

**HALTON BOROUGH COUNCIL**



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

*12 May 2022*

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

*You are hereby summoned to attend an Annual Meeting of the Halton Borough Council to be held in the Council Chamber - Town Hall, Runcorn on Friday, 20 May 2022 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 that reads 'S. Young'.

*Chief Executive*

**-AGENDA-**

<b>Item No.</b>		<b>Page No.</b>
<b>1.</b>	<b>ELECTION OF MAYOR AND DEPUTY MAYOR</b>  To be moved by Councillor J. Lowe and seconded by Councillor Abbott  “That Councillor Mark Dennett be elected Mayor of the Borough for the Municipal Year 2022/23”  To be moved by Councillor Polhill and seconded by Councillor A McInerney  “That Councillor Valerie Hill be elected Deputy Mayor of the Borough for the Municipal Year 2022/23”	
<b>2.</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>3.</b>	<b>COUNCIL MINUTES</b>	<b>1 - 10</b>
<b>4.</b>	<b>THE MAYOR'S ANNOUNCEMENTS</b>	
<b>5.</b>	<b>LEADER'S REPORT</b>	
<b>6.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>7.</b>	<b>MUNICIPAL ELECTION RESULTS 2022/23</b>  To submit for information the municipal election results (see attached).	<b>11 - 14</b>
<b>8.</b>	<b>EXECUTIVE BOARD (SELECTION COMMITTEE) 17 MAY 2022</b>  To formally approve the following recommendations of the Executive Board (Selection Committee).  (N.B. The Executive Board will be meeting on 17 May 2022 to consider these recommendations. Any amendments will be reported to Council).  a) Leader and Deputy Leader of the Council  To be moved by the Mayor and seconded by the Deputy Mayor:-  “That Councillor Wharton be appointed as Leader of the Council for the Municipal Year 2022/23	

To be moved by the Mayor and seconded by the Deputy Mayor: -

“That Councillor Thompson be appointed as Deputy Leader of the Council for the Municipal Year 2022/23”.

**9. BOARDS, COMMITTEES AND PANELS**

To be moved by the Mayor and seconded by the Deputy Mayor:

“That the following Boards, Committees and Panels be constituted with the membership as shown for the Municipal Year 2022/23”

(N.B. information regarding membership will be circulated as soon as possible)

**10. APPOINTMENT OF SCRUTINY CO-ORDINATOR**

To be moved by the Mayor and seconded by the Deputy Mayor:-

“To appoint a Scrutiny Co-ordinator for the Municipal Year 2022/23 as set out in the tabled document”

**11. APPOINTMENT OF CO-OPTEE**

To be moved by the Mayor and seconded by the Deputy Mayor:-

“That the following appointment be confirmed:

- 1) The re-appointment of Mr David Wilson as the Healthwatch Halton representative and non-voting Co-optee to the Health Policy and Performance Board for the Municipal Year 2022/23.

**12. APPOINTMENT OF OUTSIDE BODIES**

To be moved by the Mayor and seconded by the Deputy Mayor:-

“That Council consider the list of outside bodies circulated”.

**13. EXECUTIVE BOARD PORTFOLIOS**

The Leader will report on the Portfolio holders for Executive Board for the Municipal Year 2022/23 which will also be tabled.

**14. ELECTORAL MATTERS**

RECOMMENDED: That Council appoint the Chief Executive Stephen Young to carry out the Electoral Registration Officer Functions for the registration of Parliamentary and Local

**15 - 18**

Government Electors and the Returning Officer Functions for Parliamentary, Local, Parish, Combined Authority Mayoral, Police & Crime Commissioner Elections and Referenda under all relevant legislation and to act as the Proper Officer for all related functions and relevant legislation with immediate effect.

**15. UPDATES TO COUNCIL CONSTITUTION 2022 (MINUTE EXB 94 REFERS) 19 - 22**

Executive Board considered a report of the Strategic Director, Enterprise, Community and Resources, which sought approval of a number of changes to the Council's Constitution.

RECOMMENDED: That Council approve the revised Constitution, including the matters set out in Appendix 1, attached to the report.

**16. REVISED CODE OF CONDUCT FOR MEMBERS (MINUTE AGB25 REFERS) 23 - 44**

RECOMMENDED: That Council adopt the revised Code of Conduct for Members attached to the report as Appendix 1.

**17. CIVIC SUNDAY**

To note that the Mayor's Civic Sunday Service will be held at St Michael's & All Angels Church, Greenway Road, Runcorn, WA7 5BS, on Sunday 17th July 2022, at 10am.

**COUNCIL**

*At a meeting of the Council on Wednesday, 2 March 2022 in the Council Chamber - Town Hall, Runcorn*

Present: Councillors Abbott, Ball, Baker, Bevan, J. Bradshaw, M. Bradshaw, Bramwell, D. Cargill, E. Cargill, Carlin, Dennett, Dourley, Fry, Gilligan, Goodall, Harris, S. Hill, V. Hill, Hutchinson, Jones, Leck, M. Lloyd Jones, P. Lloyd Jones, Loftus, Logan, A. Lowe, J. Lowe, McDermott, A. McInerney, T. McInerney, Nelson, Nolan, Philbin, Polhill, C. Plumpton Walsh, N. Plumpton Walsh, Ratcliffe, Rowe, G. Stockton, J. Stockton, Stretch, Aimee Teeling, Angela Teeling, Thompson, Thornton, Wainwright, Wall, Wallace, Wharton, Whitley, Woolfall and Wright

Apologies for Absence: Councillor Begg

Absence declared on Council business: None

Officers present: D. Parr, I. Leivesley, M. Vasic, M. Reaney, E. Dawson and G. Ferguson

Also in attendance: One member of the press and S. Young

*Action*

#### MINUTES SILENCE

At the commencement of the meeting the Mayor asked everyone to pause for a minutes silence as a mark of respect for Ukraine.

#### COU48 COUNCIL MINUTES

The minutes of the meeting of Council held on 26 January 2022 were taken as read and signed as a correct record.

#### COU49 THE MAYOR'S ANNOUNCEMENTS

The Mayor welcomed everyone to the Council Chamber for the meeting.

#### COU50 LEADER'S REPORT

The Leader highlighted the following issues since the last meeting of the Council:

- The two most significant issues for consideration at this Council meeting are the approval of the budget

for 2022/23, including the setting of the Council Tax and the final and formal adoption of the Delivery and Allocations Local Plan;

- The budget 2022/23 had been the most difficult yet and reserves and balances had been used in setting this budget more than we would ideally like. The Government had put us in this position and this was the only way vital local services could be protected;
- With regard to Covid-19, we are now moving into a different phase of the pandemic with the Government announcing the removal of all restrictions and reducing the availability of testing. This would present different challenges but we will continue to listen to public health advisers, service users, staff and trade union representatives to chart a route through to a return to normality;
- Finally this is David Parr's last full Council meeting after 17 years as Chief Executive. On behalf of the Council the Leader thanked David for his outstanding contribution to the Borough and expanded upon his personal and leadership qualities that he had brought to the role. He wished David and his family well for the future

With regard to the work of the Independent Remuneration Panel following the Triannual Review of the Scheme of Members' Allowances, the Leader requested that:

1. On behalf of members, appreciation to the members of the Independent Panel for their work in undertaking this review be recorded;
2. Given the independent nature of the panel and its consideration of the feelings members had expressed on the budget pressures faced as an authority the outcome be accepted and that the scheme of allowances in Halton do not exceed more than 90% of the average of neighbouring Cheshire and Merseyside local authorities; and
3. It be noted that he was declining the increase in the SRA of 5% recommended for the Leader's allowance as he had no wish to add to the costs of the scheme of allowances.

COU51 MINUTES OF THE EXECUTIVE BOARD

The Council considered the minutes of the Executive Board meetings on 9 December 2021, 20 January 2022 and 17 February 2022.

RESOLVED: That the minutes be received.

COU52 MINUTES OF THE HEALTH AND WELLBEING BOARD

The Council considered the minutes of the Health and Wellbeing Board meeting on 19 January 2022.

RESOLVED: That the minutes be received.

COU53 QUESTIONS ASKED UNDER STANDING ORDER 8

It was noted that no questions had been submitted under Standing Order No. 8.

COU54 BUDGET 2022-23 (EXB68 REFERS)

The Executive Board had considered a report setting out a recommendation to Council in respect of the Budget, Capital Programme and Council Tax for 2022/23.

The Executive Board had recommended that Council adopt the resolution set out in Appendix A of the report, which included setting the budget at £113.891m, the Council Tax requirement of £57,174m (before Parish, Police, Fire and LCR Combined Authority precepts) and the Band D Council Tax for Halton of £1,595.67.

Councillor Dennett, Resources Portfolio holder, thanked all Officers involved, for their support in producing this budget and wished to record his thanks to the Members of executive Board, the Budget Working Group and the Chairs of the Policy and performance Boards for their contribution. In addition, he thanked the Leader for his help and support in delivering this budget.

In accordance with Standing Order 16 (3), a recorded vote was taken.

The following Members voted FOR the motion:-

Councillors Abbott, Ball, Baker, Bevan, J. Bradshaw, M. Bradshaw, Bramwell, D. Cargill, E. Cargill, Carlin, Dennett, Dourley, Fry, Gilligan, Goodall, Harris,

S. Hill, V. Hill, Hutchinson, Jones, Leck,  
M. Lloyd Jones, P. Lloyd Jones, K. Loftus, Logan, A.  
Lowe, J. Lowe, McDermott, A. McInerney,  
T. McInerney, Nelson, Nolan, Philbin, C. Plumpton  
Walsh, N. Plumpton Walsh, Polhill, Ratcliffe, Rowe,  
G. Stockton, J. Stockton, Stretch, Aimee Teeling,  
Angela Teeling, Thompson, Thornton, Wainwright,  
Wall, Wallace, Wharton, Whitley, Woolfall, and  
Wright.

There were no votes against the motion.

There were no abstentions.

RESOLVED: That

- 1) Council be recommended to adopt the resolution set out in Appendix A, which includes setting the budget at £113.891m, the Council Tax requirement of £57.174m (before Parish, Police, Fire and LCR Combined Authority precepts) and the Band D council Tax for Halton of £1,595.67;
- 2) the recommendations in the report relating to the setting of the 2022/23 budget, set out in Appendix B and Capital Programme set out in Appendix F, be supported and recommended to Full Council for approval, with the exception of the proposal contained therein in relation to the closure of Runcorn Swimming Pool;
- 3) the proposal to close Runcorn Swimming Pool be put on hold for a period, no longer than six months, to allow time to see if an alternative delivery model can be identified by giving the opportunity for a third party to come forward with a costed and sustainable business plan to take over the running of the baths. That opportunity would be widely advertised to attract potential interest;
- 4) any proposal must cover both the capital and revenue costs of running the pool in the future;
- 5) if no such proposal is submitted that meets the above criteria within that six month period then the closure of the pool would proceed at that point; and
- 6) the subsequent gap this causes in the budget currently recommended by officers be met by increasing the amount of reserves and balances being utilised to set a legal budget for 2022/23.

COU55 TREASURY MANAGEMENT STRATEGY STATEMENT  
2022-23 (EXB 69 REFERS)

The Council considered a report of the Operational Director, Finance, on the Treasury Management Statement, which incorporated the Annual Investment Strategy and the Minimum Revenue Provision Strategy for 2022/23.

RESOLVED: That Council adopt the policies, strategies, statements, prudential and treasury indicators, outlined in the report.

COU56 CAPITAL STRATEGY 2022-23 (EXB 70 REFERS)

The Council considered a report of the Operational Director, Finance, on the Council's Capital Strategy for 2022/23.

Members noted that the Capital Strategy should be read in conjunction with the Treasury Management Statement, also considered at this meeting. The successful delivery of the Capital Strategy would assist the Council in planning and funding its capital expenditure over the next three years.

RESOLVED: That Council approve the 2022/23 Capital Strategy, as presented in the Appendix attached to the report.

COU57 2021/22 REVISED CAPITAL PROGRAMME

The Council considered a report of the Operational Director, Finance, which sought approval for a number of revisions to the Council's 2021/22 Capital Programme.

RESOLVED: That the revisions to the Council's 2021/22 Capital Programme, as set out in paragraph 3.2 of the report, be approved.

COU58 CALENDAR OF MEETINGS 2022-23 (EXB 71 REFERS)

The Council considered a report of the Strategic Director, Enterprise, Community and Resources, on the calendar of meetings for the 2022/23 Municipal Year.

RESOLVED: That the calendar of meetings for the 2022/23 Municipal Year, as appended to the report, be approved.

COU59 ADOPTION OF THE HALTON DELIVERY AND ALLOCATIONS LOCAL PLAN (DALP) INCLUDING CONSEQUENTIAL DELETION OF SPECIFIC CORE STRATEGY POLICIES AND THE DELETION OF SAVED UNITARY DEVELOPMENT PLAN POLICIES

The Council considered a report of the Strategic Director – Enterprise, Community and Resources, to request that the Halton Delivery and Allocations Local Plan (DALP) be adopted. This followed receipt of the Planning Inspectors Report of Examination, into the soundness of the plan (Appendix A), which concluded that the Plan as proposed to be modified was 'sound' and could be formally adopted.

RESOLVED: That Council

- 1) accept the findings of the Planning Inspector's report into the soundness of the submitted Halton Delivery and Allocations Local Plan including the Main Modifications that are necessary for the document to be sound (Appendix A);
- 2) adopt the Halton Delivery and Allocations Local Plan (Appendix B) and supporting Local Plan Policies Map (Appendix C), including the Inspector's Main Modifications and Council's Minor Changes as part of the Development Plan for Halton, to be used for development management purposes;
- 3) authorise the Operational Director for Policy, Planning and Transportation, in consultation with the Portfolio Holder, to make final editorial amendments to the Halton Delivery and Allocations Local Plan prior to final publication. These amendments will be restricted to correcting minor errors and formatting text and shall not alter the meaning of the Delivery and Allocations Local Plan;
- 4) note that a number of saved policies in the Core Strategy (as listed in Appendix C of the DALP) will be deleted and replaced by policies in the Delivery and Allocations Local Plan, and the saved policies of the Halton Unitary Development Plan will be deleted; and
- 5) withdraw the following Supplementary Planning Documents:
  - Affordable Housing SPD

COU60 MEMBERS' ALLOWANCE SCHEME - TRI-ANNUAL REVIEW

The Council considered a report of the Independent Remuneration Panel following the Triannual Review of the Scheme of Members' Allowances.

Under the Local Authority (Members' Allowances) Regulations 2003, the Scheme of Members' Allowances must be reviewed tri-annually. Three independent private sector representatives were invited to sit as an Independent Panel to review the Council's Scheme of Members' Allowances and to make recommendations to the Council.

The Panel were provided with, and appraised of, the Council's current Scheme of Allowances, as set out in the report. The Panel met once and corresponded on a number of occasions, considered papers supplied in advance of their meetings and received a briefing by the Chief Executive. In addition, the Panel invited comments from the Leaders of the three Political Groups and considered written representations submitted by Councillors. The Panel's conclusions and recommendations were set out in the report for information.

RESOLVED: That Council

- 1) note and agree the recommendations of the Independent Members' Allowances Panel as set out in Paragraph 6 of the report;
- 2) having regard to the Panel's recommendation, approve the Members' Allowance Scheme as submitted to be effective from April 2022 for a 3 year period; and
- 3) note the Leader was declining the increase in the SRA of 5% recommended for the Leader's allowance.

COU61 MINUTES OF THE POLICY AND PERFORMANCE BOARDS AND THE AUDIT AND GOVERNANCE BOARD

The Council considered the reports of the following Boards in the period since the meeting of Council on 26 January 2022:-

- Children, Young People and Families;

- Health;
- Safer;
- Environment and Urban Renewal;
- Corporate Services; and
- Audit and Governance.

#### COU62 COMMITTEE MINUTES

The Council considered the reports of the following Committees in the period since the meeting of Council on 26 January 2022:-

- Development Management;
- Regulatory; and
- Appointments Committee.

#### COU63 RECOMMENDATION FROM MAYORAL COMMITTEE

The Mayoral Committee had considered a Part II item which made recommendations for the appointment of Mayor and Deputy Mayor for the 2022/23 Municipal Year.

Formal confirmation would be sought at the Annual meeting of Council.

RESOLVED: That Council note that

- 1) Councillor Mark Dennett be appointed as Mayor;  
and
- 2) Councillor Valerie Hill be appointed as Deputy Mayor.

#### COU64 NOTICE OF MOTION - SEXUAL HARASSMENT, SEXUAL VIOLENCE AND BULLYING IN SCHOOL

Council considered a Notice of Motion submitted in accordance with Standing Order No. 6.

The following Motion was proposed by Councillor Loftus and seconded by Councillor Bramwell:-

A report was presented to the Children and Young People (C&YP) Policy and Performance Board about Bullying, Sexual Harassment and Sexual Violence involving Students.

Within the report it was made clear to the members that the reporting of incidents of Sexual Harassment Sexual Violence and Bullying in schools was not being as open as it should be. The Members were informed that when schools stated that no incidents had happened it would be to assume the opposite because this was a national problem. It was this assumption that prompted me to propose this motion.

I propose that all Local Authority School Governor's ask for every school, Governor's Board to debate these issues at their next meeting and report back to next meeting of the C&YP Board.

The issues that need to be addressed are as follows:

- 1) Education, Young Adults need to be made aware of the impact that incidents of Bullying Sexual Harassment or Sexual Violence has on both the victim and the perpetrator. For both the impact could be life changing. For the victims their self-worth could be undermined for life, for the perpetrator if convicted their aspirations for employment will be greatly reduced and the stigma will last for years.
- 2) Actions by the Schools, recording of incidents and support for the victim is essential. All complaints must be taken seriously and investigated thoroughly. Each year group should have a named adult that a child from that year group can talk to. This person will need to be able to support the young person throughout the investigation. If the incident involves a criminal act the Police should be involved from the start.
- 3) Bullying, some Schools in Halton already allow girls to wear trousers in school but those girls are often bullied by people making assertions of their sexual identity. With the changes to the rules governing school uniforms (thanks to Mike Amesbury) this could be the opportune time to encourage schools to promote Gender Neutral Uniform's (including gym kits) from September. This will be very economically beneficial for those parents on limited incomes.

I hope all Members can agree with me that these steps need to be taken, when you vote. We all need to

remember that as Councillors we are corporate Parents.

Following a supporting statement from Councillor Bramwell, the motion was put and carried.

RESOLVED: That the motion be approved.

*Meeting ended at 7.30 p.m.*

## LOCAL ELECTIONS – THURSDAY 5 MAY 2022

## Norton South &amp; Preston Brook

Candidate: name:		Representing:	Number of votes:	Turnout %
Burnett	Adam	The Conservative Party Candidate	174	22.8%
Hodge	Miriam Lorraine	Liberal Democrats	79	
Lloyd Jones	Martha	Labour Party	811	
Wyna	Craig Michael	Independent	79	

## Norton North

Candidate: name:		Representing:	Number of votes:	Turnout %
Cargill	Gary Paul	Green Party	326	30.6%
Davidson	Peter	The Conservative Party Candidate	187	
Inch	Diane Marie	Liberal Democrats	276	
Logan	Geoffrey Michael	Labour Party	806	
Porter	Graham John	Independent	123	

## Mersey &amp; Weston

Candidate: name:		Representing:	Number of votes:	Turnout %
Baker	Daniel	The Conservative Party Candidate	164	23.3%
Plumpton-Walsh	Norman Lee	Labour Party	803	
Redhead	Linda	Liberal Democrats	352	
Rowe (Rowe)	Gillian (Jill)	Independent	96	

## Hough Green

Candidate: name:		Representing:	Number of votes:	Turnout %
Harris [Harris]	Philip John [Phil]	Labour Party	887	22.7%
Miller	Tracy Claire	Green Party	124	
Nguzo	Lyn Ruth	The Conservative Party Candidate	212	

## Highfield

Candidate: name:		Representing:	Number of votes:	Turnout %
Dowdeswell (Dowdeswell)	Steven Charles (Steve)	Independent	145	25.11%
Gilligan [Gilligan]	Robert [Bob]	Labour Party	965	
Powell	James Robert Matthias	The Conservative Party Candidate	178	

## Halton View

Candidate: name:		Representing:	Number of votes:	Turnout %
Nolan	Louise Elizabeth	Labour Party	1000	24
Powell	Julie	The Conservative Party Candidate	248	

## Halton Lea

Candidate: name:		Representing:	Number of votes:	Turnout %
Brown	Ashlee	Green Party	86	21.93%
Davidson	Sandra Margaret	The Conservative and Unionist Party	130	
Hodge	Laura	Liberal Democrats	56	
Lowe	Alan Archie	Labour Party	851	

## Halton Castle

Candidate: name:		Representing:	Number of votes:	Turnout %
Carlin	Christopher Martin	Labour Party	713	23.3%
Ferguson	Iain James	Green Party	197	
Heatley	Peter	The Conservative Party Candidate	87	
Whyte	Darrin David	Independent	134	

## Grange

Candidate: name:		Representing:	Number of votes:	Turnout %
Dennett	Mark David	Labour Party	790	18.07%
Howard	Jonathan Neil	Liberal Democrats	220	

## Farnworth

Candidate: name:		Representing:	Number of votes:	Turnout %
Dawson	Ann Elizabeth	The Conservative Party Candidate	561	26%
Hill [Hill]	Valerie [Val]	Labour Party	1033	

## Ditton, Hale Village &amp; Halebank

Candidate: name:		Representing:	Number of votes:	Turnout %
Harper	Philip	The Conservative Party Candidate	234	23
Wright	Marie	Labour Party	946	

## Daresbury, Moore &amp; Sandymoor

Candidate: name:		Representing:	Number of votes:	Turnout %
Davidson	Sian Fiona Alexandra	The Conservative Party Candidate	399	30.8%
Hutchinson	Anna Christina	Labour Party	398	
Kinchin	Richard Stephen	Green Party	372	

## Central &amp; West Bank

Candidate: name:		Representing:	Number of votes:	Turnout %
Harper	Colleen Mary	The Conservative Party Candidate	106	15.36%
Hutchinson	Noel	Labour Party	633	

## Bridgewater

Candidate: name:		Representing:	Number of votes:	Turnout %
Eaton	Dylan Anthony	The Conservative Party Candidate	202	24%
Garner	Emma Louise	Labour Party	1024	
Howard	Suzanne Nicola	Liberal Democrats	147	

**Birchfield**

<b>Candidate: name:</b>		<b>Representing:</b>	<b>Number of votes:</b>	<b>Turnout %</b>
Fry [Fry]	Michael [Mike]	Labour Party	885	29.32%
Healey	Matthew	Green Party	106	
Powell	John Robert	The Conservative Party Candidate	665	
Teebay	Andrew Peter	Liberal Democrats	118	

**Beechwood & Heath**

<b>Candidate: name:</b>		<b>Representing:</b>	<b>Number of votes:</b>	<b>Turnout %</b>
Bentley	Rhona Margret	Independent	93	34.5%
Butcher	Craig	Labour Party	625	
Clarke (Clarke)	Daniel David (Danny)	Conservative and Unionist Party	365	
Stockton	Gareth Charles	Liberal Democrats	997	

**Bankfield**

<b>Candidate: name:</b>		<b>Representing:</b>	<b>Number of votes:</b>	<b>Turnout %</b>
Bevan	Laura Jane	Labour Party	938	21.3%
Dorian	David James	The Conservative Party Candidate	56	
McCann	Keith David	Independent	87	

**Appleton**

<b>Candidate: name:</b>		<b>Representing:</b>	<b>Number of votes:</b>	<b>Turnout %</b>
Harper	Duncan James Robert	The Conservative Party Candidate	157	20.9%
Teeling	Angela	Labour Party	865	

<b>REPORT TO:</b>	Council
<b>DATE:</b>	20 May 2022
<b>REPORTING OFFICER:</b>	Chief Executive
<b>PORTFOLIO:</b>	Corporate
<b>SUBJECT:</b>	Electoral Matters
<b>WARDS:</b>	Borough wide

### **1.0 PURPOSE OF THE REPORT**

- 1.1 To recommend to Council that the statutory duties in relation to Electoral Administration and of the Returning Officer in relation to all Elections and Referenda be assigned to the Chief Executive.

**2.0 RECOMMENDATION: That Council appoint the Chief Executive Stephen Young to carry out the Electoral Registration Officer Functions for the registration of Parliamentary and Local Government Electors and the Returning Officer Functions for Parliamentary, Local, Parish, Combined Authority Mayoral, Police & Crime Commissioner Elections and Referenda under all relevant legislation and to act as the Proper Officer for all related functions and relevant legislation with immediate effect.**

### **3.0 BACKGROUND INFORMATION**

- 3.1 This report is brought before Members in light of the forthcoming retirement of Ian Leivesley, who is the Council's Electoral Registration Officer, Returning Officer, and Proper Officer for electoral purposes, and also the recent appointment of Stephen Young as Chief Executive.
- 3.2 In England, every district council is required to appoint "an officer of the Council to be the Electoral Registration Officer for any constituency or part of a constituency situated in the local authority area (Section 8(2), Representation of the People Act 1983)
- 3.3 Every district council in England shall appoint an officer of the council to be the Returning Officer for the elections of councillors of the district and for the election of any parish councillors in its area (Section 35(1), Representation of the People Act 1983 and Section 35(2), Representation of the People Act 1983).
- 3.4 Once appointed, the Returning Officer will have a number of subtly different designations dependent upon the type of election as follows:

**UK Parliamentary Election - Acting Returning Officer**

- Section 28(1), Representation of the People Act 1983

**Police and Crime Commissioner Election - Local Returning Officer**

- Section 54(5), Police Reform and Social Responsibility Act 2011

**Combined Authority Mayoral Election - Local Returning Officer**

- Article 5, Combined Authorities (Mayoral Elections) Order 2017

The Returning Officer for district council elections is also responsible as Counting Officer for the administration of any referendum required under the Local Government Act 2000 (as amended) relating to the executive governance of the authority (Regulation 9, Local Authorities (Conduct of Referendums) (England) Regulations 2012)

The Returning Officer for district council or London borough elections is responsible as Counting Officer for the administration of any referendum required under the Town and Country Planning Act 1990 (as amended) relating to neighbourhood planning (Regulation 9, Neighbourhood Planning (Referendums) Regulations 2012)

**4.0 POLICY IMPLICATIONS**

- 4.1 Legislation requires that the Council appoint an Electoral Registration Officer and Returning Officer

**5.0 FINANCIAL IMPLICATIONS**

- 5.1 The post of Returning Officer is remunerated and is paid for from the Elections budget in the case of local elections. The Council is reimbursed for other elections.

**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 There are no risks requiring a separate assessment. Legislation requires that the Council appoints a suitable Electoral Registration Officer and Returning Officer.

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 There are no specific equality & diversity issues arising from this report.

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
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9.1 None under the meaning of the Act.

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<b>REPORT TO:</b>	Executive Board
<b>DATE:</b>	14 April 2022
<b>REPORTING OFFICER:</b>	Strategic Director – Enterprise, Community and Resources
<b>PORTFOLIO:</b>	Corporate Services
<b>SUBJECT:</b>	Annual Review of Constitution 2022
<b>WARDS:</b>	Borough-wide

### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of the report is to ask the Board to seek the approval of the Council to a small number of changes to the Constitution.

**2.0 RECOMMENDATION: That Executive Board recommends Council to approve the changes to the Constitution including the matters set out in Appendix 1.**

### **3.0 BACKGROUND**

- 3.1 The revised version of the Constitution picks up the changes to the Council's working arrangements that have taken place during the year, as well as other changes which are intended to assist the Council to operate more effectively.

- 3.2 The proposals for change have been considered by the Chief Executive and the Executive Board Member for Resources in accordance with Article 16.02. Apart from the purely technical changes, the proposed amendments that are considered to be of particular significance are listed in Appendix 1 to this report.

### **4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS**

- 4.1 All legislative changes have been considered. However, no further amendments, over and above those already outlined, are required at the present time. Any other required changes during the period 2022/23 will be the subject of further reports when dates and details are available.

### **5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

- 5.1 **Children and Young People in Halton.**

- 5.2 **Employment, Learning and Skills in Halton.**

**5.3 A Healthy Halton.**

**5.4 A Safer Halton.**

**5.5 Halton's Urban Renewal.**

The changes proposed are designed to support the continued delivery of the Council's priorities.

**6.0 RISK ANALYSIS**

6.1 The Council needs to ensure that its Constitution is regularly updated so that it continues to support efficient, transparent and accountable decision-making by the authority.

**7.0 EQUALITY AND DIVERSITY ISSUES**

7.1 None.

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

None under the meaning of the Act.

**Proposed Significant Changes to the Constitution**

**Procurement Standing Orders**

Insertion of a new provision dealing with novation of contracts. In a contract novation the original contract is extinguished and is replaced by a new one in which a third party takes up rights and obligations which duplicate those of one of the original parties to the contract. Novation is only possible with the consent of the original contracting parties as well as the new party. A request to novate a contract may typically be received by the Council when a supplier's business is sold or restructured. It is considered that the Procurement Standing Orders will be improved with the addition of a section dealing with novation.

**Audit & Governance Board**

To pick up the additions to the Terms of Reference of Audit & Governance Board dealing with Standards issues which were agreed by Council in July 2021. .

**Code of Conduct for Members**

To make the proposed small changes to the Code of Conduct provided that they are approved by Council at the Annual Meeting

**Members Allowances Scheme**

To include the new Scheme which was approved by Council in March 2022.

**Management Structure Chart**

To update the chart.

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**REPORT TO:** Audit & Governance Board

**DATE:** 23 March 2022

**REPORTING OFFICER:** Monitoring Officer

**PORTFOLIO:** Leader

**SUBJECT:** Revised Code of Conduct For Members

**WARDS:** Borough Wide

### **1.0 PURPOSE OF THE REPORT**

- 1.1 The Local Government Association (LGA) published a model Code of Conduct for Members (Model Code), with corrections on 19<sup>th</sup> January 2021. The nine authorities across the City Region had previously had different codes of conduct, creating the potential for confusion and differing interpretation when acting in a shared capacity. The Model Code, adapted to suit local needs, was adopted by Council in July 2021. The LGA have made some minor changes to their model and therefore a revised version of the Code to take account of them is presented for consideration and adoption.

- 2.0 RECOMMENDATION: That the Board recommends Council to adopt the revised Code of Conduct for Members attached to this report as Appendix 1.**

### **3.0 SUPPORTING INFORMATION**

- 3.1 Members will recall that this Board considered the Model Code at its meeting in July 2021 and recommended its adoption to Council, which was done later that month.
- 3.2 The LGA has since published a revised version of the code to correct typographical errors. However, a significant change has been made to the prejudicial interest test, which in the Merseyside Model Code and original LGA Model Code is applied to “your interests”. The revised drafting properly expands the scope of the test to include other interests and those of family and associates in accordance with the Principles of Public Life.
- 3.3 The Merseyside Model Code was based on the December 2020 version of the LGA Model Code. The 17 May 2021 version has only recently been made available to Liverpool City Region Monitoring Officers and the 19 January 2021 version was not provided. As such, additional amendments may subsequently be required to incorporate into the Merseyside Code of Conduct any further relevant changes and/or to provide for other local arrangements.

- 3.4 Monitoring Officers across the Liverpool City Region will continue to work together in an attempt to align amendments to the Merseyside Model Code across their respective authorities.
- 3.5 The revised version of the Code attached as Appendix 1 to this report is presently considered to represent best practice and the Board is asked to recommend it to Council for approval. It has already been approved in this form by the Liverpool City Region Combined Authority.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 It is extremely important that the Council has a Code of Conduct for Members which is up to date and fit for purpose.

#### **5.0 OTHER IMPLICATIONS**

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 There are no risks requiring control measures. For the protection of Members,

public and stakeholders alike, it is important that the Code of Conduct is fit for purpose.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 Extensive consultation was carried out by the LGA in developing the Model Code

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

9.1 The LGA Model Code

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## APPENDIX 1

### 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 19<sup>th</sup> 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 April 2021.

### 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
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]

<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the local authority) made to the Member during the previous 12month 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.
<b>Contracts</b>	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.
<b>Land and Property</b>	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.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

<b>Corporate tenancies</b>	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.
<b>Securities</b>	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).