

MEMBER INDUCTION

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Contents

- What does Regulation & Compliance do?
- Outline of key areas of responsibility
- Detail that we will revisit:
 - Outline of the Role of the Monitoring Officer
 - Members' Code of Conduct
 - Disclosure of Interests
 - Predetermination and Bias
 - Data Protection
 - Council Structure
 - Member decision making
 - Member's allowances



Regulation & Compliance

Governance side

- Legal Services
- Electoral Services
- Democratic Services
- Coroner Services
- Registrar Services

Environmental side

- Parking Services
- Environmental Health
- Trading Standards
- Licensing
- Environmental Protection



Regulation & Compliance

Legal

- Legal – provides an in-house legal service to the Council for most of its contentious and non-contentious business
- The Legal team practices the following areas of law: safeguarding for adults and children, education, conveyancing, contracts, information law, employment, prosecutions, planning, environmental, health and safety and anything else its asked to do.



Regulation & Compliance Elections

- Electoral services has 2 main jobs:
 - To compile the register of electors, to ensure accuracy and to enfranchise as many eligible staff as possible
 - To run the election to include the staffing, premises, equipment, to enable voters to vote verification and counting of all votes (including postal votes).
- Oversee the post room and the drivers that distribute Council post



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Democratic Services

To administer the Council's democratic processes for its meetings and decision making

- Often likened to a company secretariat
- Advice and support on the Council's constitution and member allowances
- Source of support for all members
- To provide administrative support for the office of the Mayor
- Oversee the postal room



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Coroner Services

- Provides the service for Sefton, St Helens and Knowsley Council's
- Oversees liaison between police and hospitals for all deaths
- Determines who the deceased was and how, when and where they came by their death. When the death is suspected to have been either sudden with unknown causes, violent, or unnatural, the coroner decides whether to hold a post-mortem examination and, if necessary, an inquest.



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Registration Services

- Located in Southport and Waterloo Town Hall
- The Registrars service collects and records the details of all births, stillbirths, deaths, marriages and civil partnerships in the council's area.
- They perform marriage, civil partnership, citizenship and naming ceremonies at register offices and other venues including all of the Council's Town Halls, at Southport, Waterloo and Bootle



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Parking Services

- Enforce Parking Restrictions and manage the Council Car Parks and on street parking
- Consider appeals against the Issue of Penalty Charge Notices
- Collect parking income and penalty charge notice income
- Administer Residents Privileged Parking Zones
- Assess applications for Blue Badges and issue approx. 5000 badges per annum
- Issue Councillors Parking Permits for use when on Council Business



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Environmental Health

- Environmental health officers are responsible for carrying out measures for protecting public health, including administering and enforcing legislation related to environmental health and providing support to minimize health and safety hazards
- Areas of work, food, noise, light, air pollution and health and safety



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Trading Standards

- Trading standards officers advise on consumer law, investigate complaints and, if all else fails, prosecuting traders who break the law. These laws cover a wide area, which includes: consumer safety, counterfeit goods, sale of underage good, weights and measures etc.
- Supported by national arrangements



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Licensing

- Administers the legal framework for alcohol licenses for people and premises in the industry
- Administers the legal framework for taxi licenses again for vehicles, organisations and people in the industry
- Administers all sorts of miscellaneous licenses such as pedlars, street collections etc



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Environmental Protection

- Pest control – deal with rats, mice, bed bugs cockroaches & fleas
- Littering – issue fixed penalty notices
- Dog Warden – stray dogs and dog fouling
- Public health funerals – where there are no relatives to pay for a funeral



ROLE OF THE MONITORING OFFICER

- The Monitoring Officer has the specific duty to ensure that the council, its officers and its elected members maintain the highest standard of conduct in all they do.
- The legal basis for the post is found in section 5 of the Local Government & Housing Act 1989, as amended by schedule 5, paragraph 24 of the Local Government Act 2000.
- The monitoring officer has three main roles:
 - to report on matters he or she believes are, or are likely to be, illegal or amount to maladministration;
 - to be responsible for matters relating to the conduct of councillors and officers; and
 - to be responsible for the operation of the council's constitution.



MEMBERS' CODE OF CONDUCT

Chapter 2 of the Constitution, page 29 ⁽¹⁾

- Code based upon the 'Nolan Principles – 7 principles of public life'
 1. Selflessness,
 2. Integrity,
 3. Objectivity,
 4. Accountability,
 5. Openness,
 6. Honesty, and
 7. Leadership



MEMBERS' CODE OF CONDUCT ⁽²⁾

- Sefton Council has a legal obligation to:
 - promote and maintain high standards of conduct
 - make arrangements to investigate allegations of breach of the Code



MEMBERS' CODE OF CONDUCT ⁽³⁾

- Councillors **MUST DO** the following:
 - Treat others with respect
 - Act solely in terms of public interest
 - Disclose interests
 - Act in accordance with the Council's policies and procedures
 - Use resources appropriately
 - Promote and maintain high standards of conduct
 - Have regard to the LA Code of Publicity
 - Consider issues with an open mind



MEMBERS' CODE OF CONDUCT (4)

- New Member Code of Conduct – (agreed at full Council 12 April 2012), Councillors **MUST NOT DO** the following:
 - Disclose information given to you in confidence (with exceptions)
 - Prevent another person from gaining access to information (where they have a lawful right to that information)
 - Act in a manner so as to gain financial or other material benefits for yourself, your family your friends, your employer or in relation to your business interests



MEMBERS' CODE OF CONDUCT ⁽⁵⁾

- Councillors **MUST NOT DO** the following:
 - Place yourself under a financial or other obligation that might improperly influence you in the performance of your official duties
 - Improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer your business interests
 - Where the decision concerns yourself, your friends, your family member your employer +/- or your business interests
 - you MAY only be allowed to participate in the decision making process only as much as any other member of the public is allowed and you CANNOT vote in such matters



MEMBERS' CODE OF CONDUCT (5a)

Should a gift or hospitality over the value of £25 or frequent gifts of lesser values from the same person/organisation be accepted, you must within 28 days of receiving the gift or hospitality provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.



MEMBERS' CODE OF CONDUCT ⁽⁶⁾

Sanctions for breach of the Code of Conduct - Members can no longer be suspended from office. Possible options available include:

- reprimand,
- withdrawal of facilities,
- name and shame,
- removal from committees (only with consent from the group leader)



MEMBERS' CODE OF CONDUCT (7)

Breaches of the Member Code of Conduct are considered by the Council's Audit & Governance Committee . This has a number of sub committees involved in the process:

- a) Initial assessment
- b) Review
- c) Hearings

Where no obvious breach of the Code of Conduct is alleged this is dealt with by the Monitoring Officer.



DISCLOSURE OF INTERESTS

- A member **MUST** disclose their interest within 28 days from when you become a member
- Our Code states that when you have a disclosable interest then you **MUST** leave the room
- A member **MUST** update their register of interests within 28 days of the date that a change occurs



DISCLOSURE OF INTERESTS ⁽¹⁾

- The definition of interests:
 - An interest is a DISCLOSABLE PECUNIARY INTEREST (DPI) if it belongs to
 - The member, and/or
 - The member's spouse or civil partner and/or
 - A person with whom the member is living with as husband/wife or civil partner
 - **AND** the member is aware that the other person has that interest
- **NB** – the criteria above apply to **all** of the following types of DPI set out below



DISCLOSURE OF INTERESTS (2)

- What is a Disclosable Pecuniary Interest (DPI)?
 - Employment, office, trade, profession or vocation
 - Any payment, financial benefit, payment of expenses (including election expenses) – in other words ‘sponsorship’
 - An interest in (such as partnership, directorship, financial stake) has a contract with the Council



DISCLOSURE OF INTERESTS ⁽³⁾

- What is a Disclosable Pecuniary Interest (DPI)?
 - Any interest in land, as owner, occupier, etc. which is within Sefton's geographical boundary
 - Any licence to occupy land for a month or more which is within Sefton's geographical boundary
 - Any tenancy (either commercial or residential) or any beneficial interest in a tenancy which is within Sefton's geographical boundary



DISCLOSURE OF INTERESTS ⁽⁴⁾

- What is a Disclosable Pecuniary Interest (DPI)?
 - Any shares, debentures, stock, loans, bonds, investments or security in a body that has a place of business or land within Sefton's geographical boundary IF the value of those shares or whatever exceeds £25K or 1/100 of the total share capital of that body.



DISCLOSURE OF INTERESTS ⁽⁵⁾

- What is **NOT** a Disclosable Pecuniary Interest (DPI)?
 - Money deposited in a building society
- What Members will no longer need to **DECLARE** at meetings:
 - Membership of organisations such as National Trust, Caravan Club, Scouts, School governorships, etc.



DISCLOSURE OF INTERESTS ⁽⁶⁾

- The Sanction for failure to DISCLOSE without reasonable excuse is now a criminal penalty. The possible offences are:
 - Failure to disclose your own pecuniary interests within 28 days of taking office or those of your spouse or civil partner and/or a person with whom the you are living with as husband/wife or civil partner **AND** you are aware that the other person has that interest (Section 30(1))

DISCLOSURE OF INTERESTS (7)

- More offences:
 - If the interest is not entered in the authority's register, the member, the co-opted member must disclose the interest to the meeting, otherwise it's an offence (Section 31 (2))
 - There is an exception if the interest is a sensitive one (Section 33)
 - If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure (Section 31 (3)) otherwise it's an offence



DISCLOSURE OF INTERESTS (8)

- Even more offences:
 - If the interest is not entered into the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function (Section 31 (7)) otherwise it's an offence.



DISCLOSURE OF INTERESTS ⁽⁹⁾

- And there's more:
 - You participate in any discussion of or vote, or further vote in the matter at the meeting when you have a DPI and it's not the subject of a dispensation (Section 31 (4))
 - You take any steps, or any further steps, in relation to the matter it will be an offence. The only step you can take in these circumstances is to arrange for the matter to be dealt with otherwise than by you (Section 31(8)).



DISCLOSURE OF INTERESTS ⁽¹⁰⁾

- And there's even more:
 - If you provide information that is false or misleading and you:
 - Know that the information is false or misleading, or
 - You are reckless as to whether the information is true and not misleading (Section 34(2))
 - Then you will be guilty of an offence
 - So what happens now..?



DISCLOSURE OF INTERESTS ⁽¹¹⁾

Director of Public Prosecutions or his agent will prosecute NOT Council

Penalty is a maximum £5000

However the court can also disqualify you for a maximum period of 5 years from being or standing to be a member



Pre-determination and Bias ⁽¹⁾

- Pre-determination arises when a decision maker's mind is closed to any argument or point of view that differs from their own. A Councillor who has pre-determined an issue should not take part in the decision making process
- Section 25 – a Councillor is not to be taken to have had (or appeared to have) a closed mind when making a decision just because he/she had previously done anything that directly or indirectly indicated what view he/she took (or would or might take) in relation to a matter.



Pre-determination and Bias (2)

- What does this mean?
 - Proof of previous campaigning in favour of or against a particular issue would not be proof that the Councillor had a closed mind on the subject.
 - A Councillor must be open minded when making a decision but the fact that they have campaigned on a particular issue will not be taken as proof that they have a closed mind.



Data Protection

- **The role of the elected member**

The elected members of a local council are likely to have three different roles.

- ❖ They will act as a member of the council, for example, as a member of a committee.
- ❖ They will act as a representative of residents of their ward, for example, in dealing with complaints.
- ❖ They may represent a political party, particularly at election time.



Data Protection

- As a representative of the residents of their ward

When elected members represent residents of their ward, they are likely to have to notify in their own right, for example, if they use personal information to timetable surgery appointments or take forward complaints made by local residents.

Register (notify) under the Data Protection Act

<https://ico.org.uk/for-organisations/register/>

Annual fee - £35

Criminal offence – fine up to £5,000 in the Magistrates' Court or unlimited fine in the Crown Court



Data Protection

- As a Data Controller you must comply with the **8 principles of the Data Protection Act**
 - 1.** Personal data shall be processed fairly and lawfully
 - 2.** Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
 - 3.** Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
 - 4.** Personal data shall be accurate and, where necessary, kept up to date.



Data Protection

5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.



COUNCIL

CABINET

- OVERVIEW AND SCRUTINY COMMITTEES**
- 1. Adult Social Care
 - 2. Children's Services & Safeguarding (+ added Members)
 - 2. Regeneration & Skills
 - 4. Regulation, Compliance & Corporate Services

PLANNING COMMITTEE
|
Planning (Urgent Referrals) Committee

EMPLOYMENT PROCEDURE COMMITTEE

APPEALS COMMITTEE

PAY & GRADING COMMITTEE

AUDIT & GOVERNANCE COMMITTEE

LICENSING AND REGULATORY COMMITTEE
|
Licensing and Regulatory (Urgent Referrals) Committee

HEALTH & WELLBEING BOARD

CABINET PORTFOLIOS

Adult Social Care

Children's Schools & Safeguarding

Communities & Housing

Health & Wellbeing

Locality Services

Planning & Building Control

Regeneration & Skills

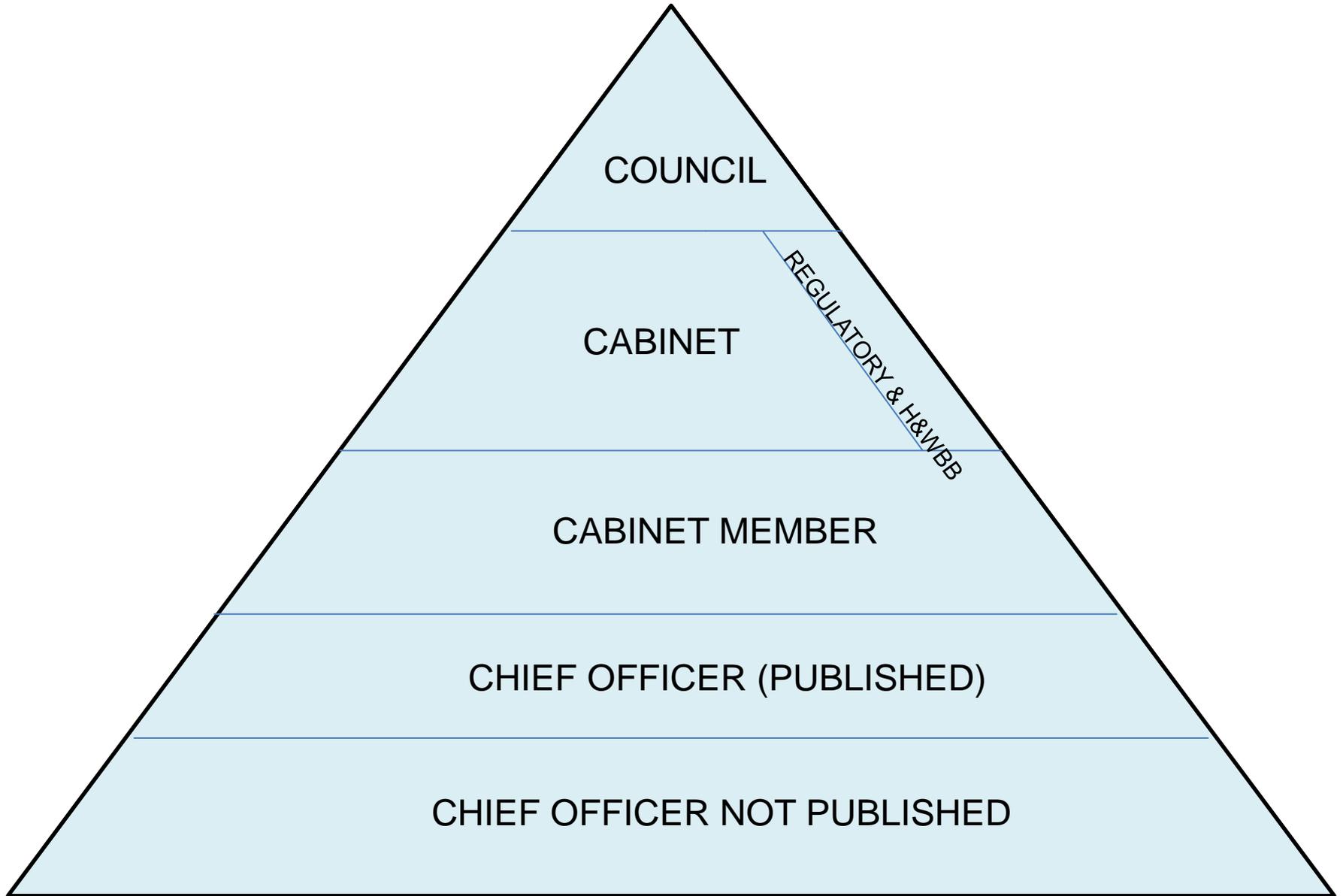
Regulation, Compliance & Corporate Services

Plus 3 Area Committees

Southport

Central Sefton

South Sefton



SCHEME OF MEMBERS' ALLOWANCES



WHAT ARE MEMBERS' ALLOWANCES

“A set of payments intended to ensure that Members are not out of pocket because they are undertaking duties as a Sefton Councillor”



TYPES OF ALLOWANCES

Basic Allowance

- Flat rate paid to all Councillors

Special Responsibility Allowances

- A variable set of payments for Members with additional responsibilities/duties

Allowances are

- Paid automatically
- Subject to Income Tax and National Insurances
- Eligible payments for pensions purposes



EXPENSES

- Are payments to reimburse expenditure and
- Are not subject to Tax/National Insurance

The Inland Revenue view expenses as being expenditure which is “wholly”, exclusively and necessarily” incurred in the performance of your duties

- Must be claimed and include
 - Travel Costs
 - Subsistence
 - Dependent Carers Allowance



TRAVEL COSTS

Members are encouraged to use the most cost effective methods of transport available and they can claim travelling expenses for journeys outside of the Sefton boundary

Public Transport – receipts are required for all journeys

Trains – Kathy Stephens in the Corporate Resources Department will arrange tickets for long distance travel

Air – Always ask prior to booking !

Taxis – restricted use

Cars – there are set rates per mile



SUBSISTENCE PAYMENTS

Set Rates are laid down – please see guide

- Overnight subsistence covers a 24 hour period
- The current maximum amount paid to Members is £150 (covers dinner, accommodation and breakfast)

Receipts are required



DEPENDENT CARERS ALLOWANCE

- Provides assistance with care costs e.g. Baby sitting
- Current rate £7.20 per hour (10 hrs per week max)
Receipts are required



TAXATION AND N.I. CONTRIBUTIONS

- Allowances are subject to Income Tax and N.I.
- Expenses are exempt
- Offsetting tax liability – legitimate expenses
 - Household expenses
 - Telephone expenses
 - Travel costs for ward/area committee duties



CONCLUSION

- Every Councillor receives a Basic Allowance
- SRA are restricted to Members with additional duties/responsibilities
- Allowances are subject to Tax and NI and paid automatically into your bank
- Expenses must be claimed
- Claim monthly
- Receipts must be provided
- Members are requested to use the most effective method of transport



