

HALTON BOROUGH COUNCIL



*Municipal Building,
Kingsway,
Widnes.
WA8 7QF*

6 July 2021

**TO: MEMBERS OF THE HALTON
BOROUGH COUNCIL**

You are hereby summoned to attend an Ordinary Meeting of the Halton Borough Council to be held in the on Wednesday, 14 July 2021 commencing at 6.30 p.m. for the purpose of considering and passing such resolution(s) as may be deemed necessary or desirable in respect of the matters mentioned in the Agenda.

A handwritten signature in black ink, appearing to read 'David W R'.

Chief Executive

-AGENDA-

Item No.		Page No.
1.	COUNCIL MINUTES	SEE MINUTE BOOK
2.	APOLOGIES FOR ABSENCE	
3.	THE MAYOR'S ANNOUNCEMENTS	
4.	DECLARATIONS OF INTEREST	
5.	LEADER'S REPORT	
6.	URGENT DECISIONS	1 - 2
7.	MINUTES OF THE EXECUTIVE BOARD	SEE MINUTE BOOK
8.	MINUTES OF THE HEALTH AND WELLBEING BOARD	SEE MINUTE BOOK
9.	QUESTIONS ASKED UNDER STANDING ORDERS	
10.	MATTERS REQUIRING A DECISION OF THE COUNCIL	
a)	Public Sector Decarbonisation Fund	3 - 6
	Executive Board considered the attached report.	
	RECOMMENDED: That Council approve:	
	1) the award of £1,295,846m from the Public Sector Decarbonisation Fund be noted; and	
	2) Council be asked to include the Decarbonisation Scheme at a gross cost of £1,677,673 within the 2021/22 capital programme, to be funded as set out within paragraph 3.4.	
b)	Members Code of Conduct	7 - 38
	The Audit and Governance Board considered the attached report:	
	RECOMMENDED: That Council approve:	
	1. The new Code of Conduct for Members; and	
	2. The revised arrangements for dealing with standards allegations under the Localism Act 2011.	

c) Revisions to Committee Structures

39 - 48

The Audit and Governance Board considered the attached report:

RECOMMENDED: That Council approve:

- 1) the Audit and Governance Board assume responsibility for the work of the former Standards Committee and that its terms of reference be amended as set out in Appendix 1;
- 2) the composition of the Appeals Panel be amended as set out in paragraph 3.4 of this report;
- 3) a Taxi Sub-Committee be set up with terms of reference as contained in Appendix 2; and
- 4) appropriate amendments to the Constitution are made in due course.

11. MINUTES OF THE POLICY AND PERFORMANCE BOARDS AND THE BUSINESS EFFICIENCY BOARD

SEE MINUTE BOOK

- a) Children, Young People and Families
- b) Employment, Learning, Skills and Community
- c) Health
- d) Safer
- e) Environment and Urban Renewal
- f) Corporate Services
- g) Business Efficiency Board

12. COMMITTEE MINUTES

SEE MINUTE BOOK

- a) Development Control
- b) Regulatory

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REPORT TO:	Council
DATE:	14 July 2021
REPORTING OFFICER:	Chief Executive
PORTFOLIO:	Leader
SUBJECT:	Urgent Decisions
WARDS:	Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To bring to the attention of Council urgent decisions taken since the last meeting of Council.

2.0 RECOMMENDATION:

- 2.1 That the report is noted.

3.0 SUPPORTING INFORMATION

- 3.1 The Council's Constitution gives authority to the Chief Executive to take urgent decisions which are required before the next formal meeting of Executive Board/Council.

These must be made in consultation with the Leader of the Council where practicable, and with the Operational Director – Finance and/or Operational Director – Legal and Democratic Services where necessary. They must also be reported for information to the next practically available meeting of the Board.

- 3.2 The absence of meetings of full Council during the COVID-19 crisis has meant that a number of urgent decisions have been necessary. More information on each can be found on the Council's website here:

<http://councillors.halton.gov.uk/mgDelegatedDecisions.aspx?bcr=1>

- 3.3 The urgent decisions taken since the last meeting of Council:

Date Decision taken	Decision details
5 February 2021	Allocation of Covid-19: Adult Social Care Grants – Additional Allocation to Providers

4.0 POLICY IMPLICATIONS

- 4.1 There are none other than the constitutional requirement to report urgent decisions for information.

5.0 OTHER IMPLICATIONS

5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment, Learning and Skills in Halton

None.

6.3 A Healthy Halton

None.

6.4 A Safer Halton

None.

6.5 Halton's Urban Renewal

None.

7.0 RISK ANALYSIS

7.1 The report is for information, and there are no risk issues arising from it.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 None.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 No background papers were used in the preparation of this report. Further information on the decisions taken is available from the link in Paragraph 3.2.

REPORT TO:	Executive Board
DATE:	17th June 2021
REPORTING OFFICER:	Strategic Director – Enterprise Community & Resources
PORTFOLIO:	Climate Change
SUBJECT:	Public Sector Decarbonisation Fund
WARDS:	Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 To provide an update on a recent bid to the Public Sector Decarbonisation Fund and to seek approval for additional funding from the Capital Programme to support the bid.

2.0 RECOMMENDATION

2.1 That:

(1) the award of £1,295,846m from the Public Sector Decarbonisation Fund be noted.

(2) Council be asked to include the Decarbonisation Scheme at a gross cost of £1,677,673 within the 2021/22 capital programme, to be funded as set out within paragraph 3.4.

3.0 SUPPORTING INFORMATION

3.1 Towards the end of 2020, the Government launched a Public Sector Decarbonisation Fund of 1bn of grant funding, up to 100% of capital costs for energy efficiency and heat decarbonisation projects within public sector non-domestic buildings. Timescales for bids were tight and needed to be submitted by January 2021, with work completed by September 2021.

3.2 The purpose of the Scheme was to help make eligible buildings more energy efficient and install low carbon heating measures, for example; insulation, glazing, heating controls, and heat pumps.

3.3 All bids had to include some form of heat decarbonisation of a building by installation of a low carbon heating technology. For example, heat pumps or connections to low carbon heat networks. The cost to save a tonne of carbon (CO₂e) over the lifetime of the project must also be no more than £500. This

limited the amount of funding the Council could bid for as it needed to ensure costs were aligned with carbon savings.

3.4 The Council developed a bid focussed on the DCBL Stadium, which included replacing the current gas boilers with air source heat pumps; replacing existing lighting fittings with new energy efficient LED lighting; replacing single glazed windows; and installing additional insulation.

3.5 The improvements will significantly reduce the carbon footprint of the building and support the Council's commitment to reduce its impact on the environment. As part of the programme a significant amount of design work for the heating system and assessment of the electric demand of the building need to be completed. Given the tight timescales for delivery, a full procurement process would have meant that timescales could not have been achieved.

3.6 The bid proposed the Council's term contractors for design services, electrical services and heating, who had all recently gone through a competitive tender process, would deliver the work programme.

3.7 In February 2021, the Council was awarded £1,295,846 to deliver the improvements.

3.8 Since the award of the funding, a Project Team has been established led by Property Services to deliver the scheme. To date the focus has been on completing the final design work and firming up costs in advance of commencing the works in July. This work is nearing completion. All quotes have been revisited and the final quotes for the new heating system will be submitted in mid-June. Three suppliers have been approached for costs.

3.9 To date a number of cost variations have been identified. These are attributed to mainly ancillary works. The design work has established that the Air Source Heat pumps cannot be located on the roof as originally envisaged without significant reinforcement works. The preferred solution is to locate them at ground level as a less costly alternative. This will require some additional ground works and the locations available mean that slightly longer pipe runs will be required. In addition, there are some noise attenuation works that are required to ensure there is no impact from the noise of the pumps on nearby properties and some additional electrical upgrade are required. The cost of the additional works are in the region of £370,000. It is proposed that these are funded from borrowing on the basis that the scheme will significantly reduce the Council's carbon footprint and in future years will mean that routine maintenance such as boiler replacement, light replacement and ceiling works will be avoided. The scheme will increase the electrical load but as the Stadium draws power from the recently constructed Solar Farm on St Michael's Golf Course it has the potential to reduce running costs of the Stadium over time.

To date a number of cost variations have been identified. These relate to:-

- Groundworks in preparation for the ASHP and additional pipework runs

- Power supply upgrades to include modification of existing power supply feed with Scottish power and
- noise attenuation schemes.

These costs have been offset by reducing the planned roofing installation and removing the replacement windows in the project as they have less carbon reduction impact on the project. The net effect of the changes is to increase costs for the project by approximately £370,000.

4.0 POLICY IMPLICATIONS

4.1 The retrofit of the DCBL Stadium and the decarbonisation of the heating system is in line with the Council's commitment to reduce its carbon footprint and the impact on the environment.

5.0 OTHER IMPLICATIONS

5.1 Investment in energy efficient measures has the potential to reduce the Council's energy costs and reduce carbon emissions.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton:

None

6.2 Employment, Learning and Skills in Halton:

Encouraging investment in energy-efficiency will benefit from lower carbon emissions, job creation, supply chain development and increased competitiveness and security of energy supply.

6.3 A Healthy Halton:

None

6.4 A Safer Halton:

None

6.5 Halton's Urban Renewal:

The transition to a low carbon economy can support the development of the local economy. Ensuring that future economic growth is decoupled from the consumption of fossil fuels and the inevitable carbon emissions.

7.0 RISK ANALYSIS

7.1 A risk register was developed as part of the original bid for funding and

will be monitored and updated by out term contractors.

8.0 EQUALITY AND DIVERSITY ISSUES

None

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None

REPORT TO:	Audit and Governance Board
DATE:	7 July 2021
REPORTING OFFICER:	Strategic Director Enterprise, Community and Resources
PORTFOLIO:	Resources
SUBJECT:	Members Code of Conduct
WARDS:	Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 The Local Governance Association (LGA) has published a model Code of Conduct for Members (the Model Code). This is attached as Appendix A. The LGA have stated that it is designed to encourage good conduct and safeguard the public's trust in local government. They have indicated that guidance is to follow.

2.0 RECOMMENDATION: That

The Board is asked to

- a) Consider the new Code of Conduct for Members and recommend its adoption to full council.
- b) Approve the revised arrangements for dealing with standards allegations under the Localism Act 2011.

3.0 SUPPORTING INFORMATION

- 3.1 The LGA has published a new model Code of Conduct for Members following a detailed and lengthy consultation exercise. This followed a recommendation from the Committee for Standards in Public Life to the LGA and Government.

Previously, reports on the adoption of a Code of Conduct would have been taken to Standards Committee in the first instance for consideration and recommendation to Council. However, Members will be aware that Council in May decided not to appoint to Standards Committee and a separate report on this agenda contains a recommendation that the powers and duties of that committee are transferred to this board, which has responsibility for consideration of the Council's arrangements for corporate governance and agreement of necessary actions to ensure best practice. Full Council has the responsibility for

adopting the Code.

The model code is designed for Local Authorities to accept either in whole or with local amendments. The Localism Act 2011 requires that all councils must adopt a Code of Conduct setting out the conduct expected of members and co-opted members when they are acting in that capacity. This must be consistent with the seven principles of public life

- Selflessness
- Integrity
- Objectivity
- Accountability
- Honesty
- Leadership

The code must also provide for the registration and disclosure of pecuniary interests and other interests.

The LGA review was carried out following recommendations made by the Committee on Standards in Public Life, and the resulting code was designed to clearly articulate the duties and expectations of persons in public office as well as their rights, in particular their right to be protected from abuse and intimidation resulting from their undertaking of public office.

The LGA's objectives were set out as to

- Articulate what Local Government believes are good standards for all in public office.
- Show leadership in good standards of conduct for those in public office, both elected and as employees.
- Achieve consensus between the stakeholders affected by Local Government conduct.
- Support its member Councils and partners in achieving good standards of conduct.
- Produce a code that is fit for purpose, useful and held in high regard.
- Enhance the reputation of Local Government and local Politicians.
- Support the good running of Councils.
- Support all democratically elected local representatives

to deliver their best on behalf of their local communities.

- Build on the good practice that already exists within Councils.

The model code is attached at Appendix A for the consideration of members, and contains a number of points of difference to the current code. The main areas can be summarised as

- The code applies to members when they are acting in their capacity as a Councillor, which may include when the position as a Councillor is misused.
- The members' actions would give the impression to a reasonable member of the public with knowledge of all the facts that he or she is acting as a Councillor.
- The code applies to all forms of communication and interaction including

Face-to-face meetings

Online or telephone meetings

In written communication

In verbal communication

In non-verbal communication

In electronic and social media communication, posts, statements and comments.

- The obligation to treat others with respect and not to bully is retained, but definitions are now provided, which is useful.
- There is a new obligation to undertake Code of Conduct training provided by the Council, and to co-operate with a Code of Conduct investigation and/or determination.

The appended draft has been considered by Monitoring Officers across the region, and has just been adopted by the Liverpool City Region Combined Authority and other councils in the area. This will assist with consistency across the region, and it contains very minor local amendments.

Monitoring Officers in Merseyside and Cheshire are now giving consideration to whether it would be possible to agree a standardised form of arrangements for dealing with Code of Conduct complaints across authorities. Whilst that work continues in progress, it is suggested that Halton's current arrangements are updated very slightly in anticipation of this Board and full Council approving a separate item on this agenda dealing with committee changes. These minor

revisions to the arrangements would ensure consistency with that. The revised version is attached to this report as Appendix B and is recommended for approval.

4.0 POLICY AND FINANCIAL IMPLICATIONS

- 4.1 The powers and duties and of Audit and Governance Board include responsibility for considering the Council's Corporate Governance arrangements and agreeing necessary actions to ensure compliance with best practice. The revised Code of Conduct is compliant with that responsibility. The Council has a legal duty under the Localism Act 2011 to adopt a Code of Conduct setting out what is expected of members and co-opted members when they are acting in that capacity. The code must be consistent with the seven principals of public life and ensure that there are appropriate provisions for dealing with pecuniary and other interests.
- 4.2 There are no direct financial implications arising from this report.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton

The revised code is designed to protect the democratic role of councillors and encourage good conduct, safeguarding the public's trust in Local Government. This would therefore assist the Council in meeting its values and engaging effectively with all stakeholders.

5.2 Employment, Learning and Skills in Halton

See 5.1 above

5.3 A Healthy Halton

See 5.1 above

5.4 A Safer Halton

See 5.1 above

5.5 Halton's Urban Renewal

See 5.1 above

6.0 RISK ANALYSIS

- 6.1 The revised Code of Conduct would provide assurance that the Council has an up-to-date and fit for purpose Code of Conduct for members, which would assist in the protection and accountability of members. The aim of the revised code is to protect the democratic role of Councillors, encourage good conduct and safeguard the public's trust in Local Government. This would apply across all sectors of the community.

7.0 EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 none.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
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There are no background papers within the meaning of the Act.

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Introduction

This Authority and others across the Liverpool City Region have adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members. It is adapted from the Local Government Association (LGA) Model Councillor Code of Conduct 2020 published 19th January 2021.

The LGA Model Code was introduced by a Joint Statement from the political groups that:

“The role of councillor across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.”

The Code sets out general obligations about the standards of conduct expected of Members and co-opted members of the authority, together with provisions about registering and declaring interests. It has been adopted under section 27 of the Localism Act 2011 by the Authority on [].

The LGA Model Code is to be reviewed annually and is supported by Guidance [to be] issued.

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 LGA encourages the use of support, training and mediation prior to action being taken using the Code. 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

1. 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.

2. Bullying, harassment and discrimination

As a Member:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 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.

3. Impartiality of officers of the local authority

As a Member:

3.1 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.

4. Confidentiality and access to information

As a Member:

4.1 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.

4.2 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.

4.3 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.

5. Disrepute

As a Member:

5.1 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/it's 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.

6. Use of position

As a Member:

6.1 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.

7. Use of local authority resources and facilities

As a Member:

7.1 I do not misuse local authority resources.

7.2 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.

8. Complying with the Code of Conduct

As a Member:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 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

9. Interests

As a Member:

9.1 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.

10. Pre-Determination or Bias

As a Member I:

- 10.1 **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.**
- 10.2 **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.

11. Gifts and hospitality

As a Member:

- 11.1 **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.**

11.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

11.3 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.

Appendices

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.

Overview and Scrutiny Committees

9. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:
 - (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's Cabinet, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and
 - (b) at the time the decision was made or action was taken, you were a member of the Cabinet, board, committee, sub-committee, joint committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.
10. Paragraph 9 does not prevent you attending and participating in a meeting if you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers.

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	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between 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 (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 — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. '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.

Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the council; and (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.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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.

* '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

1. You will not be regarded as having a prejudicial interest in any business of your authority in respect of any Other Registerable Interest:
 - (a) where that business relates to:
 - (i) another local authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (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
 - (iv) your role as a school governor, unless it relates particularly to the school of which you are a governor; or
 - (v) your role as a member of a National Health Service board or governing body;
 - (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 (*for example, determination of an application for planning permission or consent or licence under the Licensing Act 2003*).

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 (except that this dispensation does not apply if you are two months or more in arrears with their Council Tax you must declare this to the meeting and must not vote on budget recommendations, as to do otherwise can be a criminal offence).

Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority *[or of a parish council within its area]* has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority *[or of a parish council within the authority’s area]*, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member *[or a member or co-opted member of a parish council]* against whom an allegation has been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception at the Municipal Building Widnes.

[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.]

3 Making a complaint

If you wish to make a complaint, please write or email to –
“The Monitoring Officer
Halton Borough Council
Municipal Building

Kingsway
Widnes
WA8 7QF”

Or –

mark.reaney@halton.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members’ interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority’s website, next to the Code of Conduct, and is available on request from Reception at the Municipal Building.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. The question of whether to investigate will take into account whether it is in the public interest to do so. This decision will normally be taken within 28 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision. Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. *[Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council or your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]*

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is the investigation conducted?

The Council has adopted a procedure for the investigation of misconduct complaints. If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [*and to the Parish Council, where your complaint relates to a Parish Councillor*], notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit & Governance Board [*and the Parish Council*] for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for local hearings,

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue

directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter..

8 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to Council *[or to the Parish Council]* for information;
- 8.3 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
- 8.5 Instruct the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the member;

- 8.6 Remove *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- 8.7 Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take. As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the member *[and to the Parish Council]*, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Hearings Panel?

The Hearings Panel is a Sub-Committee of the Council's Audit & Governance Board. The Audit & Governance Board has decided that it will comprise a maximum of three members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties where possible. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Person is invited to attend all meetings of the Hearings Panel and his views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if he/she –

11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;

11.2 Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority’s area, or

11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means –

11.3.1 Spouse or civil partner;

11.3.2 Living with the other person as husband and wife or as if they were civil partners;

11.3.3 Grandparent of the other person;

11.3.4 A lineal descendent of a grandparent of the other person;

11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;

11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or

11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

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REPORT TO:	Audit and Governance Board
DATE:	7 July 2021
REPORTING OFFICER:	Strategic Director Enterprise, Community and Resources
PORTFOLIO:	Corporate Services
SUBJECT:	Revisions to Committee Structures
WARDS:	Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To bring to the Board recommendations for revisions to Committees following consideration by a group of senior members and to seek appropriate recommendations to Council.

2.0 RECOMMENDATION: That

It be recommended to Council that

- 1) The Audit and Governance Board assume responsibility for the work of the former Standards Committee and that its terms of reference be amended as set out in Appendix 1.
- 2) The composition of the Appeals Panel be amended as set out in paragraph 3.4 of this report.
- 3) A Taxi Sub-committee be set up with terms of reference as contained in Appendix 2.
- 4) That appropriate amendments to the Constitution are made in due course.

3.0 SUPPORTING INFORMATION

- 3.1 Part of the responsibility of the Audit and Governance Board is the consideration of the Council's arrangements for Corporate Governance, and the agreement of any necessary actions to ensure compliance with best practice.
- 3.2 A small group of senior members has been considering the Council's committee structure and assessing ways in which improvements could be made.

- 3.3 Members will be aware that the Council meeting in May decided not to appoint to the Standards Committee and Appeals Panel this year, pending consideration of this report.

The group concluded that arrangements for dealing with standards issues would be strengthened by removing the previous Standards Committee which met once per year, and had a Hearings Panel to be drawn from its membership and comprising of representation from two political parties where possible. The work of the Standards Committee would be transferred to the Audit and Governance Board, whose amended terms of reference would be as sent out in Appendix 1. The Hearings Panel would remain, but would be populated from the membership of the Audit and Governance Board. The benefit of this new arrangement would be that standards issues could be considered more frequently than the previous one scheduled meeting per year, and the Audit and Governance Board would be the natural home for those areas of work, given its current responsibilities. The ability to call a Hearings Panel at short notice would remain, allowing for consideration of allegations that individual members may have broken the Code of Conduct.

- 3.4 The group also looked at the make-up of the Appeals Panel, and felt that arrangements would be streamlined by amending the composition so that three council members would be asked to attend each individual hearing as before, but that they be drawn from the membership of the Corporate Policy and Performance Board. This would mirror the composition of the previous Corporate Complaints Panel, and would ensure that the Panel would remain as an independent body, rather than being a sub-committee of the Corporate PPB, which would not be permissible under scrutiny rules. The chair for a hearing would be chosen the membership of the Panel on the day. It is not considered that any further amendments to the Appeals Panel's terms of reference are necessary at this stage, but that would be kept under review.

- 3.5 Members of the group also felt that there would be merit in the establishment of a Taxi Sub-Committee to be drawn from members of the Regulatory Committee. It would contain three members on each occasion, and it is felt that it would be able to deal with the taxi licensing issues presented to it in respect of individual drivers, operators etc. in an efficient manner, and in a forum which may be considered less intimidating than attendance before the full Regulatory Committee as at present. The proposed terms of reference are set out in Appendix 2 to this report.

If approved, these amendments will require changes to the Constitution and it is suggested that these are picked up at the appropriate time.

4.0 POLICY IMPLICATIONS

- 4.1 It is considered that the recommendations contained within this report would make improvements to the Council's Committee structure, for the reasons set out in the body of the report.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The only financial implications arising from the report would a saving in terms of special responsibility allowances.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 6.1 **Children and Young People in Halton – None**
- 6.2 **Employment, Learning and Skills in Halton – None**
- 6.3 **A Healthy Halton – None**
- 6.4 **A Safer Halton – None**
- 6.5 **Halton's Urban Renewal – None**

Whilst there are no specific implications for the Council's priorities, it is beyond doubt that the most effective arrangements for Corporate Governance will benefit the whole authority and its residents and stakeholders.

7.0 RISK ANALYSIS

- 7.1 There are no matters requiring a full Risk Assessment. The Council is required to have an appropriate mechanism in place for considering complaints that members may have broken the Code of Conduct, under the terms of the Localism Act 2011.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The proposed changes set out in the report will benefit all sectors of the community.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
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9.1 None under the meaning of the Act.

10. POWERS AND DUTIES OF THE AUDIT & GOVERNANCE BOARD

Efficiency and Improvement

1. To draw up an Efficiency Programme for the Authority ensuring that it meets its statutory requirements for securing Best Value and complies with the requirements placed upon it in relation to reporting efficiency gains.
2. To draw up and oversee a programme of reviews aimed at securing continuous improvement in the efficiency and effectiveness of Council services.
3. To promote partnership working and collaboration with other public and private bodies where that supports the Council's Efficiency Programme.
4. To monitor the Council's performance against the Efficiency Programme, particularly in relation to the identification and realisation of efficiency gains.
5. To ensure the Council has processes in place to benchmark its activities and to learn from best practice to ensure continuous improvement in its performance.
6. To monitor and review the Council's procurement arrangements.
7. To oversee the Council's preparations for any organisational assessment process.

Audit

8. To approve, but not direct, internal audit's strategy, plan and monitor performance.
9. To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
10. To consider the annual report of the Divisional Manager – Audit and Operational Finance.
11. To consider the external auditor's annual letter and relevant reports.
12. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

Accounts

13. To review and approve the annual statement of accounts.
14. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Governance

15. To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
16. To be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
17. To review and approve the Annual Governance Statement.
18. To ensure that the Council has effective processes in place to obtain value for money from its contractual arrangements with third parties.

Risk Management

19. To review the adequacy of arrangements for identifying and managing the Council's business risks, including the Council's Risk Management Policy and its implementation.
20. To review the robustness of the Corporate Risk Register and the adequacy of the associated risk management arrangements.
21. To receive and consider regular reports on the risk environment and associated management action.

Anti-Fraud and Corruption arrangements

22. To monitor and review the adequacy of the Council's anti-fraud and corruption **policies and arrangements.**

Standards

23. To promote and maintain high standards of conduct by the members and co-opted members of the authority.

24. To assist members and co-opted members of the authority to observe the authority's Code of Conduct.
25. To advise the authority on the adoption or revision of the Code of Conduct.
26. To monitor the operation of the authority's Code of Conduct.
27. To advise, train or arrange to train members of the authority on matters relating to the authority's Code of Conduct.
28. To maintain a Hearings Panel (comprised of 3 members of the Board drawn from 2 political groups if possible) to hear allegations made against an Elected Member or a Parish Councillor within the Borough Council's area.
29. To investigate or arrange investigation of any complaints made by Members, Officers or members of the public in relation to the authority's Code of Conduct.
30. To decide disciplinary matters within the competence of the Committee.
31. To consider applications from local authority employees for exemption from political restriction in respect of their posts.
32. Where appropriate, to issue directions requiring a local authority to include a post in the list of politically restricted posts it maintains.
33. To give general advice, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post.
34. To consider applications for dispensations from Members where appropriate.

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Terms of Reference

Taxi Licensing Sub-Committee

The following matters are delegated to the Taxi Licensing-Sub Committee (a Sub-Committee of the Regulatory Committee)

Sitting as a panel comprising of 3 Members (drawn from the full Regulatory Committee)

To determine all matters relating to the grant, renewal or review of a Hackney Carriage and / or Private Hire Driver's Licence where the powers of a delegated officer no longer apply.

To determine all matters relating to the grant, renewal or transfer of a Hackney Carriage and / or Private Hire Vehicle Licence where the powers of a delegated officer no longer apply.

To determine all matters relating to the grant or renewal of a Private Hire Operator Licence where the powers of a delegated officer no longer apply.

In circumstances where the Operational Director (Legal and Democratic Services) deems it relevant the determination of an application for the grant or renewal of a Private Hire Operators Licence may be referred directly to the full Regulatory Committee.

Other information

The Taxi Licensing Sub-Committee will sit on an ad hoc basis as agreed between the Operational Director (Legal and Democratic Services) and the Council's Committee Services and based on the availability of sufficient Regulatory Committee members and a suitable venue.

Only Committee Members who have undergone the relevant training will be able to sit and make determinations on the Taxi Licensing Sub-Committee.

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