

# Minutes of the Full Council Meeting Held Wednesday 23 June 2021 at 6:30 PM

Those present :

Mayor : Cllr J Sayers

Deputy Mayor : Cllr Jo Burns

Councillors : Cllr Ju Burns, Cllr A Carr, Cllr C Carragher, Cllr J Desmond, Cllr S Doherty, Cllr R Ferguson, Cllr K Hughes, Cllr T Hughes, Cllr P Mc Kinley, Cllr D Mullen, Cllr Y Sayers

In attendance : Ms P Landor, Mr E Landor

Officers : P Dillon, D Healey, S Lawrence, A Mc Intyre

## **1 Apologies For Absence**

Cllrs Carlsen, Lloyd and Sharp.

## **2 Declarations of Interest**

Councillor Carragher made the following declaration - 'I would like to declare that I enter this meeting with an open mind, and make my voting decisions based on the full facts presented to me'.

## **3 Public Participation.**

None Registered.

## **4 To Confirm the Minutes of the Last Meeting**

RESOLVED that the minutes of Full Council meeting held on 5th May 2021 were approved as a correct record.

## **9 Planning Applications.**

Members considered additional information provided at the meeting relating to this item which included a map, a memorandum and appeal decision document, all regarding Land East of Maghull. Miss Landor discussed the highlighted conditions and provided a summary of the memorandum. As this information was only received by Landor Consultants recently, there had not been time to produce a letter. Cllrs were generally happy with the level of information provided, and all agreed for the Landors to draft a letter to Sefton Council including additional submissions on phasing, and request that deficiencies in the information submitted relating to the flood relief channel, construction environment management plan, and the travel plan be addressed prior to the discharge or partial discharge of the relevant conditions.

RESOLVED that:

1. A draft letter based on the information and analysis provided by the consultants be sent to the Town Clerk;
2. The letter be forwarded by the Town Clerk to Sefton Local Planning Authority as the formal consultation submission on the application to discharge the conditions listed;
3. The report be noted.

Edward and Philippa Landor left the meeting.

## 5 AGAR - Annual Return to External Auditor

The Town Clerk read out the following questions to Elected Members of the Council as detailed in Section 1 of the Annual Return:-

1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements. The Town Clerk confirmed that the Council has answered 'yes' to this question and asked if elected members agreed. Members confirmed their agreement.
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness. The Town Clerk confirmed that the Council has answered 'yes' to this question and asked if elected members agreed. Members confirmed their agreement.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances. The Town Clerk confirmed that the Council has answered 'yes' to this question and asked if elected members agreed. Members confirmed their agreement.
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations. The Town Clerk confirmed that the Council has answered 'yes' to this question and asked if elected members agreed. Members confirmed their agreement.
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required. The Town Clerk confirmed that the Council has answered 'yes' to this question and asked if elected members agreed. Members confirmed their agreement.
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems. The Town Clerk confirmed that the Council has answered 'yes' to this question and asked if elected members agreed. Members confirmed their agreement.
7. We took appropriate action on all matters raised in reports from internal and external audits. The Town Clerk confirmed that the Council has answered 'yes' to this question and asked if elected members agreed. Members confirmed their agreement.
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements. The Town Clerk confirmed that the Council has answered 'yes' to this question and asked if elected members agreed. Members confirmed their agreement.
9. (For local councils only) Trust funds including charitable. In our capacity as

the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit. The Town Clerk confirmed that the Council has answered 'not applicable' to this question as the Council do not have any Trust Funds, and asked if elected members agreed. Members confirmed agreement.

**RESOLVED that:**

1. Section 1 of the Annual Governance Statement 2020/21 be approved and signed by the Town Clerk and Mayor;
2. Section 2 – Accounting Statements 2019/20 be approved and signed by the Finance Officer and Mayor;
3. That the publication of the accounts be noted;
4. That the Annual Governance Statement be submitted to PKF Littlejohn;

**6 Activity Room Improvements**

Members were informed that MTC had applied for funding from Veolia Land Trust in their most recent bidding round which closed on 15/4/2021. MTC were advised on 9/6/2021 that the application had been unsuccessful. Whilst recognising the hard work and detail that had gone into the application Veolia Land Trust were oversubscribed, and were only able to fund a limited number of projects that most closely matched the organisation's priorities. MTC would be able to reapply in twelve months time and were advised to search for alternative Distributive Environmental Bodies in the area (there were currently none).

The issue also remained of finding a permanent base for MTC's Grounds Maintenance team. Where applicable, future funding applications would include reference to the plan and the staff room that was currently incorporated in the room's proposed design.

RESOLVED that the report be noted.

**7 World War 1 Project**

The Town Clerk reminded Cllrs Carr, Doherty and Carragher they could not take part in the discussion as they did not attend the original debate, as per the custom and practice of the Council's Rules of Debate. Cllr Carragher queried this as she wanted to be a part of the discussion, as she was on zoom for the original debate and it was out of her control that her connection was unreliable. Cllr Carragher proposed to make an amendment to audit and governance policy that this rule be discontinued. Members were advised that this would need to be examined further and that recommendations for changes to the Rules of Debate would need to be scrutinised by the Finance and General Purposes Committee as part of their scrutiny function.

The Town Clerk informed Members that the matter was debated at the meeting on 14th April 2021 but deferred the matter requesting more information. MTC queried the status of the statue as a war memorial and its listing on the War Memorials website. It has been confirmed that peace memorials could also be listed on the War Memorials site. The Town Clerk informed the statue was never intended to be a war memorial, but a recognition of the work of Moss Side Hospital in pioneering the treatment of shell shock, and to recognise the iniquity of executing those who were unable to serve their country due to the effects of shell shock.

Andy Edwards, the artist stated that he was unhappy with the current sitting of the statue without the accompanying panels which was not the vision originally intended. There was no legal restriction on the moving of memorials. Merseyrail has been contacted for their response to the way the statue has been left and the disrepair of its surroundings, together with the aspiration (and previous agreement) that the decorative panels would be placed next to the statue.

Cllr June Burns proposed that the Statue would remain indefinitely at Maghull North train station, and that negotiations should continue with Merseyrail regarding the panelled art work. This proposal was Seconded by Cllr Ferguson. The votes cast were as follows: 7 votes in favour and 4 votes against therefore the proposal was approved.

**RESOLVED that:**

1. A review of the Rules of Debate be taken to the next available Finance and General Purposes Committee for scrutiny and recommendations to full Council;
2. The Statue not be removed from its site at Maghull North train station, and continue negotiations with Merseyrail regarding the siting of the panelled art work;
3. The report be noted.

**8 Oiyaa Consumer Loyalty App**

Members were reminded about the Oiyaa consumer loyalty App, whether to sign up in partnership.

**RESOLVED that:-**

1. MTC would not be a party to the Oiyaa app;
2. The report be noted.

**10 Report on Sefton Borough Council Matters**

Cllr Carragher reminded all members of the Garden Festival, any nominations need to be submitted to MTC on 12pm Friday 24th June 2021.

RESOLVED that the report be noted.

**11 Chairman's Closing Comments**

None Given.

**12 Exclusion of the Press and Public**

RESOLVED that the press and public be excluded due to confidential nature of the item under discussion.

**13 The Venue Lease Arrangements**

The Town Clerk informed members The Function Suite (The Venue) has previously been leased to Anthony Simons although the lease lapsed in 2016. MTC is now in a position to propose Heads of Terms. It is proposed that the lease commence on 1st October 2021<sub>4</sub> with the first rent review in April 2023.

During the course of the negotiations Mr Simons has requested two things:

That the Venue would be decorated before he signed the lease. The Venue was decorated in 2016 but was looking rather tired.

2. He also requested that the rent be rebated for the first 3 months of the lease in order to allow him to build his business up again. The 3 months period would cover the run up to Christmas, traditionally a busy time within the hospitality sector.

**RESOLVED that:**

1. All members agreed the request for the 3 month rent rebate (October, November, December 2021) the Venue;
2. Mr Simons to be responsible for redecorating the Venue;
3. The progress on the lease negotiations be noted;

**14 Town Hall Rewire**

Members were informed as to the progress of the rewiring and relighting project within the Town Hall. The Invitation to Tender had been issued and two tenders had been received. These were opened according to Financial Regulations requirements. MTC had been unable to award the tender due to the considerable increase in costs. When opened the costs for the rewire had increased by over 80%. As the figures were so much higher than anticipated MTC had spoken to the Project Manager, to see if there is a way of reducing costs. These included postponing the works until after the school summer holidays and widening the number of companies asked to tender.

**RESOLVED that:**

1. The Council would resubmit the tender opportunity to see if costs could be reduced to the planned budget;
2. The Report be noted.

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**CHAIRMAN**

**Report to:** Full Council  
**Date of Meeting:** 1<sup>st</sup> September 2021  
**Agenda Item Number** 5  
**Subject:** Code of Conduct  
**Report of:** Town Clerk  
**Exempt / Confidential**  
**Report:** No

**Summary**

The Local Government Association (LGA) has published a model Councillor Code of Conduct (the Model Code). The Model Code, attached at Appendix A, is described by the LGA as ‘designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government’. The Council needs to have a Code of Conduct in place.

<b>Maghull Town Council Priority</b>	<b>Yes/No</b>
1. Development and Protect the Community	No
2. Develop Parks and Green Spaces	No
3. Value for Money and Enterprising Council	No
4. Develop Leisure and Activity for All	No
5. Develop/support Community Services and Groups	No
6. Support Culture and Heritage	No
7. Health and wellbeing Programme	No
8. Statutory Requirement	Yes

**Recommendation(s)**

- 1. That Council agree the new Code of Conduct for Members.**
- 2. To note the report**

**Reasons for Recommendation(s)**

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. This is in response to a recommendation from the Committee for Standards in Public Life (CSPL) to the LGA and Government.

The Model Councillor Code of Conduct is a template for local authorities to adopt in whole and/or with local amendments.

Under the Localism Act 2011 all councils must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when that are acting in that capacity.

**Alternative Options Considered and Rejected**

Not to agree the Council’s Member’s Code of Conduct in light of the LGA Model Code risks Maghull’s Code not remaining up to date with best practice.

**What will it cost and how will it be financed?**

**(A) Revenue**

None

**(B) Capital**

None

**Implications of Recommendations:**

<b>Financial Implications</b>	None
<b>Resource Implications</b>	None. Any investigation into a breach of the code of conduct is undertaken by the Monitoring Officer (currently Sefton Council's Chief Legal Officer)
<b>Legal Implications</b>	Under the Localism Act 2011 all councils must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when that are acting in that capacity. There is no national prescribed version of a code in England and no obligation to adopt a particular model. The code must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests.
<b>Equality &amp; Diversity Implications</b>	None

**Implementation Date for Decision**

Immediately following full Council.

**Appendices**

Model Code of Conduct

**Background Papers**

None

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**1. Background**

Pursuant to the provisions of the Localism Act 2011 the Council must promote and maintain high standards of conduct by its members and co-opted members. In discharging this duty, the Council must adopt a code dealing with the conduct that is expected of its members and co-opted members when they are acting in that capacity.

The Council must ensure that a code adopted by it is, when viewed as a whole, consistent with the following Seven Principles of Public Life principles—

- selflessness;
- integrity;
- objectivity;
- accountability;
- openness;
- honesty; and
- leadership.

In addition, the Council must ensure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of-

- pecuniary interests, and
- interests other than pecuniary interests.

### **The Local Government Association (LGA) Review**

The LGA undertook a review of the member model code of conduct in response to the recommendations made by the Committee on Standards in Public Life, but also in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.

The LGA aimed to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It aimed set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.

The LGA's objectives in reviewing the model code of conduct were 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 member councils

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to



aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

In introducing the new model code the LGA issued the following statement:

*“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 new model code is attached at Appendix A and some of the main points of difference to the Council's current code are:

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

you misuse your position as a councillor

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 councillor;

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.

The new code keeps the obligation to treat others with respect and not to bully any person but it provides helpful definitions of these terms.

The new code introduces an obligation to undertake code of conduct training provided by the Council and to cooperate with a code of conduct investigation and / or determination.

In terms of gifts and hospitality the new code increases the amount of gift or hospitality that needs to be registered with the Town Clerk from £25 to £50.

In accordance with the Council's statutory duty to promote and maintain standards of conduct members are asked to consider whether the new code should be adopted by the Council in its entirety or in part or to keep the current code. Code of Conduct training sessions will be held for all members should it be adopted.

Finance and General Purposes scrutinised the Code of Conduct at their meeting on 7<sup>th</sup> July and recommended that Council adopt the Code of Conduct without making any changes.

**Recommendation(s):-**

- 1. That Council agree the new Code of Conduct for Members.**
- 2. To note the report**

# Maghull Town Council



## Code of Conduct

**July 2021**

### **New Members Code of Conduct**

#### **Definitions**

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

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

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

### **Purpose of the Code of Conduct**

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

### **General principles of Member Conduct**

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

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

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

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

In undertaking my role:

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

### **Application of the Code of Conduct**

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

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

- you misuse your position as a Member; or
- your actions would give the impression to a reasonable member of the public

with knowledge of all the facts that you are acting as a Member.

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

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

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

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

## **Standards of Member Conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **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/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

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

## **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.

## **Appendix A – The Seven Principles of Public Life**

The principles are:

### **Selflessness**

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

### **Integrity**

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

### **Objectivity**

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

### **Accountability**

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

### **Openness**

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

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

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

## **Annex B Registering interests**

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

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

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

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

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

### **Disclosure and Non-participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation or a Standard Dispensation applies. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## **Disclosure of Other Registerable Interests and Non-Registerable Interests (Personal and Prejudicial Interests)**

### **Personal Interests**

6. Where a matter arises at a meeting which **affects**:

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative, close associate; or
- c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing the interest the following test should be applied

### **Prejudicial Interests**

7. In the following instances, you must disclose the interest and you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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

**a.** Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**).

**b.** Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate.

**c.** Where a matter **affects** your financial interest or well-being:

1. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
2. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

8. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

### **Table 1: Disclosable Pecuniary Interests**

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

#### **Subject Description**

##### **Employment, office, trade, profession or vocation**

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 Registrable 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.



**Report to:** Full Council  
**Date of Meeting:** 1<sup>st</sup> September 2021  
**Agenda Item Number** 7  
**Subject:** Health & Safety Working Group  
**Report of:** Town Clerk  
**Exempt / Confidential** No  
**Report:**

### Summary

Maghull Town Council wants to develop a stronger H&S ethos within the workplace. To facilitate this a H&S Working Group is proposed, comprising staff and councillors, to ensure the focus remains. The Council has employed Peninsula Consultants to assist with this work.

Maghull Town Council Priority	Yes/No
1. Development and Protect the Community	No
2. Develop Parks and Green Spaces	No
3. Value for Money and Enterprising Council	Yes
4. Develop Leisure and Activity for All	No
5. Develop/support Community Services and Groups	No
6. Support Culture and Heritage	No
7. Health and wellbeing Programme	No
8. Statutory Requirement	No

### Recommendation(s)

1. Members note the progress so far;
2. Council recommends Cllrs to take sears on the Working Group.
3. Note the report

### Reasons for Recommendation(s)

It is important that the Council embeds H&S within the workplace and seeks to improve H&S standards for employees and Members of the Public.

### Alternative Options Considered and Rejected

The Council maintains the minimum H&S standards which puts it at risk.

### What will it cost and how will it be financed?

#### (A) Revenue

The cost of Peninsula is £1,548 p.a.

#### (B) Capital

None

### Implications of Recommendations:

<b>Financial Implications</b>	The costs for the project have been found within savings in the Town Hall budget.
<b>Resource Implications</b>	Officer time
<b>Legal Implications</b>	LGA 1972, Health & Safety at Work Act 1974
<b>Equality &amp; Diversity Implications</b>	Volunteers have been sought from the Council employees to take part in the project.

### **Implementation Date for Decision**

Immediately following the Council meeting.

### **Appendices**

Draft Terms of Reference for the Working Group

### **Background Papers**

None

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## **1. Background**

The Council has a responsibility to ensure that Health & Safety regulations and legislation is enacted. This can be a complicated area which needs continuous updating and training of staff to ensure that the workplace is a safe place. The best way to drive improvements is to enable buy in from staff.

The H&S Working Group is proposed so that staff can be part of the process and ensure that improvements are made. In order to make sure that no process is forgotten the Council has engaged the services of Peninsula H&S Consultants who have already undertaken a review of the premises and made recommendations. The report will form the basis of the Working Group.

Ideally, the Working Group would have Councillor representation. The Working Group is outside of political balance so it is proposed that 1 councillor from each political group be nominated to the Group making a maximum of 3; one Labour, one Conservative and one Independent. However, should members of a political not wish/be unable to take part their seat can either be given to another councillor irrespective of party grouping or remain empty. The Working Group meetings will take place during the day; the latest they will start is 4 pm. Draft Terms of Reference are reproduced at Appendix A. The Group will report to the Finance and General Purposes Committee (unless Council wishes to retain it) as the Personnel Sub Committee, which deals with H&S issues, falls under their remit.

**Recommendation(s):-**

- 1. Members note the progress so far;**
- 2. Council recommends Cllrs to take sears on the Working Group.**
- 3. Note the report**

## Maghull Town Council

## Health and Safety Group

## Date

<b>Purpose</b>	<ul style="list-style-type: none"> <li>• To ensure that MTC's health and safety policies and practices meet all obligations under current health and safety legislation and is updated as required</li> <li>• To support the Town Clerk to drive and promote best practice and help embed a strong culture of health, safety and wellbeing across the organisation</li> <li>• To provide assurance to Councillors on compliance with the councils' health and safety policy</li> <li>• To monitor health and safety and report any material failures of compliance regarding to the Finance and General Purposes committee (F&amp;GP)</li> </ul>
<b>Chair</b>	Amenities Manager
<b>Membership</b>	<ul style="list-style-type: none"> <li>• Amenities Manager</li> <li>• Community Services Manager</li> <li>• Grounds Maintenance Supervisor</li> <li>• Finance Officer</li> <li>• Grounds Maintenance Team members x2</li> <li>• Maghull Town Councillor</li> <li>• Town Clerk (ex Officio)</li> </ul>
<b>Quorum</b>	3
<b>Meeting frequency</b>	At least quarterly
<b>Duties</b>	<ul style="list-style-type: none"> <li>• Review and make recommendation F &amp; GP committee on health and safety policy</li> <li>• Ensure that Maghull Town Council is kept up to date with their responsibilities in relation to health and safety, including any regulatory changes and the impact of those changes on the organisation</li> <li>• Monitor and review the effectiveness of organisational health, safety and well-being arrangements</li> <li>• Receive, consider reports and make recommendations where appropriate on the following (the list is not exhaustive):-</li> <li>• Health and safety arrangements and practice across the organisation</li> <li>• Compliance with policies, procedures and arrangements</li> <li>• Review MTC's health and safety systems, monitoring practices, accident figures and trends and ensure a consistent approach to health and safety across the organisation.</li> <li>• Consider reports, correspondence or relevant matters from trade union or employees safety representatives, outside agencies and</li> </ul>

	<p>enforcing authorities.</p> <ul style="list-style-type: none"> <li>• Receive relevant feedback to any matters raised from other sources to ensure effective and timely information sharing</li> <li>• To consider accidents and/or incidents and safety related metrics in order to identify any emerging trends or patterns and put in place measures to minimise future risks and ensure safe working practices.</li> <li>• Consider and make recommendations to F&amp; GP committee on reports and advice from health and safety advisors, trade union representatives, employee representatives and any other relevant specialists</li> </ul>
<b>Reporting</b>	<ul style="list-style-type: none"> <li>• The Group shall report quarterly to the Finance and General Purposes committee and shall respond without undue delay to requests from F &amp; GP committee to provide details on specific health and safety related issues.</li> <li>• The Group may convene ad hoc meetings in order to deal with items demanding urgent attention and request a meeting of the F &amp; GP committee if required</li> </ul>