICERS

117. Members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirements to keep local Members informed thus allowing Members to contribute to the decision-making process and develop their representative role.
118. Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed.
119. Whenever a public meeting or event is organised by the Council with respect to a local issue, the relevant Cabinet Members and/or Members representing the wards affected will usually be invited to attend the meeting as a matter of course.

120. If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
- h. an officer may attend but is not obliged to do so, and
 - i. the meeting may be held in Council-owned premises.
121. No such meetings should be arranged or held in the immediate run-up to Council elections. Any such meetings must comply with the Purdah³ guidelines, which should be consulted when seeking clarity on such issues.
122. In the Purdah period it may be necessary to convene a public meeting due to an emergency situation or a previously unknown matter for which it would not be in the local public's interest to postpone. In these circumstances it will be appropriate for Officers and Members to attend the meeting with a view to resolving the local issue.

PUBLIC RELATIONS AND PRESS RELEASES

123. The Council's Communications Team serve the Council as a whole and must operate within the limits of the Local Government Act 1986 and Code of Recommended Practice on Local Authority Publicity.
124. Council press releases are drafted by Officers and will often contain quotes (within the limits of the Local Government Act 1986) from the Leader and / or Deputy Leader of the Council, an Executive Member or Chair of committee and from the Mayor about ceremonial events. Such press releases are issued on behalf of the Council and it is not appropriate when repeating quotations from members to indicate their party-political affiliation.
125. It is acknowledged that some Council staff may receive and handle messages for Members on topics unrelated to the Council. Care should be taken to avoid Council resources being used for private or party-political purposes.
126. In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures.
127. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution.
128. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. Where information is requested on behalf of a third party, it will only be provided if:

³ The term Purdah means the pre-election period in the UK; it refers to the time between when an election is announced and the final election results. The Cabinet Office issues guidance prior to each election.

- j. it is in the public domain, and
 - k. it is not barred by the Data Protection Act 1998 (as amended) from being given.
129. Every Member of a committee, and/or any other committee or sub-committee has a right to inspect documents about the business of the particular Committee.
130. A Member who is not a Member of a particular committee, other committee or sub-committee, or the Cabinet may have access to any document of that specific part of the Council provided:
 - l. he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Member (the "need to know" principle), and
 - m. the documents do not contain "confidential" or "exempt" information as defined by the law.
131. Disputes as to the validity of a Member's request to see a document on a "need to know" basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member's request.
132. Where any person is expected to be present at the meeting of a particular committee, other committee or sub-committee or Cabinet, where documents containing confidential or exempt information (as defined under the Access to Information Procedure Rules (Chapter 12)), are to be discussed or distributed and the person in question is not privy to that information, then the following procedure shall be followed:
 - In advance of the meeting and at earliest possible notice, the relevant Officer of the Council shall be notified that such person may be present, and
 - Upon receipt of such notification, the Officer shall advise of the appropriate course of action at the meeting in order to ensure that the confidential or exempt information remains secure.
133. A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
 - a. where to do so is likely to be in breach of the Data Protection Act 1998 (as amended), or
 - b. where the subject matter is one in which he/she has a disclosable pecuniary or other interest as defined in the Members' code of conduct.
134. Information given to a Member must only be used for the purpose for which it was requested.
135. It is an accepted convention that a Member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.

136. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
137. When requested to do so, officers will keep confidential from other Members advice requested by a Member.
138. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

CORRESPONDENCE

139. Correspondence between an individual Member and an officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, that is there should be no "blind" copies.
140. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (for example representations to a Government Minister) for letters to appear in the name of a Cabinet Member or the chair of an Overview and Scrutiny committee.
141. The Mayor may initiate correspondence in his/her own name.
142. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.
143. When writing in an individual capacity as a ward Member, a Member must make clear that fact.
144. If a Member has another role, distinct from their role as a Member, which regularly requires correspondence with the Council, the Member must make it clear in which capacity they are seeking information or advice.
145. When corresponding through any social media sites or public forums, Members and officers must have regard to the general principles of this code , the Members Code of Conduct and the ICT Acceptable Use Policy in Chapter 2 of the Constitution.

ACCESS TO PREMISES

146. Officers have the right to enter Council land and premise to carry out their work. Some Officers have the legal power to enter property in the ownership of others.
147. Members have a right of access to Council land and premises to fulfil their duties. If appropriate, Members may wish to alert the relevant Head of Service and/or Director when they are visiting Council premises, particularly those that are not generally open to members of the public.

148. When making visits in their official capacity as elected Members, Members should adhere to their code of conduct plus any particular rules and regulations that apply to the site they are visiting.

USE OF COUNCIL RESOURCES

149. The Council provides all Members with services such as printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as Members of the Council. They should not be used for private purposes or in connection with party political or campaigning activities.
150. Members should ensure they understand and comply with the Council's own rules about the use of such resources. Members should not put pressure on staff to provide resources or support which officers are not permitted to give, such as political or personal matters.

INTERPRETATION, COMPLAINTS AND ALLEGATIONS OF BREACHES

151. This part of the protocol should be read in conjunction with the Council's "Whistleblowing" policy.
152. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
153. If direct discussion with the officer is inappropriate (for example because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the officer's manager or the relevant senior officer.
154. An officer who believes a Member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer.
155. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.

CONSEQUENCES FOR BREACHING THE CODE

156. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary or capability procedure.

Breaches by a Member may be referred to the leader of the relevant party group, or in more serious cases may also involve breaches of the Member's code of conduct, and may be referred to the Council's Audit and Governance Committee.

H CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

INTRODUCTION

157. This Code of Conduct sets out practices and procedures for all Councillors and Officers who deal with planning matters.
158. This Code of Conduct should give the public greater confidence that decisions are made fairly and openly.
159. Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions) and the legal nature of the Local Development Framework, development plans, Supplementary Planning Documents and decision notices. It is important, therefore, that the process is characterised by open and transparent decision-making.
160. The planning process should leave no grounds for suggesting with any justification that a decision has been partial, biased or not well-founded in any way.
161. Members and Officers must be aware that the Bribery Act 2010 which introduces new bribery offences including:
- a) **MAKING A BRIBE** – the promise or giving of a bribe / advantage with the intention of inducing or rewarding the improper performance of a relevant function or activity or as a reward for such improper action.
 - b) **ACCEPTING A BRIBE** – the receipt or acceptance of a bribe / advantage for the improper performance of a relevant function or activity or as a reward for such improper action.
 - (i) 'Improper performance' means performance which amounts to a breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust.
 - (ii) For the purposes of deciding whether a function or activity has been performed improperly the test of what is expected is a test of what a reasonable person would expect in relation to the performance of that function or activity.
 - (iii) Members and Officers convicted under the Act can face a maximum penalty of ten years imprisonment and / or a large fine.

DECLARATION AND REGISTRATION OF INTERESTS

162. As with all aspects of Council business, Members should observe the guidance on declaring pecuniary and other interests as set out in: -
- (a) the Council's Code of Conduct for Members;
 - (b) the statutory provisions on the disclosure of pecuniary interests and;
 - (c) the Guidance of Good Practice on Members' interests published by the Commission for Local Administration.
163. The Council's Code sets out requirements and guidance for Members on declaring pecuniary and other interests and the consequences of having such interests. These must be followed scrupulously and Members should review their position regularly. When doing so the Council's Code advises that not only should impropriety be avoided but also any appearance or grounds for suspicion, of improper conduct. The responsibility for this rests individually with each Member.
164. A register of Members' interests is maintained by the Council's Chief Legal and Democratic Officer. Members who have substantial property interests or other interests which would prevent them from voting on a regular basis might wish to ensure that they avoid serving on the Planning Committee. The Council's Code also sets out advice regarding other interests. It is for Members to interpret this advice using the guiding rule that one should not use one's position to further a private or personal interest rather than the general public interest, or give grounds for such suspicion. The Council's Code says that the test for deciding whether such an interest should be declared is whether a member of the public knowing all the facts, would reasonably think that the Member might be influenced by it. If so, then not only must the interest be disclosed but the Member should not take any further part in the relevant proceedings. The responsibility for declaring an interest lies with the individual Member.
165. The Council's Code also sets out the duties and responsibilities of Members. It states that whilst Members owe a special duty to their ward constituents including those who did not vote for them, their overriding duty is to the whole community. Members should not favour any individuals or groups and although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Members must therefore represent their constituents as a body and vote in the interests of the whole Borough.
166. This is particularly pertinent to Members making planning decisions. The basis of the planning system is the consideration of private proposals against wider public interests. Whilst Members should take account of opposing views, they should not favour any person, company, group or locality nor put themselves

in a position where they appear to do so, for example close personal or social contacts with developers or agents. The offer of hospitality can place Members (and officers) in a difficult position. Members should be very cautious about accepting gifts and hospitality and should follow the advice contained in the Council's Code which states that Members must not accept gifts or hospitality which exceed the value of £50.

DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND COUNCIL DEVELOPMENT

167. Proposals to their own authority by or on behalf of Councillors and Officers, made in a private capacity, can easily give rise to suspicions of impropriety. So indeed can proposals for a Council's own development.

168. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism. The following principles should be observed: -

a) Serving Councillors who act as agents for people pursuing a planning matter within the Authority should play no part in the decision-making process for that proposal. Similarly, Councillors or Officers who submit their own proposal to the Authority they serve, should take no part in its processing.

b) Proposals submitted by:

[i] serving Councillors or

[ii] Senior Officers at Head of Service level or

[iii] Any member of staff of Planning Services

for their own private development must be reported to the Planning Committee as main items and not dealt with by Officers under delegated powers.

c) Proposals for a Council's own development should be treated in the same way as those by private developers.

LOBBYING OF AND BY COUNCILLORS

169. Lobbying is a normal and perfectly proper part of the political process; those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward Member or to a Member of the Planning Committee.

170. However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called into question. When being lobbied, Councillors should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their options can be included in the officer's report to the Committee. If they must express an opinion, they should make it clear that they will only be in a position to make a final decision after having heard all the relevant evidence and arguments at Committee. However, it is best not to express an opinion at all.
171. Members involved in making a planning decision who at any time prior to the meeting at which the decision is taken record their support for or objection against a planning application will debar themselves from the consideration of that item at Planning Committee. This may apply to declarations of support or objections made by a person prior to them becoming a Member of the Council or a Member of the Planning Committee.
172. Councillors need to take account of the general public's (and the Local Government Ombudsman's) expectation that a planning application will be processed and determined in a transparently open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration.
173. If an approach is received by a Member of the Planning Committee, from any applicant, agent or other interested party in relation to an existing or proposed planning application, then the Member shall: -
- (a) inform such applicant, agent or interested party that, in order to avoid accusations of partiality, he/she is only able to offer procedural advice and that any such person should either write to officers of the Council or write or speak to a Member(s) who is not on the Planning Committee. This should not however be taken to mean that Members who are on the Planning Committee should not listen to the views that the lobbyist wishes to express;

- (b) complete the standard form provided, and forward this to the Head of Economic Growth and Housing. This will enable a record to be kept of any such approach. This form of record keeping will assist individual Members to counter any accusations that his or her decision has in some way been biased or partial;
 - (c) where a Member of the Planning Committee receives written representations directly in relation to a planning application (or proposed planning application) the Member should pass a copy of the correspondence to the Head of Economic Growth and Housing without delay in order that those representations can be included in the officer's report to the Committee.
174. However, where correspondence is clearly marked as having been sent to all Members of the Committee, only the Party Spokespersons will need to send a copy of that correspondence to the Head of Economic Growth and Housing.
175. Members of the Planning Committee should avoid organising support or opposition to a planning application and avoid lobbying other Members. Such actions can easily be misunderstood by parties to the application and by the general public. Members should also not put pressure on officers for a particular recommendation.
176. Members involved in the determination of planning applications whether at Planning Committee or Full Council (if the Council is determining a planning application) should avoid attendance at public meetings in relation to planning matters. If such public meetings are attended, no view on the merits or otherwise of the proposal should be given. To do so might lead the public or the applicant to believe that the individual Member had already made up his or her mind prior to the meeting of the Planning Committee.
177. Given that the point at which a decision on the planning application is made cannot occur before the Planning Committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the Committee meeting should not be used to decide how Councillors should vote whether this be for or against an officer's recommendation. It should be noted that the Local Government Ombudsman has regarded the use of the 'whip' in planning matters as maladministration in a number of cases. Members should not fetter their discretion by voting according to a party line.

PRE-APPLICATION DISCUSSIONS

178. Discussions between a potential applicant for planning permission and the Council prior to the submission of an application can be of considerable benefit to both parties and are generally encouraged as assisting the planning process.

However, it would be easy for such discussions to become or be seen (especially by objectors) to become part of a lobbying process. To maintain impartiality it is preferable that no Members take part in pre-application discussions. Should there be occasions when Members are involved they should be advised by the appropriate professional officers of the Council and their involvement in such discussions recorded on the planning file.

REPORTS BY OFFICERS TO COMMITTEE MEMBERS

179. Members are required to arrive at a decision on granting or refusing permission by using planning criteria and by excluding non-planning considerations. In determining planning applications Members are required to have regard to the development plan for its area and to any other material considerations. To this end, the reports of officers to Members must be accurate and cover all relevant points. These reports: -

- (a) will contain a section on the relevance of the development plan, a description of the site and any related planning history and all other identified material considerations will be outlined;
- (b) will deal with the substance of any objections received and the views of people who have been consulted or notified;
- (c) will incorporate a recommendation for the consideration of Members; oral reporting (except to update a report) should occur in exceptional circumstances only and carefully Minuted when it does occur;
- (d) will contain a technical appraisal which clearly justifies the stated recommendation;
- (e) if the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

180. Late representations - it is a matter of judgement whether late representations ought to be considered by the Committee. Late representations must be received by all Members of the Committee in sufficient time for them to be considered properly. If a late representation significantly affects an application, consideration must be given to deferring the application.

PUBLIC SPEAKING AT COMMITTEE

181. The Council's rules with regard to public speaking at Planning Committee are as follows: -

- a) Where there is a petition objecting to or supporting a planning application and this contains the names of at least 25 residents of the Borough and which is endorsed by a Councillor (who is not a Member of the Planning Committee) the representative of the petitioners shall be allowed to address the Committee upon the subject of the petition for up to a maximum of five Minutes.
- b) When this occurs, the Respondent (usually the applicant/agent for planning permission) will also be allowed to address the meeting for up to a maximum of five Minutes. If the Petition is in support of an application, the objectors (if any) will be permitted to respond for a period of five Minutes.
- c) Where there is more than one such petition, the Respondent shall have five Minutes to reply to each Petition.
- d) Members may ask questions of the Petitioner and Respondent at the conclusion of their five minute presentations. Members may not, however, enter into a dialogue with Petitioners/Respondents.
- e) A dialogue will not be permitted between the applicant/agent and representatives of the Petitioners. Normally, any questions or issues arising from representations will be responded to by officers with the Chair having identified those specific matters requiring a response.
- f) Ward Members must contact the appropriate Democratic Services Officer by 12 noon the day before a Committee meeting if they wish to address the Committee regarding an application and make their address after any petitioner and the respondent; or before the applicant/agent if there is no petition.
- g) On occasions where there is(are) a petitioner(s) and a Ward Member(s) addressing the Committee the respondent will be permitted to respond for up to five minutes for each petitioner / Ward member objecting or supporting the application.
- h) Petitioners, respondents or any other person addressing the Committee will not be permitted to display or circulate any information to members of the Committee.

182. The Council has produced a Note for Petitioners explaining the procedures - [Petitions \(sefton.gov.uk\)](http://sefton.gov.uk).

DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN

183. The law requires that where the development plan is relevant, decisions should be taken in accordance with it unless material considerations indicate otherwise

184. In discussing and then determining a planning application Members should confine themselves to the planning merits of the case and the reasons for

making a final decision should be clear and convincing and supported by planning evidence. Members should not take into account irrelevant considerations such as the personality or conduct of the applicant.

185. Being conscious of the public arena in which planning decisions are made, Members will conduct the business of the Planning Committee in a fair and sensitive manner. The debate on a planning application will be confined to the planning merits, or otherwise, of the development proposal. All applications which are not in accordance with the development plan must be identified as soon as possible. If it is intended to approve such an application, the material considerations which lead to this conclusion must be clearly identified and how they justify overriding the development plan must be clearly demonstrated. If the officer's report recommends approval of a departure, the justification for this should be included, in full, in the Committee report.
186. If the Planning Committee make a decision contrary to the officer's recommendation (whether for approval or refusal) a detailed minute of the Committee's reasons should be made and recorded in the Minutes of the meeting and a copy placed on the application file.
187. A qualified lawyer will attend all meetings of the Planning Committee to ensure that procedures have been properly followed.

REASONS FOR REFUSAL - STATUTORY REQUIREMENTS

188. Where there is an appeal against refusal of planning permission or the imposition of conditions, all the relevant reasons given by the Local Planning Authority in the decision notice should be complete, clear and precise, to inform discussions between the parties. The aim should be to explain to the appellant the background to the decision and to amplify the Local Planning Authority's objections to the proposed development as fully as possible. Legislation requires a local planning authority, when refusing planning permission or granting permission subject to conditions, to specify all policies and proposals in the development plan which are relevant to the decision. More precise reasons for refusal from the local planning authorities linked to development plan policies will help appellants to focus their grounds of appeal more specifically. In addition, for appeals against non-determination, local planning authorities are asked to provide the Secretary of State with details, copied simultaneously to the appellant, of the relevant development plan policies within two weeks of the starting date of the appeal. (DETR Circular 05/00)
189. In any appeal proceedings, the Authority will be expected to produce evidence to substantiate each reason for refusal, by reference to the development plan and all other material considerations. If they cannot do so, costs may be awarded against them.

190. Members of the Committee should be prepared to attend any subsequent appeal hearing or inquiry to explain and support the Committee's decision. This is especially so where permission has been refused contrary to the officer's recommendation.

COMMITTEE SITE INSPECTIONS

191. Site visits can cause delay and additional costs and should only be used where the expected benefit is substantial. A decision by the Planning Committee to carry out a site inspection should normally only take place when: -
- (a) there is considerable local concern about a proposal, allied to planning reasons for carrying out the visit (for example the physical relationship of the site to other sites in the neighbourhood); or
 - (b) if the impact of the proposed development is difficult to visualise from the plans and any supporting material; or
 - (c) the proposal is particularly contentious; or
 - (d) the proposal is contrary to a specific policy or raises wider policy issues.
192. When requesting a site visit, Members should give clear reasons for such a request, so that the reasons may be recorded on the application file.
193. Committee site visits are an integral part of the Committee's decision making role and Members are strongly encouraged to attend all committee Visiting Panels as an important part of the committee's role and responsibilities. If a Member knows that they are able to attend the site visit but not the committee meeting – or vice versa - that Member should wherever possible arrange with their substitute Member to attend both meetings. This is to ensure consistency in decision making and to help ensure that all decision makers have access to the same information.

INDIVIDUAL SITE INSPECTION BY MEMBERS

194. Members are encouraged to look at an application site following the receipt of the agenda and prior to the date of the Committee meeting. This will enable them to acquaint themselves with the nature of the proposal and will help avoid delay and unnecessary site visits. However, Members should conduct such site inspections from a public vantage point and should not discuss the application with any applicant agent or third party.
195. Members should avoid entering any premises not normally open to the public which are either: -
- a) the subject of, or affected by, a planning application; or

- b) known by a Member to be likely to become the subject of, or affected by, a planning application;
- c) for any purpose in connection with such an application, save in the course of a Committee site inspection.

REGULAR REVIEW OF DECISIONS AND TRAINING

- 196. At least on an annual basis, arrangements will be made for Members of the Planning Committee to visit a sample of implemented planning permissions in order to assess the quality of decisions. This should include examples from a broad range of categories such as major and minor development, permitted departures, upheld appeals, listed building works and enforcement cases.
- 197. The Planning Committee should formally consider the outcome of this review and decide whether it gives rise to the need to review any existing policies or practices.
- 198. Members (and their substitutes) of the Planning Committee will receive formal training in the planning system either before serving on the Committee or as soon as possible after their appointment to the Committee. In view of the complexities of the planning system and increased legal challenge on decisions made, there will be one mandatory training session for all Committee Members covering key planning principles. This must be attended before sitting on the Committee each municipal year.
- 199. Members must attend a further two training events during the course of each municipal year. Failure to attend the total three required sessions each year may lead to that member being excluded from the Committee. Any member who may be appointed during the course of the year must also attend the mandatory training session before sitting on Planning Committee.

OFFICER CODE OF CONDUCT

- 200. An officer's function is to advise Members on all matters of planning policy and procedure in their determination of planning and related applications by: -
 - (a) providing impartial and professional advice;
 - (b) making sure that all the necessary information is available for a decision to be made;
 - (c) providing a clear and sufficient analysis of the issues including development plan policies and all other material considerations;
 - (d) giving a clear recommendation;
 - (e) carrying out the decisions of Members at Committee.

201. Free and impartial advice will be given to prospective applicants prior to submitting an application. It will then be made clear that such advice is given without prejudice to any subsequent recommendation or formal decision by the Committee or a decision made under delegated powers. Free and impartial advice will also be given to those wishing to make representations/objections.
202. All application sites will be visited by an officer.
203. When an application is submitted by an officer involved in the planning process the officer shall advise the Head of Regeneration and Housing. Such applications shall not be determined under delegated powers.
204. Where an officer has a relationship with any applicant, agent or organisation that could lead to a third party suggestion of bias, the officer will inform the Head of Regeneration and Housing in writing and take no part in processing or determining the application.
205. As with Members, officers must not accept any gift or hospitality apart from exceptional circumstances (for example sandwiches provided as a working lunch).

COMPLAINTS AND RECORD KEEPING

206. In order that all complaints can be fully investigated, every planning application file will contain an accurate account of events throughout its life particularly the outcomes of meetings or significant telephone conversations.
207. The same principles of good record keeping will be observed in relation to enforcement and development matters. Monitoring of record keeping will be undertaken on a continuous basis by managers in the Planning Department.
208. Officers will endeavour to deal with applications in the timescales set out in the Council's Development Control Charter.
209. Officers' written reports and recommendations to the Planning Committee will not be made available to the public, the press or applicants until agendas containing those reports and recommendations have been sent to Members.

I ANTI-FRAUD, BRIBERY AND CORRUPTION POLICY

- 1.1 As with many other public bodies, the Council has an obligation to maintain high standards in order to protect the funds and assets it is entrusted with. Sefton Council is committed to ensuring that its affairs are conducted with honesty, openness and integrity. To this end, effective governance, risk

management and internal control systems are central in maintaining public confidence and ensuring that the public purse is adequately protected.

- 1.2 This policy sets out the Council's approach in managing the risk of fraud, bribery and corruption both internally and externally and applies to all individuals who work for the Council that is employees, members and those who have dealings with the council for example partners, suppliers, contractors, service users, customers.
- 1.3 The policy includes details of the Council's strategy in deterring, preventing, detecting and investigating fraud, bribery and corruption. It also provides guidance on how any individual can report suspected fraudulent or corrupt activity in confidence.
- 1.4 Schools should maintain their own Anti-Fraud, Bribery and Corruption Policy. In this respect, schools may adopt the Council's policy through their respective governing bodies and amend it as applicable for their own purposes.

2. Definitions

- 2.1 Fraud is "the intentional distortions of financial statements or other records which are carried out to conceal the misappropriation of assets or otherwise for gain"
- 2.2 The Fraud Act 2006 identifies 3 categories of fraud:
 - False Representation
 - Failure to Disclose Information
 - Abuse of Position
- 2.3 Bribery is "the offering, promising, giving, soliciting, agreement to accept or acceptance of a financial or other advantage which may induce or reward a person to perform improperly a relevant function under the Bribery Act 2010".
- 2.4 Corruption can be committed in a number of ways and can be defined as "the abuse of entrusted power for private gain".
- 2.5 Further explanation of Fraud, Bribery and Corruption is provided at Appendix 1.

3. Expected Behaviour

Employees and Members

- 3.1 All members and employees are required to demonstrate the highest standards of honesty, openness and integrity at all times. This includes compliance with

the provisions of the Employee and Members Codes of Conduct which set out expected behaviour requirements including the declaration of:

- Additional employment,
- Personal/pecuniary interests
- Gifts, hospitality and favours

3.2 The Code of Conduct for Members is based on the Nolan Committee's 7 principles of Public Life which include Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. Further explanation of these principles is provided in Appendix 2.

3.3 Employees who are members of professional bodies will also be guided in accordance with their body's own standards of behaviour.

The Public and Other External Parties

3.4 Members of the public, partners, suppliers, contractors and any other external parties who have dealings with the Council, are also expected to act with integrity and honesty in any dealings they have with the Council.

4. Deterrence Mechanisms

4.1 The Council will employ a variety of measures to deter potential fraudsters from committing or attempting fraudulent or corrupt acts including bribery, whether they are internal or external to the Council.

4.2 These include;

- Publicising that the Council is firmly set against fraud, bribery and corruption for example clauses in contracts, benefit claim forms, publications, committee reports, website etc.
- Where applicable claim/application forms will inform service users that their data will be shared in order to prevent and detect fraud and include details of the ability to prosecute as applicable.
- Acting firmly and decisively when fraud, bribery and corruption are suspected, also taking appropriate action where the case is proven for example termination of contracts, dismissal and prosecution.
- The operation and advertising of a Council Tax fraud hotline.

- The operation and advertising of confidential reporting (“whistleblowing”) and complaints procedures.
- Reporting details of detective and investigative fraud work to the Audit and Governance.
- Potential press coverage of criminal proceedings resulting in a successful prosecution.
- Taking action to effect the maximum recoveries for the Council for example through agreement, court action, penalties, insurance and any other appropriate methods.

5. Prevention

Governance, Risk Management and Internal Control

- 5.1 Governance can be described as “the systems and processes, the cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities”.
- 5.2 The Council’s governance arrangements seek to minimise the risk of fraud, bribery and corruption through effective leadership and management and development of a culture of openness and transparency. The Council’s rules, policies and procedures are also integral part of the system of governance and risk management. These are set out in Appendix 3. Whilst the list is not exhaustive it serves to demonstrate the wide range of measures that have been established.
- 5.3 There are a number of roles which are integral to the promotion of a culture which seeks to minimise instances of fraud, bribery and corruption and maintain adequate risk management and internal control arrangements, as follows:
- Audit and Governance Committee
 - Section 151 Officer
 - Monitoring Officer
 - Chief Internal Auditor
 - Internal Audit
 - Other Teams
 - Management
 - External Audit
- 5.4 Further details of these roles and their responsibilities in relation to the minimisation of fraud, bribery and corruption are detailed in Appendix 4.

Fraud Alerts

- 5.5 Internal Audit receives fraud warnings from other organisations, most notably fraud bulletins provided by the National Anti-Fraud Network. On receipt of these bulletins, the appropriate personnel are notified and action taken as appropriate to detected and prevent any potential instances.
- 5.6 Where necessary the alert may require wider notification to the whole council and possibly the general public. In these instances, an alert will be published as necessary on the Council's Intranet and/or website as appropriate.

6. Detection

Internal Reporting

- 6.1 The Council encourages its employees to report concerns about fraud, bribery and corruption. Normally such reports will be made via the employee's line manager but, if necessary, there are alternative routes available, including:
 - Chief Executive
 - Chief Legal and Democratic Services Officer (Monitoring Officer)
 - Head of Corporate Resources
 - Heads of Service
 - Chief Internal Auditor
- 6.2 Employees must feel free to report their concerns without fear of intimidation. The Council has a Whistleblowing Policy which has been introduced to reassure individuals that it is safe and acceptable to raise any concern about malpractice at an early stage in the certainty that it will be treated and investigated with the utmost confidentiality. The policy also provides assurances that there will be protection from reprisals if the concern has been raised in good faith. However, it should be emphasised that abusing this process by raising unfounded, malicious allegations will be treated as a serious disciplinary matter. The policy applies to all individuals who work for the Council; whether full-time or part-time, employed through an agency or as a volunteer.

External Referrals

- 6.3 The public or any parties which the Council deals with can raise concerns by submitting details of the concern via the Council's electronic Whistleblowing Referral Form through the Report-IT option on the Council's website. Various methods of reporting Council Tax fraud are also available including on-line forms, telephone and post. These are detailed on the Council's website in the Benefit and Council Tax Fraud section within the Advice & Benefits option on the homepage.

- 6.4 As of 1st October 2015, responsibility for the investigation of Housing Benefit fraud transferred to the Department for Work and Pensions. Contact details are also available on the Sefton Council website.
- 6.5 The Council has systems for administering complaints which are directed via the relevant route according to the nature of the complaint. This includes specific complaints against members, social care, schools and consultations. Further information is available on the Council's website.
- 6.6 Complaints may also be submitted to the Local Government Ombudsman.

Member Complaints

- 6.7 Complaints made against members should be made using the member complaint form on the Council's website in the "Consultations, complaints and feedback" section.
- 6.8 If a member is approached or advised of a concern regarding fraud, bribery or corruption, the member should follow the outlined in the Internal Reporting Section of this policy.

Data Matching/Sharing

- 6.9 The Council provides data to the Government's Cabinet Office for matching to other data sources as part of the National Fraud Initiative. This may identify anomalies which may be indicators of fraud or error for example Council Tax, Payments to Care Homes. Periodically, information is also obtained from credit reference agencies to provide additional information which assists in the detection of fraud for example Council Tax.

7. Investigation

- 7.1 The Council will conduct investigations as appropriate in accordance with the law and internal policy requirements.
- 7.2 Any incidents involving employees will be dealt with in accordance with the Employee Disciplinary Procedures and Guidelines. Reports of incidents involving elected members will be dealt with in accordance with the Member Complaints Procedure.
- 7.3 The Council seeks to ensure that there is consistent treatment of any matters referred and that all investigations are carried out thoroughly by suitably qualified and experienced officers.
- 7.4 If there is a suspicion of criminal activity, the investigators may contact the police and seek advice regardless of whether it involves an employee, member

or individual external to the Council. Internal investigation will progress alongside any criminal investigations conducted by the police.

7.5 Options for redress may include recovery of monies and/or assets through various means available to Council and where a fraud has been committed by contractor, termination of the contract.

8. Training and Awareness

8.1 The Council recognises that the continuing success of its Anti-Fraud, Bribery and Corruption Policy and its general credibility will depend largely on the effectiveness of programmed training, communication and responsiveness of officers throughout the organisation.

8.2 Communication of this Policy will be included in induction training, both for elected Members and new employees of the Council.

8.3 Awareness will be raised by publishing this Policy on the Council's intranet and internet sites.

8.4 Sefton Council staff have also been requested to take extreme care in terms of their online activity, particularly where they receive suspicious or unsolicited emails.

Fraud, Bribery and Corruption – Definitions

Fraud - is “the intentional distortions of financial statements or other records which are carried out to conceal the misappropriation of assets or otherwise for gain”

The Fraud Act 2006 identifies 3 categories of fraud:

- False Representation
- Failure to Disclose Information
- Abuse of Position

False Representation – a person dishonestly makes a false representation in order to make a gain for themselves (or others) or to cause loss to another person. A representation is false if it is untrue or misleading and the person making it knows that it is, or might be, untrue or misleading.

Example: Where an individual falsely claims to be the only adult liable for payment of Council Tax in the property in order to be eligible for Single Person Discount.

Failure to Disclose Information – a person fails to disclose to another person, information which they are under a legal duty to disclose in order to make a gain for themselves (or others) or to cause loss to another person.

Example: Where an individual fails to disclose all relevant financial interests in order to qualify for a benefit.

Abuse of Position – a person occupies a position in which they are expected to safeguard, or not act against, the financial interests of another person and then dishonestly abuses that position in order to make a gain for themselves (or others) or to cause loss to another person.

Example: Where a staff member procures goods and services through the Council’s accounts for their own benefit.

Bribery - an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

The Bribery Act 2010 defines bribery in four categories:

- Making a Bribe
- Accepting a Bribe
- Bribery of Foreign Public Officials
- Failure to Prevent a Bribe

Example: Where a staff member involved in the award of contracts receives a personal payment from a supplier/contractor for the award of the contract. Making a Bribe – “Financial or other advantage” to another individual in exchange for “improperly” performing a “relevant function or activity”.

Accepting a Bribe - Requesting, accepting or agreeing to accept “financial or other advantage”, in exchange for improperly performing such a function or activity.

Bribery of Foreign Public Officials - A person will be guilty of this offence if they promise, offer or give a financial or other advantage to a foreign public official, either directly or through a third party, where such an advantage is not legitimately due.

Failure to Prevent a Bribe – Failure by a commercial organisation, to prevent a bribe being paid for or on its behalf. It will be a defence if the organisation has “adequate procedures” in place to prevent bribery.

Employees convicted under the Act can face a maximum penalty of ten years imprisonment and / or a large fine

Corruption is the abuse of power for private gain can be committed in a number of ways including through bribery.

Example: Where an officer in a position of power uses their authority to make a decision which benefits them or an associate for example planning application approval despite legitimate objections.

Nolan Committee – 7 Principles of Public Life

Selflessness

Holders of public office take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in their performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Key Roles and Responsibilities in Minimising the Risk of Fraud, Bribery and Corruption

Audit and Governance Committee

The role of the Committee includes consideration of the Council's internal control systems, risk management and corporate governance issues. The committee also monitors Council policy on whistle-blowing, fraud, bribery, corruption, money laundering and the Council's complaints process and reviews as necessary.

Section 151 Officer

The Council has appointed an officer with the statutory responsibility under Section 151 of the Local Government Act 1972 "to ensure the proper arrangements of the Council's financial affairs".

Monitoring Officer

The Council has appointed an officer with the statutory responsibilities under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer's duties include ensuring that the Council acts within the law, promotion of high standards of conduct amongst members, conducting investigations where required and maintenance and operation of the Confidential Reporting ("Whistleblowing") Policy.

Chief Internal Auditor

The Head of Risk and Audit Services in their role of Chief Internal Auditor is responsible for giving an objective and evidence based opinion on all aspects of governance, risk management and internal control. This includes controls relating to the prevention and detection of fraud and corruption.

Internal Audit

Section 5 of the Accounts and Audit Regulations 2015 states "a relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance". To this end the Internal Audit Section independently examines, evaluates and reports on the adequacy and effectiveness of these processes.

Other Teams

Within the Council there are a number of teams who have a duty to prevent, detect and investigate instances of fraud for example Council Tax.

Management

It is the responsibility of all its managers to establish and maintain sound systems of internal control and to ensure that the Council's resources are properly applied on the activities intended. This includes responsibility for the prevention and detection of fraud, bribery and corruption.

External Audit

Part of the remit of the External Auditors is to ensure that the Council has adequate arrangements in place in relation to the prevention and detection of fraud and corruption.

Rules, Policies and Procedures

The Council's main rules and procedures aimed at preventing fraud, bribery and corruption are as follows:

- Financial Procedure Rules
- Procurement Rules
- Code of Conduct for Members
- Employee Code of Conduct
- Code of Conduct for Members and Officers Dealing with Planning Matters (set out in the Constitution)
- Effective Recruitment and Selection Procedures
- Procurement Procedures

- Confidential Reporting ("Whistleblowing") Policy
- Complaints Procedures
- Disciplinary Procedures

J PETITIONS SCHEME

The Council welcomes petitions and recognises that they are just one of many ways in which people can let us know about their concerns and participate in the democratic process. This scheme sets out how the Council will deal with petitions that meet the criteria set out in the scheme.

1. WHO CAN SUBMIT OR SIGN A PETITION?

Anyone who lives, works, or studies within the Borough of Sefton can organise a petition but you can only sign a petition if you live in the Borough.

2. WHAT CAN THE PETITION BE ABOUT?

Petitions should be relevant to a matter over which the Council has powers or duties. If the petition does not fall within the remit of the Council's powers, we will return your petition to you and where possible, try to identify the correct organisation for you to send the petition to.

3. WHAT INFORMATION MUST THE PETITION CONTAIN?

All petitions must contain:

- the title/subject of the petition and a clear and concise statement covering the subject of the petition and stating what action the petitioners wish the Council to take.
- the petition organiser's contact details.
- the name, address, and signature of the any person supporting the petition, who lives within the Borough of Sefton.

Petitions which are considered to be vexatious, abusive, or otherwise inappropriate will not be considered.

4. TYPES OF PETITIONS

The type of petition determines how a petition will be responded to. There are different types of petitions:

1. Petition making representations to a Cabinet Member or a meeting of the Cabinet or Committee – these require 25 or more signatures. **See Section 6 below.**

2. Petition requesting a debate at a full Council meeting – these require 500 or more signatures. **See Section 7 below.**
3. Petition requesting the relevant senior officer to give evidence at a public meeting of the Council's appropriate Overview and Scrutiny Committee - these require 1375 signatures. **See Section 8 below.**
4. Petition making representations on a planning application – these require 25 or more signatures and endorsed by a Councillor who is not a member of Planning Committee, and the petition should be submitted to the **Chief Planning Officer.** - **See Section 9 below.**
5. Petition making representations on a licensing application. **See Section 10 below.**
6. Statutory petition requesting a referendum on having an elected mayor. This will require the signatures of more than 5% of the local electorate. Please contact elections@sefton.gov.uk
7. Petition on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates - Please see [Appeal a Council Tax bill or fine: Appeal a bill - GOV.UK \(www.gov.uk\)](#)

Petitions relating to points 1-3 as set out above can be submitted to the Democratic Services Manager in the following way:

- Paper petitions can be sent to: Democratic Services Manager, Town Hall, Trinity Road, Bootle L20 7AE
- Electronic petitions can be created, signed and submitted on-line through our website via this link: [Sefton Home](#) You will need to enter your name and address on-line.

The Council will consider all petitions that fall within the scope of this scheme. If you need any advice, please contact the Democratic Services Manager on 0151 934 2254 or by email at debbie.campbell@sefton.gov.uk

5. WHAT HAPPENS NEXT?

All petitions sent or presented to the Council will receive an acknowledgement within 10 working days. This acknowledgement will set out what we plan to do with the petition.

In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case, we will explain the reasons and discuss the revised timescale with you.

If the petition does not follow the guidelines set out above, the Council may decide not to do anything with it. In that case we will write to you to explain why.

6. REPRESENTATIONS TO A CABINET MEMBER OR A MEETING OF THE CABINET OR COMMITTEE

When a written petition relating to the Borough, and containing the signatures of at least 25 residents of the Borough, is submitted with a request that a deputation in support of such petition be received, arrangements will be made for the deputation to attend the relevant [Cabinet /Committee meeting](#) concerned.

Where the petition relates to a matter already upon an Agenda issued for a Cabinet / Committee meeting, **provided that the petition is submitted by 12 noon three working days before the meeting** the deputation shall be invited to attend that meeting, and the matter concerned shall be dealt with in advance of other items on the Agenda.

Where the petition relates to a matter for which the Agenda has not yet been issued, the deputation shall be invited to attend the next appropriate meeting and the matter referred to in the petition shall be included as the first substantive item on the Agenda for such meeting.

When a deputation is to be received, only one of the deputation, who need not necessarily be a petitioner, shall speak, and such speech (inclusive of the reading of the petition) shall not exceed five minutes. The member of the deputation speaking shall address the Chair and no members of the deputation shall enter into discussion or debate. The member of the deputation speaking may be asked questions on presentation.

7. COUNCIL DEBATE

When a written petition relating to the Borough and containing the signatures of at least 500 residents of the Borough, is submitted with a request that a deputation in support of such petition be received, arrangements will be made for the deputation to attend a meeting of the full Council.

If the petition is submitted by 12 noon, three working days prior to a Council meeting, the Council will endeavour to consider the petition at that meeting. However, on some occasions this may not be possible, and consideration will then take place at the following meeting. A member of the delegation who need not necessarily be a petitioner, will be given five minutes to present the petition at the meeting. The member of the deputation speaking shall address the Chair. The petition will then be discussed by Councillors for a maximum of 15 minutes. and no members of the deputation shall enter into discussion or debate.

The Council will decide how to respond to the petition at the meeting. They may decide to take the action the petition requests, not take the action requested for reasons put forward at the debate or refer the matter to another decision-making body of the Council. When the issue is one on which another decision-making body or Officer are required to make the final decision, the Council will decide whether to make recommendations to inform the decision. The petition organiser will receive written confirmation of the decision.

8. OFFICER EVIDENCE AT AN OVERVIEW AND SCRUTINY COMMITTEE MEETING

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job.

If your petition contains at least 1,375 signatures, the relevant senior officer will give evidence at a public meeting of the Council's appropriate Overview and Scrutiny Committee.

You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs.

The Committee may also decide to call the relevant Cabinet Member to attend the meeting. Committee Members will ask the questions, but you will be able to suggest questions to the Chair of the Committee by contacting the Democratic Services Manager.

A list of the senior staff who can be called to give evidence can be found at Appendix 1 below.

9. PLANNING APPLICATIONS

For some types of planning application (as determined by Chapter 7, Part B, Clause 21), you can present a petition which must contain the names, addresses and

signatures of 25 or more Sefton residents. This will enable you or an appointed spokesperson to address the Planning Committee.

The Chief Planning Officer must receive the petition by the latest neighbour consultation date, which is shown on the 'important dates' tab within the planning application details at the following link: [Search and View Planning Applications and Appeals \(sefton.gov.uk\)](https://sefton.gov.uk/search-and-view-planning-applications-and-appeals)

The petition can be submitted via email to the Planning Department:
planning.department@sefton.gov.uk

OR

By handing it in / post to: **The Chief Planning Officer, Sefton Council, Magdalen House, 30 Trinity Road, Bootle L20 3NJ.**

The Council's rules with regard to public speaking at Planning Committee are as follows:

- Where there is a petition objecting to or supporting a planning application and this contains the names of at least 25 residents of the Borough and which is endorsed by a Councillor (who is not a Member of the Planning Committee), the representative of the petitioners shall be allowed to address the Committee upon the subject of the petition for up to a maximum of five minutes.
- The Council has prepared a form for anyone wishing to submit a petition which can be accessed [here](#).
- When this occurs, the respondent (usually the applicant/agent for planning permission) will also be allowed to address the meeting for up to a maximum of five minutes. If the petition is in support of an application, the objectors (if any) will be permitted to respond for a period of five minutes.
- Where there is more than one such petition, the respondent shall have five minutes to reply to each petition.
- Where there is more than one such petition, the Council encourages the disparate petitions to address different points, where more than one such petition seeks to

address the committee with the same points the petitions will be invited to agree and propose only one petition to the committee or share the same five minutes.

- Members of the Planning Committee may ask questions of the petitioner and respondent at the conclusion of their five-minute presentations. Members may not, however, enter into a dialogue with petitioners/respondents.
- A dialogue will not be permitted between the applicant/agent and representatives of the petitioners. Normally any questions or issues arising from representations will be responded to by officers and the Chair will identify those specific matters requiring a response.
- If, following notification, petitioners **choose not to address** the Committee the respondent will retain the right to address the Committee.

10. LICENSING APPLICATIONS

If you wish to make representations or submit a petition in respect of a licensing application which you have been notified about or which has been published on the Council's website: [Licensing Act public notices \(sefton.gov.uk\)](http://sefton.gov.uk/licensing-act-public-notice)

You can make representations to the Licensing Section via email to:
licensing@sefton.gov.uk

OR

By post to: **The Licensing Section, Sefton Council, Magdalen House, 30 Trinity Road, Bootle. L20 3NJ.**

11. HOW WILL THE COUNCIL RESPOND TO PETITIONS?

Once the petition has been considered the petition organiser will be informed of the decision taken within 5 working days.

12. WHAT IF I AM NOT SATISFIED WITH THE RESPONSE?

If you feel that we have not dealt with your petition in the procedurally correct manner, the petition organiser has the right to request that the appropriate Council Overview

and Scrutiny Committee reviews the steps that the Council has taken in response to your petition.

It is helpful to everyone and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Committee will aim to consider your request at its next meeting, although on some occasions this may not be possible, and consideration will take place at the following meeting.

Should the Committee determine that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter.

If the appropriate Overview and Scrutiny Committee has already dealt with the matter, it will be referred to the Chief Executive and any appropriate action will be determined. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days.

APPENDIX 1 - OFFICERS OF THE COUNCIL THAT CAN BE CALLED TO ACCOUNT

- Chief Executive
 - All Executive Directors
 - All Directors
 - All Assistant Directors
 - Monitoring Officer
 - Chief Planning Officer
-