

BURY METROPOLITAN BOROUGH COUNCIL



COUNCIL CONSTITUTION

**Approved by Council on
21 November 2001
and subsequently amended
Revised edition
March 2010**

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BURY VALUES PROSPECTUS

Bury Metropolitan Borough Council has drawn up a statement of values to be known as the Bury Values Prospectus upon which it has consulted widely. The Values Prospectus aims to capture and define a set of shared values to which all can subscribe, and provide a foundation for community cohesion in Bury. As a sign of commitment the Values Prospectus will form a preface to the Council Constitution in order to guide decisions of Members and officers of the Council. The Council is committed to leading by example across all points in the document.

We already have a strong foundation upon which to build. Positive contacts exist between our diverse communities, every community is valued and values each other, and rights and responsibilities are of equal importance.

Equality of Opportunity

- The Council has set out a series of ambitions for Bury. In working to achieve these ambitions we will create opportunities for all, so that all, from whatever background, have similar life opportunities.
- Whilst the Council values and celebrates diversity it believes that the way forward lies in developing shared futures rather than addressing visible differences
- The Council will ensure that where it intervenes to affect the prospects of individual communities this will be based on objective criteria which are justly and fairly established. Further, the Council will communicate these decisions transparently to all to prevent the potential build up of resentment concerning the perceived treatment of others
- In particular the Council recognises that where public resources are finite there may be competition for these resources. We will address these issues on the basis of shared concerns rather than competition between communities.
- Disadvantage arising from the structure of society will be sought out and combated.

Community Safety and the Rule of Law

- It is the prime responsibility of the Council to do all in its power to ensure the safety and security of its citizens.
- The Council recognises that the active support and participation of all communities is essential if it is to fulfil this responsibility
- We will work with our strategic partner organisations to identify extremist elements and hate crime that threaten community safety and community cohesion, whether in Bury or elsewhere.
- In particular the Council will seek to build bridges within, and between communities, in order that all sections of our community seek actively to promote peaceful and harmonious relationships and are committed to confronting any extremism within their own communities and identifying any potential threats to cohesion.

- Respect for the law by all is fundamental to a cohesive community. The Council will obey, and expect all citizens to comply with, the law of the land.
- It has the right and duty to campaign against what it considers to be bad law and injustice, but not to disobey the law.

Democracy

- The Council will actively promote participation in the democratic process and protect each citizen's right to vote fairly, freely and secretly.
- It will listen to and take account of the views of the people.
- It will be open in its decision-making, except where the law declares otherwise.

Human Dignity and Liberty

- Every citizen has a right to life and freedom from mental and physical harm, and also to self-determination in this respect. These rights will not be overridden, given the understanding that, on occasions, adjudication may be necessary when the rights of one party conflict with the same right of another individual or group.
- The Council will not interfere with those who do not jeopardise the freedoms of others.
- It will actively promote tolerance of all views and lifestyles which are consistent with the law of the land and not prejudicial to others.
- The Council respects all faith traditions, and those with no faith, equally
- The right to hold and practise a religious faith or other tradition must not be used to justify curtailment of human rights or the rights of other groups.
- Members and officers of the Council are entitled to hold their own views, but when representing the Council must behave in ways which are consistent with the Council's values.

Economic Inclusion

- Economic exclusion of communities and individuals threatens cohesion. We will work to create job and training opportunities in the Borough appropriate to the needs, skills and abilities of all members of society, including disabled people.
- The Council welcomes all people who wish to come to Bury to live or work as a positive contribution to creating a successful, dynamic economy, and cosmopolitan society
- The Council will work with employers, their representative organisations, and trade unions to ensure that acceptable and improving terms and conditions of employment are maintained for existing employees and incomers alike.
- The Council values its workforce highly. It will protect employees' welfare and provide suitable support in developing their potential, including achievement of full (Level 5) National Equality Standard for Local Government

- It will endeavour to provide an example to other employers in the Borough and work with partner organisations to disseminate good practice.
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PART 1

SUMMARY AND EXPLANATION

SUMMARY AND EXPLANATION

A. The Council's Constitution

The Bury Metropolitan Borough 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.

The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols are attached as Appendices.

B. Content of the Constitution

Article 1 of the Constitution commits the Council to provide clear Leadership to the community in partnership with citizens, stakeholders, businesses and other organisations to support the active involvement of citizens in its decision-making processes.

Articles 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council Meeting (Article 4)
- Chairing the Council Meeting (Article 5)
- Overview and Scrutiny (Article 6)
- The Executive (Article 7)
- Regulatory and Non-Executive Committees (Article 8)
- Standards Committee (Article 9)
- Local Area Partnerships (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)
- Decision Making (Article 13)

- Finance, Contracts and Legal Matters (Article 14)
- Review and Revision of the Constitution (Article 15)
- Suspension, Interpretation and Publication of the Constitution (Article 16)

C. How the Council Operates

The Council is composed of 51 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Council elects a Leader, who shall have a four year term of office (or until the expiry of his/her term of office as a Councillor). All other Executive functions are vested in the Leader who may in turn delegate to other Executive Members.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year (*these are called the Budget and Policy Framework*). The Council appoints the Leader, who in turn appoints the Executive. The Council also appoints an *Overview Management Committee and two Scrutiny Committees* to hold the Leader/Cabinet to account and contribute to improving Council services to the Community. Regulatory and Non-Executive Committees are appointed by the Council including the Planning Control Committee, the Licensing and Safety Panel and the HR and Appeals Panel.

Members of the public are able to ask questions during the Public Question Time at meetings of the Council, the Executive (public meeting) (*Scrutiny? Committees and Project Groups*) and Regulatory and Non-Executive Committees (although alternative arrangements are available for Planning Control Committee meetings). The Council has established partnerships with other service providers, stakeholders and the local community, known as Local Area Partnerships. Members of the public can ask questions at their meetings.

D. How Decisions are made

The *Leader* is responsible for most day-to-day decisions *but he/she can delegate decisions to other Members of the Cabinet*. The Executive is made up of a Leader, Deputy Leader and a Cabinet of *five* Councillors appointed by the *Leader*. When major decisions are to be discussed or made, these are published in advance in the Executive's Forward Plan. If

these major decisions are to be discussed with Council officers at a meeting of the *Cabinet*, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Officers also have a role in day-to-day operational decision making and any key decisions made by officers will be available for inspection by members of the public within a week.

E. Overview and Scrutiny

There *is an Overview Management Committee and two scrutiny Committees which carry out the oversight of decisions and policies and scrutiny function in support of the work of the Leader/Cabinet and the Council as a whole. Specific issues relating to the Council's services may also be reviewed through time limited bodies which report to either the Overview Management Committee or Scrutiny Committees.* These lead to reports and recommendations which advise the Leader/Cabinet and the Council as a whole on its policies, budget and service delivery. Scrutiny *Committees* also have a role of holding the Executive to account by reviewing and scrutinising the decisions made by the Executive *and of holding the Council's partners to account.* This enables them to consider whether the decision is appropriate. They may recommend that the Leader/Cabinet reconsider the decision or refer the matter to the Council but the Leader/Cabinet is not bound to accept these recommendations. They may also be consulted by the Leader/Cabinet or the Council, *or the Council's partners*, on forthcoming decisions and the development of policy.

They also share the responsibility for *Service Improvement Reviews* with the Leader/Cabinet.

F. Regulatory and Non-Executive Committees

There are a number of quasi-judicial Regulatory and Non-Executive Committees appointed by the Council including Planning Control Committee, Licensing and Safety Panel and Human Resources and Appeals *Panel.*

The Regulatory and Non-Executive Committees have specific functions delegated to them but can also advise the Executive, *Scrutiny Committees* or the Council on policies or service delivery in relation to their functions.

The meetings are normally held in public.

G. Local Area Partnerships

In order to give local citizens a greater say in Council affairs, six local Area Partnerships have been created. These cover the Bury East, Bury West,

Prestwich, Radcliffe, Ramsbottom, Tottington and North Manor and Whitefield and Unsworth areas of the Borough. These Partnerships are not part of the Council's Constitution but are separate arrangements established with local service providers, stakeholders and the local community to improve the quality of life of residents in their area.

H. The Council's Staff

The Council has people working for it to give advice, implement decisions and manage the day-to-day delivery of its services. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between employees and Members of the Council.

I. Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, for example, as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right:

- to vote at local elections if they are registered;
- to contact their local Councillor about any matters of concern to them;
- *to petition the Council and receive a response*
- to obtain a copy of the Constitution
- to attend meetings of the Council, Regulatory and Non-Executive Committees, Standards Committee, *Overview and Scrutiny Committees* and Local Area Partnerships, except where, for example, personal or confidential matters are being discussed;
- to petition to request a referendum on an Elected Mayor form of Executive;
- to participate in the public question time at meetings of the Council and most of its Committees, the Cabinet;
- to participate in *Overview and Scrutiny* and to contribute to investigations by the *Overview and Scrutiny Committees if so requested*;
- to find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Leader/Cabinet or decided by the

Leader/Cabinet or officers, and when;

- to attend meetings of the Cabinet where key decisions are being discussed or decided;
- to see reports and background papers, and any record of decisions made by the Council and the Executive;
- to complain to the Council about any aspect of the services provided by the Council and receive a response within the time period set out in the Council's Complaints Procedure
- to complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- to complain to the *Standards Committee* if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- to inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Democratic Services, Chief Executive's Department, Town Hall, Knowsley Street, Bury BL9 0SW (Tel: 0161 253 5118).

PART 2

**ARTICLES OF THE
CONSTITUTION**

ARTICLE 1 - THE CONSTITUTION

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Bury Metropolitan Borough Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is:

1. to enable the Council to provide clear Leadership to the community in partnership with citizens, businesses and other organisations;
2. to support the active involvement of citizens in the process of local authority decision-making;
3. to help Councillors represent their constituents more effectively;
4. to enable decisions to be taken efficiently and effectively;
5. to create a powerful and effective means of holding decision-makers to public account;
6. to ensure that no-one will review or scrutinise a decision which they were directly involved in making;
7. to ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. to provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

(a) **Composition.**

The Council will comprise 51 Councillors. Three Councillors will be elected by the voters of each Ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State or the Electoral Commission as appropriate.

(b) **Eligibility.**

Only registered voters of the local authority area or occupiers of land or other premises in the area or those living or working there who are not disqualified by the provisions of Section 80 of the Local Government Act 1972 will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

Following the Ward boundary changes and the elections for all Councillors for all Wards in 2004; the ordinary election of a third (or as near as may be) of all Councillors was held on the first Thursday in May in each year beginning in 2006, except that in 2009 and every fourth year after there will be no regular election. The terms of office of Councillors will normally be four years starting on the fourth day after being elected and finishing on the fourth day after the regular election four years later.

2.03 Leader of the Council

The Council will appoint one of its Members to act as Leader and to be responsible for all Executive functions with powers to appoint a Cabinet and to allocate portfolios to individual Cabinet Members. The Leader will hold office for a four year term or until the expiry of his/her term of office as a Councillor

2.04 Roles and Functions of all Councillors

(a) **Key Roles**

All Councillors will:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

- contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making;
- effectively represent the interests of their Ward and of individual constituents;
- respond to constituents' enquiries and representations, fairly and impartially;
- be available to represent the Council on other bodies;
- participate in the governance and management of the Council; and
- maintain the highest standards of conduct and ethics
- collectively be the employer of the Council's workforce

(b) **Rights and Duties.**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.05 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.06 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

ARTICLE 3 - CITIZENS AND THE COUNCIL

3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

(a) Voting and Petitions

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an Elected Mayor form of Executive.

(b) Information

Citizens have the right to:

- (i) attend meetings of the Council, its Regulatory and Non-Executive Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend *public* meetings of the Cabinet when key decisions are being considered;
- (iii) find out from the Forward Plan what key decisions will be taken by the Leader/Cabinet and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the Leader/Cabinet; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation

Citizens have the right to participate in the public question time at meetings of the Council and most of its Committees *and public meetings of the Cabinet*. Citizens also have a right to contribute to investigations by *Overview and Scrutiny bodies if so required*.

(d) Complaints

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;

- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Standards *Committee* about a breach of the Councillors' Code of Conduct.

3.02 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully damage things owned by the Council, Councillors or officers.

ARTICLE 4 - THE FULL COUNCIL

4.01 Meaning of the Policy Framework, Budget and Housing Land Transfer

(a) Policy Framework.

The policy framework means the following plans and strategies:-

(i) those plans and strategies required by the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 and Regulations under section 32 of the Local Government Act 2000 to be adopted by the Council:

- The Bury Plan (incorporating Best Value Performance Plan and Corporate Plan)
- Children's and Young People's Plan;
- Sustainable Community Strategy;
- Crime and Disorder Reduction Strategy;
- Plans and alterations which together comprise the Development Plan;
- Local Transport Plan;
- Youth Justice Plan
- Gambling Act 2005 – Policy Statement

(ii) those other plans and strategies recommended in the Guidance on New Council Constitutions issued by the Department of the Environment, Transport and The Regions should be adopted by the Council as part of the Policy Framework:

- Risk Management Annual Report
- Food Law Enforcement Service Plan;
- Plans and Strategies which comprise the Housing Investment Programme;
-
- Local Agenda 21 Strategy;
- Quality Protects Management Action Plan
- Council's Corporate Plan or equivalent;

(iii) any other plans or strategies which the Council may decide should be adopted by them as a matter of local choice:-

- Regeneration Strategy

(b) **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the Full Council

Where the Council has delegated powers and duties to the Leader/Cabinet, Regulatory and Non Cabinet Committees, Cabinet Members or Officers, the following matters shall be excluded from that delegation and reserved for the Council itself:-

1. Constitutional

- (a) To adopt and amend the Council Constitution including Standing Orders and Financial Regulations of the Council.
- (b) To determine the general structure of the Council's decision making processes.
- (c) To adopt or amend the terms of reference and delegation scheme in respect of the Leader/Cabinet, Cabinet Members, Regulatory and Non-Cabinet Committees and the Officer Delegation Scheme in relation to Council, executive and local choice functions.
- (d) To elect the Mayor and Deputy Mayor of the Council. at the Annual Meeting of the Council.
- (e) To appoint the Leader.
- (f) To appoint Lead Members, if required, for specific areas of responsibility to assist the Executive Members in undertaking their roles and responsibilities.
- (g) (i) To determine the Regulatory and Non Executive Committees, *Overview and Scrutiny Committees* to be appointed for the next Municipal Year and the number of seats on them.

- (ii) To determine the number of seats on the various Committees to be allocated, pro rata in accordance with the political balance requirements of the Local Government Act 1989, to the political groups.
- (iii) To receive notification from the Leaders of the political groups of the names of persons which their respective groups have appointed to fill seats allocated to them on the various Committees and of any changes to the names of persons appointed to such Committees.
- (iv) To appoint Chairs of the various Committees.
- (v) To receive reports of the Returning Officer on the result of the Municipal Elections.
- (vi) To make appointments to other internal bodies not affected by the political balance rules.
- (vii) To receive notification of the appointment by the minority political groups on the Council of the Leaders and Deputy Leaders of these groups.
- (viii) To appoint representatives of the Council on the Joint Authorities and of Spokespersons to answer questions at Council on the functions of the Joint Authorities.
- (h) To appoint representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council
- (i) To make arrangements for the discharge of the Council's functions by another local authority.
- (j) To change the name of the area and to confer the title of Honorary Alderman or Freedom of the Borough.

2. Probity

- (a) To adopt the Council's Code of Conduct for Members and Officers.
- (b) To adopt or amend the Members' Allowance Scheme under Article 2.05 having regard to recommendations of the Independent Remuneration Panel on the level of Members' Allowances.

3. Policy

- (a) To approve or amend the Council's Policy Framework.
- (b) To approve any application to the Secretary of State for the transfer of housing land.

- (c) To consider and determine any strategic plan or policy referred to Council by the Leader/Cabinet.
- (d) To make decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or Budget where the decision taker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget.
- (e) To promote or oppose any legislation or to make or amend Byelaws.
- (f) To approve any plans or strategies which require approval by a Secretary of State.

4. Financial

- (a) To approve the Council's Revenue Budget and Capital Expenditure Programme.
- (b) To set a Council Tax annually.
- (c) To determine any matter involving expenditure not provided for in the Council's approved budget, subject to any agreed virement arrangements.
- (d) To fix Council house rents.
- (e) To approve any plan or strategy for the control of the authority's borrowing or capital expenditure, including the adoption of a Treasury Management Policy Statement.
- (f) To approve policies and practices regarding the granting of discretionary rate relief or remission of rates in accordance with Section 47 of the Local Government Finance Act 1988.

5. Electoral

- (a) To make decisions concerning district boundaries, Wards and Polling Districts.

6. Staffing

- (a) To confirm the appointment of the Head of Paid Service.
- (b) To deal with recommendations from the Human Resources and Appeals Panel on the dismissal or taking of disciplinary action against the Head of Paid Service, Director of Finance and E-Government or Monitoring Officer in accordance with the Officer Employment Procedure Rules.

7. Reports

- (a) To consider a report of the Head of Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989.
- (b) To consider a report by the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.
- (c) To consider a report by the Chief Finance Officer in accordance with Section 115 of the Local Government and Finance Act 1988.
- (d) To consider the External Auditor's Public Interest Report.

8. General

- (a) To take decisions on all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive.
- (b) To take decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees, Sub-Committees or Officers.
- (c) To take decisions on all other matters which, by law, must be reserved to Council.

4.03 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for Functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

ARTICLE 5 - CHAIRING THE COUNCIL MEETING

5.01 Role and Function of the Chair of the Council

The Chair of the Council will be the Mayor and the Deputy Chair will be the Deputy Mayor and they will be elected by the Council annually. The Chair and in his/her absence, the Deputy Chair, will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Leader/Cabinet to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

ARTICLE 6 – OVERVIEW AND SCRUTINY

6.01 Overview and Scrutiny Committees

(a) Appointment and Terms of Reference

The Council will appoint *an Overview Management Committee and two Scrutiny Committees* to discharge the functions conferred by Section 21 of the Local Government Act 2000 or Regulations under Section 32 of the Local Government Act 2000.

*The Overview Management Committee and the Scrutiny Committees will be politically balanced. The Overview Management Committee may appoint Overview **Project Groups** to undertake reviews.*

(b) Membership

The Overview Management Committee and Scrutiny Committees may not include any member of the Cabinet but may include persons who are not members of the authority in a non-voting capacity (except for church or parent representatives in respect of education functions).

Lead Members may only be appointed to *Overview or Scrutiny Committees* dealing with areas in which they have no involvement or influence.

Members of the Overview Management Committee may not serve on either of the two Scrutiny Committees.

Details of the functions and delegations to the Committee are included in Part 3 of this Constitution.

6.02 Proceedings of Scrutiny Commissions

The Overview Management Committee and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

ARTICLE 7 - THE EXECUTIVE

7.01 Role of the *Leader*

The *Leader* will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. *He/she may delegate those functions to Members of his/her Cabinet.*

The *Leader* will be a Councillor elected to the position of *Leader* by the Council. The *Leader* will *be appointed for a four year term or until:*

- (a) *he/she retires from the office; or*
- (b) *he/she resigns from the office;*
- (c) *he/she is suspended or disqualified from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or*
- (d) *he/she is removed from office by the resolution of the Council.*

7.02 Deputy *Leader*

The Deputy leader will act as Leader if the Leader is unable to act or unavailable and will hold office until:

- (a) *removal by the Leader;*
- (b) *he/she resigns from office;*
- (c) *he/she is no longer a Councillor*
- (d) *he/she is suspended from being a Councillor under Part III of the LGA2000 (although he/she may resume office at the end of the period of suspension)*

7.03 Form and Composition of the *Cabinet*

The *Cabinet* will consist of the *Leader* and Deputy *Leader* together with at least 2, but not more than 8, other Councillors appointed to the *Cabinet* by the *Leader*.

From the date of *this draft* of the Constitution until such time as the *Leader* determines otherwise, the *Cabinet* will consist of a *Leader* and

Deputy Leader and 5 Councillors, each with overall responsibility for the portfolio area mentioned below, subject to constant review:-

Position	Portfolio
Leader	All areas
Deputy Leader	
Executive Member	
Executive Member	
Executive Member	
Executive Member	
Executive Member	
Executive Member	
Executive Member	
Executive Member	

7.04 Cabinet Positions – Role Specifications

The Role Specification for each *Cabinet* Position is attached to this Article.

7.05 Other Executive Members

Other Executive Members *shall be appointed by the Leader.*

7.06 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.07 Responsibility for Functions

Part 3 of this Constitution sets out which individual members of the Executive, Committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

7.08 Lead Members

The *Leader* may appoint Councillors, who are not members of the Cabinet, to be Lead Members with specific areas of responsibility to assist the Leader and Cabinet Members in carrying out their roles in their respective portfolio areas. They will hold office on the same basis as Cabinet Members.

Where appointed, the role of Lead Members is to:

- (a) assist in ensuring the progression and implementation of approved policies and strategies within their specific area;
- (b) become involved with policy/strategy formulation as appropriate; and

- (c) become a contact point for their specific area in terms of the provision of information and press releases

Lead Members can only be appointed to Overview and Scrutiny Committees dealing with areas in which they have no involvement or influence.

LEADER OF THE COUNCIL

Role specification

Context

The role of the Leader is vital to the success of the Council in meeting its ambitions and priorities especially the delivery each year of the budget and policy framework adopted by Council.

In this role the Leader will be the principal “public face” of the Council. The Leader will have overall responsibility for the style, priorities and strategic policy and management initiatives of the Council and the processes that are necessary to secure their successful implementation.

The Leader will be charged with responsibility to determine the actions necessary to promote or improve the economic, social and environmental well being of the area under the Local Government Act 2000 and in that role to ensure that the action taken will be directed towards sustainable development.

Role

The Leader will be the principal spokesperson of the Council. The postholder will have overall responsibility for:

- Representing its views to the people and businesses of Bury;
- Retaining an appropriate citizen focus to the Council’s service delivery and other work;
- Developing the approach to partnership working, both contractual and non-contractual; and leading partnerships when appropriate; and
- Forging and developing effective external relationships generally.

The Leader will act as main link point between the Executive as the Council’s Executive arm and the Council. In that role the Leader will lead the Executive and Chief Officers in the preparation of the budget and policy framework, and will promulgate the framework and propose it to Council for approval.

The Leader will chair the Executive and will need to have an excellent understanding of the range of functions, priorities, resource pressures and opportunities facing the Council.

The Leader will therefore need to work closely with, and monitor the performance of, Executive Members with specific personal responsibilities, and to monitor the performance of the Executive as a whole.

The role will involve establishing and maintaining cordial, effective and practical working relationships internally within the Council (with the leaders of the opposition groups, the individual Executive Members, and the chairs of the five

Overview and Scrutiny Commissions) and externally with key strategic partners, particularly those on the Local Strategic Partnership. The Leader will need to be accessible to all non-executive members of the Council and should establish appropriate arrangements to do so.

The Leader will be expected to participate in appropriate local, sub-regional, regional and national forums, international forums, agencies and initiatives affecting the work of the Council.

The Leader must also be able to understand, and to respond appropriately to

“Views and aspirations of the citizens of the Borough as tax payers and as service users so as to ensure the Council’s plans and strategies are aligned to address those interests and to prioritise amongst them when interests compete”.

The Leader will ensure that Council is aware of its responsibility for:

- providing leadership on issues of health and safety
 - adoption of wider policies and strategies that are within the spirit of the Corporate Health and Safety Policy and which allow it to be implemented in practice
 - adoption of occupational health and safety plans and strategies
 - provision of adequate resources to enable the implementation occupational health and safety policies, strategies and work plans
 - monitoring the effectiveness of occupational health and safety policies, strategies and work plans
- ensure that occupational health and safety implications are adequately considered in policy development and decision making within the area of responsibility;

Specific responsibilities

- leading the Community Planning and Consultation processes by working in partnership with voluntary, private and other public sector interests to enhance the economic, social and environmental well being of the local community;
- being principal spokesperson for the Council;
- ensuring that communications between the Council and the outside world are adequate and timely;
- providing political leadership and direction to the style, priorities, strategic policy and strategic management initiatives of the Council;
- taking overall political responsibility for the revenue and capital budget strategies and priorities which underpin the budget and policy framework;
- taking overall political responsibility for probity and financial monitoring;
- representing the view of the Council on matters of corporate or strategic policy, as its Leader, to Government, and to other involved bodies, specifically the LGA, AGMA and organisations relevant to the Council’s work;
- providing political leadership to individual Executive Members and to the Executive as a whole, and monitoring their performances; and
- acting as the final political arbiter within the Executive when conflicts of priority arise.
- formally sign the Council’s Corporate Health and Safety Policy as and when it is updated or reaffirmed

- identify and understand the significant occupational health and safety risks within the area of responsibility and to ensure that they are adequately considered in policy development and decision making;

**DEPUTY LEADER AND
EXECUTIVE MEMBER FOR COMMUNITY RELATIONS
& USER FOCUS**

DEPUTY LEADER OF THE COUNCIL

Role specification

Role

The Deputy Leader will support the Leader of the Council in discharging the responsibilities set out in the Leader's Role Specification and to act as a portfolio holding member of Executive.

Specific responsibilities

The Deputy Leader will deputise for the Leader in discharging that role when the Leader is absent and as appropriate. (The specific responsibilities are set out in the Role Specification for the Leader of the Council.)

The Deputy Leader will also undertake a designated role as a portfolio holding member of the Executive. In this case as Executive Member for Community Relations & User Focus, the specific responsibilities for which are set out below.

EXECUTIVE MEMBER FOR COMMUNITY RELATIONS & USER FOCUS

Role specification

Role

Members of the Executive will have wide ranging leadership roles and will need to:

- lead the community planning process and ensure best value, with input and advice from Scrutiny Commissions, Local Area Partnerships, officers and any other persons as appropriate;
- lead the preparation of the Council's budget and policy framework, to include attending and contributing to the Council's annual Strategic Planning Event;
- take decisions on resources and priorities with other stakeholders and partners in the local community to deliver and implement the budget and policies decided by full Council;
- be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs;

- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non-discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality and diversity; promote and uphold the values within the Bury Values Prospectus
- present, where appropriate, performance reports to the Resource and Performance Scrutiny Commission;
- represent the Council's view on portfolio issues at Council, Executive and where appropriate, Scrutiny Commissions;
- represent the view of the Council on matters of corporate or strategic policy as the lead Executive Member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- provide support and guidance and work collaboratively with the designated lead members working within the portfolio holders area of responsibility; and
- be responsible for the functions delegated to the Executive either as a whole or to the Executive Member, as set out in the Council's Constitution.
- ensure that occupational health and safety implications are adequately considered in policy development and decision making within the area of responsibility;

Specific responsibilities

The role of the Executive Member for Community Relations & User Focus is pivotal to the success of the Council in meeting its ambitions and priorities especially the delivery of a range of cultural, recreational and sporting activities within a corporate and community planning framework adopted by Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's service development and delivery planning framework on all issues relating to the youth, culture, recreation and sport portfolio, in conjunction with appropriate director/s.

The main areas of responsibility for youth, culture, recreation and sport:

- participation in the formulation and application of policies and in decision making and cross cutting issues, concentrating on the following policy and service areas:-
 - Voluntary Sector Compact
 - Community Advice Services
 - Area Initiative Development
 - Neighbourhood Strategy Fund
 - Local Community Planning
 - Grants to Voluntary Organisations
 - Communication
 - Customer Contact

- Research and Consultation
 - External Funding
 - Community Facilities
 - Arts, Libraries and Museums
- to be the principal point of liaison with Bury's twin towns and in other similar relationships of similar status and intent, promoting the cultural diversity of the Borough;
 - to oversee activities to promote good community relations within the Borough, especially through the use of information and analysis to develop policies and programmes which support corporate and partnership activity towards this end;
 - to ensure that the contribution of Culture to the general social and economic well being of the Borough is properly defined and taken account of by the Council in its budget and policy framework and planning processes;
 - to ensure that appropriate strategies and plans for culture in the Borough are researched, formulated and reconciled with other strategies and plans of equivalent status;
 - with the Executive Member for Learning, Skills & Employment, to oversee activities to promote good community relations within the Borough, especially through the use of information and analysis to develop policies and programmes which support corporate and partnership activity towards this end;
 - to ensure, with the Executive Member for Safe & Secure Communities, that tasking mechanisms are in place at an area level to tackle actual levels of crime and disorder and fear of crime;
 - to present, where appropriate, performance reports to the Resource and Performance Scrutiny Commission and Audit Committee;
 - to ensure that the contribution of community relations and user focus to the general social and economic well being of the Borough is properly defined and taken account of by the Council in its budget and policy framework and planning processes.
 - identify and understand the significant occupational health and safety risks within the area of responsibility and to ensure that they are adequately considered in policy development and decision making;

EXECUTIVE MEMBER FOR CHILDREN AND YOUNG PEOPLE

Role specification

Role

Members of the Executive will have wide ranging leadership roles and will need to:

- lead the community planning process and ensure best value, with input and advice from Scrutiny Commissions, Local Area Partnerships, officers and any other persons as appropriate;
- lead the preparation of the Council's budget and policy framework, to include attending and contributing to the Council's annual Strategic Planning Event;
- take decisions on resources and priorities with other stakeholders and partners in the local community to deliver and implement the budget and policies decided by full Council;
- be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non-discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality and diversity; promote and uphold the values within the Bury Values Prospectus
- present, where appropriate, performance reports to the Resource and Performance Scrutiny Commission;
- represent the Council's view on portfolio issues at Council, Executive and where appropriate, Scrutiny Commissions;
- represent the view of the Council on matters of corporate or strategic policy as the lead Executive Member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- provide support and guidance and work collaboratively with the designated lead members working within the portfolio holders area of responsibility; and
- be responsible for the functions delegated to the Executive either as a whole or to the Executive Member, as set out in the Council's Constitution.
- ensure that occupational health and safety implications are adequately considered in policy development and decision making within the area of responsibility;

Specific responsibilities

The role of the Executive Member for Children and Young People is pivotal to the success of the Council in meeting its ambitions and priorities under the Children Act 2004 within the corporate and community planning framework adopted by Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's service development and delivery planning framework on all issues relating to the Children and Young People Portfolio, in conjunction with appropriate directors.

The main areas of responsibility are:

- participation in the formulation and application of policies and in decision making and cross cutting issues, concentrating on the following policy and service areas:-
 - Children's Social Services
 - Children's Services Planning
 - Planning and Management of Education
 - Schools Standards
 - Youth Justice Plan (working with the Executive Member for Safe and Secure Communities, where appropriate)
 - Children and Young People's Health
 - Youth Services and Connexions
- to ensure that the requirements to develop, disseminate, monitor and update the range of departmental and statutory plans are fulfilled;
- to ensure that the Council gives appropriate attention to the pursuit of the priority outcomes for children and young people and high standards by schools within the Borough;
- to ensure that the Council fulfils both the letter and the spirit of its legal obligations as corporate parent;
- to foster good relations with all of the schools, relevant voluntary sector organisations and other partners in the Borough, acting, as appropriate, as advocate for them, and as the Council's spokesperson to them in their dealings with the Council;
- to present, where appropriate, performance reports to Resource and Performance Scrutiny Commission and Audit Committee;
- to facilitate good outcomes throughout the Borough, especially through participation in the work of the Children and Young People's Partnership.
- identify and understand the significant occupational health and safety risks within the area of responsibility and to ensure that they are adequately considered in policy development and decision making;

EXECUTIVE MEMBER FOR HEALTH & WELLBEING

Role specification

Role

Members of the Executive will have wide ranging leadership roles and will need to:

- lead the community planning process and ensure best value, with input and advice from Scrutiny Commissions, Local Area Partnerships, officers and any other persons as appropriate;
- lead the preparation of the Council's budget and policy framework, to include attending and contributing to the Council's annual Strategic Planning Event;
- take decisions on resources and priorities with other stakeholders and partners in the local community to deliver and implement the budget and policies decided by full Council;
- be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non-discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality and diversity ; promote and uphold the values within the Bury Values Prospectus;
- present, where appropriate, performance reports to the Resource and Performance Scrutiny Commission;
- represent the Council's view on portfolio issues at Council, Executive and where appropriate, Scrutiny Commissions;
- represent the view of the Council on matters of corporate or strategic policy as the lead Executive Member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- provide support and guidance and work collaboratively with the designated lead members working within the portfolio holders area of responsibility; and
- be responsible for the functions delegated to the Executive either as a whole or to the Executive Member, as set out in the Council's Constitution.
- ensure that occupational health and safety implications are adequately considered in policy development and decision making within the area of responsibility;

Specific responsibilities

The role of the Executive Member for Health and Wellbeing is central to the success of the Council in meeting its ambitions and priorities. This is particularly important in the delivery of a range of adult care services and promotion of healthy communities linked to corporate priorities within a corporate, community planning and health framework adopted by Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's service development and delivery planning framework on all issues relating to adult care services, health (including jointly managed health care services), recreation and sport, in conjunction with appropriate director/s and portfolio holders.

This role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's departmental planning framework on all issues relating to housing in conjunction with the appropriate Directors.

The main areas of responsibilities are:

- participation in the formulation and application of policies and in decision making and cross cutting issues, concentrating on the following policy and service areas and associated plans:
 - Integrated Services with the PCT
 - Older People
 - Mental Health
 - Learning Disability
 - Physical Disability & Sensory Impairment
 - Carers
 - Drug and Alcohol Use and HIV/AIDS
 - Supporting People
 - Asylum Seekers
 - Adult Placement
 - Direct Payments
 - Translation Services
 - Unscheduled and Urgent Care
 - Sport and Recreation
 - Physical Activity
 - Delivery of a range of housing policies linked to corporate priorities within a corporate and community planning framework adopted by the Council
- to ensure that the current and potential demand for adult care services and related health services are kept under constant review and that the supply of information and service delivery is appropriately matched to that demand. This role will entail activities: intended to develop and manage local markets; to develop capacity amongst current and potential providers of services; and which deliver information and services across agencies;

- to represent the Council on the Executive Board of the Pennine Care NHS Trust and on the Board of the Strategic Partnership for Health and Social Care and the combined Bury Learning Disability Service;
- to represent the Council's view on care services and health issues at Council, Executive and where appropriate Scrutiny Commissions;
- to ensure that the contribution of recreation and sport to the general social and economic well being of the Borough is properly defined and taken account of by the Council in its budget and policy framework and planning processes;
- to ensure that appropriate strategies and plans for recreation and sport in the Borough are researched, formulated and reconciled with other strategies and plans of equivalent status;
- to ensure that neighbourhoods' housing needs are co-ordinated with the social and economic well-being of the Borough;
- ensure, that the housing and related care needs of the elderly are effectively provided and plans are in place to meet changing demands for housing with care across the Borough in all tenures;
- foster good relations with the private housing sector, acting, as appropriate, as advocate for them, and as the Council's spokesperson to them in their dealings with the Council;
- develop and lead on policies which meet the strategic housing objectives of the Council and oversee any activities and priorities set out in the Housing Strategy;
- on strategy, to lead on private sector housing renewal activity, working with other Executive Members as appropriate;
- to ensure the Council's housing activity is focused in accordance with the housing strategies and that these are taken into account by the Council in its budget and policy framework and planning processes;
- ensure that all necessary, prudent, and satisfactorily financed actions are taken to maintain and enhance the quality of the Council's owned housing stock;
- to ensure that effective governance arrangements are in place which monitor and challenge the performance of Six Town Housing;
- to present, where appropriate, performance reports to Resource and Performance Scrutiny Commission and Audit Committee.
- identify and understand the significant occupational health and safety risks within the area of responsibility and to ensure that they are adequately considered in policy development and decision making;

EXECUTIVE MEMBER FOR ENVIRONMENT & TRANSPORT

Role specification

Role

Members of the Executive will have wide ranging leadership roles and will need to:

- lead the community planning process and ensure best value, with input and advice from Scrutiny Commissions, Local Area Partnerships, officers and any other persons as appropriate;
- lead the preparation of the Council's budget and policy framework, to include attending and contributing to the Council's annual Strategic Planning Event;
- take decisions on resources and priorities with other stakeholders and partners in the local community to deliver and implement the budget and policies decided by full Council;
- be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non-discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality and diversity; promote and uphold the values within the Bury Values Prospectus;
- present, where appropriate, performance reports to the Resource and Performance Scrutiny Commission;
- represent the Council's view on portfolio issues at Council, Executive and where appropriate, Scrutiny Commissions;
- represent the view of the Council on matters of corporate or strategic policy as the lead Executive Member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- provide support and guidance and work collaboratively with the designated lead members working within the portfolio holders area of responsibility; and
- be responsible for the functions delegated to the Executive either as a whole or to the Executive Member, as set out in the Council's Constitution.

- ensure that occupational health and safety implications are adequately considered in policy development and decision making within the area of responsibility;

Specific responsibilities

The role of the Executive Member for Environment and Transport is pivotal to the success of the Council in meeting its ambitions and priorities, especially in the delivery of environment and transport policies and services within the corporate and community planning framework adopted by the Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's service development and delivery planning framework on all issues relating to the environment and transport portfolio, in conjunction with appropriate directors.

The main areas of responsibility are:

- participation in the formulation and application of policies and in decision making and cross cutting issues, to include the following policy and service areas:-
 - Local Agenda 21
 - Climate Change Strategy
 - Air Quality Management Plan
 - Contaminated Land Strategy
 - Local Transport Plan
 - Waste Management
 - Transportation and Parking
 - Traffic Management and Road Safety
 - Highway Network Management
 - Highways Maintenance and Street Lighting
 - Reservoirs and Flood Protection
 - Waste Management & Recycling
 - Street Cleansing
 - Public Conveniences
 - Winter Maintenance
 - Abandoned Vehicles
 - Energy Conservation
 - Gypsy Sites
 - Public Health
 - Pollution
 - Pest Control
 - Reclamation & Environmental Projects
 - Trees and Woodlands
 - Heritage Strategy
 - Cemeteries
 - Parks
 - Waste Management - Planning Issues
- to ensure that the sustainability issues are taken into account by the Council in its budget and policy framework and planning processes;

- to promote the environmental agenda in the Borough through participation in the Environment Forum;
- to foster good relations with voluntary groups, other public bodies and the private sector on environmental issues;
- on strategy, to lead on public sector neighbourhood renewal activity, working with other Executive Members as appropriate;
- identify and understand the significant occupational health and safety risks within the area of responsibility and to ensure that they are adequately considered in policy development and decision making;

EXECUTIVE MEMBER FOR SAFE & SECURE COMMUNITIES

Role specification

Role

Members of the Executive will have wide ranging leadership roles and will need to:

- lead the community planning process and ensure best value, with input and advice from Scrutiny Commissions, Local Area Partnerships, officers and any other persons as appropriate;
- lead the preparation of the Council's budget and policy framework, to include attending and contributing to the Council's annual Strategic Planning Event;
- take decisions on resources and priorities with other stakeholders and partners in the local community to deliver and implement the budget and policies decided by full Council;
- be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non-discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality and diversity ;
- present, where appropriate, performance reports to the Resource and Performance Scrutiny Commission;
- represent the Council's view on portfolio issues at Council, Executive and where appropriate, Scrutiny Commissions;
- represent the view of the Council on matters of corporate or strategic policy as the lead executive member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- provide support and guidance and work collaboratively with the designated lead members working within the portfolio holders area of responsibility; and
- be responsible for the functions delegated to the Executive either as a whole or to the Executive Member, as set out in the Council's Constitution.
- ensure that occupational health and safety implications are adequately considered in policy development and decision making within the area of responsibility;

Specific responsibilities

The role of the Executive Member for Safe and Secure Communities is pivotal to the success of the Council in meeting its ambitions and priorities especially the delivery of a range of community safety polices and services within the corporate and community planning framework adopted by Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's service development and delivery planning framework on all issues relating to the safe and secure communities portfolio, in conjunction with appropriate director/s.

The main areas of responsibility are:

- participation in the formulation and application of policies and in decision making and cross cutting issues, concentrating on the following policy and service areas:-
 - Crime and Disorder
 - Youth Offending
 - Drugs and Alcohol
 - Anti-Social Behaviour
 - Community Cohesion
- to ensure that the Council fulfils its duties under Section 17 of the Crime and Disorder Act 1998;
- to facilitate safer communities in the Borough, particularly through the work of the Community Safety Partnership;
- to oversee the development, production and implementation of the Community Safety Strategy, Emergency Plan, Business Continuity and the Youth Justice Plan;
- to ensure, with the Executive Member for Community Engagement and User Focus, that tasking mechanisms are in place at an area level to tackle actual levels of crime and disorder and fear of crime;
- to develop good relationships with key partners in ensuring safe and secure communities for the Borough (including GM Police, Probation, Magistrates' Courts and GM Fire Service).
- to oversee the enforcement work associated with:
 - Licensing
 - Parking
 - Food and Health & Safety Inspections
 - Environmental Health and Environmental Issues
 - Planning Control
 - Trading Standards
- to present, where appropriate, performance reports to Resource and Performance Scrutiny Commission and Audit Committee.

- identify and understand the significant occupational health and safety risks within the area of responsibility and to ensure that they are adequately considered in policy development and decision making;

**EXECUTIVE MEMBER FOR LEARNING, SKILLS &
EMPLOYMENT**

Role specification

Role

Members of the Executive will have wide ranging leadership roles and will need to:

- lead the community planning process and ensure best value, with input and advice from Scrutiny Commissions, Local Area Partnerships, officers and any other persons as appropriate;
- lead the preparation of the Council's Budget and policy framework, to include attending and contributing to the Council's annual Strategic Planning Event;
- take decisions on resources and priorities with other stakeholders and partners in the local community to deliver and implement the budget and policies decided by full Council;
- be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non-discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality and diversity; promote and uphold the values within the Bury Values Prospectus
- present, where appropriate, performance reports to the Resource and Performance Scrutiny Commission;
- represent the Council's view on portfolio issues at Council, Executive and where appropriate, Scrutiny Commissions;
- represent the view of the Council on matters of corporate or strategic policy as the lead Executive Member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- provide support and guidance and work collaboratively with the designated lead members working within the portfolio holders area of responsibility; and
- be responsible for the functions delegated to the Executive either as a whole or to the Executive Member, as set out in the Council's Constitution.

- ensure that occupational health and safety implications are adequately considered in policy development and decision making within the area of responsibility;

Specific Responsibilities

The role of the Executive Member for Learning, Skills and Employment is pivotal to the success of the Council in meeting its ambitions and priorities especially the delivery of a range of economic and regeneration policies linked to corporate priorities within a corporate and community planning framework adopted by Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's departmental planning framework on all issues relating to the skills, employment, [housing,] economic development and regeneration portfolio in conjunction with appropriate director/s.

The main areas of responsibility are:

- participation in the formulation and application of policies and in decision making and cross cutting issues, concentrating on the policy and service areas involved in skills, employment, economic development and regeneration to:
 - the local, regional and sub-regional planning agenda;
 - oversee activities in respect of employment sites and development sites overall;
 - participate in the Lifelong Learning and the Learning Partnership;
 - oversee activities to promote equality of opportunity in learning, skills and employment within the Borough, especially through the use of information and analysis to develop policies and programmes which support corporate and partnership activity towards this end;
 - oversee activities to promote economic development, regeneration and social inclusion within the Borough, especially through the use of information and analysis to develop policies and programmes which support corporate and partnership activity towards this end;
 - with the Executive Member for Community Engagement and User Focus to oversee activities to promote good community relations within the Borough, especially through the use of information and analysis to develop policies and programmes which support corporate and partnership activity towards this end;
 - lead for the Council in joint activity through the partnerships, especially in respect of town centre and other retail activity;
 - lead with the co-ordination of activity in respect of the European Union;
 - monitor the Council's performance in respect of the utilisation of external monies provided to the Borough for the benefit of the community;
 - develop, as appropriate with other Executive Members, policies which meet the sustainable development objectives of the Council;
 - lead on private sector neighbourhood renewal activity working with other Executive Members as appropriate; and

- to present, where appropriate, performance reports to Resource and Performance Scrutiny Commission and Audit Committee.
- identify and understand the significant occupational health and safety risks within the area of responsibility and to ensure that they are adequately considered in policy development and decision making;

EXECUTIVE MEMBER FOR RESOURCE

Role specification

Role

Members of the Executive will have wide ranging leadership roles and will need to:

- lead the community planning process and ensure best value, with input and advice from Scrutiny Commissions, Local Area Partnerships, officers and any other persons as appropriate;
- lead the preparation of the Council's budget and policy framework, to include attending and contributing to the Council's annual Strategic Planning Event;
- take decisions on resources and priorities with other stakeholders and partners in the local community to deliver and implement the budget and policies decided by full Council;
- be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non-discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality and diversity; promote and uphold the values within the Bury Values Prospectus;
- present where appropriate performance reports to the Resource and Performance Scrutiny Commission;
- represent the Council's view on portfolio issues at Council, Executive and where appropriate, Scrutiny Commissions;
- represent the view of the Council on matters of corporate or strategic policy as the lead Executive Member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- provide support and guidance and work collaboratively with the designated lead members working within the portfolio holders area of responsibility; and
- be responsible for the functions delegated to the Executive either as a whole or to the Executive Member, as set out in the Council's Constitution.

- ensure that occupational health and safety implications are adequately considered in policy development and decision making within the area of responsibility;

Specific responsibilities

The role of the Executive Member for Resource is crucial to the successful application of prudent financial management of the Council's various budgets and asset management.

Additionally, this role has lead political responsibility for the successful delivery and monitoring of operational financial performance targets within the Council's performance management framework in conjunction with the appropriate directors.

The main areas of responsibility are:

- participation in the formulation and application of policies and in decision making and cross cutting issues, concentrating on the following areas:-
 - Priority-led Budgeting (Capital/Revenue/HRA)
 - E-Government and role as E-Champion
 - Asset Management
 - Risk Management
 - Benefits Performance
 - Annual Internal Audit Plan
 - Grants to Voluntary Organisations
 - Resource Procurement
 - Markets
- to promote the Council's corporate governance arrangements and ensure changes are made as appropriate – this will involve especially close liaison with the Executive, Director of Finance and E-Government, and the Monitoring Officer;
- to ensure that community views are sought about key Council financial and resource priorities so as to inform the decision making process, and to ensure that activity to consult with the community is properly co-ordinated;
- to oversee and ensure the Annual Statement of Accounts is published;
- to ensure that risk management, including the management of business risks, is addressed appropriately;
- to ensure that the published Corporate Plan sets out the Executive's priorities in the form of clear objectives and rigorous targets for all Council activity, and that those objectives and targets are properly reconciled with the other, relevant, aspects of the budget and policy framework;
- to present, where appropriate, performance reports to the Resource and Performance Scrutiny Commission and Audit Committee;

- to oversee any activities and priorities as set out in the Corporate Asset Objectives and Plan;
- identify and understand the significant occupational health and safety risks within the area of responsibility and to ensure that they are adequately considered in policy development and decision making;

**EXECUTIVE MEMBER FOR HUMAN RESOURCES &
PERFORMANCE**

Role specification

Role

Members of the Executive will have wide ranging leadership roles and will need to:

- lead the community planning process and ensure best value, with input and advice from Scrutiny Commissions, Local Area Partnerships, Panels, officers and any other persons as appropriate;
- lead the preparation of the Council's budget and policy framework, to include attending and contributing to the Council's annual Strategic Planning Event;
- take decisions on resources and priorities with other stakeholders and partners in the local community to deliver and implement the budget and policies decided by full Council;
- be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non-discriminatory services to all members of the local community; promote and uphold the values within the Bury Values Prospectus
- commit to upholding human rights and promoting equality and diversity ;
- present, where appropriate, performance reports to the Resource and Performance Scrutiny Commission;
- represent the Council's view on portfolio issues at Council, Executive and where appropriate, Scrutiny Commissions;
- represent the view of the Council on matters of corporate or strategic policy as the lead Executive Member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- provide support and guidance and work collaboratively with the designated lead members working within the portfolio holders area of responsibility; and
- be responsible for the functions delegated to the Executive either as a whole or to the Executive Member, as set out in the Council's Constitution.
- ensure that occupational health and safety implications are adequately considered in policy development and decision making;

- monitor the performance of the Occupational Health and Safety management system;
- ensure that occupational health and safety issues are brought to the attention of Cabinet and Council when appropriate;

Specific responsibilities

The role of the Executive Member for Human Resources and Performance is crucial to the successful application of human resources and organisational development.

Additionally, this role has lead political responsibility for the successful delivery and monitoring of operational performance targets within the Council's performance management framework, in conjunction with the appropriate directors.

The main areas of responsibility are:

- participation in the formulation and application of policies and in decision making and cross cutting issues, concentrating on the following areas:-
 - Human Resource Management - Workforce Development Plan
 - Sickness/Managing Attendance
 - Corporate Health BVPI's
 - Single Status/Pay Strategy
 - Investors in People
 - Work Life Balance
 - Local Pay Review
 - Member Development
 - Management Development
 - Employee Review
 - Training and Development
 - Occupational Health and Safety
 - Freedom of Information
 - Records Management
- to maintain an effective performance, measuring, monitoring and reviewing performance management framework;
- to review and evaluate the organisational performance of the Council in delivery of the Corporate Plan, by use of the formal Performance Management System, and to assist with the development and carrying out of appropriate remedial action as needed;
- to ensure that the activities required to draft and produce the Comprehensive Area Assessment (CAA Improvement Plan are adequately timetabled, co-ordinated and adopted – this will involve especially close liaison with Management Board and Executive;
- to ensure progress is made towards a positive assessment in the CAA process;

- to ensure that the activities required to draft and produce the Service Development Plans are adequately timetabled, co-ordinated and adopted – this will involve especially close liaison with Management Board and Executive;
- to ensure there is a proactive monitoring performance management framework that results in the Resource and Performance Scrutiny Commission carrying out bi-annual monitoring of Council performance;
- to ensure that performance reviews are carried out in accordance with agreed timescales and reporting requirements;
- to promote understanding corporately of the requirements of, and opportunities presented by, "Service Improvement through Strategic Procurement";
- to promote the use of project management techniques and disciplines to ensure the effective and efficient management of Council and department projects;
- to promote workforce development with appropriate regard for: the ascertained needs of the Council in responding to performance management needs;
- to represent the Council's view on performance and best value issues at Council, Executive and, where appropriate, Scrutiny Commissions;
- to present, where appropriate, performance reports to Resource and Performance Scrutiny Commission and Audit Committee.
- identify and understand the significant occupational health and safety risks within the area of responsibility and to ensure that they are adequately considered in policy development and decision making;

ARTICLE 8 - REGULATORY AND NON-EXECUTIVE COMMITTEES

8.01 Regulatory and Non-Executive Committees

The Council will appoint the Committees to be known as Regulatory and Non-Executive Committees, set out in the left hand column of the table 'Responsibility for Council Functions' in Part 3 of this Constitution to discharge the functions described in column 3 of that table.

These Committees will conduct their proceedings in accordance with Article 13.

ARTICLE 9 - STANDARDS COMMITTEE

9.01 Standards Committee

The Council will establish a Standards Committee.

(a) **Membership.**

The Standards Committee will be composed of:

- Seven Councillors
- Four persons who are not Councillors or officers of the Council or of any other body having a Standards Committee (independent members); one of whom shall Chair the Committee

The Leader of the Council cannot be a member and not more than one member of the Executive can be appointed.

(b) **Independent Members**

Independent members will be entitled to vote at meetings.

(c) **Chairing the Committee**

An Independent Member will chair the Committee.

A member of the Executive cannot chair the Committee.

9.02 Role and Function

The Standards Committee will have the following roles and functions:-

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;
- (b) assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct.
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;

- (e) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) *to determine how to deal with complaints made against Councillors where it is alleged that they have failed to comply with the Code of Conduct.*
- (h) *to determine investigation reports compiled on behalf of the Monitoring Officer, including the power to establish hearing panels, where necessary.*

9.03 Additional Roles of the Standards Committee

The Standards Committee will also undertake the roles of:

- Overview of the Whistle Blowing Policy
- Overview of complaints handling and Ombudsman investigations
- Oversight of the Constitution.

ARTICLE 10 – LOCAL AREA PARTNERSHIPS

10.01 Local Area Partnerships

The Council may establish Local Area Partnerships (LAPS) as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision-making. The LAPS are three-way partnerships between the Council, the community and locally-appointed service providers with the responsibility for procedural issues vested in the Council.

10.02 Form and Composition

(a) Table of Local Area Partnerships

The Council will appoint the LAPS as set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in (b) below.

Name of LAP	Composition
	For all LAPS political balance is not necessary amongst the Council Members as all Members are from the area. Membership to include core partner bodies ie Bury PCT, Fire and Rescue Service, Public Service Board and Bury Third Sector Partnership.
Bury East	All Members from East, Moorside and Redvales Wards
Bury West	All Members from Church and Elton Wards
Prestwich	All Members from Holyrood, St Mary's and Sedgley Wards
Radcliffe	All Members from Radcliffe East, Radcliffe North and Radcliffe West Wards
Ramsbottom, Tottington and North Manor	All Members from Ramsbottom, Tottington and North Manor Wards
Whitefield and Unsworth	All Members from the Besses, Pilkington Park and Unsworth Wards

(b) **Relationship With Council**

1. Whilst the Local Area Partnership is a partnership of the Council, the local community and partner agencies, the Council has a distinct role in promoting the effectiveness of the Local Area Partnerships.
2. The operation of Local Area Partnerships shall be in accordance with the attached Operational Framework.

In the light of this commitment, the Council will:-

- (1) Be impartial in its dealings with the Local Area Partnerships;
- (2) Provide administrative and Officer support – including meeting arrangements and minute taking;
- (3) Encourage attendance;
- (4) Accept an annual report prepared by each Local Area Partnership on local issues for consideration by Council;
- (5) Refer appropriate policy matters to Local Area Partnerships;
- (6) As part of the work programmes of the Scrutiny Commissions and the Executive consider any appropriate recommendations from Local Area Partnerships;
- (7) Take account of the Local Area Partnerships annual reports at the annual Strategic Planning Event each year;
- (8) Provide advice and guidance as required by the Forum; and
- (9) Ensure that a Senior Officer of the Council is available to support each Local Area Partnership.

(c) **Relationship with the Local Strategic Partnership (Team Bury)**

The Local Area Partnerships will also submit the Annual Report to the Local Strategic Partnership Executive Board for consideration.

(d) **Relationship between Local Area Partnerships**

A group comprising all Local Area Partnership Chairs will meet regularly to share best practice and issues of common interest. This group will be chaired by the Council's Executive Member for Community Engagement and User Focus.

(e) **Monitoring, Evaluation and Review Arrangements**

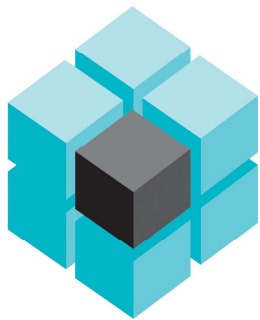
The following monitoring and evaluation arrangements will apply:-

- (i) That each Local Area Partnership drafts an Annual Report for consideration by the Council and Local Strategic Partnership.
- (ii) The new structures will undergo review and evaluation with a report to be submitted to Members of the Council before the end of the 2007/2008 Municipal Year.

LOCAL AREA PARTNERSHIPS

OPERATIONAL FRAMEWORK

May 2007



**Team
Bury**

Working Together For A Better Bury

1. Introduction

- 1.1 In order to ensure the efficient conduct and transparency of Local Area Partnership business, all Local Area Partnership meetings must follow this agreed framework in conducting business. Whilst the responsibility for procedural issues is vested in the Council, local arrangements can be developed.
- 1.2 The overall objective of the Local Area Partnerships is:
"To improve the quality of life and achieve better outcomes for all people in our communities through ensuring service providers are responsive to neighbourhood needs and improve their delivery"
- 1.3 The key purpose of the Local Area Partnerships is to promote engagement and partnership at a local area level. Whilst Local Area Partnership meetings need to discuss issues of local concern and relevance, they will operate within the context of a non-party political ethos. The six Local Area Partnerships will share best practice in assisting with their development.

2. Meeting Frequency and Administration

- 2.1 All Local Area Partnerships will meet six times per annum. The Council will take responsibility for organising, convening and recording the Local Area Partnership meetings. Additional or special meetings called by the Local Area Partnership may be convened at the discretion of the Council.
- 2.2 Meetings of the Local Area Partnerships will be held in the evening and will normally commence at 7.00 pm. There will be provision for a period of public question time. An option available would be 90 minutes of formal business with a 10 minute break at 8.30 followed by a 30 minute public time. This report is not prescriptive and each Local Area Partnership will need to agree its own arrangements in relation to the question time arrangements.
- 2.3 Local Area Partnership meetings will not be held during the period prior to the local Council Elections. Individual Local Area Partnership meetings may also be deferred in the event of a Council by-election.

3. Agenda

- 3.1 Whilst the Agenda of each Local Area Partnership will vary due to respective local priorities, each Agenda will be based upon the principle of including the following items:-
 - (1) Report from the relevant Area Tasking Team on actions from the previous meeting.

- (2) Feedback from the Local Strategic Partnership (Team Bury) on issues of local relevance.
 - (3) Partnership and public consultation issues, eg Community Plan, Local Plan, Primary Care issues.
 - (4) Progress on delivering the agreed Outcomes and targets set out within the Action Plan of the relevant Local Community Plan.
 - (4) Local issues.
- 3.2 The Agenda for the Local Area Partnership Meetings will be the responsibility of the Local Area Partnership Chair with the support of the Local Area Partnership Manager.
- 3.3 No literature will be permitted to be distributed at the Local Area Partnership without the prior consent of the Chairman.

4. Membership

- 4.1 Membership of the Local Area Partnerships will comprise:
- 4.2 All appointed elected Members (Councillors) representing the relevant area.
- 4.3 Core partner bodies i.e. Police, Bury Primary Care Trust, Fire and Rescue Service; plus additional representatives from Public Service Board and the Bury Third Sector Partnership.
- 4.4 Community members representing constituted local groups operating within the relevant area.
- 4.5 Any Local Area Partnership Member will be allowed to attend other Local Area Partnership meetings as an observer but will not be permitted to participate.
- 4.6 Children and young people will be permitted to attend Local Partnership meetings accompanied by an adult where appropriate.
- 4.7 With the exception of Councillors, all Local Area partnership members may appoint a substitute to attend in their absence.
- 4.8 The resignation of any position must be in writing to the relevant Local Area Partnership Manager.
- 4.9 No Council employee in a politically restricted post can be a member of a Local Area Partnership.
- 4.10 Any Local Area Partnership member not attending four consecutive scheduled meetings will be requested to confirm the reason for

non-attendance to the Chair which will be reported to the next meeting of the Local Area Partnership.

5 Relationship with Council

5.1 Whilst the Local Area Partnership is a partnership of the Council, the local community and partner agencies, the Council has a distinct role in promoting the effectiveness of the Local Area Partnerships.

5.2 In the light of this commitment, the Council will :-

- (1) Be impartial in its dealings with the Local Area Partnerships;
- (2) Provide administrative and Officer support - including meeting arrangements and minute taking;
- (3) Encourage attendance;
- (4) Accept an annual report prepared by each Local Area Partnership on local issues for consideration by Council;
- (5) Refer appropriate policy matters to Local Area Partnerships;
- (6) As part of the work programmes of the Scrutiny Commissions and the Executive consider any appropriate recommendations from Local Area Partnerships;
- (7) Take account of the Local Area Partnerships annual reports at the annual Strategic Planning Event each year.
- (8) Provide advice and guidance as required by the Forum; and
- (9) Ensure that a Senior Officer of the Council is available to support each Local Area Partnership.

6 Relationship with the Local Strategic Partnership (Team Bury)

6.1 The Local Area Partnerships will also submit the Annual Report to the Local Strategic Partnership Executive Board for consideration.

7 Relationship between Local Area Partnerships

7.1 A group comprising all Local Area Partnership Chairs will meet regularly to share best practice and issues of common interest. This group will be chaired by the Council's Executive Member for Community Engagement and User Focus.

8 Monitoring, Evaluation and Review Arrangements

8.1 The following monitoring and evaluation arrangements will apply:-

- (1) That each Local Area Partnership drafts an Annual Report for consideration by the Council and Local Strategic Partnership.
- (2) The new structures will undergo review and evaluation with a report to be submitted to Members of the Council before the end of the 2007/08 Municipal year.

ARTICLE 11 - JOINT ARRANGEMENTS

11.01 Arrangements to Promote Well-Being

The Council or the Leader/Cabinet in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of Joint Committees with these other local authorities.
- (b) The Leader/Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities.
- (c) Except as set out below, the Leader/Cabinet may only appoint Executive Members to a Joint Committee and those Members need not reflect the political composition of the local authority as a whole.
- (d) The Leader/Cabinet may appoint Members to a Joint Committee from outside the Executive where the Joint Committee has functions for only part of the area of the Authority, and that area is smaller than two-fifths of the Authority by area or population. In such cases, the Leader/Cabinet may appoint to the Joint Committee any Councillor who is a Member for a Ward which is wholly or partly contained within the area.
- (e) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to Information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a Joint Committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the Joint Committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from Other Local Authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Leader/Executive may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 Contracting Out

The Council, for functions which are not the responsibility of the Leader/Executive, or the Executive for executive functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

ARTICLE 12 - OFFICERS

12.01 Management Structure

(a) **General**

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers**

The full Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and Areas of Responsibility
Chief Executive	<ul style="list-style-type: none"> • Overall corporate management and operational responsibility • Overall management responsibility for all officers • Professional advice to all parties in the decision-making process • Record keeping for all the Council's Decisions (together with Monitoring Officer) • Representing the Council on Partnerships and External Bodies
Deputy Chief Executive	<ul style="list-style-type: none"> • Implementation and initiation of change and 'joined up' service delivery across the Council's services • Facilitation and development of multi-disciplinary networks to:- <ul style="list-style-type: none"> integrate corporate aims, executive portfolio and service delivery groupings address Authority-wide best value and performance arrangement issues facilitate cohesive and integrated approach to

Post	Functions and Areas of Responsibility
	service delivery
Assistant Chief Executive	<ul style="list-style-type: none"> • Policy • Area Initiative including Local Area Partnerships • Communications • Youth Offending Team
Director of Legal and Democratic Services	<ul style="list-style-type: none"> • Legal Services • Democratic Services • Member Services
Director of Finance and E-Government	<ul style="list-style-type: none"> • Financial Services • Revenues and Benefits • ICT/E-Government
Director of Personnel	<ul style="list-style-type: none"> • Personnel • Employee Development • Central Services Administration
Director of Environment and Development Services	<ul style="list-style-type: none"> • Planning/Economic Development • Engineering Services • Property and Technical Services • Operational Services • Leisure Services • Culture • Environmental Services
Executive Director of Children's Services	<ul style="list-style-type: none"> • Children's Services • Lifelong learning • Schools • Education Support Services • Quality and Advisory Service

Post	Functions and Areas of Responsibility
Executive Director of Adult Care Services	<ul style="list-style-type: none"> • Adult Services • Children’s Services • Strategy and Planning • Housing and Neighbourhood Renewal

Details of individual departmental structures are set out in Part 7 of the Constitution.

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director of Legal and Democratic Services	Monitoring Officer
Director of Finance and E-Government	Chief Finance Officer

Such posts will have the functions described in Article 12.02-12.04 below.

(d) **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 Functions of the Head of Paid Service

(a) **Discharge of Functions by the Council**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) **Restrictions on Functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) **Ensuring Lawfulness and Fairness of Decision-Making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Receiving Reports**

The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the case tribunals.

(e) **Conducting Investigations**

The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.

(f) **Proper Officer for Access to Information**

The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) **Advising Whether Executive Decisions are Within the Budget and Policy Framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and Policy Framework.

(h) **Providing Advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and Policy Framework issues to all Councillors.

(i) **Restrictions on Posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 Functions of the Chief Finance Officer

(a) **Ensuring Lawfulness and Financial Prudence of Decision-Making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of Financial Affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to Corporate Management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular, through the provision of professional financial advice.

(d) **Providing Advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and will support and advise Councillors and officers in their respective roles.

(e) **Give Financial Information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in accordance with Section 5 of the Local Government and Housing Act 1989 and Section 114 of Local Government Finance Act 1988 respectively.

12.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

ARTICLE 13 - DECISION MAKING

13.01 Responsibility for Decision-Making

The Council will issue and keep up-to-date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of Decision-Making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (ie the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) explain the options considered and give the reasons for the decision.

13.03 Types of Decision

- (a) Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

- (b) Key decisions

A 'Key Decision' is an executive decision (made by the *Leader/Cabinet/Cabinet Member/Chief Officer* acting in accordance with the responsibility for functions and delegations contained in Part 3 of the Council Constitution) if it comes within one or more of the following categories:-

1. It is likely to be significant in terms of its effect on communities living or working in an area comprising two or more Wards in the Borough.

2. It is likely to have a major impact on the day to day life of a community living or working in the Borough.
3. It forms part of the development of, or a change to, the Policy Framework or Budget.
4. It involves revenue expenditure or saving that is neither provided for within the Budget, nor virement permitted by the Constitution.
5. It involves capital expenditure that is estimated to exceed £250,000 or is not provided for within the approved Capital Programme.
6. It involves a significant reduction in or significant change to any service or facility provided by the Council, such reduction or change not being within the Policy Framework or Budget.
7. It consists of the declaration of land or property, the estimated value of which exceeds £250,000, as surplus to the Council's requirements.
8. It involves securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed £250,000.
9. It involves securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves, at considerations in excess of £250,000 per annum or a premium of £250,000.
10. Its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of Council employees or in a major restructuring of staffing resources.

A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure rules set out in Part 4 of this Constitution.

13.04 Decision-Making by the Full Council

Subject to Article 13.08, the Council will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision-Making by the Leader/Cabinet

Subject to Article 13.08, the Leader/Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision-Making by *Overview and Scrutiny Committees*

Scrutiny Commissions will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision-Making by Regulatory and Non-Cabinet Committees and Sub-Committees

Subject to Article 13.08, the Council's Regulatory and Non-Cabinet Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision-Making by Council Bodies Acting as Tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS

14.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal Proceedings

The Council Solicitor (Director of Legal and Democratic Services) is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Council Solicitor considers that such action is necessary to protect the Council's interest.

14.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Council Solicitor or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council have given requisite authority to some other person.

14.05 Signing of Contracts

Every contract which exceeds £50,000 in value shall be entered into formally and signed by at least two officers of the Council nominated by the appropriate Chief Officer.

Every contract which exceeds £125,000 in value shall be entered into formally in writing and shall as considered appropriate by the Council Solicitor either be under the Common Seal of the Council and attested by him/her or by an officer nominated by him/her or shall be signed by two officers nominated by the Council Solicitor (which may include the Council Solicitor).

Two officers must sign each contact, unless it is sealed with the Common Seal of the Council.

14.06 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Council Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Council Solicitor should be sealed. The affixing of the Common Seal will be attested by the Council Solicitor or some other person authorised by him/her.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.01 Duty to Monitor and Review the Constitution

The Standards Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations to the Standards Committee for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In order to undertake this task, the Monitoring Officer may:-

1. Observe meetings of different parts of the Member and officer structure;
2. Undertake an audit trail of a sample of decisions;
3. Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
4. Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

(a) Approval

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Standards Committee or the Executive.

(b) Change from a *Strong* Leader and Cabinet form of Executive to alternative arrangements, or vice versa

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.01 Suspension of the Constitution

(a) Limit to Suspension

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) Procedure to Suspend

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present at the Council meeting. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) Rules Capable of Suspension

Any of the Council Procedure Rules may be suspended in accordance with Article 16.01 so far as regards any business at the meeting where its suspension is moved.

16.02 Interpretation

The ruling of the Mayor or in his/her absence, the Deputy Mayor, as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a)** The Head of Paid Service will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's Declaration of Acceptance of Office on the Member first being elected to the Council.
- (b)** The Head of Paid Service will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

- (c) The Head of Paid Service will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

SCHEDULE 1 : DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the executive arrangements:-

1. Article 6 (Overview and Scrutiny) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 11 (Joint Arrangements) insofar as any joint committee is determining functions delegated to them by the Executive;
4. Article 13 (Decision Making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions).

PART 3

**RESPONSIBILITY
FOR
FUNCTIONS**

RESPONSIBILITY FOR FUNCTIONS

1. INTRODUCTION

- 1.1 The Head of Paid Service will submit a report for approval by the Council at its Annual Meeting each year on the arrangements for the discharge of local choice functions and Council functions and on the delegation of those functions to Committees/Sub-Committees of the Council and Officers.
- 1.2 The Head of Paid Service may submit a report to a meeting of the Council at any time containing proposed changes to the arrangements for the discharge of local choice or Council functions for inclusion in the Council's scheme of delegation at Part 3 of this Constitution.
- 1.3 The Executive Procedure Rules set out the arrangements for the approval or amendment of the arrangements for the discharge of executive functions.

2. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

The responsibility for functions which may be (but need not be the responsibility of the Leader/Cabinet set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulation 2000, as amended, are set out below:-

Function	Decision Making Body	Delegation of Functions
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authority (Functions and Responsibilities) Regulations 2000 as amended.	<i>Leader/ Cabinet</i>	-
2. The determination of an appeal against any decision made by or on behalf of the Authority, except for appeals for which alternative statutory arrangements apply.	Council	Human Resources and Appeals Panel
3. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1988 (children to whom section 87 applies: appeals by governing bodies).	<i>Leader/ Cabinet</i>	-

4. The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996(b) for enabling questions to be put on the discharge of the functions of a police authority.	Council	-
5. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant Councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Council	
6. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	<i>Leader/ Cabinet</i>	<i>Leader to approve Improvement and Action Plans and relevant Overview and Scrutiny Committee to approve Service Reviews</i>
7. Any function relating to contaminated land.	<i>Leader/ Cabinet</i>	Appropriate Officer
8. The discharge of any function relating to the control of pollution or the management of air quality.	<i>Leader/ Cabinet</i>	Appropriate Officer
9. The service of an abatement notice in respect of a statutory nuisance.	<i>Leader/ Cabinet</i>	Appropriate Officer
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	<i>Leader/ Cabinet</i>	Executive
11. The inspection of the authority's area to detect any statutory nuisance.	<i>Leader/ Cabinet</i>	Appropriate Officer
12. The investigation of any complaint as to the existence of a statutory nuisance	<i>Leader/ Cabinet</i>	Appropriate Officer
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	<i>Leader/ Cabinet</i>	Appropriate Officer

14.The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Leader/ Cabinet</i>	Appropriate Officer
15.The obtaining of agreements for the execution of highways works.	Council	Appropriate Officer
16.The appointment of any individual:- (a)to any office other than an office in which he is employed by the authority (b)to any body other than:- (i) the authority; (ii) a joint committee or sub-committee of such a body; or (c) to any committee or sub-committee of such a body and the revocation of any such appointment	Council	-
17.The making of agreements with other Local Authorities for the placing of staff at the disposal of those other authorities	<i>Leader/ Cabinet</i>	-
18.Any function of the Local Authority in their capacity as harbour Authority	<i>Leader/ Cabinet</i>	-

3. RESPONSIBILITY FOR COUNCIL FUNCTIONS

3.1 General Terms of Reference and Membership of Regulatory and Non-Executive Committees

Committee	Membership	Functions	Delegation of Functions
Planning Control Committee	13 members of the Authority to form a politically balanced committee	<p>Planning and Conservation Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, (the Functions Regulations)</p> <p>Commons Registration The registration of common land or Town and Village Greens and to register the variation of the rights of common as set out in Schedule 1 to the Functions Regulations.</p> <p>Public Rights of Way The exercise of functions relating to the public rights of way as set out in Schedule 1 to the Functions Regulations</p>	See 3.2(A) below

Committee	Membership	Functions	Delegation of Functions
Licensing and Safety Panel	<p>13 members of the Authority to form a politically balanced committee</p> <p>3 Members of the Full Panel to be selected to form politically balanced Licensing Hearings Panels to deal with individual applications for licenses under the Licensing Act 2003</p>	<p>Private/public hire vehicles, gaming, alcohol, entertainment, food, gambling and miscellaneous licensing Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and licences included in the Licensing Act 2003.</p> <p>Health and Safety Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.</p>	See 3.2(B) below
Standards Committee	<p>7 members of the Authority other than the Leader (politically balanced membership) and 4 voting independent co-opted members, one of whom will Chair the Committee</p>	<p>Standards and Probity Promotion and maintenance of high standards of conduct by members and co-opted members of the authority.</p> <p>Adoption or revision of a Code of Conduct</p> <p>Assisting members and co-opted members of the Authority to observe the authority's Code of Conduct under Section 5(i) of the Local Government Act 2000.</p>	See 3.2(C) below

Committee	Membership	Functions	Delegation of Functions
		<p>Training members and co-opted members in all aspects of the Members' Code of Conduct.</p> <p>Monitoring the operation of the Code of Conduct in the light of best practice, changes in the law, guidance from Standards for England and recommendations of case tribunals under section 80 of the Local Government Act 2000.</p> <p>Other Functions Other functions delegated to the Committee by the Council in accordance with</p>	
		<p>Section 54(3) of the Local Government Act 2000, in accordance with any regulations made under that Act, as set out below:-</p> <ul style="list-style-type: none"> • Overview of Whistle-Blowing Policy • Overview of complaints handling and Ombudsman investigations • Oversight of the Constitution 	

Committee	Membership	Functions	Delegation of Functions
Audit Committee	9 members of the Authority (Politically balanced membership) and 1 Independent Member appointed by Standards Committee	<p>Internal and External Audit Functions</p> <p>The overview of internal and external audit.</p> <p>Approval of the Statement of Accounts.</p>	See 3.2(D) below
Human Resources and Appeals Panel	<p>All Members of the Council from which 3 or 5 Members are selected to form a politically balanced Panel.</p> <p>A Member of the Executive to be included on the Panel appointing Chief Officers and Deputy Chief Officers.</p> <p>The Lead Member for Human Resources to be the Chair of the Panel</p>	<p>Staffing Matters</p> <p>Appeals against dismissal, grading and grievances by employees of the Council and applications for premature retirement.</p> <p>The shortlisting and appointment of Chief Officers and Deputy Chief Officers.</p> <p>Appointment of the Head of Paid Service for submission to the Council</p> <p>Personnel Matters</p> <p>Matters relating to the terms and conditions of service of all Council employees, appointment and designation of proper officers and related personnel issues.</p> <p>Appeals Matters</p> <p>Appeals in respect of:</p> <ul style="list-style-type: none"> • Registered Homes • Childminders • NNDR • Any other appeals 	See 3.2(E) below

3.2 DELEGATIONS TO REGULATORY AND NON-EXECUTIVE COMMITTEES

(A) *Delegations to Planning Control Committee*

1. To deal with any applications for planning permission under the Town and Country Planning Act 1990 and related legislation or for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to the inclusion of adequate detailed information relating to the application which is to the satisfaction of the Chief Planning and Economic Development Officer, as follows:-
 - (a) (i) Any application recommended for approval where there is a material planning objection, with the exception of any domestic householder planning application which falls within the approved supplementary planning guidance; and
(ii) Any application which has raised a novel planning issue
 - (b) Any application in respect of which at least one Member of the Planning Control Committee has given prior written notice to the Director of Environment and Development Services or Chief Planning and Economic Development Officer that he/she wishes the application to be determined by the Planning Control Committee.
 - (c) Any application relating to a development which would constitute a substantial departure from the provisions of any approved plan or policies, in particular the Unitary Development Plan, which is recommended for approval and/or is not a repeat or duplicate application of one previously refused.
 - (d) Any application submitted by or on behalf of a Member of the Council or his/her spouse or by an officer of the Council, which is recommended for approval.
 - (e) Any application over and above the levels defined in (i) and (ii) detailed below, subject to the application not being a repeat or duplicate of an application previously refused:-
 - (i) 50 or more dwellings or, if it is known, where the site is 2.5 hectares or more;
 - (ii) for all other uses, where the floor space to be created is 5,000 square metres or more or the site is 0.5 hectares or more.
 - (f) Any other application which, in the opinion of the Director of Environment and Development Services or Chief Planning and Economic Development Officer, merits consideration by the Planning Control Committee.
2. To deal with the naming and re-naming of streets and the numbering and renumbering of properties, where objections have been received to

proposals.

3. To deal with the making or confirmation of tree preservation orders, in accordance with Sections 197 to 214D of the Town and Country Planning Act 1990 and the Tree Regulations 1999, where objections have been received to proposals.
4. To determine applications for grants for repair/maintenance works in respect of listed buildings where the amount of grant requested exceeds £5,000.
5. To designate a conservation area under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. To give directions restricting permitted development under Article 4 of the Permitted Development Order 1995.
7. To deal with any functions relating to town and country planning and development control referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.
8. To deal with any functions relating to commons registration referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.
9. To deal with any functions relating to public rights of way referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

(B) Delegations to Licensing and Safety Panel

1. To determine all new applications for hackney carriage and drivers' licences and private hire vehicles', operators' and drivers' licences where the applicants do not comply with the relevant criteria or where there are grounds for refusal of the applications (as to licensing hackney carriages) under the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (as to licensing private hire vehicles) sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (as to licensing drivers) sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (as to licensing operators) sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
2. To determine applications for the renewal of private hire vehicles', operators' and drivers' licences where the applicants do not comply with the relevant criteria (under the legislation referred to in (1) above).

3. To determine the design of the plates and badges to be displayed in connection with hackney carriage and drivers' licences and private hire vehicles and drivers' licences.
4. To determine all applications for sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3.
5. To deal with the approval of premises for the solemnisation of marriages in accordance with Regulation 46A of the Marriage Act 1994 (c.76) and the Marriages (Approved Premises) Regulations 1995 and to set the appropriate fees.
6. To deal with matters relating to the functions of the Council relating to the Safety of Sports Grounds Act 1975 and the Sporting Events (Control of Alcohol Etc) Act 1985 and Part III of the Fire Safety and Safety of Places of Sport Act 1987 where the appropriate officer does not wish to exercise his/her delegated powers.
7. To determine the terms, conditions and restrictions to be attached to any licence which falls within the purview of the Licensing and Safety Panel.
8. To authorise the revocation or suspension of any Licence which falls within the purview of the Licensing and Safety Panel except in circumstances involving risk to the public safety in which case authority be delegated to the Head of Commercial and Licensing after consultation with the Chair of the Panel to revoke or suspend a Licence with immediate effect subject to a report to the next Panel meeting.
9. To determine any applications for licences where the appropriate officer does not wish to exercise his/her delegated powers.
10. To deal with any licensing and registration functions referred to in the Local Authorities (Function and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.
11. To deal with any health and safety matters under Part 1 of the Health and Safety Act 1974 where the appropriate officer does not wish to exercise his/her delegated powers.
12. To deal with all matters relating to licensing functions covered by the Licensing Act 2003, in accordance with any agreed arrangements for the delegation of functions to individual Licensing Panels in respect of the determination of individual applications for licences, and to deal with all policy and monitoring matters relating to licensing functions covered by the Act.
13. To deal with all matters relating to licensing functions covered by the Gambling Act 2005, in accordance with any agreed arrangements for the delegation of functions to individual Licensing Panels in respect of the determination of individual applications for licences, and to deal with all

policy and monitoring matters relating to licensing functions covered by the Act.

14. To determine refusals to grant revocations and variations of licences for Housing in Multiple Occupation under the provisions of the Housing Act 2004.

(C) Delegations to Standards Committee

1. To make recommendations to the Council on the adoption, implementation, maintenance and review of a local Code of Conduct for Members and Officers.
2. To make recommendations to the Council on the discretionary elements of the local Code of Conduct including monitoring and revisions and on the whistleblowing policy.
3. To determine the effective training of Councillors in matters of conduct and advice to individual Councillors on issues relating to the treatment of personal interests and on the propriety of conduct generally.
4. To deal with the arrangements for Councillors to receive dispensations to speak on, or participate in, matters in which they have pecuniary or non-pecuniary interests.
5. To determine the appropriate action on matters referred to it by Standards for England other than specific complaints arising from the Code of Conduct.
6. To determine the appropriate action on matters referred to this Committee by the Monitoring Officer.
7. To ensure compliance throughout the Council with all appropriate Codes of Conduct and procedures from time to time determined by this Committee.
8. To review and amend Corporate, Departmental and Ombudsman Complaints Procedures.
9. To have oversight of the Council Constitution.
10. To deal with any appropriate matter referred to it from other Committees.
11. To make payments or provide other benefits in cases of maladministration etc under section 92 of the Local Government Act 2000 in excess of £1000.
12. To determine local complaints *through Assessment and Review Sub Committees and by way of Standards Hearing Panels.*

(D) Delegations to Audit Committee

1. To approve, monitor and review internal and external audit plans and associated issues.
2. To receive and consider, on a quarterly basis, details of internal audit reports undertaken by the Internal Audit Section.
3. To take appropriate action to ensure the implementation and review of audit recommendations.
4. To deal with any appropriate matter referred to the Committee by other bodies.
5. To approve the Statement of Accounts.

(E) *Delegations to Human Resources and Appeals Panel*

(i) Personnel Functions

1. To appoint staff under Section 112 of the Local Government Act 1972.
2. To determine collective and corporate terms and conditions of service on which staff hold office (including procedures for their dismissal).
3. To appoint officers for particular purposes (appointment of Proper Officers).
4. To establish at the appropriate time panels of members to act as appointment panels for the shortlisting and the appointment of the Chief Executive, Chief Officers and designated Deputy Chief Officers.
5. To consider, where appropriate, Departmental staffing and organisational reviews.
6. To provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff as are in their opinions sufficient to allow their statutory duties to be performed.
7. To determine "market rates" supplements.
8. To determine policies relating to local government pensions and discretionary compensation for early termination of employment.
9. To submit recommendations to the Executive on all policy matters relating to staffing.

10. To submit recommendations to the Executive on the overall departmental structure of the Authority and major restructuring within Departments/Divisions.
11. To deal with appeals by employees against action taken under the Disciplinary and Grievance Procedures.
12. To submit recommendations to the Council on the dismissal or taking of disciplinary action against the Head of Paid Service, Chief Finance Officer and Monitoring Officer.
13. To deal with the dismissal of or other disciplinary action in relation to Chief Officers and Deputy Chief Officers (other than the Monitoring Officer and Chief Finance Officer).
14. To deal with requests from employees to retire under the Premature Retirement Scheme.

In exercising the above powers and responsibilities, the Panel shall have delegated power except for any matter where:

- (a) the Chief Executive determines the matter should be considered by full Council
- (b) the Council has resolved to determine the matter.

(ii) Appeal Functions

15. To determine any representations which may be received as a consequence of the service of any Notice by this Council under the provisions of the Registered Homes Act 1984.
16. To determine admission and exclusion appeals under Sections 423 and 159 of the Education Act 1996, respectively.
17. To determine appeals against any Notices by the Council proposing the cancellation or refusal of the registration of a childminder or the refusal of consent for different premises to be used for day-care, or the imposition, removal or varying of any requirement or the refusal to vary any requirement in relation to the registration under the provisions of Sections 71, 72, 73, 74 and 77 of the Children Act 1989.
18. To determine appeals against decisions made and initial appeals determined in respect of applications for discretionary or hardship relief for non-domestic ratepayers in accordance with Sections 43, 45, 47, 18 and 49 of the Local Government Finance Act 1988.
19. To determine any other appeals against decisions taken by or proposed to be taken by or on behalf of the Authority.

4. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

(A) General Terms of Reference of the *Leader/Cabinet*:

1. All matters relating to the lawful business of the Council, except those reserved for determination by the Council or its Committees and Sub-Committees.
2. Development, revision, amendment and implementation of strategies and policies which form the Policy Framework as set out in Article 4 for submission to the Council for approval.
3. Any items of major policy or other significance which are to be referred to the Council for determination.
4. Organisation and management processes of the Council designed to make the most effective contribution to the achievement of the Council's objectives. To keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the political management or Departmental structure or the distribution of functions and responsibilities.
5. Development and implementation of the Budget
6. Allocation, management and control of the financial, human, information technology and land/property resources of the Council, within the Budget and Policy Framework approved by the Council.
7. Development of proposals for Housing Land Transfer.
8. To exercise the functions, powers and duties of the Council as Local Education Authority
9. To exercise the functions, powers and duties of the Council relating to Adult and Children's Care Services.
11. To exercise the undermentioned functions where not allocated to the Council or its Committees or Sub-Committees.

(B) Delegations To *Leader/Cabinet*

1. To determine any matter relating to the lawful business of the Council and in particular:-
 - (a) Any matter which complies with the plans and strategies forming the Policy Framework approved by the Council.
 - (b) Any matter which any Executive Member or Officer considers to be inappropriate to be dealt with under his/her delegated powers.

- (c) Any matter not comprised in the functions allocated to the Council, or any Regulatory or other Committee or Sub-Committee.
- (d) Any matter which has been referred from another Committee for determination.
- (e) Any matter specifically referred to the Executive by the Council.

Except that the Executive shall not exercise its delegated powers but shall submit recommendations to the Council in respect of the following matters:-

- (i) Those matters which have been reserved for determination by the Council in Article 4.
 - (ii) Any matter where there is a statutory requirement for it to be considered by the full Council.
 - (iii) Any matter which the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer determines should be considered by the full Council.
2. To consider and make recommendations to the Council on those plans and strategies forming the Policy Framework in accordance with Article 4 and any subsequent alterations to it.
 3. To advise the Council in the development of the Bury Plan, including the setting and achieving of objectives and the establishment of priorities.
 4. To receive and publish the Forward Plan in accordance with the provisions of the Local Government Act 2000.
 5. To recommend to the Council any alteration or revision of the Council Constitution and the Standing Orders and Financial Regulations of the Council.
 6. To be responsible for all civic and ceremonial matters.
 7. To be responsible for the provision, allocation and overall management of the financial resources of the Council.
 8. To be responsible for the provision and allocation of the human, information technology and land resources of the Council to the extent that these are not delegated to individual Executive Members or Chief Officers.
 9. To consider and make recommendations to Council on the Revenue Budget and Capital Programme for each financial year and the

setting of virement limits in accordance with Article 4 of the New Council Constitution.

10. To consider and make recommendation to the Council on matters relating to the borrowing of money in accordance with Article 4 and to the treasury management policy statement.
11. To consider and determine all policy matters in relation to staffing.
12. To approve amendments to the overall departmental structure of the Council and major restructuring within departments/directorates.
13. To determine any matters relating to highways, traffic management and transportation which are not functions allocated to the Council or delegated to an Executive Member or Officer.
14. To ensure the achievement of Best Value in service delivery and to approve Improvement and Action Plans in relation to Best Value Reviews within the Authority.
15. To deal with all matters relating to the Emergency Plan and functions relating to emergencies and disasters under Section 138 of the Local Government Act 1972.
16. To approve initiatives and priorities for economic regeneration and industrial and economic development through various Council, Government, European and other Programmes.
17. To consider and make recommendations to the Council on proposals for the transfer of housing land in accordance with Article 4.
18. To consider and make recommendations to the Council on the promotion or reform of legislation or the making or amendment of Byelaws.
19. To deal with functions relating to the registration of births, deaths and marriages, to the extent that these functions are not delegated to the appropriate officer.
20. To deal with matters concerning the Magistrates Court to the extent that these functions are not delegated to appropriate officers.
21. To submit recommendations to the Council in relation to any change in the name of the district and to the conferring of the title of Honorary Alderman or Honorary Freeman of the Borough.
22. To submit recommendations to the Council in relation to the appointment of a Mayor and a Deputy Mayor for the following Municipal Year.

23. To deal with any functions under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 as amended.
24. To make arrangements with regard to appeals against the admission and exclusion of pupils from schools pursuant to section 67(1) and Schedule 18 and section 94(1) and (4) and Schedule 24 (admissions) of the School Standards and Framework Act 1988.
25. To make arrangements with regard to appeals by governing bodies for children to whom section 87 applies pursuant to section 95(2) and Schedule 25 of the School Standards and Framework Act 1988.
26. To deal with any local choice functions allocated to the Executive (as listed in Part 3 of the Constitution) where the appropriate officer does not wish to exercise his/her delegated powers.

5. OFFICER DELEGATION SCHEME

PART 1 – GUIDANCE FOR OFFICERS

1.0 Introduction

- 1.1 Following the implementation of the Local Government *and Public Involvement In Health* Act 2007, the Council has revised the way that it operates. It has drawn up a decision making structure based on the "*Strong Leader*" model with an *Overview Management Committee and two Scrutiny Committees* and a number of Regulatory Committees.
- 1.2 A Scheme of Delegation *is set out* which is founded on the principle of the empowerment of officers 'by exception'. That means that the parent body delegates *everything* that can be delegated to the Directors or Chief/Borough Officers, except for exceptions which are listed.
- 1.3 The Scheme provides for delegation to Directors or Chief/Borough Officers but they are empowered to authorise officers in their Directorates/Departments to exercise on their behalf the powers delegated under this scheme. However, the Director or Chief/Borough Officer remains responsible for any decision taken pursuant to the delegation arrangements.
- 1.4 Records shall be kept of decisions taken which must clearly identify the officer responsible for taking the decision.
- 1.5 These Guidance Notes set out the framework to decision making and establish a system to document decisions taken under the new Scheme.
- 1.6 These Guidance Notes are designed to assist officers avoid the pitfalls in the decision making process. They are not a substitute for legal and other specialist advice which should always be sought in the case of doubt.

2.0 Background

- 2.1 Section 101 of the Local Government Act 1972 sets out the framework of delegation. It provides that a Council can arrange for the discharge of its functions through a Committee, Sub-Committee or Officer of the authority, or any other local authorities. Committees can delegate to Sub-Committees or to Officers, and Sub-Committees can delegate to Officers, unless expressly prohibited. The Local Government Act 2000 *as amended by the Local Government and Public Involvement In Health Act 2007* provides for the discharge of executive functions by:-

- (a) the *Leader and Cabinet*

- (b) any members of the Cabinet
- (c) any Committees of the Cabinet
- (d) any Officers of the Authority

2.2 Subject only to the very limited exceptions in Section 101 of the 1972 Act (eg, setting the Council Tax, and considering certain reports from designated officers), there are few limits on the extent of the delegation to officers which local authorities are permitted to make.

3.0 Decision Making

3.1 Decisions are open to challenge and review in a number of ways and it is consequently important to be able to demonstrate that they have been taken in a manner that avoids legitimate challenge.

3.2 It is important to remember that decisions which are overturned will invariably have been successfully challenged not because they were 'wrong' but because they have been reached following a flawed process.

3.3 The principal avenues for challenge to a decision are:-

Overview and Scrutiny Committees

The Authority's Complaints Process

Local Government Ombudsman

Auditor

Designated Officers – Head of Paid Service, Monitoring Officer and Chief Finance Officer

European Convention of Human Rights

Central Government

The Courts by way of Judicial Review

3.4 There are a number of areas of action and decision-making by local authorities which typically give rise to challenge. They include:-

failure to take into account relevant considerations, either as required by law or such as would be taken into account by any reasonable person.

taking into account irrelevant considerations

acting so unreasonably such that no reasonable body of persons could have so acted.

failure to direct itself properly in law

exercising a power for a purpose for which it was not conferred

acting in bad faith or for an improper motive, fettering or failing to exercise discretion, through improper delegation adherence to a

fixed policy

failure to consult or to consult properly, either as a matter of statute or legitimate expectation

failure to act fairly or observe procedural requirements

failure to comply with the rule that local government finance must be conducted on an annual basis

failure properly to have regard to the extent to which their own resources can be taken into account in deciding whether to make provision

4.0 Decision Making – Executive and Operational Decisions

4.1 The significance of decisions taken under delegated powers will vary and Directors and Chief/Borough Officers and those they empower to make decisions will need to exercise judgement in determining whether decisions are significant enough to require formally recording. To assist in this process, decisions are defined as Executive (key and non-key) or Operational Decisions. The definition of a Key Decision is contained in Paragraph 13.03(b) in Article 13 (Decision Making) of the New Council Constitution). Executive Decisions are required to be recorded in accordance with the provisions of paragraph 6.

4.2 Executive Decisions

Executive Decisions are those decisions which:

- (a) do not fall within the definition of Operational Decisions as set out in paragraph 4.3
- (b) require an application to be made for planning permission, listed building, ancient monument or conservation area consent
- (c) comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objection, the approval of the Secretary of State
- (d) require the passage of local legislation or the adoption by the Council of national legislation
- (e) propose a response on behalf of the Council to consultation by the Secretary of State
- (f) propose an alteration in the standard charges which the Council makes for any of its services

- (g) gives rise to the need to appoint additional employees, redeploy or change the normal place of existing employees or result in any employees being redundant
- (h) require the acquisition or disposal of any land or interest in land
- (i) require a virement of funding within approved virement powers of officers
- (j) are of such significance to the locality, the Council or services which it provides that the officer is of the opinion that it should be treated as an Executive Decision.
- (k) are "key decisions" which are defined in the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000 and determined to be in accordance with 13.03(b) of this Constitution.

(reference should also be made to the Executive Procedure Rules in Part 4 of this Constitution)

4.3 Operational Decisions

A decision is an Operational Decision if:

- (a) it is within an approved budget
- (b) it is not in conflict with a strategy or a policy approved by the Council, the Executive or Regulatory Committee
- (c) it does not raise new issues of policy

5.0 Decision Making – The Process

- 5.1 Before taking any Executive Decision, a Director or Chief/Borough Officer must satisfy him/herself where relevant as to the following matters:
 - (i) the facts upon which the decision must be based
 - (ii) any legislative requirements, including the need to secure Best Value
 - (iii) the strategies and policies contained in the Budget and Policy Framework and any plans policies, strategies, objectives, initiatives or procedures relating to their service or the Council.
 - (iv) any relevant national or regional guidance
 - (v) the available options

- (vi) the financial, staffing and legal implications, following consultations with the Director of Finance and E-Government, the Council Solicitor and the Director of Personnel, as appropriate.
 - (vii) the views/advice of any appropriate statutory officer
 - (viii) the views of any Ward Member(s) where the report relates to a particular area of the Borough
 - (ix) any consultations undertaken, the views of any consultees and any other representations received
 - (x) any implications for any other areas of the Council's activities including the views of any Director whose services may be affected and whether any consultation has taken place.
 - (xi) the *Leader or* Executive Member's responsibility within which the issue falls and whether any consultation with the *Leader or* Executive Member has taken place
 - (xii) the Council Constitution, including the Contract Procedure Rules and Financial Procedure Rules.
 - (xiii) the preparation where required of an Equality Impact Assessment demonstrating full consideration to all equality and diversity issues.
- 5.2 Officers are responsible for determining when further consultation and public participation would be appropriate.

6.0 Decision Making – Recording the Decision

- 6.1 On making an Executive Decision, the officer must provide the Chief Executive with a completed Record of Executive Decision Form within 3 clear working days of the date of taking the decision.
- 6.2 The Chief Executive will maintain a record of all Executive Decisions made by an officer, including any report upon which each Executive Decision was made. The Chief Executive will also ensure that the record of decisions is available for inspection during all normal office hours and that the public has the right to copy or to be provided with a copy of any part of that record, excluding any exempt information, upon payment of a reasonable copying and administrative charge. The record of decisions will also be made available for perusal by Members at the Members Information Point.
- 6.3 It is essential that the contents of the Record of Executive Decision Form are clear in conveying the decision taken, that is, it will not be sufficient to state that the recommendations in a report were agreed. The substance of the decision must be set out.

- 6.4 Departments should maintain a central record of all delegated decisions with copies of the relevant documentation for a four year period.
- 6.5 It is important that where officers involved in making decisions have a registrable interest this is declared on the form to preserve the integrity of the process.
- 6.6 There is no requirement to maintain a record of Operational Decisions for the purpose of Councillor or public access. However, officers are responsible for retaining a record of Operational Decisions which they take and the reasons for such decisions sufficient for audit and evidential purposes (against the eventuality of evidence being required for Judicial Review, Employment Tribunal, Ombudsman, District Audit, Ofsted, Court or other proceedings or investigation), and for ensuring that all those who need to know are informed promptly of the decision. A Record of Operational Decision Form is available to assist in the retention of an appropriate record.
- 6.7 Officers are also responsible for ensuring that consultation is undertaken where appropriate, and especially where they are aware that the decision is likely to be controversial.

7.0 Referral

- 7.1 Whilst this Scheme is designed to encourage officers to take responsibility for Executive and Operational Decisions, an officer may decide that a particular issue is such that it should be referred to the Executive or Regulatory Committee for a decision to be taken. Such a referral must take place where the proposed decision is in conflict with existing Council Policy or the matter raises new issues of policy.

8.0 Member Consultation

- 8.1 Before a Director or Chief/Borough Officer exercises delegated power to make an Executive Decision, he/she must consult with the relevant Executive Member and/or Lead Member and also with the appropriate Opposition Spokesperson. The appropriate Executive Member may direct that an officer's delegated authority should not be exercised and that the matter should be referred to the Executive for consideration.

9.0 Decision Making - Giving Reasons

- 9.1 A matter of increasing significance in local authority decision-making is when reasons have to be given. Generally, giving reasons is an accepted 'best practice' principle of good administration and the practice may be important in ensuring that controversial decisions are rooted in relevant considerations and with proper regard to available legal powers.

- 9.2 However, in terms of a legal requirement to give reasons, the current position is indicated below:-
- 9.2.1 There is, in effect, a duty to provide the reasons for a decision, if any, to the High Court, for a decision which is challenged in judicial review, either through evidence or on discovery of documents, if no reasons are apparent on the face of the decision.
 - 9.2.2 Even where statute does not specifically require reasons to be given, that will not prevent the Court imposing such a requirement in certain circumstances, especially (in practice) where a decision appears irrational on the face of it.
 - 9.2.3 The law does not recognise a general duty to give reasons for an Operational Decision, but in appropriate circumstances such a duty may be implied.
 - 9.2.4 Case law on giving reasons is developing and authorities should ensure that the reasons they give do accurately reflect their actual reasons. Where reasons are required, authorities will generally not be permitted to correct or alter those given at the time.
 - 9.2.5 If a decision is challenged it is vital to be able to demonstrate that the proper processes were complied with. To be able to do this it is essential that adequate records are kept so they can be referred to and produced if necessary. These records should include written notes of all relevant meetings and discussions and copies of all papers considered in making a decision. It is best practice to keep a clear note of all considerations taken into account with reasons why they were considered relevant and why matters not considered were thought not to be relevant.

10.0 Accountability

Officers are accountable to the Council for any Executive or Operational Decision they make, and may be required to report to, and to answer questions from, a Scrutiny *Committee* in respect of any Executive or Operational Decision which they make.

PART 2 - GENERAL DELEGATIONS TO OFFICERS

1.0 GENERAL DELEGATION

- 1.1 The Chief Executive, Directors, Chief/Borough Officers or other named officers shall be authorised to carry into effect without reference to the Council or the *Leader/Cabinet* unless referred to the *Leader/Cabinet* by an Executive Member, matters of day to day management and administration and, in particular, the functions mentioned below.
- 1.2 An officer referred to in 1.1 above shall be empowered to authorise officers in their Departments/Directorates to exercise on their behalf powers delegated under this scheme and to authorise officers to carry out specific statutory functions under the provisions of relevant legislation
- 1.3 Where an officer referred to in 1.1 above is to be absent for any period, that officer may nominate to the Chief Executive, in writing, another officer to act in that capacity during the period of absence.

2.0 FINANCIAL MATTERS

2.1 Revenue Expenditure

(a) To incur expenditure in respect of items included in approved revenue budgets, save to the extent to which the Council or the *Leader/Cabinet* have placed a reservation on any such item. Expenditure on any such reserved items may be incurred only when and to the extent that such reservation has been removed.

(b) To incur expenditure within the Revenue Budget in accordance with the virement procedures and delegated limits set out in the Financial Procedure Rules in the Council Constitution.

(c) In an emergency, to incur immediately necessary lawful expenditure which shall be reported to the Director of Finance and E-Government at the first opportunity.

2.2 Capital Expenditure

To incur expenditure on capital schemes in accordance with the arrangements set out in the Financial Procedure Rules in the Council Constitution.

3.0 CONTRACT ISSUES

The following delegations to Officers relating to contracts are contained in the Contract Procedures Rules:

3.1 Contract Procedure Rule 2(2)

Where tenders are required to be invited for work or goods or services but the appropriate Chief Officer considers that the contract is urgent or of a specialised nature, the appropriate Chief Officer, after consultation with the *Leader or* relevant Executive Member, may decide to invite a tender from such person or persons, who in the opinion of the Chief Officer is or are most suitable to execute the work or supply the goods or services and such tender or tenders may be negotiated. A report giving details of the tender accepted shall, as soon as practicable, after acceptance, be made available in the Members' Information Point by the appropriate Chief Officer.

3.2 Contract Procedure Rule 9(1)

Selection of contractors in accordance with Contracts Procedure Rule 9 (2) and (3) for individual projects shall be made by the appropriate Chief Officer except where the contract is estimated to exceed £200,000 in value when the selection of contractors shall be made by the appropriate Chief Officer responsible for letting or advising on the letting of the contract, following consultation with, in the case of Executive functions, the Leader or Deputy Leader or where the decision is that of an individual Executive Member, that person, or in the case of a Council function, Leader or Deputy Leader.

3.3 Contract Procedure Rule 12(1-4)

- (1) If payment is to be made by the Council, the lowest tender shall be accepted, provided this is within the relevant approved budget and the estimate for the contract. Where the lowest tender is not within such estimates but, after proper evaluation, is deemed to be appropriate, is within 10% of the estimate and budgetary provision available, the relevant Chief Officer in consultation with the appropriate Executive Member may accept such tender. In all other circumstances the matters shall be reported to the Leader/Cabinet for consideration. If payment is to be received by the Council, the highest tender is to be accepted, except as provided in paragraph (2) below. Where necessary due to the nature of the specification of the contract, the appropriate valuation should be made before the award of the contract.
- (2) The tender other than the lowest tender if payment is to be made by the Council, or the highest tender if payment is to be received by the Council, shall be accepted if it secures Best Value. In any such case, the Council's standard form must be completed as evidence of how the accepted tender meets Best Value criteria and a copy considered by the appropriate Executive Member of Chief Officer.
- (3) The acceptance of the tender by or on behalf of the council shall be notified in writing to the tenderer only by the Director of Legal and Democratic Services or a designated Officer (unless the tender has

a value of less than £50,000 or Contract Procedure Rule 12(4) applies, in which case the Chief Officer concerned shall be authorised to issue such acceptance) or is one which the relevant Chief Officer has processed under Contract Procedure Rule 7, in which case the Chief Officer concerned shall be authorised to issue such acceptance).

- (4) Where the tender is for a standing offer comprising a range of different goods or services at different tender prices or a purchase by way of a consortium arrangement, the relevant Chief Officer, after consultation with the relevant Executive Member, or Leader/Deputy Leader, as appropriate, may accept the most suitable tender irrespective of contract value PROVIDED THAT full details of the contract in question are reported to the following meeting of the Executive.

3.4 Contract Procedure Rule 15(1)

Contracts for Consultancy Services or Works

- (a) If the appropriate Chief Officer considers it desirable and in the best interests of the Council that Consultants shall be employed by the Council then the Chief Officer shall consult with the appropriate Executive Member and provide the following information in support of the decision:-
 - (i) details of the services to be provided/terms of reference;
 - (ii) the estimated costs of how those costs are to be met;
 - (iii) in the case of Consultants, a recommended appointment;
- (b) Consultancy Services – if the appropriate Chief Officer in consultation with the appropriate Executive Member considers it desirable and in the best interest of the Council that Consultants be appointed to carry out any investigations, a feasibility study or other assignment not related to works, then a report shall be made in writing to the Executive for contracts over £75,000:-
 - (i) giving details of services to be provided, total cost, completion date (or estimated completion date);
 - (ii) stating the estimated costs and after consultation with the Director of Finance and E-Government, how these costs are to be met;
 - (iii) seeking approval to proceed with the appointment of Consultants

Tenders shall then be invited in accordance with these Contract Procedure Rules.

4.0 PERSONNEL ISSUES

4.1 Appointments and Dismissals

- (a) To make arrangements for the appointment of employees within the approved establishment unless within the responsibility of the Human Resources and Appeals Panel.
- (b) To dismiss employees following consideration of a report thereon by the relevant Director or Chief/Borough Officer after consultation with the Director of Personnel subject to the right of all employees to appeal against dismissal to the Human Resources and Appeals Panel.
- (c) To establish and make appointments to short term temporary posts of less than an year, subject to consultations with:-
 - (i) the Director of Personnel; and
 - (ii) employees and the relevant trade unions
- (d) To establish and make appointments to longer term temporary posts, where considered necessary but with the establishment of such posts being avoided unless external funding is available, subject to consultations with :-
 - (i) the Director of Personnel and Director of Finance and E-Government on the proposals prior to implementation; and
 - (ii) employees and the relevant trade unions.

4.2 Establishment

- (a) To approve honoraria and acting up payments to officers subject to there being budgetary provision and in consultation with the Director of Personnel.
- (b) To approve planned overtime payments to officers, subject to there being budgetary provision and in a consultation with the Director of Personnel.
- (c) To discipline employees in accordance with procedures approved by the Council.
- (d) To approve, or otherwise, variations of periods of notice to terminate employment.
- (e) To approve the extension of the period of probationary service following sickness.
- (f) To deal with the failure of an employee to observe the conditions of the Sickness Absence Scheme.

4.3 Claims for Damages

To approve, or otherwise, claims for damages to employees' personal effects and clothing in accordance with any approved guidelines and in consultation with the Director of Personnel.

4.4 Staff Restructures

To approve the establishment of new posts or restructuring on a minor scale in circumstances where proposals can be contained within existing resources or where external funding is available, subject to:-

- (i) consultation with the Director of Personnel, Director of Finance and E-Government and the appropriate Executive Member;
- (ii) consultations with employees and relevant trade unions; and
- (iii) in appropriate circumstances, adherence to the Procedural Agreement relating Departmental Restructurings (Appendix A) to the Local Conditions of Service.

5.0 GENERAL MANAGEMENT

Authorised officers are empowered to take samples, carry out inspections, enter premises and generally perform the functions of a duty authorised officer of the Council and to issue any necessary certificates of authority.

PART 3 - DELEGATIONS TO SPECIFIC OFFICERS

1.0 GENERAL EXCEPTIONS

- 1.1 The following delegations to specific officers provide for the discharge of any functions of the Council or the *Leader/Executive* with the exception of:-
- (i) those council functions reserved to the Council;
 - (ii) those executive functions reserved to the *Leader/Cabinet*;
 - (iii) those council functions delegated to any Regulatory Committee or Sub-Committee;
 - (iv) those matters where an appropriate Member of the Executive has directed that the delegated authority to an officer should not be exercised and that the matter should be referred to the Executive for consideration; and
 - (v) those matters which the Chief Executive, Directors or Chief/Borough Officers consider that the delegated authority should not be exercised and that they should be referred to the *Leader/Cabinet* or appropriate Council Committee for consideration.

2.0 CHIEF EXECUTIVE

- 2.1 The Chief Executive shall be authorised to discharge any council or executive function not otherwise delegated to a Director or Chief/Borough Officer, including civic and ceremonial functions of the Council, and to take any action remitted to him/her under corporate policies or this Officer Delegation Scheme.
- 2.2 The Chief Executive shall be authorised to act as the Council's Proper Officer for the purpose of any function not otherwise delegated under these arrangements.

3.0 DEPUTY CHIEF EXECUTIVE

- 3.1 The Deputy Chief Executive shall be authorised to discharge any function of the Council in relation to the initiation of change and joined up service delivery across Council services and the translation of policy into practice through the facilitation and development of multi-disciplinary networks including:-
- (a) integration of corporate aims, executive portfolios and service delivery groupings
 - (b) addressing Authority-wider performance management issues

- (c) CRM/Customer Contact
- (c) delivery of a more cohesive and integrated approach to delivery of local authority services
- (d) Corporate Procurement
- (e) taking any action remitted to him/her under corporate policies and procedures

4.0 ASSISTANT CHIEF EXECUTIVE

4.1 The Assistant Chief Executive shall be authorised to discharge any function of the Council in relation to corporate policy matters including:-

- (a) Strategic Marketing and Communications
- (b) Policy development
- (c) Research and User Focus
- (d) Public Service Board/Local Strategic Partnership
- (e) Greater Manchester Residuary Body and Sub-Regional Learning Initiatives
- (f) Community Safety
- (g) Urban Strategy and Neighbourhoods

5.0 DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

5.1 The Director of Legal and Democratic Services shall be authorised to act as Solicitor to the Council and to take any action intended to give effect to a decision of the Council, the Executive, *Overview and Scrutiny Committees*, Regulatory Committees/Sub-Committees, or an Officer to discharge any function of the Council in relation to:-

- (a) the duties of the Monitoring Officer
- (b) the making or issuing of orders and notices
- (c) the negotiations prior to commencement, commencement, defence, withdrawal or settlement of legal or other proceedings.
- (d) the authorisation of Council employees to conduct legal matters in court
- (e) the contractual element of procurement
- (f) electoral matters

- (g) land charges
- (h) the registration of births, deaths and marriages and associated functions
- (i) the recording of decisions of the Executive and all relevant committees
- (j) taking any action remitted to him/her under corporate policies and procedures.

6.0 DIRECTOR OF FINANCE AND E-GOVERNMENT

6.1 The Director of Finance and E-Government as the Authority's Chief Finance Officer shall be authorised to discharge any of the Council's functions in relation to financial matters including:-

- (a) the duties of the Chief Finance Officer
- (b) the administration of benefits
- (c) the collection of revenue (including debt recovery)
- (d) the administration of Council Tax and national non-domestic rates
- (e) internal audit
- (f) pensions
- (g) creditor payments
- (h) accountancy
- (i) the Council's insurance arrangements and risk management
- (j) the writing-off of debts from £2,001 to £5,000, with the Head of Revenues and Benefits being authorised to write-off debts of less than £2,000
- (k) the administration of payroll function
- (l) grants to the voluntary sector
- (m) determination of the Council Tax Base
- (n) taking any action remitted to him/her under corporate policies and procedures.

7.0 DIRECTOR OF PERSONNEL

7.1 The Director of Personnel shall be authorised to discharge any functions of the Council in relation to industrial relations and employment and health and safety matters including:-

- (a) the determination of policies, procedures and guidelines falling within the employment functions of the Council
- (b) health and safety
- (c) emergency planning
- (d) organisational development and training
- (e) taking any action remitted to him/her under corporate policies and procedures.

8.0 EXECUTIVE DIRECTOR OF ENVIRONMENT AND DEVELOPMENT SERVICES

8.1 The Executive Director of Environment and Development Services, or as appropriate the Assistant Directors of; Arts, Libraries and Adult Learning; Environmental Services; Leisure Services; Operational Services; Planning, Engineering and Transportation Services; and Property and Technical Services, shall be authorised to discharge any functions of the Council as:-

- (a) local planning authority
- (b) highway authority
- (c) road traffic authority

and in relation to the undermentioned functions:-

- (d) Engineering Services
 - (i) land drainage
 - (ii) engineering services
 - (iii) transportation
 - (iv) public car parks
- (e) Planning and Economic Development
 - (i) building control
 - (ii) grounds maintenance
 - (iii) cemeteries, crematoria, burial grounds and memorials
 - (iv) promotion of economic development
 - (v) economic regeneration
 - (vi) tourism
- (f) Environmental Services
 - (i) safety at sports grounds

- (ii) licensing
 - (iii) environmental health
 - (iv) trading standards, consumer protection and fair trading
 - (v) private sector housing
 - (vi) animal health/welfare
 - (vii) environmental protection
 - (viii) public health
 - (v) energy management
- (g) Property and Technical Services
- (i) property valuation
 - (ii) acquisition of land and property
 - (iii) appropriation of land
 - (iv) disposal of land and property
 - (v) other dealings with land or any interest in land
 - (vi) markets
 - (vii) architectural and landscape practice
- (h) Leisure Services
- (i) catering (including school meals)
 - (ii) recreation services (including parks, countryside, allotments, sports facilities, sports development, public entertainment's halls and venues and pleasure fairs)
- (i) Operational Services
- (i) cleaning
 - (ii) building services
 - (iii) transport, including fleet management and maintenance
 - (iv) security and emergency services (including community safety wardens and CCTV)
 - (v) central procurement
 - (vi) public conveniences
 - (vii) refuse collection, street cleansing and waste management
 - (viii) winter maintenance
- (j) Cultural Services and Adult Learning
- (i) Arts
 - (ii) Libraries
 - (iii) Art Galleries and Museums
 - (iv) Adult Learning
- (k) General
- (i) taking any action remitted to him/her under corporate policies and procedures.

9.0 EXECUTIVE DIRECTOR OF ADULT CARE SERVICES

9.1 The Executive Director of Adult Care Services shall be authorised to discharge any function of the Council:-

- (a) in relation to adult services functions including:-

- (i) Adult Care Services
 - (ii) Supporting People
 - (iii) Adult Health Care
 - (iv) Drug Action Team
 - (v) Asylum Seeker Team
- (b) taking any action remitted to him/her under corporate policies and procedures

10.0 EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES

10.1 The Executive Director of Children's Services shall be authorised to discharged any of the functions of the Council:-

- (a) as education authority including:-
- (i) Schools
 - (ii) Planning and Joint Commissioning
 - (iii) Youth and Connexions Service
 - (iv) Education Support Services
 - (v) Children's Social Care
 - (vi) School Advisory Service
 - (vii) Youth Offending Team
 - (viii) Childcare and extended services
- (b) taking any action remitted to him/her under Corporate policies and procedures

PART 4 - URGENCY PROVISIONS

1.0 EXECUTIVE FUNCTIONS – KEY DECISIONS

- 1.1 The rules for making 'key decisions' on executive functions either as a general exception or as special urgency if the key decision has not been included in a Forward Plan are set out in full in Rules 15, 16 and 17 of the Access to Information Procedure Rules in the Council Constitution.
- 1.2 The relevant parts of these Rules which relate to officers making key decisions are set out below.

(i) ***Rule 15 – General Exception***

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency) of the Access to Information Procedure Rules set out in (ii) below, the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Head of Paid Service has informed the Chair of *the* relevant Scrutiny *Committee*, or if there is no such person, each Member of that Panel/*Committee*, and a nominated opposition or majority group member of the *Committee* as appropriate and the leader of the second largest opposition group in writing, by notice, of the matter to which the decision is to be made.
- (c) the Head of Paid Service has made copies of that notice available to the public at the offices of the Council; and
- (d) at least five days have elapsed since the Head of Paid Service complied with (b) and (c).

(ii) ***Rule 16 – Special Urgency***

If by virtue of the date by which a decision must be taken, Rule 15 cannot be followed, then the decision can only be taken if the decision taker (if an officer then in consultation with the *Leader* or appropriate Executive Member) obtains the agreement of the Chair of the relevant Scrutiny *Committee* that the taking of the decision cannot be reasonably deferred and has consulted a nominated opposition or majority group member of the Commission as appropriate and the leader of the second largest opposition group. If there is no Chair of the relevant Scrutiny *Committee* or if the Chair of the relevant Scrutiny *Committee* is unable to act, then the agreement of *the* Chair of the Council (Mayor), or in his/her absence the Vice Chair (Deputy Mayor) will suffice.

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

2.0 EXECUTIVE FUNCTIONS – NON KEY DECISIONS

In cases of emergency, a Chief Officer, after consultation with the *Leader* or appropriate Executive Member shall be empowered to make urgent decisions when necessary on executive functions relevant to their service area, provided that the decision is not a key decision and is in accordance with the Budget and Policy Framework. Such urgent decisions shall be processed through the Chief Executive and be *reported in accordance with the provisions for Executive Key Decisions*.

3.0 COUNCIL FUNCTIONS

In cases of emergency, a Chief Officer after consultation with the Chair of the appropriate Committee or Leader of the Council and with the relevant Opposition Spokesperson and leader of the second largest opposition group, shall be empowered to make urgent decisions when necessary on Council Functions relevant to their service area. Such urgent decisions shall be processed through the Chief Executive and shall be submitted to the appropriate Committee for information.

PART 5 -PROPER OFFICERS

1.0 LEGISLATION

1.1 Legislation requires the Council to appoint specific officers and to identify officers for particular responsibilities.

2.0 PRINCIPAL APPOINTMENTS

2.1 The principal appointments are set out below:-

Statutory Requirements

Officer Appointed

Section 532 Education Act 1996

Chief Education officer

Assistant Director of Learning

Section 6 Local Authority Social Services Act 1970

Director of Social Services

Director of Social Services, Health and Housing

Section 151 Local Government Act 1972

Responsibility for financial administration

Director of Finance and E-Government

Section 4 Local Government and Housing Act 1989

Head of Paid Service

Chief Executive

Section 5 Local Government and Housing Act 1989

Monitoring Officer

Director of Legal and Democratic Services

Section 8 Representation of People Act 1983

Returning Officer

Chief Executive

PART 4

RULES OF PROCEDURE

COUNCIL PROCEDURE RULES

(Standing Orders relating to the Council)

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May, but normally in May. In either case, the date will be fixed by the Council.

The annual meeting will:

- (i) elect a person to preside if the Mayor or Deputy Mayor are not present;
- (ii) elect the Chair of Council (Mayor);
- (iii) elect the Vice-Chair of Council (Deputy Mayor);
- (iv) approve the Minutes of the last meeting;
- (v) receive any announcements from the Chair (Mayor) and/or Head of Paid Service
- (vi) elect the Leader;
- (vii) appoint *the Overview Management Committee and Scrutiny Committees*, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- (xiii) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (ix) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will consider a report by the Head of Paid Service or receive a report from the Committee or Sub-Committee specifically appointed to make recommendations to the Council on the annual appointment of Committees in respect of:-

- (i) which Committees to establish for the Municipal Year;
- (ii) the size and terms of reference for those Committees;
- (iii) the allocation of seats and substitutes to political groups in accordance with the political balance rules;

- (iv) the receipt of nominations of Councillors to serve on each Committee and outside body;
- (v) the appointment to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive;
- (vi) if it so determines, the appointment from among the voting members of a particular Committee or Sub-Committee, of a person to chair meetings of that Committees or Sub-Committee, and if appropriate, a person to act as Deputy Chair in the absence of the Chair.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme of meetings decided by the Council. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the Minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor, Leader or the Head of Paid Service;
- (v) hold a 30 minute Question Time to receive questions from members of the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the Council. The Leader or a Member of the Executive will answer the questions raised.
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the Council's representatives on Joint Authorities and questions and answers on the work of these Joint Authorities
- (viii) receive questions and answers on the business of any joint arrangements or external organisations;
- (ix) receive a Statement by the Leader on the work of the Executive and hold an Executive Question Time to receive questions from Members of the Council to be answered by *the Leader or Executive Members*; with the Leaders of Minority Groups on the Council being guaranteed the opportunity to ask at least one question during Executive question time; the Deputy Leader or an Executive Member may act in the absence of the Leader at Council meetings;

- (x) receive decisions of the Executive and the Council Committees and receive questions and answers on any of those decisions;
- (xi) receive recommendations of the Executive in relation to the Budget and Policy Framework and other issues and to receive reports of the Overview Management Committee and the Scrutiny committees;
- (xii) consider notices of motion; and
- (xiii) consider any other business specified in the summons to the meeting.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor
- (iii) the Monitoring Officer and/or Chief Finance Officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

Any request or requisition for an Extraordinary Meeting of the Council shall state the purpose of the meeting and give notice of a motion to be debated, unless the purpose is to receive reports or adoption of recommendations of Committees, *the Leader*, Executive Members or Officers or any resolutions following from them.

No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council may allocate seats in the same manner for substitute members.

4.2 Number

For each Committee or Sub-Committee, the Council may appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee, up to a maximum of 5.

4.3 Powers and Duties

Substitute members, if appointed, will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notifying the Head of Paid Service by 12 noon on the day of the meeting of the intended substitution.

5. DATE, TIME AND PLACE OF MEETINGS

- (a) The Council will approve a programme for annual and ordinary meetings of the Council for each year to be held in the Town Hall at 7.00 pm unless otherwise specified in the summons; and
- (b) The Council will approve a programme for meetings of the Executive, *Overview Management and Scrutiny Committees* Regulatory Committees and Standards Committee for each Municipal Year to be held at the time stated on the agenda for a meeting. No additional or special meetings of those bodies are to be held or changes to the dates or times of programmed meetings to be made without the agreement of the Chair of the body concerned *and* the Leader of the Council with the exception of additional meetings of *Scrutiny Committees* required as a result of the call-in procedure or adjourned meetings of such *Scrutiny* bodies during consideration of major reviews or policy development issues.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Head of Paid Service will send a summons signed on his or her behalf by post **or by electronic mail**, to every Member of the Council or leave it at their usual

place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor or the Chair also include the Chair of Committees and Sub-Committees.

8. QUORUM

The quorum of a meeting of the Council will be one quarter of the whole number of Members; the quorum of a meeting of a Committee will be three elected Members of the authority; and the quorum of a meeting of a Sub-Committee will be two Members. During any meeting if the Chair counts the number of elected Members of the authority present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

(a) Council Meeting

9.1 Interruption of the Meeting

If the business of a meeting of the Council has not been concluded within 3 hours of the start of the meeting, excluding the period taken up by the Public Question Time, the Mayor must interrupt the meeting and any Member speaking must immediately sit down. The Mayor will call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

9.2 Motions and Recommendations Not Dealt With

If there are other motions or recommendations on the agenda that have not been dealt with within 3 hours of the start of the meeting excluding the period taken up by the Public Question Time, they will be deemed formally moved and seconded and a vote will be taken to approve the remaining business before the Council. No speeches will be allowed on these items.

9.3 Recorded Vote

If a recorded vote is called for during this process it will be taken immediately.

9.4 Motions which may be moved.

During the process set out in Rules 9.1 - 9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

9.5 Close of the Meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

(b) Committees and Sub-Committees

9.6 Unless the majority of members present vote for the meeting to continue, any meeting which has not concluded its business by 10.00 pm will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY THE PUBLIC

10.1 General

Members of the public may ask questions at ordinary meetings of the Council and its Committees and at public meetings of the Executive.

A period of 30 minutes, or such shorter period as may be necessary, will be allocated at each ordinary meeting of the Council for residents or business rate payers of the Metropolitan Borough to put questions on any matter which is relevant to the Council, its Committees or its services to the community.

10.2 Notice of questions

Notice of a question can be given by delivering it to the Head of Paid Service stating the name and the address of the questioner by not later than 12.00 noon on the second clear working day immediately prior to the date of the Council Meeting.

10.3 Order of Questions

Questions submitted in writing will be given priority when being answered at the Council Meeting. Once any written questions have been dealt with, if time permits, the Mayor will then allow oral questions, of which no notice has been given, to be considered.

Questions will be asked and answered in the order in which they are received by the Head of Paid Service. Questions not submitted in writing will be asked and answered in the order determined by the Mayor/Chair.

10.4 Number of Questions

At any one meeting a questioner may ask only one question, which shall be of a length considered reasonable by the Mayor, and no more than two questions may be asked on behalf of one organisation.

10.5 Scope of Questions

The Mayor after consultation with the Head of Paid Service and/or the Monitoring Officer, may reject a question if it:-

- (i) is not about a matter for which the Local Authority has a responsibility or which affects the Borough
- (ii) requires the disclosure of exempt or confidential information
- (iii) is defamatory, frivolous or offensive
- (iv) is substantially the same as a question which has been asked at a meeting of the Council in the past six months.

10.6 Record of Questions

The Head of Paid Service will enter each written question received in a book open to public inspection and will immediately send a copy of the question to the Leader and/or the appropriate Member of the Executive. Rejected questions will include reasons for rejection.

10.7 Asking the Question at the Meeting

The Mayor will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, he/she may ask the Leader to put the question on their behalf. The Leader may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Answers to Questions

The Leader will determine which Member of the Executive, or other Member, will answer a particular question.

10.9 Supplemental Question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question.

A supplementary question must arise directly out of the original question or the reply. The Mayor/Chair may reject a supplementary question on any of the grounds in Rule 10.5 above.

10.10 Written Answers

Any written question which cannot be dealt with during Public Question Time will be dealt with by a written answer.

10.11 Reference of a question to the Leader/Cabinet or a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the *Leader/Cabinet* or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

11. QUESTIONS BY MEMBERS

11.1 Questions on the work of the Leader/Cabinet or Committees

A Member of the Council may ask the Leader, or a Member of the Executive nominated by the Leader, or the Chair of a Committee, or other body any question upon a *decision* of the *Leader/Cabinet* or a Committee, or other body or on a decision of *the Leader* or an Cabinet Member or a key decision made by an officer under delegated powers or on any matter in relation to which the Council has powers or duties or which affects the Borough and may, but need not give, notice in writing of the question to the Head of Paid Service not later than 12 noon on the day preceding the meeting.

11.2 Questions on Notice at Full Council

A Member of the Council may ask:

- the Member of the Council appointed to a Joint Authority and nominated by the Council as spokesperson for that Authority
- the Member of the Council appointed as the Council's representative on an outside body or partnership

a question relating to the functions of Joint Authorities or the work of outside bodies or partnerships, provided notice in writing has been given to the Head of Paid Service at least six clear working days prior to the meeting..

11.3 Questions on Notice at Committee and Sub-Committee Meetings

A Member of a Committee or Sub-Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that Committee or Sub-Committee and may, but need not, give notice in writing to the Head of Paid Service not later than 12 noon on the day preceding the meeting.

11.4 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

The person to whom a question is put may decline to answer.

Every question shall be put and answered without discussion.

11.5 Supplementary Question

A Member asking a question under Rules 11.1, 11.2 or 11.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

12. NOTICES OF MOTION

12.1 Notice

Except for motions which can be moved without notice under rule 13, written notice of every motion, signed by at least 2 Members, must be delivered to the Head of Paid Service at least eight clear working days before the date of the meeting. These will be entered in a book open to public inspection.

12.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 Priority Business

A motion for which a notice has been given will be treated as priority business and if, after two hours from the commencement of the meeting, consideration of the motion (or the first motion if there is more than one on the agenda) has not begun, that motion shall be taken next after the conclusion of the business under discussion.

12.4 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

13. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the agenda;
- (d) to refer a matter to a Committee or an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) after 3 hours of the start of the meeting excluding the period of Public Question Time, to approve the remaining business before the Council (Council only) or at 10.00 pm to adjourn the meeting (Committees/Sub-Committees only);
- (n) to suspend a particular Council Procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution;
- (r) to extend the time limits for speeches
- (s) to authorise the sealing of documents

14. RULES OF DEBATE

14.1 No Speeches until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

14.3 Secunder's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

14.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed ten minutes except by consent of the Council. The Council may consent to an extension of a speech by a further period not exceeding five minutes and only one such extension will be allowed.

The Mayor will have overall control of the content and number of speeches and will decide when a matter has been discharged enough for the debate to be closed and a vote taken.

14.5 When a Member May Speak Again

A Member who has spoken on a motion or amendment may not speak again whilst it is the subject of debate, except:

- (a) in exercise of a right of reply;
- (b) on a point of order; and
- (c) by way of personal explanation.

14.6 Amendments to Motions

(a) An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion or introduce a new proposal into the motion

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, if required the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of Motion

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made

14.8 Withdrawal of Motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment or reference back, but may not otherwise speak on it.
- (c) The mover of an amendment or reference back has a right of reply immediately before the right of reply by the mover of the motion at the close of the debate on the amendment.

14.10 Motions Which May be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) after 3 hours of the start of the meeting excluding the period of the Public Question Time, to approve the remaining business before the Council in accordance with the process set out in Rules 9.1 to 9.5 above;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 Closure Motions

- (a) A Member may move the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.

The mover and seconder of the motion shall not comment and there shall be no discussion on such motion.

- (b) If a motion to proceed to the next business is seconded and the Mayor is of the opinion that the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor is of the opinion that the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor is of the opinion that the item has not been sufficiently discussed and cannot reasonably be so discussed

on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of Order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

14.13 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

15. STATE OF THE BOROUGH DEBATE

15.1 Calling of Debate

The Leader will call a state of the Borough debate annually on a date and in a form to be agreed with the Mayor.

15.2 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity.

15.3 Chairing of Debate

The debate will be chaired by the Mayor.

15.4 Results of Debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 12 Members or unless it is a recommendation

contained in the Minutes of a Committee and the Summons to attend the meeting of that Committee contained notice that the matter was to be considered.

16.2 A Committee or Sub-Committee of the Council acting under delegated powers may rescind a resolution adopted under delegated powers within a period of six months provided the Summons to attend the meeting of the Committee or Sub-Committee contains a notice that the matter is to be reconsidered.

16.3 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 12 Members. Once the motion or amendment is dealt with, no-one can propose a similar motion or amendment for six months.

17. VOTING

17.1 Majority

Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

17.2 Chair's Casting Vote

If there are equal numbers of votes for and against, the person presiding at the meeting will have a second or casting vote. There will be no restriction on how the person presiding at the meeting chooses to exercise a casting vote.

17.3 Show of Hands

Unless a ballot or recorded vote is demanded under Rules 17.4 and 17.5, the Mayor will take the vote by Members standing in their places (Council only) or by show of hands (Committees/Sub-Committees), or if there is no dissent, by the affirmation of the meeting.

17.4 Ballots

The vote will take place by ballot if a majority of those Members voting and present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

17.5 Recorded Vote

If 8 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes. A demand for a recorded vote will override a demand for a ballot.

17.6 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

17.7 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18. MINUTES

18.1 Signing the Minutes

The Mayor will sign the Minutes of the proceedings at the next suitable meeting. The Mayor will move that the Minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

18.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of Minutes.

18.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor puts them.

19. RECORD OF ATTENDANCE

The Head of Paid Service will record the names of all Members present during the whole or part of a meeting.

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution or Rule 22 (Disturbance by Public).

21. MEMBERS' CONDUCT

21.1 Standing to Speak

When a Member speaks at Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

21.2 Mayor Standing

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

21.3 Member Not to be Heard Further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

21.4 Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

22. DISTURBANCE BY PUBLIC

22.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

22.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

23.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5(b), 7, 8, 9(b), 10-14, 16-18, 20-24 (but not rule 21.2) apply to meetings of Committees and Sub-Committees.

ACCESS TO INFORMATION PROCEDURE RULES

SUMMARY

The Access to Information Rules which apply to Council meetings and Committees of Council in executive constitutions are set out in sections 100A to H and Schedule 12A to the Local Government Act 1972 as amended.

Further Access to Information Rules also apply to the Executive under section 22 of the Local Government Act 2000.

In applying the Access to Information Rules, the Council will take account of the principle of open decision making as set out in Article 13.02 of the Constitution and the Freedom of Information Act 2000.

PART A - GENERAL

1. SCOPE

The rules under Part A apply to all meetings of the Council, Scrutiny Commissions, Standards Committees, Regulatory and Non-Executive Committees and public meetings of the Executive.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. PUBLIC QUESTION TIME

Most meetings of the Council, Scrutiny Commissions, Regulatory and Non-Executive Committees, and the Executive will feature a public question time which will allow members of the public to ask questions about the performance of the Council.

5. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Town Hall, Knowsley Street, Bury.

6. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for public inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Head of Paid Service shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda. Agendas, reports and minutes will also be made available on the Council's website.

7. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Head of Paid Service and/or the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

8. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available for public inspection copies of the following for six years after a meeting:

- (a) the Minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Cabinet excluding any part of the Minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

9. BACKGROUND PAPERS

9.1 List of Background Papers

The appropriate Director or Chief/Borough Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 1)

9.2 Public Inspection of Background Papers

The Council will make available for public inspection for six years after the date of the meeting one copy of each of the documents on the list of background papers.

10. SUMMARY OF PUBLIC'S RIGHTS

The Access to Information Procedure Rules which summarise the public's rights to attend meetings and to inspect and copy documents will be available to the public at the Town Hall, Knowsley Street, Bury.

11. EXCLUSION OF THE PUBLIC FROM MEETINGS

11.1 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

11.2 Exempt Information - Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

11.4 Meaning of Exempt Information

Exempt information means information falling within the following categories (subject to any condition):

CATEGORY	CONDITION
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority).	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. Contemplated, as well as past and current activities are included.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority.	"Labour relations matter" are as specified in paragraph (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, ie matters which may be the subject of a trade dispute.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes:— (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

CATEGORY	CONDITION
<i>Additional categories applicable to meetings of the Standards Committee or a Standards Sub Committee</i>	
7. (a) Information which is subject to any obligation of confidentiality.	
7. (b) Information which related in any way to matters concerning national security.	
7. (c) The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.	

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11.5 EXCLUSION OF THE PRESS AND PUBLIC FROM MEETINGS – PUBLIC INTEREST TEST

In all cases, before the press and public are excluded, the meeting must be satisfied that, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Head of Paid Service and/or the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Such reports will be marked "Not in the public domain" together with the category of information likely to be disclosed.

PART B - APPLICATION OF RULES TO THE LEADER/CABINET

Rules 13-24 apply to the *Leader/Cabinet* and its Committees. If the Executive or its Committees meet to take a key decision then it must also comply with Rules 1-12 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is defined in Article 13.03 of this Constitution.

If the Leader/Cabinet or its Committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 1-12 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least three clear working days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

14. THE FORWARD PLAN

14.1 Annual Publicity for Forward Plan

The Head of Paid Service will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the Plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Town Hall, Knowsley Street, Bury;
- (e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the Plan;

- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each forward plan will be published and made available to the public at the Town Hall, Knowsley Street, Bury.

14.2 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.3 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Executive, a Committee of the Executive, individual Members of the Cabinet, officers, Area Boards or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan. It will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The Forward Plan will be sent to all Members of the Council and will be available for public inspection at least 14 days before the start of the period covered.

Exempt information will not be included in a Forward Plan and confidential information cannot be included.

15. RECORD OF INDIVIDUAL DECISION

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 (Access to Minutes etc. after the meeting) and 8 (Background Papers) will also apply to the making of decisions by individual members of the Executive.

16. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Head of Paid Service has informed the Chair of *the Scrutiny Committee*, or if there is no such person, each Member of that Commission, and a nominated opposition or majority group member of the *Committee* as appropriate and the leader of the second largest opposition group in writing, by notice, of the matter to which the decision is to be made;
- (c) the Head of Paid Service has made copies of that notice available to the public at the offices of the Council; and
- (d) at least five days have elapsed since the Head of Paid Service complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public.

17. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the relevant *Scrutiny Committee* that the taking of the decision cannot be reasonably deferred and has consulted a nominated opposition or majority group

member of the *Committee* as appropriate and the leader of the second largest opposition group. If there is no Chair of the relevant Scrutiny *Committee* or if the Chair is unable to act, then the agreement of the Chair of the Council (Mayor), or in his/her absence the Vice Chair (Deputy Mayor) will suffice.

18. REPORT TO COUNCIL WHERE GENERAL EXCEPTION OR URGENCY PROVISIONS USED

18.1 When a Scrutiny *Committee* Can Require a Report

If a Scrutiny *Committee* thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with *the* relevant Scrutiny *Committee* Chair, or the Chair/Vice Chair of the Council under Rule 16 (special urgency procedure);

the *Committee* may require the Leader/Executive to submit a report to the Council within such reasonable time as the *Committee* specifies. The power to require a report rests with the *Committee*, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the *Committee* when so requested by the Chair or any five Members of the *Committee*. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny *Committee*.

18.2 Leader/Executive's Report to Council

The *Leader/Cabinet* will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven clear working days of receipt of the written notice, or the resolution of the Commission, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

18.3 Quarterly Reports on Special Urgency Decisions

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

19. RECORD OF DECISIONS

After any meeting of the Executive or any of its Committees, whether held in public or private, the Head of Paid Service or, where no officer was

present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

20. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The Executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.

21. NOTICE OF PUBLIC AND PRIVATE MEETINGS OF THE CABINET

21.1 *The Cabinet will normally meet in public in accordance with the provisions of the Local Government (Access to Information Act 1985)*

21.2 Members of the Cabinet or its Committees will be entitled to receive five clear working days' notice of a public or private meeting to which they are summoned unless the meeting is convened at shorter notice as a matter of urgency.

21.3 All Members of the Cabinet will be sent notice either by post or electronically of all public or private meetings of Committees of the Cabinet whether or not they are Members of that Committee.

21.4 Notice of all public meetings of the Cabinet and its Committees will be sent either by post or electronically to all Members of the Council and Education Representatives and Co-opted Members on Scrutiny Commissions.

22. ATTENDANCE AT PUBLIC MEETINGS OF THE EXECUTIVE

22.1 All Members of the Executive will be entitled to attend and speak at any meeting of a Committee of the Executive but only Members of the Committee may vote.

22.2 Any Member of the Council may attend a public meeting of the Executive and may be invited to speak only at the discretion of the person presiding at the meeting.

22.3 Individual Members of the Council who are not Members of the Executive may not attend a private meeting of the Executive or Committee of the Executive unless invited to do so by the person presiding at the meeting. An invited Member may be invited to speak at that meeting by the person presiding.

22.4 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer or their nominees are entitled to attend any meeting of the Executive and its Committees.

23. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET AND OFFICERS

23.1 Reports Intended to be Taken into Account

Where an individual Member of the Cabinet or officer receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until the report has been available for public inspection for at least five clear days after receipt of that report. The provisions of this Section will not apply to a decision taken under Rule 16 (Special Urgency).

23.2 Provision of Copies of Reports to Overview and Scrutiny Committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant Overview and Scrutiny Committee, or where there is no Chair to every Member of the Committee, as soon as reasonably practicable, and send it to the Head of Paid Service to ensure it is publicly available at the same time.

23.3 Record of Individual Decision

As soon as reasonably practicable after an executive decision has been taken by an individual Member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or request the Head of Paid Service to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of rules 8 and 9 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Cabinet or officers. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

23. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO REPORTS AND DOCUMENTS

24.1 Rights to Copies of Reports

Members of Overview and Scrutiny Committees will be supplied with copies of any reports or papers which are to be submitted to public or private meetings of the Cabinet or its Committees for consideration, except that Voting Education Representatives and Co-opted Members of a Committee will not be supplied with exempt or confidential reports unless such reports are relevant to an action or decision being reviewed or scrutinised by the Committee.

24.2 Rights to Copies of Documents

Subject to Rule 23.3 below, a Scrutiny Committee (including its Sub-Committees) will be entitled to copies of any document which is in the

possession or control of the Leader/Cabinet and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Cabinet or its Committees;
- (b) any executive decision taken by an individual Member of the Cabinet
- (c) any key decision taken by an officer

24.3 Limit of Rights

Scrutiny Committees will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser

25. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

25.1 Material Relating to Previous Business

Any document which is in the possession or under the control of the Leader/Cabinet and contains material relating to any business to be transacted at a meeting of the Cabinet or relates to any key decision shall be open to inspection by any Member of the Council unless it appears to the Director of Chief Executive's Department and Monitoring Office that it discloses exempt information.

Notwithstanding paragraph 24.1 the document will remain open to inspection if the information it contains falls within paragraphs 3 or 6 of Schedule 12A to the local Government Act 1972 (with the exception of information relating to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract).

25.2 Material Relating to Key Decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader/Cabinet which relates to any key decision unless paragraph (a) or (b) above applies.

25.3 Nature of Rights

These rights of a Member of the Council are additional to any other right he/she may have.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Leader/Cabinet.

2. Process for Developing the Framework

The process by which the budget and policy framework shall be developed is:

- (a) The Leader/Cabinet will publicise by including in the Forward Plan and publishing at the Council's offices a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation.
- (b) The Leader/Cabinet's initial proposals shall be referred to the relevant *Scrutiny Committee* for further advice and consideration. The *Scrutiny Committee* shall report to the Executive on the outcome of its deliberations. The *Scrutiny Committee* shall have six weeks to respond to the initial proposals of the Leader/Cabinet unless the Leader/Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the *Scrutiny Committee* of the time for response when the proposals are referred to it.
- (c) Having considered the report of the *Scrutiny Committee*, the Leader/Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the *Scrutiny Committee*.
- (d) In reaching a decision, the Council may adopt the Leader/Cabinet's proposals, amend them, refer them back to the Leader/Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- (e) Where the Leader/Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the actions set out in sub-paragraph (f).
- (f) Before the Council:-

- (i) amends the draft plan or strategy;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted, or
 - (iii) adopts (with or without modification) the plan or strategy;
- it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Leader/Cabinet to consider, in the light of those objections, the draft plan or strategy submitted to it.
- (g) Where the Council gives instructions in accordance with Rule 2(f), it must specify a period of five clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Leader/Cabinet within which the Leader may:-
- (i) submit a revision of the draft plan or strategy as amended by the Leader/Cabinet ("revised draft plan or strategy"), with the Leader/Cabinet's reasons for any amendments made to the draft plan or strategy to the Council, for the Council's consideration; or
 - (ii) inform the Council of any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet's reasons for any such disagreement.
- (h) When the period specified by the Council, referred to in Rule 2(g), has expired, the Council must make a final decision and when:-
- (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or
 - (iii) adopting (with or without modification) the Plan or strategy;
- take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Leader/Cabinet's reasons for those amendments, any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

- (i) The Council shall at that meeting make its final decision on the matter by a simple majority of votes cast at the meeting.
- (j) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.

3. Budget Preparation Process

- (a) Subject to Rule 3(e) where, before 8 February in any financial year the Leader/Cabinet submits to the Council for its consideration in relation to the following financial year:-
 - (i) estimates of the amount to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;
 - (ii) estimates of other amounts to be used for the purposes of such a calculation;
 - (iii) estimates of such a calculation;
 - (iv) amounts required to be stated in a precept under of Part 1 of the Local Government Finance Act 1992

and following consideration of those estimates or amounts the Authority has any objections to them, it must take the action set out in Rule 3(b).

- (b) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in Rule 3(a)(i), or issues a precept under Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Leader/Cabinet's estimates or amounts and must give to the Leader instructions requiring the Leader/Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- (c) Where the Council gives instructions in accordance with Rule 3(b), it must specify a period of at least 5 clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Leader/Cabinet within which the Leader may:-
 - (i) submit a revision of the estimates or amounts as amended by the Leader/Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Leader/Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

- (ii) inform the Council of any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet's reasons for any such disagreement.
- (d) When the period specified by the Council, referred to in Rule 3(c), has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the Sections referred to in Rule 3(a)(i), or issuing a precept under Part 1 of the Local Government Finance Act 1992 take into account:-
- (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) the Leader/Cabinet's reasons for those amendments;
 - (iii) any disagreements that the Leader/Cabinet has with any of the Council's objections; and
 - (iv) The Leader/Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
- (e) Rules 3(a) - (d) shall not apply in relation to:-
- (a) calculations or substitute calculations which the Council is required to make in accordance with Section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 and
 - (b) amounts stated in the precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

4. Decisions Outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 5 (virement) the Leader/Cabinet, Committees of the Executive, individual Members of the Executive and any officers or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Leader/Cabinet, Committees of the Executive, individual Members of the Executive and any officers or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget

and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

5. Urgent Decisions Outside the Budget or Policy Framework

- (a) The Leader/Cabinet, a Committee of the Executive, an individual Member of the Executive or officers or joint arrangements, discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chair of a relevant *Scrutiny Committee* agrees that the decision is a matter of urgency, and if a nominated opposition or majority group member of the *Committee* as appropriate and the leader of the second largest opposition group has been consulted.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant *Scrutiny Committee's* consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant *Scrutiny Committee*, the consent of the Mayor and, in the absence of both, the Deputy Mayor will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. In-Year Changes to Policy Framework and Virement

In approving the policy framework, the Council may also specify the degree of in-year changes to the policy framework which may be undertaken by the Leader/Cabinet. The extent of virement within the budget which may be undertaken by the Leader/Cabinet is included in the Financial Procedure Rules in Part 4 of this Constitution. Any other changes to the policy and budgetary framework are reserved to the Council.

7. Call-in of Decisions Contrary to the Budget or Policy Framework

- (a) Where a *Scrutiny Committee* is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's

budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.

- (b) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and/or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Scrutiny Commission if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Commission may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting the Council will receive a report on the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - (i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way.

Or

 - (ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

Or

 - (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

- (e) Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the actions set out in sub-paragraph (f).
- (f) Before the Council:-
 - (i) amends the draft plan or strategy;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted, or
 - (iii) adopts (with or without modification) the plan or strategy;

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Leader/Cabinet to consider, in the light of those objections, the draft plan or strategy submitted to it.
- (g) Where the Council gives instructions in accordance with Rule 2(f), it must specify a period of five clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Leader/Cabinet within which the Leader may:-
 - (i) submit a revision of the draft plan or strategy as amended by the Leader/Cabinet ("revised draft plan or strategy"), with the Leader/Cabinet's reasons for any amendments made to the draft plan or strategy to the Council, for the Council's consideration; or
 - (ii) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- (h) When the period specified by the Council, referred to in Rule 2(g), has expired, the Council must make a final decision and when:-
 - (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or
 - (iii) adopting (with or without modification) the Plan or strategy;

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or

strategy, the Leader/Cabinet's reasons for those amendments, any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

EXECUTIVE PROCEDURE RULES

1. OPERATION OF THE EXECUTIVE

1.1 Executive Decision Making

The arrangements for the discharge of executive functions are set out in Part 3 of this Constitution adopted by the Council. Those arrangements may provide for executive functions to be discharged by:

- (i) The Leader;
- (ii) the Cabinet as a whole;
- (iii) a Committee of the Cabinet;
- (iv) an individual Member of the Cabinet;
- (v) an officer;
- (vi) joint arrangements; or
- (vii) another Local Authority.

1.2 Changes to Arrangements for the Discharge of Executive Functions

The Leader may submit a report to a meeting of the Council at any time containing proposed changes to the arrangements for the discharge of executive functions for inclusion in the Council's scheme of delegation at Part 3 to this Constitution.

1.3 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.4 Deputy Leader

- (a) The *Leader* will appoint a person from amongst Members of the Executive to be the Deputy Leader to act in *his/her* absence.
- (b) The Member appointed as Deputy Leader will remain in office until the next Annual Meeting of the Council or until the *Leader* rescinds the appointment.

1.5 Absence of a Cabinet Member

The Leader, or in his/her absence the Deputy Leader, is able to act on behalf of any Cabinet Member in his/her absence or where he/she is unable to act.

1.6 Time and Place of Cabinet Meetings

The Executive will meet on dates and at times to be agreed by the Leader. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public/Private Meetings of the Cabinet

Meetings of the Cabinet will normally be held in public.

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings.

1.8 Quorum

The quorum for a meeting of the Cabinet shall be three. The quorum for a meeting of a Committee of the Cabinet shall be two.

1.9 Decision Making by the Leader/Cabinet

- (a) Leader/Cabinet decisions shall be taken in accordance with the principles set out in Article 13 of the Constitution.
- (b) Leader/Cabinet decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (c) Where Leader/Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

2. CONDUCT OF CABINET MEETINGS

2.1 Chair of the Meeting

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside and in the absence of both of them a person appointed to do so by those present shall preside.

2.2 Attendance

Attendance shall be as set out in the Access to Information Rules in Part 4 of the Constitution.

2.3 Business

At each meeting of the Cabinet the following business will be conducted:

- (i) consideration of the Minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by *Overview and Scrutiny Committees* or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from *Overview and Scrutiny Committee*; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any Member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant *Overview and Scrutiny Committees*, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 The Cabinet Agenda

- (i) The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or

officer in respect of that matter. The Head of Paid Service will comply with the Leader's requests in this respect.

- (ii) The Head of Paid Service will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant *Overview and Scrutiny Committee* or the full Council have resolved that an item be considered by the Cabinet. However, the number of such items on any one agenda shall be at the discretion of the Leader, subject to Rule 11(c) of the Overview Scrutiny Procedure Rules.
- (iii) Any Member of the Council may ask the Leader to put an item on the agenda of an Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. [This Councillor will be invited to attend the meeting, whether or not it is a public meeting.] However, the Leader has discretion to limit the number of such items to be considered per Cabinet meeting.
- (iv) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Head of Paid Service to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. **Appointment of *Overview and Scrutiny Committees***

- (a) The Council will appoint the *Overview and Scrutiny Committees* set out in Article 6 to undertake the overview and scrutiny function and will appoint to them as it considers appropriate from time to time. *The Overview Management Committee will also set up Overview Project Groups.*
- (b) The Council may appoint Joint Scrutiny Committees with other local authorities to undertake the review and scrutiny of designated overview and scrutiny functions.

2. **Membership of *Overview and Scrutiny Committees***

- (a) The membership of the *Overview and Scrutiny Committees* and any Joint Scrutiny Committees appointed by the Council is set out in Table 1 at the end of this procedure rule.
- (b) All Councillors except the Leader and Members of the Cabinet may be members of an *Overview Panel*. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.
- (c) *Members appointed to serve on the Overview Management Committee will not serve on the Scrutiny Committees. The Overview Management Committee and Scrutiny Committees will be appointed by the Council and be politically balanced.*

3. **Non-Voting Co-opted Members**

The Council will appoint a number of people as non-voting co-optees as set out in Table 2 at the end of this procedure rule.

4. **Voting Education Representative Members**

Any scrutiny body dealing with education matters shall include in its membership the following voting representatives:

- (a) one Church of England Diocesan representative;
- (b) one Roman Catholic Diocesan representative;
- (c) one representative of the Jewish Faith; and
- (d) two parent governor representatives.

A relevant *Overview and Scrutiny Committee* or *Overview Project Group* in this paragraph is a Scrutiny *body* of a local education authority, where the *body's* functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If the Scrutiny *body concerned* deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

5. Meetings of the Scrutiny Panels/Commissions and Scrutiny Management Committee

There shall be at least four ordinary meetings of each *Overview and Scrutiny Committee* in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate in accordance with Rule 5(b) of the Council Procedure Rules. An additional meeting of a *Scrutiny Committee* may be called by the Head of Paid Service as a result of the call-in procedure or an adjourned meeting during consideration of major reviews or policy development issues.

6. Quorum

The quorum for an *Overview and Scrutiny Committee* shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

7. Chairs of Overview and Scrutiny Committees

Chairs of *Overview and Scrutiny Committees* or *Overview Project Groups* will be drawn from among the voting members sitting on the *Committee or Project Group* and, subject to this requirement, unless a Chair has been appointed by the Council, the *Committee or Project Group* may appoint such a person as it considers appropriate as Chair.

8. Work Programme

The Overview and Management Committee will be responsible for determining the Annual Scrutiny Work Programme based on Council priorities and Team Bury objectives.

9. Agenda Items

- (a) Any Member of an *Overview and Scrutiny Committee* shall be entitled to give notice to the Head of Paid Service that he/she wishes an item relevant to the functions of the *Committee* to be included on the agenda for the next available meeting of the *Committee*. On receipt of such a request the Head of Paid service will ensure that it is included on the next available agenda.
- (b) Any 2 Members of the Council who are not Members of the *Overview and Scrutiny Committee* may give written notice to the Head of Paid Service that they wish an item to be included on the agenda of an *Overview and Scrutiny Committee*. If the Head of

Paid Service receives such a notification, then he/she will include the item on the first available agenda of the relevant *Overview and Scrutiny Committee* for consideration.

- (c) The *Overview and Scrutiny Committees* shall also respond, as soon as their work programme permits, to requests from the Council, the Executive, Members of the Council and Members of the *Committee* to review particular areas of Council activity, subject to the overall control of the *Overview Management Committee* in relation to the priority of such requests. Where they do so, the *Overview and Scrutiny Committees* shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the *Overview and Scrutiny Committees* at the next available meeting.

10. Policy Review and Development

- (a) The role of the *Scrutiny Committees* in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, *Scrutiny Committees* may make proposals to the Executive for developments insofar as they relate to matters within their terms of reference.
- (c) *Overview and Scrutiny Committees* may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. Reports from *Overview and Scrutiny Committees*

- (a) Once it has formed recommendations on proposals for development, the *Overview and Scrutiny Committees* will prepare a formal report and submit it to the Head of Paid Service for consideration by the Leader/Cabinet (if the proposals are in accordance with the existing budgetary and policy framework), or to the Council (if the recommendation would require a departure from or a change to the agreed budget and policy framework) as appropriate.
- (b) If a *Committee* cannot agree on one single final report to the Council or Leader/Cabinet as appropriate, then up to one minority

report may be prepared and submitted for consideration by the Council or Executive with the majority report.

- (c) The Council or Executive shall consider the report of the *Committee* within ten weeks of it being submitted to the Head of Paid Service or as soon as practicable thereafter.

12. Consideration of Scrutiny and Review Reports

- (a) Once a Scrutiny *Committee* has completed its deliberations on any matter it will forward a copy of its final report to the Head of Paid Service, who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework.

If the Head of Paid Service refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Leader/Cabinet will respond to the scrutiny and review report to enable the Council to consider the report within the period referred to in Rule 11(c) of the Overview and Scrutiny Procedure Rules. When the Council does meet to consider any referral from a Scrutiny Commission on a matter which would impact on the budget and policy framework, it shall also consider the response of the Leader/Cabinet to the scrutiny and review proposals.

If the Head of Paid Service refers the matter to the Leader/Cabinet, the matter *should be considered* within six weeks.

- (b) Where a Scrutiny *Committee* prepares a report for consideration by the Leader/Cabinet in relation to a matter where the Leader or Council has delegated decision making power to another individual Member of the Executive, then the Scrutiny *Committee* will submit a copy of their report to that individual for consideration. At the time of doing so, the Scrutiny *Committee* shall serve a copy on the Head of Paid Service and the Leader. If the Member with delegated decision making power does not accept the recommendations of the Scrutiny *Committee* then he/she must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision making power and responding to the report in writing to the Scrutiny *Committee*. The Cabinet Member to whom the decision making power has been delegated will respond to the Scrutiny *Committee* within six weeks of receiving it. A copy of his/her written response to it shall be sent to the Head of Paid Service and he/she will attend a future meeting to respond.
- (c) Scrutiny *Committees* will in any event have access to the Leader/Cabinet Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a Scrutiny *Committee* following a consideration of possible policy/service developments, the

Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

13. Rights of Overview and Scrutiny Commission Members to Documents

- (a) In addition to the rights of Councillors, Members of *Overview and Scrutiny Committees* have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and *Scrutiny Committees* as appropriate depending on the particular matter under consideration.

14. Members and Officers Giving Account

- (a) Any *Overview and Scrutiny Committees* or *Overview Project Group* may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Leader/Cabinet, the Head of Paid Service, any Executive Director, Borough Officer and/or any other appropriate senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy;
and/or
 - (iii) their performanceand it is the duty of those persons to attend and submit information if so required.
- (b) Where any Member or officer is required to attend a *Scrutiny Committee* under this provision, the Chair of that *Committee* will inform the Head of Paid Service. The Head of Paid Service shall inform the Member or officer in writing giving at least five working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the *Committee*. Where the account to be given to the *Committee* will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the *Scrutiny Committee*

shall in consultation with the Member or officer arrange an alternative date for attendance.

15. Attendance by Others

A Scrutiny *Committee* may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

16. Call-in

- (a) When a decision is made by the Leader, an individual Member of the *Cabinet* or a Committee of the Executive, or a key decision is made by an officer with delegated authority from the *Leader/Cabinet*, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within four clear working days of being made. All Members of the Council and education representatives and co-opted members of *Overview and Scrutiny Committees* will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless *the matter is subject to a call-in*.
- (c) During that period, the Chair or any two or more Members of the *Committee* may give notice to the Head of Paid Service for the call-in of a decision for scrutiny by the *Scrutiny Committee (Internal)*. The Head of Paid Service shall call a meeting of the *Scrutiny Committee (Internal)* on such date as he/she may determine, where possible after consultation with the Chair of the *Committee*, and in any case within five clear working days of the receipt by the Chief Executive of the notice to call-in a decision. The decision taker shall be notified of the call-in.
- (d) During the period of five clear working days after the publication of the decision, any eight Members of the Council may also give notice in writing to the Head of Paid Service that a decision shall be called in for consideration by the *Scrutiny Committee (Internal)*. All other provisions relating to call in shall apply as if the call-in had been exercised by Members of the *Scrutiny Committee*. The decision taker shall be notified of the call-in.
- (e) If, having considered the decision, the *Scrutiny Committee (Internal)* is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council.

If referred to the decision maker they shall then reconsider within a further ten working days, amending the decision or not, before adopting a final decision.

- (f) If following the call-in of the decision, the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny Committee meeting, or the expiry of that further five clear working day period, whichever is the earlier.
- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's view on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Leader/Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within five clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (i) The procedure rules for the call-in of decisions contrary to the Budget or Policy Framework are set out in Rule 6 of the Budget and Policy Framework Procedure Rules in this Constitution.

Call-In and Urgency

- (l) The call-in procedure set out above shall not apply where the decision being taken by the Leader/Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Scrutiny *Committee* must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and a nominated opposition or majority group Member of the *Committee* as appropriate and the

leader of the second largest opposition group should be consulted. In the absence of the Chair, the consent of the Chair of the Council (Mayor) shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (m) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17. The Party Whip

- (a) The "party whip" means any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner.
- (b) When considering any matter in respect of which a Member of an *Overview and Scrutiny Committee* is subject to a party whip the Member must declare the existence of the whip, and the nature of it before the commencement of the *Committee's* deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

18. Procedure at Overview and Scrutiny Committee Meetings

- (a) *Overview and Scrutiny Committees* and *Overview Project Groups* shall consider the following business:
 - (i) Minutes of the last meeting;
 - (ii) declarations of interest (including any whipping declarations);
 - (iii) consideration of any matter referred to the *Committee* for a decision in relation to call-in of a decision;
 - (iv) responses of the Executive to reports of the *Overview and Scrutiny Committee*; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Scrutiny *body* conducts investigations (eg with a view to policy development), the *Committee* may also ask people to attend to give evidence at *Committee* meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all Members of the *Committee* be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the *Committee* by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the *Committee* or *Overview Project Group* shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

TABLE 1

**MEMBERSHIP AND TERMS OF REFERENCE FOR
SCRUTINY PANELS COMMITTEES**

Committee	Membership
<i>Overview Panel</i>	<i>All non-Executive Members of the Council;</i> <i>Voting Diocesan & Parent Governor representations for educational issues only;</i> <i>Bank of non-voting Co-opted Members from which appropriate specialism for reviews can be drawn as required.</i>
<i>Overview Management Committee</i>	<i>To comprise X Councillors including a Chair and Deputy Chair with each Member allocated a service area specialism.</i> <i>To comprise voting diocesan and parent governor representations for educational issues.</i> <i>The Overview Management Committee will appoint Overview Project Groups</i>
<i>Scrutiny Committee (Internal)</i>	<i>To comprise X Councillors including a Chair and Deputy Chair who cannot be Members of the Overview Management Committee.</i> <i>To be chaired by an Opposition Member.</i> <i>Will also consist of diocesan and parent governor representations for matters relating to educational matters only.</i>
<i>Scrutiny Committee (External)</i>	<i>To comprise X Councillors including a Chair and Deputy Chair who cannot be Members of the Overview Management Committee.</i> <i>Will also consist of diocesan and parent governor representations for matters relating to educational matters only.</i>

Joint Committees for Health Scrutiny

Joint Committee	Membership
Pennine Care NHS Trust Joint Health Scrutiny Committee	Politically balanced committee with a total of 15 members, 3 each appointed by Bury, Rochdale and Oldham, Tameside and Stockport.
Pennine Acute Hospitals NHS Trust Joint Health Scrutiny Committee	Politically balanced committee with a total of 12 members, 3 each appointed by Bury, Manchester, Oldham and Rochdale.
Association of Greater Manchester Authorities Joint Health Scrutiny Committee [in respect of the following services:- - G M Strategic Health Authority - G M Ambulance Service - Christies - G M Workforce Federation]	Politically balance committee comprising representatives of the 10 Greater Manchester Authorities with Bury appointing at least one representative.
North West Joint Committee re Cleft Lip and Palate Services Consultation	Committee comprising representatives from the 22 Social Services Authorities in the North West with Bury appointing one representative.

TERMS OF REFERENCE:

Overview Management committee (Policy Development)

1. (a) To agree and set an annual work programme at the beginning of each Municipal year:-
 - (i) in consultation with key stake holders
 - (ii) in accordance with the Work Programme and Prioritisation Protocol
 - (iii) ensuring the work programme is set within Member and Officer capacity and budget with outcomes and performance standards that are measurable, achievable realistic and timely
- (b) To decide on topics arising out of the annual work programme flowing prioritisation which require an in depth review
 - (i) appoint the appropriate sub group (overview Project Group)

- to carry out each review
 - (ii) appoint appropriate co-optees as may be relevant to assist as "expert witnesses" on a review
 - (iii) to consider the need for any other outside body to assist in the review
 - (iv) to appoint lead offices for particular reviews
 - (v) to set broad terms of reference for the review within the terms of a scoping document
 - (vi) timetable the review to report back to the overview management committee
- (c) To consider in the year, the addition to the work programme of urgent priority topics (in accordance with the Work Programme and Prioritisation Protocol) as and when they may arise with final decision on whether the matter is included in the work programme to be the Chair of the Committee.
2. To be consulted in the policy development stages of initiatives referred to by the Leader and to examine policy initiatives at the request of the Leader/Executive.
 3. To oversee the development of member skills and competencies in overview and scrutiny in consultation with the member development and training group.
 4. To report to Council on an annual basis and as appropriate during the year.
 5. To ensure the workloads are balanced and co-ordinated and kept under review.
 6. To allocate a Champion from the Committee to ensure the work programme is aligned with the Council's key priorities and to provide a focus for consultations on policy initiatives.
 7. To be advised of major policy initiatives in the policy development stages and where considered necessary in accordance with the Council's objectives, to set up review groups to take up any detailed work.
 8. To deal with all issues relating to the Councillor Call for Action initiative.
 9. To take overall responsibility for the overview and scrutiny budget and to allocate funds accordingly.

Overview Project Groups (Project Specific)

1. To scrutinise policy issues as scoped and referred to by the Overview Management Committee.
2. To scope reviews in detail bearing in mind the Overview Management Committees outline brief.

Scrutiny Committee (internal)

1. To review and scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's functions.
2. To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and all particular service areas.
3. To report outcomes to the Overview Management Committee unless the Committee determines otherwise for expediency.
4. To make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process.
5. Oversight of the provisions, planning and management of the Council's resources including its budget, revenue borrowing assets and audit arrangements.
6. Oversight of the Council's corporate plans and strategies and the monitoring of the corporate plan and departmental plans.
7. To receive all reports from external inspectors.

Scrutiny Committee (External)

Together with the Overview Management Committee and Scrutiny Committee (internal)

1. To scrutinise relevant aspects of the community strategy.
2. To scrutinise outside bodies and partners relevant to the Council.
3. To carry out the Council's statutory obligations in relation to reviewing and scrutinising any matters relating to the planning provision and operation of health services in the area of the Council.
4. To review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions.
5. To monitor the implementation of any scrutiny recommendations accepted by the Executive.
6. To scrutinise the results and issues arising from any external inspections of the Council's partnering arrangements.



**CONTRACTS PROCEDURE
RULES
(Standing Orders Relating to
Contracts)**

1. SCOPE/LEGAL REQUIREMENTS

- 1) Every written agreement/contract whether made by or on behalf of the Council shall comply with these rules, unless specifically authorised otherwise as set out in Rule 2, relevant statutory requirements or other legal requirements and European Community legislation current at the time of the arrangement. There shall be written evidence of every contract.
- (2) It shall be a condition of any contract between the Council and any person (who is not an Officer of the Council) who is required to supervise a contract on their behalf that, in relation to such contract, he/she shall comply with the requirements of these rules as if he/she were a Chief Officer of the Council.
- (3) No contract shall be entered into unless the appropriate Chief Officer is satisfied that there is adequate budget provision and all necessary consents to the expenditure have been obtained.
- (4) Exemption from any of the following provisions of these rules may be made by direction of the Council, the Leader/Cabinet or Officer duly authorised in that behalf, where they are satisfied that the exemption is justified in special circumstances.
- (5) The Council, the Leader/Cabinet or Committee as appropriate shall be informed of the circumstances of every exemption made by a Sub-Committee or by an Officer.
- (6) A record of any exemption made in accordance with Rule 1(4) shall, if not made in the minutes of the Council or Cabinet, be made in the minutes of the Committee or Sub-Committee to which the Report referred to in the rule is made.
- (7) Subject to Contract Procedure Rule 6, all contracts made by the Council as agent shall comply with these rules.
- (8) All employees of the Council and any persons, firms or other parties employed to undertake work on its behalf shall conform in all relevant respects with these Contracts Procedure Rules and the Financial Procedure Rules (Financial Regulations).

- (9) The explanatory notes to these Rules are for guidance only and are **not** part of the Rules. Annex 1 sets out, as an aide memoire, the financial limits applicable to contracts.
- (10) The financial limits specified within these Rules are subject to review and variation from time to time by the Council. (Those subject to European Community legislation are presently reviewed by the European Community every two years.)
- (11) E-Procurement may be carried out in accordance with these Rules and a system acceptable to the Directors of Finance and E-Government and Legal and Democratic Services.

*** Explanatory Note**

- (12) In legal terms, a contract can arise from an oral arrangement just as much as from written documentation. Where a contract is made by the placing of an order, the Council's official order form and the resulting invoice will be the written evidence; and for contracts where the order was initially placed orally, a confirmation written order should be sent within two working days. Orders placed by Purchasing Card are verbal orders for which written confirmation will not be given. Where the contract arises from the acceptance of a tender, the acceptance letter (or notification) and the tender documents can comprise the contract. Reference should be made to the Director of Legal and Democratic Services in the event of uncertainty.

2. SPECIAL EXEMPTION

- (1) Every contract shall comply with these Rules except :-
 - a) by the direction of the Leader/Cabinet or the Chief Executive.
 - b) In the case of social care contracts for individuals, in accordance with the procedures approved by the Director of Legal and Democratic Services and adopted by the Executive.
 - c) In the case of emergency construction works at Council establishments in accordance with the procedure contained in Annex 4 to these Rules.
- (2) Where tenders are required to be invited for work or goods or services but the appropriate Chief Officer considers that the contract is urgent or of a specialised nature, the appropriate Chief Officer, after consultation with the relevant Executive Member, may decide to invite a tender from such person or persons, who in the opinion of the Chief Officer is or are most suitable to execute the work or supply the goods or services and such tender or tenders may be negotiated. A report giving details of the tender accepted shall, as soon as practicable, after acceptance, be

made available in the Members' Information Point by the appropriate Chief Officer.

***Explanatory Note**

- (3) It must be capable of demonstration to a third party that such course of action taken under this rule was justified and in the best interests of the Council.
- (4) In relation to social care contracts for individuals the Director of Social Services Health & Housing has power to let these in accordance with the procedures approved by the Director of Legal and Democratic Services and the Executive.

3. CONSORTIUM PURCHASING AND STANDING OFFER ARRANGEMENTS

- (1) The Council may be a party to a consortium purchasing arrangement, standing offer arrangements and framework agreements which provide best value for the Council.
- (2) Where the proposed contract is one to which the Council will be a party in common with other local authorities as part of a consortium or under a standing offer arrangement, these rules will not be applicable provided that such action does not contravene any statutory or European Community requirement where the consortium has its own contract procedure rules or standing orders.

***Explanatory Note**

- (3) The Council is an associate member of the Yorkshire Purchasing Organisation, a local authority purchasing consortium. Details of other arrangements can be obtained from the Central Purchasing Unit.

4. WHEN TENDERS ARE REQUIRED

- (1) Tenders must be obtained prior to awarding a contract for works or the supply of goods and services unless:
 - (a) an exemption from a requirement to tender has been obtained under Rule 2; or
 - (b) the goods or services are supplied under consortium purchasing and/or standing offer arrangements; or
 - (c) the value of the contract is less than £25,000, when a minimum of three written quotations shall be sought.

***Explanatory Note**

- (2) Tenders are required in order to demonstrate public probity and secure Best Value for the Council. The Director of Legal and Democratic Services or Central Purchasing Manager are able to offer advice and assistance regarding the tendering process, if required. There is a requirement to examine tendering procedures under Best Value and some of the matters to be considered include the need to keep a proper balance between quality and cost (which recognises that driving down workforce costs too far may have an adverse effect on services to customers) and the need for transparent tendering procedures which make clear how a judgment will be made of what constitutes the optimum combination of cost and quality.

5. CONTRACT VALUES

- (1) Where the contract is for the purchase of a related group of items, the contract is worth the total price, or estimated total price of the group. Where appropriate, this is assessed on a multi-year basis rather than an annual basis.
- (2) Where the contract is for goods to be provided by way of short term hire, the contract is worth the capitalised value of the goods to be provided. The capitalised value is obtained by multiplying the periodic payment to be made to the hirer by the minimum number of payments agreed to be made under the contract.
- (3) Where the contract is continuous, it is worth the amount which the Director of Finance and E-Government certifies to be the total value of goods or services which will be taken by the Council under the contract during the life of the contract.
- (4) Contract figures shall be reckoned, exclusive of VAT.

*** Explanatory Note**

- (5) In determining contract values, care must be taken to ensure the requirements of the European Community legislation are not breached. In the event of any uncertainty, advice must be obtained from the Director of Legal and Democratic Services. This will apply for example, where the contract is for a quantity of related items where the various components are priced separately but bought to be used together. Care must therefore be taken to correctly identify when items are "related". The total contract price is recognised over the duration of the supply (ie multi-year).

6. ESTIMATES OF COST

- (1) Before entering into a works contract in excess of £50,000 the Leader/Cabinet or appropriate Chief Officer shall, in accordance with the Financial Regulations of the Council, obtain from the appropriate officer, or other person, an estimate in writing of the

probable expense of executing the work and (when in the case of Expenditure the expense of maintaining the same is expected to result in an additional revenue charge of more than £10,000) of the annual expense of maintaining the same unless the whole of that annual expense is already provided for in the revenue estimates.

7. TENDERING PROCEDURES

- (1) Any one of the following tendering procedures may be used:
 - (a) approved list tendering procedure
 - (b) full tendering procedure
 - (c) European Community tendering procedure
 - (d) consultant/specialist contractors tendering procedure

*** Explanatory Note**

- (2) Full details of tendering procedures are set out in the Council's Procurement Manual which should be referred to.

8. PUBLICATION OF INVITATION TO TENDER

- (1) Except where the approved tender list is being used, no contract which is estimated to exceed £50,000 in value or amount shall be made unless at least 10 days public notice has been given in one or more local newspapers and wherever the value or amount of the contract is estimated to exceed £150,000 in one or more newspapers or journals circulating among such persons as undertake such contracts, expressing the nature and purpose thereof, inviting interested contractors to apply to be included in a list of tenderers.
- (2) Where appropriate, advertisements shall be placed in the Official Journal of the European Communities to accord with European Law and any directive of the European Community for the time being in force in the United Kingdom. For further details see Annexes 1 and 2.

*** Explanatory Note**

- (3) The provisions of this Rule may be waived by the Executive or the Chief Executive, in accordance with Rule 2. Publication of an invitation to tender will provide an opportunity for benchmarking, thereby ensuring Best Value is provided to the Council. Even when advertisements are required to be placed in the Official Journal, advertisements will still need to be placed in local newspapers/trade journals in accordance with this Rule. This is to ensure the Council can be seen to be obtaining Best Value. Officers should have regard to Annex 2 and if in doubt seek advice from the Director of

Legal and Democratic Services or the Central Procurement Manager.

9. INVITATION TO TENDER

(1) Selection of contractors in accordance with paragraphs (2) and (3) of this Rule for individual projects shall be made by the appropriate Chief Officer except where the contract is estimated to exceed £200,000 in value when the selection of contractors shall be made by the appropriate Chief Officer responsible for letting or advising on the letting of the contract, following consultation with, in the case of Executive functions, the Leader or Deputy Leader or where the decision is that of an individual Executive Member, that person, or in the case of a Council function, Leader or Deputy Leader.

(2) The number of external contractors to be invited to tender shall be:-

Contracts Estimated to Cost Less than £25,000

- No fewer than three contractors shall be invited to tender provided that where a sole contractor on the approved list is considered suitable, that contractor may be invited to tender.

Contracts Estimated to Cost in Excess of £25,000 but less than £100,000

- No fewer than three contractors shall be invited to tender unless fewer than three contractors have applied and are considered suitable when all shall be invited to tender.

Contracts Estimated to Cost in Excess of £100,000 but less than £250,000

- No fewer than four contractors shall be invited to tender unless fewer than four contractors have applied and are considered suitable, then all shall be invited to tender.

Contracts Estimated to cost in Excess of £250,000

- No fewer than six contractors shall be invited to tender unless fewer than six have applied and are considered suitable, then all shall be invited to tender.

(3) With all contracts, European Community Legislation must be adhered to as appropriate. Please see Annexes 1 and 2 for further details.

(4) Tenderers will be advised that the Council does not bind itself to accept the lowest or any tender.

*** Explanatory Note**

- (5) Formal tenders are not required where the contract value does not exceed £25,000. In such situations a minimum number of three written quotations shall be sought.
- (6) An approved list (for non-construction contracts) of tenderers may be prepared by Chief Officers if they so determine it appropriate to do so. The approved list (for non-construction contracts) shall contain details of the names of contractors and details of the type and value of work for which they will be eligible to be invited to tender. The Chief Officer shall provide details of every approved list (for non-construction contracts) to the Central Purchasing Officer who will hold the approved lists (for non-construction contracts). For further details see Annex 3.
- (7) When considering the number of contractors to be included on an approved list (for non-construction contracts) regard should be had to the value of the contract in question and the need to ensure the Council is provided with the Best Value.
- (8) Annex 1 contains a resume of contract values and numbers of tenderers required for ease of reference.

10. SUBMISSION AND RECEIPT OF TENDERS

- (1) Where in pursuance of these Rules, invitation to tender is required, every tender shall state that tenders must be on the Council's standard form (if any), that no tender will be received except in a plain sealed envelope which shall be addressed to the Council Solicitor and shall bear the word "Tender" followed by the subject to which it relates, and shall not bear any name or mark indicating the sender, and such envelopes shall remain in the custody of the Director of Legal and Democratic Services or designated Officer until the time appointed for their opening. The Director of Legal and Democratic Services or Officer designated by him/her receiving the tender shall indicate on the envelope, the date and time of their receipt and maintain a record of all such tenders received.
- (2) Except were the Council, Leader/Cabinet or Officer is specifically advised of any overriding statutory or common law duty otherwise, no tender received after the date and time specified in the invitation shall be accepted or considered under any circumstances.
- (3) Tenders submitted by facsimile or email will not be considered as valid unless the contract letting process has been managed through an e-procurement method.

***Explanatory Note**

- (4) A variation to such procedures may be required as a consequence of the need to adhere to European Community Legislation. Officers must ensure that a properly addressed return label, including the date and time of return is sent out with all tender documents.

Wherever practicable a minimum of ten working days should be allowed for the return of tenders, but Officers should consider the adequacy of any time given. Officers must send return labels which meet the criteria set out in this Rule with all tender documents. Particular care should be taken to ensure that the identity of the sender is not known prior to the formal opening process.

11. OPENING OF TENDERS

- (1) Subject to paragraphs (2) – (6) below, a tender may be accepted with the written authority of the appropriate Chief Officer.
- (2) Tenders for a contract which is estimated to exceed £150,000 in value or amount shall be opened at one time and only in the presence of:-
 - (a) an appropriate Executive Member or Lead Member, and
 - (b) the Director of Legal and Democratic Services or an Officer designated by him/her.
- (3) Tenders for a contract which is estimated to exceed £50,000 but not to exceed £150,000 in value or amount shall be opened at one time and only in the presence of the Director of Legal and Democratic Services or an Officer designated by him/her.
- (4) The Director of Legal and Democratic Services or designated Officer shall at the time the tenders are opened, record in a register kept for the purpose:-
 - (i) the nature of the goods or materials to be supplied or the work to be supplied or the work to be executed;
 - (ii) the name of each Contractor by or on whose behalf the tender was submitted;
 - (iii) the date and time of receipt of each tender as recorded on the envelope;
 - (iv) the amount of each tender;
 - (v) the date and time of the opening of the tenders;
 - (vi) the names of all persons present at the opening of the tenders.
 - (vii) any enclosures/specimens/samples submitted as part of the tender.
- (5) Tenders received after the last time and date for receipt (as having been clearly indicated in the Invitation to Tender) or tenders which have a mark of identification shall be retained unopened by the

Director of Legal and Democratic Services or designated officer until formal approval has been given to the successful tender. Following approval being granted to the successful tenderer, any unopened tenders shall be opened by the Director of Legal and Democratic Services or designated officer and those persons submitting such tenders shall be informed that their tenders were not considered due to late receipt or having a mark of identification, as the case may be.

- (6) Where the circumstances so warrant, the relevant Chief Officer, after consultation with the Director of Legal and Democratic Services, may postpone for a reasonable period of time the closing time and date for receipt of tenders, provided that all persons from whom tenders have been invited are notified by the same method and that no tenders have been opened.
- (7) The Director of Legal and Democratic Services shall keep a record of all the tenders received and shall make arrangements for the retention of all envelopes in which tenders are received, the retention period for such items shall be twelve months.

*** Explanatory Note**

- (8) The provision at paragraph 6 of this Rule is to cater for circumstances where, for example, a postal strike requires some extension of the closing dates for receipt of tenders where it is desirable in the interests of fair competition and to provide Best Value to the Council.

12. ACCEPTANCE OF TENDERS

- (1) If payment is to be made by the Council, the lowest tender shall be accepted, provided this is within the relevant approved budget and the estimate for the contract. Where the lowest tender is not within such estimates but, after proper evaluation, is deemed to be appropriate, is within 10% of the estimate and budgetary provision available, the relevant Chief Officer in consultation with the appropriate Executive Member may accept such tender. In all other circumstances the matters shall be reported to the Executive for consideration. If payment is to be received by the Council, the highest tender is to be accepted, except as provided in paragraph (2) below. Where necessary due to the nature of the specification of the contract, the appropriate valuation should be made before the award of the contract.
- (2) The tender other than the lowest tender if payment is to be made by the Council, or the highest tender if payment is to be received by the Council, shall be accepted if it secures Best Value. In any such case, the Council's standard form must be completed as evidence of how the accepted tender meets Best Value criteria and a copy considered by the appropriate Executive Member or Chief Officer

- (3) The acceptance of the tender by or on behalf of the Council shall be notified in writing to the tenderer only by the Director of Legal and Democratic Services or a designated Officer (unless the tender has a value of less than £50,000 or Rule 12(4) below applies, in which case the Chief Officer concerned shall be authorised to issue such acceptance) is one which the relevant Chief Officer has processed under Rule 7, in which case the Chief Officer concerned shall be authorised to issue such acceptance)
- (4) Where the tender is for a standing offer comprising a range of different goods or services at different tender prices or a purchase by way of a consortium arrangement, the relevant Chief Officer, after consultation with the relevant Executive Member, or Leader/Deputy Leader, as appropriate, may accept the most suitable tender irrespective of contract value PROVIDED THAT full details of the contract in question are reported to the following meeting of the Executive.

13. ALTERATIONS TO TENDERS

- (1) Every Invitation to Tender shall contain a statement that the Council will not accept applications for alteration of a tender received after the specified time and closing date for tenders. A record of such tenders giving only the name and address of the tenderer shall be made.
- (2) If arithmetical errors or other similar discrepancies are found in an otherwise successful tender, the tenderer is to be informed that such errors exist, in accordance with the terms of the proposed contract and given the opportunity of confirming or withdrawing the offer. If the tenderer withdraws, the next tender in competitive order is to be examined and dealt with in the same way. Nothing in this rule shall permit alteration of any contract where the tender price is a single total figure.
- (3) Where a tender indicates an alternative to an element specified and there is a potential additional cost saving to the Council, post tender negotiations are permissible. In such cases, the following procedure must be strictly adhered to:-
 - (a) Two officers including an Internal Auditor should be present when post tender negotiations are carried out;
 - (b) The Chief Officer concerned should submit a written report to the Director of Finance and E-Government.
 - (c) Tender documents should include a reference to the possibility of the tender being subject to post tender negotiations.

- (4) Any exception to this procedure may be authorised by the appropriate Chief Officer after consultation with the Director of Finance and E-Government. A report giving details of the tenders received, tender accepted and the reason for acceptance shall be available in the Members Information Point by the appropriate Chief Officer. Any negotiations in accordance with this Rule 13(4) must be properly regulated and safeguard the interests of all parties involved.

*** Explanatory Note**

- (5) No substantive alteration or amendment to any tender received in respect of any contract or sub-contract shall be permitted. This means that a tenderer must stand by, or withdraw, his/her tender; but cannot seek to vary it. A tender including quantities must of course be checked for arithmetical accuracy and purely arithmetical errors must be corrected by the individual evaluating the contract to verify the final amount to decide which tender is in fact the lowest. In relation only to fixed price contracts with no weights or quantities and no provision whatsoever for any price adjustment or fluctuation, a tenderer submitting a fixed price tender offering a price which is so clearly unrealistic that it has been submitted in error, may be asked in writing to confirm or withdraw his/her tender, but under no circumstances whatsoever may any amendment be permitted to that tender.

14. NOMINATED CONTRACTORS, SUB-CONTRACTORS OR SUPPLIERS

Where a contractor, sub-contractor or supplier is to be nominated, the following provisions shall have effect:-

- (1) Where the estimated amount of the contract, sub-contract or the estimated value of goods to be supplied by the nominated supplier exceeds £50,000 then unless the appropriate Chief Officer concerned is of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders, tenders shall be invited in accordance with Rules 7 to 13 inclusive.
- (2) The terms of any invitation to a sub-contractor under this Rule shall require an undertaking by the tenderer that if selected the tenderer will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against the main contractor's own obligations under the main contract in relation to the subject of the sub-contract.
- (3) It shall be a condition of the employment by the Council of any person (not being an Officer of the Council) to supervise a contract that, in relation to such contract he/she shall comply with the requirements of paragraphs (1) and (2) of this Rule and also with all other requirements of the Director of Legal and Democratic Services, as if he/she were a Director of the Council.

***Explanatory Note**

- (4) This Rule regulates the situation where nominated sub-contractors or suppliers exist under a main contract. However, such a situation will rarely exist.

15. ENGAGEMENT OF CONSULTANTS

1. Contracts for Consultancy Services or Works

- (a) If the appropriate Chief Officer considers it desirable and in the best interests of the Council that Consultants shall be employed by the Council then the Chief Officer shall consult with the appropriate Executive Member and provide the following information in support of the decision:-
- (i) details of the services to be provided/terms of reference;
 - (ii) the estimated costs and how those costs are to met;
 - (iii) in the case of Consultants, a recommended appointment;
- (b) Consultancy Services – if the appropriate Chief Officer in consultation with the appropriate Executive Member considers it desirable and in the best interest of the Council that Consultants be appointed to carry out any investigations, a feasibility study or other assignment not related to works, then a report shall be made in writing to the Executive for contracts over £75,000:-
- (i) giving details of services to be provided, total cost, completion date (or estimated completion date);
 - (ii) stating the estimated costs and after consultation with The Director of Finance and E-Government, how these costs are to be met;
 - (iii) seeking approval to proceed with the appointment of Consultants.

Tenders shall then be invited in accordance with these Contract Procedure Rules

2. It shall be a condition of the engagement of the service of any architect, engineer, surveyor or other consultant (not being Officers of the Council) for the design and for the supervision of any contract, the carrying out of any investigation or feasibility study or other assignment that in relation to such engagement they shall:-

- (a) comply with these Contract Procedure Rules as though they were the appropriate Chief Officer concerned with the matter;
- (b) at any time during the period of the engagement, produce to the appropriate Chief Officer or authorised representative on request, all the records maintained in relation to the engagement;
- (c) be insured as appropriate and produce evidence of the policies if required by the Council;
- (d) on completion of an engagement, transmit all such records to the appropriate Chief Officer.

16. FORM OF CONTRACT AND SIGNATURE OF CONTRACTS

- (1) Every contract which exceeds £50,000 in value shall be entered into formally in writing and signed by at least two Officers of the Council so nominated by the appropriate Chief Officer.
- (2) Every contract which exceeds £125,000 in value shall be entered into formally in writing and shall as considered appropriate by the Director of Legal and Democratic Services either be under the common seal of the Council and attested by him/her or by an Officer nominated by him/her or shall be signed by two Officers nominated by the Director of Legal and Democratic Services (which may include the Director of Legal and Democratic Services).
- (3) Two officers must sign each contract, unless it is sealed with the Common Seal of the Council.

17. PROVISIONS TO BE INSERTED INTO CONTRACTS

- (1) Every contract in writing shall specify:-
 - (a) the work, goods or materials or services to be supplied;
 - (b) the price to be paid, with a statement of discounts or other deductions;
 - (c) the time or times within which the contract is to be performed;
 - (d) any penalties for contract non-compliance or non-performance;
 - (e) all relevant legislative requirements and Council Policies;
 - (f) the minimum amount of insurance required and the requirement to produce evidence of the policies and any renewal of the policies.

- (2) Every contract which is estimated to exceed £50,000 in value or amount and is for the execution of work shall except as agreed by the Director of Finance and E-Government, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed. The Council shall not require and take sufficient security for the due performance of every such contract unless the Council otherwise directs or the Director of Finance and E-Government and the appropriate Chief Officer consider it necessary in the circumstances
- (3) Unless the Director of Legal and Democratic Services and the Chief Officer concerned having regard to all the circumstances consider it to be unnecessary in every written contract for the supply of goods materials, or services, a clause shall be inserted to secure that should the contractor fail to deliver the goods or materials or fail to perform the service of any portion thereof within the time or times specified in the contract, the Council, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or to the extent of such default and to purchase other goods materials or services of the same or similar description
- (i) to make good such default or
- (ii) in the event of the contract being wholly determined to secure the delivery of the goods, materials or services remaining to be delivered.

The contract shall further secure that the amount by which the cost of so purchasing other goods materials or services exceeds the amount which would have been payable to the contractor in respect of the goods, materials or services, as the case may be, replaced by such purchase, if they had been delivered or performed in accordance with the contract, shall be recoverable from the contractor.

18. THE RACE RELATIONS (AMENDMENT) ACT 2000

All contracts shall include conditions reflecting the Council's commitment to good race relations and shall be based on its duties under the Race Relations (Amendment) Act 2000.

19. HEALTH AND SAFETY AT WORK LEGISLATION

All contracts shall include conditions reflecting the Council's commitment to good health and safety practice based on its responsibilities under any Health and Safety at Work Legislation.

20. ASSIGNMENT AND UNDERLETTING OF CONTRACT

In every contract there shall be a provision that the Contractor shall be prohibited from transferring, assigning or underletting the contract, or any

part of it or sub-contracting, except with the written consent of the Chief Officer concerned and upon such conditions as the Chief Officer thinks fit. Such permission may be either withheld or given after consultation with the relevant Executive Member subject to such terms and conditions as the appropriate Chief Officer may prescribe.

21. BRITISH AND INTERNATIONAL STANDARDS

Where an appropriate Standard Specification or Standard Code of Practice issued by the British Standards Institution or the International Standards Organisation is current at the date of the tender, every contract shall, unless there is good and sufficient reason to the contrary, require that, as the case may be, all goods and materials used or supplied and all workmanship shall be in accordance with that Standard at least.

22. TENDERS TO BE BONA FIDE

Every person or body submitting a tender for consideration by the Council shall certify that it is a bona fide tender intended to be competitive and that the tenderer has not fixed or adjusted the amount of the tender by or under or in accordance with any agreement with any person and that he/she or it has not done and undertakes not to do at any time before the hour and date specified for the return of the tender any of the following acts:

- (1) communicating to a person other than the person calling for tenders the amount of any proposed tender in accordance with any agreement or arrangement so to communicate; or
- (2) adjusting the amount of any proposed tender in accordance with any agreement or arrangement by the proposed tenderer and any person other than the person calling for tenders.
- (3) In the case of a consortium submitting a tender for consideration by the Council the consortium shall certify that it is a bona fide tender which is intended to be competitive and that they have not and will not do at any time before the hour and date specified for the return of the tender any of the following acts:
 - (i) entering into any agreement with any person outside the Consortium with the aim of preventing tenders being made or as to the amount of any tender or the conditions on which the tender is made; or
 - (ii) informing a person outside the Consortium, other than the person calling for the tender, of the amount or approximate amount of the tender, except where the disclosure, in confidence of the approximate amount of the tender was necessary to obtain insurance premium quotations required for the preparation of the tender; or

- (iii) causing or inducing any person to enter into such an agreement or to inform the Consortium of the amount of any rival tender for the contract.

23. CORRUPT PRACTICES

There shall be inserted in every Invitation to Tender and in every written contract, provisions empowering the Council to reject any tender or cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor or any person on his behalf whether employed by the contractor or not and whether acting with or without the knowledge of the contractor:-

- (1) shall have made any arrangement or agreement with any third party which required either party:
 - (a) to fix or adjust his tender price, or
 - (b) to refrain from tendering or
- (2) shall have:
 - (a) communicated to any person, except the Council, the amount or approximate amount of his tender otherwise than in confidence to obtain premium quotations for insurances, or
 - (b) given, agreed to give, offered to give or promised any person (directly or indirectly for the benefit of that person or any other) any gift, loan, fee, reward or other consideration or conferred any advantage as an inducement to, reward for or otherwise on account of such person having done, agreed or forborne to do anything in relation to any other tender or proposed tender for any contract, or
 - (c) directly or indirectly canvassed any Member or Officer of the Council in order to obtain or attempt to obtain:
 - entry to any lists of persons approved by the Council to carry out works on its behalf, or
 - information concerning any other tenderer or any tender submitted by any other tenderer, or
 - any advantage or benefit to the disadvantage of other tenderers, or
- (3) shall show favour or disfavour to any person in relation to any contract with the Council, or
- (4) shall otherwise have committed any offence under the Prevention of Corruption Acts 1989 to 1916 or shall have given any fee or reward

the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972.

24. DISPOSAL OF LAND AND PROPERTY

Where the Council decides that land or premises shall be disposed of by competitive tender then:-

- (1) (a) The procedure for the receipt, custody and opening of tenders and for dealing with late tenders shall be in accordance with these Contract Procedure Rules.
 - (b) All persons by whom or on whose behalf a tender is submitted shall declare on the Form of Tender whether they are Members or Officers of the Council or whether they are related to a Member or Officer of the Council. Failure to make such a declaration or the making of a false declaration will invalidate the tender and render voidable at the option of the Council any contract entered into as a result of the tender.
 - (c) A tender may be accepted in accordance with the provisions of paragraph 2 below provided that in the event of there being a proposal to accept a tender from a Member or Officer of the Council or a relative of such person, this shall be referred to the Leader/Cabinet for consideration.
- (2) (a) A tender for the sale of land/property by the Council shall be accepted by the Borough Property and Technical Services Officer after consultation with the appropriate Executive Member subject to all the following conditions being met:-
 - the tender to be accepted is the highest submitted and represents the best price that could be reasonably obtained;
 - the tender to be accepted accords with the "particulars/conditions of sale"; and
 - the tender does not include any non-financial considerations.
 - (b) If any of the conditions detailed in (a) above are not met, a report by the Borough Property and Technical Services Officer on the acceptance of a tender shall be submitted to the Leader/Cabinet for determination.
- (3) For the purpose of this Contract Procedure Rule persons shall be deemed to be related if they would be so deemed for the purpose of the Officer Employment Procedure Rules (Rule 1).

25. AGENCY CONTRACTS

In relation to a contract or sub-contract which is being let on behalf of another local authority or agency, any provision of these contract rules which is inconsistent with the rules or standing orders of that local authority or agency will not apply in relation to that contract.

ANNEX 1

CONTRACT VALUES AND NUMBERS OF TENDERERS

In determining contract values, care must be taken to ensure the requirements of EU Directives are not breached. In the event of any uncertainty, advice must be obtained from the Director of Legal and Democratic Services.

Contract Value	Numbers of Tenders
Less than £25,000	3 written quotations
In excess of £25,000 but less than £100,000	No fewer than 3 (or all those who expressed an interest if less than 3)
In excess of £100,000 but less than £250,000	No fewer than 4 (or all of those who expressed an interest if less than 4)
In excess of £250,000	No fewer than 6

EU Regulations

Supplies and/or Services in excess of £154,477	EU Regulations apply – contact Corporate Procurement – Accountancy Services, Corporate Finance
Capital Works in excess of £3,862 million	EU Regulations apply – contact Corporate Procurement – Accountancy Services, Corporate Finance

RECEIPT AND OPENING OF TENDERS

Contract Value	Numbers of Tenders
£50,000 or less	Appropriate Chief Officer
In excess of £50,000	Director of Legal and Democratic Services
In excess of £150,000	Director of Legal and Democratic Services but appropriate Leader, Deputy Leader, Executive Member or Lead Member to be present at opening.

ANNEX 2

EUROPEAN UNION TENDERING PROCEDURE

WHEN APPLICABLE

The position in relation to the compliance with EU requirements is developing and changing. Advice must be sought from the Director of Legal and Democratic Services in the event that the use of such procedures is deemed to be necessary.

DESCRIPTION

The Council of Ministers of the EU Directives for suppliers, services and works specify certain thresholds above which all tendering must comply with the relevant Directives, and must be advertised in the Official Journal of the European Communities. Such thresholds are revised every two years and must be adhered to.

EXPLANATORY NOTE

The Directives set out specific requirements for the following:

- (a) Wording of advertisements
- (b) Choice of open or restricted procedures for tendering
- (c) Minimum timescales for the tendering procedure
- (d) Use of standards or brand names in specifications
- (e) Criteria for the award of contracts
- (f) Contract award notices

Current thresholds expressed in sterling are:

Works Directive	£3,861,932
Supplies Directive	£154,477
Services Directive (except insurance)	£154,477

Architectural and engineering services apply where the service is for the complete design of a project, where the estimated cost for the construction work is above the EU threshold, currently £3,861,932.

ANNEX 3

INVITATION TO BE CONSIDERED FOR INCLUSION ON AN APPROVED LIST OF TENDERERS (FOR NON-CONSTRUCTION CONTRACTS)

- (a) This paragraph shall have effect where the Executive, Committee or Chief Officer to which the power of making contracts shall have been delegated has determined that a list shall be kept of persons to be invited to tender for contracts for the execution of any work or supply of goods or services of specified categories, values or amounts.
- (b) The list shall:
- (i) be compiled and maintained by the appropriate Chief Officer after consultation with the Executive Member, as appropriate;
 - (ii) contain the names of all persons who wish to be included in it and are approved by the appropriate Chief Officer after consultation with the Executive Member, as appropriate;
 - (iii) indicate for which category or categories and values a person is approved; and
 - (iv) be kept by the appropriate Chief Officer who will co-ordinate all enquiries in respect of the list.
- (c) At least 4 weeks before the list is first compiled or such other lesser period as may be provided by statute, notices inviting applications for inclusion in it shall be published in one or more newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories.
- (d) The list shall be kept under review. As part of each review each person whose name appears in the list shall be asked whether he wishes his name to remain therein and notices inviting applications for inclusion in the list shall be published as provided by sub-paragraph (c) of this paragraph. A review shall take place annually.
- (e) **References**

Technical References shall be sought for all contractors wishing to be included in the list. Financial references shall be sought prior to any invitation to tender for contracts for the execution of any works estimated to exceed £50,000 in value or amount and for contracts for the supply of goods or services estimated to exceed £25,000 in value or amount. The need to obtain such references for contracts not exceeding the above

mentioned estimated values shall be at the discretion of the appropriate Chief Officer subject to prior consultation with the Director of Finance and E-Government.

- (f) No contractor shall be included in a list to tender for contracts unless its safety policy has been prepared in accordance with the provisions of the Health and Safety at Work Etc Act 1974.

ANNEX 4

PROCEDURE FOR ARRANGING CONSTRUCTION WORK OF AN EMERGENCY NATURE AT COUNCIL ESTABLISHMENTS

1. All procurement works are to be implemented in accordance with the Council's Contracts Procedure Rules and Financial Regulations.
2. Work of an emergency nature at a site up to the value of £1,000 may be awarded directly to a contractor at the discretion of the responsible officer (Surveyor/Engineer or their Line Manager).
3. Work of an emergency nature at a site, that after investigation, is deemed to be of a value or between £1,000 and £2,000 can also be awarded directly to a contractor at the discretion of the responsible officer (Surveyor/Engineer or their Line Manager) but only following consultation with the Service Manager or equivalent.
4. Works of an emergency nature include the following:
 - Works which if not done pose an immediate risk to Health and Safety
 - Work required to keep the building operational
 - Urgent maintenance works (ie where further deterioration resulting in additional repair costs would occur if immediate action is not taken)
 - Work required immediately following an act of vandalism or arson to make the premises secure
5. For works with an estimated value between £2,000 and £25,000 written quotations from a minimum of three contractors will be required. In situations where this will result in disruption and further delay, formal approval to award directly to a contractor will be obtained from the Service Manager/Service Head.
6. Works with an estimated value which exceeds £25,000 will require formal tenders.
7. All procedures relating to the placing of orders and subsequent payment of works will be in accordance with standard procedures.
8. All other works requiring formal tenders are to be carried out in accordance with the Contracts Procedure Rules and in accordance with standard procedures.

FINANCIAL REGULATIONS

Updated February 2006

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1.0 INTRODUCTION

- 1.1 To conduct its business efficiently, Bury MBC needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Authority.
- 1.2 These financial regulations provide clarity about the financial accountabilities of individuals – the Leader/Cabinet Members, the Chief Executive, the Monitoring Officer, the Director of Finance and E-Government, and other Chief Officers. Each of the financial regulations sets out the overarching financial responsibilities.
- 1.3 These regulations should be read in conjunction with other internal regulatory documents that form part of the Council’s Constitution. For example, the Medium and Long Term Financial Strategy, the Council’s Standing Orders, Schemes of Delegation, Terms of Reference of scrutiny committees and Article 4 of the Constitution which provides the meaning of the Council’s budget. Additionally, Appendix A of these regulations sets out the Budget and Policy Framework Procedure Rules that also form part of the Council’s Constitution.

2.0 STATUS OF FINANCIAL REGULATIONS

- 2.1 Financial regulations provide the framework for managing the authority’s financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.
- 2.2 The regulations identify the financial responsibilities of the full Council, Leader/Cabinet, Scrutiny Management and Resource and Performance Members, the Head of Paid Service (the Chief Executive), the Monitoring Officer, the Director of Finance and E-Government and other Chief Officers. Executive Members and Chief Officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible Officers, such as school governors, references to the Chief Officer in the regulations should be read as referring to them.
- 2.3 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 2.4 The Director of Finance and E-Government is the responsible Officer under S.151 of the Local Government Act 1972 and S.114 of the Local Government Finance Act 1988 for the proper administration of the financial affairs of the Council. The Financial Regulations have been designed to meet these legal requirements.
- 2.5 In order to meet these statutory responsibilities, the Director of Finance and E-Government is Head of Financial Services for the whole of the

Authority and as such all professionally qualified finance staff are accountable to the Director of Finance and E-Government for the maintenance and promotion of the highest standards of financial management, integrity and administration in line with these Financial Regulations, the Accounts and Audit Regulations, Accounting Standards and Codes of Practice.

- 2.6 All accounting and financial systems operated by the Council shall be subject to minimum standards laid down by the Director of Finance and E-Government and any departure from using corporate financial systems may only be allowed after approval by the Director of Finance and E-Government.
- 2.7 The Director of Finance and E-Government is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full Council for approval. The Director of Finance and E-Government is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council and/or to the Executive Members.
- 2.8 For the purposes of these Regulations, "Chief Officer" shall include the holders of positions of Executive Director, Director and Chief/Borough Officers.
- 2.9 Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the Authority's financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.
- 2.10 Chief Officers are responsible for the control of resources within their department and shall exercise that control within the Standing Orders and Financial Regulations and any other decisions of the Council. Within their areas of responsibility they shall consult the Director of Finance and E-Government with respect to any matter which is liable materially to affect the finances of the Council before any provisional or other commitment is incurred or before reporting thereon to a Committee.
- 2.11 The Director of Finance and E-Government is responsible for issuing advice and guidance to underpin the financial regulations that Members, Officers and others acting on behalf of the Authority are required to follow.

3.0 FINANCIAL REGULATION A: FINANCIAL MANAGEMENT

3.1 INTRODUCTION

Financial management covers all financial accountabilities in relation to the running of the Authority, including the Policy Framework and Budget.

3.2 THE FULL COUNCIL

The full Council is responsible for adopting the Authority's Constitution and Members' Code of Conduct and for approving the Policy Framework and Budget within which the Executive operates. It is also responsible for approving and monitoring compliance with the Authority's overall framework of accountability and control. The framework is set out in its constitution. The full Council is also responsible for monitoring compliance with the agreed policy and related executive decisions.

The full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its Committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

The financial functions reserved for discharge by the full Council cover the following matters:-

Part 1

- (a) To approve the Council's Revenue Budget and Capital Expenditure Programme
- (b) To set a Council Tax
- (c) To determine any matter involving expenditure not provided for in the Council's approved budget, subject to any agreed virement arrangements.
- (d) To fix Council house rents.
- (e) To approve any plan or strategy for the control of the Authority's borrowing or capital expenditure, including the adoption of a treasury management policy statement.
- (f) To approve policies and practices regarding the granting of a discretionary rate relief or remission of rates in accordance with Section 47 of the Local Government Finance Act 1988.

3.3 THE LEADER/CABINET

The Leader/Cabinet is responsible for proposing the Policy Framework and Budget to the full Council, and for discharging Executive functions in accordance with the Policy Framework and Budget. It is responsible for the development and implementing the Budget and for the allocation, management and control of the financial and other resources of the Council, within the Budget and Policy Framework approved by the Council.

It is also responsible for considering and making recommendations to the Council on the Revenue Budget and Capital Programme for each financial year and the setting of virement limits in accordance with Article 4 of the New Council Constitution.

It also considers and makes recommendations to the Council on matters relating to the borrowing of money in accordance with Article 4 and the treasury management policy statement.

Executive decisions can be delegated to a Committee of the Executive, an individual Executive Member or an Officer or a Joint Committee.

The Executive is responsible for establishing protocols to ensure that individual Executive Members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual Member must take account of legal and financial liabilities and risk management issues that may arise from the decision. Appendix B details the financial implications and risk considerations that need to be taken into account when submitting a report to the Executive for a decision to be made.

Decisions on Executive functions are defined as:-

- Key Decisions
- Non-Key Decisions
- Operational Decisions

A 'Key Decision' is an Executive Decision (made by the Executive/ Executive Member/Chief Officer acting in accordance with the responsibility for functions and delegations contained in Part 3 of the Council Constitution) if it comes within one or more of the following categories:-

1. It is likely to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.
2. It is likely to have a major impact on the day to day life of a community living or working in the Borough.
3. It forms part of the development of, or a change to, the Policy Framework or Budget.
4. It involves revenue expenditure or saving that is neither provided for within the Budget, nor virement permitted by the Constitution.
5. It involves capital expenditure that is estimated to exceed £250,000 or is not provided for within the approved Capital Programme.
6. It involves a significant reduction in or significant change to any service or facility provided by the Council, such reduction or change not being within the Policy Framework or Budget.

7. It consists of the declaration of land or property, the estimated value of which exceeds £250,000, as surplus to the Council's requirements.
8. It involves securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed £250,000.
9. It involves securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves, at considerations in excess of £250,000 per annum or a premium of £250,000.
10. Its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of Council employees or in a major destructing of staffing resources.

3.4 COMMITTEES AND SCRUTINY PANELS OF THE EXECUTIVE

3.4.1 Resource and Performance Scrutiny Panel

The Resource and Performance Scrutiny Panel is responsible for scrutinising Executive decisions before or after they have been implemented and for holding the Executive to account. The Panel is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Authority. It is particularly concerned with the Council's budget, the management of its budget, revenue borrowing and assets and its audit arrangements; the management of the Council's land and property portfolio; the provision, management and planning of financial, personnel and training, property, information technology, legal, democratic, corporate policy and research, grants to voluntary organisations, health and safety, emergency planning services/activities; Financial reporting on Competitive Services including Direct Labour Organisations, Building Services and Architectural Practice; Related Best Value Reviews and Communications and Community Development issues.

3.4.2 Audit Committee

The Audit Committee is an advisory body and reports to the full Council. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors. The Committee is responsible for approving, monitoring and reviewing internal and external audit plans and associated issues; receiving and considering on a quarterly basis details of internal audit reports undertaken by the Internal Audit Section; taking appropriate action to ensure the implementation and review of audit recommendations; dealing with any appropriate matter referred to the Committee by other bodies; approving the statement of accounts.

3.4.3 Standards Committee

The Standards Committee is established by the full Council and is responsible for promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising the Council on the adoption and revision of the Members' Code of Conduct and for monitoring the operation of the Code.

3.5 THE STATUTORY OFFICERS

3.5.1 The Chief Executive

The Head of Paid Service (Chief Executive) is responsible for the corporate and overall strategic management of the Authority as a whole. He or she must report to and provide information for the Executive, the full Council, the Scrutiny Management Committee and other Committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the full Council's decisions (see below).

3.5.2 Monitoring Officer

The Monitoring Officer (the Head of Legal and Democratic Services) is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to the Executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

The Monitoring Officer must ensure that Executive decisions and the reasons for them are made public. He or she must also ensure that Council Members are aware of decisions made by the Executive and of those made by Officers who have delegated Executive responsibility.

The Monitoring Officer is responsible for advising all Councillors and Officers about who has authority to take a particular decision.

The Monitoring Officer is responsible for advising the Executive or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

The Monitoring Officer (together with the Director of Finance and E-Government) is responsible for advising the Executive or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- Initiating a new policy
- Committing expenditure in future years to above the budget level
- Incurring departmental transfers above virement limits
- Causing the total expenditure financed from council tax, grants and corporately held reserves to increase by more than a specified amount

The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

3.5.3 Director of Finance and E-Government

The Director of Finance and E-Government has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- Local Government Act 2000
- The Accounts and Audit Regulations 2003
- Local Government Act 2003

The Director of Finance and E-Government is responsible for:-

- the proper administration of the Authority's financial affairs
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme
- treasury management

Section 114 of the Local Government Finance Act 1988 requires the Director of Finance to report to the full Council, Executive and external auditor if the Authority or one of its Officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority
- is about to make an unlawful entry in the Authority's accounts

Section 114 of the 1988 Act also requires:

- the Director of Finance and E-Government to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally

- the Authority to provide the Director of Finance and E-Government with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114

Section 25 of the Local Government Act 2003 (England and Wales) requires an Authority's Chief Finance Officer (Director of Finance and E-Government) to make a report to the Authority when it is considering its budget and Council Tax. The report must deal with the robustness of the estimates and the adequacy of the reserves allowed for in the budget proposals, so Members will have authoritative advice available to them when they make their decisions. The section requires Members to have regard to the report in making their decisions.

The Accounts and Audit Regulations (England) 2003 came into effect on 1 April 2003 and replaced the previous 1996 Regulations and the Accounts and Audit (Amendment) (England) Regulations 2001. Under the Regulations:

- Authorities are responsible for ensuring that financial management is adequate and effective and that there is a sound system of internal control which facilitates the effective exercise of authorities' functions and which includes risk management arrangements
- the Chief Finance Officer must ensure that the accounting control systems determined by him are observed and that the accounting records of the body are maintained in accordance with proper practices and kept up to date
- Authorities must maintain adequate and effective systems of internal audit of their accounting records and systems of internal control in accordance with the proper internal audit practices.

Specifically the Director of Finance and E-Government as the Authority's Chief Finance Officer shall be authorised to discharge any of the Council's functions in relation to financial matters including:-

- (a) the duties of the Director of Finance and E-Government
- (b) the administration of benefits
- (c) the collection of revenue (including debt recovery)
- (d) the administration of Council Tax and national non-domestic rates
- (e) internal audit
- (f) pensions
- (g) creditor payments
- (h) accountancy
- (i) the Council's insurance arrangements and risk management
- (j) the writing-off of debts from £2,001 to £5,000 with the Head of Revenues and Benefits being authorised to write-off debts of less than £2,000

Any debts/credits under £50 and irrecoverable should be written off by the appropriate Principal Officer within Revenues and Benefits as approved by the Head of Revenues and Benefits, and reported

retrospectively annually in accordance with agreed reporting mechanisms.

- (k) the administration of payroll function
- (l) grants to the voluntary sector
- (m) taking any action remitted to him/her under corporate policies and procedures

The Director of Finance and E-Government is also responsible for:-

- (a) Ensuring lawfulness and financial prudence of decision-making

After consulting with the Head of Paid Service and the Monitoring Officer, the Director of Finance and E-Government will report to the full Council or to the Executive in relation to an Executive function and the council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully

- (b) Administration of Financial Affairs

The Director of Finance and E-Government will have responsibility for the administration of the financial affairs of the Council

- (c) Contributing to Corporate Management

The Director of Finance and E-Government will contribute to the corporate management of the Council, in particular through the provision of professional financial advice

- (d) Providing Advice

The Director of Finance and E-Government will contribute to the corporate management of the Council, in particular through the provision of professional financial advice

- (e) Giving Financial Information

The Director of Finance and E-Government will provide financial information to the media, members of the public and the community

- (f) Duty to provide Sufficient Resources to the Monitoring Officer and Director of Finance and E-Government

The Council will provide the Monitoring Officer and the Director of Finance and E-Government with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in accordance with Section 5 of the Local Government and Housing Act 1989 and Section 114 of Local Government Finance Act 1988 respectively.

3.6 CHIEF OFFICERS

Chief Officers are responsible for :

- ensuring that Executive Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Finance and E-Government
- signing contracts on behalf of the Authority

It is the responsibility of Chief Officers to consult with the Director of Finance and E-Government and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred.

The Guidance Note on Reports which form part of the Supporting Guidance to the Consultation document, details the need for the full financial implications of the development/issue to be included separately in the report rather than appear in the main body of the report. The Head of Finance in each Department will assist the Chief Officer with this work. Appendix B of these Regulations provides further details.

Additionally, a statement by the Director of Finance and E-Government on the financial implications of the report and whether the proposals in the report ensure financial prudence in decision-making, probity in budgeting, avoid financial impropriety and comply with Policy led budgeting, must be included. The statement can only be completed by the Director of Finance and E-Government, Head of Financial Management or Service Heads of Finance and, in respect of the latter, subject to clearance by the Director or Head of Financial Management.

Consultations with the Director of Finance and E-Government must be carried out at the earliest possible stage and well in advance of the date the report is required to be submitted to Democratic Services to be uploaded onto the Committee Management System for inclusion on the appropriate Agenda. Statements requested less than 5 days before the date for receipt of reports may not be completed and the report is then at risk of not being placed on the agenda.

3.7 GENERAL DELEGATIONS TO OFFICERS IN RESPECT OF FINANCIAL MATTERS

As detailed within the Council's Constitution.

3.7.1 Revenue Expenditure

- (a) To incur expenditure in respect of items included in approved revenue budgets, save to the extent to which the Council or the Executive have placed a reservation on any such item. Expenditure on any such reserved items may be incurred only when and to the extent that such reservation has been removed.

- (b) To incur expenditure within the Revenue Budget in accordance with the virement procedures and delegated limits set out in the Financial Procedure Rules in the Council Constitution.
- (c) In an emergency, to incur immediately necessary lawful expenditure which shall be reported to the Director of Finance and E-Government at the first opportunity.

3.7.2 Capital Expenditure

To incur expenditure on capital schemes in accordance with the arrangements set out in the Financial Procedure Rules in the New council Constitution.

3.8 OTHER FINANCIAL ACCOUNTABILITIES

3.8.1 Virement

Please see separate Scheme of Virement

3.8.2 Treatment of year-end balances

The full Council is responsible for agreeing procedures for carrying forward under and overspending on budget headings.

3.8.3 Accounting policies

The Director of Finance and E-Government is responsible for selecting accounting policies and ensuring that they are applied consistently in accordance with the Accounts and Audit Regulations 1983 (as amended in 1996 and 2003) and the Local Government Housing Act 1989. They will also follow the principles and form recommended by the Code of Practice on Local Authority Accounting issued by CIPFA and conform to CIPFA's Statement of Recommended Practice.

3.8.4 Accounting records and returns

The Director of Finance and E-Government is responsible for selecting accounting procedures and records for the Authority.

3.8.5 The Annual Statement of Accounts

The Director of Finance and E-Government is responsible for ensuring that the annual statement of account is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC). The full Council is responsible for approving the annual statement of accounts.

Chief Officers are responsible for the provision of information to the Director of Finance and E-Government in accordance with timescales and format set by the Director of Finance and E-Government and the external audit arrangements.

The Director of Finance and E-Government is responsible for the completion of all statutory financial returns and grant claims.

3.8.6 Advance Accounts and Assets

The Director of Finance and E-Government is responsible for the establishment and management arrangements of all advance accounts. Such accounts shall be maintained on the imprest system.

Chief Officers are responsible for the operation of advance accounts. On leaving the employment of the Council or otherwise relinquishing control of an advance account or other assets, an Officer shall account to the Chief Officer for the amount of the advance and return of assets.

3.8.7 Banking Arrangements

All arrangements with bankers shall be made by or under arrangements approved by the Director of Finance and E-Government, who shall be authorised to operate such banking accounts as are considered necessary. Schools operating their own bank accounts must obtain the approval of the Director of Finance and E-Government to the arrangements made.

All cheques shall be ordered only on the authority of the Director of Finance and E-Government who shall make proper arrangements for their safe custody. Cheques on the Council's main banking accounts shall bear the facsimile signature of the Director of Finance and E-Government or be signed by the Director of Finance and E-Government or other Officer(s) authorised to do so.

All disbursements shall be made through the Council's main banking accounts except where the Director of Finance and E-Government approves alternative arrangements.

3.8.8 Financial Advice

The Director of Finance and E-Government is responsible for providing financial advice to the Council on all those issues that are deemed corporate or which arise from the Director of Finance and E-Government's role as client/client agent for financial services.

The Director of Finance and E-Government has an overall responsibility to ensure that competent financial advice is provided to Committees, Scrutiny Panels and Departments. Chief Officers are responsible for ensuring that arrangements are in place to provide the financial advice and support needed to meet their requirements.

3.8.9 Local Management of Schools

The Director of Finance and E-Government is responsible for the financial scheme of delegation to schools under LMS. Whilst the Council's Financial Regulations apply to all activities and services variations may be approved

by the Director of Finance and E-Government under the scheme of delegation. The responsibility for delegating budgets to schools by an approved formula rests with the Executive Director of Children's Services who has the power to withdraw such delegation.

3.8.10 Payment of Accounts

Apart from payments from advance accounts, the normal method of payment shall be by cheque drawn on the Council's banking account, or by direct bank transfer.

Chief Officers are responsible for the verification and certification in manuscript of invoices to ensure that:-

- (a) the work, goods or services to which the invoice relates have been received, carried out, examined and approved;
- (b) the prices, calculations, discounts and allowances, credits and tax are correct;
- (c) the relevant expenditure has been properly incurred and is within the relevant budget provision;
- (d) appropriate entries have been made in inventories or other records as required; and
- (e) the invoice has not previously been passed for payment and is a proper liability of the Council
- (f) All invoices processed through 'Procure to Pay' must be matched to the official authorised order and requisition that have been previously authorised by a budget holder on the Agresso financial management system. Invoices for goods and services which have not been procured through the Agresso 'Procure to Pay' system will not be processed for payment (except at the Director of Finance & E-Government's discretion). The Procure to Pay system will match invoices to orders and pass for payment subject to previously determined tolerances, and confirmation that goods have been received.

Chief Officers are responsible for processing the approved invoices via the corporate creditors system and within any timetable approved by Council.

Charges for services provided must be processed to recipient budget holders accounts in accordance with approved procedures and with the prior knowledge and approval by the receiving budget holder.

3.8.11 Travelling, Subsistence and Financial Loss Allowances

All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted, duly certified by authorised Officers, to the Director of Finance and E-Government in accordance with timetables set by the Director of Finance and E-Government.

Payments to Members and Co-opted Members of the Council and its Committee will be made by the Director of Finance and E-Government in accordance with approved procedures.

Claims for the payment of car allowances must be submitted no later than six months after the period being claimed, except for teachers.

4.0 FINANCIAL REGULATION B: FINANCIAL PLANNING

4.1 INTRODUCTION

The full Council is responsible for agreeing the Authority's Policy Framework and Budget, which will be proposed by the Executive. In terms of financial planning, the key elements are:

- the corporate plan
- the budget
- the capital programme

4.2 POLICY FRAMEWORK

The full Council is responsible for approving the Policy Framework and Budget. The policy framework comprises the following statutory plans and strategies:

- corporate plan
- best value performance plan
- capital programme
- treasury management policy statement
- annual library plan
- children's services plan
- community strategy
- crime and disorder reduction strategy
- plans and strategies which together comprise the development plan
- early years development plan
- education development plan
- local transport plan
- youth justice plan
- food enforcement service plan
- adult learning plan
- local agenda 21 strategy
- plans and strategies which comprise the Housing Investment Programme

The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full Council by the Monitoring Officer.

The full Council is responsible for setting the level at which the Executive may reallocate budget funds from one service to another. The Executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

Preparation of the Corporate Plan

The Chief Executive is responsible for proposing the corporate plan to the Executive for consideration before its submission to the full Council for approval.

Preparation of the Best Value Performance Plan

The Deputy Chief Executive is responsible for proposing the Best Value Performance Plan (BVPP) to the Executive for consideration before its submission to the full Council for approval.

Preparation of the Medium Term Financial Strategy

The Director of Finance and E-Government is responsible for proposing the Medium Term Financial Strategy to the Executive for consideration before its submission to the full Council for approval.

4.3 BUDGETING

Budget Format

The general format of the budget will be approved by the full Council and proposed by the Executive on the advice of the Director of Finance and E-Government. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget Preparation

The Director of Finance and E-Government is responsible for ensuring that a Revenue Budget is prepared on an annual basis and a general Revenue Plan on a three-yearly basis for consideration by the Executive, before submission to the full Council. The full Council may amend the budget or ask the Executive to reconsider it before approving it.

The Executive is responsible for issuing guidance on the general content of the budget in consultation with the Director of Finance and E-Government as soon as possible following approval by the full Council.

It is the responsibility of Chief Officers to ensure that budget estimates reflecting agreed service plans are submitted to the Executive and that these estimates are prepared in line with guidance issued by the Executive.

Guidelines on Budget Preparation

Guidelines on budget preparation are issued to Members and Chief Officers by the Executive following agreement with the Director of Finance and E-Government. The guidelines will take account of:

- legal requirements
- medium-term and long-term planning prospects
- the corporate plan
- available resources
- spending pressures
- best value and other relevant Government guidelines
- other internal policy documents
- cross-cutting issues (where relevant).

The detailed form of capital and revenue estimates shall be determined by the Director of Finance and E-Government under the direction of the Executive.

Estimates of income and expenditure on revenue services and of receipts and payments on capital schemes shall be prepared by Chief Officers in consultation with the Director of Finance and E-Government who shall collate the estimates and reports to the appropriate Committees thereon.

The preparation of the corporate budget and advice on the setting of a Council Tax is the responsibility of the Director of Finance and E-Government.

Budget Monitoring and Control

The Director of Finance and E-Government is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Executive on the overall position on a regular basis.

It is the responsibility of Chief Officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Director of Finance and E-Government. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Director of Finance and E-Government to any problems.

Chief Officers are responsible for revenue and capital budget monitoring within the totals allocated in the corporate budget. Subject to any specific direction from the Executive, Chief Officers may transfer budget allocations within their Services as per the Scheme of Virement.

The Chair of the appropriate Committee or appropriate Member of the Executive or appropriate Lead Member shall be informed of any virements on a regular basis and shall be consulted on virement proposals involving key issue/development monies and budgets affecting other services of the Authority.

Chief Officers are responsible for ensuring that any overall overspendings at year end are recovered in the following year. Any overall underspendings at year end may be carried forward to the following year subject to the Executive's assessment of the corporate financial provision of the Council but in any case allowing a carry forward of 1% of net budget or £50,000 whichever is the greater.

Resource Allocation

The Director of Finance and E-Government is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full Council's Policy Framework.

Preparation of the Capital Programme

The Director of Finance and E-Government is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Executive before submission to the full Council.

Upon the approval by the Council of a programme of capital expenditure Chief Officers shall be authorised:-

- (a) to take steps to enable land require for the purposes of the programme to be acquired in due time; and
- (b) to prepare a scheme and estimate including associated revenue implications for approval by the Executive.

4.4 MAINTENANCE OF RESERVES

It is the responsibility of the Director of Finance and E-Government to advise the Executive and/or the full Council on prudent levels of reserves and balances for the authority as per the requirement of the Local Government Act 2003 and following g the CIPFA Guidance Note on Local Authority Reserves and Balances (LAAP Bulletin 55, February 2003).

5.0 FINANCIAL REGULATION C: RISK MANAGEMENT AND CONTROL OF RESOURCES

5.1 INTRODUCTION

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

5.2 RISK MANAGEMENT

The Executive is responsible for approving the Authority's Risk Management Policy Statement and Strategy and for reviewing the effectiveness of Risk Management. The Executive is responsible for ensuring that proper insurance exists where appropriate.

The Director of Finance and E-Government is responsible for preparing the Authority's Risk Management Policy Statement, for promoting it throughout the Authority and for advising the Executive on proper insurance cover where appropriate.

5.3 INTERNAL CONTROL

Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.

The Director of Finance and E-Government is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

The Chief Executive and Leader of the Council are responsible for producing the Statement of Internal Control each year as part of the Statement of Accounts. A copy of the 2004/05 Statement of Internal Control is attached at Appendix C.

5.4 AUDIT REQUIREMENTS

5.4.1 The Accounts and Audit Regulations 2003 issued by the Secretary of State for the Office of the Deputy Prime Minister require every Local Authority to maintain an adequate and effective internal audit.

5.4.2 The Director of Finance and E-Government shall arrange for an effective and independent internal audit function which operates in accordance with the principles embodied in the CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom, and with any other statutory obligations and regulations.

5.4.3 The Director of Finance and E-Government or an authorised representative shall have authority to:

- (a) enter at all times onto any Council premises or land;
- (b) have access to all records, documents and correspondence relating to any financial and other transactions of the Council, including computer held information;

- (c) require and receive such explanations as are necessary concerning any matter under examination; and
- (d) require any employee of the Council to produce cash, stores or any other Council property under the employee's control.

5.4.4 The Audit Commission is responsible for appointing external auditors to each Local Authority. The basic duties of the external auditor are governed by Section 15 of the Local Government Finance Act 1982, as amended by Section 5 of the Audit Commission Act 1998.

The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

5.5 PREVENTING FRAUD AND CORRUPTION

The Director of Finance and E-Government is responsible for the development and maintenance of an Anti-Fraud and Anti-Corruption Policy.

5.6 ASSETS

Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

5.7 TREASURY MANAGEMENT AND TRUST FUNDS

The Authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.

The full Council is responsible for approving the Treasury Management Policy Statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the full Council by the Executive. The Director of Finance and E-Government has delegated responsibility for implementing and monitoring the statement.

All money in the hands of the Authority is controlled by the Officer designated for the purposes of Section 151 of the Local Government Act 1972, referred to in the Code as the Chief Finance Officer (Director of Finance and E-Government).

The Director of Finance and E-Government is responsible for reporting to the Executive a proposed Treasury Management Strategy for the coming financial year at or before the start of each financial year.

All Executive decisions on borrowing, investment or financing shall be delegated to the Director of Finance and E-Government, who is required

to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

The Director of Finance and E-Government is responsible for reporting to the Executive not less than four times in each financial year on the activities of the Treasury Management operation and on the exercise of his or her delegated Treasury Management powers. One such report will comprise an annual report on Treasury Management for presentation by 30 September of the succeeding financial year.

All investments of money under its control shall be in the name of the Council. Wherever possible all trust funds shall also be in the name of the Council.

5.8 STAFFING

The full Council is responsible for determining how officer support for Executive and non-Executive roles within the Authority will be organised.

The Chief Executive is responsible for providing overall management of staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

Chief Officers are responsible for controlling total staff numbers by:

- advising the Executive on the budget necessary in any given year to cover estimated staffing levels.
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.
- the proper use of appointment procedures.

5.9 INSURANCES

The Director of Finance and E-Government is responsible for effecting all insurance cover and shall negotiate all claims in consultation with Chief Officers as necessary.

Chief Officers shall give prompt notification to the Director of Finance and E-Government of all new risks, properties or vehicles which require to be insured and of any alternations affecting existing insurances. All Chief Officers shall undertake risk management in accordance with any guidance issued from time to time by the Director of Finance and E-Government.

Chief Officers shall promptly notify the Director of Finance and E-Government in writing of any loss, liability or damage or any event likely to lead to a claim.

The Director of Finance and E-Government shall annually, or at such other periods as may be considered necessary, review all insurances in consultation with other Chief Officers.

Chief Officers shall consult the Director of Finance and E-Government and the Council Solicitor requesting the terms of any indemnity which the Council is requested to give.

5.10 INVENTORIES

Inventories shall be maintained by all departments recording furniture, equipment, plant and machinery. The extent to which property is recorded, and the form of inventory used, shall be agreed with the Director of Finance and E-Government. In addition Chief Officers must seek the approval of the Head of Information Technology for all new information technology acquisitions, changes to equipment and alternations to maintenance contracts.

Chief Officers are responsible for arranging a complete check, at least annually, of all items recorded, for taking appropriate action in the event of any discrepancies, and for disposing of any surplus or obsolete items, and taking account of the Council's documents retentions policy. It is the responsibility of Chief Officers to ensure that all software used in their departments has a licence.

Council property must not be removed other than in connection with authorised Council business, and any such removal should be properly recorded.

5.11 SECURITY

Chief Officers are responsible for maintaining proper security at all times for all buildings, contents, cash, computers and computer records under their control. They shall consult the Director of Finance and E-Government in any case where security is considered to be defective or where special security arrangements may be needed.

Maximum limits for cash holdings shall be agreed with the Director of Finance and E-Government.

Keys to safes and similar security receptacles are to be managed in accordance with guidance issued by the Director of Finance and E-Government.

Chief Officers are responsible for adhering to the corporate information Technology Security Policy and Procedures.

5.12 STOCKS AND STORES

Chief Officers are responsible for the care and custody of all stocks and stores in their departments.

Stock levels shall not be carried in excess of normal requirements except in special circumstances authorised by the appropriate Chief Officer.

Chief Officers shall arrange for periodical test checks of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year.

The Director of Finance and E-Government shall be entitled to receive from each Chief Officer such information as he requires for accounting insurance and other purposes.

Chief Officers are responsible for the disposal of surplus or obsolete stocks in accordance with guidance issued by the Head of Internal Audit and Risk Management.

5.13 CONTRACTS

All contracts shall be managed under guidelines issued by the Director of Finance and E-Government and the Council Solicitor.

All contracts on behalf of the Council shall be let in accordance with Standing Orders and must comply with European and competition legislation.

5.14 ORDERS FOR WORK, GOODS AND SERVICES

Official orders shall be in a form approved by the Director of Finance and E-Government and the Council Solicitor and are only to be signed by Officers authorised by the appropriate Chief Officer who is responsible for the security of such order books.

Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments such as rents and rates, for petty cash or such other exceptions as approved by the Director of Finance and E-Government.

Each order shall conform with the directions of the Council with respect to central purchasing and the standardisation of supplies and materials.

Chief Officers shall keep records of authorised Officers and their signatures.

Upon the implementation of Procure to Pay within each Department, orders for goods and services must be placed through the Agresso Procure to Pay system; any exceptions to be by prior agreement with Director of Finance and E-Government.

The system requires that;

- A relevant expenditure code is provided at the time of requisitioning
- There is sufficient budgetary provision (virement requests to be made to relevant service accountant)

- All orders are authorised independently from the officer inputting the order.

5.15 UNOFFICIAL AND VOLUNTARY FUNDS

Where an employee of the Council controls, by virtue of office, unofficial or voluntary funds, then the appropriate Chief Officer must ensure that adequate arrangements are made for the audit of those funds.

5.16 GIFTS AND HOSPITALITY

Chief Officers are responsible for ensuring that all employees, including themselves, follow the corporate guidelines and Code of Conduct on gifts and hospitality and on personal interests. In addition, guidance from professional institutes and other bodies must be followed in appropriate cases.

6.0 FINANCIAL REGULATION D: SYSTEMS AND PROCEDURES

6.1 INTRODUCTION

Sound systems and procedures are essential to an effective framework of accountability and control.

6.2 GENERAL

The Director of Finance and E-Government is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Corporate financial systems include:

- a) General Ledger, accounting and financial reporting
- b) Accounts Payable (Creditors)
- c) Accounts Receivable (Debtors and periodic income)
- d) Income accounting and recovery, including Council Tax and National Non Domestic Rates
- e) Payroll

Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved by the Director of Finance and E-Government. However, Chief Officers are responsible for the proper operation of financial processes in their own departments.

Any changes to agreed procedures by Chief Officers to meet their own specific service needs should be agreed with the Director of Finance and E-Government.

Chief Officers should ensure that their staff receive relevant financial training that has been approved by the Director of Finance and E-Government.

Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation. Chief Officers must ensure that staff are aware of their responsibility under Freedom of Information legislation.

6.3 INCOME AND EXPENDITURE

It is the responsibility of Chief Officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Chief Officer's behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of their Authority. The Executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

6.4 INCOME

The collection of all money due to the Council shall be under the supervision of the Director of Finance and E-Government. Given the statutory requirements in respect of VAT and financial reporting, all income must be recorded promptly in a manner approved by the Director of Finance and E-Government.

Chief Officers shall furnish the Director of Finance and E-Government with particulars of all cash income collected, all accounts rendered for the recovery of income due and all contracts, leases or other agreements which involve the receipt of money by the Council.

All money received on behalf of the Council shall, without delay, be paid to the Director of Finance and E-Government or as the Director of Finance and E-Government may direct to the Council's or other banking account.

No deduction may be made from such money unless specifically authorised by the Director of Finance and E-Government.

Every transfer of money from one employee to another shall be evidenced in the records of the department(s) concerned by the signature of the receiving employee.

All receipts, tickets, collection strips and other receipting devices shall be the responsibility of Chief Officers. They should be designed, ordered, printed, numbered and securely stored, registered and issued in a manner approved by the Director of Finance and E-Government.

The Director of Finance and E-Government is responsible for the setting aside of provisions for bad debts in accordance with statutory accounting practice. The Director of Finance and E-Government is responsible for writing off irrecoverable debts from £2,001 to £5,000; with the Head of Revenues and Benefits writing off debts of less than £2,000; and with write-offs above £5,000 being subject to approval by the Executive.

The setting of charge levels is a matter for the appropriate Committees, having regard to statutory, VAT and budget requirements, and Standing Order 58.

6.5 PAYMENTS TO EMPLOYEES AND MEMBERS

The Director of Finance and E-Government is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

The payments of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council shall be made by the Director of Finance and E-Government or under arrangements approved and authorised by the Director of Finance and E-Government.

The maintenance of employee salary, wages etc, records are subject to statutory requirements and shall be subject to minimum standards laid down by the Director of Finance and E-Government.

Chief Officers shall promptly notify the Director of Finance and E-Government in the form prescribed, of all matters affecting the payment of salaries, wages etc. All payroll documents shall be certified in manuscript by or on behalf of Chief Officers.

Chief Officers are responsible for ensuring that any termination of employment is in accordance with corporate policy and for the financial consequences so arising.

Chief Officers shall keep records of authorised officers and their signatures.

6.6 TAXATION

The Director of Finance and E-Government is responsible for advising chief officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

The Director of Finance and E-Government is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate, and for all VAT and other taxation accounting arrangements.

6.7 TRADING ACCOUNTS / BUSINESS UNITS

It is the responsibility of the Director of Finance and E-Government to advise on the establishment and operation of trading accounts and business units.

7. FINANCIAL REGULATION E: EXTERNAL ARRANGEMENTS

7.1 INTRODUCTION

The Local Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

7.2 PARTNERSHIPS

The Executive is responsible for approving delegations, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The Executive can delegate functions – including those relating to partnerships – to Officers. These are set out in the scheme of delegation that forms part of the Authority’s constitution. Where functions are delegated, the Executive remains accountable for them to the full Council.

The Chief Executive represents the Authority on partnership and external bodies, in accordance with the scheme of delegation.

The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority.

The Director of Finance and E-Government must ensure that the accounting arrangements (including the development of financial rules and regulations) to be adopted relating to partnerships with Greater Manchester Police and Fire Authorities, Six Town Housing, Bury Primary Care Trust and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies, including contracts with voluntary organisations. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

7.3 EXTERNAL FUNDING

The Director of Finance and E-Government is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority’s accounts.

7.4 WORK FOR THIRD PARTIES

The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

APPENDIX A

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive.

2. Process for Developing the Framework

The process by which the budget and policy framework shall be developed is:

- (a) The Leader/Cabinet will publicise by including in the Forward Plan and publishing at the Council's offices a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation.
- (b) The Leader/Cabinet's initial proposals shall be referred to the relevant Scrutiny Commission for further advice and consideration. The Scrutiny /Commission shall report to the Executive on the outcome of its deliberations. The Scrutiny *Committee* shall have six weeks to respond to the initial proposals of the Executive unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Scrutiny Commission of the time for response when the proposals are referred to it.
- (c) Having considered the report of the Scrutiny *Committee* the Executive, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the Scrutiny *Committee*.
- (d) In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or in principle, substitute its own proposals in their place.
- (e) Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the actions set out in sub-paragraph (f).
- (f) Before the Council:-
 - (i) amends the draft plan or strategy;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or

- strategy (whether or not in the form of a draft) of which any part is required to be so submitted, or
- (iii) adopts (with or without modification) the plan or strategy; it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Leader/Cabinet to consider, in the light of those objections, the draft plan or strategy submitted to it.
- (g) Where the Council gives instructions in accordance with Rule 2(f), it must specify a period of five clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Leader/Cabinet within which the Leader may:-
- (i) submit a revision of the draft plan or strategy as amended by the Executive ("revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy to the Council, for the Council's consideration; or
 - (ii) inform the Council of any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet's reasons for any such disagreement.
- (h) When the period specified by the Council, referred to in Rule 2(g), has expired, the Council must make a final decision and when:-
- (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted;
- or
- (iii) adopting (with or without modification) the Plan or strategy;

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Leader/Cabinet's reasons for those amendments, any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

- (i) The Council shall at that meeting make its final decision on the matter by a simple majority of votes cast at the meeting.
- (j) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.

3. Budget Preparation Process

- (a) Subject to Rule 3(e) where, before 8 February in any financial year the Executive submits to the Council for its consideration in relation to the following financial year:-
- (i) estimates of the amount to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;
 - (ii) estimates of other amounts to be used for the purposes of such a calculation;
 - (iii) estimates of such a calculation;
 - (iv) amounts required to be stated in a precept under of Part 1 of the Local Government Finance Act 1992 and following consideration of those estimates or amounts the Authority has any objections to them, it must take the action set out in Rule 3(b).
- (b) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in Rule 3(a)(i), or issues a precept under Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Executive's estimates or amounts and must give to the Leader instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- (c) Where the Council gives instructions in accordance with Rule 3(b), it must specify a period of at least 5 clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may:-
- (i) submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - (ii) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- (d) When the period specified by the Council, referred to in Rule 3(c), has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the Sections referred to in Rule 3(a)(i), or issuing a precept under Part 1 of the Local Government Finance Act 1992 take into account:-

- (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) the Executive's reasons for those amendments;
 - (iii) any disagreements that the Executive has with any of the Council's objections; and
 - (iv) The Executive's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
- (e) Rules 3(a) - (d) shall not apply in relation to:-
- (a) calculations or substitute calculations which the Council is required to make in accordance with Section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 and
 - (b) amounts stated in the precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

4. Decisions Outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 6 (virement) the Leader/Cabinet's Committees of the Executive, individual Members of the Leader/Cabinet and any officers, Area Boards or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Leader/Cabinet, Committees of the Executive, individual Members of the Leader/Cabinet and any officers, Area Boards or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 5 (urgent decisions outside the budget and policy framework) shall apply.

5. Urgent Decisions Outside the Budget or Policy Framework

- (a) The Leader/Cabinet, a Committee of the Cabinet, an individual Member of the Executive or officers, Area Boards or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chair of *the Scrutiny Committee* agrees that the decision is a matter of urgency, and if a nominated opposition or majority group member of the Panel as appropriate and the leader of the second largest opposition group has been consulted.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant *Scrutiny Committee's* consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of *the Scrutiny Committee*, the consent of the Mayor and, in the absence of both, the Deputy Mayor will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. In-Year Changes to Policy Framework and Virement

In approving the policy framework, the Council may also specify the degree of in-year changes to the policy framework which may be undertaken by the Executive. The extent of virement within the budget which may be undertaken by the Executive is included in the Financial Procedure Rules in Part 4 of this Constitution. Any other changes to the policy and budgetary framework are reserved to the Council.

7. Call-in of Decisions Contrary to the Budget or Policy Framework

- (a) Where a *Scrutiny Committee* is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the

Executive must meet to decide what action to take in respect of the Monitoring Officer's report and/or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the *Scrutiny Committee* if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the *Scrutiny Committee* may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting the Council will receive a report on the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - (i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way, or
 - (ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.
- (e) Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the actions set out in sub-paragraph (f).
- (f) Before the Council:-
 - (i) amends the draft plan or strategy;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any

plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted, or

- (iii) adopts (with or without modification) the plan or strategy; it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Executive to consider, in the light of those objections, the draft plan or strategy submitted to it.
- (g) Where the Council gives instructions in accordance with Rule 2(f), it must specify a period of five clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may:-
- (i) submit a revision of the draft plan or strategy as amended by the Executive ("revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy to the Council, for the Council's consideration; or
 - (ii) inform the Council of any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet's reasons for any such disagreement.
- (h) When the period specified by the Council, referred to in Rule 2(g), has expired, the Council must make a final decision and when:-
- (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted;
- or
- (iii) adopting (with or without modification) the Plan or strategy; take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

FINANCIAL IMPLICATIONS AND RISK CONSIDERATIONS FOR REPORTS FOR THE EXECUTIVE

You will need to separately identify the revenue and capital costs, where applicable, together with their sources of funding e.g. existing budgetary provision, virement from another budget, bid for resources (budget pressure) etc, for the current financial year and the following 2 financial years. This is in line with the requirements of the Prudential Code. Affordability of the development/issue is critical and for the following 2 years you will also need to consider the possible effect on Council Tax where there are considerable revenue implications, together with highlighting any savings that may arise from the development / issue.

REVENUE

You will need to provide a suitable breakdown of the type of expenditure and income, together with a total for both expenditure and income.

For example, standard groupings include:-

Employees . salaries and wages; employers NI and superannuation contribution; agency staff; employee expenses; advertising costs etc.

Premises related expenditure . e.g. energy costs; rents; rates; water services; fixtures and fittings; cleaning and domestic supplies etc.

Transport related expenditure. staff travelling expenses; car allowances; public transport; contract hire and operating leases etc.

Supplies and services. including equipment, furniture and materials; catering; printing, stationery and general office expenses; communications and computing; grants and subscriptions

Third Party payments. payments to external providers or internal service providers. Can include:- payments to health authorities, government departments, other local authorities, joint authorities

Capital charges. this records the revenue impact of capital items in the revenue account of a department.

Income. e.g. government grants; customer and client receipts; contributions from other parties e.g. other local authorities, organisations

Highlight in these amounts those which are one-off costs/sources of funding and those which are ongoing costs/sources of funding.

CAPITAL

For schemes over £250,000 a project brief will need to be completed for approval by the Executive.

For expenditure you will need to break down the costs between works costs; fees/ salaries; furniture and equipment; land acquisition costs etc.

For the sources of funding you will need to identify whether the source is government grant, capital receipts, loan, revenue reserves, external funding etc.

RISK CONSIDERATIONS

You will need to consider and highlight the risks and hazards that the Council/ Department may be faced with in connection with the development/issue. Such risks/hazards can be:-

Legal. associated with current or potential changes in national or European legislation, or possible breaches of legislation.

Competitive. those affecting the competitiveness of the service.

Social . those relating to the effects of changes in demographic, residential or socioeconomic trends on the organisations ability to deliver its objectives.

Financial . connected with financial planning and adequacy of insurance cover and internal funds.

Physical . those related to fire, security, accident prevention and health and safety.

Reputational . those relating to the Council's reputation and the public's perception of its effectiveness and efficiency.

Environmental . those relating to pollution, noise or energy efficiency.

Technological . those relating to reliance on operational equipment e.g. IT systems or equipment and machinery, plus those associated with the Council's capacity to deal with the pace/scale of technological change.

Contractual . those associated with the failure of contractors to deliver services or products to the agreed cost and specification.

Customers/Clients - those associated with the failure to meet the current and changing needs and expectations of customers and clients.

APPENDIX C

STATEMENT OF INTERNAL CONTROL 2004/05

1. SCOPE OF RESPONSIBILITY

Bury MBC is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the authority is also responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of its functions and which includes arrangements for the management of risk.

2. THE PURPOSE OF THE SYSTEM OF INTERNAL CONTROL

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The system of internal control has been in place at Bury MBC for the year ended 31 March 2005, and up to the date of approval of the annual accounts.

3. THE INTERNAL CONTROL ENVIRONMENT

Bury MBC has a sound control environment of which the key elements are shown below. A file of supporting evidence has been collated and reviewed by the SIC Challenge Panel. The key elements of the control environment are:

Establishing and monitoring the achievement of the authority's objectives

- The Council has adopted a Constitution that sets out the Council's Policy Framework and 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.
- The Constitution encompasses Standing Orders, Financial Regulations and the Scheme of Delegated Powers, together with Codes of Conduct for both Members and employees. The Constitution is regularly reviewed and updated, and is available on the Council Website and Intranet.

- The Council has adopted a Local Code of Corporate Governance, reflecting the framework produced by CIPFA/SOLACE. The key elements of the Code are overseen by the Standards Committee and training on corporate governance has been provided to Council Members. The Code has been incorporated into the authority's Anti-Fraud and Corruption Strategy which takes a strong line on fraud issues, and also includes sections covering Confidential Reporting (Whistle-blowing), Benefit Fraud Prosecutions, Guidance for Members attending outside bodies, and Standards of Conduct for officers and Members.
- Well established procedures are in place for setting and monitoring the authority's objectives, and the Council has a well developed and clearly understood policy and decision making process. Priorities and longer-term ambitions are thoroughly re-examined each year by key Members and officers at a Strategic Forward Planning Event. In July 2005 this will also include representatives from key partner agencies drawn from the Local Strategic Partnership.
- Priorities and ambitions form the basis of the Community Strategy, and the authority's Corporate Plan, and also play a major role in the resource allocation process. The Council operates a Priority-led budgeting process which aims to direct revenue and capital resources towards strategic priorities. A Capital Programme Strategy Group has been established to oversee the development of this process in respect of capital resources and a Priority Investment Reserve has been established to facilitate the reallocation of revenue resources with effect from 2005/06 onwards.
- Statutory obligations, priorities, ambitions and service priorities are encapsulated into Service Plans that are produced on an annual basis by each Council Department.
- Objectives, ambitions and priorities are communicated throughout the community and the Council via the web-site, posters placed in public buildings, press releases and the Best Value Performance Plan
- Progress towards the achievement of the objectives is monitored at quarterly dedicated meetings of the Executive and through the performance management framework.

The facilitation of policy and decision making

- The full Council meets approximately every 12 weeks and the Executive meets every 3 weeks to consider the strategic plans and policies of the authority. In addition the Council has two regulatory committees - Planning Control Committee and Licensing and Safety Committee. A Schools Forum and a Schools Organisation Committee are also in existence.
- As set out above, the formal decision making process is underpinned by a Scheme of Delegated Powers and Codes of Conduct.
- The authority also operates an *Overview Management Committees and two Scrutiny Committees* that are charged with policy development and review the scrutiny of decisions taken by the Executive *and* the use of resources and performance.
- To facilitate corporate governance, the authority has a Standards Committee and an Audit Committee, both of which include independent members
- All meetings are open to the public and every meeting makes provision for a "Public Question Time" session
- Agendas, reports, minutes and the Forward Plan are publicly available on the Council's web-site

- Six Local Area Partnerships have been established to act as a two-way channel between the formal decision-making process of the Council and local communities. As well as being a local forum, Area Board advise on service levels and are able to expend limited sums of money to support social, educational, recreational and environmental projects within their locality.

Ensuring compliance with established policies, procedures, laws and regulations

- The Council's Director of Legal & Democratic Services is designated as "Monitoring Officer". It is the function of the Monitoring Officer to ensure compliance with established policies, procedures, laws and regulations.
- The financial management of the authority is conducted in accordance with the Financial Regulations set out in the Constitution
- The Director of Finance and E-Government, as the Council's Chief Finance Officer, has responsibility for the legality of the Council's financial transactions
- The Council has an Internal Audit function which operates to the standards set out in the CIPFA guidance for Internal Audit in Local Government. The Head of Audit and Risk Management reports impartially and in his own name on the adequacy and effectiveness of the Council's internal control environment. The scope of Internal Audit covers all Council activities and Internal Audit has unrestricted access to all Council personnel, records and assets in order to conduct its business.
- The Council has a well established Audit Committee which monitors and evaluates the Council's internal control arrangements and considers all external audit reports. Copies of all internal audit reports are provided to Members of the Committee (and to other senior Members and officers) and the Committee has the opportunity to question the Head of Audit and Risk Management on any matters raised in reports and service responses.
- The Council is subject to external audit by the Audit Commission and external inspection and review by a number of agencies. The Council has a positive and constructive approach to the reports and recommendations made by these agencies and regular meetings are held between the auditor and the Management Board. The auditor also attends the Audit Committee.
- The Council has various corporate strategies in place to support compliance with policies and procedures. These strategies cover ICT, Human Resources, Procurement, Health and Safety and Complaints.
- Compliance with established policies, procedures, laws and regulations is carefully monitored. Every Council report produced has a section which must consider a range of implications, including financial, legal, risk etc., and additionally, must contain statements by the Monitoring Officer and the Director of Finance and E Government, to ensure that all legal and financial issues are fully considered, and that Members are advised accordingly.

Identifying, assessing and managing the risks to the authority's objectives

- The authority has adopted a detailed Risk Management Policy and Strategy, incorporating a "live" action plan which aims to continuously improve the approach to risk management within the authority
- The Executive Member for Quality Council and the Director of Finance and E Government have been nominated as member and officer Risk Management Champions respectively.
- Each Council department has appointed a lead officer for Risk Management.

- A Risk Management Group has been established, chaired by the Director of Finance and E-Government, which includes senior representatives from all key service areas. The authority's insurers and insurance brokers also have representatives on the Group.
- All members of the Group have been provided with accredited training on risk management. Awareness training has also been provided to officers and Council Members.
- Strategic and departmental risk registers have been compiled using a corporate approach based on the Zurich Municipal STORM process. The risk registers are to be reviewed in August 2005. Actions to mitigate key risks are reflected in departmental Service Plans.
- A Risk Management Report is prepared annually by the Risk Management Group for consideration by the Resource Scrutiny Panel and the Management Board
- Specific sections for setting out risk issues are contained in Executive and Management Board reports
- The authority has developed a local Project Management Methodology (based on the principles of Prince2) and a risk assessment of each project forms a key element of the Project Initiation Document template
- Business Continuity Plans are currently being prepared with assistance from the authority's insurers and brokers. The BCP will align closely with the authority's Emergency Plan and will be thoroughly tested as part of the preparation process. It is expected that the BCP will be placed before the Executive in September 2005.
- A comprehensive review of these arrangements has been conducted by the Audit Commission during the year. This concluded that "the Council has developed solid foundations and is implementing its strategic approach to risk management. Departments are actively involved in identifying corporate and departmental risks"

Ensuring best value and continuous improvement

- This is achieved in a number of ways including reviews and inspections by the external auditor, external agencies, Internal Audit, Scrutiny Commissions and internal Project Boards
- The authority constantly seeks ways of ensuring the economical, effective and efficient use of resources and for ensuring continuous improvement in the way its functions are exercised
- All reports and developments are assessed by the Director of Finance and E Government
- The authority is actively involved in joint working with partners such as the police and the Primary Care Trust, and with other Greater Manchester councils, to explore methods of working which will improve efficiency and effectiveness
- The authority also contributes to a number of benchmarking clubs, across a range of services, that allow comparison of performance, costs and best practice
- The authority has taken a pro active approach to the e-government agenda with over 600 processes being e-enabled. At 31st March 2005 the authority's BVPI157 stood at 88% and is expected to reach 100% by December 2005. The authority is also on target to meet the Priority Outcomes and is investing in state-of-the-art business systems such as HR/Payroll, financial management, revenues and benefits and customer contact. The authority is

using the e-government agenda to drive forward improvements in transactional efficiencies

- The authority is committed to modernising its procurement processes. It has undergone an Improvement and Development Agency procurement health-check and has developed links with the Regional Centre for Excellence. An e-tendering model is being developed and the authority has made use of the Egan principles to procure building maintenance services
- The authority is committed to ensuring services are delivered by individuals with the capacity and skills to enable continuous improvement. Bury was recently awarded corporate Investors in People status and an in-house capacity building programme has seen 150 managers assessed against the Audit Commission's 'performance Breakthrough' model
- The authority has responded positively to the 'Gershon' agenda and the Forward Look Annual Efficiency Statement for 2005/06 demonstrated that the authority has identified efficiency savings totalling £3.866m
- A corporate Asset Management Plan (AMP) exists that received the highest possible rating from ODPM. This is underpinned by service based AMPs and by a dedicated IT system that will link into the new financial management system that is currently being installed.

The financial management of the authority and the reporting of financial management

- The Council has designated the Director of Finance and E-Government as Chief Finance Officer in accordance with Section 151 of the Local Government Act 1972
- The financial management of the authority is conducted in accordance with the Financial Regulations set out in the Constitution
- Sound procedures are in place covering the financial management of the authority and the reporting of financial management information. This is now incorporated into the Planning and Performance Cycle. The authority has a Medium Term Financial Strategy and produces rolling 3-year budget forecasts, based on the assumptions set out in the MTFS. Each main service Department has also produced a MTFS setting out resources, pressures, budget allocations and plans for addressing any budget 'hot spots'
- The authority is currently implementing a modern financial management system which will link into other key business systems and which will act as a catalyst for, amongst other things, improved procurement processes
- The authority operates a scheme of delegated budgets supported by professional corporate and departmental finance functions. These are underpinned by protocols setting out the responsibilities and lines of reporting for departmental finance staff
- Regular revenue, capital and HRA budget monitoring, indicating actual expenditure and full year forecasts, is undertaken and reported to service management teams, the Management Board, Leader/Cabinet and the *Scrutiny Committee* on a quarterly basis. These reports identify reasons for variances and set out corrective action that is proposed. Summary monitoring reports are also prepared monthly and submitted to Directors and key Members.
- A Project Board has been established to monitor Social Services' spending and to oversee the implementation of corrective action.
- Treasury Management is conducted in accordance with a Treasury Management Annual Strategy and Plan, and borrowing is in accordance with

the Prudential Code. The authority has responded pro-actively to the Prudential Code and prudential indicators are reported quarterly to Members and the Management Board. The authority has developed a policy setting out the conditions under which prudential borrowing can be utilised

The performance management of the authority and the reporting of performance management

- The Council has a comprehensive Planning and Performance Framework which, coupled with its Best Value Performance Plan, helps to secure continuous improvement in the way in which our functions are exercised.
- The authority focuses on the monitoring of 52 'Priority' performance indicators (PIs). These include key corporate health PIs, service critical PIs and local high risk PIs
- A well established corporate Performance team operates under the direction of the Deputy Chief Executive
- A Local Public Service Agreement has been negotiated with ODPM and progress towards the targets is monitored on a bi-annual basis
- The authority has established a Performance Management Scrutiny panel which receives regular reports on performance against targets
- Other external monitoring of performance takes place through the various audit and inspection regimes
- Senior managers at the authority are kept up to date at regular Performance Managers' Workshops and Chief Executive's Briefing Sessions
- Several services have obtained Quality Assurance accreditation

4. REVIEW OF EFFECTIVENESS

Bury MBC has responsibility for conducting, at least annually, a review of the effectiveness of the system of internal control. This review is informed by the work of Internal Audit and the executive managers within the authority who have responsibility for the development and maintenance of the internal control environment, and also by comments made by the Council's external auditors and other review agencies and inspectorates.

The process of maintaining and reviewing the effectiveness of the system of internal control includes the following measures and actions:

- The Council, has adopted a Planning and Performance Framework, and carries out a programme of monitoring which runs throughout its annual cycle. This includes: monthly scrutiny of all budgets; bi-annual monitoring of Service Plans; quarterly monitoring of Best Value Performance Indicators/Local Public Service Agreement (BVPIs/LPSA); and bi-annual monitoring of the Corporate Plan. Internal Audit reviews the effectiveness of the data collection processes that underpin the internal and external reporting of BVPIs. Each summer the lead Members and officers hold a Strategic Forward Planning Event, in order to review performance and re-define corporate objectives and ambitions.
- Internal arrangements for the control of performance are leading to better results. The Annual Audit and Inspection Letter (2004) highlighted 57% of PIs improving with 59% in the top half nationally. The report also stated (p.5) that the "sound preparation systems for BVPIs is notable and a major

improvement during the last two years." Subject to audit, 2004/05 BVPIs show a continued improvement in service output although the rate of improvement is slowing as more indicators reach their ceiling level. In CPA terms, service scores rose in 2004 by 7 points (on top of a 10 point rise the year before - equating to a 50% increase in service scores since 2002). A Corporate Assessment in 2004 saw the corporate performance score increase by some 21%. Performance is also leading to better outcomes as reflected in higher recycling rates, modernised services for older people (including more emphasis on home care, reduced hospital discharges), reduced crime levels and excellent education results.

- The Leader/Cabinet carries out functions which are not the responsibility of any other part of the authority. Several members of the Executive are assigned portfolio areas, and are assisted by non Executive Members who are appointed Lead Member status for particular areas of responsibility. This allows the Executive to monitor the activities of the authority.
- There is a *new* Overview and Scrutiny function which has been revised and updated in the light of experience. Scrutiny *bodies* review the work of the Council throughout the year and also report annually to Council.
- The Leader/Cabinet Directors have each reviewed the operation of key controls throughout the Council, from the perspective of their own directorates, using a detailed checklist. They have provided a signed assurance statement and identified any weaknesses or reservations for inclusion in an improvement programme which will form the basis of an action plan to this report.
- The Monitoring Officer carries out a continuous review of all legal and ethical matters, receiving copies of all agendas, minutes, reports and associated papers, commenting when necessary, or taking appropriate action, should it be required. The Monitoring Officer is also responsible for monitoring the Local Code of Corporate Governance.
- The Director of Finance and E Government prepares a Risk Management Annual Report reviewing activities and progress for the year, and also reviews the Local Code of Corporate Governance.
- The Standards Committee is responsible for standards and probity, and receives regular reports from the Monitoring Officer.
- The Audit Committee carries out an overview of the activities of the Council's internal and external audit functions. Members are provided with copies of all reports produced by Internal Audit and by the Audit Commission. They approve the annual plans for each, and receive regular progress reports throughout the year. The Head of Audit and Risk Management submits to them an Annual Report and Opinion, and the external auditor (Audit Commission) submits an Audit and Inspection Annual Letter.
- The Internal Audit service is a directly employed in-house service, providing a continuous review in accordance with the Council's obligations under the Local Government Act 1972, and the Accounts and Audit Regulations 2003. It

operates under the APB (Auditing Practices Board) Guidelines and CIPFA Code of Practice for Internal Audit in Local Government, as approved by the Audit Committee.

- The Council's external auditors (the Audit Commission) review the activities of the Council and approve the annual accounts. Conclusions and significant issues arising are reported in their Annual Audit and Inspection Letter.

The Audit Committee has been advised on the implications of the result of the review of the effectiveness of the system of internal control by the Authority, and a plan to address weaknesses and ensure continuous improvement of the system is in place.

5. SIGNIFICANT INTERNAL CONTROL ISSUES

The Effectiveness statement set out in section 4 above demonstrates that the Control Environment described in section 3 is operating effectively. Further evidence to support this conclusion comes from:

- The Annual Report and Opinion by the Head of Audit and Risk Management stated "The effectiveness and security of local authority systems and controls are underpinned by the overall control framework. At Bury this is considered to be sound..."
- The Audit and Inspection Annual Letter by the District Auditor and Relationship Manager stated "Bury has developed and maintained sound systems of internal financial control. The quality of the work of Internal Audit is good."

No significant internal control issues have been identified, and based on the various assurances given, satisfactory corporate governance arrangements are deemed to be in place and working effectively.

However, it is recognised that significant overspendings have occurred within the Education and Social Services' budgets during 2004/05 and these have placed pressure on the authority's overall budget strategy for 2005/06. The overspendings were identified at an early stage as a result of the effective budget monitoring procedures that are in place and this allowed corrective action to be put in place and also gave the authority the opportunity to address the situation when setting the budget for 2005/06. A Project Board has been established to review the situation and to drive forward future corrective action.

In order to ensure continuous improvement of the control environment the following actions are deemed to be the authority's immediate priorities:

- Take the development of the Risk Management function to the next stage, including a review of the Policy and Strategy, a refresh of corporate and departmental risk registers and an extension of training to lower tiers of management.
- Complete Business Continuity Plans and put in place arrangements to allow the authority to respond pro actively to the Civil Contingencies Act.

- Introduce an annual Monitoring Officer's report which will incorporate a review of the Local Code of Corporate Governance.
- Strengthen the arrangements to monitor the Children's Services budget and improve financial monitoring information generally (linked to the introduction of the new financial management system).
- Continue to give high priority to ensuring that the new business systems operate within an effective control framework.
- Review the Council Constitution in the light of changing circumstances such as the introduction of Sixtown Housing, an Arms Length Housing Organisation, and the establishment of Asbury, a joint venture company, and undertake an effective awareness raising process at Member, officer and partner level.
- Develop a Long Term Financial Strategy looking ahead and identifying financial issues covering the coming 10 years

Detailed action plans will be prepared to support each of these issues and these will be incorporated into individual Service Plans and progress will be monitored in line with the corporate performance monitoring process.

The SIC itself, and progress on the actions set out above will also be reviewed and monitored by the Management Board and the Audit Committee on a quarterly basis.

OFFICER EMPLOYMENT PROCEDURE RULES (Standing Orders Relating to Staff)

1. Recruitment and Appointment

- (a) Declarations
 - (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
 - (ii) no candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.
- (b) Seeking support for appointment.
 - (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
 - (ii) No Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed.
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

- (c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.

3. Appointment of Head of Paid Service

- (a) The full Council must confirm the appointment of the Head of Paid Service following the recommendation of such an appointment by the Human Resources and Appeals Panel. That Panel must include at least one Member of the Executive.
- (b) An offer of an appointment as Head of Paid Service must not be made by the Council until:-
 - (i) The Council has notified the Director of Personnel of the name of the person to whom the Council wishes to make the offer and of any other particulars which the Council considers are relevant to the appointment;
 - (ii) The Director of Personnel has notified every member of the Leader/Cabinet of:-
 - (a) the name of the person to whom the Council wishes to make the offer;
 - (b) any other particulars relevant to the appointment which the Council has notified to the Director of Personnel; and
 - (c) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Executive to the Director of Personnel; and
 - (iii) either:-
 - (a) the Leader has, within the period specified in the notice under Rule 3(c)(ii)(c), notified the Council that neither he/she nor any other Member of the Executive has any objections to the making of the offer;
 - (b) the Director of Personnel has notified the Council that no objection was received by him within that period from the Leader; or
 - (c) the Council is satisfied that any objection received from the Leader within that period is not material or is not well founded.

4. Appointment of Chief Officers and Deputy Chief Officers

- (a) The Human Resources and Appeals Panel of the Council will appoint Chief Officers and Deputy Chief Officers. That Panel must include at least one Member of the Executive.

- (b) An offer of employment as a Chief Officer or Deputy Chief Officer must not be made by the Human Resources and Appeals Panel until:-
 - (i) The Panel has notified the Director of Personnel of the name of the person to whom the Panel wishes to make the offer and of any other particulars which the Panel considers are relevant to the appointments;
 - (ii) The Director of Personnel has notified every Member of the Leader/Cabinet of:-
 - (a) the name of the person to whom the Panel wishes to make the offer;
 - (b) any other particulars relevant to the appointment which the Panel has notified to the Director of Personnel; and
 - (c) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Executive to the Director of Personnel; and
 - (iii) either:-
 - (a) the Leader has, within the period specified in the notice under Rule 4(b)(ii)(c), notified the Panel that neither he/she nor any other Member of the Executive has any objections to the making of the offer;
 - (b) the Director of Personnel has notified the Panel that no objection was received by him within that period from the Leader; or
 - (c) the Panel is satisfied that any objection received from the Leader within that period is not material or is not well founded.
- (c) The Chief Officer and Deputy Chief Officers posts subject to Rule 4 of the Officer Employment Rules are as defined in Section 2 of the Local Government and Housing Act 1989.

5. Other Appointments

- (a) **Officers below Deputy Chief Officer**
The appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

- (b) **Assistants to political groups**
The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary Action – Head of Paid Service, Monitoring Officer and Chief Finance Officer

- (a) The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

The Council must approve the dismissal or other disciplinary action in relation to the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer following the recommendation of dismissal or disciplinary action by the Human Resources and Appeals Panel.

- (b) No other disciplinary action may be taken in respect of any of those officers referred to in (a) above except in accordance with a recommendation in a report made by a designated independent person.

The designated independent person may direct:-

- (i) that the Council terminate any suspension of any of those Officers;
- (ii) that any such suspension must continue after the expiry of the period of months mentioned in paragraph 6(a);
- (iii) that the terms on which any suspension has taken place must be varied in accordance with the direction and
- (iv) that no steps (whether by the Council or any Committee, Sub-Committee or Officer acting on behalf of the Council) towards disciplinary action or further disciplinary action against the relevant Officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made by the independent person in accordance with Regulation 7 of the Local Authorities) (Standing Orders) (England) Regulations 2001.
- (c) The Council shall approve the dismissal of or other disciplinary action in relation to the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer following the recommendation of dismissal or disciplinary action by the Human Resources and Appeals Panel.
- (d) Notice of the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer must not be given by the Human Resources and Appeals Panel until:-

- (i) the Panel has notified the Director of Personnel of the person who the Panel wishes to dismiss and any other particulars which the Panel considers are relevant to the dismissal;
- (ii) the Director of Personnel has notified every Member of the Leader/Cabinet of:-
 - (a) the name of the person who the Panel wishes to dismiss;
 - (b) any other particulars relevant to the dismissal which the Panel has notified to the Director of Personnel; and
 - (c) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Executive to the Director of Personnel; and
- (iii) Either:-
 - (a) the Leader has, within the period specified in the notice under Rule 6(d)(ii)(c), notified the Panel that neither he/she nor any other Member of the Executive has any objection to the making of the offer;
 - (b) the Director of Personnel has notified the Panel that no objection was received by him by him within that period from the Leader; or
 - (c) the Panel is satisfied that any objection received from the Leader within that period is not material or is not well founded.

7. Disciplinary Action – Chief Officers and Deputy Chief Officers (other than the Monitoring Officer and Chief Finance Officer)

- (a) The Human Resources and Appeals Panel shall approve the dismissal of or other disciplinary action in relation to Chief Officers and Deputy Chief Officers (other than the Monitoring Officer or the Chief Finance Officer).
- (b) Notice of the dismissal of the Chief Officer or Deputy Chief Officer (other than the Monitoring Officer or the Chief Finance Officer) must not be given by the Human Resources and Appeals Panel until:-
 - (i) the Panel has notified the Director of Personnel of the person who the Panel wishes to dismiss and other particulars which the Panel considers are relevant to the dismissal;

- (ii) the Director of Personnel has notified every Member of the Executive of;
 - (a) the name of the person who the Panel wishes to dismiss;
 - (b) any other particulars relevant to the dismissal which the Panel has notified to the Director of Personnel; and
 - (c) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Executive to the Director of Personnel; and
- (iii) Either:
 - (i) the Leader has, within the period specified in the notice under Rule 7(b)(ii)(c), notified the Panel that neither he/she nor any other Member of the Executive has any objection to the dismissal;
 - (ii) the Director of Personnel has notified the Panel that no objection was received by him within that period from the Leader; or
 - (iii) the Panel is satisfied that any objection received from the Leader within that period is not material or is not well founded.

8. Disciplinary Action – Other Officers

Councillors shall not be involved in the dismissal of or disciplinary action in relation to any Officer below Deputy Chief Officer except where such involvement is necessary for any investigation or enquiry into alleged misconduct and also through the Council's Disciplinary, Capability and Related Procedures as adopted from time to time, which may allow a right of appeal to Members in respect of such action.

PART 5

CODES AND PROTOCOLS

METROPOLITAN BOROUGH OF BURY



**CODE OF CONDUCT FOR
COUNCILLORS,
INDEPENDENT AND OTHER
VOTING REPRESENTATIVES**

**Approved by
Council
16 May 2007**

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PRINCIPLES OF THE CODE

The principles which underline this Code are:

Selflessness

Members and co-opted members should serve only the public interest and should never improperly confer an advantage or disadvantage on each other or any person.

Honesty and Integrity

Members and co-opted members should not place themselves in official situations where their honesty and integrity may be questioned. They should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Members and co-opted members should make decisions on merit including making appointments, awarding contracts or recommending individuals for rewards or benefits.

Accountability

Members and co-opted members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members and co-opted members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Respect for Others

Members and co-opted members should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. Members should also respect the impartiality and integrity of the Authority's statutory officers and its other employees.

Duty to Uphold the Law

Members and co-opted members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them.

Stewardship

Members and co-opted members should do whatever they are able to do to ensure that their Authority has used its resources prudently and in accordance with the law.

Leadership

Members and co-opted members should promote and support these principles by Leadership and by example and should always act in a way that secures or preserves public confidence.

THE CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the principles (prescribed by the Secretary of State)
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –
'meeting' means any meeting of –
 - (a) the authority;
 - (b) the executive of the authority
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;'member' includes a co-opted member and an appointed member.

Scope

2. (1) Subject to sub-paragraphs (2) to (5) you must comply with this Code whenever you –
 - (a) conduct the business of your authority (which in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that it conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you

committed before the date you took office, but for which you are convicted after that date).

- (5) Where you act as a representative of your authority –
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat with respect.

(2) You must not –

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
- (b) bully any person
- (c) intimidate or attempt to intimidate any person who is or is likely to be –
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedingsin relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not –

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;

- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6.** You –
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority –
 - (i) act in accordance with your authority’s reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (iii) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7.** (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
- (a) your authority’s chief finance officer; or
 - (b) your authority’s monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

- 8. (1)** You have a personal interest in any business of your authority where either –
- (a) it relates to or is likely to affect –
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election of any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a

remunerated director, or a person or body of the description specified in paragraph (vi) is the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of –

(2) In sub-paragraph (1)(b), a relevant person is –

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature of existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of member's interest, you must indicate to the meeting that you

have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), 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 ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under Section 22 of the Local Government Act 2000.

Prejudicial interest generally

10.(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business –

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of –
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) 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;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interest on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held –
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13.(1) Subject to paragraph 14, you must, within 28 days of –

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

EMPLOYEES' CODE OF CONDUCT

The local Employees/Officers' Code of conduct, consistent with a model code yet to be issued by the Secretary of State, will be inserted here in due course.

In the meantime, the existing local code of conduct, set out below, provides guidance for employees on the currently recommended standards of conduct.

CURRENT EMPLOYEES' CODE OF CONDUCT

1.0 Standards

1.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of their immediate supervisor any deficiency in the provision of service. Employees must report to their immediate supervisor or the Director of Personnel any impropriety or breach of procedure.

2.0 Disclosure of Information

2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public.

2.2 Committee agendas and most reports and background papers are required by law to be available for public inspection. Detailed guidance is available from the Director of Legal and Democratic Services. Obstruction of a Member of the public who wishes to exercise these rights is a criminal offence.

2.3 No employee shall communicate to the public the proceedings of any 'closed' Committee or meeting associated with the business of any Committee, nor the content of any document relating to the authority, unless required by law or expressly authorised by the Chief Executive to do so. Employees making unauthorised communications shall render themselves liable to disciplinary action.

2.4 Employees should follow any specific ground rules adopted by the authority in relation to commercially sensitive information, particularly with regard to Compulsory Competitive Tendering (CCT).

- 2.5 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority such as details of her/his marital/domestic arrangements, should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3.0 Political Neutrality

- 3.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Should the authority decide to appoint political assistants in accordance with the Local Government and Housing Act 1989 these employees would be exempt from the standards set in paragraphs 3.1 to 3.3.

4.0 Relationships

4.1 Councillors

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

4.3 Contractors

All relationships of a business or private nature with external contractors or potential contractors, should be made known to your immediate supervisor and shall be recorded in a book to be kept for that purpose by the Chief Executive which shall be available for inspection by Members of

the Council. Orders and contracts must be awarded on merit by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 4.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their immediate supervisor and this should be recorded in the book kept for that purpose by the Chief Executive.

5.0 Appointment and Other Employment Matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her. Where a Senior Officer has power to engage an employee he or she shall not appoint any relative to such a position without first referring the proposed appointment to the Committee concerned.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6.0 Outside Commitments

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests. Employees are advised to discuss any such issues with their immediate supervisor. Apart from those employees whose conditions of service require them to obtain written consent to take any outside employment, it is not intended that employees be prevented from taking outside employment except where such employment would conflict with the authority's interests.
- 6.2 Employees should have regard to the ownership of intellectual property or copyright arising out of and during the course of their employment and act in accordance with any rules of the authority which may be in force.

7.0 Personal Interests

- 7.1 Employees must declare to their immediate supervisor any non-financial interests that they consider could bring about conflict with the authority's interests.

- 7.2 Employees must declare to their immediate supervisor any financial interests which could conflict with the authority's interests.
- 7.3 In the case of any matter under consideration by the Council or any other application to the Council where employees or any close relative have a personal interest, whether pecuniary or otherwise, they should, if such matter or application falls to be dealt with by the Department in which they are employed, inform their immediate supervisor of their interest as soon as they become aware of the matter or application concerned. The immediate supervisor must then ensure that all aspects of the matter or application are conducted or supervised by an employee more senior to the individual who has declared the personal interest. On no account must employees be directly involved in the processing of any matter or application in which they or any close relative have a personal interest.
- 7.4 The definition of a close relative shall be as set out in the Supplemental Conditions of Service for APT & C Staff (Appendix H). A copy of the Supplemental Conditions is available for inspection in your Department.
- 7.5 Employees should declare to their immediate supervisor membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 7.6 Any declarations referred to in Section 7 shall be recorded in a register kept for that purpose by the employees Chief Officer for inspection by Members of the Council.

8.0 Equality Issues

- 8.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

9.0 Separation of Roles During Tendering

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness and at time discretion and confidentiality.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors, in accordance with any policies and rules determined by the Council, particularly in relation to Compulsory Competitive Tendering.

- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform their immediate supervisor and withdraw from the contract awarding processes.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10.0 Use of Financial Resources

- 10.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money for the Council and to the local community and to avoid legal challenge to the authority.

11.0 Corruption

- 11.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If charged with this offence it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 11.2 Rewards corruptly obtained will put your job at risk and are punishable by up to seven years' imprisonment.

12.0 Gifts and Hospitality

- 12.1 There can be little doubt that the acceptance of gifts by employees from persons who have, or may seek to have, dealings with their authority would be viewed by the public with grave suspicion and would make the employee concerned and the Council extremely vulnerable to criticism. An employee should, therefore, tactfully refuse any personal gift which is offered to him/her or a close relative by, or indirectly attributable to any person or body who has, or may have, dealings of any kind whatsoever with the Council or, who has applied, or may apply, to the Council for any planning or other kind of decision.
- 12.2 The only exceptions to this rule are:
- (a) small gifts of only token value often given by way of trade advertisements to a wide range of people, eg calendars, diaries, tape measures and similar articles of use in the workplace; or
 - (b) small gifts of only token value given on the conclusion of a courtesy visit, eg to a factory or other premises

- 12.3 If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.
- 12.4 Employees are reminded that under provisions of Section 117 of the Local Government Act 1972, they are forbidden under the colour of their office and employment to accept any fee or reward other than their proper remuneration and any person who contravenes this provision would be liable, on summary conviction, to a fine not exceeding £2,500. (Subject to review).
- 12.5 In the event of an employee receiving a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to a Chief Officer who will be responsible for deciding whether the gift should be returned.
- 12.6 If any employee becomes aware that he/she has been included as the beneficiary in the Will of a client, for whom the Council offers or used to offer a service where there is a connection with the employee's work, the above rules apply.
- 12.7 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded in a register kept for that purpose by the employee's Chief Officer.
- 12.8 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.9 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 12.10 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc are required, employees should ensure that the authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 12.11 Employees must refuse offers of hospitality where any suggestion of improper influence would be inferred. Special caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from the authority, particularly where the offer is to an individual employee.

12.12 Concerning offers of hospitality there should be no cause for concern if the offer is made by another non-commercial public body but in all other cases offers of hospitality must be treated with caution.

12.13 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of hospitality.

13.0 Sponsorship – Giving and Receiving

13.1 Where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the authority 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 to their immediate supervisor of any such interest. Similarly, where the authority 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.

13.3 Any declaration of an interest will be recorded in a register kept for that purpose by the employee's Chief Officer. The register will be available for inspection by Members.

14.0 Interpretation

14.1 Any interpretation of this Code should be determined by the Director of Personnel after consultation with the Executive Member for Resource, Lead Member for Human Resources and Opposition spokespersons.

15.0 Disciplinary Action

15.1 Any serious contravention of this Code may result in disciplinary proceedings.

16.0 Grievance Procedure

16.1 An employee who has a grievance arising from the interpretation of the Code shall have access to the Council's Grievance Procedure.

16.2 Any officer or Member who has been involved in an interpretation of the Code which results in a grievance arising should not be involved in the consideration of that grievance.

17.0 Application of Code

17.1 The Code embodies general guidance for all employees of the Council. It is recognised, however, that specific arrangements may be made at Departmental level to address circumstances/situations encountered by certain employees.

PROTOCOL FOR MEMBER AND OFFICER RELATIONS

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“Every local authority should have its own written statement or protocol governing relations between members and officers.” (Third report of the Committee on Standards in Public Life - the Nolan Committee)

1.1 Preamble

- 1.1 Mutual trust and respect between members and officers is at the heart of a council’s good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.
- 1.2. This may seem obvious. But what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
- 1.3. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers – a protocol:
- to promote trust, openness, fairness and honesty by establishing some ground rules;
 - to define roles so as:
 - to clarify responsibilities (i.e. who does what),
 - to avoid conflict, and
 - to prevent duplication or omission
 - to secure compliance with the law, codes of conduct and a council’s own practices; and
 - to lay down procedures for dealing with concerns by members or officers.
- 1.4. This protocol should be recognised both as a central element of the Council’s corporate governance, and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

2. Definitions

- 2.1. Unless the context indicates otherwise, references to the term Council include the *Leader*, the Executive, overview and scrutiny bodies, and other committees and sub-committees.
- 2.2. For the purposes of this protocol, the term Executive refers to the Leader and Cabinet.
- 2.3 Unless the context indicates otherwise, the terms member and members include non-elected (i.e. co-opted) members as well as elected councillors.
- 2.4. Officers and staff mean all persons employed by the Council.
- 2.5. Designated Finance Officer means the officer exercising the duties prescribed by law for the financial administration of the Council.

3. Principles

- 3.1 Members and officers must at all times observe this protocol.
- 3.2 The protocol has been approved by the Council's Standards Committee who will monitor its operation.
- 3.3 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.
- 3.4 Members and officers must always respect the roles and duties of each other.
They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 3.5 Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 3.6 The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law, viz:
 - Selflessness – serving only the public interest.
 - Honesty and integrity – not allowing these to be questioned; not behaving improperly.
 - Objectivity – taking decisions on merit.
 - Accountability – to the public; being open to scrutiny.
 - Openness – giving reasons for decisions.
 - Personal judgement – reaching one's own conclusions and acting accordingly.
 - Respect for others – promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
 - Duty to uphold the law – not acting unlawfully.
 - Stewardship – ensuring the prudent use of a council's resources.
 - Leadership – acting in a way which has public confidence.
- 3.7 These principles underpin this protocol. They will also be reflected in a new national code of conduct for employees due in the near future.
- 3.8 Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations.

- 3.9. Breaches of this protocol by a member may result in a complaint to the Standards Board for England if it appears the Members' code has also been breached. Breaches by an officer may lead to disciplinary action.

4. The Role of Members

- 4.1. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant chief officer(s), and/or the Monitoring Officer.
- 4.2. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- 4.3. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 4.4. Every elected-member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 4.5. Some members have roles relating to their position as members of the Executive, Overview and Scrutiny Committees of the Council.
- 4.6. Members serving on Overview and Scrutiny *Committees* monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.
- 4.7. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
- 4.8. Some members may be appointed to represent the Council on local, regional or national bodies.
- 4.9. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
- 4.10. Members are not authorised to instruct officers other than:
- through the formal decision-making process;
 - to request the provision of consumable resources provided by the Council for members' use;
 - where staff have been specifically allocated to give support to a member or group of members; and
 - in the case of political assistants.

- 4.11. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 4.12. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
- 4.13. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.
- 4.14. Members have a duty under their code of conduct:
- to promote equality by not discriminating unlawfully against any person, and
 - to treat others with respect.
- 4.15. Under the code, a member must not when acting as a member or in any other capacity:
- bring the Council or his/her position as a member into disrepute,
- or
- use his/her position as a member improperly to gain an advantage
- or disadvantage for his/herself or any other person.

5. The Role of Officers

- 5.1. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 5.2. Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 5.3. Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 5.4. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 5.4. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.

- 5.5. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
- 5.6. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

6. The Relationship between Members and Officers: General

- 6.1. The conduct of members and officers should be such as to instil mutual confidence and trust.
- 6.2. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.3. Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 6.4. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 6.5. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 6.6. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 6.7. With the exception of political assistants, officers work to the instructions of their Chief Officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 6.8. Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.

- 6.9. Members will endeavour to give timely responses to enquiries from officers.
- 6.10. An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.
- 6.11. Members and officers should respect each other's free (i.e. non-Council) time.

7. The Council as Employer

- 7.1. Officers are employed by the Council as a whole.
- 7.2. Members' roles are limited to:
- the appointment of specified senior posts,
 - determining human resources policies and conditions of employment,
 - the appointment of political assistants, and
 - hearing and determining appeals.
- 7.3. Members shall not act outside these roles.
- 7.4. If participating in the appointment of officers, members should:
- remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply),
 - never canvass support for a particular candidate,
 - not take part where one of the candidates is a close friend or relative,
 - not be influenced by personal preferences, and
 - not favour a candidate by giving him/her information not available to the other candidates.
- 7.5. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

8. Mayor and Officers

- 8.1. Officers will respect the position of Mayor and provide appropriate support.

9. Executive Members and Officers

- 9.1. Executive members will take decisions in accordance with the constitution and will not otherwise direct staff. Chief Officers will be responsible for instructing staff to implement the Executive's decisions.

- 9.2. In addition to individual members of the Executive, Chief Officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit papers to the Executive as a whole or to individual Executive members for consideration.
- 9.3. Chief Officers and Executive members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and designated Finance Officer, and will not direct officers in the framing of recommendations.
- 9.4. Before any formal decisions with a financial implication are taken by the Executive, the Finance Officer and the Chief Officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:
 - are aware of the proposed decision,
 - have the opportunity to offer advice, and
 - are subsequently able properly to authorise the financial transactions needed to implement decisions.
- 9.5. An individual Executive member who is minded to write or commission a report on a matter within his/her portfolio must ensure that those other members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive members on cross-cutting issues.
- 9.6. Executive members when making decisions must state the reasons for those decisions. The written record of the decisions must include the reasons.
- 9.7. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

10. Overview and Scrutiny Members and Officers

- 10.1. Chairs and other leading overview and scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairs, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 10.2. An Overview and Scrutiny *Committee* or its Chair acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to Chief Officers in the first instance.
- 10.3. When making requests for officer attendance, overview and scrutiny members all have regard to the workload of officers.

- 10.4. It is recognised that officers required to appear before an Overview and Scrutiny *Committee* may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere.
- 10.5. Subject to 10.4 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.
- 10.6. Officers must also be prepared to justify decisions they have taken under delegated powers.
- 10.7. In giving evidence, officers must not be asked to give political views.
- 10.8. Officers should respect members in the way they respond to members' questions.
- 10.9. Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
- 10.10 Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairs and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.
- 10.11. In exercising the right to call-in a decision of the Executive, overview and scrutiny members must seek officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

11. Members of Other Committees or Sub-Committees and Officers

- 11.1. The appropriate Chief Officers will offer to arrange regular informal meetings with chairs, vice-chairs, and spokespersons of committees and sub-committees.
- 11.2. Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.
- 11.3. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
- 11.4. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chair. In these circumstances it is the officer, not

the chair, who takes the action and is responsible for it. A chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

12. Party Groups and Officers (excluding Political Assistants)

- 12.1. Chief Officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.
- 12.2. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.
- 12.3. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 12.4. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 12.5. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 12.6. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 12.7. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 12.8. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 12.9. Members must not do anything which compromises or is likely to compromise officers' impartiality.
- 12.10 .The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.

- 12.11 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 12.12. An officer who is not a Chief Officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
- 12.13. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 12.14. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 12.15. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the Members' Code of Conduct. They do not have the same rights to Council information as members.
- 12.16. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive [or similar] and the relevant party group leader.

13. Political assistants

- 13.1. These officers are appointed by councils exclusively to provide support to each of the party groups. Their function is to assist the interests and work of the group to which they have been assigned. This is in contrast to all other staff whose duty is to serve councils as a whole.
- 13.2. Political assistants will be treated in accordance with and expected to observe all codes, policies and practices relating to a council's staff. This includes the courtesy and consideration which councils expect its officers to show to one another.
- 13.3. Except for their immediate secretarial and clerical support, the assistants will have no line management responsibility or power of direction over other staff.
- 13.4. Political assistants are not authorised to comment publicly on behalf of councils as a whole, or to commit councils to any particular course of action, but can comment on behalf of the party group to which they have been assigned.
- 13.5. The level of access to a council's documents and information shall be that enjoyed by members.

14. Local Members and Officers

- 14.1. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Chief Officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.
- 14.2. This requirement is particularly important:
- during the formative stages of policy development, where practicable,
 - in relation to significant or sensitive operational matters,
 - whenever any form of public consultation exercise is undertaken, and
 - during an overview and scrutiny investigation.
- 14.3. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
- 14.4. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
- 14.5. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
- an officer may attend but is not obliged to do so, and
 - the meeting may be held in Council-owned premises.
- 14.6. No such meetings should be arranged or held in the immediate run-up to Council elections.
- 14.7. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:
- the surgeries must be open to the general public, and
 - officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.
- 14.8. Officers must never be asked to attend ward or constituency political party meetings.
- 14.9. It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

14.10. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

15. Members' access to documents and information

15.1. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution (Page 119).

15.2. Members may request Chief Officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- it is in the public domain, and
- it is not barred by the Data Protection Act from being given.

15.3. Every member of the Executive, an Overview and Scrutiny *Committee* and/or any other committee or sub-committee has a right to inspect documents about the business of that Overview and Scrutiny *Committee*, other committee or sub-committee or the Executive.

15.4. A member who is not a member of a specific Overview and Scrutiny *Committee*, other committee or sub-committee, or the Executive may have access to any document of that specific part of the Council provided:

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
- the documents do not contain "confidential" or "exempt" information as defined by the law.

15.5. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.

15.6. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or
- where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members' Code of Conduct.

- 15.7. Information given to a member must only be used for the purpose for which it was requested.
- 15.8. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 15.9. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 15.10. When requested to do so, officers will keep confidential from other members advice requested by a member.
- 15.11. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

16. Media relations

- 16.1. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
- 16.2. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
- 16.3. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 16.4. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
- 16.5. Likewise, officers will inform the Council's press office of issues likely to be of media interest, since that office is often the media's first point of contact.
- 16.6. If a member is contacted by, or contacts, the media on an issue, he/she should:
 - indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as an Executive member, on behalf of the Council, or on behalf of a party group);
 - be sure of what he/she wants to say or not to say;
 - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant Chief Officer, except in relation to a statement which is party political in nature;
 - consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);

- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

17. Correspondence

- 17.1. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.
- 17.2. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive member or the chair of an Overview and Scrutiny Commission.
- 17.3. The Mayor may initiate correspondence in his/her own name.
- 17.4. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
- 17.5. When writing in an individual capacity as a ward member, a member must make clear that fact.

18. Access to premises

- 18.1. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 18.2. Members have a right of access to Council land and premises to fulfil their duties.
- 18.3. When making visits as individual members, members should:
- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules;
 - not interfere with the services or activities being provided at the time of the visit;
 - if outside his/her own ward, notify the ward member(s) beforehand; and

- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

19. Use of Council Resources

- 19.1. The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- 19.2. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
- where facilities are provided in members' homes at the Council's expense;
 - in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
 - regarding ICT security.
- 19.3. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
- business which is solely to do with a political party;
 - work in connection with a ward or constituency party political meeting;
 - electioneering;
 - work associated with an event attended by a member in a capacity other than as a member of the Council;
 - private personal correspondence;
 - work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
 - support to a member in his/her capacity as a councillor of another local authority.

20. Interpretation, Complaints and Allegations of Breaches

- 20.1. This part of the protocol should be read in conjunction with any "whistle-blowing" policy the Council may have.
- 20.2. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
- 20.3. A member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,

- never make a criticism in public, and
 - take up the concern with the officer privately.
- 20.4. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.
- 20.5. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.
- 20.6. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Standards Board for England.

WHISTLEBLOWING POLICY

WHISTLEBLOWING POLICY

1.0 INTRODUCTION

- 1.1 The Nolan Committee on Standards in Public Life made clear recommendations that local authorities should adopt 'Whistleblowing' procedures, and the Public Interest Disclosure Act 1998 gives protection to 'whistleblowers' who are treated unfairly. This policy addresses those issues.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within their workplace or within a Department of the Council itself. However, they may choose not to express their concerns if they feel that by speaking out it would be disloyal to their superior(s), colleagues or to the Council, or if they fear harassment or victimisation. In such circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Council's work (including activities within schools), are encouraged to voice them. In so doing it is recognised that in certain cases they will have to proceed on a confidential basis.
- 1.4 This policy makes it clear that staff should be encouraged and enabled to raise serious concerns within the Council without fear of reprisal, rather than overlooking a problem or blowing the whistle outside. It is intended to help build an environment of openness within the Council.
- 1.5 This policy applies to all staff working for the Council, both full and part-time, temporary and casual including those that are based within the authority's schools and within aided and foundation schools. It also covers Council Members, school Governors and agency and contractors' staff. References to 'employees' within the Policy covers all of these categories.
- 1.6 The policy has been subject to local consultation with appropriate trade unions and professional associations and has their support.

2.0 AIMS AND SCOPE OF THIS POLICY

2.1 The policy aims to:

- provide an avenue for all those to whom the policy applies to raise concerns and receive feedback on any action taken;
- allow them to take the matter further if they are dissatisfied with the response received;
- reassure them that they will be protected from reprisals or victimisation for confidential reporting in good faith.

2.2 There are existing procedures in place for employees to legitimately complain about harassment, violence and aggression, discrimination and instances where they feel that they have a grievance. The Confidential Reporting Policy is intended to cover concerns that fall outside the scope of other procedures.

2.3 Concerns must be raised when employees reasonably believe that one or more of the following has occurred or is likely to:

- a criminal offence
- failure to comply with statutory or legal obligations
- improper or unauthorised use of public or other funds
- a miscarriage of justice
- endangering health and safety
- damage to the environment
- maladministration, misconduct or malpractice
- deliberate concealment of any of the above

Alternatively, the disclosure may be related to any breach of the Council's Standing Orders, Financial Regulations, policies or agreed procedures, including those relating to Governing Bodies. The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

3.0 HOW TO RAISE A CONCERN

3.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This may include Head Teachers, Chairs of Governing Bodies or other senior officers of the Council. However, much depends on the seriousness and sensitivity of the issues involved, and who you think is involved in the malpractice. If, for example, you believe that your own line manager or supervisor is involved, then you may prefer to approach a manager or supervisor from another unrelated service. You may also contact your trade union.

3.2 In any event you may also approach one of the following officers, in confidence, to raise a specific concern or to obtain advice and guidance on how matters of concern may be pursued:

- Chief Executive –
Mark Sanders, Tel: 0161-253 5102
- Director of Finance and E Government –
Mike Owen, Tel: 0161-253 5002
- Director of Legal and Democratic Services –
Jayne Hammond, Tel: 0161-253 5230
- Head of Internal Audit –
Barry Strothers, Tel: 0161-253 5084

3.3 You may also take the matter outside the Council to one of the bodies referred to in section 6.

3.4 Whilst concerns are best raised in writing they can also be expressed verbally through a telephone call. Where a concern is expressed verbally an employee can also ask for a meeting with an appropriate person.

3.5 In any event, as much information as possible should be given and this should include:

- the background to the concern;
- names of individuals, dates and places where applicable;
- the reasons why there are concerns;

3.6 The earlier you express the concern, the easier it is for action to be taken.

3.7 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.0 HOW THE COUNCIL WILL RESPOND

4.1 Any officer that receives a concern must make a full written note of the points raised and then pass on the concern to one of the officers listed in paragraph 3.2.

4.2 Careful consideration will then be given to the matter and to the action to be taken depending upon the nature of the concern. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

4.3 The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally (see paragraph 4.4 below)
- be referred to the Police
- be referred to the Audit Commission
- form the subject of an independent **inquiry**.

- 4.4 Because of the specific responsibilities of Governing bodies, concerns relating to schools will be the subject of separate investigatory procedures. These may involve the Headteacher of the relevant school, the Chair of the Governing Body (in conjunction with the Director of Education and Culture), and one of the officers referred to in paragraph 3.2.
- 4.5 Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures. Allegations relating to child abuse for example will be dealt with in accordance with the Authority's Child Protection Procedures (Management Handbook 7.9).
- 4.6 Some concerns may be resolved by agreed action without the need for investigation.
- 4.7 Within ten working days of a concern being received, the Council will write to you:
- acknowledging that the concern has been received;
 - indicating how it proposes to deal with the matter;
 - giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made, and telling you whether further investigations will take place, and if not, why not.
- 4.8 The amount of contact you have with the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from you in a discreet manner.
- 4.9 When any meeting is arranged, you have the right, if you wish, to be accompanied by a trade union/professional association representative or a friend. The meeting can be off site if requested.
- 4.10 The persons investigating the concerns will produce a written report that:
- outlines the complaint;
 - details the investigation process;
 - gives the outcome of the investigation;
 - details recommendations where appropriate.
- 4.11 The Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints and confidentiality issues, you will receive information about the outcomes of any investigations.
- 4.12 If the person who expressed the concern is not satisfied with the outcome they have a right to take matters further as explained in section 6 of this policy.

- 4.13 The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

5.0 SAFEGUARDS

Harassment or Victimisation

- 5.1 The Council recognises that the decision to report a concern is not an easy one to make, not least because of the fear of reprisal from those reported for the malpractice. The Council will not tolerate harassment or victimisation, from employees, managers or governors, and will take appropriate action, including the application of the Disciplinary Procedure, to protect an employee who raises a concern in good faith.
- 5.2 In accordance with the Public Interest Disclosure Act an employee cannot be dismissed or selected for redundancy as a result of making a disclosure. In addition, an employer cannot withhold a pay rise, object to a promotion or not give training.
- 5.3 This does not mean that if an employee is already the subject of disciplinary or redundancy procedures that those procedures will be halted as a result of confidential reporting.

Confidentiality

- 5.4 The Council will respect confidentiality and all steps will be taken to ensure that confidentiality is maintained throughout the process. However, it must be appreciated that the investigation process may reveal the source of the information. Any statement made by you may be required as part of the evidence.

Anonymous Allegations

- 5.5 The Council would encourage employees to put their name to allegations because concerns expressed anonymously are much less powerful. However, the Council also recognises that some employees would not wish to do this. Where a concern is expressed anonymously it will be considered at the discretion of the Council and in exercising this discretion the factors to be taken into account would include:
- the seriousness of the issue(s) raised
 - the credibility of the concern
 - the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

- 5.6 If an employee makes an allegation in good faith but it is not confirmed by the investigation no action will be taken. If however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken.

6.0 HOW THE MATTER CAN BE TAKEN FURTHER

- 6.1 This policy is intended to provide you with an avenue to raise concerns **within** the Council, and the Council hopes you will be satisfied with the response to your concern. **If you are not satisfied with the response, please indicate this to the Chief Executive.**

If you feel it is right to take the matter outside the Council, the list below shows possible contact points:

- any Member of the Council
 - any member of the Governing Body (in the case of any issue relating to a school)
 - the Audit Commission (telephone 0161-253-5036 or 01204-87-7300)
 - relevant trade unions, professional bodies or regulatory organisations
 - your solicitor
 - the Police
- 6.2 If, at any stage, you are unsure whether to use this procedure, or decide that you need independent advice, you may seek advice from the independent charitable body '**Public Concern at Work**'. This organisation operates a help-line and a mediation service and can be contacted on **0207 404 6609**. They can give you free, confidential advice at any stage of the process.
- 6.3 If you do take the matter outside the Council, then you need to ensure that you do not disclose confidential information, or that disclosure would be privileged. You can check this with the one of the contact points listed in section 3.
- 6.4 If concerns are raised through professional bodies, or trade unions, then it is expected that the professional body/trade union representatives will act in accordance with this policy, and with the Public Interest Disclosure Act, with regard to the information disclosed. Such a disclosure made by an employee will not be treated as grounds for disciplinary proceedings.

7.0 THE RESPONSIBLE OFFICER

- 7.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy, and will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality). The Chief Executive will report as necessary to the Council.

8.0 REVIEW

- 8.1 This policy will be subject to annual review in consultation with the appropriate trades unions. A summary of concerns raised under this policy will be prepared on an annual basis and shared with the trades unions during the review.

MONITORING OFFICER PROTOCOL

1.0 GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

- 1.1 The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Bury Metropolitan Borough Council.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the Council Solicitor (the Director of Legal and Democratic Services) who undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so he/she will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.3 The main functions of the Monitoring Officer at Bury Metropolitan Borough Council are:-
- a) To report to the Council and to the Executive in any case where he/she is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
 - b) To investigate any matter which he/she has reason to believe may constitute, or where he/she has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
 - c) To act as the principal adviser to the authority's Standards Committee;
 - d) To act as the principal adviser to the authority's Standards Panel
 - e) To maintain the register of members' interests;
 - f) To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
 - g) To have responsibility for responding to complaints to the Local Government Ombudsman

- h) To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures

1.4 In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-

- a) complying with the law (including any relevant Codes of Conduct);
- b) complying with any General Guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
- c) making lawful and proportionate decisions; and
- d) complying with the Council's Constitution and standing orders
- e) generally, not taking action that would bring the Council, their offices or professions into disrepute
- f) communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters

The main statutory references for the Monitoring Officer's functions are set out in Appendix 1 to this Protocol.

2.0 WORKING ARRANGEMENTS

2.1 It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital therefore, that Members and Officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.

2.2 The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:-

- a) be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings (or equivalent arrangements);
- c) have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings (or equivalent arrangements);

- d) in carrying out any investigation(s) have unqualified access to any information held by the Council and to any member or officer who can assist in the discharge of his/her functions;
- e) ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- f) meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- g) report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Leader, the Head of Paid Service and Chief Finance Officer;
- h) in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources he/she requires to discharge his statutory functions;
- i) have an appropriate relationship with the Executive Leader, Deputy Leader and the Chairs of, Standards Committee and Scrutiny *Committees* with a view to ensuring the effective and efficient discharge of Council business;
- j) develop effective working liaison and relationship with the Standards Board for England, the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Chief Executive and the appropriate Head of Service;
- k) maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
- l) give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint being received by the Standards Board for England) and, if appropriate, make a written report to the Standards Committee (unless the Chair of the Standards Committee agrees a report is not necessary) or to the Standards Board for England if, in the opinion of the Monitoring Officer, there is a serious breach of Bury Council's Code of Conduct for Members;

- m) in consultation, as necessary, with the Executive Leader of the Council, Executive, Standards Committee and the Standards Board for England, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
 - n) subject to the approval of the Standards Committee, be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;
 - o) oversee the implementation and monitor the operation of any Code of Corporate Governance
 - p) advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator
 - q) appoint a deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.
- 2.3 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.
- 2.4 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.
- 2.5 Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.
- 2.6 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.
- 2.7 In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring

Officer shall be entitled to add his/her written advice to the report of any other officer of the authority.

- 2.8 Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Chief Finance Officer, he/she is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.
- 2.9 The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (eg Standing Orders, policy framework, terms of reference, scheme of delegations etc).
- 2.10 To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

3.0 SANCTIONS FOR BREACH OF BURY COUNCIL'S CODE OF CONDUCT FOR MEMBERS AND THIS PROTOCOL

- 3.1 Complaints about any breach of Bury Council's Code of Conduct for Members must be referred to the Standards Board for England, which could lead, ultimately, to the disqualification of a Member. Complaints about any breach of this Protocol by a Member will be referred to the Standards Committee and to the relevant Leader and/or Chief Whip of the Political Party Group. Complaints about any breach of this Protocol by an Officer may be referred to the relevant Chief Officer and/or the Chief Executive.

APPENDIX 1

BURY METROPOLITAN BOROUGH COUNCIL

MONITORING OFFICER PROTOCOL

SUMMARY OF MAIN MONITORING OFFICER FUNCTIONS

	Description	Source
1.	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989
2.	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3.	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4.	Report on resources	Section 5 Local Government and Housing Act 1989
5.	Receive copies of whistleblowing and allegations of misconduct	Code of Conduct for Members and Co-opted Members of Bury Council
6.	Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers	Regulations when made. Directions when made in individual cases. LGA 2000 Section 66(1)+66(6)
7.	Establish and maintain registers of members interests and gifts and hospitality	Section 81 LGA 2000 and Code of Conduct for Members and Co-opted Members of Bury Council
8.	Advice to members on interpretation of Code	Code of Conduct for Members and Co-opted Members and regulations when made
9.	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	DETR guidance
10.	Liaison with Standards Board and Ethical Standards Officers	New ethical framework, practical implications
11.	New ethical framework functions in relation to Parish Councils	Section 83(12) LGA 2000
12.	Compensation for maladministration	Section 92 LGA 2000
13.	Advice on vices issues, maladministration, financial impropriety, probit and policy framework and budget issues to all Members	DETR Guidance

PROBITY IN PLANNING CODE OF CONDUCT

1. PURPOSE OF THE CODE

- 1.1 The purpose of this Code of Conduct is to regulate the performance of the Council's planning function principally as it applies to applications for planning permission, but also to the other areas within the terms of reference of the Committee pertaining to development control (viz enforcement, UDP, listed buildings, conservation areas, tree preservation orders, planning obligations, advertisement control, building regulations).

The Code has the following objectives:

- to guide Members and Officers in dealing with Planning related matters.
 - to inform potential developers, and members of the public generally, of the standards adopted by the Local Planning Authority in the performance of its Planning function.
- 1.2 This Code of Conduct is intended to be supplementary to the Code of Conduct for Councillors, Independent and other voting representatives adopted by the Council on 10 April 2002 in accordance with the provisions of the Local Government Act 2000.
- 1.3 The purpose of this Code is to provide more detailed guidance on the standards to be applied in relation to Planning related issues.
- 1.4 The Code seeks to ensure that decision-making is governed by an open and transparent process. The Code does not seek to extend or alter the requirements of legislation or planning policies or guidance; it stands as a statement of intended practice as to conduct. The Code supports and follows the nine principles which underline the Council's Code of Conduct. These are:-
- 1.4.1 **SELFLESSNESS:** Members and co-opted members should serve only the public interest and should never improperly confer an advantage or disadvantage on each other or any person.
- 1.4.2 **HONESTY AND INTEGRITY:** Members and co-opted members should not place themselves in official situations where their honesty and integrity may be questioned. They should not behave improperly and should on all occasions avoid the appearance of such behaviour.

- 1.4.3 OBJECTIVITY: Members and co-opted members should make decisions on merit including making appointments, awarding contracts or recommending individuals for rewards or benefits.
- 1.4.4 ACCOUNTABILITY: Members and co-opted members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
- 1.4.5 OPENNESS: Members and co-opted members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.
- 1.4.6 RESPECT FOR OTHERS: Members and co-opted members should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. Members should also respect the impartiality and integrity of the Authority's statutory officers and its other employees.
- 1.4.7 DUTY TO UPHOLD THE LAW: Members and co-opted members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them.
- 1.4.8 STEWARDSHIP: Members and co-opted members should do whatever they are able to do to ensure that their Authority has used its resources prudently and in accordance with the law.
- 1.4.9 LEADERSHIP: Members and co-opted members should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.
- 1.5 The Town and Country Planning Act 1990 requires Members of Local Planning Authorities to determine all planning applications in accordance with the approved statutory development plan (in Bury's case, the Unitary Development Plan or UDP) unless material considerations indicate otherwise. Material Considerations in this context relates to land use planning matters on which Members will receive specific advice in the report to Committee. This responsibility for deciding must be performed without undue influence or personal interest.
- 1.6 Members of Local Planning Authorities also have a duty to take into account any representations made to the Council as a result of consultation with interested bodies, including Local Area Partnerships, or as a result of public notices or neighbour notification. In doing so it is necessary to decide which representations are material to the decision to be made, and if so, what weight to attach to them. This conclusion should not be reached until all the facts have been presented in the Chief Planning and Economic Development Officer's report considered at the Planning Control Committee.

- 1.7 It is essential that Members of the Planning Control Committee do not give any commitment in relation to any planning matter prior to its consideration at the Committee meeting.
- 1.8 However, it is recognised, that Members will from time to time be approached individually by developers and objectors in relation to planning proposals. This Code is intended to assist Members in dealing with these situations and is designed to maintain the integrity and fairness of the decision-making process.

2. THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 2.1 Members and Officers have separate and distinct, but complementary roles in dealing with planning matters. In general, it is the role of Members to make decisions and for Officers to ensure that the Planning Control Committee Members are advised as to relevant material planning considerations.
- 2.2 In making decisions about planning matters, Members are required to balance all the material considerations which apply in each case. These considerations will include but will not be dependent upon the views expressed by local residents. Applicants must have their proposals judged in the light of all relevant matters including planning policies.
- 2.3 Both Councillors and Officers are guided by Codes of Conduct.
- 2.4 The Council's Code of Conduct provides guidance and standards for Councillors and is contained in the Council's Constitution.
- 2.5 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Officers must always act impartially. In order to ensure that Senior Officers do so the Local Government and Housing Act 1989 restricts the political activities of senior officers. It also enables restrictions to be set on outside activities, such as membership of political/parties and serving on another Council. Councils should carefully consider when officers are required to be subject to such restrictions and review this regularly.

All relationships of a private or business nature that planning officers may have with applicants applying for planning permission should be disclosed to the Chief Planning and Economic Development Officer.

In addition, under the Employees Code of Conduct, all officers should declare any interests and have them recorded in the Council's Register of Officers Interests kept by their Department.

3. COMPILING THE UNITARY DEVELOPMENT PLAN

- 3.1 The Unitary Development Plan (UDP) is vital to the development control process because it sets the criteria by which planning applications are

endorsed. Therefore great care is needed to ensure that any procedures in respect of the development plan are robust and transparent.

- 3.2 The arrangement for reviewing the UDP must be agreed by the Executive and set out details of any working groups etc. that will be adopted to help the project.
- 3.3 Any representations received from current (or ex) officers and members should be copied to the Monitoring Officer by the Director of Environment and Development Services. This will ensure an objective evaluation of the comments before they are included in any formal reports for Members.
- 3.4 Finally, Members and officers must remember the requirements for disclosing interests and hospitality if working groups etc are set up as set out in Section 4 of this Code.

4. DECLARATION AND REGISTRATION OF INTERESTS

- 4.1 The Local Government Act 2000 requires any Councillor who has a prejudicial interest in any matter, including a planning application to declare the interest and withdraw from any meeting during the consideration and determination of that matter. It is the duty of each Member to declare an interest and also to advise the Monitoring Officer of any new interest which will be added to the Register of Members interests.
- 4.2 The Code of Conduct sets down Councillors' responsibilities in declaring personal interests and when they can speak and vote on a matter, including the determination of planning applications.
- 4.3 A prejudicial interest is one which a member of the public with knowledge of its relevant facts would reasonably regard as so significant that it is likely to prejudice the members judgement of the public interest.
- 4.4 Any interest including a personal interest would include any relationship a Councillor or his/her family or close friends may have, for example as an employee or as a member of a club or voluntary organisation. A relationship to someone acting as an advisor or providing services to an organisation would also constitute an interest which should be declared. Membership of pressure groups, or expressions of view for or against an application before it went to Committee, would also be 'interests' in this context. Where the interest is personal but not prejudicial, a Member should declare the interest but can stay and take part and vote in the meeting.
- 4.5 The Code of Conduct states that a member with a prejudicial interest in a matter must:
 - (a) Withdraw from a meeting unless a dispensation has been granted.
 - (b) Not exercise functions in relation to that matter.
 - (c) Not seek improperly to influence a decision about the matter
(NOTE: the Code of Conduct sets out exceptions to this at paragraph 4.14).

5. **HOSPITALITY**

- 5.1 During the course of carrying out their duties, Councillors and Officers may be offered hospitality from people with an interest in a planning proposal.
- 5.2 If possible such offers of hospitality should be politely refused. If it is felt necessary to accept hospitality the Members should comply with the Code of Conduct whereby a member must within 28 days of receiving any gift or hospitality over the value of £25.00 provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.
- 5.3 The Registers will be reviewed by the Monitoring Officer at regular intervals. For further details Members and Officers should contact the Democratic Services Section on 0161 253 5041.

6. **LOBBYING OF AND BY COUNCILLORS**

- 6.1 The integrity of the decision-making process must not be impaired, either in reality or in perception through the lobbying of Members of the Planning Control Committee. It is important that any approaches by lobbyists are recorded and that any representations made to Members of the Planning Control Committee form part of the public information leading to any decision. This applies equally to submissions made by or on behalf of applicants for planning permission and to other interested parties objecting to or concerned about proposals.
- 6.2 It is quite common for applicants or other interested parties to wish to discuss a proposed development with Elected Members before a planning application is determined. However, unless care is exercised by all parties it can undermine impartiality and call into question the integrity of Councillors. Therefore to ensure that lobbying is seen in a positive way:-
 - (a) Members of the Planning Control Committee should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments at the relevant meeting of the Planning Control Committee.
 - (b) Members of the Planning Control Committee should restrict themselves to giving procedural advice and suggest to those who are lobbying that they should speak or write to the relevant officer, in order that their opinions can be included in the officer's report to the Committee.
 - (c) Any political group meetings prior to the Planning Control Committee will not be used to decide how Councillors should vote.
 - (d) Councillors on the Planning Control Committee should not organise support for, or opposition to, a planning application, and avoid lobbying other Councillors.

- (e) Members of the Council should not put pressure on officers for a particular recommendation.
- (f) All documents received by Councillors from applicants or objectors must be notified to the Chief Planning and Economic Development Officer.
- (g) Councillors who are not Members of the Planning Control Committee must not lobby Members of the Planning Control Committee. This is particularly significant given the likelihood of being approached by residents and constituents seeking support for or against applications. Any views may be expressed by Members at the Planning Control Committee (see Paragraph 7) but no attempt should be made to make contact with Members of the Committee before the meeting.

In addition, Councillors who are not members of the Planning Control Committee may express an opinion but must do so to the Chief Planning and Economic Development Officer in writing. They can also suggest how constituents can support or oppose an application (Appendix 2).

- (h) Councillors who are unsure whether an interest should be declared should seek the advice of the Council's Monitoring Officer although, as indicated in Section 4, the decision ultimately rests with the Councillor.

6.3 In addition to the above the circulation of unofficial papers (ie those not previously considered by Officers) is prohibited at Committee Meetings. Planning applications must be determined on the basis of the documents and information formally submitted and on which interested parties have had the opportunity to comment.

6.4 Only submissions from applicants, agents or objectors, which are formally received by the Chief Planning and Economic Development Officer can properly be taken into account when making a decision.

7. WARD COUNCILLORS

Ward Councillors may speak on applications affecting their Ward at meetings of the Planning Control Committee.

8. DISCLOSURE OF INFORMATION

The large increases in land value that are generated by planning permission means that site development can sometimes involve an element of speculation. Any unofficial indication that planning permission is likely to be granted can lead to significant outlay by developers.

Unofficial disclosure of information can lead to accusations of bias from others because information has been divulged to a developer. This could

lead to complaints by the Developer if the information revealed is incorrect.

It is therefore essential that information is not disclosed by officers or members prior to the determination of the application.

9. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND THE COUNCIL'S OWN DEVELOPMENT

9.1 Planning applications submitted by Councillors and officers and their close friends and relatives, can easily give rise to suspicions of impropriety, as can proposals for the Council's own development even though it is perfectly legitimate for such proposals to be submitted. Proposals can take the form of either planning applications or development plan proposals. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of bias.

9.2 The following should apply:-

- Serving Councillors who act as agents for people pursuing a planning matter within their Authority should play no part in the decision-making process for that proposal. Similarly, should they submit their own proposal to the Authority they serve, they should take no part in its processing.
- The Council's Monitoring Officer should be informed of such proposals.
- Proposals should be reported to the Planning Control Committee as main items and not dealt with by officers under delegated powers.
- Proposals for a Council's own development should be treated in the same way as those by private developers in accordance with Circular 19/92.

10. PRE-APPLICATION DISCUSSIONS

10.1 Discussions between a potential applicant for planning permission and the Council prior to the submission of an application can be of considerable benefit to both parties and is generally encouraged as assisting the planning process. However, it would be easy for such discussions to become, or be seen to become, part of a lobbying process.

10.2 In order to avoid such problems, pre-application discussions should take place within the following guidelines:-

- It will be made clear at the outset that discussions will not bind a Council to making a particular decision and that only personal and provisional views based upon the development plan can be given.

- A written note of the discussion will be taken and placed on file. A note should also be taken of similarly potentially contentious telephone discussions.
- Advice should be consistent and based upon the development plan and material considerations with no significant difference of interpretation of planning policies between planning officers.
- All meetings with applicants will be arranged by officers who will ensure that the Council's guidance is followed.
- For high profile or contentious meetings not involving Members, more than one officer should attend.
- Wherever possible meetings should be held in the Council Offices rather than in the developer's premises
- A follow-up letter re-emphasising the non-binding nature of discussions should be sent for major or contentious applications.
- Once a planning application has been lodged and before it has been determined by the Council, any meetings between Members of the Planning Committee and the applicant are prohibited.

10.3 To maintain impartiality, it is preferable for Members not to take part in pre-application discussions. However, should there be occasions where Members are involved, they should always be advised by the appropriate officers and the discussions recorded in the officer's file. If Members do give their initial reaction, they should qualify it by indicating that they will only be in a position to take a final decision once the Planning Control Committee has sat.

11. **VIEWS OF CONSULTEES**

The Chief Planning and Economic Development Officer must ensure that:-

- All requests for comments from consultees should be logged with the responses.
- Responses from individuals should also be logged.
- Consultees' comments and objections are set out in reports submitted to the Committee.

12. **LOCAL AREA PARTNERSHIPS INVOLVEMENT IN PLANNING ISSUES**

12.1 The intention behind the protocol in terms of Local Area Partnerships and the planning process is as follows:

- To ensure Local Area Partnerships are well informed and more aware of what might happen in their areas in terms of potential developments.

- To enable Local Area Partnerships to pass on information to the local community so that local residents and businesses can respond themselves more effectively back to the Planning Division.
- To assist with the gathering of local opinion and forwarding it to the Planning Division.

12.2 It is not for Local Area Partnerships to come to formal views about an application, or to decide whether or not to support or object to the application.

12.3 Local Area Partnerships shall be informed by the Chief Planning and Economic Development Officer of the following types of applications.

- Major planning applications within their area, as defined in planning legislation – ie:
 - 10 or more dwellings or a site area above 0.5 hectares (1.236acres)
 - developments where the new floor space is above 1000 square metres or the site is larger than 1 hectare (2.471 acres).
 - mining/working of minerals, including quarrying or mining.
 - waste disposal, including waste processing and landfill.
- Departures from the Unitary Development Plan.
- Any other application, which in the view of the Chief Planning and Economic Development Officer after consultation with the relevant Local Area Partnership Chair, is of such a nature as to make it a significant local issue.

12.4 The administrative arrangements will be as follows:

- Local Area Partnerships will be informed of planning applications at the start of the planning consultation process, when standard consultation letters are sent out to relevant parties and statutory bodies.
- The Chief Planning and Economic Development Officer will arrange for Planning Officers to be present at Local Area Partnership meetings when major planning applications are considered.
- Applicants will be invited to attend meetings of Local Area Partnerships.
- One copy of the plan relating to each application covered by this protocol will be forwarded to the relevant Area Co-ordinator for

local display (the Chair will be consulted on the most appropriate location).

- 12.5 The Chief Planning and Economic Development Officer shall make arrangements to ensure that Local Area Partnership Chairs receive the necessary training in order to undertake their role effectively.

13. OFFICER REPORTS TO THE PLANNING CONTROL COMMITTEE

- 13.1 Members are required to arrive at a decision on granting or refusing permission by using planning criteria and by excluding non-planning considerations. To this end, the reports of officers to Members must be accurate and cover all relevant points. These reports should:-

- (a) contain a section on the relevance of the development plan, a description of the site and any related planning history and all other identified material considerations
- (b) cover, amongst other things, the substance of any objections received and the views of people who have been consulted or notified
- (c) incorporate a written recommendation for Members' consideration. Oral reporting (except to update a report) should be extremely rare and carefully minuted where it does occur
- (d) should contain a technical appraisal which clearly justifies the recommendation
- (e) if the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.
- (f) outline any related planning obligations offered by or discussed with the applicant.

14. PUBLIC SPEAKING AT COMMITTEE

- 14.1 As part of the Council's initiative to encourage more involvement in its work, the Planning Control Committee has a policy of listening to views about planning proposals and has produced the "Planning for Bury Have Your Say" leaflet which explains public speaking at Committee.
- 14.2 Members of the public only are invited to attend and take part by speaking, explaining their concerns, either for or against, a proposal, or simply listening to the Committee debate.
- 14.3 Each item is introduced by the Chair who then invites comments from the public. The standard practice should be that one person is allowed to speak for, and one person against, a proposal. If more people are interested they will be asked to agree who the single spokesperson should be; exceptionally more than one person may be able to speak at the

discretion of the Chair, the Chair should say at the end of each presentation that another speaker for or against is permissible only where items have not been covered by the earlier speaker.

(NB. Ward Councillors not on the Committee may speak on applications affecting their Ward at meetings of the Planning Control Committee for no more than three minutes and may attend site visits).

14.4 Each speaker should aim to speak for a maximum of three minutes.

15. **DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN**

15.1 The Town and Country Planning Act 1990 requires that where the development plan is relevant decisions should be taken in accordance with it, unless material considerations indicate otherwise (Section 54A).

15.2 Applications which the Committee intend to approve as departures from the Unitary Development Plan will have been advertised, will be identified in the officer's report to the Committee and where necessary will be the subject of referral to the Secretary of State for the Environment, Transport and the Regions.

15.3 Where the Committee makes a decision contrary to the officer's recommendation (whether for approval or refusal), a detailed minute of the Committee's reasons will be made and copy placed on the application file. The officer should also be given the opportunity to explain the implications of the contrary decision.

15.4 Members may also wish to consider referring the application back to the Chief Planning and Economic Development Officer for further information or advice.

16. **COMMITTEE SITE VISITS**

16.1 Site visits can be useful to identify features of a proposal which may be difficult to convey in a written report, but site visits can cause delay and additional costs and should only be used where the expected benefit is substantial. When appropriate, however, they will be authorised by the Committee or by the Chief Planning and Economic Development Officer, in consultation with the Chair and will be restricted to allowing Members to visualise the development and identify features of a proposal.

16.2 A protocol for site visits is attached as Appendix 1

17. **REGULAR REVIEW OF DECISIONS**

17.1 At least on an annual basis, arrangements will be made for Members of the Planning Control Committee to visit a sample of implemented planning permissions in order to assess the quality of the decisions. This should include examples from a broad range of categories such as major and

minor development, permitted departures, upheld appeals, listed building works and enforcement cases.

- 17.2 The Planning Control Committee should formally consider this review and decide whether it gives rise to the need to review any existing policies or practices.

18. **COMPLAINTS AND RECORD KEEPING**

- 18.1 The Council has an approved Complaints Procedure which will be followed in relation to public complaints about the handling of planning applications and planning matters generally.

- 18.2 Details of the Complaints Procedure and copies of complaint forms are available from the Main Reception, Town Hall, Knowsley Street, Bury and Bury Metro's Main Council Offices/Area Offices.

19. **SANCTIONS**

- 19.1 The purpose of this Code is to provide guidance to Members, and Members of the Planning Control Committee in particular, in relation to the performance of a Council's planning function. The application of and adherence to the Code is intended to build public confidence in the Council's planning system and to produce a strong platform for planning decision making. The Code does not remove the responsibility of Members to exercise their statutory discretion to determine the merits of individual applications or proposals.

- 19.2 A failure to adhere to the code may give rise to a range of potential consequences to a Council, and individual Members, especially if this results in a pattern of inconsistency. The normal sanction of the democratic process is through the ballot box. Councillors may make a reputation in their community not only for their beliefs but also for their general conduct. Consistency and fairness are important qualities in the public eye and they are vital to the conduct of a Planning Control Committee. Beyond the normal democratic process, a number of specific consequences can be identified.

20. **THE LOCAL GOVERNMENT OMBUDSMAN**

- 20.1 Although the Local Government Ombudsman will not investigate the balance or argument in any planning decision, she/he may agree to investigate a planning complaint if it concerns the manner in which a decision was taken. If it is found that injustice has been caused by maladministration in the light of statutory or established Council procedures, she/he will recommend redress which may take the form of compensation. Where the Local Government Ombudsman makes a finding of maladministration on the basis of a breach of the National Code of Local Government Conduct, then the report may name the individual Member and give particulars of the breach.

21. APPEALS TO THE SECRETARY OF STATE

- 21.1 An applicant who has been refused planning permission has a right of appeal to the Secretary of State. If an appeal is successful and it is shown that the Council's conduct in dealing with the matter was unreasonable, the appellant's costs may be awarded against the Council.

22. JUDICIAL REVIEW

- 22.1 If objectors are convinced that the Council, in determining to grant an application, did not observe their statutory obligations to carry out all necessary procedures, base their decision on the Development Plan and take into account all representations, they may apply for judicial review of the decision, which might result in it being quashed. In such circumstances it would be normal for the costs to be awarded against the Council.

23. POWERS OF THE SECRETARY OF STATE

- 23.1 The Secretary of State possesses a range of powers which could be exercised where a local planning authority appears to be making inconsistent decisions, or decisions which are seriously in conflict with national and development plan policies. This could involve a greater use of the power to "call in" applications, whereby an application would be determined by the Secretary of State following a public inquiry. Where permission has already been granted by the Council, powers exist to revoke or modify permissions, or to require discontinuance of a land use, which if exercised would give rise to a liability to compensate on the part of the Council.

APPENDIX 1

PROTOCOL FOR SITE VISITS

In order to ensure that all official member site visits relating to planning matters are dealt with consistently and fairly the following code of practice will apply:-

1. Site visits shall only be held following a resolution of the Planning Control Committee or as may otherwise be authorised by the Chair in consultation with the Chief Planning and Economic Development Officer and should be restricted to allowing members to visualise the development.
2. Site visits shall only be attended by the appointed Councillors and relevant Ward Members along with the appropriate Council officers.
3. Notification of applicant, supporters and objectors

The applicant, supporters and objectors shall be notified in writing of the date, approximate time of the site visit and advise that the Committee will be visiting the site to familiarise themselves with the proposal.

Procedure at site visit:-

The site meeting will be conducted in the following manner:-

- (a) The Chief Planning and Economic Development Officer shall introduce the Chair of the Planning Control Committee and explain the purpose of the site visit to all present.
- (b) The applicant(s) shall then be invited to explain the proposal to the members present and respond to any questions from member/officers,
- (c) The objectors shall then be invited to explain the reasons for their concerns, objections or views on the proposal and respond to any questions.
- (d) No decision and planning application will be taken at the site visit meeting and no indication of the likely outcome of the application will be given at the Site visit. The full Planning Control Committee which meets in the evening, only decides on the application.
- (e) A note of all people in attendance at the site visit shall be taken by the representative of the Democratic Services Section. Members should not allow themselves to be addressed by the applicant or objectors in separate groups during the site visit. In addition questions should only be asked during the formal part of the site visit (ie where an officer is present).

All members should attend at the same time. Members do not attend on their own or in small separate groups.

APPENDIX 2

HELPING CONSTITUENTS TO OPPOSE OR SUPPORT PLANNING APPLICATIONS

1. All Members of the Council will be approached by their constituents about planning applications. With the exception of Members of the Planning Control Committee most Councillors may consider leading their support or opposition to a planning application.
2. Any Member who does support or oppose an application cannot then take part in or vote on this matter should it be considered by a Council Committee including Area Boards at a later date.
3. In any event Members may find the following tips and information useful in helping to advise and work with constituents on planning applications.
 - 1) Anyone can comment on an application.
 - 2) Plans can be inspected at Craig House.
 - 3) Technical Officer advice is available.
 - 4) All written comments must be made to the Chief Planning and Economic Development Officer in order that he can report to Committee.
 - 5) Examples of the types of matters which cannot be taken into account by the Planning and Control Committee are:-
 - Disputes about encroachment across boundaries
 - Worries about disturbance whilst construction work is underway.
 - Concern about competition from other traders
 - Impact on the value of property
 - 6) Examples of the types of matters which can be taken into account by the Planning Control Committee are:-
 - Issues affecting individual amenity and amenities of the wider area
 - Affect an outlook and privacy
 - Design and appearance
 - Traffic and parking
 - Noise and pollution

PART 6

MEMBERS' ALLOWANCES SCHEME

MEMBERS' ALLOWANCES

The current Members' Allowances Scheme for Bury Metropolitan Borough Council is set out below:-

MEMBER'S ALLOWANCES SCHEME

The Bury Metropolitan Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, as amended, hereby makes the following scheme:

1. This scheme shall have effect for the year commencing on 1 April 2007 and subsequent years.

2. In this scheme,

"councillor" means a Member of the Bury Metropolitan Borough Council who is a councillor;

"year" means any period of 12 months ending on 31 March in any year.

Basic Allowance

3. (1) Subject to paragraph 6 and (2) below, for each year a basic allowance of £7,474.17 shall be paid to each councillor.
- (2) A basic allowance will only be paid if a Councillor attends at least 60% of the meetings of Council, Committees, Sub-Committees and Scrutiny Panels/Commissions of which they are a member, or the training sessions which take place on designated elected member training days. Where the Chief Executive considers taking action to recover the basic allowance, the Elected Member concerned will be allowed to make representations about other activities which they performed on behalf of the Council which may have precluded them from attending the required number of meetings.

Special Responsibility Allowance

4. (1) For each year a special responsibility allowance (SRA) shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme. In the event that a councillor receives more than one SRA only the highest allowance will be paid.
- (2) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
- (3) A Councillor who is a Member of the Greater Manchester Waste Disposal Authority may receive two Special Responsibility Allowances under this scheme.

Renunciation

5. A councillor may by notice in writing given to the Chief Executive elect to forego any part of any entitlement to an allowance under this scheme.

Part-year Entitlements

6. (1) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (2) If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then payment shall be made from the date of the change to the scheme.
- (3) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance, and if applicable a special allowance, shall be based on the number of days in office expressed as a proportion of the total number of days in a year.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2) and the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of the councillor to a basic allowance, and if applicable a special responsibility allowance, shall be based on the number of days in office expressed as a proportion of the total number of days in a year which will be calculated in two parts. Firstly, on the scheme before change and secondly on the scheme after the change.
- (5) Where a Councillor relinquishes or accepts a special responsibility for which an allowance is payable, the entitlement shall be calculated in accordance with sub section (3) above.

Payments

7. (1) Payments shall be made in respect of basic and special responsibility allowances, subject to sub-paragraph (2), in instalments of one-twelfth of the amount specified in this scheme on the twenty second day of each month or thereabouts (or as otherwise requested in exceptional circumstances);
- (2) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 6, the councillor is entitled, the payment shall be restricted to such amount as will

ensure that no more is paid than the amount to which the councillor is entitled.

- (3) Where a Member fails to attend at least 60% of the meetings of Council, Committees, Sub-Committees and Scrutiny Panels/Commissions of which they are a Member, the Chief Executive shall take appropriate action to recover the basic allowance, subject to the terms set out in Paragraph 3(2).

Amendment of the Scheme

8. (1) The Chief Executive or Director of Legal and Democratic Services, after consultation with the Leader and Deputy Leader of the Council and the Leaders of the Minority Groups, has delegated authority to amend this scheme in respect of the levels and number and type of the various allowances payable under the scheme, subject to any financial ceilings contained in the Regulations.
- (2) That the level of allowances payable under this scheme be increased annually at the same rate as the pay award agreed by the Joint Council for Local Government Services.

Child Care and Dependant Carers Allowance

9. This Allowance may be claimed in respect of children aged 16 years or under or in respect of other dependants where there is medical or social evidence that care is required. Payments will not be payable to a member of the Elected Member's household. Payments will be made at either an hourly rate to be determined by Council or based on receipted actual expenditure incurred.

The total amount of allowance which an individual Member may claim in any one year will be limited to £1,200.

An hourly rate of £6 per hour will be paid.

Standards Hearing Panels

10. Provision is made for the payment of out of pocket expenses and loss of earnings allowance, up to a maximum of £250, to an Independent Member who sits on a Hearing Panel.

Attendance at meetings of the Licensing Panel

11. 1. Allowances for attending meetings of the Licensing Panel will only be paid to those Members who do not already receive a Special Responsibility Allowance.
2. Where a Member qualifies for payment of such an allowance, the Member would be expected to attend 10 Hearings with no allowance paid so that the allowance only becomes operative for meetings attended by a Member in excess of 10.

3. That where an allowance is paid, it be done on the following basis:-

£25.00 per full day

£12.50 – 2 to 4 hours

£6.00 up to 2 hours.

Other Allowances

12. (1) Travelling expenses should be paid at the appropriate mileage rate for journeys on approved duties within the Borough in addition to journeys out of the Borough. (See Schedule 2)
- (2) Telephone allowances will be paid at a fixed level per month of rental to take advantage of inclusive charge to cover free local (and national) calls in the evenings and at weekends.
- (3) Subsistence Allowances will be paid in accordance with the provisions set out in Schedule 3.

NOTE:

The level of allowances payable under this Scheme is increased annually at the same rate as the pay award agreed by the Joint Council for Local Government Services. The Pay Award has yet to be determined.

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES

The following are specified as special responsibilities in respect of which special responsibility allowances are payable in the amounts stated, subject to any Member who qualifies for a payment of such allowance in respect of more than one being only entitled to one (ie the highest) payment with the exception of GMWDA (See Paragraph 4(3))

LEADERS/DEPUTY LEADERS	£
Leader of the Council	23670.26
Deputy Leader of the Council	14207.10
Leader of the Second Largest Group	7813.90
Deputy Leader of the Second Largest Group	3122.47
Leader of Third Largest Group	3907.98
Deputy Leader of Third Largest Group	1562.78
 EXECUTIVE MEMBERS (WITH PORTFOLIO)	
Quality Council (Resource and Performance)	9469.34
Children and Young People	9469.34
Health and Well-Being	9469.34
Environment and Transport	9469.34
Community Engagement and User Focus	9469.34
Safer and Securer Communities	9469.34
Learning, Skills and Employment	9469.34
 EXECUTIVE MEMBERS (WITHOUT PORTFOLIO)	
Executive Member	5920.65
Executive Member	5920.65

CHAIRS OF SCRUTINY COMMISSIONS AND REGULATORY COMMITTEES

Standards Committee	5920.65
Licensing and Safety Panel	5920.65
Audit Committee	5920.65
Planning Control Committee	5920.65
Children and Young People Scrutiny Commission	5920.65
Healthier Communities Scrutiny Commission	5920.65
Economy, Environment and Transport Scrutiny Commission	5920.65
Resource and Performance Scrutiny Panel	5920.65
Safe, Strong and Confident Communities Scrutiny Commission	5920.65
Human Resources and Appeals Panel	5920.65

REPRESENTATIVES ON OUTSIDE BODIES

Chairs of the Local Area Partnerships:	
Ramsbottom, Tottington and North Manor	5920.65
Bury West	5920.65
Bury East	5920.65
Whitefield and Unsworth	5920.65
Radcliffe	5920.65
Prestwich	5920.65
Greater Manchester Waste Disposal Authority	2,500

MAYOR'S ALLOWANCE

Mayor	-	£14,100
Deputy Mayor	-	£3,525

**BURY METROPOLITAN BOROUGH COUNCIL Schedule 2
MEMBERS ALLOWANCE CLAIM FORM
TRAVEL EXPENSES**

MAI

Name _____

Claim for Travel Expenses

If claiming car mileage, please state c.c. of

Date	Details of place of approved duty	Time and Place of Departure	Time and Place of Return	Car Mileage				Public Transport/Taxi/Car Parking		
				No of miles	Mileage Rate	Amount Claimed		Mode of Transport	Amount Claimed	
					@p	£	P		£	p
				Total amount claimed						
				Grand Total						

I declare that to enable me to perform approved duties as a Member of the Council I have paid the fares or become entitled to the car mileage allowance and/or I have made the other payments shown. I have read the information overleaf. I certify that if I use my private vehicle for travelling on Council business I am adequately insured.

Signature

Date _____

**PLEASE RETURN THIS FORM TO MEMBERS SERVICES,
CHIEF EXECUTIVE'S DEPARTMENT**

Office use only

Checked by: _____ Authorised for payment by: _____
(for Chief Executive)

Date: _____ Date: _____

**BURY METROPOLITAN BOROUGH COUNCIL
MEMBERS' ALLOWANCES**

TRAVEL EXPENSES CLAIMS

Members are entitled to claim travelling expenses for approved duties on Council business, including travel to and from meetings at the Town Hall.

The rates of travel expenses are currently as follows:-

Travel by bus – actual cost of the fare. Receipts should be provided where possible.

Travel by taxi – the actual cost of the fare and any reasonable gratuity will be reimbursed. Receipts should be provided for taxi journeys where possible.

Travel by rail – actual costs of second class travel, using any cheap fares available. Receipts/tickets must be provided.

Travel by air – actual cost of travel which should not exceed the rate applicable by appropriate alternative means of travel plus the amount of other savings consequent on travel by air. Tickets/receipts must be provided.

Travel by car - mileage rates

Members who use their own vehicles to travel on Council business may claim mileage at the rates below:-

Up to 999cc	40.5p per mile and 11.7p per mile beyond 8,500 miles.
1000cc and over	44.2p per mile and 11.7p per mile beyond 8,500 miles.

If carrying passengers, not exceeding four, to whom a travelling allowance would otherwise be payable under any enactments, the above mileage rates are increased by not more than 3p per mile for the first passenger and 2p per mile for the second and subsequent passengers.

Car parking – the actual cost of car parking may be claimed. A car park ticket should be provided.

Making claims

Sufficient information must be given on your claim form to substantiate the mileage or other travel expenses claimed. Details of each journey related to specific duties or activities must be listed for each day. Failure to provide this will unavoidably result in delays to the processing of claims.

PLEASE ENSURE THAT CLAIMS DO NOT EXTEND BEYOND A SIX MONTH PERIOD

Advice and information is available from Democratic Services, telephone 0161-253-5118

July 2003 - Updated June 2007

**BURY METROPOLITAN BOROUGH COUNCIL Schedule 3
MEMBERS ALLOWANCE CLAIM FORM
SUBSISTENCE EXPENSES**

Name _____

MA2

Claim for Subsistence Expenses

Date	Details of place of approved duty	Time and Place of Departure	Time and Place of Return	Allowance claimed (e.g. lunch allowance)	Receipt attached Y/N	Subsistence expenses amount claimed	
						£	p

Total amount claimed

--	--

I declare that to enable me to perform approved duties as a Member of the Council I have made the payments shown and/or become entitled to subsistence expenses. I have read the information overleaf.

Signature

Date _____

**PLEASE RETURN THIS FORM TO MEMBER SERVICES,
CHIEF EXECUTIVE'S DEPARTMENT**

Office use only

Checked by: _____ Authorised for payment by: _____
(for Chief Executive)

Date: _____

Date: _____

**BURY METROPOLITAN BOROUGH COUNCIL
MEMBERS' ALLOWANCES**

SUBSISTENCE EXPENSES CLAIMS

Members may claim subsistence allowances in respect of approved duties where meals/accommodation are not otherwise provided. Details of current rates are as follows:-

Breakfast Allowance £4.92
(absence of more than 4 hours, or where the authority permits, a lesser period, before 11.00 am)

Lunch Allowance £6.77
(absence of more than 4 hours, or where the authority permits, a lesser period, including the period between 12 noon and 2:00pm)

Tea Allowance £2.67
(absence of more than 4 hours, or where the authority permits, a lesser period, including the period between 3:00pm and 6:00pm)

Evening Meal Allowance £8.38
(absence of more than 4 hours ending or where the authority permits, a lesser period, ending after 7:00pm)

24 hours Continuous Absence (overnight) from the usual place of residence

In London or the Annual Conference of the Local Government Association £91.04

Elsewhere in the United Kingdom £79.82

These rates will be deemed to cover a continuous period of 24 hours. Where any meals is provided free of charge by an authority or body during the period to which the allowance relates then the rates specified will be reduced by an appropriate amount. For periods in excess of 24 hours, please use the hourly scales above for subsistence expenses to cover the appropriate meals.

You are asked to attach receipts wherever possible. This may also enable the Council to claim back VAT.

All the above are maximum rates laid down by the DETR. Members will be advised as soon as any changes are made to these figures and new claim forms and guidance will be issued.

Meals on Trains

Where main meals (i.e. breakfast, lunch or dinner) are taken on trains during a period for which there is entitlement to a day subsistence allowance, the reasonable cost of the meals including VAT may be reimbursed in full. In such circumstance, reimbursement of the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period. Receipts must be provided.

Making claims

Subsistence expenses claims should be submitted along with travel claims by the first day of the month to ensure payment with your Members' Allowances on 22nd of the month.

Advice and information is available from Member Services, telephone 0161-253-5177.

PART 7

MANAGEMENT STRUCTURE

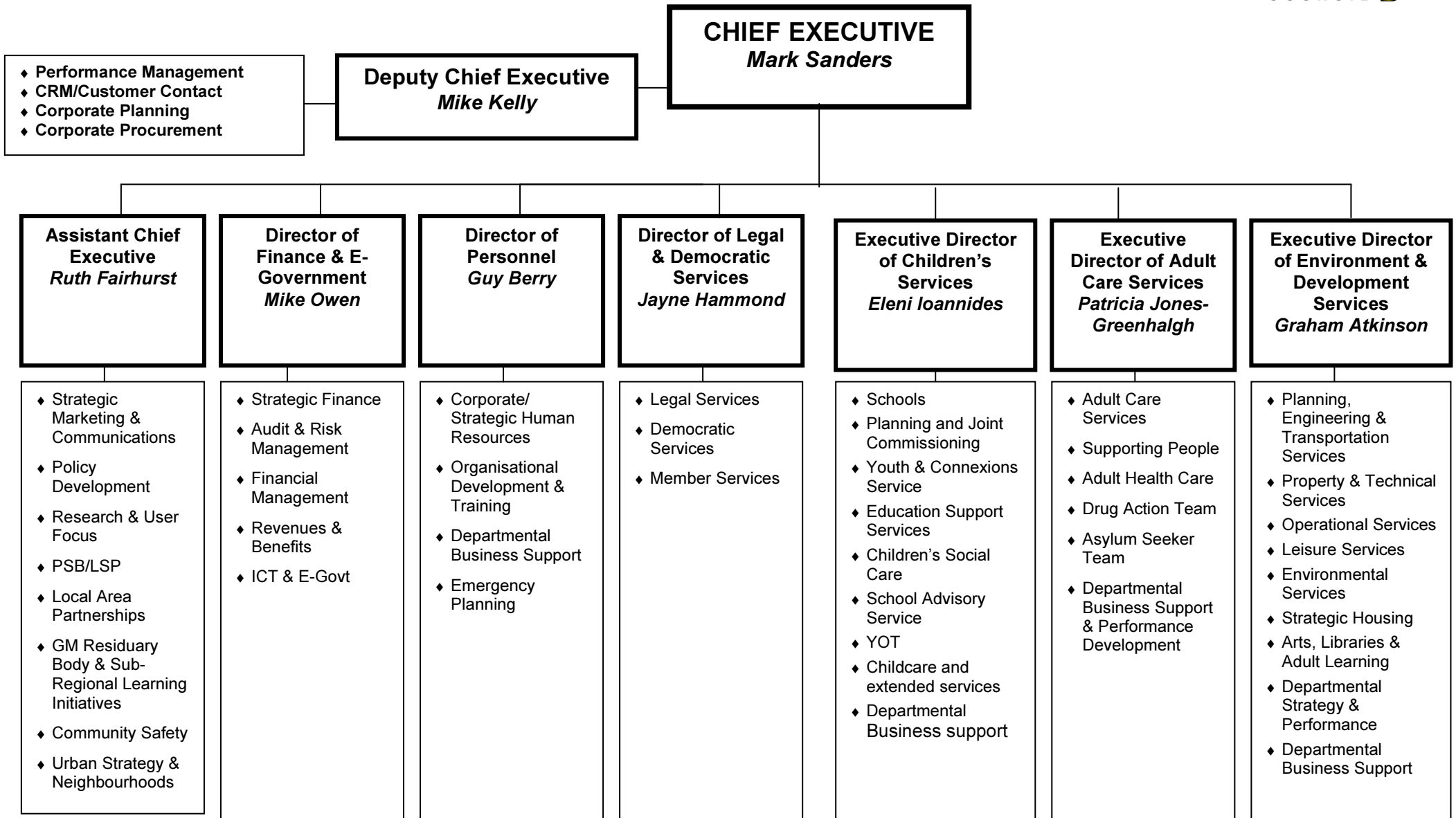


MANAGEMENT STRUCTURE

The officers' management structure for the Authority and details of the functions of Departments and/or business or service units are set out in the attached diagram.

Further details about the management structure and the services/activities undertaken by Departments can be obtained from the relevant Director or Chief/Borough Officer.

BURY MBC ORGANISATIONAL STRUCTURE



CHIEF EXECUTIVE'S DEPARTMENT

Chief Executive
Mark Sanders
 (0161 253 5102)

Deputy Chief Executive
Mike Kelly
 (0161 253 5230)

Assistant Chief Executive
Ruth Fairhurst
 (0161 253 5955)

Director of Finance & E-Government
Mike Owen
 (0161 253 5002)

Director of Legal & Democratic Services
Jayne Hammond
 (0161 253 5002)

Director Of Personnel
Guy Berry
 (0161 253 5160)

Performance Management
 Customer Contact/CRM
 Corporate Planning
 Corporate Procurement

Communication & Marketing

- ◆ Press & Media
- ◆ Communication & Marketing

Urban Strategy & Neighbourhoods

- ◆ Local Area Partnerships/Local Strategic Partnership/Public Service Board
- ◆ Community Planning
- ◆ City Region Development
- ◆ Economic Strategy/Community Economic Development
- ◆ European Policy/Programmes
- ◆ Neighbourhood Renewal Strategy/Management Fund
- ◆ Third Sector development/Community Cohesion
- ◆ Community Engagement/User Focus

Community Safety

- ◆ Crime & Disorder Reduction Strategy
- ◆ Bury Safe/Respect and Reassurance
- ◆ Safer Neighbourhoods

GM Residuary Board

- ◆ Learning Allowance
- ◆ Activity Allowance
- ◆ Keeping Young People in Employment (KYPE)
- ◆ Client Caseload Information System (CCIS)

Strategic Finance

- ◆ Efficiency Strategy
- ◆ Capital
- ◆ Audit & Risk Management

Financial Management

- ◆ Accountancy
- ◆ Insurance
- ◆ Payments
- ◆ Data Protection
- ◆ Payroll

Revenues & Benefits

- ◆ Council Tax
- ◆ Business Rates
- ◆ Receivables
- ◆ Car Loans
- ◆ Benefits
- ◆ Cashiers & Customer Services

ICT

- ◆ ICT Services
 - ~ applications support
 - ~ technical support
 - ~ computer operations
- ◆ ICT Business Solutions
- ◆ ICT Telephony & Admin

Monitoring Officer

Legal Services

- ◆ Litigation
- ◆ Childcare
- ◆ Community Care
- ◆ Education
- ◆ Property & Development
- ◆ Planning
- ◆ Employment
- ◆ Contracts
- ◆ Corporate

Democratic Services

- ◆ Constitution/Democratic Arrangements
- ◆ Committee Services
- ◆ Elections/Electoral Registration
- ◆ Land Charges
- ◆ Registration Services
- ◆ Members Liaison
- ◆ Mayoralty

Corporate/Strategic Personnel Services

- ◆ Employee Relations
- ◆ Recruitment administration
- ◆ Policy Development
- ◆ Occupational Health
- ◆ Employee Health, Safety & Welfare
- ◆ Assessment Centres
- ◆ Positive Action Training Scheme/Young Persons Training Scheme
- ◆ Personnel Management Information Systems
- ◆ Disability
- ◆ Equal Opportunities
- ◆ Race Equality

Organisational Development and Training

- ◆ Training & Development
- ◆ Investors in People
- ◆ Management Development
- ◆ NVQ Centres

Business Support

- ◆ Personnel Administration
- ◆ Administration Support
- ◆ Finance and Accounts
- ◆ Secretarial Services/Word Processing

Emergency Planning

ENVIRONMENT AND DEVELOPMENT SERVICES



Executive Director of Environment and Development Services
Graham Atkinson
 (0161 253 5736)

Assistant Director (Arts, Libraries & Adult Learning)
John Carter
 (0161 253 5861)

Assistant Director (Environmental Services)
Alan Freer
 (0161 253 5518)

Assistant Director (Leisure Services)
Neil Long
 (0161 253 5735)

Assistant Director (Operational Services)
Vacant
 (0161 253 6102)

Asst Director (Planning, Engineering & Transportation Services)
Brian Daniel
 (0161 253 5319)

Asst Director (Property & Technical Services)
Keith Beamer
 (0161 253 5991)

Head of Financial Services
Sharon Vernon
 (0161 253 5739)

Head of Human Resources & Communications
Angela Holland/ Simon Bagley
 (0161 253 5333)

- ARTS & MUSEUMS**
- ◆ Art Gallery & Museum
- ◆ Arts Development
- ◆ Creative Industries
- LIBRARIES**
- ◆ Archives
- ◆ Reference & Info Services
- ◆ Lending Services
- ◆ Council Information Points
- ◆ Outreach & Social Inclusion Services
- ◆ Education Library Service
- ◆ Learning Support
- ADULT EDUCATION**
- ◆ Basic skills
- ◆ Widening participation
- ◆ Accredited & Non-accredited courses
- ◆ Family Learning
- ◆ Student Services
- ◆ Advice and guidance

- COMMERCIAL**
- ◆ Food
- ◆ Health & Safety
- ◆ Licensing & Enforcement
- STRATEGIC HOUSING UNIT**
- ◆ Housing Governance
- ◆ Housing Choice
- ◆ Homelessness
- ◆ Home Improvement Grants
- ◆ Private Sector Housing
- ◆ Energy Conservation
- ◆ Gypsy Site
- ENVIRONMENT**
- ◆ Scientific Services
- ◆ Public Health
- ◆ Pollution
- ◆ Pest Control
- TRADING STANDARDS**
- ◆ Trading Standards
- ◆ Glass Verification

- SPORTS**
- ◆ Leisure facilities
- ◆ Swimming Pools
- ◆ Sports Development
- CATERING**
- ◆ School Meals
- ◆ CPU
- ◆ Vending Services
- CIVIC HALLS**
- ◆ Events & Promotions
- ◆ Catering/Bars
- PARKS AND COUNTRYSIDE**
- ◆ Liveability
- ◆ Parks/Play Areas
- ◆ Trees and woodland
- ◆ Countryside
- ◆ Allotments
- ◆ Cemeteries
- ◆ Sponsorship
- GROUNDS MAINTENANCE**
- ◆ Horticultural Services
- ◆ Sports Pitch Maintenance
- ◆ Playground Safety Inspections

- WASTE MANAGEMENT**
- w Refuse Collection
- w Street Cleaning
- w Public Conveniences
- w Winter Maintenance
- w Abandoned Vehicles
- w Recycling
- TRANSPORT AND WORKSHOPS**
- w Transport
- w Vehicle Workshop
- BLDG REPAIRS & MAINTENANCE**
- w Building Maintenance
- w Contracting
- w Stores
- CLEANING SERVICES**
- w Cleaning and Caretaking
- w Porters and Commissionaires
- w Admin buildings
- COMMUNITY SAFETY**
- w Emergency & Security
- ◆ CCTV Monitoring

- DEVELOPMENT IMPLEMENTATION**
- ◆ Development Control
- ◆ Building Control
- ◆ Development Projects
- ◆ Environmental Projects
- ◆ Partnership & Investment
- ◆ Tourism
- TRAFFIC MGMT & ROAD SAFETY**
- ◆ Highways development control
- ◆ Traffic management
- ◆ Road safety
- ◆ School crossing patrols
- TRANSPORTATION & PLANNING POLICY**
- ◆ Local development framework/ planning policy
- ◆ Local transport plan/transportation policy
- ◆ Parking Services
- HIGHWAY NETWORK**
- ◆ Highways:
 - Management
 - Maintenance
 - Operations
- ◆ Street lighting
- ENGINEERING CONSULTANCY**
- ◆ Highway structures
- ◆ Design/consultancy
- ◆ Flood protection
- ◆ Reservoirs

- PROPERTY**
- ◆ Property & Estates
- ◆ Industrial & Commercial Premises
- ◆ Markets
- TECHNICAL**
- ◆ Architectural Practice
- ◆ Landscape Practice
- ASSET MANAGEMENT**
- ◆ Asset Management
- ◆ Office Accommodation

- FINANCE**
- Budgets and Business Support
- Financial reporting and accounts
- Invoice payment Billing
- Capital Programme & financing advice
- PERFORMANCE MANAGEMENT**
- Performance Targets
- Performance Measurement & reporting
- Service Support
- Reviews/Projects
- Service Standards
- BUSINESS SUPPORT & DEVELOPMENT**
- New ICT systems
- System development
- Hardware/ software
- Service support & improvement projects
- Service standards, efficient

- PERSONNEL**
- ◆ Personnel Admin
- ◆ Payroll
- ◆ Recruitment
- ◆ Welfare
- ◆ Risk Management
- ◆ Job Evaluation
- ◆ Recruitment & Selection
- ◆ Training
- ◆ Health & Safety
- ◆ Emergency Planning Liaison
- ◆ IIP Co-ordination
- ◆ Workforce planning
- ◆ **SECRETARIAL**
- ◆ Secretarial Support
- ◆ Word processing
- ◆ Mail
- ◆ Printing & Stationery
- COMMUNICATIONS**
- ◆ Corporate and Departmental planning
- ◆ Access to services
- ◆ Freedom of Information
- ◆ Web site development
- ◆ Marketing & publicity
- ◆ Desk Top Publishing & Design

CHILDREN'S SERVICES

Chief Executive, PCT
Stephen Mills

Chief Executive, MBC
Mark Sanders

Executive Director of Children's Services
Eleni Ioannides
(0161 253 5501)

Assistant Director of Prevention & Partnerships
Mark Carriline
(0161 253 5603)

Assistant Director of Learning
Keith Woods (Interim)
(0161 253 5477)

Assistant Director of Social Care
Judith Longhill
(0161 253 5603)

Head of Personnel Services
Judith Simms
(0161 253 5621)

Head of Financial Services
Peter Lowe
(0161 253 5641)

- ◆ Commissioning
- ◆ Planning
- ◆ Performance information
- ◆ Locality working/Local Area Agreement
- ◆ Common Assessment Framework (CAF)
- ◆ Contactpoint
- ◆ Childcare & Extended Services
- ◆ Integrated Youth Support
- ◆ Youth Offending Team (YOT)
- ◆ Prevention
- ◆ Parenting Strategy
- ◆ Directorate Support

- ◆ Educational Psychology Service (EPS)
- ◆ Special Educational Needs (SEN)
- ◆ Behaviour & Attendance
- ◆ School Organisation
- ◆ Asset Management
- ◆ Pupil Planning
- ◆ Governor Support
- ◆ School Improvement
- ◆ Curriculum & Language Access Service (CLAS)
- ◆ Quality & Advisory Service (QAS)
- ◆ Pupil Learning Centre & Behaviour Support
- ◆ Travellers

- ◆ Family Support
- ◆ Community Services
- ◆ Disability Service
- ◆ Looked After Children (LAC)
- ◆ Safeguarding Unit
- ◆ Review
- ◆ Young Carers
- ◆ Child & Adolescent Mental Health Service (CAMHS)

- ◆ Personnel Advice
- ◆ CRB checks
- ◆ Payroll
- ◆ HR Casework
- ◆ Sickness Monitoring

- ◆ Budget Monitoring and Preparation
- ◆ Payment of Suppliers
- ◆ Financial Advice to Managers
- ◆ Grants

ADULT CARE SERVICES



Chief Executive, Bury MBC
Mark Sanders

Chief Executive, PCT
Stephen Mills

Executive Director of Adult Care Services
Patricia Jones-Greenhalgh
(0161 253 5405)

Assistant Director of Operations
Linda Jackson
(0161 253 7570)

- ◆ Integrated Learning Disability Assessment & Service Provision
- ◆ Bury Employment Support & Training
- ◆ Physical Disability Assessment & Provision
- ◆ Integrated Equipment Store
- ◆ Blue Badges
- ◆ Older People's Services Assessment & Provision
- ◆ Sheltered Housing
- ◆ Care Link
- ◆ Home Care Provision
- ◆ Delayed Discharges
- ◆ Unscheduled Care
- ◆ Residential Services
- ◆ Day Care Services
- ◆ Intermediate Managed Care
- ◆ Community Meals

Assistant Director Commissioning
Vacant
(0161 253 7570)

- ◆ Mental Health Commissioning
- ◆ Learning Disability Commissioning
- ◆ Physical Disability Commissioning
- ◆ Adult Protection
- ◆ Supporting People
- ◆ Contracts
- ◆ Substance Misuse
- ◆ Caldicott Guardian
- ◆ Child & Adolescent MH Service
- ◆ Domestic Violence
- ◆ Older People – Mental Health
- ◆ PCT – specific commissioning

Assistant Director of Modernisation & Implementation
Tony Pounder
(0161 253 7570)

- ◆ Task Team
- ◆ Individualised Budgets
- ◆ Complex Cases

Head of Business Support & Performance Development
Gerrard Wade
(0161 253 6397)

- ◆ Finance Income/Expenditure
- ◆ Human Resources
- ◆ Development & Training
- ◆ Administration
- ◆ Asset Management
- ◆ Performance & Standards Team
- ◆ LIFT Lead
- ◆ Quality Review
- ◆ Complaints

- ◆ Asylum Seeker Team
- ◆ Translation Service
- ◆ Carers Team – Adult Placement/ Direct Payments
- ◆ Drug Action Team
- ◆ Mental Health (Interface)
- ◆ Continuing Health (Interface)
- ◆ Lead Officer Healthier Communities Scrutiny Commission

