



ST HELENS
BOROUGH COUNCIL

Council Meeting

Tuesday, 12 July 2022

Agenda

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 <p>ST HELENS BOROUGH COUNCIL</p>	<p>Council</p> <p>12 July 2022</p>
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Report Title:	Community Governance Review – Terms of Reference
Cabinet Portfolio	Finance and Governance
Cabinet Member	Councillor Martin Bond
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	All
Report of	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk
Contact Officer	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk

Borough priorities	Ensure children and young people have a positive start in life	
	Promote good health, independence, and care across our communities	
	Create safe and strong communities and neighbourhoods for all	
	Support a strong, thriving, inclusive and well-connected local economy	
	Create green and vibrant places that reflect our heritage and culture	
	Be a responsible Council	X

1. Summary

- 1.1 To present to Council the Terms of Reference for the Community Governance Review.

2. Recommendations for Decision

Council is invited to:

- i. Approve the Terms of Reference for a Community Governance Review at Appendix 1;
- ii. Agree the proposed consultation in respect of the Community Governance Review for the borough;
- iii. Agree the proposed consultation for the proposal in the petition to create a new Town Council for Newton East and Newton West wards;
- iv. Agree to establish a cross-party Community Governance Review Working Group to make recommendations to Council in relation to the Review and the proposal in the petition supported by officers;
- v. Authorise the Monitoring Officer, in consultation with the Portfolio Holder for Finance & Governance, to take all necessary steps in relation to the Review and the proposal in the petition.

3. Purpose of this Report

- 3.1 To set out the Terms of Reference for approval by Council, which will commence the Community Governance Review (“CGR”) process once published.

4. Background /Reasons for the recommendations

- 4.1 Parish councils can, when operating effectively, play an important role in terms of community empowerment at the local level. CGRs provide the opportunity for principal councils (district and unitary councils) to review and make changes to community governance within their areas. They may be undertaken in circumstances such as where there have been changes in

population, following a Boundary Commission review of warding patterns (as is the case for St. Helens) or in response to specific or local new issues.

- 4.2 A CGR may also be triggered by local people presenting public petitions to the principal council. A principal council is under a duty to carry out a CGR if it receives a valid community governance petition for the whole or part of the council's area. Principal authorities are still able to refuse a review if one was held within the last 2 years or they are currently running a full review of their area.
- 4.3 It is good practice for a principal council to consider conducting a review every 10 to 15 years. In the interests of effective governance, the principal council should consider the benefits of undertaking a review of the whole of its area in one go, rather than carrying out small scale reviews in a piecemeal fashion of a few areas
- 4.4 At its meeting on 3 November 2021, Council agreed to undertake a CGR for the borough following the local and parish elections in 2022. Council also noted the petition received from Newton & Earlestown Community Group in 2020 in relation to a proposal to create a new Town Council for Newton and Earlestown (now known as Newton East and Newton West wards).
- 4.5 Council was advised a further report would be brought to Council in due course with a timetable and proposed terms of reference for the CGR for formal adoption.
- 4.6 The Terms of Reference are set out at Appendix 1, which include an indicative timetable and details of the consultation process for both the borough-wide Review and the petition. Consultation should be reasonable and proportionate to the type of review.
- 4.7 The Act requires principal authorities to take account of certain criteria when conducting a review, namely:
- the identities and interests of the community in an area; and
 - the effective and convenient governance of the area.

They are also advised to consider factors such as:

- what impact proposed community governance arrangements might have on community cohesion; and
- whether the size (area), population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria.

The guidance refers to people's sense of place and their historic attachment to areas.

- 4.8 Following a review, should the Council decide to approve any recommendations creating new parishes, abolishing parishes or altering their area, it will be required to make a Reorganisation Order, which is the statutory instrument principal authorities must use to implement changes from a CGR. These can be made at any time but for administrative and financial purposes (such as setting up the parish council and arranging its first precept), the order should take effect on the 1st April following the date on which it is made.
- 4.9 Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. However, orders should be made sufficiently far in advance to allow preparations for the conduct of those elections to be made. Where a new parish is to be created, it may be necessary to alter the date of the next parish election, particularly if the next elections are not scheduled to take place for some time.

The first election to the new parish council could be held in an earlier year. This would result in councillors serving either a shortened or lengthened first term to allow to allow the parish council's electoral cycle to return to that of the Borough at the next election.

4.10 A CGR is a resource intensive project for the Council, involving a statutory duty to consult across the Borough with electors and other persons or bodies with an interest, including the existing parish councils. The Council must take account of the representations received and ensure interested parties or persons are informed of recommendations. A cross-party working group will need to be convened in due course once the CGR commences after the publication of the terms of reference for the review. The working group will be the mechanism to consider proposals and make recommendations to Council for consideration. This will involve a cross-departmental project management approach involving Legal & Governance support, electoral services, communications, mapping conventions for GIS staff, amongst others.

4.11 The main steps involved in a CGR are broadly listed below as a non-exhaustive list.

Trigger for a review	<ul style="list-style-type: none"> • A valid community petition; or • A principal authority's own decision.
Decision to hold a review	<ul style="list-style-type: none"> • A principal authority takes a formal decision; • Which can be to review all or a part of its area; • Though it must have valid grounds for refusal if there has been a petition.
Terms of reference	<ul style="list-style-type: none"> • A principal authority must draw up and publish terms of reference; • Stating the matters and the geographic area to be covered; • Notifying other local authorities which have an interest.
Undertaking a review	<ul style="list-style-type: none"> • A principal authority must consult electors in affected area(s); • It should consult other bodies with an interest, including any affected local councils; • It must then consider any representations received.
Making recommendations	<ul style="list-style-type: none"> • Bearing in mind representations, the criteria and other factors; • Including alternative forms of governance in the area e.g. residents associations, neighbourhood forums; • The principal authority formally recommends an outcome from the review; • It must publish its recommendations and the reasons for them, informing those with an interest.
Implementing a review	<ul style="list-style-type: none"> • A principal authority makes a Reorganisation Order to put into effect any changes; • Which must include a detailed map of the boundaries; • It publishes the Order and map for public inspection; • It must inform specified bodies e.g. Ordnance Survey; • It should include in the Order any agreed incidental

	issues e.g. the transfer of assets.
Next steps	<ul style="list-style-type: none"> • An Order is often written to come into force the following April; • Typically any new local councils are then elected from May.

4.12 The 2007 Act also introduced another important change to enable local communities to cause a principal authority to undertake a CGR, if they can organise a petition demonstrating sufficient support among the electorate for certain changes. For a petition to be valid it must meet certain conditions. The first of these is signed by the requisite number of electors. Sufficient support is based on three thresholds, namely at least 50% signing in an area with fewer than 500 electors or at least 250 signing in an area with between 500 and 2,500 electors or at least 7.5% signing in an area with more than 2,500 electors.

4.13 The petition must set out at least one recommendation that the petitioners want the review to consider making. These recommendations can be about a variety of matters including the creation of a parish, the name of a parish, the establishment of a separate parish council for an existing parish, the alteration of boundaries of existing parishes, the abolition of a parish, the dissolution of a parish council, changes to the electoral arrangements of a parish council etc.

Petition from Newton & Earlestown Community Group for a CGR to establish Newton-le-Willows Town Council

4.14 On 6 July 2020, the Council received a petition from Newton & Earlestown Community Group (“NECG”) to create a new Town Council to cover Newton-le-Willows, namely the two former electoral wards of Newton and Earlestown (now known as Newton East and Newton West wards). The petition proposes:

- *“a new parish be constituted under Section 87 of the Local Government and Public Involvement in Health Act 2007*
- *That the new parish should have a council to be known as Newton-le-Willows Town Council*
- *That the area to which the review is to relate is the entire electoral wards of Newton and Earlestown*
- *The initial precept to be set at 96 pence per week for a Band D house and scaled accordingly for other bands.”*

4.15 A CGR in response to a petition, once commenced, is time limited. The Council would ordinarily have 12 months from petition receipt to end to deal with a review in response to a petition, as expected by the 2010 Guidance. Due to the Boundary Commission review of warding patterns at the time, it was subsequently agreed with NECG to await the final recommendations of the Boundary Commission in relation to warding patterns which were received on 29 June 2021. Due to limited resources and capacity with a very busy year preparing for the Council’s first all-out elections in May 2022 and the Review of Polling Places Districts, Polling Places and Polling Stations, it was agreed to defer dealing with the petition until after the recent local and parish elections. The municipal year 2022/23 does not have any scheduled elections and so it is considered timely to commence the Review this year. This would enable the petition to be considered as part of the Borough wide CGR rather than use resources to deal with it in isolation for Newton and Earlestown wards only.

4.16 It is proposed that the consultation in relation to the petition would take the form of a ballot paper style question posted to all registered electors, to be returned either by post or via a

hosted website. Other stakeholders (including listed local businesses and empty properties) will have the opportunity to respond to the proposal via general consultation channels.

- 4.17 It is proposed to commence consultation in October 2022 for a 3-month period for both the CGR and the proposal in the petition. This will enable time for the cross-party working group to meet and consider the design and content of the consultation and the postal ballot paper pack. The distribution and return of the postal ballot packs will take place for a defined period during this consultation period to be agreed with the Council's electoral printers.

5. Consideration of Alternatives

- 5.1 None. Council has already taken a decision to undertake the Review and the petition in respect of Newton & Earlestown (now known as Newton East & West wards) has been accepted as valid. It is considered that a full Review is the best means of establishing the case for change for local Councils and Parishes across the Borough.

6. Conclusions

- 6.1 To approve the Terms of Reference which are required to be published to commence the process for a CGR.

7. Legal Implications

- 7.1 Sections 79 to 102 of the Local Government and Public Involvement in Health Act 2007 set out a range of duties and powers and the process for a CGR. This covers the terms of reference for a review, consultation on recommendations, open decision making and publishing the outcome. Section 79 states the review must comply with the Act, have regard to the Guidance and comply with the terms of reference that the Council has adopted for the review.
- 7.2 In addition, the following legislation applies, namely the Local Government Act 1972 (as amended), the Local Government (Parishes and Parish Councils) (England) Regulations 2008, the Local Government Finance (New Parishes) Regulations 2008 and the Legislative Reform (Community Governance Reviews) Order 2015.
- 7.3 Guidance has been issued jointly by the Secretary of State for MHCLG and Local Government Boundary Commission for England (2010 version), which the Council must have regard to.

8. Community Impact Assessment (CIA) Implications

- 8.1 None.

9. Social Value

- 9.1 None.

10. Sustainability and Environment

- 10.1 None.

11. Health and Wellbeing

- 11.1 None.

12. Equality and Human Rights

12.1 Equalities implications will be considered in the consultation methods and information will be made available in alternative methods.

13. Customer and Resident

13.1 Consultation will be undertaken to ensure there is maximum coverage.

14. Asset and Property

14.1 None.

15. Staffing and Human Resources

15.1 There will be staff resource involved in undertaking the Review and various teams across the Council will contribute to the work of the Review. However, the extra workload will not incur any additional staffing resources.

16. Risks

16.1 None.

17. Finance

17.1 With regard to the petition for Newton & Earlestown, the estimated costs for the ballot paper consultation to every household in those wards are in the region of £20,000.00. This includes ballot paper printing, a royal mail response licence and design costs for a leaflet to empty households and other stakeholders.

17.2 The estimated costs of the CGR review for the Borough will include design content for public notices, a CGR consultation page on the Council's website, a hard copy consultation proforma for residents and stakeholders without access to the internet, editorial content in a local newspaper. There may be a requirement for consultancy support from the Association of Electoral Administrators (AEA) during the project. Depending on the final recommendations approved by Council, there may be consequential costs to the Council including a charge for software licence alterations to deal with any new or changes to existing parish council precepts as part of council tax setting.

17.4 The total estimated costs of around £35,000.00 for both the petition and the CGR are to be met within cash limits for the Corporate Services Directorate for 2022/23 and 2023/24.

18. Policy Framework Implications

18.1 None.

19. Impact and Opportunities on Localities

19.1 None.

20. Background Documents

20.1 Guidance on community governance reviews – March 2020, Local Government Boundary Commission for England

Council Report: 3 November 2021

21. Appendices

Appendix 1: Community Governance Review Terms of Reference

REVIEWS OF PARISHES AND RELATED MATTERS - LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Terms of Reference

INTRODUCTION

St. Helens Borough Council has resolved to undertake a Community Governance Review (CGR) of the whole of the borough of St Helens.

In undertaking the Review, the Council will be guided by:

- Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act')
- the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010 ('the Guidance') and
- the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI 2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI 2008/626)

Section 81 of the 2007 Act requires the Council to publish its Terms of Reference for the review which clearly sets out the focus of the review. The guidance issued by the Secretary of the State for Communities and Local Government on Community Governance Reviews has been carefully considered in the drafting of this Terms of Reference.

This Terms of Reference is being published on the Council's website, and copies are being sent to all existing Parish Councils as well as the Town Hall reception, Victoria Square, St Helens and all libraries. Copies of the Terms of Reference will be made available on request.

Why is the Council undertaking the Review?

The review is being undertaken following the Boundary Commission review of warding patterns for the borough.

The Council is also in receipt of a petition from electors in the ward areas of Newton-le-Willows West (previously Earlestown) and Newton-le-Willows East (previously Newton). The area subject to review has 18,788 local government elections and as such would need to be signed by at least 1,409 (7.5%) of those electors. The petition includes 1834 signatories who are local government electors within the petition area.

The recommendations within the petition are:

- A new parish be constituted under section 87 of the Local Government and Public Involvement in Health Act 2007
- That the new parish should be known as Newton-le-Willows Town Council;
- That the area in which the petition relates to is defined as Newton and Earlestown wards;
- The initial precept be set at 96 pence per week for a Band D house and scaled accordingly for other bands.

As the petition was found to be valid, the Council will also consider this proposal within the wider borough review and in accordance with the Local Government and Public Involvement in Health Act 2007.

The Council has the power to periodically conduct a review of part or all of the borough of St. Helens under the 2007 Act and good practice is to conduct a review every 10-15 years.

A CGR also provides an opportunity for the Council to make changes to community governance arrangements within their area and ensure that such arrangements continue to be effective and reflect the identities and interests of the community.

The Council believes that Town and Parish Councils play an integral part in community empowerment at a local level and wants to ensure that local governance and representation within the district is robust and enabled to meet future challenges.

Since the 2007 Act came into force, significant changes and developments have taken place in the borough with further development planned in accordance with the St Helens Borough Local Plan 2020 – 2037.

What is a Community Governance Review?

It is a review of the whole or part of the borough to consider one or more of the following:

- creating, merging, altering or abolishing Parishes;
- the naming of Parishes and the style of new Parishes;
- the electoral arrangements for Parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and Parish warding); and
- grouping new or existing Parishes under a common Parish Council or de-grouping existing Parishes.

Parish governance in our area

At present, there are seven parish councils in St Helens. Of these, five are divided into parish wards. A map of the district showing the areas which are currently in a Parish is attached at Annex A.

The Council wants to ensure that there is clarity and transparency to the areas that Parish Councils represent and that the electoral arrangements of Parishes are appropriate, equitable and easily understood by their electorate.

One of the overriding aims of the Terms of Reference is to set out a clear framework which will ensure that the electors across the whole district will be treated equitably and fairly and to bring about improved community engagement and better local democracy.

Who undertakes the Review?

St Helens Council through the Electoral Services Team is responsible for conducting the review. The Director of Legal & Governance will oversee the consultation and a cross party Community Governance Review Working Group of members supported by officers will be responsible for making both draft and final recommendations to Council for final decision making during the review process.

A comprehensive consultation process will form part of the Review to take account of the views of those living and working within the borough.

A resolution of the Council will be required to approve the final recommendations before any Community Governance Order is made.

THE CONSULTATION PROCESS

How does the Council propose to conduct consultations during the Review?

In coming to its Recommendations in a Review, the Council will need to take account of the views of local people. The Act requires the Council to:

- consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review; and
- take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council will consult widely on the review including but not limited to:

- Local government electors / St. Helens Council residents
- Parish Councils
- Councillors
- Members of Parliament

The Council has drawn up and now publishes this Terms of Reference document to set out the aims of the review and the legislation that guides it.

These Terms of Reference and supporting documents throughout the Review will be available:

- at www.sthelens.gov.uk/elections/cgr
- in all St Helens Council libraries

- in the Town Hall reception, Victoria Square, St Helens
- at Parish Council meetings via the Clerk to those Councils

Representations will be welcomed by the following methods:

- by email to cgr@sthelens.gov.uk
- by completing an electronic form on www.sthelens.gov.uk/elections/cgr or
- by letter to Community Governance Review, Electoral Services, Town Hall, Victoria Square, St Helens, WA10 1HP

An overriding aim of the Review is to be transparent so that local people and other local stakeholders who may have an interest are made aware of the outcome of the decisions taken and the reasons behind these decisions. Those decisions and the reasons for them will be published in the same way as this Terms of Reference.

All representations received will be made available for inspection on request and as part of the recommendations made by the Council but will be anonymised before being made available.

Consultation for the Petition to create a new Town Council for Newton & Earlestown

In addition to the above consultation methods for all stakeholders, a referendum style ballot paper will also be issued to all registered electors in the Newton East and West wards.

A timetable for the Review

Publication of these Terms of Reference formally begins the Review on 1st August 2022 and it is envisaged that it will be completed by January 2024.

The timetable for the Review is set out in Table 1.

Table 1 – Indicative timetable for the Review

What happens?	Timescales	Date(s) CGR for Borough	Date(s) Petition Proposal for Newton East & Newton West
Terms of Reference published		1 August 2022	1 August 2022
Initial submissions are invited and considered	Three months	3 October 2022 – 30 December 2022	3 October 2022 – 30 December 2022 Distribution and return of postal ballot packs will take place for a defined period during this consultation period
Drafting of initial recommendations	Three months	4 January - March 2023	4 January - March 2023
Draft recommendations to Council		July 2023	19 April 2023
Draft recommendations are published		July 2023	April 2023
Submissions on draft recommendations are invited and considered	Three months	July – October 2023	April – July
Drafting of final recommendations and report to Council for a decision	Two months	October – December 2023	July - August 2023
Council decision is made on final recommendations and final recommendations are published		January 2024	November 2023

Council resolves to make a Reorganisation Order (in relation to the petition for Newton & Earlestown)		N/A	November 2023 - January 2024
Council Parish precepts Set at Council (for the creation of a new Parish Council)		Thereafter to take effect at the next ordinary year of election for the affected parish	Jan/Mar 2024
Council resolves to make a Reorganisation Order		January 2024	N/A
Post-review parish arrangements come into force (in relation to the petition)		N/A	By 1 April 2024
Elections are Held (in relation to the petition)		N/A	2 May 2024
Post-review parish arrangements come into force		Thereafter to take effect at the next ordinary year of election for the affected parish	N/A
Elections are held on the post-review parish arrangements		7 May 2026	7 May 2026

It is envisaged that any changes to or abolition of existing Parishes, or creation of new Parishes will not take effect until 7 May 2026. The first elections under any new electoral arrangements will take place in the regular cycle of Parish Council elections after the conclusion of the Review, currently scheduled to be held in May 2026.

Following the review in relation to the petition, if the Council resolves to create a new parish council for Newton East and Newton West wards, the first elections to appoint new parish councillors will be at the elections held on 2 May 2024.

Electorate forecasts for the borough

When the Council considers the electoral arrangements of any Parish in its area (whether new or existing), it must consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. The Council will therefore use a projection of such change to the period ending 1 December 2027 as this is the date by which the revised register of electors must be published in that year.

The Council will of course take into account the development, both completed and planned until December 2027, when considering submissions and making recommendations during the review.

THE PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS

Present structures of Parish governance in our area

The map at Annex A shows the extent of Parishes in the borough.

Table 2 below contains current Parish electorates, numbers of councillors and the current ratio of councillors to electors.

All Parishes in the borough have a council and none of them are grouped to form a council.

Table 2 – current Parishes and structures

Parish	Electorate at 1 April 2022	No. of councillors	Ratio of councillors to electors
Billinge Chapel End	4,855	9	1:539
Bold	2,730	12	1:227
Eccleston	8,333	12	1:694
Rainford	6,460	15	1:430
Rainhill	8,911	14	1:636
Seneley Green	3,637	8	1:454
Windle	2,054	9	1:228

Within the current structure there are Parishes which are divided into wards. A more detailed picture of those Parishes is set out in Table 3 below which shows the electorates in each ward, the number of councillors serving those electors and the ratio of councillors in those wards.

Table 3 – details of warded Parishes

Parish or Town ward	Electorate at 1 April 2022	No. of councillors	Ratio of councillors to electors
Bold - East	712	3	1:237
Bold - North	1,108	4	1:277
Bold - South	251	1	1:251
Bold - West	659	4	1:164
Eccleston - East	1,884	3	1:628
Eccleston - Eccleston Park	2,112	3	1:704
Eccleston - Ellerslie	249	1	1:249
Eccleston - Foxwood	657	1	1:657
Eccleston - West	3,431	4	1:857
Rainford - Crank	784	3	1:261
Rainford - Junction	1,026	3	1:342
Rainford - Mosboro	1,116	3	1:372
Rainford - Muncaster	2,317	3	1:772
Rainford - Randle	1,217	3	1:405
Rainhill - North	3,409	6	1:568
Rainhill - South	3,343	4	1:835
Rainhill - West	2,159	4	1:539
Windle - North	117	1	1:117
Windle - South	1,937	8	1:242

Previously unparished areas

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing Parish Councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenants' associations or community associations, which may be more appropriate to some areas than Parish Councils, or may provide stages building towards the creation of a Parish Council, which could create opportunities for engagement, empowerment and co-ordination in local communities.

Suggestions as to alternative forms of representation and engagement are welcomed as part of the Review and the Council will consider other forms of community governance when deciding whether Parish governance is most appropriate in certain areas. However, the Council also notes that what sets Parish Councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

PARISH AREAS

Introduction

This Review looks not only at the possibility of creating new Parishes but also altering the boundaries of and abolishing existing Parishes.

In all cases, the Council will have regard to the need to secure that community governance within the area under review:

- reflects the identities and interests of the community in that area, and
- is effective and convenient, and
- takes into account any other arrangements for the purposes of community representation or community engagement in the area.

Creating new or amending existing Parishes

In addition, the following factors will be considered when the Council considers the creation of new Parishes and changes to existing Parishes.

The Council:

- wants to ensure that electors should be able to identify clearly with any Parish in which they live because it considers that a sense of identity and community strengthens the Parish structure; fosters interest in Parish matters; encourages participation in elections to a Parish Council, making councillors both more representative and accountable and therefore likely to represent the community more effectively; and generates a strong, inclusive community with a sense of civic values, responsibility and pride
- believes that a Parish should reflect a distinctive and recognisable community and that the wishes of local inhabitants are primary considerations in this Review
- is anxious to carefully consider the changes that have happened over time, for example through population shifts or additional development and that have led to a community identity which differs from the historic traditions in its area
- notes the government's guidance that the abolition of Parishes should not be undertaken unless clearly justified.

Boundaries

When setting a Parish boundary for a new Parish or when changing an existing boundary the Council:

- intends that the Parish boundaries will normally reflect the 'no-man's land' between communities represented by areas of low population or

pronounced physical barriers, whether natural or man-made and which will be those barriers that mean the residents one area have little in common with another

- considers that 'natural' settlements or settlements as they are defined in the Local Development Framework should not in normal circumstances be partitioned by Parish boundaries
- will try to set boundaries that are now and are likely to remain easily identifiable
- will seek to amend existing boundaries which no longer match historical features on the ground (e.g. watercourses) to match the present features on the ground - for example where development has meant the removal of historical features

The pattern of community representation and community engagement

In some areas there may be local residents' associations, community forums, area committees, or other locally representative bodies that make a distinct contribution to the community. The Council will respect these local forums for community representation and engagement in the Review. In such areas, the Council will be mindful of existing representation as a possible indication of a suitable area on which to base proposals for a new or altered Parish.

Viability

The Council is keen to ensure that Parishes should be viable, meaning that:

- all Parishes should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner;
- all Parishes have electoral arrangements that enable them to effectively represent the community and to contribute to the district;
- the Council recognises that in rural areas, a strong sense of community can be felt over an extensive geographical area which is sparsely populated. Parishes in these areas may have limited capacity to provide effective services and local government. Arrangements in these areas, when they match the wishes of the residents of the Parish, will at least represent convenient local government.

The Council is committed to ensuring the Review leads to Parishes that are based on areas which reflect community identity and interest whilst being viable as administrative units.

THE GROUPING OF PARISHES

A grouping order of Parishes may be considered as a working alliance of small Parishes that have come together under a common Parish Council. The electors of each of the grouped Parishes elect a designated number of councillors to the council. It is an effective way of ensuring Parish government for small Parishes that might otherwise not be viable as separate units, while allowing each Parish their separate community identity.

General principles

Under the Act, smaller new Parishes of fewer than 150 electors are unable to establish their own Parish Council. The Council notes Government guidance that it may be preferable to group together Parishes so as to allow a common Parish Council to be formed. The Council believes that such arrangements are worth considering as a way to avoid the need for changes to Parish boundaries, or the abolition of very small Parishes where, despite their size, they still reflect community identity.

The Council recognises that the grouping of Parishes should be compatible with the retention of community interests, and believes that it is inappropriate to build artificially large units under single Parish Councils.

Grouped Parish styles and numbers of councillors

The Council welcomes comments on the style by which a Parish Council wishes to be known while part of a group but where a Parish is removed from a group it must retain the style it had in the group. The de-grouped Parish Council or Parish meeting must resolve to adopt an alternative style outside of the Review if it so wishes.

Where changes to Parishes form a group, add a Parish to an existing group or de-group a Parish or group of Parishes, the Council, when considering the number of councillors to be elected to the common Parish Council by each of the individual Parishes, will consider the need to be equitable in the same way as when considering the allocation of councillors in warded Parishes. This is dealt with below.

NAMES AND STYLES

The naming of Parishes

The Council will where possible reflect existing local or historic place-names when considering the name of Parishes and will give a strong presumption in favour of names proposed by local interested parties.

There are legal requirements with regard to the naming of Parishes and the Council will be mindful of these.

Alternative styles

The 2007 Act has introduced 'alternative styles' for Parishes. The 'alternative style' can replace the style "Parish". However, only one of three styles can be adopted: "community", "neighbourhood" or "village". Examples of Parishes with alternative styles would be: The Community of Greenfield; Whitewell Neighbourhood Council, or The Village Councillors for the Village of Redstone.

It is still possible for a Parish to be known by the style of "town" except where the Parish is known by one of the three alternative styles and vice versa.

Where a new Parish is created the Council can and will make recommendations as to the geographical name of the new Parish and as to whether or not it should have one of the alternative styles.

In existing Parishes the Council can only make recommendations as to whether the geographical name of the Parish should be changed, but only the Parish Council or Parish meeting can decide whether the Parish should have one of the alternative styles.

ELECTORAL ARRANGEMENTS

What does 'Electoral Arrangements' mean?

An important part of the Review will involve the consideration of 'Electoral Arrangements'. These are the way in which a council is constituted for the Parish and cover:

- the ordinary year in which elections are held;
- the number of councillors to be elected to the council;
- the division (or not) of the Parish into wards for the purpose of electing councillors;
- the number and boundaries of any such wards;
- the number of councillors to be elected for any such ward;
- the name of any such ward.

Ordinary year of election

The Local Government Act 1972 set the ordinary election of Parish Councillors for 1976, 1979 and every fourth year thereafter (i.e. 2019 and 2023, etc.). This Review has been timed to allow any changes to existing Parishes will take effect in 2026 so as to coincide with the next ordinary year of the next Parish elections.

A council for a Parish

The Council will comply with legislation with regard to the creation of a council for a new Parish:

- Where the number of electors is 1,000 or more – the Council must recommend that a Parish Council should be created;
- Where the number of electors is 151-999 – the Council can recommend that a Parish Council may be created, or that a Parish meeting is a more appropriate form of Parish governance;
- Where the number of electors is 150 or fewer and there is no current council – the Council must recommend that a Parish Council is not created and governance will be by way of Parish meeting;
- Where the number of electors is fewer than 150 and currently has a council or is part of a Parish that had a council – the Council can recommend either that the Parish Council remains or is replaced by a Parish meeting

Subject to the above the Council will consider whether other, non-Parish forms of community governance are in place in the Parish, which might make a Parish Council unnecessary in an area but realises that this is more likely to affect a new

Parish in a previously un-Parished area.

What considerations cover the number of Parish Councillors?

The Council notes that the number of Parish Councillors for each Parish Council cannot be lower than five but that there is no maximum number. There are no rules relating to the allocations of councillors. However, each Parish grouped under a common Parish Council must be allocated at least one Parish Councillor.

The Council will also be guided in the review by the suggestion made by the National Association of Local Councils (the 'NALC') that the minimum practical number of councillors should be seven and the maximum 25. NALC suggested levels of councillors are set out in Table 4 below.

Table 4

Electors	Councillors	Electors	Councillors
Up to 900	7	10,400	17
1,400	8	11,900	18
2,000	9	13,500	19
2,700	10	15,200	20
3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24
7,700	15	Over 23,000	25
9,000	16		

Whilst bearing the NALC's suggestions in mind the Council is mindful of the government's guidance that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. As a result, the Council will pay particular attention to existing levels of representation, the existing council sizes which have worked well in the past and the take-up of seats at elections when considering this matter. Tables 2 and 3 above shows the current allocation of councillors in existing Parishes across the borough.

The Council must have regard to the following factors when considering the number of councillors to be elected for the Parish:

- the number of local government electors for the Parish;
- any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

The Council also:

- wants to ensure that the allocation of councillors to Parishes is broadly equitable across the district, but realises that local circumstances may occasionally merit variation;

- appreciates that there are different demands and consequently different levels of representation which are appropriate between the urban and the rural Parishes in the district;
- intends to investigate and where appropriate address the discrepancies that exist in levels of representation among Parishes.

The Council realises that there may be exceptions to the above policies, where the following considerations will inform its recommendations:

- a high precept and high levels of service provision;
- where representation may be required to meet the challenges of population sparsity;
- the traditional scale of representation in a particular Parish;
- supporting a warding arrangement in a particular Parish and achieving a good parity of representation between wards.

Parish warding

When considering whether a Parish should be divided into wards for the purposes of elections of the Parish Council the Council must always consider the following:

- whether the number, or distribution, of the local government electors for the Parish would make a single election of councillors impracticable or inconvenient;
- whether it is desirable that any area or areas of the Parish should be separately represented on the council.

When considering the division of a rural Parish into wards the Council will be less likely to ward a Parish which is based on a single centrally located community but more likely to ward a Parish containing a number of communities with separate identities or where there has been overspill into a Parish from a neighbouring urban area.

When considering the division of an urban Parish into wards the Council will consider that there is a stronger case for creating wards when community identity is focused for example on housing estates or community facilities.

The Council will treat each case on its own merits and on the basis of the information and evidence provided during the Review.

Any warding arrangements will be capable of being clearly and readily understood by and be relevant to the electorate in each affected Parish.

The number and boundaries of Parish wards

In considering recommendations on the boundaries between Parish wards, the Council will take into account community identity and interests in an area and will be mindful of avoiding breaking any particular ties or links between communities by the drawing of particular ward boundaries.

The Council, will recommend ward boundaries which are, and will remain, easily identifiable and understood.

Where possible the district ward boundaries should not split an unwarded Parish and no Parish ward will be split by such a boundary.

The number of councillors to be elected for Parish wards

The Council must consider the following when deciding the size and boundaries of the wards and the number of councillors to be elected for each ward:

- the number of local government electors for the Parish;
- any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts.

The Council intends that each Parish Councillor should represent, as near as possible to the same number of electors because it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation between different wards within the same Parish.

The Council wishes to avoid the perception that, where one or more wards of a Parish are over-represented by councillors, the residents of those wards (and their councillors) could be perceived as having more influence than others on the Parish Council. During the Review process and in its consultations, the Council will consistently show the ratios of electors to councillors that would result from its proposals. The current ratios are shown in Table 3 above.

Naming of Parish wards

The Council will where possible reflect existing local or historic place-names when considering the names of Parish wards and will give a strong presumption in favour of names proposed by local interested parties.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be made available on the Council's website, at the reception area of the Town Hall in St Helens and at libraries.

In accordance with the Guidance issued by the government, the Council will issue maps to illustrate each recommendation at a scale normally no smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at Town Hall in St Helens. Prints will also be supplied, as required by legislation, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Local Government Boundary Commission for England.

The provisions of the Order for financial and administrative purposes will take effect as soon as practicable

The electoral arrangements for the creation of a Parish Council in relation to the Newton and Earlestown petition, will come into force at the elections due to be held in May 2024.

Any changes to the electoral arrangements for existing Parish Councils will come into force at the elections due to be held in May 2026.

CONSEQUENTIAL MATTERS

General principles

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order.

These may include:

- the transfer and management or custody of property;
- the setting of precepts for new Parishes;
- provision with respect to the transfer of any functions, property, rights and liabilities;
- provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.

The Council also notes the Regulations regarding the establishment of a precept for a new Parish and their requirements.


District ward boundaries

During the Review it may become clear that it may be desirable to change boundaries of district wards to reflect the changes recommended at Parish level. While the Council can recommend changes to district wards, those changes can only be made by the Local Government Boundary Commission for England ('LGBCE').

The LGBCE will require evidence that the Council has consulted on any such recommendations for alterations to the boundaries of district wards and so the Council will consult on any such draft recommendations as soon as is practicable after the desired change becomes clear.

DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

These Terms of Reference, if approved, will be published on 1st August 2022.

 ST HELENS BOROUGH COUNCIL	<h2>Council</h2> <h3>12 July 2022</h3>
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Report Title	Constitutional Issues
Cabinet Portfolio	Finance & Governance
Cabinet Member	Councillor Martin Bond
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	All
Report of	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk
Contact Officer	Joanne Griffiths Team Manager, Democratic & Scrutiny Services joanegriffiths@sthelens.gov.uk

Borough Priorities	Ensure children and young people have a positive start in life	
	Promote good health, independence, and care across our communities	
	Create safe and strong communities and neighbourhoods for all	
	Support a strong, thriving, inclusive and well-connected local economy	
	Create green and vibrant places that reflect our heritage and culture	
	Be a responsible Council	X

1. Summary

- 1.1 Members are provided with details of proposed amendments which are considered necessary to the Council's Constitution. In some cases, these are a matter for Council to note, but in other cases Council approval to the amendments is being requested.

2. Recommendation for Decision

Council is recommended to:

- i. note the change to the representatives on the Cabinet Member Schedule, namely Councillor Baines and Councillor Quinn on the new Integrated Care Partnership in replacement of the former Health & Care Partnership Board; and
- ii. to note the revised Code of Conduct for Employees at Appendix 1 for inclusion in Part 5 of the constitution.

3. Purpose of this report

- 3.1 The report sets out a number of issues in relation to the Constitution and the governance of the Council, which Council is asked to consider and either note or determine, as appropriate.
- 3.2 It is the responsibility of the Monitoring Officer to monitor and review the operation of the Constitution and to seek approval to any changes necessary due to changes in legislation or changes in the way the Council wishes to operate. This report sets out the proposed changes which have been identified.
- 3.3 At Annual Council on 25 May 2022, Council noted the representatives identified on the Cabinet Member Schedule in Appendix 1 to the Appointments to Outside Bodies and Other Bodies 2022/23 report. The representatives on the Health & Care Partnership Board were as follows:

Organisation	Internal/ External	When/ Where	Secretary	Role of Organisation	Officer Contact	Cabinet	Councillor 2022/23
Health & Care Partnership Board	External	Quarterly	Heidi Swann	Strategic Board for joint health and care services in Cheshire & Merseyside	Mark Palethorpe	Adult Social Care Public Health, Leisure, Libraries & Heritage	Cllr Baines Cllr Quinn (Deputy)

- 3.4 Members will be aware on 1st July 2022, upon the Health and Care Act 2022 coming into force, NHS Cheshire & Merseyside replaced the clinical commissioning group infrastructure, with nine borough 'Places' tasked with working to improve health and care outcomes under the umbrella of the new organisation, a statutory Integrated Care Board. Integrated Care Systems (ICSs) are partnerships that bring providers and commissioners of NHS services across a geographical area together with local authorities and other local partners to collectively plan health and care services to meet the needs of their local population. This moves away from the old legislative focus on competition to a new framework that supports collaboration. The new Act moves ICSs onto a statutory footing with the establishment of Integrated Care Boards (ICBs) and Integrated Care Partnerships (ICPs).
- 3.5 The former Health & Care Partnership Board is therefore replaced by the ICP and the Council's representatives are Councillor Baines and Councillor Quinn.
- 3.6 The Code of Conduct for Employees has been reviewed and updated to reflect best practice, the Council's values and behaviours, a consistent format and changes in post titles. The Code was approved by DED 0003 2022/23 on 13 June 2022 as part of a suite of revised People Management policies. Council is invited to note the revised approved Code for inclusion at Part 5 of the constitution.

4. Background / Reason for the recommendations

- 4.1 The Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

5. Consideration of Alternatives

- 5.1 None.

6. Conclusions

- 6.1 The Constitution is reviewed regularly with proposed amendments recommended to Council for consideration and approval. Minor changes may be made during the year by the Monitoring Officer to ensure the document remains fit for purpose, for example changes to post titles.

7. Legal Implications

- 7.1 The recommendations within this report are lawful and comply with the Council's Constitution. Except insofar as the Council has delegated to the Monitoring Officer power to make minor amendments to the Constitution, changes to the Constitution will only be approved by full Council after consideration of the proposal by the Monitoring Officer.

8. Community Impact Assessment (CIA) Implications

- 8.1 N/A

9. Social Value

- 9.1 None.

10. Sustainability and Environment

- 10.1 None.

11. Health and Wellbeing

- 11.1 None.

12. Equality and Human Rights

- 12.1 None.

13. Customer and Resident

- 13.1 None.

14. Asset and Property

- 14.1 None.

15. Staffing and Human Resources

- 15.1 None.

16. Risks

- 16.1 There is a risk that not keeping the Constitution up to date could be detrimental to ensuring that the aims of good governance are given full effect.

17. Finance

- 17.1 None.

18. Policy Framework Implications

- 18.1 None.

19. Impact and Opportunities on Localities

19.1 None.

20. Background Documents

20.1 None.

21. Appendices

21.1 Appendix 1 – Revised Code of Conduct for Employees

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ST HELENS
BOROUGH COUNCIL

Policy Reference No

Code of Conduct for Employees

St Helens Borough Council

Effective from: [Date]



Policy Title

Policy Information

Policy Reference Number	
Document Status	Version/ Draft/ Final
Reason for Review	Consolidation of HR Policies
Approved Date	
Effective from	
Policy Author	
Responsible Directorate	Corporate Services
Date of Next Review	

Version Control

Date	Author	Version	Reason for Change

Our Vision and Values

The Council has co-designed a clear vision for workplace culture and worked together with employees to identify values and behaviours for everyone. These will be at the core of how we work together to deliver our services. Employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment.

Our vision, values and behaviours are underpinned by our Bonds for Working Together at St Helens which outline what employees can expect from working at the Council and what is expected of them.

Our Culture, vision, values, behaviours and Bonds for Working Together at St Helens



Introduction and Purpose

Local Government is a public service and the public expect the highest standards of conduct from all employees who work in local government. It is important that employees conduct themselves in a manner which is beyond reproach and can be defended in the face of public concern.

A fundamental aspect of the code of conduct are “The Seven Principles of Public Life” identified by the Nolan Committee on Standards in Public Life. The committee was established to examine concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities. The seven principals are:

- 1) Selflessness,
- 2) Integrity,
- 3) Objectivity,
- 4) Accountability,
- 5) Openness,
- 6) Honesty,
- 7) Leadership.

Further information relating to the Seven Principles of Public Life can be found [via this link](#).

Policy Statement

The Code of Conduct for Employees is a set of rules outlining the responsibilities, practices and conduct expected from an employee at the Council in their daily work and in their dealings with Councillors, colleagues and the public. It provides clear and helpful advice and instruction.

The principles detailed below govern St Helens Borough Council employees, but each Department may wish to issue further standards specifically relating to departmental service requirements which can supplement, but not contradict, the principles contained in this Code. It is intended that these principles will also complement the requirements set down by relevant professional bodies.

Scope of the Policy

This Code of Conduct applies to all employees of St Helens Borough Council except schools-based employees for which a separate code exists. The Code extends to secondees from outside the Council and agency/consultancy staff, who will be expected to familiarise themselves with the content of the Code of Conduct and undertake their duties in compliance with it. It applies to employee’s conduct both within the Council and when dealing with other organisations as a representative of the Council and also applies to an employee’s conduct outside of work if such conduct could lead to a loss of trust in an individual as an employee.

The Code of Conduct forms part of an employee’s contract of employment. Failure to comply with its contents may result in disciplinary action, which could include dismissal.

Definitions and Abbreviations

In the Policy, the following words and phrases mean:

Council - St Helens Borough Council

Employee - Those employed by St Helens Borough Council including agency/consultancy staff, secondees to the organisation and those employed under partnership arrangements but excluding those employed in schools.

Conflict of Interest - A conflict of interest arises: *“when an employee has competing interests or loyalties that either are, or potentially could be, at odds with each other. A conflict of interest potentially causes an employee to experience a struggle between their interests, points of view, or allegiances, and their employment”.*

Perceived Conflict of Interest - is one which a reasonable person would consider likely to compromise objectivity.

Potential Conflict of Interest - is a situation, which could develop into an actual or perceived conflict of interest.

The Council’s Expectations from Employees

The Council’s Bonds for Working Together at St Helens as referred to above outlines the Council’s expectations from employees and what employees should expect from the Council as an employer. They underpin the Council’s vision, values and behaviours. Employees should ensure they are familiar with the Council’s culture, vision, values, behaviours and Bonds for Working Together.

Accountability

Employees are accountable for their actions and owe a duty of care when carrying out their duties at the Council to act in accordance with the principles set out in this Code.

Standards

Council employees are expected to give the highest possible standard of service to the public.

Employees have:

- a duty of service – to work in accordance with their contract of employment;
- a duty to comply with reasonable instructions, procedures, and regulations;
- a duty of care – to be competent and capable and not to be negligent in work;
- a duty of good faith – to be honest and not accept a fee or commission or gifts from those who do business with the Council or to divulge confidential information about the Council.

Employees should:

- Trust each other,
- Work with integrity,
- Collaborate together,
- Keep innovating together.

Employees are expected to:

- Be positive, provide impartial advice to, be helpful and co-operative in dealing with colleagues, elected members, and the public;
- Ensure that their personal appearance is consistent with the public’s expectations, bearing in mind the work they do;
- Bring to the attention of the management any deficiency in the provision of service.

Employees who are members of a professional body should carry out their duties in accordance with the professional standards of the appropriate body or institution in addition to any standards determined by the Council. Those employees who hold managerial and/or supervisory roles, have greater positions of trust and are expected to set an example to other employees in observing the standards and practices of the Council. Terms detailed or implied in their contracts of employment place additional emphasis on behaviour towards and responsibility for others.

Identification

All employees must possess an up-to-date official Council Identity Badge so that the employee can be easily identified as a Council employee. Identity badges should be worn at all times by those employees who are customer facing or who represent the Council. Should an employee be exempt from wearing a Council identity badge they are still required to carry an Identity Badge about their person. Council employees should be prepared to show their identity badge when requested whilst on Council business.

Political Neutrality

The main provisions regarding politically restricted posts are set out in Part 1 of the Local Government and Housing Act 1989 (as amended). The law aims to ensure the political impartiality of local government employees who hold posts involving duties of a politically sensitive nature. The effect of including a post on the list of politically restricted posts is to prevent the postholder from having any active political role either in or outside the workplace. Employees should not allow their own personal or political opinions interfere with their work.

Employees within politically restricted posts are permitted to join political parties but must have no active participation within the party.

Politically restricted posts fall into four categories of local government officer as follows:

a) Posts individually identified in the legislation, either by name or by their relationship to other senior officers; b) Posts where the duties of the post include giving advice on a regular basis to the authority themselves, to Cabinet, to any committee or sub-committee of the Council or any joint committee on which the Council is represented and/or speaking on behalf of the Council on a regular basis to journalists or broadcasters; c) Posts to which duties have been delegated under the Scheme of Delegation to Officers; d) Political Assistants.

A list of Politically Restricted posts is available [via this link](#). This will be agreed and reviewed annually by the Chief Executive.

Relationships

Relationships with Councillors

Councillors and Council employees are indispensable to one another, albeit with distinct responsibilities. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Council employees are responsible to the Council and their job is to carry out the Council's work under the direction and control of the Council, the Cabinet, Committees and sub-committees, and their managers.

Mutual respect between Councillors and Council employees is essential for good local government. Close personal familiarity between individual Councillors and Council employees

can damage the relationship and prove embarrassing to other Councillors and Council employees.

Employees must not use personal relationships with Councillors to influence or attempt to influence any decision-making process of the Council or to interfere with the proper implementation of Council decisions.

Relationships with External Providers of Goods or Services

Relationships that exist or have existed between officers and contractors or suppliers, or with organisations/individuals who provide goods and services for or on behalf of the Council, whether financial or non-financial, must be declared. External providers of goods and services must be dealt with in a fair and equitable manner with no advantageous, disadvantageous or prejudicial treatment afforded to individuals/organisations.

Employees who procure/commission/monitor external providers of goods and services to the Council with whom they previously had or currently have a relationship in a private/domestic or professional capacity must declare that relationship. If private relationships become unavoidable, for example if the private relationship preceded the Council's business relationship, then the nature of the private relationship must be declared.

External providers of services to the Council must not be used in a private capacity by any employee who has had or is engaged in a working/professional relationship with the contractor or supplier where the employee may benefit from that relationship.

Similarly, external providers of services to the Council must not be approached by employees in any capacity, to provide goods and services at preferential rates by virtue of employees' dealings on behalf of the Council. This does not apply to employees purchasing goods or services at normal rates from Council suppliers in their capacity as a member of the public. Exceptions to the above are those organisations who have been approved or authorised by the Council to offer preferential rates for their goods and services to **all** employees of the Council.

Relationships with the General Public

Employees should always remember their responsibilities to the communities they serve, and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community. Each member of the public should be treated fairly, equitably and consistently in line with the Council's Equality Policy.

Equality, Diversity and Inclusion

The Public Sector Equality Duty of the Equality Act 2010 applies to both employment at the Council and in the delivery of Council Services. The Council's Comprehensive Equality Policy sets out the duties and requirements of the Equality Act 2010, and other relevant legislation.

The Equality Act 2010 protects all people from discrimination, harassment and victimisation. The Council is committed to promoting equal opportunities in employment and all employees will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility.

The Council has a zero tolerance towards discrimination, harassment and victimisation. All employees must show due regard to acknowledge and value people's differences, and, as far

as possible, where permissible in Council policy and practice, meet an individual's needs in accordance with their choices and preferences.

The minimum standard of behaviour and attitude expected of council staff is to ensure all people who employees come into contact with are given equal opportunities and treated fairly and respectfully.

Disclosure of Information/Data Protection/Confidentiality

Important statutes such as the Data Protection Act 2018, UK General Data Protection Regulations and the Freedom of Information Act 2000 have had a major impact on the uses of data at the Council and employees must familiarise themselves with the Council's policies and guidelines on these.

Information produced by the Council must only be used for the purposes intended and must only be disclosed or communicated to authorised persons. Personal data should not be shared or released into the public domain without first confirming that the Council is legally able to do so.

Confidential information obtained in the course of employment must not be used personally, or for benefit or gain, nor should employees knowingly pass it on to others who might use it in such a way.

Whistleblowing Policy

The Council is committed to the highest possible standards of openness, probity and accountability. In accordance with that commitment the Council expects employees and others that we deal with, who have serious concerns about any aspect of the Council's business, to come forward and voice those concerns. The Whistleblowing Policy makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage and encourages and enables employees to raise concerns..

The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures. That concern may be about something that is unlawful, or is against the Council's Standing Orders or policies, or falls below established standards or practices or amounts to improper conduct.

There is a statutory requirement for the Council and its employees to protect children and vulnerable adults. If employees have any safeguarding related concerns, they are responsible for raising them promptly following the organisational Safeguarding Policy.

Conflict of Interest

For the purpose of this policy, the term 'conflict of interest' includes perceived and potential as well as actual conflicts of interest.

The easiest way to deal with potential conflicts of interest is openness and transparency. The onus is on employees to ascertain whether any conflict is present and if they identify any potential or actual conflicts, or issues that may influence them, or others may think could influence them, they are required to declare them to their manager as soon as possible.

Employees should also be prepared to withdraw or may be instructed to withdraw from any processes or involvement in decision making that may be linked to their actual or perceived conflict of interest.

The Council provides a diverse range of services and carries out many duties and it is virtually impossible to outline all scenarios where conflicts could occur. Given this, employees should always seek guidance from their manager if any personal doubts arise regarding their dealings within processes or delivering services.

Registration of Personal or Business Interests where there is a potential Conflict of Interest

The purpose of a declaration in such an instance is to show transparency in the relationship between the Council, the organisation and the employee.

All employees irrespective of grade or status must declare any interest that could bring about a conflict with the Council's interests e.g. acting as a school governor or involvement with any organisation or group which may seek to influence the Council's policies, and/or seek funding grants. Employees who carry out any form of public duty must declare this fact. Similarly, employees who are involved with any organisation which is sponsored by or receives donations from the Council, or which sponsors the Council, must declare these facts.

Employees irrespective of grade or status must declare any family/personal relationships if these have any involvement in any organisation or business which carries out work on or applies to carry out work on behalf of the Council or on Council property. These relationships must be declared on the appropriate form accessible [via this link](#).

Employees who are members of organisations not open to the public and which have secrecy about rules, membership or conduct, must declare this membership.

Where there are declared conflicts of interest that could bring into question the employee continuing in their role or carrying out some of their work or day to day activities, employees may be required to relinquish certain activities or required to withdraw from certain decision-making processes whilst those conflicts exist.

Personal Relationships/Friendships

If a personal relationship exists or develops during the course of employment, it should be declared where a potential, perceived or actual conflict of interest may exist.

Declarations by Senior Officers

All members of the Council's Corporate Leadership Team, Senior Leadership Team and specified posts must make an annual declaration of any personal interests they may have. All employees in these posts will be expected to make a declaration even if it is simply to formally state that they have no interests to declare. The list of posts who are required to make annual declarations is available [via this link](#).

Registration of personal or business interests should be recorded on the Registration of Personal or Business Interests form, available [via this link](#).

Additional Employment

It is recognised that employees may wish to engage in other employment or business in addition to undertaking their current role at the Council. In this respect the requirements of individual employees will be dependent on their grade and seniority of position.

All employees regardless of grade, or employment status, must not engage in any other work or activity, which might relate in any way or be seen to **conflict** with their employment at the Council without permission. If there may be a potential conflict of interest employees will need to seek permission by completing Permission to Engage in Additional Employment Form. The relevant form to be completed will be determined by the employee's grade.

Employees graded SCP22 and above must seek permission to engage in any other employment or business paid or unpaid, even if this does not conflict with Council employment or duties. To seek permission employees must follow the guidance attached [via this link](#).

For those employees graded below SCP22, permission is not necessary to engage in other employment or other business where this work does not relate or conflict with their duties, however employees are still required to notify their manager of any additional work undertaken. This should be done using the form available [via this link](#). The Council has statutory obligations in respect of the Working Time Regulations 1998 (as amended) and has a duty of care to employees in respect of their Health and Safety. As such it is necessary to take an interest in any proposed additional employment.

All employees, irrespective of grade or status, must not involve themselves in any organisation or business on a regular or casual basis, which carries out work on behalf of the Council or on Council property, nor must they hold any financial or business interest in such organisation. This includes being a Director of the company, a Company Secretary, Trustee or Partner of a company or any other financial interest. Examples of where a potential conflict could exist is available within the Code of Conduct for Employees Guidance, accessible [via this link](#).

Stewardship

Financial Procedure Rules

All employees involved in financial activities, transactions or financial instructions on behalf of the Council must follow the Financial Procedure Rules and Financial Instructions as approved by the Council. All employees must ensure that they use public funds in a responsible and lawful manner. They should strive to ensure value for money to the local community, and to avoid legal challenge to the Authority.

Financial Probity

Whilst an employee's personal finances should remain private, employees must ensure that where they have a financial relationship with the Council, outside their contract of employment that these affairs are conducted with honesty and integrity. In all personal financial dealings with the Council, employees must not deliberately evade any debts owed to the Council or seek to obtain monies from the Council to which they are not legally entitled. Financial dealings may include payments relating to Council Tax, benefits, fines, compensation, salary overpayments etc.

Employees in breach of these requirements may be subject to the disciplinary procedure and this may constitute gross misconduct.

Care and Use of Council Resources

Council resources, whether tangible assets such as materials, equipment and cash, or business information, may only be used for the proper advancement of the business of the Council, and for no other reasons.

Security and Use of Computer Data/Equipment

The information stored and processed on the information technology systems operated by the Council is of paramount importance and it is essential that the data and systems are adequately secured against risks such as operator errors, theft of equipment, unauthorised access to or copying of programmes and the use of unauthorised software on Council machines. In this regard, relevant legislation, in the form of the Data Protection Act 2018, and the Computer Misuse Act 1990 must be complied with.

Employees must endeavour to ensure that no unauthorised person gains access to equipment/data, which is within their responsibilities. User identifications and passwords must not be disclosed to anyone, and passwords must be changed regularly to a previously unused password.

Internet/Email/Social Media

The Council permits reasonable, personal use of email and the Internet for employees in accordance with the Council's Internet & Electronic Communications Policy. The use of social media applications for official use is addressed in the Social Media Policy which can be accessed on the Council's Intranet. When using social media for personal reasons, employees should not publish defamatory and/or knowingly false material about St Helens Borough Council, colleagues or customers. Employees should not publish anything, which may have the potential, through association, to bring the Council into disrepute.

Intellectual Property

Intellectual property that is produced by employees in the course of employment as part of the normal duties associated with the employee's contract of employment, the copyright belongs to the Council and therefore they cannot be sold, marketed or lent to any other person or organisation without prior written permission of the Council.

Press and Media

In the normal course of events, employees should not be required to deal directly with the Press or the Media. If canvassed by the Press for information in the course of their work, employees must seek advice and express authorisation from their Head of Service and the Press Office prior to providing any article, publication or interview given on aspects of Council policy.

Employees should consider whether any public statement made about the Council whether as a spokesperson for an organisation or as an individual could reflect adversely upon the employer-employee relationship.

Gifts and Hospitality

It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage. If an allegation is made employees may have to demonstrate that any such rewards have not been corruptly obtained.

Employees are not permitted to receive any hospitality, gift or fee other than their appropriate remuneration; employees should tactfully refuse offers of gifts or hospitality or services from organisations or persons who do or might provide work, goods or services to the Council or

who require a decision from the Council. Employees must not accept or solicit gifts, additional payments or any other personal advantage from any service user, potential or actual contractor or supplier.

Gifts

Employees may accept gifts of token value such as pens, diaries, etc. from potential or actual contractors or suppliers. Such gifts may be kept for business use. They must not accept gratuities or tips; these should be politely refused.

Individual employees or the service within which they work, may receive gifts from current or former colleagues. These gifts are acceptable and there is no requirement to declare them.

If an employee receives a gift of more than token or nominal value and it would cause offence or be impracticable to return it, they should register the gift and inform their manager by completing Approval Form for Gifts and Hospitality, available [via this link](#). Such gifts will normally be donated to the Mayor's charity. Any gifts received must be entered into the Register of Gifts and Hospitality held by People Management.

If an employee is offered a gift and they believe or suspect that the offer is made with the intention of influencing them to give favourable treatment to a service user, potential or actual contractor or supplier, they must inform their Manager, Head of People Management or the Internal Audit Section.

Official Hospitality

Some employees will be expected to attend official functions and events on behalf of the Council and sometimes will accompany Councillors. It is quite acceptable and proper that this reasonable hospitality be accepted and there is no requirement for the employee to declare it. When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Hospitality at Conferences, Seminars/Training Courses

Some employees' professional duties will require them to attend conferences, seminars, briefings etc. As part of the fee, which is usually paid by the Council, hospitality will be offered in the form of lunches, dinners or receptions. Provided that this is an integral part of the event and offered generally to all participants there is no requirement to declare this. At certain events, organisations may provide hospitality over and above that included in the fee. Employees should declare all hospitality offered over and above that included in the event fee albeit this may be in retrospect.

Day to Day Working/Hospitality

During employees' day to day business, it is possible that an employee will be offered refreshments. In these situations, employees should exercise caution and professional judgement without causing offence to the other party.

Employees should not allow a potential or actual contractor or supplier to pay for them to visit their sites or premises to inspect their goods or services. If such visits are necessary, the Council will meet the costs involved. When visiting potential or actual contractors or suppliers employees may accept refreshments appropriate to a work situation.

Private/Recreational Hospitality

Hospitality may be offered to employees by organisations with speculative or established links to the Council. This hospitality usually has a recreational base and includes sporting events, theatre tickets, holidays, spa days etc., but could also extend to invitations to dinners and or events organised by institutions or consultants. This type of hospitality must be declined and declared and recorded in the central register in the People Management Section. Where such hospitality is related to the role of officers and part of stakeholder management and relationship building, in the conduct of council business, then this should be declared in the register of gifts and hospitality. Employees must not solicit hospitality from potential or actual contractors or suppliers.

Employees must not accept offers of hospitality unless they have the permission of the Chief Executive. Hospitality, which they have permission to accept, must be registered in the Register of Gifts and Hospitality.

Sponsorship

Where an outside organisation wishes to sponsor a Council activity, whether by invitation, tender, negotiation, or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply.

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

Wages and Recoupment

There may be times where there has been an overpayment made to salary. Employees are reminded that they have an obligation to contact the Payroll Team and report any overpayment if suspected. The Council reserves the right to require repayment, either by deduction from salary or other accepted methods. In each case individual circumstances will be taken into account when deciding the period over which the repayment is to be made.

Health and Safety

In the interests of the public and colleagues you must adhere to the Council's Core Health and Safety Procedures.

Recordings

The Council does not permit covert recording under any circumstances. The recording of meetings or conversations is only permitted after permission has been obtained from all those present. This does not affect an employee's right to request any reasonable adjustments relating to a disability.

Reconsideration

All matters relating to registering interests or seeking additional employment will be decided by the Chief Executive. Employees who are dissatisfied with the response of the Chief Executive may write requesting reconsideration of the issue. This should include further evidence that may assist the Chief Executive.