

## AGENDA FOR

## STANDARDS COMMITTEE

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**To: All Members of Standards Committee**

**Councillors:** P Cropper, T Cummings, J Harris, M Hayes,  
K Leach, T Pickstone, T Rafiq, M Whitby and Y Wright

Dear Member/Colleague

### **Standards Committee**

You are invited to attend a meeting of the Standards Committee which will be held as follows:-

<b>Date:</b>	Monday, 12 October 2020
<b>Place:</b>	Microsoft Teams
<b>Time:</b>	6.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	<a href="https://councilstream.com/burycouncil">https://councilstream.com/burycouncil</a>

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of the Standards Committee are asked to consider whether they have an interest in any of the matters on the agenda, and if so, to formally declare that interest.

### **3 MINUTES** *(Pages 1 - 2)*

Minutes from the meeting held on 1<sup>st</sup> July 2020 are attached.

### **4 MATTERS ARISING - CODE OF CONDUCT**

Janet Witkowski, Interim Monitoring Officer will update Members.

### **5 BURY CONSTITUTION REVIEW** *(Pages 3 - 16)*

A report from Marie Rosenthal, Strategic Advisor is attached.

### **6 STANDARDS COMPLAINTS** *(Pages 17 - 22)*

A report from the Interim Monitoring Officer, Janet Witkowski is attached.

### **7 VIRTUAL MEETINGS PROTOCOL** *(Pages 23 - 32)*

A report from the Interim Monitoring Officer is attached.

### **8 MEMBER DEVELOPMENT UPDATE** *(Pages 33 - 42)*

Draft Member Development Strategy is attached.

### **9 URGENT BUSINESS**

**Minutes of:                    STANDARDS COMMITTEE**

**Date of Meeting:**    1 July 2020

**Present:**                    Councillor T Pickstone (in the Chair)  
                         Councillors P Cropper, T Cummings, K Leach, T Rafiq,  
                         M Whitby and Y Wright

**Public Attendance:** No members of the public were present at the meeting.

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**1                    APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillor M Hayes and Councillor J Harris.

**2                    DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3                    CODE OF CONDUCT**

A report of the Acting Council Solicitor and Monitoring Officer was submitted setting out the proposals for consultation on a new model Code of Conduct for Elected Members seeking comments and approval to respond.

The Committee was asked to note the contents of the Report and attached draft Model Code of Conduct and provide comments for incorporation into a council response to the consultation by the deadline of 17 August.

**Delegated Decisions:**

1. That the Committee agrees that a response to the Consultation is drafted based on the Committee's comments welcoming the consultation and the approach outlined in the draft Code.
2. That the draft response be circulated to group Leaders for agreement and submission to the LGA within the consultation period.
3. That authority be delegated to the Monitoring Officer to finalise the response

**4                    CONSTITUTIONAL REVIEW**

A Report of the Deputy Chief Executive was submitted informing the Committee of the pending review of the Council's Constitution to ensure that it is up to date and fit for purpose. The Report outlined the proposed terms of reference for the Review, its scope and time scale.

**It was agreed:**

1. That the proposed terms of reference, scope and time scale for the Constitution Review
2. set out in the Report be accepted with a progress Report to the next meeting for the Committee on the 12 October 2020.
3. The Terms of Reference for the Review would be:
  - a. develop a shortened, streamlined and improved Constitution for Bury Council
  - b. review the decision making process to be explained and set out in the new Constitution
  - c. review the Overview and Scrutiny arrangements across the Council
  - d. provide political and social policy direction.
  - e. carry out a survey of all members and stakeholders on how the Constitution can be improved
  - f. approve the text of amendments to the Constitution to give effect to Council policy.
  - g. Ensure that the partnership arrangements with the CCG are reflected in the new Constitution
  - h. steer the Constitution Review to completion.
  - i. Recommend to full council a revised version of the Constitution by December 2020(25 November Council)
  - j. agree a programme of training and development for members and officers on the new Constitution during 2020/21.

## **5 MEMBER DEVELOPMENT**

The Deputy Chief Executive submitted oral details of the revised approach to Member Development which was being developed with a view to presenting a updated Strategy to the Member Working group in September. The Committee would be kept up to date especially with proposals relating to standards and ethic training.

## **6 URGENT BUSINESS**

No urgent business was report.

**COUNCILLOR T PICKSTONE**  
**Chair**

**(Note: The meeting started at 6.00 pm and ended at 6.40 pm)**



<b>Classification: Open</b>	<b>Item No.</b>
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<b>Meeting:</b>	<b>Standards Committee</b>
<b>Meeting date:</b>	<b>12 October 2020</b>
<b>Title of report:</b>	<b>Bury Constitution Review</b>
<b>Report by:</b>	<b>Deputy Chief Executive Lynne Ridsdale</b>
<b>Decision Type:</b>	<b>This is not a Key Decision</b>
<b>Ward(s) affected</b>	<b>All</b>

### **Executive Summary:**

At its last meeting on 1 July 2002, the Committee agreed the terms of reference, scope and time scale for the Constitution Review to be led by the Democratic Arrangements Forum (DAF). DAF has been meeting over the summer to carry out the review in 5 phases. This included a Technical Review to ensure the Constitution was legally compliant with all relevant legislation. This Report updates the Committee on the work of the review and the emerging recommendations to improve the Constitution in line with legislation and best practice.

The Review report and final recommendations will be presented to Cabinet on the 11 November and the Council on 25 November 2020.

### **Recommendation**

That: The Report is noted

## INTRODUCTION

- 1.1 The Constitution 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. The Council has a legal duty to publish an up to date Constitution and it should be reviewed annually with any necessary changes being normally considered at the annual council meeting. The Council made a number of changes to the Constitution at its annual meeting in May 2020 and agreed to a further full Review during 2020/21 as a priority.
- 1.2 The Report to Council in May 2020 indicated that the current scrutiny arrangements needed review alongside arrangements for meetings and decision making generally.
- 1.3 Members and Officers have also raised the following issues which have prompted the need for review:
  - A document which has grown over years and is not internally consistent;
  - Setting up of the integrated Bury Health and Social Care One Commissioning Organisation in October 2019
  - Concern at legal compliance and out of date statutory references;
  - Recognition that the constitution is not best serving the interests of the Council to deliver consistent, efficient and effective decision making;
  - An unwieldy document that could be simplified and more accessible;
  - Need to reduce bureaucracy, to help members and officers take decisions more robustly with more clarity over who takes which decisions;
  - LGA peer review in 2018 recommended a review of the current scrutiny arrangements.
  - CIPFA advice in March 2020 on strengthening the role of the Audit Committee
- 1.4 Under Article 9.03 of the Constitution, the Standards Committee is responsible for oversight of the Constitution.
- 1.5 At its last meeting in July 2002, the Committee agreed the terms of reference, scope and time scale for the Constitution Review to be led by the Democratic Arrangements Forum (DAF), comprising the 4 political group leaders and chaired by the Mayor .DAF has been meeting to carry out the review in 5 phases. This included a Technical Review to ensure the Constitution was legally compliant with all relevant legislation.

## 2. BACKGROUND

- 2.1 A Constitution Direction was issued by the Secretary of State in December 2000 that requires 80 matters to be included within council constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area.

- 2.2 The Council's Constitution currently comprises 325 pages organised into 7 Parts (many divided into a number of sections). In total there are 54 sections and schedules. The document is difficult to navigate as the contents page does not number the section and there is no Index. A member of the public would find it difficult to locate a specific section of the Constitution as there is a very limited search facility.

### 3 ROLE OF DEMOCRATIC ARRANGEMENTS FORUM (DAF)

- 3.1 DAF have been meeting in accordance with the agreed Terms of Reference to:
- develop a shortened, streamlined and improved Constitution for Bury Council
  - review the decision making process to be explained and set out in the new Constitution
  - review the Overview and Scrutiny arrangements across the Council
  - provide political and social policy to the Constitution Review by the Interim Monitoring Officer/Strategic Advisor.
  - carry out a survey of all members and stakeholders on how the Constitution can be improved
  - approve the text of amendments to the Constitution to give effect to Council policy.
  - Ensure that the partnership arrangements with the CCG are reflected in the new Constitution
  - steer the Constitution Review to completion.
  - assist the Interim Monitoring Officer/Strategic Advisor in recommending to full council a revised version of the constitution by December 2020 (25 November Council)
  - agree a programme of training and development for members and officers on the new Constitution during 2020/21.

### 4 ALL MEMBER SURVEY

- 4.1 During July and August 2020, DAF commissioned an all member survey to alert councillors to the Review and to seek ideas for improvement. 17 members agreed to participate. The Survey consisted of a series of questions designed to test agreement to the 7 purposes of the Bury Constitution set out in Article 1. The results are set out in the Table below.

Question	Agree	Disagree	Neither Agree nor Disagree
The Bury Council Constitution provides guidance on how the Council provides leadership to the community and partnership with citizens, businesses and other organisations.	9 (52.9)	4 (23.5%)	4 (23.5%)

The Bury Council Constitution supports the active involvement of citizens in the process of council decision making; it is easy to understand and is up to date	8 (47.1%)	5 (29.4%)	4 (23.5%)
The Bury Council Constitution helps Councillors to represent their constituents more effectively.	8 (47.1%)	8 (47.1%)	3 (17.6%)
The Bury Council Constitution enables decisions to be taken efficiently and effectively.	5 (29.4%)	4 (23.5%)	8 (47.1%)
The Bury Council Constitution ensures that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decision	7 (41.2%)	5 (29.4%)	5 (29.4%)
The Bury Council Constitution creates a powerful and effective means of holding decision makers to public account.	5 (29.4%)	5 (29.4%)	7 (41.2%)
The Bury Council Constitution ensures that proposals and decisions are effectively and fairly reviewed.	10 (58.8%)	2 (11.8%)	5 (29.4%)
The Bury Council Constitution provides a means of improving the delivery of services to the community.	6 (35.3%)	2 (11.8%)	9 (52.9%)

- 4.2 The Survey also asked participants to comment on their answers and identify ways in which the constitution could be improved. The Table below sets out member's comments. The new Constitution will deal with many of the criticisms



about the current document. The suggestions for improvement will be addressed in the new Constitution with diagrams and visual descriptions; new rules on question time; a new Section showing the current cabinet members, committee chair and details of senior officers.

Member Survey Comments	
What's wrong with the Constitution	How can it be improved
<p>Unsure if it is in date.</p> <p>It's very difficult to understand</p> <p>Too long, not accessible, confusing in places.</p> <p>Not that easy to understand for the average citizen</p> <p>How do residents know of it?</p> <p>Too confusing</p> <p>Given its length and complexity, I don't think it helps us.</p> <p>Not sufficient scrutiny</p> <p>Amount of time allotted for discussion in Council insufficient.</p> <p>As it is so long and duplicative, then it doesn't make decision making efficient.</p> <p>"Not true...I challenge and no response ....from Senior Officers CEO and the Leader.</p> <p>If they don't like a question ...there is no response ...so no holding to account ...in fact the opposite!"</p> <p>N0 One knows how to influence change</p> <p>As the document is not very accessible, then I don't think it does increase accountability to local people.</p>	<p>Very little about outside orgs</p> <p>It is a long document and contains a lot of detail. It would be useful to have plain English summaries of each section, or links for members of the public to access these.</p> <p>More diagrams and visual descriptions</p> <p>Amount of scrutiny allowed does not let the public have their say at meetings. Follow up questions should always be allowed.</p> <p>I think there is too little public awareness of the constitution and how to apply it in holding the council and councillors to account</p> <p>No one knows who anyone is</p> <p>Better communication needed. I am not convinced that local people know who is responsible for decision making on specific issues.</p> <p>Members of the public are not certain n who is responsible for decision makings and how certain decisions, such as planning are made.</p>

Many constituents deal with issues themselves but after no response turn to me for help ...so the system does not work for all local people including myself .I am afraid Senior Officers and the Leader do not reply to my mails re the concerning issues around the future of Bury Market so do NOT explain / engage well."	
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## **5. LEGAL HEALTH CHECK**

- 5.1 The first phase of the Review comprised an independent review of compliance with legislative provisions and best practice.

## **6 SCRUTINY REVIEW**

- 6.1 In November 2018, the Council invited the Local Government Association (LGA) to undertake a Corporate Peer Review to understand what the Council was doing well and what areas it could improve .

- 6.2 The review provided an independent external assessment of the Council's capacity to deliver Members' priorities for Bury. It was conducted by a team of expert Members and officers from other Councils and was based on

evidence collected from discussions with Members, officers at all levels, residents and partners.

- 6.3 The Peer Review looked at the Council's governance arrangements and suggested:

"Given the significant portfolio of transformation work required the council may also wish to consider reviewing its current scrutiny arrangements to ensure that they are able to achieve the right objectives for the council on the journey ahead. This should include the alignment of scrutiny to the corporate priorities and partnership arrangements as well as the type of member support this requires. This review may wish to check whether an appropriate level of challenge is currently in place and if this is fit for the journey ahead.

- 6.4 The Peer Review found:

"At present, scrutiny is provided with a more limited set of outcome level information rather than the type of detailed service performance information recommended here. As the corporate Performance Management Framework is developed, how this feeds into scrutiny to support effective and transparent challenge should also be considered. "

## 6.5 The Peer Review recommended:

“Scrutiny should be provided with the appropriate performance information and officer capacity to provide effective challenge and assist with policy development.”

- 6.6 On 2 September 2020, Cabinet agreed to create a new full time democratic services officer post to deputise for the Head of Democratic Services and lead the development and implementation of a new support service for the Council’s overview and scrutiny function. This new post will be responsible for supporting security reviews, improving public participation in the work of scrutiny, collecting evidence and drafting reports making evidence based recommendations to cabinet and the production of annual scrutiny reports. It has also been agreed that the Head of Democratic Services will take on the statutory scrutiny officer role to promote and provide support and guidance to the scrutiny committees.
- 6.7 During September the Overview and Health Scrutiny Committee and the Health Scrutiny Committee have considered updated strategic work plans to guide their work during the Covid 19 pandemic.
- 6.8 The Constitution review has identified the need to update and strengthen the Scrutiny Committee Rules in the Constitution.

## **7 NEW FORMAT FOR THE CONSTITUTION**

- 7.1 It is proposed to simplify Part 1 of the current Constitution into a new easier to read introduction. The Introduction will set out the purpose of the Constitution and have on line links to the detail of the Constitution.
- 7.2 The revised Constitution will be available on the Council’s website as a complete document. This will make searching for key terms within the document easier. The new format will also make use of internal hyperlinks to allow a user to navigate quickly across the document
- 7.3 It is important to ensure that the revised Constitution fully meets all accessibility legislation. To do this, the new Constitution will be published as a series of web pages, which will be easier to amend and will be accessible and more user friendly. It will be easier to read on mobile phones and devices and enable searches and accessibility with no large file to open as is the case now.

## **8 RESEARCHING BEST PRACTICE**

- 8.1 Officers have used the Model Constitution for councils in England created in 2014 for the Lawyers in Local Government Group by the law firm, Womble Bond Dickinson. The intention was to create a user-friendly suite of documents which can be tailored easily by in-house lawyers and constitutional experts to suit any type of council.
- 8.2 Officers have also reviewed examples of Constitutions across the country especially by councils who have engaged with the NHS to create integrated new arrangements similar to Bury.

## **9 COMMITTEES' TERMS OF REFERENCE**

- 9.1 It is suggested that there should be a diagram showing all the Council's committee and sub-committees and that each Committee has its membership and terms of reference set out in a standard format and includes all sub-committees and Panels.

## **10. PHASE 1 REVIEW OF THE CONSTITUTION**

- 10.1 At its first meeting on 16 July 2020, the DAF noted the terms of reference for the review agreed by the Standards Committee on 1 July 2020. DAF also considered a Technical Review including a legal compliance check.
- 10.2 This comprised an independent review of compliance with legislative provisions and best practice. This first phase suggested options for members to consider with a view to developing a clearer, more succinct Constitution which better reflects the present values of the Council, is accessible, up to date and will incorporate changes to modernise the document and make it easier to use.

## **11. PHASE 2 REVIEW OF THE CONSTITUTION –INTRODUCTION AND ARTICLES (DEFINITIONS)**

- 11.1 On the 5 August 2020, the DAF considered Phase 2 of the review and agreed to recommend to council:
1. A new revised Part 1 – Summary to introduce the Constitution
  2. Changes to the Committee Structure but requested a review of membership numbers based on 9, 11 and 13 member committees.
  3. Given the lack of business going to the Standards Committee following the enactment of the Localism Act 2011 ( the committee has only met three times in the last 5 years ), to amalgamate the Standards Committee with the Audit Committee to create a new Audit and Governance Committee.
  4. To add an Independent member(s) with specialist audit expertise to strengthen the new Audit and Governance Committee
  5. A new simpler definition of Key Decision based on a financial threshold of £500,000.
  6. To make no changes to the Scrutiny function at this time other than to recognise the Children's Safeguarding Scrutiny Sub-Committee in the Constitution.

## **12. PHASE 3 REVIEW OF THE CONSTITUTION - FUNCTIONS (TERMS OF REFERENCE OF COMMITTEES)**

- 1.3 At its meeting on the 3 September 2020, DAF considered Phase 3 of the review and agreed to recommend a revised Part 2 and a revised Part 3 of the new Constitution including, subject to TU consultation a new Employment Panel to deal with chief officer recruitment and discipline instead of the Human Resources and

Appeals Panel, a new key decision definition and a review of membership numbers for committees.

## 13. **PHASE 4 REVIEW OF THE CONSTITUTION – RULES (STANDING ORDERS, FINANCIAL REGULATIONS, and CONTRACT PROCEDURE RULES)**

13.1 DAF will be meeting on the 7 October 2020 to carry out a review of the Rules of Procedure set out in part 4 of the Constitution. These currently comprise 9 sets of rules in Part 4 of the Constitution as follows:

- Part 4 – Section 1 Council procedure rules – Standing orders
- Part 4 – Section 2 Access to information rules
- Part 4 – Section 3 Budget and Policy framework rules
- Part 4 – Section 4 Cabinet procedure rules
- Part 4 – Section 5 Overview and scrutiny procedure rules
- Part 4 – Section 6 Contracts Procedure Rules
- Part 4 – Section 7 Financial regulations
- Part 4 – Section 8 Officer Employment Procedure Rules
- Part 4 – Section 9 – Petition Arrangements

13.2 DAF will consider each set of rules and recommended improvements to ensure legislative compliance, editorial consistency and ease of application.

### 13.3 **COUNCIL PROCEDURE RULES – STANDING ORDERS**

13.4 These currently comprise 24 Rules subdivided into various sections and govern meetings of full council, committees and sub-committees. It is proposed to introduce a more comprehensive set of rules which will:

- Be set out in a more logical manner
- Use consistent terminology
- Include custom and practice
- Be more transparent
- use Tables where possible for a quick visual check
- Comply with relevant legislation and case law.

### 13.4 **ACCESS TO INFORMATION RULES**

13.5 These Rules are required by legislation to set out how the public and members can access council meetings; agenda and reports. The Rules set out the special processes that apply to cabinet decisions in relation to call in of key decisions, urgency and special urgency.

13.6 The main changes recommended are as follows:

- To update the regulations to note the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- To update other legislative references e.g. Charities Act 2011, information that has to be registered under this act is not exempt.

### **13.7 BUDGET AND POLICY FRAMEWORK RULES**

**13.8** These Rules are required by legislation and set out the process for cabinet to develop the council budget and policy framework for recommendation to council. The Rules also set out the process if council disagree with the cabinet's proposals and the right of the cabinet to have extra time to rework proposals. The Rule also requires decisions by the cabinet which may be outside of the annual budget or policy framework.

**13.9** The Rules do not require any change apart from updating any references to new parts of the new Constitution.

### **13.10 CABINET PROCEDURE RULES**

**13.11** These rules regulate cabinet meetings and cabinet decision making.

**13.12** The main changes recommended for DAF to consider are:

- To call them the Cabinet Rules and substitute Cabinet for Executive to make them easier to understand by the public.
- The Rules dealing with decision making and delegated functions have been moved to the Functions Part of the new Constitution. These Rules will now just deal with Cabinet meeting process.
- Rules dealing with appointment of Deputy Leader form part of the new Functions
- These new Rules set out who can attend and speak at Cabinet.
- It is suggested this includes members of the public and elected members who have submitted a written question in advance with a right to a supplementary if they are in attendance.
- It so suggested that question time for the public be limited to 15 minutes and that three working days' notice is given and that answers will be published.
- Similar rules apply to member question with further 15 minute period.
- The Monitoring Officer is given powers to rule inappropriate questions out of order.

- It is suggested this should also include Scrutiny chairs if they are presenting any recommendations to cabinet from their committee.
- It is suggested this includes group leaders and ward members if there is an item affecting their ward
- It also gives the Leader a discretion to invite other members to speak
- The new Rules make it clear that reports are presented by relevant cabinet member with officer support.
- The new rules also deal with seating to make sure it is clear who is on the Cabinet
- It is suggested that the Leader submits a report from cabinet to each ordinary council meeting giving summary of cabinet decisions taken, recommendations on budget and policy framework, any reports required by scrutiny and a summary of any urgent decisions.

### **13.14 OVERVIEW AND SCRUTINY PROCEDURE RULES**

**13.15** These rules regulate overview and scrutiny meetings. The existing Rules contain a mixture of topics; rules of procedure, appointment and also terms of reference.

**13.16** The Rules have been edited and updated for DAF to consider .It is suggested that the old rules dealing with membership and terms of reference be moved to Part Articles and Section 4 Functions of the new Constitution. The new Rules will then deal with rules of procedure at Overview and Scrutiny committee meetings

**13.17** The main changes proposed to the existing rules are as follows:

- The definition of quorum will say one quarter of the voting membership or three members whichever is the greater. At present the rule refers you to another part of the Constitution
- It is proposed to have a full section on Task and Finish groups (proposed new Rule 5.5.10) which are a key aspect of the statutory overview and scrutiny function. The existing rule is wholly inadequate and provides one sentence on the matter:
  - Overview project Groups (Project Specific) to scrutinise policy issues as scoped and referred to by the Overview and Scrutiny Committee.
- The existing rule requires that there should be at least 6 ordinary meetings of each Overview and scrutiny Committee each year. The new Rule references the Council's annual schedule of meetings and gives more flexibility to the chair to cancel, postpone meeting and for the committee to agree additional meetings if they consider it necessary.

- The new rules include the statutory Councillor Call for Action which allows any member of the council to include an item on the next available Overview and Scrutiny Committee Agenda.
- The new rules set out the overview and scrutiny role in policy review and development and rules relating to scrutiny reports and that the cabinet must consider them.
- The new rule also set out the duty of persons called to attend a scrutiny committee to attend.
- The Call in Rules are updated to take account of best practice and guidance.
- The new rules also details the scrutiny function relaying to pre-decision call in and the Forward {Plan
- The new Rules also set out a suggested 15 minutes public question time and a 15 minute member question time for the committee meetings.

### **13.18 CONTRACT PROCEDURE RULES**

13.19 These rules regulate contracts and procurement...

13.20 The Rules have been edited and updated and are subject to review by the statutory finance officer and Monitoring officer. It is proposed that the Audit Committee be delegated to approve any further revisions to these rules in the new Constitution,

### **13.21 FINANCIAL REGULATIONS**

13.22 These rules regulate contracts and procurement.

13.23 The rules have been edited and updated and are subject to review by the statutory finance officer and Monitoring officer. It is proposed that the Audit Committee be delegated to approve any further revisions to these rules in the new Constitution,

### **13.24 OFFICER EMPLOYMENT PROCEDURE RULES**

13.25 These rules regulate contracts and procurement.

13.26 No changes are proposed to the existing Rules except to designate the Human Resources and Appeals Panel as the Employment Panel, which it is recommended consists of five members of the council and must include at least one member of the cabinet. It is recommended that the Terms of Reference of the new Employment Panel include the existing terms of Reference for the Human Resources and Appeals Panel including employee appeals against dismissal and grievance, save for restructuring and HR policy matters which are executive functions. The revised Terms of Reference will form part of the Functions part of the new Constitution.



## **14 FINAL PHASE REVIEW OF THE CONSTITUTION INCLUDING PETITION ARRANGEMENTS**

- 14.1 DAF are scheduled to meet on the 4 November 2020 to complete their work on reviewing the whole constitution. This final review will look at the Codes and Protocols which form Part 5 of the Constitution. It is proposed to add a new Protocol dealing with Public Participation including arrangements for Petition as part of this final piece of work. DAF will then report on their recommendations to the cabinet meeting on 11 November and Council on 26 November 2020.

## **15. COMMUNITY IMPACT / CONTRIBUTION TO THE BURY 2030 STRATEGY**

An up to date Constitution will ensure decisions are taken lawfully and in an open and transparent manner.

## **16. EQUALITY IMPACT AND CONSIDERATIONS:**

An up to date Constitution will ensure decisions contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services

## **17. ASSESSMENT OF RISK:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
Legal Challenge	An up to date Constitution will ensure decisions are taken lawfully and in an open and transparent manner.

## **18. CONSULTATION:**

N/A

## **19. LEGAL IMPLICATIONS:**

Section 9P of the Local Government Act 2000 as amended sets out the duty of the Council to prepare and keep up to date its constitution as follows:

(1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—

- (a) a copy of the authority's standing orders for the time being,
- (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
- (c) such information as the Secretary of State may direct, and
- (d) such other information (if any) as the authority considers appropriate.

A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours.

A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

## **20. FINANCIAL IMPLICATIONS:**

*There are no financial implications arising from this Report.*

## **21. CONCLUSION AND RECOMMENDATIONS**

The Standards Committee are asked to note the work of the DAF in reviewing the Constitution and the progress that has been achieved.

It is proposed to report to Council on 25 November 2020 with recommendations to adopt a new revised Constitution with a phased implementation with some changes to come into effect on 1 January 2021. and those affecting committees to come into effect at the annual council meeting.

## **REPORT AUTHOR AND CONTACT DETAILS**

Marie Rosenthal – Strategic Advisor [m.rosenthal@bury.gov.uk](mailto:m.rosenthal@bury.gov.uk)

### **List of Background Papers:**

LGA Corporate Peer Challenge Report – November 2019

Lawyers in Local Government Model Form of Constitution  
Created by Womble Dickenson Dees

Reports to Democratic Arrangements Forum July to October 2020

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
N/A	



<b>Classification : Open</b>	<b>Item No.</b>
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<b>Meeting:</b>	<b>Standards Committee</b>
<b>Meeting date:</b>	<b>12 October 2020</b>
<b>Title of report:</b>	<b>Member Complaints – Annual Report 2019/20</b>
<b>Report by:</b>	<b>Interim Monitoring Officer</b>
<b>Decision Type:</b>	<b>Non Key Decision</b>
<b>Ward(s)</b>	<b>All</b>

### **Executive Summary:**

At the meeting of Full Council on 9 September 2020 a written question was asked regarding numbers of complaints against elected members. Based upon available records, this report provides details as to complaints received pursuant to the Code of Conduct for Councillors and Other Voting Representatives, including 'informal' queries regarding compliance with the Code and other matters, during the period 1 January 2019 to 30 September 2020.

It is recommended that this matter become an annual report to the Committee to assist it in carrying out its function of promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives' and Monitoring the operation of the Members' Code of Conduct and Council's arrangements.

### **Recommendation(s)**

#### **That:**

1. The contents of the report are noted.

2. That the Constitution be amended to provide for the Standards Committee to receive an annual report on member complaints.
3. The committee thanks the Independent person Valerie Bracken for her work in supporting the Monitoring Officer when dealing with complaints.

### **Background**

1. In 2012, the Council adopted a Code of Conduct for Councillors and Other Voting Representatives ('the Code') and agreed a complaints procedure for dealing with such complaints. The Monitoring Officer as Proper Officer has delegated responsibility to receive and deal with complaints regarding failures to comply with the Code.
2. The role of "independent person" was created by the Localism Act 2011. This Act requires all local authorities to adopt a code of conduct for their elected members and to appoint at least one independent person to assist the Council in dealing with complaints that the code of conduct may have been breached.
3. The current independent Person in Bury is Valerie Bracken. She was appointed in December 2017 and pursuant to the Act and therefore the Council's complaints procedure, she is consulted by the Monitoring officer for her views as to whether complaints merit investigation or other course of action or whether they should be rejected. The criteria for rejection and consideration of investigation or informal resolution are set out within the complaints procedure.
4. The role and function of the Standards Committee includes; 'Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives' and 'Monitoring the operation of the Members' Code of Conduct and Council's arrangements.'
5. The Committee also has delegated authority to ensure compliance throughout the Council with all appropriate Codes of Conduct and procedures from time to time determined by this Committee.
6. At the meeting of Full Council on 9 September 2020 a written question was asked regarding numbers of complaints against elected members. This report provides details as to complaints received during the period 1 January 2019 to 30 September 2020. The details are also based on the available information and is potentially not a complete record of all complaints received. It is proposed to recommend that the Standards Committee receive an annual report on member complaints and the Constitution be amended accordingly.
7. The Monitoring Officer has delegated responsibility to act as Proper Officer to deal with complaints for failure to comply with the Code and receives complaints from members of the public, officers and other elected members. These can range from issues regarding declarations of interest, to conduct in meetings and on social media. Many are also a mixture of issues or concerns.

8. The name of the complainant and the subject member remain confidential unless a Standards Committee hearings panel makes a decision, which can include publication of its findings, a recommendation of censure or it involves the Leader or Group leader.
9. The Table below sets out details of the numbers of complaints received over the period 1 January 2019 and 30 September 2020, based upon the records and information available.

<b>Complainant</b>	<b>2019</b>	<b>2020</b>	<b>Total</b>
Public	6	14	20
Council Officers	0	0	0
Bury Councillors	2	6	8
<b>Total</b>			28
<b>Action Taken</b>			
Formal Investigations			3
informal compliance queries			4
Finding of No Breach or resolved by agreement			18
Referred to Standards Committee			1
Complaint withdrawn			1
Pending			4

Recommendation(s)

**That:**

1. The committee notes the contents of the report.
2. That the Constitution be amended to provide for the Standards Committee to receive an annual report on member complaints.
3. That the committee thanks the Independent person Valerie Bracken for her work in supporting the Monitoring Officer when dealing with complaints.

### **Community impact / Contribution to the Bury 2030 Strategy**

There is no direct community impact but will assist with correct governance and decision making.

### **Equality Impact and considerations:**

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

### **Assessment of Risk:**

<b>Risk / opportunity</b>	<b>Mitigation</b>
N/a	.

### **Consultation: N/A**

### **Legal Implications:**

Local authority decision making is always open to challenge and scrutiny. It is important that decisions are properly and appropriately made by elected members following the relevant code.

The Council is determined to provide excellent local government for the people of the Borough. It promotes and maintains high standards of conduct by Members and Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011. Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the 7 principles of public life as well as those matters set out in the Council's Code of Conduct.

This reports builds on those principles and provides the Standards Committee with information to enable it to fulfil its role.

### **Financial Implications:**

There are no financial implications.

### **Report Author and Contact Details:**

Janet Witkowski – Interim Council Solicitor and Monitoring Officer

**Background papers:**

Code of Conduct for Councillors and Other Voting Representatives.

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<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	<b>Standards Committee</b>
<b>Meeting date:</b>	<b>12 October 2020</b>
<b>Title of report:</b>	<b>Review of Virtual Meetings Protocol</b>
<b>Report by:</b>	<b>Interim Monitoring Officer</b>
<b>Decision Type:</b>	<b>Non Key Decision</b>
<b>Ward(s) to which report relates</b>	<b>N/a</b>

### **Executive Summary:**

As the onset of Covid 19 has resulted in many challenges, so has the introduction of virtual council meetings. This report provides information as to the current etiquette for virtual meetings in Bury and requests consideration of whether additional detail needs to be added to the current protocol.

It also asks the committee to endorse the protocol, agree that it is issued to members on its behalf as the standard of conduct expected during such meetings and that it becomes part of the Bury Constitution.

### **Recommendation(s)**

**That:**

1. The Standards Committee approves the principle that Bury Council has a virtual meetings protocol.
2. The Bury Council Virtual Meetings Protocol at appendix 1 be amended in line with recommendations from the Committee,

3. The Monitoring Officer be authorised to make the necessary amendments and issue the new Protocol to all elected members on behalf of the committee; Or
4. The Bury Council Virtual Meetings Protocol remain as currently drafted and the Monitoring Officer issue the Protocol to all elected members on behalf of the committee.
5. The Committee agrees that the Bury Council Virtual Meetings protocol be endorsed as being the appropriate standard of conduct for all elected members during such meetings and is recommended to Council to form part of the Bury Constitution.

### **Key considerations**

#### **Background**

1. The impact of the Covid 19 pandemic has been felt throughout all aspects of life, not least the Council's functions and decision making, including its ability to hold face to face meetings of Council, Cabinet its committees and sub-committees. At the commencement of lockdown, all scheduled public meetings timetabled were postponed following guidance issued by Government. This impacted upon the majority of council Committee meetings scheduled to be held in the months of March, April and May 2020.
2. Under the Local Government Act 1972 (as amended), meetings and therefore decisions of a local authority had to involve persons present at the same time and voting. Subsequent legislation has made provision for access to agendas, reports, minutes and the attendance of the press and public at meetings. The current Covid 19 pandemic has revealed that it is not always possible to physically attend meetings and ensure access hard copies of documents. The Government has therefore passed The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (Coronavirus Regulations) which came into force on 4 April 2020, to deal with those issues.
3. The regulations provide for flexibility as to when meetings take place and their frequency. However, more importantly the Regulations allow for persons attending meetings to be in different locations and for Members to be deemed to be in attendance at the meeting as long as they can hear and be heard by other Members and the public present; and where practicable, be seen by all present. A Virtual Meetings protocol was therefore introduced and is attached at appendix 1.
4. The protocol states that during meetings members must;
  - Remember you are visible at all times
  - Mute your microphone at all times when you are not speaking
  - Use the 'chat' facility if one is available to notify the Chair you wish to speak
  - Wait for the Chair to invite you to speak

- Do not talk over other people
  - If you have technical problems, leave the meeting and try to return. If you are unable to do so, try an alternative method and/or telephone/dial-in
5. Virtual meetings have now been taking place, largely successfully, since May 2020. However there have been issues raised around the etiquette in meetings and it was felt that it would be useful for the protocol to be reviewed and updated if required and for the Standards Committee to endorse the protocol, practically with regards to conduct of elected members during meetings.

### **The Proposal**

The remit of the Standards Committee includes 'Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives.' The Committee is therefore asked to consider whether the current wording of the protocol needs clarifying, amending or changing in any way.

In addition, the Committee is asked to enforce the protocol as setting out the standard of behaviour it would expect during such virtual meetings.

### **Recommendation(s)**

**That:**

1. The Standards Committee approves the principle that Bury Council has a virtual meetings protocol.
2. The Bury Council Virtual Meetings Protocol at appendix 1 be amended in line with recommendations from the Committee,
3. The Monitoring Officer be authorised to make the necessary amendments and issue the new Protocol to all elected members on behalf of the committee; Or
4. The Bury Council Virtual Meetings Protocol remain as currently drafted and the Monitoring Officer issue the Protocol to all elected members on behalf of the committee.
6. The Committee agrees that the Bury Council Virtual Meetings protocol be endorsed as being the appropriate standard of conduct for all elected members during such meetings and is recommended to Council to form part of the Bury Constitution.

### **Other alternative options considered**

As set out within the recommendations.

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## Community impact / Contribution to the Bury 2030 Strategy

There is no direct community impact but will assist with correct governance and decision making.

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## Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*
- 

## Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
N/a	.

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**Consultation: N/a**

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**Legal Implications:**

Local authority decision making is always open to challenge and scrutiny. It is important that decisions are properly and appropriately made by elected members following the relevant code.

The Council is determined to provide excellent local government for the people of the Borough. It promotes and maintains high standards of conduct by Members and Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011. Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the 7 principles of public life as well as those matters set out in the Council's Code of Conduct.

This reports builds on those principles and the Code and deals with a new way of working, whilst ensuring Members are clear as to the standards expected of them.

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**Financial Implications:**

There are no financial implications.

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**Report Author and Contact Details:**

Janet Witkowski – Interim Council Solicitor and Monitoring Officer

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**Background papers:**

Code of Conduct for Councillors and Other Voting Representatives

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning

**Review of Virtual Meetings Protocol**

**Report to Standards Committee**

**12 October 2020**

**Appendix 1**

**Bury Council Virtual Meetings Protocol**

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## **Bury Council Virtual Meetings Protocol**

### **Introduction**

Participating in a virtual rather than face to face meetings can be easy and straight forward, but they do require participants to comply with certain 'rules of etiquette' before, during and after meetings.

This Protocol sets out the rules Bury Council expects participants in meetings conducted using Microsoft Team or other virtual technology, to comply with.

### **Before the Meeting**

Before the day of the meeting ensure you have the following;

- Equipment – computer, laptop, tablet, phone, head set
- Equipment is fully charged
- Checked your microphone and camera are working
- The ability to access the virtual software and have downloaded it as required, e.g. Microsoft Teams
- Accepted meeting requests
- The agenda and other documentation required for the meeting – electronically or hard copy
- A quiet place to participate in the meeting without being disturbed.

### **On the Day of the Meeting**

On the day of the meeting, as well as double checking the above and the time of the meeting, you must;

- Set up in a quiet place
- Make sure there is no light/window behind you
- If using a tablet or phone, ensure it is stood securely and not moving around
- Advise others around you that you are entering a meeting
- Make sure you have everything you need, a drink, notepad, pen,
- Dress appropriately for the meeting
- Enter the meeting 5 minutes early to ensure your camera/microphone is working and that you can be seen and heard (if using Microsoft Teams click on Join Microsoft Teams Meeting)
- Make sure your camera is at eye level so your face can be fully seen

- When joining, if asked, enter your first and second Name and title if you wish, set an appropriate/neutral background for the meeting and click 'join now'
- Ensure that the Chair and officers from Democratic Services/Legal have noted your attendance

## **During the Meeting**

Whilst the meeting progresses you must;

- Remember you are visible at all times
- Mute your microphone at all times when you are not speaking
- Use the 'chat' facility if one is available to notify the Chair you wish to speak
- Wait for the Chair to invite you to speak
- Do not talk over other people
- If you have technical problems, leave the meeting and try to return. If you are unable to do so, try an alternative method and/or telephone/dial-in

## **After the Meeting**

When the meeting ends;

- Leave the meeting clicking on the red button
- Close down the application
- Ensure any documentation from the meeting is securely stored or destroyed



<b>Classification : Open</b>	<b>Item No.</b>
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<b>Meeting:</b>	<b>Standards Committee</b>
<b>Meeting date:</b>	<b>12 October 2020</b>
<b>Title of report:</b>	<b>Member Development Strategy</b>
<b>Report by:</b>	<b>Head of Democratic Services</b>
<b>Decision Type:</b>	<b>Non Key Decision</b>
<b>Ward(s)</b>	<b>All</b>

### **Executive Summary:**

The Standards Committee is responsible for advising, training and arranging to train councillors on matters relating to the Member Code of Conduct.

The Member development Group recently met to update the current arrangements for member development and recommending the Strategy set out at Appendix 1 for approval.

### **Recommendation(s)**

#### **That:**

1. The contents of the report are noted.
2. That the Committee consider the Member Development Strategy set out at Appendix 1 and recommend its adoption by the Cabinet and Council

### **Background**

1. The Member Development Group ("the Group") has been appointed to promote learning and development for all councillors. It comprises all the Political Group

Leaders and is chaired by Councillor Rafiq, Cabinet Member for Corporate Affairs. The Group meets a minimum of 4 times a year.

2. An all member survey was carried out during August 2020 to seek councillors' views on member development and has been used to inform the Strategy and Training Plan for 2020/21 set out at Annexe 1.
3. In developing the Strategy , the member Development Group has identified a number of strategic priorities for the period 2020-23, including:
  - (i) Developing the leadership capabilities of Councillors to ensure continuity and clarity of direction for the community and the organisation;
  - (ii) Recognising the impact caused by ongoing annual elections over the next 4 years with elections by thirds on current ward boundaries in 2021; all out elections on new ward boundaries in 2022, elections by thirds in 2023 and ongoing.
  - (iii) Ensuring that Members understand the nature of the integrated arrangements with NHS Clinical Commissioning group for adult and health services across Bury.
  - (iv) Recognising the impact of Covid-19 to the running of the council and on the health and wellbeing of Bury residents.
  - (v) Supporting the successful delivery of the Bury 2030 strategy and the role councillors will play in extending community voice and resident engagement
- (v) Implementing a training programme which:
  - Is based on a set of core requirements applicable to all Members, requirements tailored to Councillors undertaking specific roles and also addressing requirements identified by Councillors themselves ;
  - Is based on an agreed set of role descriptions for specific roles e.g. committee chair, cabinet member etc.
  - includes high quality induction arrangements for new councillors
  - recognises the demands created by having to operate in a post covid-19 environment which relies on remote communication, remote working and limited opportunities to meet face to face
  - ensures equality of access to learning and development opportunities;
  - includes a regular process of monitoring and review in order to ensure the effectiveness of the investment made in learning and development;
  - is based on agreed priorities and budget allocation and ensures that best use is made of available resources.

## **Standards and Ethical Training**

4. The effectiveness of the Strategy is dependent on a commitment from all Councillors to allocate time each year to reviewing their learning and development needs and to take an active part in the events that have been organised on their behalf. The Committee are invited to support this approach.
5. The Committee will note that the Strategy seeks to recognise that all Councillors must be conversant with the Council's Constitutional and procedural requirements, with ethical governance (the Members' Code of Conduct and standards regime), Data Protection and Freedom of Information.
6. The Committee will note that some aspects of training designed to periodically refresh Members' knowledge and understanding of key areas may be mandatory, including in relation to ethical matters, interest and the Code of Conduct. There will also be mandatory training for Members of the Council's Planning Control Committee and its Sub-Committees and of the Licensing and Safety Panel and its sub-committees.

## **Community impact / Contribution to the Bury 2030 Strategy**

There is no direct community impact but will assist with correct governance and decision making.

## **Equality Impact and considerations:**

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*  
  
*A public authority must, in the exercise of its functions, have due regard to the need to -*
  - (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
  - (c) *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

### **Assessment of Risk:**

<b>Risk / opportunity</b>	<b>Mitigation</b>
N/a	.

### **Consultation: N/A**

### **Legal Implications.**

The Council is determined to provide excellent local government for the people of the Borough. It promotes and maintains high standards of conduct by Members and Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011. Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the 7 principles of public life as well as those matters set out in the Council's Code of Conduct.

This reports builds on those principles and provides the Standards Committee with information to enable it to fulfil its role in relation to training and development on the Code of Conduct and related matters.

### **Financial Implications:**

There are no financial implications.

### **Report Author and Contact Details:**

Janet Witkowski – Interim Council Solicitor and Monitoring Officer

### **Background papers:**

Code of Conduct for Councillors and Other Voting Representatives.

## **Bury Council Member Development Strategy 2020-24**

**Agreed at Member Development Group 14 September 2020 and recommended for approval by Cabinet and Council.**

### **1. Introduction**

1.1 The Council is a complex, democratically accountable organisation, which secures and provides a wide variety of public services for and on behalf of, the residents of Bury.

1.2 Councillors have a critical part to play to help deliver the aims of the Council. They are also involved in a range of other initiatives to help achieve positive outcomes for residents.

1.3 Councillors are representatives, servants, champions and leaders of their local communities. They make decisions, champion change, and challenge and scrutinise proposed actions, communicate Council plans and take up issues raised with them by constituents. The role is a demanding one. Strong and effective leadership is a key to effective, accountable and responsive local government and the more successful the Council is, the higher the expectations of the local community.

1.4 There are 51 elected members, 3 representing each of Bury's 17 electoral wards, elected by thirds each year. In May 2020, there were 28 Labour councillors, 16 Conservative councillors, 4 Liberal Democrat councillors, two Radcliffe First councillors and one Independent councillor.

1.5 The Council has a Cabinet of nine and has two overview and scrutiny committees, plus a number of regulatory and quasi-judicial committees. This structure provides a range of opportunities for leadership and other roles. Many of these roles are demanding and require specific skills. Finding opportunities for less experienced Councillors to develop the skills that will equip them for a future leadership role is an integral part of the Strategy.

1.6 Learning and development is key to being an effective and high performing local authority. A planned approach to needs assessment and identification, within the context of a sound Member Development Strategy, will help ensure that Councillors are equipped to help the Council define and implement sound policies and drive service performance, whether as an executive or non-executive Member.

1.7 The Member Development Group ("the Group") has been appointed to promote learning and development for all councillors. It comprises all the Political Group Leaders and is chaired by Cllr Trevor Holt, one of the longest serving councillors with over 36 years' service. The Group meets a minimum of 4 times a year.

1.8 An all member survey was carried out during August 2020 to seek councillors' views on member development and has been used to inform the Strategy and Training Plan for 2020/21 set out at Annexe 1.

1.9 The Local Government Association encourage and support continued professional development for councillors. They have published a Member Development Charter that provides councils with a robust framework as a guide and benchmark to follow.

1.10 The Charter sets out three essential criteria designed to help councils build their elected member capacity which have been used to shape this Strategy. These are:

1. There is a clear commitment to councillor development and support
2. The council has a strategic approach to councillor development
3. Learning and development is effective in building councillor capacity.

## **2. The Strategy**

2.1 Developing, implementing and sustaining a strategic approach to Member Development in order to ensure that all Councillors are always adequately equipped to carry out their role as effectively as possible is the overarching purpose of the Strategy.

2.2 To do this, the Group has identified a number of strategic priorities for the period 2020-23, including:

- (i) Developing the leadership capabilities of Councillors to ensure continuity and clarity of direction for the community and the organisation;
- (ii) Recognising the impact caused by ongoing annual elections over the next 4 years with elections by thirds on current ward boundaries in 2021; all out elections on new ward boundaries in 2022, elections by thirds in 2023 and ongoing.
- (iii) Ensuring that Members understand the nature of the integrated arrangements with NHS Clinical Commissioning group for adult and health services across Bury.
- (iv) Recognising the impact of Covid-19 to the running of the council and on the health and wellbeing of Bury residents.
- (v) Supports the successful delivery of the Bury 2030 strategy and the role councillors will play in extending community voice and resident engagement
- (v) Implementing a training programme which:



- is based on a set of core requirements applicable to all Members, requirements tailored to Councillors undertaking specific roles and also addressing requirements identified by Councillors themselves ;
- is based on an agreed set of role descriptions for specific roles e.g. committee chair, cabinet member etc.
- includes high quality induction arrangements for new councillors
- recognises the demands created by having to operate in a post covid-19 environment which relies on remote communication, remote working and limited opportunities to meet face to face
- ensures equality of access to learning and development opportunities;
- includes a regular process of monitoring and review in order to ensure the effectiveness of the investment made in learning and development;
- is based on agreed priorities and budget allocation and ensures that best use is made of available resources.

### **3. Implementation**

3.1 To ensure the implementation of this Strategy, the Head of Democratic Services (HDS) will discuss progress regularly with the Political Group Leaders to ensure that training and development is appropriate, relevant and addresses both individual and Council needs and priorities.

3.2 A budget of £XXX is allocated for learning and development for Councillors. The budget is managed by the HDS. In future, the HDS will agree annually any overriding priorities for the coming year with Group Leaders and will determine the budget required to meet those priorities.

3.3 Delivering the strategy and annual Training Plan will be overseen by the HDS, in consultation with the Group Leaders, who will report annually to the Standards Committee. The results of the annual Members' Survey will feed into the strategy which will be reviewed and updated as necessary.

### **4. Commitment**

4.1 The effectiveness of the Strategy is dependent on a commitment from all Councillors to allocate time each year to reviewing their learning and development needs and to take an active part in the events that have been organised on their behalf.

4.2 Wherever possible learning should be shared with colleagues.

4.3 The Council recognises that, whilst many Members will already have served one or more terms and be knowledgeable and experienced, all Members have ongoing development needs. For example:

- as new Members gaining core skills or familiarising themselves with specific service areas;
- as a Member promoted or soon to be promoted to a position of responsibility requiring additional skills or knowledge;
- as a more experienced Member looking to refresh knowledge, skills or ways of working;
- all Members, requiring a briefing on key issues, such as council finances, or significant changes to the standards regime, the Constitution or other key procedures;
- all Members, to help them keep abreast of local and national drivers for change, especially in local policies and service delivery.

## **5. Equality of opportunity**

5.1 Councillors have many competing demands on their time; many have full-time day jobs or family commitments that may make it difficult to find time for their own development. The Council is committed to looking for creative ways of enabling councillors to take part in development activities at times that are convenient to them.

## **6. Annual Training Plan**

6.1 Bury elections take place every year. The Training Plan is therefore planned on an annual basis and includes a Member Induction Programme and refresher session on important aspects of governance and finance. The first Plan will cover the remainder of 2020/21 and 2021/22. There will be all out elections in 2022/3 and this will require a more intense Plan to support newly elected councillors at that time.

## **7. New Member induction**

7.1 The Council will provide an extensive Induction Programme each year, made up of training sessions, written guidance and ward walks with one of the Council's most senior officers. It will start immediately following the elections each year for newly elected or re-elected Members and will continue by way of additional briefings and training relevant to their particular role.

7.2 The Induction materials used each time will be revised and republished every four years with effect from 2022 and constitute the written guidance which will be made available to all Members of the Council.

7.3 The Induction material will provide Members with a sound foundation of knowledge on the Council's powers and duties; the delivery of its services; the Members' Code of Conduct; local government finance, the inspection regime and

other requirements/constraints; the Council's organisational structure and principal service areas; and who to go to for ongoing support and advice.

## **8. Ongoing training**

8.1 The Council will provide ongoing core skills training for Members on the basis both of needs identified by Members themselves and new opportunities identified by officers. These skills cover, for example, chairing meetings, media awareness, public speaking and presentation skills, dealing with casework/paperwork, IT skills and other, more 'political', skills (some of which may be more appropriately addressed within party groups).

8.2 A significant part of a Councillor's time is spend serving constituents and dealing with matters raised by them. Whilst some matters can simply be referred to officers, others require the Councillor to act as advocate for the constituent and to monitor or chase-up any delay in resolution of an issue. This involves significant organisational, mediation and negotiation skills and an ability to distinguish the priority casework items. The Council recognises that dealing efficiently and effectively with casework does not come naturally to all and any skills deficit must be addressed, whether through training, mentoring, shadowing or some other means. The Council will ensure that all Members receive training on casework management.

8.3 All political groups have a buddying system in place to support newly elected councillors or those who are appointed to a new position within the Council. In addition the Council seeks to make use of a range of external programmes such as the LGA Leadership Programme and the fast track programme for young councillors to help members develop their skills and knowledge.

## **9. Statutory and procedural requirements**

9.1 The Council recognises that all Councillors must be conversant with the Council's Constitutional and procedural requirements, with ethical governance (the Members' Code of Conduct and standards regime), Data Protection and Freedom of Information.

9.2 The Council will seek the support of Group Leaders to organise, as appropriate, events which periodically refresh Members' knowledge and understanding of these areas and at which, in some cases, attendance may be mandatory. There will also be mandatory training for Members of the Council's Planning Control Committee and its Sub-Committees and of the Licensing and Safety Panel and its sub-committees.

9.3 In addition, Members will be offered regular briefings and/or training on the local government finance regime, budgets and financial planning, value for money and use of resources and audit and risk management.

## **10. External training opportunities**

10.1 The Council will pay all reasonable travel and accommodation costs, in line with the provisions of the Members' Allowances Scheme, for learning and development events such as conferences and seminars organised externally. Any member who wishes to attend a conference or external event has to complete an internal booking form which outlines why they want to attend, what they will gain and the costs. This must be approved, in advance, by the HDS and their Group Leader.

## **11. Alternative learning methods**

11.1 The Council recognises that Members have many calls upon their time and it is not always easy for them to attend formal learning and development events. The Covid -19 crisis has also restricted the opportunity to meet face to face at live training events. Also, different people learn in different ways and may not always respond to conventional delivery styles. In order to address these issues, the Council will seek to provide development opportunities through a variety of methods. Where practical and within budgetary constraints, the intended range will include, presentations, workshops, individual coaching, mentoring, e-learning, on-line resources and self-directed learning.

## **12. Evaluation**

12.1 In order to monitor the effectiveness and value for money of any training, Members will be invited to complete a training evaluation form in respect of each education, training and development event attended. Feedback will also be sought annually via the Members' survey.

## **13. Budget**

13.1 The Council will seek to ensure, as far as possible, that adequate budgetary provision is available to enable all Members to address development needs.

## **14. Publicity and communication**

14.1 Member development opportunities will be advertised widely and as far in advance as possible.

## **15. Contacts and assistance**

15.1 The delivery of Member training and development is administered by the Council's Democratic Services Team.

Marie Rosenthal  
Strategic Advisor  
2/09/20