

AGENDA FOR

CABINET

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To: All Members of Cabinet

Councillors : L Smith (Cabinet Member, Transport and Infrastructure), C Cummins (Cabinet Member, Housing Services), D Jones (Cabinet Member, Communities and Emergency Planning), A Simpson (First Deputy and Cabinet Member Health and Wellbeing), E O'Brien (Leader, Cabinet Member, Finance and Growth), A Quinn (Cabinet Member for Environment and Climate Change), T Tariq (Deputy Leader, Cabinet Member Children, Young People and Skills), J Black (Cabinet Member for Cultural Economy) and T Rafiq (Cabinet Member, Corporate Affairs and HR)

Dear Member/Colleague

Cabinet

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

Date:	Tuesday, 24 November 2020
Place:	Microsoft Teams
Time:	6.00 pm
Briefing Facilities:	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.
Notes:	https://councilstream.com/burycouncil

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of Cabinet are asked to consider whether they have an interest in any of the matters of the Agenda, and if so, to formally declare that interest.

3 PUBLIC QUESTION TIME

Questions are invited from members of the public present at the meeting about the work of the Council and the Council's services.

Approximately 30 minutes will be set aside for Public Question Time, if required.

4 MINUTES (*Pages 5 - 12*)

Minutes of the meeting held on 11th November 2020 are attached.

5 BURY CONSTITUTION AND MEMBER DEVELOPMENT STRATEGY (*Pages 13 - 170*)

A report from Councillor Tahir Rafiq, Cabinet Member, Corporate Affairs and HR is attached.

ANNEXES

1. Contents V6 and Part 1 - Introduction to the Constitution V5 – Document Pack page 37
2. Part 2 - Articles V13 – Document Pack page 43
3. Part 3 Section 1 V5 – Document Pack page 69
4. Part 3 (Sections 3, 4 and 5) Responsibility for Committee Functions V13, Cabinet Functions V7 ; and Scrutiny Functions V4 including a new Employment Panel, Licensing Hearings Sub-Committee; Safeguarding Scrutiny Sub-Committee ; - Document Pack page 77
5. Part 3 – Officer Scheme of Delegation V5 – Document Pack page 99
6. Part 4 – Council Procedure Rules (Standing Orders) V12 – Document Pack page 103
7. Part 4 – Cabinet Procedure Rules V6 – Document Pack page 125
8. Part 4 – Scrutiny Procedure Rules V7 – Document Pack page 131
9. Part 5 – Public Participation Protocol V5 – Document Pack page 145
10. Part 8 - Covid-19 Interim Arrangements V3 – Document Pack page 153
11. Member Development Strategy 2020/22.V1 Final – Document Pack page 159.

Equality Impact Assessment V 2 – Document pack page 165

6 THE COUNCIL'S 2020/21 FINANCIAL POSITION AS AT THE END OF

SEPTEMBER 2020 *(Pages 171 - 210)*

A report from Councillor Eamonn O'Brien Leader of the Council and Cabinet Member for Finance and Growth. Report attached.

7 **MTFS AND BUDGET** *(Pages 211 - 232)*

A report from Councillor Eamonn O'Brien Leader of the Council and Cabinet Member for Finance and Growth. Report attached.

8 **ACCELERATED LAND SALES PROGRAMME** *(Pages 233 - 242)*

A report from Councillor Eamonn O'Brien Leader of the Council and Cabinet Member for Finance and Growth. Report attached.

9 **CORPORATE PLAN** *(Pages 243 - 270)*

A report from Councillor Tahir Rafiq, Cabinet Member, Corporate Affairs and HR is attached.

10 **RAMSBOTTOM TOWN PLAN** *(Pages 271 - 278)*

A report from Councillor Eamonn O'Brien Leader of the Council and Cabinet Member for Finance and Growth. Report attached.

11 **URGENT BUSINESS**

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.

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Minutes of: CABINET

Date of Meeting: 11 November 2020

Present: Councillor E O'Brien (in the Chair)
Councillors L Smith, C Cummins, D Jones, A Simpson,
A Quinn, T Tariq, J Black and T Rafiq

Also in attendance: Councillor N Jones
Councillor J Mason
Councillor M Powell

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

Apologies for Absence: None

CA.1 DECLARATIONS OF INTEREST

Councillor Quinn declared a personal interest in respect of all matters under consideration, as both his son and daughter in law are employed by the NHS, his wife is employed by the Citizens Advice Bureau and he is a member of the trade union, Unite.

CA.2 PUBLIC QUESTION TIME

The following question was submitted in advance of the meeting by a member of the public, Mrs Jane Price:

The consultation document states that there will be flood prevention work, additional infrastructure for drains, roads, new bike paths and a school. Where can I see the detailed plans and costings for these? How will you reassure the public that this will happen? And why is there no mention of what happens to the wildlife living in the Bury areas (Walshaw in particular).

Responding, Councillor O'Brien, Leader of the Council reported that the sites proposed in the Greater Manchester Spatial Framework are accompanied by a wide range of supporting evidence documents, including those relating to physical infrastructure, such as new roads and flood risk mitigation measures, and also social infrastructure, such as new schools. The supporting evidence also looks at the costs of the sites to ensure they are viable.

This evidence has been used to determine the detailed policies within the GMSF relating to each of the proposed site allocations, which stipulate all of the infrastructure requirements that will be needed as part of any planning application. For all of the sites, including Walshaw, there are requirements to ensure that appropriate mitigation is provided with regard to any loss of habitat and biodiversity assets.

If the policy requirements are not met then this would be grounds for refusal of a planning application.

All of this information is available on the Combined Authority's web site and this information has been summarised in the Topic Papers that are appended to the Cabinet Report.

A further supplementary question was submitted:

Why was planning permission for a one storey building driving range previously turned down for Walshaw Bury, as this land was classed as key to the local environment and community? How can this proposal justify destroying it now and it's wildlife with so many areas old industrial areas around Manchester which need redeveloping? This goes against the clean air and pollution policies which Greater Manchester has in place.

The planning application for a golf driving range on land between the Bolholt Hotel and Tottington Road was refused in June 1993 - over 27 years ago. The proposals were not in accordance with planning policies at the time.

Councillor O'Brien reported that in terms of developing on brownfield land, the vast majority of new homes across the conurbation will be developed on such sites. However, there is not sufficient brownfield land to meet our housing needs over the plan period in Bury, as set out in the Cabinet Report. The GMSF and associated documents seek to introduce an updated policy framework that new developments will need to adhere to, which seek to improve air quality across the conurbation - including electric charging points in new homes.

CA.3 MINUTES

It was agreed:

Minutes of the meeting held on 14 October 2020 be approved as a correct record and signed by the Chair.

CA.4 COVID-19 RESPONSE AND RECOVERY UPDATE - URGENT BUSINESS

Councillor Simpson, Cabinet Member for Health and Wellbeing presented a report from herself, the Leader of the Council and Cabinet Member for Finance and Growth; and the Cabinet Member for Communities and Emergency Planning.

The report built on previous reports to Cabinet; the latest being on 14 October 2020 and provided an overview of the current epidemiology of Covid-19 in Bury, an update on the implications of the current lockdown and local action being taken.

The report also proposed a new six-month plan to guide the next phase of the Borough's action to suppress the pandemic, maintain health and care services and respond to the wider impacts on Bury people and businesses.

It was explained that Key developments nationally have occurred within recent days and it is important that Members are given the latest information on this fast moving emergency.

On Thursday, 5 November 2020 the Government introduced new national restrictions to replace the Local Covid Alert Level measures. The new measures

apply nationally for up to four weeks up to and including Wednesday, 2 December. Government anticipate that at the end of that period there will be a return to a regional approach, based on the latest data. These measures are underpinned by law enforceable by the Police and other authorities.

The new measures seek to reduce the growth rate of the virus, which will:

- Prevent the NHS from being overwhelmed.
- Ensure schools, colleges and universities can stay open.
- Ensure that as many people as possible can continue to work.

Delegated decisions:

The Cabinet:

1. Notes the update and Bury's response to the Covid-19 emergency.
2. Notes the proposed outline plan set out in this report for the next six months of Bury living with Covid, with a further report being submitted to the next Cabinet for approval.

CA.5 GM TRANSPORT 2040 VISION

Councillor Lucy Smith, Cabinet Member for Transport and Infrastructure presented the Greater Manchester Transport Strategy 2040, Our Five Year Delivery Plan (2020-2025) and Local Implementation Plans.

The report provided details of the content and publication arrangements for the refreshed Greater Manchester Transport Strategy 2040, Our Five Year Delivery Plan (2020-2025) and Local Implementation Plans. The report considers these documents alongside other planned strategic activities.

Delegated decisions:

Cabinet agrees to:

1. Endorse the refreshed Greater Manchester Transport Strategy 2040 and Our Five-Year Delivery Plan for approval by GMCA and publication in November 2020, alongside GMSF.
2. Approve the publication of the supporting Local Implementation Plan as an appendix to Our Five-Year Delivery Plan, acknowledging that these are "live" documents and will be subject to regular review and update as appropriate.

Reasons for the decision:

Approval of the recommendations will assist in GM Council's being able to access future funding and initiatives to help deliver the transport related schemes set out in the suite of transport documents referred to in this report.

Other option considered and rejected:

To reject the recommendations.

CA.6 GMSF

The Leader of the Council, Councillor O'Brien presented a report setting out some background information that gives a summary of what the GMSF is and why it is being produced.

Following consultation on two previous drafts in 2016 and 2019, Greater Manchester's Plan for Homes, Jobs and the Environment (the Greater Manchester Spatial Framework [GMSF]) has now progressed to the Publication stage.

This Publication GMSF is the version that each of the Greater Manchester districts believe should be submitted to the Government for Examination.

It then sets out a strategic overview of what the GMSF is planning for across Greater Manchester and highlights the key proposals for Bury in terms of homes, jobs, the environment, infrastructure and other background information. It also describes the key benefits that the GMSF will bring to Bury and examines the implications of Covid and the recently released Planning White Paper before setting out when and how consultation on the Publication GMSF will take place.

Delegated decisions:

That Cabinet:

1. Approves the GMSF: Publication Draft 2020, including strategic site allocations and green belt boundary amendments, and reference to the potential use of compulsory purchase powers to assist with site assembly, and the supporting background documents, for publication pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for a period for representations between 1 December 2020 and 26 January 2021.;
2. Recommends that Council approves the GMSF: Publication Draft 2020 for submission to the Secretary of State for examination following the period for representations;
3. Delegates to the Director of Economic Regeneration & Capital Growth authority to approve the relevant Statement of Common Ground(s) required pursuant to the National Planning Policy Framework 2019;
4. Delegates authority to the Lead Chief Executive, Housing, Homelessness and Infrastructure, in consultation with the Portfolio Leader for Housing, Homelessness and Infrastructure to make minor or non-material amendments to the GMSF: Publication Draft 2020 and background documents prior to their publication.

Reasons for the decision:

An up-to-date plan – Bury’s current development plan is the Unitary Development Plan which was adopted in 1997 and is now significantly out of date. The Council has twice tried and failed to get a replacement plan in place over that time but this met with significant challenge as it did not meet housing needs.

The Government has indicated that it will intervene in and potentially take over the plan-making process where local authorities do not have an up-to-date plan by December 2023 – which could remove local controls over plan-making.

The GMSF will enable Bury to avoid these sanctions by meeting its statutory requirement to have an up-to-date plan in place covering strategic planning issues.

A stronger local economy – One of the key aims of the GMSF is to significantly boost the competitiveness and economic output from the north of the conurbation in order to address the current imbalance in the Greater Manchester economy. The proposal at the Northern Gateway (Heywood/Pilsworth) is key to the delivery of this objective. The jobs and investment generated from this site will help to create a sustained reduction in inequalities and improve the lives of our residents whilst also helping in post-Brexit and post-Covid recovery.

Significant infrastructure investment - In contrast to identifying smaller, short-term sites, the GMSF also allows us to bring forward a small number of large, strategic sites that can pave the way for significant investment in the physical and social infrastructure required to support development.

Reduced impact on the Green Belt - Collaborative working on the GMSF by the ten Greater Manchester districts has allowed for a redistribution of housing needs to enable more development to be focussed in more sustainable locations, such as in the inner core areas of Manchester and Salford. This has enabled Bury to off-set 2,547 homes from our Local Housing Need to other districts which would otherwise have to be accommodated within the Borough. This has allowed Bury to reduce the amount of Green Belt land required for development.

If the GMSF did not exist or if Bury were not a participant in the process, the strategic matters that are currently dealt with through the GMSF would still need to be covered by the Local Plan. However, the advantages of collaborative working outlined above would be lost.

Other option considered and rejected:

To reject the recommendations contained within the report.

CA.7 BOUNDARY COMMISSION REVIEW

The Leader of the Council and Cabinet Member for Finance and Growth, Councillor O’Brien presented a report submitted by himself and Councillor Tahir Rafiq, Cabinet Member for Corporate Resources and HR.

The report explained that the Local Government Boundary Commission for England has identified Bury as requiring a review of Council Size (number of

councillors) and warding arrangements as it is almost twenty years since the last review was carried out.

The review will be carried out in a number of stages, initially looking at Council Size and then distribution of wards, including consideration of any ward name changes.

The Council has established a Member Working Group chaired by the Leader of The Council and consisting of the Leaders of all political parties in the Borough. The work of the Group is supported by officers from Legal and Democratic Services, Planning and Communications Sections.

The Working Group has supported the proposed contents of the Council Size Submission.

Recognition from all of the Members present at the meeting was given to the hard work of the Council Officers and the cross party Working Group in undertaking the work in relation to the review.

Delegated decision:

Cabinet recommend to Council that:

1. The Council's response, as part of the preliminary period reviewing the number of councillors, to the Local Government Boundary Commission for England as set out in Appendix 1 be agreed;
2. Authority be delegated to the Deputy Chief Executive to submit the response to the Local Government Boundary Commission for England, making any minor amendments as required for submission.

Reasons for the decision:

Undertaking the review after a period of almost twenty years justifies the review.

The completion of the review will ensure more effective councillor representation for the electorate of the Borough.

The new Council size and distribution will support the Bury 2030 Strategy by empowering local communities and individuals, and giving clearer responsibility and accountability to Councillors.

Other option considered and rejected:

To reject the recommendations.

CA.8

FLETCHER FOLD PROGRESSION TO PLANNING AND TENDER - PART A REPORT

Councillor O'Brien, Leader of the Council, presented a report updating cabinet on the progression of a First Phase scheme of Fletcher Fold site which is the site of

the former Millwood School in the ward of Redvales. The School was demolished in December 2018.

The report set out the background information, location information, scheme proposals and the next steps.

Delegated decisions:

The Cabinet agrees:

1. That this previously approved site, progress as a scheme for 26 Houses, submit for Planning Permission and progress to tender via the J V North framework, then come back to cabinet for a final approval prior to commitment to any construction contracts.
2. To progress grant funding application to the new program of Homes England grant funding.

Reasons for the decision:

This scheme is ready to progress to the next phase of detailed work including submission for planning and procurement of a contractor, ready to come back to Cabinet for a final approval prior to signing build contracts and start on site in spring 2021.

Other option considered and rejected:

To reject the recommendations.

CA.9 FOR INFORMATION - MINUTES OF ASSOCIATION OF GREATER MANCHESTER AUTHORITIES / GREATER MANCHESTER COMBINED AUTHORITY

Delegated decision:

The Cabinet:

Notes the meetings of the Greater Manchester Combined Authority held on 25th September 2020.

CA.10 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

That the press and public be excluded from the meeting under Section 100 (A)(4), Schedule 12(A) of the Local Government Act 1972, for the reason that the following business involves the disclosure of exempt information as detailed against the item.

CA.11 FLETCHER FOLD PROGRESSION TO PLANNING AND TENDER - PART B REPORT

Councillor O'Brien, Leader of the Council presented a report updating Cabinet on the progression of a First Phase scheme Fletcher Fold.

Delegated decisions:

That the Cabinet:

1. Agree that this previously approved site, progress as a scheme for 26 Houses, submit for Planning Permission and progress to tender via the J V North framework, then come back to cabinet for a final approval prior to commitment to any construction contracts.
2. Agree to progress grant funding application to the new program of Homes England grant funding.

Reasons for the decision:

This scheme is ready to progress to the next phase of detailed work including submission for planning and procurement of a contractor, ready to come back to Cabinet for a final approval prior to signing build contracts and start on site in spring 2021.

Other option considered and rejected:

To reject the recommendations.

COUNCILLOR E O'BRIEN
Chair

(Note: The meeting started at 6.00 pm and ended at 7.35 pm)



Classification: Open

Item No.

Meeting:	Cabinet Council
Meeting date:	24 November 2020 25 November 2020
Title of report:	Bury Constitution Review and Member Development Strategy
Report by:	Deputy Chief Executive Lynne Ridsdale
Decision Type:	This is not a Key Decision
Ward(s) affected	All

Executive Summary:

- Annual Council in May 2020 agreed to commission a review of the Bury Constitution as a matter of priority.
- On 1 July 2020 the Standards Committee agreed terms of reference, scope and time scale for the Constitution Review to be led by the Democratic Arrangements Forum (DAF). It received a progress report on the 12 October 2020.
- 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.
- This Report updates members on the Review and makes Recommendations to improve the Constitution in line with legislation and best practice.
- The Member Development Group met on the 14 September 2020 to review current arrangements for member development following the member survey in August 2020, the Covid-19 pandemic and other challenges facing the Council and recommend the Member Development Strategy set out at Appendix 1 for approval.
- On 12 October 2020, the Standards Committee approved the Member Development Strategy to ensure Councillors are up to date with the Constitution and ethical governance (the Members' Code of Conduct and standards regime).

Recommendations:

That: Cabinet agrees to recommend to Council to note the:

1. Work of the Democratic Arrangements Forum in reviewing the Constitution and proposing revisions in line with the Technical Review to ensure legal compliance;
2. Member Survey results set out at section 4 of this report;
3. Work of the Member Development Group in recommending a new Member Development Strategy.
4. Work to update Financial Regulations and Contract Procedure Rules and Council to agree to delegate authority to agree future revisions to the Audit Committee.
5. New Part 3 Section 6 – Additional Arrangements which sets out the role of the DAF and the Independent Remuneration Panel.
6. New Part 7 – Cabinet Portfolios, membership of committees and the Council's Management Structure which will be a useful guide to who does what.

That: Cabinet agrees to recommend to Council to agree and adopt the:

7. Contents and Part 1 - Introduction to the Constitution at Annex 1;
8. Revised Part 2 - Articles at Annex 2;
9. Revised Part 3 Section 1 Council Functions at Annex 3 and the Local Choice Functions described at paragraph 12.1 of this report;
10. Revised Part 3 (Sections 3, 4 and 5) Responsibility for Committee, Cabinet and Scrutiny Functions at Annex 4 including a new definition of key decision; a new Employment Panel, Licensing Hearings Sub-Committee and Safeguarding Scrutiny Sub-Committee.
11. Proposal that Committees comprise 9 (Audit and Standards) or 11 members.
12. Revised Part 3 - Officer Scheme of Delegation at Annex 5;
13. Revised Part 4 - Council Procedure Rules (Standing Orders) at Annex 6;
14. Revised Part 4 - Cabinet Procedure Rules at Annex 7;
15. Revised Part 4 - Scrutiny Procedure Rules at Annex 8;
16. New Part 5 - Public Guidance Protocol at Annex 9;
17. Covid-19 Interim Arrangements at Annex 10;

Cabinet agrees to recommend to Council to:

18. Adopt the Member Development Strategy 2020/23 set out at Annex 11 ;
19. Implement the proposed changes to the Constitution in two phases with Parts 1,2 4,5 and 7 coming in to force on 1 January 2021 and changes to Part 3 – Responsibility for Functions (Committee Terms of Reference) save for new Audit Committee terms of reference , coming into force at the annual council meeting in May 2021.
20. Authorise the Interim Monitoring Officer to publish a final version of the Constitution (removing track changes, correct numbering, editing or formatting errors) and including the minor updates to Part 3: Council and Local Functions described at paragraph 12.1 and the Access to Information Rules described in paragraphs 13.6 and 13.9, with a version history, Glossary and Index.

21. Request a DAF review of the Overview and Scrutiny function in early 2021 to ensure better alignment with corporate priorities and partnership arrangements.

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 keep it up to date 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 Under Article 9 of the Constitution, the Standards Committee is responsible for oversight of the Constitution.
- 1.4 On 1 July 2020, the Standards Committee agreed terms of reference, scope and time scale for the Constitution Review to be led by the Democratic Arrangements Forum (DAF), comprising all political group leaders and chaired by the Mayor. DAF has been meeting to carry out the review in 5 phases.

2. BACKGROUND

- 2.1 The Constitution must contain:
 - (a) the Council's standing orders/procedure rules;
 - (b) the members' code of conduct;
 - (c) such information as the Secretary of State may direct;
 - (d) Such other information (if any) as the authority considers appropriate
- 2.2 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.
- 2.3 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 sections and there is no Index and a very limited search facility.

3 ROLE OF DEMOCRATIC ARRANGEMENTS FORUM (DAF)

- 3.1 DAF have been meeting in accordance with these agreed Terms of Reference:
 - develop a shortened, streamlined and improved Constitution

- 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 policy advice to the Constitution Review by the Interim Monitoring Officer/Strategic Advisor.
- carry out a survey of all members 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	5 (29.4%)	4 (23.5%)	8 (47.1%)

efficiently and effectively.			
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 Part 7 showing cabinet members, deputy cabinet members, committee chairs and details of senior officers.

Member Survey Comments	August 2020
What’s wrong with the Constitution?	How can it be improved?
Unsure if it is in date. It’s very difficult to understand Too long, not accessible, confusing in places.	Very little about outside orgs 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

<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 responsefrom 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>No 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>Many constituents deal with issues themselves but after no response turn to me for help ...</p>	<p>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>
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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. Its recommendations are included in the proposed changes.

6 LGA CORPORATE PEER REVIEW 2018

6.1 In November 2018, the Council invited the Local Government Association (LGA) to undertake a Corporate Peer Review. This provided an independent assessment of the Council's capacity to deliver Members' priorities for Bury.

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 recommended:

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

6.5 On 2 September 2020, Cabinet agreed to create a new full time democratic services officer post to lead the development and implementation of a new support service for the Council's overview and scrutiny function. 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. These are set out at Annex 8. The Chairs of the Overview and Scrutiny Committee and Health Scrutiny Committee have been consulted about these proposed changes.

6.9 It is recommended that once the new Constitution is in place in early 2021, there should follow a Review of the Overview and Scrutiny function to ensure better alignment with corporate priorities and partnership arrangements.

7 NEW INTRODUCTION, ARTICLES AND FORMAT FOR THE CONSTITUTION

7.1 It is proposed to rewrite Part 1 of the current Constitution to set out the purpose of the Constitution. This is set out at Annex 1.

7.2 The revised Constitution will be available on the Council's website as a complete document that fully meets all accessibility legislation. 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 Part 2 sets out the Articles of the Constitution which describes the roles and responsibilities of each aspect of the Constitution. A revised set of Articles which reflects all the proposed changes is at Annex 2.

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. This is 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. This is set out at Annex 4.
- 9.2 It is suggested that Committees comprise 11 members and that sub-committees comprise between 3 and 5 members.
- 9.3 It had been proposed at DAF that there should be a new Rule that the Chair of the Overview and Scrutiny Committee should always be an opposition member. This has been agreed and is recommended for inclusion at Article 2.6.4.1.

10. PHASE 1 REVIEW OF THE CONSTITUTION

- 10.1 At its first meeting on 16 July 2020, DAF noted the terms of reference for the review and considered a Technical Review including a legal compliance check to ensure compliance with legislative provisions and best practice.

11. PHASE 2 REVIEW OF THE CONSTITUTION –INTRODUCTION AND ARTICLES

On 5 August 2020, DAF considered Phase 2 and agreed to recommend that the Articles be updated as follows:

1. A new revised Part 1 – Summary to introduce the Constitution as set out at Annex 1.
2. Changes to the Committee Structure but requested a review of membership numbers based on 9, 11 and 13 member committees. DAF are recommending that Committees comprise 11 members.
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 consider the merger of the Standards Committee with the Audit Committee to create a new Audit and Governance Committee. This proposal has been deleted following consultation.

4. To add an Independent member(s) with specialist audit expertise to strengthen the Audit 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 ETC.)

12.1 Council and Local Choice Functions

Article 4 sets out the Council's statutory functions and Part 3 Section 2 sets out the Local Choice Functions (specified functions which can be delegated to Council or Cabinet). It is proposed to move these into the new Functions Part and present them in a more consistent manner and update any legislative changes. No other changes are proposed to the existing arrangements other than to:

- Transfer responsibility for Financial Regulations and Contract Procedure Rules from Council to Audit Committee.
- Authorise the Monitoring Officer, following consultation with the Chief Executive, to make in year technical updates to the Pay Policy statement to reflect changes to post holder details or approved changes to local or national pay policy
- Authorise the Monitoring Officer to make minor technical changes or those required by law only to the Constitution.

Annex 3 sets out the updated set of Council Functions for approval.

12.2 Cabinet functions and Key Decisions

These are set out at Annex 4 and include all the functions that are the legal responsibility of the Cabinet. They include a new definition of Key Decision. Legislation requires key decisions to be published in a monthly Forward Plan (with concessions for urgency) and to be subject to scrutiny and call-in. The current Bury definition with 10 categories is complex to operate and should be simplified. It is recommended that Bury adopt the following definition of Key Decision:

- Any decision in relation to an executive function which results in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A decision will be considered financially significant if it results in incurring expenditure or making savings of £500,000 or greater; unless the specific expenditure or savings have previously been agreed by full Council.

- Any other executive decision which in the opinion of the Monitoring Officer is likely to be significant having regard to :
 - (a) The number of residents/service users that will be affected in the Wards concerned;
 - (b) Whether the impact is short term, long term or permanent;
 - (c) The impact on the community in terms of the economic, social and environmental well-being.

12.3 Committee Functions

On 3 September 2020, DAF agreed to recommend a revised set of committee functions as set out in Part 2 and a revised Part 3 of the new Constitution including, subject to TU consultation a new Employment Panel of nine members (to ensure cross party membership) to deal with Chief Officer recruitment and discipline to replace the Human Resources and Appeals Panel, a new key decision definition and a review of membership numbers for committees. These are set out at Annex 4.

12.4 Scrutiny Functions

These are set out at Annex 4 and set out the delegated functions for the Overview and Scrutiny committee; new Safeguarding Sub-Committee and the Health Scrutiny Committee.

12.5 Officer Scheme of Delegation

Annex 5 sets out a revised Scheme of Delegation to Officers. The new Constitution will authorise the Chief Executive to maintain an Officer Scheme of Delegation detailing all relevant delegations to chief officers, including the delegation of any proper officer functions which require that a designated officer is the “proper officer” for the purposes of that statutory provision.

The Monitoring Officer has issued Guidance to ensure that officer decisions which by law have to be recorded and published comply. This Guidance together with the proposed new Scheme of Delegation will require all officer decisions involving expenditure in excess of £100,000 to be published.

The Officer Scheme of Delegation will be regularly reviewed to ensure that it is up to date and will be published on the Council’s website.

13. PHASE 4 REVIEW OF THE CONSTITUTION – RULES

13.1 On 7 October, DAF met to carry out a review of the Rules of Procedure in part 4 of the Constitution. These currently comprise 9 sets of rules 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 considered each set of rules and recommend 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 which 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.

13.5.1 The proposed new Rules compared to the existing are set out in the Table below and set out in full at Annex 6 to this Report. The major changes are highlighted in yellow in the Table below.

Existing Rule	Topic	New Rule	Comment
	Introduction	4.1.1, 4.1.2	Need to introduce the Rules and explain their purpose.
	Application	4.1.3; 4.1.4, 4.1.5; 4.1.6	Need to show which rules apply to committee meetings
	Interpretation	4.1.7; 4.1.8	Chair's ruling is final
	Appointment of chair	4.1.10	In absence of Mayor, Deputy Mayor or appointed Chair. MO to oversee

			process
	Types of Council Meeting	4.1.11; 4.1.12; 4.1.13;	Table to show how meetings called
1	Annual Meeting		
1.1	Timing and Business	4.1.16; 4.1.17; 4.1.18; 4.1.19	Table to show business to be carried out. New 3 hour maximum meeting time rule proposed plus 30 mins Public Questions
	Notice of meetings	4.1.20; 4.1.21;	No change
	Conduct of the Meeting	4.1.22; 4.1.23	Authority of Mayor to rule
1.2	Selection of Councillors on Committees and outside bodies		
2	Ordinary Meetings		
3	Extraordinary Meetings		
3.1	Calling Extraordinary Meetings		
3.2	Business	4.1.14; 4.1.15	Table showing items to be decided at different types of meeting
4; 4.1; 4.2; 4.3; 4.4	Appointment of Substitute Members of Committee and Sub-Committees; Allocation/Number/Powers and Duties /Substitution	4.1.174; 4.1.175; 4.1.176	New rules give more detail and deal with substitution of ungrouped members
5	Date, time and place of	4.1.5	In Table

	meetings		
6	Notice of and summons to meetings	4.1.20; 4.1.21;	No change
7	Chair of meeting	4.1.22; 4.1.23	No change
8	Quorum	4.1.24; 4.1.25; 4.1.26;4.1.27; 4.1.28; 4.1.29;	<p>Defines Quorum as minimum number of members.</p> <p>Quorum is a quarter of the whole number of voting members, or three, whichever is the greater.</p> <p>New rules deal with what happens next and provides a 10 minute grace period</p>
	Variations in order of business	4.1.30; 4.1.31; 4.1.32;	Authority of chair to vary order of business unless mandatory in Table at 4.1.15
	Petitions	4.1.33; 4.1.34; 4.1.35; 4.1.36; 4.1.37;	<p>Petition Scheme updated to allow petition to present Mayor with petition 30 mins before council meeting</p> <p>Details of the Petition Scheme would be in a new Guidance/Code in Part 5 of the new Constitution Public Participation</p>

<p>9</p> <p>9a council ; 9.1; 9.2; 9.3; 9.4;9.5</p> <p>9b committe e</p> <p>9.6; 9.7</p>	<p>Duration of Meetings</p> <p>Interruption of meeting</p> <p>Motions and Recommendations not dealt with</p> <p>Recorded Vote</p> <p>Motion which may be moved</p> <p>Close of Meeting</p> <p>Leader’s statement time</p>	<p>4.1.18; 4.1.19</p>	<p>Current rules are confusing</p> <p>New 3 hour rule to be agreed with clear outcomes</p>											
<p>10</p> <p>10.1; 10.2; 10.3; 10.4; 10.5; 10.6; 10.7; 10.8; 10.09; 10.10</p>	<p>Questions by the public</p> <table border="1" data-bbox="539 824 850 1968"> <tr> <td data-bbox="539 824 850 898">General</td> </tr> <tr> <td data-bbox="539 898 850 1003">Notice of questions</td> </tr> <tr> <td data-bbox="539 1003 850 1108">Order of Questions</td> </tr> <tr> <td data-bbox="539 1108 850 1214">Number of Questions</td> </tr> <tr> <td data-bbox="539 1214 850 1319">Scope of Questions</td> </tr> <tr> <td data-bbox="539 1319 850 1424">Supplementary Questions</td> </tr> <tr> <td data-bbox="539 1424 850 1529">Record of Questions</td> </tr> <tr> <td data-bbox="539 1529 850 1666">Asking the Question at the Meeting</td> </tr> <tr> <td data-bbox="539 1666 850 1771">Answers to Questions</td> </tr> <tr> <td data-bbox="539 1771 850 1834">Written Answers</td> </tr> <tr> <td data-bbox="539 1834 850 1968">Restrictions on asking public questions</td> </tr> </table>	General	Notice of questions	Order of Questions	Number of Questions	Scope of Questions	Supplementary Questions	Record of Questions	Asking the Question at the Meeting	Answers to Questions	Written Answers	Restrictions on asking public questions	<p>4.1.38; 4.1.39; 4.1.40;4.1.41; 4.1.42; 4.1.43; 4.1.44; 4.1.45 4.1.46;4.1.47 4.1.48; 4.1.49; 4.1.50; 4.1.51 4.1.52; 4.1.53; 4.1.55 4.1.54; 4.1.55 4.1.55 4.1.56; 4.1.57; 4.1.58; 4.1.59</p>	<p>Public Questions – Rules need clarifying generally and updating to confirm 6 clear working days’ notice and give example on timing to help public;</p> <p>Questions can be asked of cabinet members, committee chairs as well as Leader</p>
General														
Notice of questions														
Order of Questions														
Number of Questions														
Scope of Questions														
Supplementary Questions														
Record of Questions														
Asking the Question at the Meeting														
Answers to Questions														
Written Answers														
Restrictions on asking public questions														

		Reference of a question to Leader/Cabinet or a Committee	
11; 11.1; 11.2; 11.3; 11.4; 11.5;	<p>Questions by Members:</p> <p>Notice of Questions</p> <p>Scope of Questions</p> <p>Supplementary Questions</p> <p>Answers to councillor's questions</p> <p>Restrictions on asking questions</p> <p>Member Question Time</p> <p>Combined Authority Update</p> <p>Questions on Notice at Committee and Sub-Committee Meetings</p> <p>Response</p> <p>Supplementary Question</p>	<p>4.1.60; 4.1.61; 4.1.62</p> <p>4.1.63; 4.1.64;</p> <p>4.1.65; 4.1.66; 4.1.67; 4.1.68</p> <p>4.1.69; 4.1.70; 4.1.71; 4.1.72</p> <p>4.1.73; 4.1.74;</p> <p>4.1.75; 4.1.76; 4.1.77; 4.1.78; 4.1.79</p>	<p>New rules are designed to highlight importance of these arrangement to democratic functions; clarify process and allow members to hold to account/question cabinet members and committee chairs as well as Leader</p>
12 12.1 12.2 12.3 12.4	<p>Notices of Motion</p> <p>Notice</p> <p>Motion set out in Agenda</p> <p>Priority Business</p> <p>Scope</p> <p>Motions without Notice</p>	<p>4.1.80;</p> <p>4.1.81; 4.1.82</p> <p>4.1.83; 4.1.84</p> <p>Check 4.1.89; 4.1.90</p> <p>Exceptions</p> <p>4.1.86; 4.1.87; 4.1.88</p> <p>4.1.91; 4.1.92;</p>	<p>New rules to update existing rules</p>
14 14.1 14.2	<p>Rules of Debate</p> <p>No Speeches until Motion Seconded</p> <p>Right to Require Motion in</p>	<p>4.1.93; 4.1.94; 4.1.95; 4.1.96</p> <p>4.1.97; 4.1.98;</p>	<p>New rules and table to simply showing when a member may speak and length</p>

14.3	Writing		of speeches
14.4	Secunder's Speech		
14.5	Content and Length of Speeches When a Member May Speak Again		
14.6	Amendments to Motions	4.1.99; 4.1.100; 4.1.101; 4.1.102; 4.1.103; 4.1.104; 4.1.106; 4.1.107	No change
14.7	Alteration of Motion	4.1.108; 4.1.109; 4.1.110; 4.1.111	No change
14.8	Withdrawal of Motion	4.1.112; 4.1.113;	No change
14.9	Right of Reply	4.1.114; 4.115; 4.1.116; 4.1.117	No change
14.10	Motions which may be moved During Debate	4.1.118; 4.1.119	No change
14.11	Closure Motions	4.1.120; 4.1.121; 4.1.122	No change
14.12	Point of Order	4.1.123; 4.1.124	No change
14.134	Personal Explanation	4.1.125; 4.1.426	No change
1515.1	State of the Borough debate		No change
15.2	Calling of Debate		
15.3	Form of Debate		
15.4			

	Chairing of Debate		
	Results of Debate		
1616.1	Previous Decisions and Motions	4.1.129; 4.1.130a;	No change
16.2	Motion to Rescind a Previous Decision at Council	4.1.13b	
16.3	Motion to Rescind a Previous Decision at Committee	4.1.131; 4.1.132; 4.1.133	
	Motion Similar to One Previously Considered by Council		
17	Voting	4.1.134;	No change
17.1	Majority	4.1.135	
17.2	Chair's Casting Vote	4.1.136; 4.1.137	
17.3	Show of Hands	4.1.138;	
17.4	Ballots	4.1.139	
17.5	Recorded Vote	4.1.140; 4.1.141;	
17.6	Right to Require Individual Vote to be Recorded	4.1.142	
17.7	Voting on Appointments	4.1.143; 4.1.144 4.1.145; 4.1.146	
18	Minutes	4.1.147; 4.1.148;	No change
18.1	Signing the Minutes	4.1.149;	
18.2	No requirement to sign minutes of previous meeting an Extraordinary meeting	4.1.150; 4.1.151;	
18.3	Form of Minutes	4.1.152; 4.1.153	
19	Record of Attendance		No change

20	Exclusion of the public	4.1.154; 4.1.155;	No change
21	Members' conduct	4.1.156;	No change
21.1	Standing to Speak	4.1.157	
21.2	Mayor Standing	4.1.158	
21.3	Member not to be heard further	4.1.159	
21.4	Member to Leave the Meeting	4.1.160; 4.1.161	
21.5	General Disturbance		
22	Disturbance by Public	4.1.162	No change
22.1	Removal of Member of the Public	4.1.163	
22.2	Clearance of Part of Meeting Room	4.1.164	
23	Suspension and amendment of Council procedure rules	4.1.165	No change
23.1		4.1.166; 4.1.167	
23.2	Suspension Amendment		
24	Application to Committees and Sub-Committees		See rules above 4.1.3; 4.1.4, 4.1.5; 4.1.6
	Recording, filming and reporting of meetings	4.1.168; 4.1.169	New mandatory rule
	Interests under the Member code of conduct	4.1.170; 4.1.171	New mandatory rule
	Confidentiality	4.1.172; 4.1.173	New mandatory rule

13.6 ACCESS TO INFORMATION RULES

13.7 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.

13.8 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.

13.9 BUDGET AND POLICY FRAMEWORK RULES

13.10 These Rules are required by legislation and set out the process for cabinet to develop the 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.

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

13.12 CABINET PROCEDURE RULES

13.13 These rules regulate cabinet meetings and cabinet decision making.

13.14 The main changes recommended by DAF and set out at Annex 7 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 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 and are set out at Annex 8. 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 focus on procedure at Overview and Scrutiny committee meetings

13.17 The main changes proposed 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 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 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 or postpone meetings and for the committee to agree additional meetings as necessary.
- The new rules include the statutory Councillor Call for Action which allows any member of the council to request 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 relating to pre-decision call in and the Forward Plan.

13.18 CONTRACT PROCEDURE RULES AND FINANCE REGULATIONS

13.19 These technical rules regulate financial matters and contracts.

13.20 They are subject to review by the statutory Finance Officer and Monitoring officer. It is proposed that the Audit Committee be authorised to approve further revisions to these rules in the new Constitution,

13.21 OFFICER EMPLOYMENT PROCEDURE RULES

13.22 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 nine 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 set out at Annex 4.

14 FINAL PHASE REVIEW OF THE CONSTITUION

14.1 DAF met on the 4 November 2020 to complete their work on reviewing the Constitution. This final review considered the Officer Scheme of Delegation set out at Annex 5 and how best to implement the proposed changes. DAF also recommend a new Protocol dealing with Public Participation set out at Annex 9.

15. PART 7 – CABINET PORTFOLIOS, MEMBERSHIP OF COMMITTEES AND THE COUNCIL’S MANAGEMENT STRUCTURE

14.1 A new Part 7 – Cabinet Portfolios, membership of committees and the Council’s Management Structure is set out at Annex 10. This will be kept up to date by the Monitoring Officer to provide details of cabinet portfolios, committee membership and committee chairs.

16. PART 8 - COVID-19 INTERIM ARRANGEMENTS

16.1. A new Part 8 - Covid-19 Interim Arrangements is set out at Annex 11 to locate all the variations to the Constitution arising from the Covid-19 pandemic and the

legal restrictions on meetings and other processes. The specific rules affected by these Interim arrangements will be added once the final form of the Constitution is agreed.

17. MEMBER DEVELOPMENT STRATEGY 2020/22

- 17.1 The Member Development Group has been appointed to promote learning and development for all councillors. It comprises Political Group Leaders and is chaired by Councillor Rafiq, Cabinet Member for Corporate Affairs.
- 17.2 An all member survey was carried out during August 2020 to seek councillors' views on member development as part of the new Constitution and has been used to inform the Strategy for 2020/21 set out at Annex 11. An action plan to deliver the Strategy and keep members up to date with training and development opportunities is underway and will be monitored by the Member Development Group.

15. COMMUNITY IMPACT / CONTRIBUTION TO THE BURY 2030 STRATEGY

An up to date Constitution will ensure decision 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. An Equality Impact Assessment has been completed

17. ASSESSMENT OF RISK:

The following risks apply to the decision:

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

18. CONSULTATION:

The Chairs of the Overview and Scrutiny Committee and Health Scrutiny have been consulted on the revised Scrutiny functions and new Scrutiny Rules. The Chair of the Licensing Committee has been consulted on the proposed variations to the functions of the Licensing and Safety Panel. The Chairs of Audit Committee and Standards Committee has been consulted on the proposed changes.

Briefings have also been held with the Conservative; Labour; Liberal Democrat and Radcliff Independent Groups.

19. LEGAL IMPLICATIONS:

The legal implications are set out in the report and below. The Review and changes, together with the input of elected members is welcomed.

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.

22. FINANCIAL IMPLICATIONS:

There are no financial implications arising from this Report.

23. CONCLUSION AND RECOMMENDATIONS

Members are asked to note the work of the DAF and the Standards Committee in reviewing the Constitution and the progress that has been achieved. The draft documents have been proof read and checked by the legal services team.

An all member briefing will be held prior to Council to further explain the proposed changes. Once agreed, a series of member and officer briefings and training events will be organised to ensure a smooth transition into any new arrangements.

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ANNEXES

1. Contents and Part 1 - Introduction to the Constitution
2. Part 2 - Articles
3. Part 3 Section 1 and 2, Council Functions
4. Part 3 (Sections 3 , 4 and 5) Responsibility for Committee Functions, Cabinet Functions; and Scrutiny Functions including a new Employment Panel, Licensing Hearings Sub-Committee; Safeguarding Scrutiny Sub-Committee ;
5. Part 3 – Officer Scheme of Delegation
6. Part 4 – Council Procedure Rules (Standing Orders)
7. Part 4 – Cabinet Procedure Rules
8. Part 4 – Scrutiny Procedure Rules
9. Part 5 – Public Participation Protocol
10. Part 8 - Covid-19 Interim Arrangements
11. Member Development Strategy 2020/22.

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
Reports to Standards Committee on 1 July and 12 October 2020
Member Survey – Bury Council August 2020
Technical Review of Constitution –August 2020
LGA Peer Review 2018
Reports to Member Development Group 2020

Glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
DAF	Democratic Arrangements Forum



The Council of the Metropolitan Borough of Bury known as Bury Council

Constitution v3.0

Adopted by Bury Council on 25 November 2020

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PART 1 - INTRODUCTION AND SUMMARY

Introduction and summary

1.1. The Constitution

1.1.1. The Council of the Metropolitan Borough of Bury (known as Bury Council) is a metropolitan district authority operating executive arrangements with a Leader and Cabinet. The Council has agreed this 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 several Parts which set out the Rules governing the Council's business.

1.1.2. Article 1 of the Constitution commits the Council to providing clear community Leadership and operating in a way which is transparent, efficient and accountable and upholds the values of the Council. The remaining articles and parts of the Constitution explain the rights of the public and how the key parts of the Council operate:

- Part 2 explains how key parts of the Council work;
- Part 3 explains the responsibilities of each part of the Council;
- Part 4 contains the detailed rules for each part of the Council ;
- Part 5 provides more details and guidance about how Councillors and Council employees work together and how the public can participate;
- Part 6 sets out the allowances that Councillors are paid;
- Part 7 explains the Cabinet and scrutiny committee roles and the Council's management structure; and
- Part 8 sets out the rules introduced to respond to the Covid-19 coronavirus pandemic and are effective from 4th April 2020 until 7 May 2021 or earlier if revoked by further legislation
- Part 9 is a glossary explaining meanings of particular words and phrases used in the Constitution.

1.2. How the Council operates

1.2.1. The Council comprises 51 Councillors each elected every four years. Every year a third of the Councillors have to submit to an election .Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community of Bury, but they have a special duty to their constituents, including those who did not vote for them.

1.2.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer trains and advises on the code of conduct.



1.2.3 All Councillors meet together as full Council. Meetings of full Council are normally open to the public and the Councillors decide the Council's overall policies and set the revenue budget and capital programme each year. At its annual meeting, full Council appoints one Councillor to be the Leader of the Council.

1.3 How decisions are made

1.3.1 Most day to day service decisions are taken by senior employees of the Council. Elected Councillors sitting as the full Council will decide an overall framework of policies governing how services are to be provided.

1.3.2 The Leader of the Council approves the scheme of delegation of executive functions. The Council's Cabinet of Councillors will make recommendations to the Council about the policy framework and will itself take decisions that ensure services are provided within that framework.

1.3.3 For most "key" decisions to be made by the Cabinet or by Cabinet members the Council is required to publish in advance information about the matter to be decided; who will be making the decision, the date or timescale for the decision, and the place where the decision will be made.

1.3.4 The Cabinet can only make decisions which are in line with the Council's overall budget and policy framework. If it wishes to make a decision which is contrary to the budget and policy framework, this must be referred to full Council to decide.

1.3.5 Full Council will appoint committees with power to carry out its non-executive and other functions (e.g. planning and licensing). Non-executive functions are those which the Cabinet does not have the power to carry out.

1.3.6 The Cabinet is held to account by the overview and scrutiny committees appointed by full Council.

1.4 The Council's employees

1.4.1 The Council has people working for it (called 'officers') to give professional advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and members of the Council. This protocol is included within the Constitution.

1.5 Citizens' rights

1.5.1 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, while others are given at the discretion of the Council, depending on the Council's own processes.

1.5.2 Where members of the public use specific Council services, for example as a parent of a school pupil or as a social care user, they may have additional



rights. These are not covered in this Constitution. Details of such rights may be obtained directly from the service concerned or from the Council's customer services.

1.5.3 The Council welcomes participation by its citizens in its work. A guide to public participation is included in part 5.

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BURY COUNCIL CONSTITUTION

PART 2 – THE ARTICLES

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Article 1 - The Council and the Constitution

This article explains the Council’s priorities and values, and the Constitution which is published on the Council’s website. The Council has decided to operate a leader and cabinet model of governance.

Strategic priorities and values of the council

2.1.1 Priorities

2.1.1.1 The Council and its partners have adopted a 10 year strategic plan called Bury 2030 to provide strategic direction of the Council’s work. Bury 2030 sets out priorities in order to improve the quality of life of the people in Bury and the measures used to show how far those priorities have been met. A delivery plan that sets out what actions the Council will take to achieve the priorities of Bury 2030 is agreed each year by the Cabinet and progress is reported on a quarterly basis. .

2.1.2 Values

2.1.2.1 The Council is committed to maintaining high standards of conduct by its staff and Councillors and has adopted the following values that underpin its work:

People: treating people fairly, with compassion, respect and dignity
 Excellence: striving for excellence, and the appropriate quality of service, care and life in Bury.

Openness: being open, transparent and accountable

Partnership: working in partnership, and with all our diverse communities

Listening: actively listening to, understanding and taking into account people’s views and needs

Environment: protecting and promoting our outstanding natural environment and heritage for the benefit of all

2.1.2.2 Everyone who is elected or appointed to public office, works for the council, or provides services on the Council’s behalf is required to follow general principles of ethical conduct. These principles are described in more detail in part 5 section 1 of the constitution.

2.1.2.3 Bury 2030 has created the following principles to guide the work of the Council in everything it does for Bury.

<p>Inspiration – we are proactive and creative, building on our collective strengths to make a difference to what matters most to us by:</p> <ul style="list-style-type: none"> • Really listening to understand each other and our shared potential • Growing relationships & new connections across boundaries • Being open to trying new things and doing things differently • Valuing the skills, strengths and successes of individuals and communities 	<p>Aspiration – We realise hopes and dreams by:</p> <ul style="list-style-type: none"> • Demonstrating pride in our collective and individual achievements and in the place where we live • Ensuring everyone has an equal voice and equal life chances by harnessing and nurturing all talents • Championing innovation, always looking for ways to improve quality of life for all • Being courageous and stepping out of our comfort zone to help ourselves and others
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<p>Participation – We all take responsibility for making a difference by:</p> <ul style="list-style-type: none"> • Committing to making positive, practical differences in addressing and tackling our challenges • Asking “what matters to you?” and “How can I help?” • Being flexible and putting our energies where we can make the most positive difference • Demonstrating dignity, kindness and respect in everything we do 	<ul style="list-style-type: none"> • Opening doors at every opportunity <p>Collaboration - We will bring our collective talents, energies and power together for the greater good by:</p> <ul style="list-style-type: none"> • Bringing people together from all walks of life • Listening to and learning from all voices • Trusting and helping each other, always working together • Listening when others talk and then responding, helping and enabling • Supporting development and growth and removing barriers to collaboration
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2.1.3 Powers of the Council

2.1.3.1 The Council’s duties and powers are set out in the law of England. A duty that requires the council to act in a particular way. A power that gives the Council discretion to act. The arrangements are complex and detailed.

2.1.3.3 The Council must meet high ethical and other standards in everything it does; it must comply with legal requirements; and it must use public money and other resources economically, efficiently and effectively, accounting fully for its actions. In order to discharge these responsibilities, members and senior officers must ensure the proper governance of the council’s affairs and the stewardship of its resources.

2.1.3.4 Powers are exercised by the Council and its functions carried out in accordance with the functions scheme (part 3). The council operates the “leader and cabinet” model of Executive arrangements. A description of these Executive arrangements is set out in a schedule to this part 2.

2.1.4 The constitution

2.1.4.1 This Constitution and all its appendices form the Constitution of the Council of the Metropolitan Borough of Bury (known as Bury Council).

2.1.5 Purpose of the Constitution

2.1.5.1 The purpose of the constitution is to set out in a single place and clear language how the council works and how it makes decisions to

- a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations
- b) support the active involvement of citizens in the process of council decision-making
- c) help Councillors represent their constituents more effectively
- d) enable decisions to be taken efficiently and effectively
- e) create a powerful and effective means of holding decision-makers to public account
- f) ensure that no one will review or scrutinise a decision in which they were directly involved



g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions

h) provide a means of improving the delivery of services to the local community

2.1.6 Meaning of the Constitution

2.1.6.1 If the constitution gives the council a choice about what to do, the council must choose the option that it thinks is closest to the purpose of the constitution in paragraph 2.1.5.

2.1.8 Review and changes to the Constitution

2.1.8.1 Reviews and changes to the Constitution will be in accordance with the functions scheme.

2.1.9 Suspension of the constitution

2.1.9.1 The only power to suspend the Constitution is in accordance with the council procedure rules.



Article 2 - Councillors

This article explains who Councillors are, what they must do and how long they serve.

Information about Councillors and the wards they represent and how to stand for election as a Councillor is on the Council's website and at Council contact centres.

2.2.1 Number of councillors and areas they represent

2.2.1.1 The Council has 51 elected members called Councillors. Each Councillor represents an area of the district known as a ward. The voters of each ward elect a Councillor to represent them.

2.2.2 Who can be a Councillor?

2.2.2.1 Anybody may stand for election as a Councillor provided they are

- a registered to vote in local government elections in the district, or have lived or worked there for the 12 months preceding the day of election, and are
- b not stopped by law from holding office as a Councillor

2.2.3 Elections

2.2.3.1 Anyone over 18 residing in the district is entitled to vote and be included on the electoral register.

2.2.3.2 The running of the elections is the responsibility of the Returning Officer. Electoral registration is the responsibility of the Electoral Registration Officer.

2.2.3.3 The Chief Executive of the council is the Electoral Registration Officer and Returning Officer. The Council has an elections office that helps the Chief Executive discharge these functions.

2.2.3.4 Electoral registration and elections are subject to strict rules and further information can be obtained from the Council's elections office or the Electoral Commission.

2.2.4 When elections happen and how long Councillors are elected for

2.2.4.1 Elections for one of the three seats in each ward will usually take place on the first Thursday in May every year. People elected as Councillors commence office on the fourth day after being elected and finish on the fourth day after four years.

2.2.5 Roles and functions of all Councillors

2.2.5.1 All Councillors must:

- a together be the makers of overall policy for the district in relation to its functions
- b contribute to plans and policies jointly with partners in matters that require cooperation and collaboration between those partners
- c represent, and speak up for their communities
- d deal with individual casework and speak up for citizens
- e balance different interests within their ward and represent it as a whole



f be involved in Council decision making

g be available to represent the council on other bodies; and

h maintain the highest standards of conduct and ethics i together be the corporate parents for children looked after by the council.

2.2.6 Rights to information

2.2.6.1 Councillors have rights of access to council information in accordance with the article 13 and the access to information rules (part 4 section 2).

2.2.7 Responsibilities

2.2.7.1 Councillors must follow the Councillor code of conduct (part 5 section 1) and must follow this constitution and the rules, principles and codes within it whilst conducting Council business.

2.2.8 Allowances

2.2.8.1 Councillors will be entitled to receive allowances in accordance with the Councillors' allowance scheme (part 6).

2.2.9 Ceasing being a Councillor

2.2.9.1 A Councillor will cease being a Councillor if:-

a they resign by giving written notice, or

b they fail to attend meetings of the Council for a period of six months without prior approval of the Council meeting, or

c if they are stopped by law from holding office, or

d the period for which they were elected has come to an end and they have not been re-elected.

2.2.10 Political or other groups

2.2.10.1 Councillors may join a political group of two or more Councillors who belong to the same political party or have some other common interest. Political groups are recognised by law and in the constitutional arrangements within the Council.

2.2.10.2 The number of places that each political group has on the Council determines how many places are allocated to members of that political group on Council committees and other bodies.

2.2.10.3 There is no constitutional or legal requirement that a member of a group must vote on any matter in the same way as their political group. Usually on policy matters a political group will have a collective view and will vote together on the issue.

2.2.10.5 There are certain functions of the Council that are regulatory or quasi-judicial e.g. planning. A political group may not direct its members how to decide such matters.



Article 3 – Citizens and the Council

Bury Council is keen to engage with citizens living or working in the Borough and involve them in council activities. This article describes how Bury citizens can take part.

Citizens' rights

2.3.3.1 Citizens have the right:

- a) to take part in question time at any meeting of the Council where the agenda includes public question time;
- b) to speak during public speaking time at meetings of the Planning and Regulatory Committee;
- c) to contribute to investigations by Overview and Scrutiny Committees;
- d) to be consulted or in some other way participate in Council decision making in accordance with the arrangements the council has for such consultation and participation; and
- e) to information in accordance with the access to information rules
- f) to attend any public meeting

2.3.5 Citizens' responsibilities

2.3.5.1 A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community. In particular, citizens are encouraged to:

- a) vote at every opportunity;
- b) respect the expression of differing opinions in public debate;
- c) promote tolerance and respect between their fellow citizens; and
- d) seek information about the decision-making role of Councillors and respecting the Council procedures which give effect to a representative democracy. The rights and responsibilities of citizens is set out in more detail in the public participation guide (part 5).



Article 4 - The Council meeting

This article explains the role of the Council meeting (which is when all councillors attend a formal meeting) and the role of the Mayor.

2.4.1 Council meetings

Types of Council meetings

2.4.1.1 There are three types of Council meeting:-

- a The annual meeting
- b Ordinary meetings
- c Extraordinary meetings

2.4.2 Rules applying to Council meetings

2.4.2.1 The Council rules (in Part 4 section 1) will apply to Council meetings.

2.4.3 Functions of the council meeting and functions scheme

2.4.3.1 The functions of the Council meeting are set out in the Functions Scheme (part 3)

2.4.4 The Mayor

Election

2.4.4.1 The Mayor and the Deputy Mayor are elected by Council annually.

2.4.4.2 The Mayor and Deputy Mayor cannot be members of the Cabinet.

Functions

2.4.4.2 The Mayor and, in their absence, the Deputy Mayor will have the following roles and functions:

- a) to uphold and promote the purpose of the Constitution;
- b) to decide what the Constitution means if there is a dispute, on advice from the Monitoring Officer;
- c) to chair Council meetings so that decisions can be taken efficiently and with regard to the rights of Councillors and the interests of the community;
- d) to make sure that Council meetings are a place for debating matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;
- e) to promote public involvement in the Council's activities and in the democratic process;
- f) to attend those civic and ceremonial functions which they or the Council consider appropriate; and



g) to approve, as urgent, decisions which will not be subject to call in, when no chair of a Scrutiny Committee is available.

Roles

The Mayor fulfils several roles:

2.4.4.3

- a) Ceremonial role - The Mayor is the ceremonial head of the whole council and its districtwide representative at civic and social occasions. The Mayor has considerable discretion in exercising the ceremonial aspects of the office.
- b) Non-political role - It is important that the Mayor maintains a non-political stance especially when chairing Council meetings. The Mayor must act entirely neutrally allowing different opinions to be fully and fairly presented and debated subject to any relevant procedure rules.
- c) Mayor's announcements - Any group leader or committee chair may approach the Mayor before a Council meeting to suggest items for the Mayor to use in making announcements to Council. The Mayor has complete discretion as to which items they may think appropriate to announce.
- d) Rules of debate - The Mayor's role in conducting meetings is to enforce the Council rules at the Council meeting as set out in part 4.
- e) Casting vote - If there are equal numbers of votes for and against, the Mayor will have a second or extra casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.



Article 5 - The Leader and the Cabinet

The Leader of the Council is the Councillor who is the political head of the Council. This article explains how the Leader is elected and what they do. It also explains how the Cabinet works and what it does. The Leader and Cabinet model are part of the Council's Executive arrangements. More information about the Cabinet is set out in Part 7 of the Constitution.

2.5.1 Leader of the council

Election

2.5.1.1 At the annual meeting Council will elect a Councillor to be the leader of the council ("the leader")

Role

2.5.1.2 The Leader is the political leader of the Council who, together with the chief Executive, provides overall leadership of the Council and its staff.

2.5.1.3 The Leader will normally chair meetings of the Cabinet, will lead in the formulation, co-ordination and presentation of the Cabinet's policies and will work closely with the Chief Cabinet on the carrying out of policies by the Council.

Ceasing being leader of the Council

2.5.1.4 The Leader will stay as the Leader of the Council until:

- a) four years from the date of their election; or
- b) they resign from office; or
- c) they are suspended from being a Councillor, although they may resume office at the end of the period of suspension; or
- d) they are no longer a Councillor; or
- e) they are removed from office by resolution on notice at a Council meeting; or
- f) by simple resolution of a motion without notice at a meeting of Council following a change in political control of the Council, as signalled to the Monitoring Officer, a change in political control being a change in the composition of the various political groups such that a different group or combination of groups now comprise a majority of the membership of the Council.

If Council passes a resolution to remove the Leader as outlined in (e) or (f) above, it will elect a new leader at that or a subsequent meeting.

2.5.2 The Cabinet

Role

2.5.2.1 The Cabinet has responsibility for all functions of the Council which are not by law, or under the functions scheme set out in part 3 section 3, the responsibility of another part of the Council.



Membership

2.5.2.2 The Cabinet must consist of a minimum of the Leader and two other Councillors up to a maximum of 10 Councillors including the Leader. The Leader appoints the Cabinet members and shall designate one of the Cabinet members as Deputy Leader.

Functions of individual members of the Cabinet

2.5.2.3 The Leader will decide what functions will be carried out by individual Cabinet members. The Leader will notify the Chief Executive and the Monitoring Officer of these functions in writing. The Monitoring Officer will make sure that they are set out in part 7 of the Constitution and Council be informed at its next meeting. Changes to the functions of individual Cabinet members will only take effect when the Leader has notified the Monitoring Officer.

Meetings of the cabinet

2.5.2.4 Meetings and other activities of the cabinet must comply with the cabinet rules (part 4 section 4). 2.5.3 Cabinet support members

2.5.3.1 The leader may appoint deputy cabinet members to provide informal support to one or more portfolio areas. Deputy cabinet support members are not members of the Cabinet, have no delegated Cabinet authority, and may not take Cabinet decisions.

2.5.4 Description of Cabinet arrangements

2.5.4.1 The following parts of the constitution comprise the Cabinet arrangements:-

- Article 5 in part 2 of the constitution – the leader of the council and the cabinet,
- the cabinet rules (part 4 section 4)
- Article 6 in part 2 of the constitution – scrutiny, and the scrutiny rules (part 4 section 5)
- Article 9 in part 2 of the constitution – joint arrangements
- Article 11 in part 2 of the constitution – decision making
- The functions scheme in part 3
- Cabinet portfolios scheme in part 7
- Budget and policy framework rules in part 4 section 3
- Access to information rules in part 4 section 2



Article 6 – Overview and scrutiny

Scrutiny is a statutory role fulfilled by councillors who are not members of the cabinet.

The role of the overview and scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

2.6.1 The overview and scrutiny committee

2.6.1.1 Council has decided that there will be one Overview and Scrutiny committee. Its remit is set out in part 6 of the constitution, and how they operate is in accordance with the functions scheme and scrutiny rules.

2.6.1.2 The overview and scrutiny committee has established a children’s and adults safeguarding sub–committee. Its remit is set out in part 6 of the constitution.

2.6.2 The health scrutiny committee

2.6.2.1 The council has also established a health scrutiny committee. Its remit is set out in part 6 of the constitution.

2.6.3 Joint scrutiny committees

2.6.3.1 The Council is also a member of several joint scrutiny committees. Their remit is set out in Part 6 of the Constitution.

2.6.4 Composition

2.6.4.1 The Overview and Scrutiny Committee will comprise of eleven members of the council. It will have additional educational appointees with voting rights when considering education matters in accordance with the scrutiny rules. The council will appoint the Chair of the Committee from an Opposition Group .

2.6.4.2 The Health Scrutiny Committee will comprise of eleven members of the council. The council will appoint the Chair of the committee

Role

2.6.1.5 Between them the scrutiny committees oversee and scrutinise the work of the leader and cabinet and the council as a whole. This allows members outside the cabinet and citizens to have a greater say in council matters by investigating issues of local concern. This can include questioning cabinet members, committee chairmen, or senior officers of the council, and inviting people from outside the council to give opinions and expert advice.

2.6.1.6 The scrutiny committees also have the power to scrutinise the services provided by organisations outside the council e.g. NHS services and the work of the community safety partnership.



2.6.1.7. The scrutiny committees can make reports and recommendations to the Leader, of the Council and some partner organisations. The decision takers are not required to implement the recommendations but do have to consider any recommendations made.

2.6.1.8. The scrutiny committees can 'call-in' an Cabinet decision which has been made but not yet implemented. This enables them to consider whether the decision has been taken in accordance with the principles of good decision making. They may recommend that the decision taker reconsiders the decision. They may also be consulted by the leader, other cabinet members or Council on forthcoming decisions and the development of the budget and policy framework.

2.6.1.9. The council appoints a statutory scrutiny officer with statutory responsibilities to promote the role of the council's scrutiny committees within the council, support the work of the scrutiny committees by providing help and advice to scrutiny members and also those being scrutinised. (This role cannot be held by the head of paid services, the chief finance officer or the monitoring officer.)

2.6.1.10 The public can be involved in the scrutiny process and help shape and inform decision making and policy by:

- a. asking questions on a matter that is the function of the committee or is on a committee agenda;
- b. submitting evidence for consideration by a scrutiny committee or one of its task and finish groups
- c. suggesting items for inclusion in the work programme of the committee.



Article 7 - The Audit Committee

This article explains the Audit Committee which has been established by council

2.7.1 Role

2.7.1.1 The Audit Committee is responsible for proving assurance on the council's audit, governance (including risk management and information governance) and financial processes in accordance with the functions scheme

2.7.2 Composition

2.7.2.1 The Audit Committee comprises nine members of the council and may also include an independent person who is not a councillor but is appointed by council and has the same voting rights as other members of the committee.

2.7.2.3 The Independent Person

2.7.2.3.1 The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.

2.7.2.3.2 A person is not eligible for appointment if they are:

- a Member, co-opted Member or officer of the Council;
- subject to Paragraph 10.3 below, have within the past five years been a Member, co-opted Member or officer of Bury Council,
- a relative or close friend of a person within the bullet points above.

2.7.2.3.3 For the purpose of paragraph 2.7.2.3.2 "relative" means:

- Spouse or civil partner;
- Living with the other person as husband and wife or as if they were Civil partners;
- Grandparents of the other person;
- A lineal descendant of a grandparent of the other person;
- A parent, sibling or child of the person within the above bullet points;
- A spouse or civil partner of a person within the above bullet points; or
- Living with a person within the above bullet points as husband and wife or as if they were civil partners.



Article 7A - The Standards Committee

This article explains the Standards Committee which has been established by council

2.7A.1 Composition

2.7A.1.1 The Standards Committee comprises nine members of the council including the Mayor. The Leader of the Council cannot be a member and not more than one member of the Cabinet can be appointed.

2.7A.1.2. Independent members may be appointed by the Council who are not Councillors or officers of the Council but they will not be entitled to vote at meetings.

2.7A.2 Role

2.7A.2.1 The Standards Committee is responsible for promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives in accordance with the functions scheme

2.7A.3 The Independent Person

2.7A.3.1 The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.

2.7A.3.2 A person is not eligible for appointment if they are:

- a Member, co-opted Member or officer of the Council;
- have within the past five years been a Member, co-opted Member or officer of Bury Council,
- a relative or close friend of a person within the bullet points above.

2.7A.2.3 For the purpose of paragraph 2.7A.3.2 “relative” means:

- Spouse or civil partner;
- Living with the other person as husband and wife or as if they were civil partners;
- Grandparents of the other person;
- A lineal descendant of a grandparent of the other person;
- A parent, sibling or child of the person within the above bullet points;
- A spouse or civil partner of a person within the above bullet points; or
- Living with a person within the above bullet points as husband and wife or as if they were civil partners.



2.7A.4 Standards Hearings Panel – Sub Committee

2.7A.4.1 Composition

The Standards Committee will set up a sub-committee called the Standards Hearings Panel. It will comprise three elected Members of the Standards Committee, of whom one should be a Member of the minority party.

The Independent Person is invited to attend all meetings of the Hearing Panel and their views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

2.7A.4.2 Role

To consider complaints under the code of conduct that cannot be resolved informally. Where a standards panel finds that a Subject Member has failed to comply with the Code of Conduct, the Standards Panel may:

- Publish its findings in respect of the Subject Member's conduct;
- Recommend to Council that the Member be censured;
- Recommend to the Subject Member's group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council;
- Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from their portfolio responsibilities;
- Instruct the Monitoring Officer to arrange training for the Member;
- Recommend to Council that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the Council
- Withdraw facilities provided to the Subject Member by the Council such as a computer, website and/or e-mail and internet access; or
- Place such restrictions on the Subject Member's access to staff, buildings or parts of buildings which may be reasonable in the circumstances



Article 8 - Planning, Licensing and Other Functions

This article describes the following committees which council has established:

- a) The Planning Control Committee
- b) The Licensing and Safety Committee
- c) The Licensing Hearings Panel
- d) Health and Wellbeing Board
- e) Employment Panel
- f) Corporate Parenting Board

2.8.1 Planning Control Committee

Composition

2.8.1.1 The committee comprises 11 councillors

Role

2.8.1.2 The committee determines applications for planning and listed building consents which are not decided by an officer.

2.8.2 The Licensing and Safety Committee

Composition

2.8.1.1 The committee comprises 11 councillors

Role

2.8.1.2 The committee fulfils the council's licensing duties not undertaken by an officer as set out in the functions scheme at part 3 section 6.

2.8.1.2 The committee may establish one or more sub-committees consisting of three members of the licensing and safety committee to fulfil functions delegated to the licensing hearings panel as set out in the functions scheme at part 3 section 6.

2.8.3 Licensing Hearings Panel

Composition

2.8.1.1 The panel is a subcommittee of the Licensing and Safety committee and comprises 3 councillors from the Licensing and Safety Committee

Role

2.8.1.2 The Licensing Hearings Panel fulfils the council's licensing duties not undertaken by an officer as set out in the functions scheme at part 3 section 6.



2.8.4 Health and Wellbeing Board

Composition

2.8.2.2 The following shall be members of the health and wellbeing board:

- Leader of the council
- Cabinet member health and wellbeing,
- Executive member young people and children's wellbeing,
- Opposition Member for Health and Wellbeing
- Executive Director of Strategic Commissioning
- Executive Director of Children Young People and Culture
- Director of Public Health
- A nominated representative from the Voluntary Sector
- Two nominated representatives from the GP Clinical Commissioning Group
- A nominated representative from the Local Healthwatch
- A nominated representative from Greater Manchester Police
- A nominated representative of Greater Manchester Fire Service
- A nominated representative from Pennine Acute NHS Trust
- A nominated representative from Pennine Care Foundation Trust
- A nominated representative from the LCO

2.8.2.3 Council will appoint the Chair of the board annually who will be one of the cabinet members; a board member representing Bury clinical commissioning group will be appointed vice chair or annually by the board.

Role

2.8.2.3 The board will carry out the statutory functions as required by the Health and Social Care Act 2012, and any other functions delegated to it, as set out in part 3 section 3 of the constitution.

2.8.6 Employment Panel

2.8.6.1 Composition

The Employment Panel will consist of 5 councillors including the cabinet member responsible for Human Resources

2.8.6.2 Role

The Employment Panel is responsible for the employment functions as set out in the Officer Employment Procedure Rules including acting as the Investigating and Disciplinary Committee in relation to the statutory officers of the Council and other



related functions including Appeals against dismissal, grading and grievances by employees of the council and applications for premature retirement.

2.8.7 Corporate Parenting Board

2.8.7.1 Composition

The corporate parenting board will consist of 11 councillors comprising the Executive member responsible for children who will chair the Board plus 9 other non-Cabinet councillors.

2.8.7.2 Role

To oversee the council's and partner agencies responsibilities towards all children and young persons in care and care leavers and how their life chances can be improved.



Article 9 - Joint Arrangements

This articles explains how the council works with other bodies.

2.9.2 Joint arrangements generally

Joint arrangements for Council functions

2.9.2.1 The council may establish joint arrangements with one or more local authorities to exercise Council, or a mixture of Council and Cabinet functions, or to advise the council on any matter. These arrangements may involve the appointment of a joint committee with these other local authorities, including the determination of terms of reference.

Joint arrangements for cabinet functions

2.9.2.3 The cabinet may establish joint arrangements with one or more councils to exercise Cabinet functions. These arrangements may involve the appointment of joint committees, including the determination of terms of reference.

2.9.3 Joint arrangements with the NHS Clinical Commissioning group

2.9.3.1 On the 10 July 2019 the Council agreed to the setting up of the Strategic Commissioning Board as a joint committee of the Council to operate from 1 October 2019. The Report makes it clear that this joint committee will not replace either of the existing statutory bodies, instead it will be a Joint Committee of the two statutory organisations established under Regulation 10(2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000.

2.9.3.2 The Board was to be given wide ranging responsibility for all matters relating to health, social care and the Council's "health related" functions delegated to it (subject to reserved matters).

2.9.3.3 On 4 September 2019 the Cabinet agreed to delegate its Cabinet functions for health, social care and health related functions with effect from 1 October 2019.

2.9.3 Appointments to joint committees

2.9.3.1

a) Except as in (b) below, the cabinet may appoint only members of the cabinet to a joint committee dealing solely with cabinet functions, and those members need not reflect the political composition of the council as a whole.

b) Councillors who are not members of the cabinet may only be appointed to a joint committee where the relevant functions do not extend to more than two fifths of the district by area or population. In such cases, the cabinet may appoint a councillor who represents a ward wholly or partly in the area covered by the joint committee. 2.9.4 Access to information

2.9.3.2 The rules on access to information and confidentiality as set out in article 13 will apply to members of joint committees in the same way as they do to members of the council.

2.9.4. Greater Manchester Combined Authority and Joint Committees

Joint arrangements include the Council's participation in the following Joint Committees:



- Association of Greater Manchester Authorities (AGMA) Cabinet Board, and its Commissions and sub-committees
(Including the Statutory Functions Committee)
- Transport for Greater Manchester Committee
- AGMA Joint Scrutiny Pool
- Parking and Traffic Regulation Outside London Adjudication Joint Committee (PATROLAJC)
- Bus Lane Adjudication Service Joint Committee
- Greater Manchester Police and Crime Panel
- Greater Manchester Combined Authority

2.9.5 Delegation to and from other local authorities

2.9.5.1 Full Council or the cabinet may delegate their respective powers and functions to another local authority or the Cabinet of another local authority.

2.9.5.2 The decision whether or not to accept such delegation from another local authority will be taken by full Council or the cabinet as appropriate.

2.9.5.3 The council has made no such delegations to date.

2.9.6 Contracting out

2.9.6.1 Full Council, for functions it is responsible for, and the leader or cabinet members, for Cabinet functions, may contract out to another body or organisation functions which may be carried out by an officer subject to the relevant legislative requirements.

2.9.7 Consultative committees

Standing advisory council on religious education (SACRE)

2.9.7.1 In accordance with the Education Act 1996 (as amended) the council has established a Bury SACRE to provide advice on matters concerned with the provision of religious education and collective worship as set out in the.

2.9.7.2 The council appoints the membership in accordance with the legislation, in four groups, as follows:

Group (A)

- One Roman Catholic representative (nominated by the Roman Catholic hierarchy);
- One Free Church representative (nominated by Churches together in Bury);
- One representative of other faiths as a whole;
- One representative of the Bahá'í faith;
- One representative of the Muslim faith;
- One representative of the Sikh faith. One representative of the Jewish faith. One representative of the Buddhist religion.
- Other than for the Roman Catholic and Free Church representatives the representatives should, as far as possible, be nominated by the appropriate local faith group.

Group (B)



- Three Church of England representatives (nominated in consultation with the Diocesan Education Authority).

Group (C)

- Three teachers' representatives, with one drawn from each of the primary, secondary and special education sectors (nominated through recommendation of recognised teacher associations) and one co-opted member.

Group (D)

- Three Bury Council members as local education authority representatives

2.10 Other bodies

Safeguarding Boards

2.10.7.3 In accordance with legislative requirements the council has established both an adults and a children's safeguarding board. Each is chaired by an independent person accountable to the chief Executive of the council for the effective operation of their respective boards; and working closely with the Executive director for children's services and the Executive director for adults and wellbeing.

Community Safety Partnership Board

2.10.7.4 In accordance with legislative requirements the council has established a community safety partnership, chaired by the cabinet member with responsibility for community safety.

Other partnerships

2.10.7.5 The council may, from time to time, work in partnership with one or more organisations in order to achieve a shared objective or aim, or in accordance with statutory requirement. The council has an agreed framework for partnerships' governance and maintains a register available for public inspection of such partnerships which are considered strategic.



Article 10 - The Chief Executive and Other Staff

This article sets out that the council will have a chief Executive, who is in charge of the council's staff and works with councillors to carry out the aims and objectives of the council. The article also sets out other senior staff posts and indicates which senior staff posts also have additional roles as the head of paid service, the monitoring officer and the chief finance officer.

2.10.1 Chief Executive

2.10.1.1 The council employs a Chief Executive who carries out the functions in the functions scheme at part 3 on behalf of the council and the Executive.

2.10.3 Senior officers

2.10.3.1 The council will employ people in senior posts (directors and assistant directors) who will assist the chief Executive. The functions of the chief Executive can be exercised by senior officers are set out in the functions scheme.

2.10.4 Designation of statutory officers

2.10.4.1 Council is required by law to designate senior officers as the head of paid service, the monitoring officer, the chief finance officer (herein referred to as S151 officer) and the statutory scrutiny officer. The head of paid service, statutory scrutiny officer and chief finance officer cannot also be the monitoring officer; the head of paid service, chief finance officer and monitoring officer cannot also be the statutory scrutiny officer.

2.10.4.2 The chief Executive is designated as the head of paid service and is responsible for the way in which the discharge of the council's functions by officers is co-ordinated, the number and grade of officers needed and how they are organised and deployed in the council, and reporting to Council as necessary.

2.10.4.3 The solicitor to the council is designated as the monitoring officer and is responsible for maintaining the constitution, ensuring decision-making is fair and lawful and reporting any actual or potential breach of a legal requirement to the Council meeting or Executive, and for dealing with complaints that councillors have breached the councillor code of conduct and reporting as necessary to the audit and governance committee. The solicitor to the council is authorised to issue, defend, settle or take part in any legal proceedings on the council's behalf where such action is necessary to give effect to decisions of the council or where they considers that such action is necessary to protect the council's interests.

2.10.4.4 The Director of Financial Transformation is designated as the section 151 officer appointed to fulfil the role set out in that section of the Local Government Act 1972 and is responsible for the proper administration of the council's financial affairs including reporting the actual spending or potential misspending of money to the Council meeting or cabinet.

2.10.4.5 The head of democratic services is designated as the statutory scrutiny officer and is responsible for promoting the role of the council's overview and scrutiny committees, providing support to the council's overview and scrutiny committees and their members, and for providing support and guidance to all members and officers of the authority in relation to functions of the authority's overview and scrutiny committees.



2.10.4.6 The council will provide the statutory officers with such officers, accommodation and other resources as are in the opinion of each of those officers sufficient to allow their individual duties, as specified in law, to be performed.

2.10.6 Conduct

2.10.6.1 Officers will comply with the code of conduct for employees (part 5 section 12) and will follow the protocol on member/officer relations (part 5 section 4).

2.10.7 Employment

2.10.7.1 The recruitment, selection and dismissal of officers will comply with the employment rules (part 4 section 9).



Article 11 - Decision-making

This article sets out how the council takes decisions.

2.11.1 Principles of decision making

2.11.1.1 When the council takes a decision it will:

- a) be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it and monitoring implementation;
- b) consult properly and have regard to the professional advice from its officers;
- c) have regard to the public sector equality duty and respect for natural justice and human rights;
- d) make the decision public unless there are good reasons for it not to be;
- e) give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen;
- f) explain what options were considered and give the reasons for the decision; and
- g) follow proper procedures

2.11.2 Responsibility for decision making

2.11.2.1 The council's activities are described in law as functions. The council as a whole cannot make every decision. The council has adopted the leader and Cabinet arrangement and therefore unless stated all functions are exercised by the cabinet.

How the council and cabinet discharge those functions are set out in the functions scheme.

2.11.5 Decision rules

2.11.5.1 The decision making procedures for all council, cabinet and committee meeting decision making is set out in part 4. 2.11.10

Codes

2.11.10.1 In making decisions and conducting its business the council and the bodies and person(s) exercising functions on its behalf will have regard to the codes and guidance set out in part 5 of this constitution.



Article 12 – Finance, Contracts and Legal Matters

This article sets out how the council manages its financial, contractual and legal arrangements including the use of the Common Seal of the Council.

2.12.1 Financial management

2.12.2 The management of the Council's financial affairs shall be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

2.12.3 Contracts

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

2.12.5 Legal proceedings

2.12.6 The Council Solicitor 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 interests.

2.12.7 Authentication of documents

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

2.12.9 Signing of Contracts

2.12.10 13.4.2 Any contract entered into on behalf of the Council must be signed or sealed in writing or electronically in accordance with the Council's Contract Procedure Rules in part 4 of this Constitution.

13.5 Common Seal of the Council

13.5.1 The Common Seal of the Council shall 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 shall be affixed to those documents which in the opinion of the Council Solicitor should be sealed. The affixing of the Common Seal shall be attested by the Chief Executive, Executive Director or Council Solicitor or some other person authorised by him/her.

13.5.2 The Common Seal of the Council can also be executed electronically in accordance with the provisions of the Electronic Communications Act 2000 and the arrangements in Article 13.5.1.

ENDS

Part 3 – Functions

Section 1 - Council Functions

The table below details the functions listed in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 “the regulations” that are the responsibility of the Council and the general delegation arrangements

3.1.1 Table of functions

	What is the Council function ?	Who can carry the function out ?
1	Adopting and changing the Constitution including standing orders	<p>Council meeting only</p> <p>Audit and Governance committee (finance procedure rules and contract procedure rules.</p> <p>Monitoring Officer (technical changes or those required by law only)</p>
2a	<p>Budget and policy framework</p> <p>Policy</p> <p>The adoption of the following plans and strategies:</p> <p>Annual Library Plan (if Secretary of State requests) under s1(2) of the Public Libraries and Museums Act 1964</p> <p>Children and Young People’s Plan under the Children and Young People’s Plan (England) Regulations 2005 Crime & Disorder Reduction Strategy under s5 & 6 of the Crime and Disorder Act 1998</p> <p>Development Plan documents under s15 of the Planning and Compulsory Purchase Act 2004</p> <p>Licensing Authority Policy statements under s349 of the Gambling Act 2005</p>	<p>Council meeting only, recommended from Cabinet</p>



	<p>Local Transport Plan under s108(3) of the Transport Act 2000</p> <p>Youth Justice Plan under s40 of the Crime and Disorder Act 1998</p> <p>And additionally:</p> <p>Corporate Plan</p> <p>Bury 2030 – Community Strategy</p> <p>Code of Corporate Governance</p> <p>Tenancy Strategy</p> <p>Risk Management Annual Report</p> <p>Economic Development and Growth Strategy</p> <p>Housing Investment Programme</p>	
<p>2b</p>	<p>Budget</p> <p>Approve a balanced Revenue Budget and specifically :</p> <ul style="list-style-type: none"> • Approve the Council Tax Base • Approve the rate of Council Tax and relevant precepts • Approve the Gross Revenue Budget • Approve the net spending limit for each major service element (Directorate) <p>And in doing so adopt the following plans or strategies to support the delivery of Council budget –</p> <ul style="list-style-type: none"> • Revenue Budget for the next financial year • Capital Investment Budget for the next financial year • Medium Term Financial Strategy • Reserves Strategy 	<p>Council meeting only, recommended from cabinet</p>

	<ul style="list-style-type: none"> • Statutory Council tax calculations • Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision • Capital strategy (including an asset management plan) 	
3	<p>Amending the budget and policy framework</p> <p>Note : can be Cabinet if Council agree under 2000/2853 Reg 4 a (ii) which requires a specific delegation per adoption</p>	When approving a policy or strategy Council will specify the degree of in-year changes to the document which may be undertaken by Cabinet
3a	<p>Other polices</p> <p>Licensing Authority Policy statements under s5 Licensing Act 2003</p> <p>Taxi and Private Hire policy</p> <p>Pay Policy Statement under s38 of the Localism Act 2011</p>	<p>Council meeting only</p> <p>Pay policy statement - Council meeting only, recommended from Employment Panel</p> <p>Delegation to Monitoring Officer, following consultation with the Chief Executive, to make in year technical updates to the statement to reflect changes to post holder details or approved changes to local or national pay policy</p>
4	Approving or amending any application to the secretary of state in respect of any housing land transfer	Council meeting only
5	Consider the review of the effectiveness of the system of internal control required and approve the Annual Governance	Audit and Governance Committee

	Statement	
6	Subject to the Urgency Procedure in the Access to Information Rules, making a decision contrary to the Policy Framework or the Budget, or part of it	Council meeting only
7	Electing the Mayor	Council meeting only
8	Appointing the Deputy Mayor; Committee Chairs	Council meeting Health and Wellbeing Board: the Leader of the Council appoints chairperson from those members of the Cabinet appointed to the Board, the Board appoints vice chair
9	Appointing the Leader of the Council	Council meeting only
10	Setting the terms of reference of committees, deciding on their size, composition and allocating seats proportionately to political groups	Council meeting only
11	The appointment by the authority of at least one independent person under the Localism Act 2011	Council meeting only
12	Discharge of Council functions by another authority	Council meeting only
13	Arrangements for joint exercise of Council functions or a mix of Council and Executive functions	Council meeting
14	Agreeing the Members' Allowances Scheme	Council meeting only
15	Functions relating to name and status of Bury Council as listed in schedule 1 section E of the Regulations	Council meeting only
16	Functions relating to community governance reviews as listed in schedule 1 section EB of the Regulations	Council meeting only

17	Confer title of Honorary Alderman or Freedom of the Borough.	Council meeting only
18	Functions relating to town and country planning and development control as listed in schedule 1 section A of the Regulations including enforcement	See appendix 1
19	Powers relating to the protection of important hedgerows and preservation of trees	Chief Executive
20	Rights of way functions as listed in schedule 1 section I i of the regulations	Chief Executive
21	Licensing and registration functions as listed in schedule 1 section B of the regulations	Chief Executive
22	Functions relating to smoke free premises as listed in schedule 1 section FA of the regulations	Chief Executive
23	Health and safety at work enforcement functions as listed in schedule 1 section C of the Regulations	Chief Executive
24	Elections functions as listed in schedule 1 section D of the Regulations	Chief Executive Employment panel for appointment of Returning Officer and Electoral Registration Officer If a polling station cannot be used the Returning Officer has delegated powers to use another polling station as a temporary solution.
25	Make, amend, revoke, re-enact or enforce byelaws	Council meeting only
26	Power to promote or oppose local or personal bills	Council meeting only

27	Approval of the appointment of Chief Executive	Council meeting only
28	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	<p>Chief Executive for all staff other than those within the remit of the employment panel</p> <p>Employment panel will also be a consultee for all terms and conditions (including policies).</p> <p>Employment panel for Officers listed within their remit</p>
29	Approval of pay and severance packages in excess of £100,000	Council meeting only
30	Duty to make arrangements for the proper administration of financial affairs	s.151 Officer
31	Power to appoint Officers for particular purposes (otherwise called the appointment of proper Officers)	Chief Executive
32	Duty to designate posts to fulfil the functions of: the Head of Paid service, the Monitoring Officer, the s151 Officer, Statutory Scrutiny Officer, and to provide staff etc.	Council meeting only
33	To adopt revise or replace a Members Code of Conduct	Council meeting only
34	Power to make a limestone pavement order	Chief Executive
35	Duty to approve the Council's statement of accounts, income and expenditure and balance sheet, or record of payments	Audit and Governance Committee
36	Power to make closing order in respect to take away food shops	Chief Executive
37	Permit a co-opted member of a	Council meeting only

	scrutiny committee to vote at meetings of the committee	
38	Recruitment of panel members to Independent Remuneration Panel	Monitoring Officer
39	Powers relating to complaints about high hedges Chief Executive	Chief Executive
40	Powers to make an order identifying a place as a designated public place in relation to alcohol consumption	Chief Executive
41	Power to make or revoke an order designating a locality as an alcohol disorder zone	Chief Executive
42	Power to apply for an enforcement order against unlawful works on common land	Chief Executive
43	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference including instituting proceedings	Chief Executive
44	The appointment of a local auditor under Section 7 of the Council meeting only Local Audit and Accountability Act 2014	Council meeting only
45	Power to make payments or provide other benefits in cases of maladministration	Chief Executive
46	Functions relating to pensions as listed in schedule 1 section H of the regulations	Chief Executive
47	47 All other matters which by law, must be the responsibility of the Council	Council meeting only unless a specific delegation given from Council as listed in the attached appendix

3.1.1 Appendix

The table below details all other functions which by law, must be the responsibility of the Council and the specific expressed delegation arrangements

3.1.1A Table of functions

What is the Council function	Who can carry the function out
47A Adoption of neighbourhood development plans, and to approve any consequential amendments to the countywide policies map.	Cabinet
47B Granting of dispensations under s33 (2) Localism Act 2011	Subsection (b) (d) and (e) Audit and Governance committee Subsection (a) and (c) monitoring Officer with appeal to audit and governance committee from 28 September 2012
47C Council tax reduction scheme under S13A, Local Government and Finance Act 1992, as amended	Council
47D Recruitment of up to three independent persons pursuant to Section 28 (7) of the Localism Act 2011	Monitoring Officer
47E Make in year amendments to the capital programme to reflect additional external funding secured in year	Chief Finance Officer following consultation with the Cabinet Member responsible for Finance

ENDS

Section 3 - Other functions

This section contains a description of the bodies who have functions delegated to them by Council. Those functions are as follows:

- Town and Country Planning, Development Control (the Planning Functions)
- Licensing Functions
- Audit Functions
- Standards Functions
- Employment Functions
- Health and Wellbeing Functions
- Corporate Parenting Functions

3.5.1 Planning Control Committee

3.5.2 When the committee carries out the planning functions it will follow the Probity in Planning Code of Conduct (part 5 section 6)

3.5.3 The committee functions are:

Planning and Conservation:

All 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).

Delegations

3.5.4 The committee's delegations are:

a) 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 Director for Business, Growth and Infrastructure as follows:

(i) Any application recommended for approval where there are three or more objections received from third parties from different households, with the exception of any domestic householder planning application which falls within the approved supplementary planning guidance note 6 or otherwise



would be accepted under Prior notification procedures in relation to enhanced permitted development rights; 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 Assistant Director (Localities)/Resource and Regulation that he/she wishes the application to be determined by the Planning Control Committee, which must state clear planning reasons for the call in request and be authorised by the Chair of 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 or subsequent adopted Local 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.
- e) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- f) 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.
- g) (Any other application which, in the opinion of the Director for Business, Growth and Infrastructure merits consideration by the Planning Control Committee.
- h) The decision to enter land in Part 2 of the Council's Brownfield Land Register thereby triggering a grant of Permission in Principle where the criteria referred to at (a) to (f) above are met and any application for Technical Details Consent where the criteria at (b) to (f) above are met.



- i) Any application submitted on behalf of the Council where there is at least one objection received from third parties.

Street Naming

- j) To deal with the naming and re-naming of streets and the numbering and renumbering of properties, where objections have been received to proposals.

Tree Preservation Orders

- k) 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 (or as subsequently amended) and the Tree Regulations 2012 (or as subsequently amended) where objections have been received to proposals.

Listed Buildings and Conservation Areas

- l) To determine applications for grants for repair/maintenance works in respect of listed buildings where the amount of grant requested exceeds £5,000.
- m) To designate a conservation area under Section 69 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (or as subsequently amended).

General

- n) To give directions restricting permitted development under Article 4 of the Town and Country Planning (Development Procedure) (England) Order 2015 (or as subsequently amended).
- o) To deal with any functions relating to town and country planning and development control (development management) 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.



Commons Registration

- p) To deal with any functions relating to 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, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Public Rights of Way

- q) 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.

3.5.5 The Licensing and Safety Committee Functions

3.5.6 The functions of the Licensing and Safety Committee are set out below. All other licensing and related functions not within the remit of the committee are delegated to the Chief Executive, who will maintain the Officer Scheme of Delegation detailing all relevant delegations to officers.

3.5.7 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.

3.5.8 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.

3.5.9 Other functions of the Licensing and Safety Committee

3.5.10 The Licensing and Safety Committees other functions are:

- a) To determine all new applications and all renewals for hackney carriage proprietor (vehicle), hackney carriage driver, private hire vehicle, private hire driver and private hire operator licences where the applicants do not comply with the relevant policy, guidelines, criteria or where there are grounds for refusal of the applications under the relevant legislation.
- b) 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.



- c) To determine all applications for sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3.
- d) 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 where the appropriate officer does not wish to exercise his/her delegated powers.
- e) 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.
- f) To determine the pre-requisites, minimum standards, terms, conditions and restrictions associated with and/or to be attached to any licence which falls within the purview of the Licensing and Safety Committee.
- g) To authorise the revocation or suspension of any Licence which falls within the purview of the Licensing and Safety Committee except in circumstances involving risk to the public safety in which case authority be delegated to the Head of Service (Public Protection) and/ or the Unit Manager (Licensing) after consultation with the Chair of the Committee to revoke or suspend a Licence with immediate effect subject to a report to the next Committee meeting.
- h) To determine any applications for licences where the appropriate officer does not wish to exercise his/her delegated powers.
- i) 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.
- j) 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.
- k) To make recommendations to Council in respect of licensing functions covered by the Licensing Act 2003, and to deal with all policy and monitoring matters relating to licensing functions covered by the Act.
- l) To determine refusals to grant revocations and variations of licences for Housing in Multiple Occupation under the provisions of the Housing Act 2004.
- m) To act as the single review body in respect of drivers working on Council school and college contracts



3.5.11 Licensing Hearings Sub-Committee functions

3.5.12 The Licensing Hearings Sub-committee determines all applications that fall within the Licensing Act 2003 which have attracted representations against them including:

- a) Applications for personal licences (if police objection);
- b) Applications for personal licences with unspent convictions;
- c) Applications for premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003);
- d) Applications for provisional statements (if relevant representation are made as specified in the Licensing Act 2003);
- e) Applications to vary premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003);
- f) Applications to vary designated premises supervisor (if police objection);
- g) Requests to be removed as a designated premises supervisor
- h) Applications for transfer of premises licence (if police objection);
- i) Applications for interim authorities (if police objection);
- j) Applications to review premises licences/club premises certificate;
- k) Deciding whether to object when the authority is a consultee and not the relevant authority considering an application;
- l) Determination of objections to temporary event notices;
- m) Determination of application to vary premises licence at community premises to include alternative licence condition (if police objection)
- n) Revocations of licences where convictions come to light

3.5.13 The Licensing Hearings Sub-committee determines all applications that fall within the Gambling Act 2005 which have attracted representations against them including:

- a) Application for Premises Licence
- b) Application for a variation to a licence
- c) Application for a transfer of a licence
- d) Application for a provisional statement
- e) Review of a premises licence
- f) Application of club gaming/club machine permits
- g) Cancellation of club gaming/club machine permits
- h) Decision to give a counter notice to a temporary use notice

3.5.13 Audit Committee Functions

3.5.14 The purpose of an audit committee is to provide independent assurance on the adequacy of the risk management framework together with the

internal control of the financial reporting and annual governance processes.

3.5.15 Internal audit

- (a) To consider the Head of Internal Audit's annual report and opinion, and a summary of internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
- (b) To consider summaries of specific Internal Audit reports and the main issues arising and seek assurance that action has been taken where necessary
- (c) To consider reports dealing with the management and performance of the providers of Internal Audit Services
- (d) To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale
- (e) To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee
- (f) The Committee will not receive detailed information on investigations relating to individuals. The general governance principles and control issues may be discussed, in confidential session if applicable, at an appropriate time, to protect the identity of individuals and so as not to prejudice any action being taken by the Council.

3.5.16 External audit

- (a) Review and agree the External Auditors annual plan, including the annual audit Fee and annual letter and receive regular update reports on progress
- (b) To consider specific reports from the External Auditor
- (c) To meet privately with the External Auditor once a year if required
- (d) To comment on the scope and depth of external audit work and to ensure it gives value for money
- (e) To recommend appointment of the council's local (external) auditor
- (f) Ensure that there are effective relationships between external and internal audit that the value of the combined internal and external audit process is maximised.

3.5.17 Governance

- (a) To maintain an overview of the council's Constitution, conduct a biennial review and recommend any changes to council other than

changes to the Contract Procedure Rules, Finance Procedure Rules which have been delegated to the committee for adoption

- (b) To monitor the effective development and operation of risk management and corporate governance in the council
- (c) To maintain an overview and agree changes to the council policies on whistleblowing and the 'Anti-fraud and corruption strategy'
- (d) To oversee the production of the authority's Statement on Internal Control and to recommend its adoption
- (e) To annually conduct a review of the effectiveness of the council's governance process and system of internal control which will inform the Annual Governance statement
- (f) The council's arrangements for corporate governance and agreeing necessary actions to ensure compliance
- (g) To annually review the council's information governance requirements
- (h) To agree the annual governance statement (which includes an annual review of the effectiveness of partnership arrangements together with monitoring officer, s151 officer, Caldicott guardian and equality and compliance manager reviews)
- (i) To adopt an audit and governance code
- (j) To undertake community governance reviews and to make recommendations to Council.

3.5.18 Accounts

To review and approve the Statement of Accounts, external auditor's opinion and reports on them and monitor management action in response to the issues raised by external audit.

3.5.19 to 3.5.23 Not used

3.5.24 Employment Panel Functions

3.5.25 Council has agreed that an Employment Panel be established that will fulfil the following functions:

- (a) Be the appropriate body including acting as the Investigating and Disciplinary Committee , to fulfil the employment functions as set out in part 4 section 9, the Officer Employment Procedure Rules in relation to: Chief Officers and Deputy Chief Officers including the Head of Paid Service (to include Returning Officer and Electoral Registration Officer functions), Deputy Chief Executive; Director for



Adults and Communities, Director of Children and Families; Director of Public Health, Monitoring officer and s151 officer.

- (b) Review the annual pay policy statement and make recommendations to Council
- (c) Be a consultee on all terms and conditions including policies for all staff
- (d) Approve the performance and development framework for annual assessment of the Chief Executive
- (e) Appeals against dismissal, grading and grievances by employees of the council and applications for premature retirement.

The Chair of the Employment Panel has delegated authority to suspend the Head of Paid Service.

3.5.26 Health and Wellbeing Board Functions

3.5.27 Bury Council has established a Health and Wellbeing Board in accordance with the provisions of the Health and Social Care Act 2012.

3.5.28 The functions of the Board are:

- (a) To encourage those who arrange the provision of any health or social care services in Bury to work in an integrated manner for the purpose of advancing the health and wellbeing of the people of Bury.
- (b) To provide such advice, assistance or other support as it thinks appropriate, for the purpose of encouraging the making of prescribed arrangements under S 75 National Health Service Act 2006.
- (c) To encourage those who arrange for the provision of any health related services in Bury to work closely with the health and wellbeing board.
- (d) To encourage the close working of those providing health or social care services with those who arrange for the provision of health related services in Herefordshire.
- (e) To prepare a health and social care joint strategic needs assessment for the district
- (f) To prepare a joint health & wellbeing strategy to meet those needs
- (g) Reviewing whether the commissioning plans and arrangements for the NHS, public health and social care (including Better Care Fund submissions) are in line with and have given due regard to the health and wellbeing strategy
- (h) To prepare and publish a local Pharmaceutical Needs Assessment under S206 of the 2012 Act and additionally:



- (i) To give its opinion, as appropriate, to Bury Council, the Clinical Commissioning group or NHS commissioning Board, as to whether they are discharging their duty to have regard to any assessment of relevant needs prepared by the Council, the Clinical Commissioning Group or NHS commission Board in the exercise of their functions.
- (j) To sign off annual plans and periodic performance submissions for the better care fund

3.5.29 Corporate Parenting Board

3.5.30 Bury Council has established a corporate parenting board to oversee work with children and young persons in care (CYPiC) and care leavers

3.5.31 The functions of the board are:

- a) To take an overview of the Council's and partner agencies responsibilities towards all CYPiC and Care Leavers and examine ways in which the Council as a whole and partner agencies can improve their life chances
- b) To ensure there are good joint working arrangements between Council departments and partner agencies, including working arrangements with the Children's Trust Board, Bury Safeguarding Children's Board and the Health & Wellbeing Board
- c) To monitor and scrutinise the performance of services for CYPiC and Care Leavers, supporting good practice and challenging and holding to account for poor practice
- d) To provide a forum for CYPiC and Care Leavers to participate and influence policy and to have an opportunity to talk about issues relating to their own direct experiences of services they have received.
- e) To ensure that positive experiences are maintained and lessons are learnt and changes made in the areas that require improvements.
- f) To maintain a strategic overview of all developments, plans, policies and strategies for CYPiC and Care Leavers and to make appropriate recommendations for action
- g) To monitor and scrutinise the plans/needs of children in secure accommodation.
- h) To ensure Members are regularly updated on issues affecting CYPiC and Care Leavers.



- i) To meet with looked after children and their carers on a regular basis to consult and celebrate achievements
- j) To act as the governing body of the Virtual School for CYPiC.

3.5.32 Standards Committee

3.5.33 The Standards Committee has the following functions:

3.5.34 Code of conduct

To promote and maintain high standards of conduct by members and co-opted members of the Council

- (a) To recommend to Council the adoption of a code (the Code of Conduct) dealing with the conduct that is expected of members and co-opted members of the Council and its arrangements for dealing with complaints (the Complaints Procedure) that members and co-opted members have failed to comply with the code.
- (b) To keep the Code of Conduct and Complaints Procedure under review and recommend changes/replacement to Council as appropriate
- (c) To publicise the adoption, revision or replacement of the Council's Code of Conduct and Complaints Procedure
- (d) To oversee the process for the recruitment of the Independent Persons and make recommendations to Council for their appointment
- (e) To annually review overall figures and trends from Code of Conduct complaints.
- (f) To grant dispensations under Section 33 (2) (b) (d) and (c) Localism Act 2011 or any subsequent amendment
- (g) To hear appeals in relation to dispensations granted under section 33 2) (a) and (c) Localism Act 2011 by the Monitoring Officer
- (h) Advising, training or arranging to train Councillors, co-opted members, on matters relating to the Members' Code of Conduct;
- (i) 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.
- (j) To determine investigation reports compiled on behalf of the Monitoring Officer, including the power to establish hearing panels, where necessary.
- (k) To deal with any reports from the Monitoring Officer on any matter which is referred to it for determination;



- (l) To deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Council's Code of Conduct for Members which do not in themselves constitute a breach of that Code;
- (m) To report from time to time to Council on ethical governance within the Council.
- (o) To maintain an overview of complaints handling and Ombudsman Investigations
- (p) To consider and determine applications for exemptions from political restriction

3.5.35 Standards Hearing Panel

The Standards Hearings Panel is a sub-committee of the Standards Committee, which will undertake the functions set out below, where the matter cannot be resolved by the Monitoring Officer. The following functions have been delegated to it:

- i) To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council's Complaints Procedure to have failed to comply with the Council's Code of Conduct for Members ("the Subject Member"), such actions to include:-
 - (i) Publication of the findings of the Standards Hearings Panel in respect of the Subject Member's conduct;
 - (ii) Reporting the findings of the Standards Hearings to Council for information;
 - (iii) Recommendation to Council that the Subject Member should be censured;
 - (iv) Recommendation to the Subject Member's Group Leader (or in the case of ungrouped Members to Council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the Council for a recommended period;
 - (v) Recommendation to the Leader that the Subject Member should be removed from the Executive, or removed from their Portfolio responsibilities;
 - (vi) Instructing the Monitoring Officer to arrange training for the Subject Member;
 - (vii) Recommendation to Council that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Council;



(viii) Withdrawal of facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access; or

(ix) Placing such restrictions on the Subject Member's access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances.

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Section 3 - Cabinet Functions

This section details the responsibilities of the Cabinet and the delegation arrangements.

3.3.1 The Leader

3.3.2 The Leader of the Council determines:

- (a) the size of the Cabinet
- (b) the appointment of a Deputy
- (c) the appointment of Cabinet Members
- (d) the appointment of Deputy Cabinet Members
- (e) the appointment of Champions
- (f) the allocation of portfolios and responsibility to Cabinet Members
- (g) the Cabinet functions that can be carried out by Cabinet Members individually (paragraph 3.3.11)
- (h) the Cabinet function that can be carried out by the Chief Executive (section 7 of this part) 3.3.3

Where Cabinet Member portfolios cut across the various functions of the Council and in cases of uncertainty as to which Cabinet Member is responsible for any function, the Leader shall decide which Cabinet Member(s) will deal with it.

3.3.3 Cabinet functions

3.3.4 The Cabinet shall make decisions in relation to all of the Council's areas of responsibility other than those specified as:

- (a) Council functions, or
- (b) Scrutiny functions, or
- (c) Functions cabinet has arranged to be exercised by or with another Council's Cabinet or Joint Committee or
- (d) local choice functions allocated to the Cabinet (as listed in [Part 3 - Responsibility for functions](#)) where the appropriate officer does not wish to exercise his/her delegated powers.

3.3.5 The Cabinet shall also formulate or prepare the documents consisting of the budget and policy framework and shall make recommendations to the Council on their implementation.

3.3.6 In relation to the budget documents once the overall budget has been agreed at the beginning of the year by the full Council, subsequent decisions of Cabinet that may impact on that budget need only be recommended back to full council:

- If the decision is likely to cause the Council's overall budget envelope to be exceeded, or
- If it is contrary to the Council's borrowing or capital expenditure budget.

3.3.7 Cabinet meeting

3.3.8 A Cabinet meeting will be convened for decisions that are:

- (a) key, or
- (b) non-key; or
- (c) of sufficient public interest that a decision at a public meeting is required, or
- (d) reserved to the Cabinet by virtue of the financial procedure rules and associated guidance (see part 4 section 7).

3.3.9 Delegation of Cabinet functions

3.3.10 The Leader can decide to delegate to individual Cabinet members key decisions that relate to their portfolio.

3.3.11 The Leader will notify the Chief Executive and the Monitoring Officer of these functions in writing. The Monitoring Officer will make sure that they are set out in part 7 of the Constitution and that the Council is informed at its next meeting. Changes to the functions of individual Cabinet members will only take effect when the Leader has notified the Monitoring Officer.

3.3.11 A Cabinet Member cannot take a decision contrary to the advice of the Chief Executive, Monitoring Officer, s.151 Officer or relevant Director(s) such a decision must be referred to a Cabinet meeting.

3.3.12 The Leader has decided to delegate to the Chief Executive all functions that fall outside the definitions above. The Chief Executive can only take non-key decisions under this general delegation. Key decisions can only be taken by the Chief Executive following a specific decision containing an officer delegation. The Monitoring Officer is responsible for consulting with the Leader and if applicable, the relevant Cabinet Member to assist the leader in determining whether any matter is one that should be determined at a Cabinet meeting, an individual Cabinet Member or by the Chief Executive.

3.3.13 Key decisions

3.3.14 A key decision is a decision taken at a Cabinet meeting, by an individual Cabinet Member, or a Joint Committee of the Cabinet and is:

- Any decision in relation to an executive function which results in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A decision will be considered financially significant if it results in incurring expenditure or making savings of £500,000 or greater; unless the specific expenditure or savings have previously been agreed by full Council.



- Any other executive decision which in the opinion of the Monitoring Officer is likely to be significant having regard to :
 - (a) the number of residents/service users that will be affected in the Wards concerned;
 - (b) whether the impact is short term, long term or permanent;
 - (c) the impact on the community in terms of the economic, social and environmental well-being.

ENDS

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Section 4 - Scrutiny Functions

The council is required to appoint one or more scrutiny committee. This section details those arrangements.

3.4.1 Scrutiny functions

3.4.2 The committees have the power:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (b) to make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to council with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area
- (f) 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 and to make reports or recommendations to the council with respect to the discharge of those functions. In this regard crime and disorder functions means:
 - (i) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (ii) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (iii) a strategy for the reduction of re-offending in the area
- (g) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised or to be consulted by a relevant NHS body or health service provider in accordance with the Regulations (2013/218) as amended. In this regard health service includes services designed to secure improvement—
 - (i) in the physical and mental health of the people of England, and
 - (ii) in the prevention, diagnosis and treatment of physical and mental illness
 - (iii) And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.
- (h) to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.



3.4.3 Scrutiny rules

3.4.4 When the scrutiny committees are exercising scrutiny functions the scrutiny rules in part 4 section 5 must be followed.

3.4.5 Scrutiny committee remits

Committee	Scrutiny of:
Over view and Scrutiny Committee	<ul style="list-style-type: none"> • Budget and policy framework matters • Statutory flood risk management scrutiny powers • Statutory community safety and policing scrutiny powers • Children’s social care including safeguarding • Transitional arrangements between children and adult services • Children and families budget and policy framework • Statutory education scrutiny powers • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services for children and young people, including transitional health care services, affecting the area and to make reports and recommendations on these matters • Services within the business and regeneration directorate • Services within the corporate core • Corporate performance • Budget
Health Scrutiny committee	<ul style="list-style-type: none"> • Adult social care (including adult safeguarding) • Health and wellbeing board • Housing • Public health • Adults and Communities budget and policy framework • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services (not reserved to the children and young people scrutiny committee)



	affecting the area and to make reports and recommendations on these matters.
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3.4.6 Safeguarding Sub-Committee

3.4.7 The Safeguarding Scrutiny Sub-Committee reviews arrangements for safeguarding adults and children and young people.

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Section 7 - Officer Functions

3.7.1 The intention of the Council is that decision taking should be delegated in the interests of speed where that is consistent with the democratic process in terms of accountability and openness.

3.7.2 The various levels of decision making are:-

- Council
- Committee
- Delegations to officers.
- Leader - Cabinet (either collectively or by individual Cabinet member)

3.7.3 A purpose of this Constitution is to encourage delegation of decision making to individual officers. This constitution delegates decisions to the Chief Executive. Where such decisions have been delegated it remains open to the officer making the delegation to call back for their own decision, issues of significance or sensitivity and for the decision maker to refer matters upwards for determination.

3.7.4 The Chief Executive and nominated Chief Officers have the ability to take six types of decision. The Monitoring Officer has issued Guidance [Take in Link] in relation to recording and publishing Officer Decisions.

3.7.5 Operational Decisions

An operational decision involves the day to day management of the Council. They are usually incidental to a function being exercised by the Council. Such decisions are taken by the Chief Executive, in accordance with the Scheme of Delegation and any financial or contracting requirements specified in the Finance or Contracts Procedure Rules or associated Monitoring officer Guidance and will be classed as operational so long as:

- within an approved budget
- not in conflict with the Council's policies, strategies or relevant service plans
- Does not amend existing or raise new policy issues

Such operational decisions will not be recorded and published unless the Monitoring Officer advises otherwise or they relate to:

- Expenditure over £100,000
- The letting of contracts with a value (over the lifetime of the contract) of £100k or more
- The disposal or purchase of land or assets with a value of £100k or more
- The granting or revoking of a permission or license
- A change to an individual's legal rights
- A change to a service (e.g. opening hours, location or service level)



3.7.6 Cabinet Decisions

The cabinet has delegated non- key decisions to the Chief Executive and nominated Chief Officers. These will be decisions concerning a function being exercised by the Council which is below the key decision threshold.

3.7.7 Council Decisions

The Council has decided that some of its decisions can be taken by the Chief Executive. Where the effect of the decision is to grant a permission or licence; changes the legal rights of an individual; or awards a contract (above £100k) or incurs expenditure (£100k) which in either case materially affects the Council's financial position there is a requirement to publish the decision.

3.7.8 Local Choice Decisions

The Council has delegated certain further functions to the Chief Executive. As a result these become Cabinet or Council decisions and will follow the procedures for those type of decisions.

3.7.9 All necessary decisions in cases of Emergency.

For the purposes of this scheme, 'emergency' shall mean any situation in which the Chief Executive believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual, or that the interests of the Council may be compromised. 'All necessary decisions' includes decisions to take such action as is necessary within the law to protect life, health, safety, the economic, social or environmental wellbeing of the county, its communities and individuals living, working or visiting, and to preserve property belonging to the Council or others;

3.7.10 Implementing Decisions

There is implied authority for the Chief Executive to take all necessary actions to implement Council, Committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary. There will also be express authority within certain decisions, delegating further decisions to a named officer, usually a Director, to take certain actions within the parameters of the recommendation from Council, Committee or Cabinet decisions.

- 3.7.11 All of these six types of decisions can be taken by the Chief Executive without consultation with elected members, however where Cabinet decisions are being taken by officers, cabinet members are normally briefed by a Director before taking the decision.
- 3.7.12 The Chief Executive is unable to make all of these decisions on behalf of the Council and therefore they have a sub delegation scheme which provides for these decisions to be taken by a senior officer.
- 3.7.13 Any officer of the Council who has been authorised by the Chief Executive to carry out any of the Chief Executive's functions of the Council may delegate those functions to other officers. In the case of Cabinet decisions, it is not appropriate for those delegations to be given to any officer below the level of assistant director in the organisation structure.



- 3.7.14 The Chief Executive will maintain the Officer Scheme of Delegation detailing all relevant delegations, including the delegation of any proper officer functions as required in a number of statutes and statutory provisions relating to the functions of the Council which require that one of the Council's officers is the "proper officer" for the purposes of that statutory provision.
- 3.7.15 The Council designates the Chief Executive as its proper officer for all such purposes other than the s151 Officer, Monitoring Officer and Scrutiny Officer and unless otherwise stated where the Chief Executive has delegated the responsibility for fulfilling any proper officer function to another officer.
- 3.7.16 The Officer scheme of delegation will be regularly reviewed and updated to ensure that it contains all relevant delegations.
- 3.7.17 The Officer Scheme of delegation will be published on the Council's website.[Take in Link]

ENDS

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Part 4 – Procedure Rules

Section 1 - Council and Committee meeting rules

NB: Underlined paragraph numbers denote rules that apply to committees in accordance with rule 4.1.4.

*denotes rules which cannot be suspended

4.1.1 Council procedure rules

4.1.2 *These rules set out how meetings of full Council, Committees and other bodies will be conducted.

4.1.3 Application

4.1.4 *All of these rules apply to the meetings of the full Council. Only rules 4.1.7-10, 4.1.22 – 37 and 4.1.147 – 176 apply to meetings of Committees, Sub-committees and other decision making bodies; they do not apply to meetings of the Cabinet. For ease of reference the paragraph numbers of those rules applying to all meetings are underlined.

4.1.5 *Where there is any inconsistency between these Council and Committee rules and the meeting specific rules that follow in the remainder of part 4 of the Constitution, the latter shall prevail.

4.1.6 *In the application of these rules to meetings other than full Council meetings, greater informality may be exercised at the discretion of the mayor of the meeting.

4.1.7 Interpretation

4.1.8 *The ruling of the Mayor or Chair at the meeting as to the construction or application of the rules that apply to that meeting shall not be challenged at the meeting.

4.1.9 Appointment of mayor

4.1.10 *If at any meeting the Mayor appointed by the Council is absent, and if no Deputy Mayor has been appointed by the Council, the meeting shall appoint a mayor for that meeting only. The Monitoring Officer or his/her representative at the meeting shall at the start of the meeting invite nominations for Mayor and will take a vote on a show of hands for those members nominated for Mayor.

4.1.11 Council meetings

4.1.12 *There are three types of Council meeting: annual, ordinary, and extraordinary. The table at paragraph 4.1.13 below sets out when these may take place.

4.1.13*

	Type of meeting	When
1	The annual meeting	<p>In each year following an election by thirds in May</p> <p>In a year when there have been all out ordinary elections, within 21 days of the retirement of outgoing Councillors</p>
2	Ordinary meetings	A minimum of six meetings a year as set out in a programme decided by the Council and, except that one ordinary meeting will be reserved as the budget meeting, with business as outlined in the table at 4.1.15 below.
3	Extraordinary meetings	<p>The Chief Executive may be requested to call a meeting by:</p> <ul style="list-style-type: none"> • Council, by resolution; • the Mayor of the Council; • the Monitoring Officer; or s151 Finance Officer • any five Members of the Council if they have signed a requisition stating the grounds for the extraordinary meeting and the business to be conducted at that meeting; presented it to the Mayor; and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. <p>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, Cabinet members or officers or any resolutions from them.</p> <p>No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting.</p> <p>The Chief Executive will determine whether the stated business can wait until the next ordinary meeting of the Council and, if it cannot, will call an extraordinary meeting.</p>

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4.1.14 Business to be carried out

4.1.15 *The business to be carried out at meetings of the Council is as set out below; those items marked with * are compulsory items the order of which cannot be altered.

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
1	Elect a person to preside if the Mayor and Vice-mayor of the council are not present	✓*	✓*	✓*
2	Elect the Mayor of the Council	✓*		
3	Appoint the Deputy Mayor of council	✓*		
4	Receive any apologies for absence	✓*	✓*	✓*
5	Receive any declarations of interest	✓*	✓*	✓*
6	Approve the minutes of the previous meeting(s)	✓*	✓*	
7	Receive any announcements from the Mayor and/or Chief Executive	✓	✓	
8	Elect the Leader of the Council	✓*		
9	Appoint the Chair of Committees and other bodies	✓*		
10	Appoint at least one Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions	✓*		
11	Decide the size and terms of reference of those Committees	✓*		
12	Decide the allocation of seats on Committees and other bodies to political or other groups in accordance with the political balance rules	✓*		
13	Make such appointments to Committees or outside bodies as are reserved to the Council	✓*		

14	Approve a programme of ordinary meetings of the Council for the year	✓	✓	
15	Consider any other business specified in the summons to the meeting	✓	✓	✓
16	Receive any questions from, and provide answers to, members of the public. In the case of extraordinary meetings and budget questions must relate to items on the agenda		✓	✓
17	Receive recommendations on statutory plans or other matters that are reserved to the Council		✓	
18	Consider and debate any petitions which have reached the threshold for Council consideration		✓	
19	<p>Receive the following reports from the Leader of the Council (on which they may be questioned and if so, answer questions for a period of 15 minutes):</p> <ul style="list-style-type: none"> • the work of the Cabinet since the last meeting including a summary of those matters decided by the Cabinet, Cabinet member or any executive joint committee, and any decisions taken under the urgency provisions; • at the annual meeting (except in a year when there are all out ordinary elections) an annual report on the priorities of the Cabinet and progress made in meeting those priorities; and • any report to the Council 		✓	

	required by a scrutiny committee			
20	<p>Consider motions and debate those motions in an order which alternates between the political groups represented on the Council.</p> <p>At the budget meeting motions must relate to the agenda or be time critical.</p>		✓	
21	<p>Receive any questions from and provide answers to members of the Council.</p> <p>At the budget meeting questions must relate to items on the agenda</p>		✓	

4.1.16 Time of meetings

4.1.17 *Meetings of the full Council will usually be at 7pm or any other such time as the Mayor agrees, and will continue for a maximum of three hours, excluding the period taken up by public question time .

4.1.18 *At the expiry of three hours, excluding the period taken up by public questions, the Mayor may determine:

- (a) that the meeting continue beyond three hours duration; or
- (b) that the remaining business to be conducted at the meeting be:
 - (i) deferred to the next meeting; or
 - (ii) deferred to an extraordinary meeting called for the purpose of dealing with any remaining business; or
 - (iii) put to the vote immediately in the order that the business appears on the agenda or in any order determined by the Mayor; or
 - (iv) some business be put to the vote immediately and other business deferred in accordance with rules (i) and (iii) above; or
- (c) the meeting be adjourned to resume later that day after a specified break provided that the remaining business can reasonably be expected to last no more than two additional hours and cannot be deferred until the next meeting.

- 4.1.19 *The Mayor has discretion to:
- order the adjournment of any meeting;
 - following consultation with the Leader of the Council, alter the date or time of any meeting;
 - cancel or postpone a meeting in the event of an emergency or where there is no business requiring Council approval

4.1.20 Notice of meetings

- 4.1.21 *The Chief Executive will, through publication on the Council's website, give five clear working days' notice to the public of the time and place of any meeting (or otherwise in cases of urgency as in accordance with the access to information rules (part 4 section 2).

4.1.22 Conduct of the meeting

- 4.1.23 *The Mayor's powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. A decision by the Mayor on the meaning of the constitution cannot be challenged at a meeting.

4.1.24 Quorum (minimum number of members)

- 4.1.25 *Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of voting members, or three voting members, whichever is the greater.

- 4.1.26 *If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.

- 4.1.27 *During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

- 4.1.28 *Subject to 4.1.29 remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

- 4.1.29 *The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment under 4.1.27 that there are sufficient members present to constitute a quorum.

4.1.30 Variations in order of business

- 4.1.31 *The mayor has discretion to vary the order of business in setting the agenda other than where indicated in the table at paragraph 4.1.15

above. The compulsory order of business for ordinary meetings of the Council applies to all Cabinet and Committee meetings of the Council.

4.1.32 *A proposed variation at the meeting may be moved by the Mayor or any other member. Where moved by the mayor there is no need for it to be seconded. The variation will be put to the vote immediately without debate.

4.1.33 Petitions

4.1.34 The Mayor will be available 30 minutes before an ordinary Council meeting to receive petitions. During the meeting, as part of Mayor's announcements, any petitions received will be formally passed to the relevant Cabinet member or Committee chair who will respond in writing to the petition organiser. All petitions received, and responses provided will be published on the Council's website.

4.1.35 If a petition has been signed by more than 2500 of those registered to vote in Bury, and has not been rejected by the Monitoring Officer or relevant Cabinet member it may be submitted to a meeting of the Council if the petition organiser wishes. This will normally be at the next scheduled ordinary meeting of the Council, other than the meeting which is reserved for the budget. Guidance on how to submit a petition and reasons why a petition might be rejected are set out in the Public Participation Guide (Part 5 Section 8).

4.1.36 The Council will decide how to respond to the petition at this meeting. They may decide to:

- (a) take the action the petition requests (if it relates to a matter reserved to the Council);
- (b) not to take the action requested for reasons put forward in the debate;
- (c) refer the matter for investigation and report back (if it relates to a matter reserved to the Council); or
- (d) refer the matter to the Leader or Cabinet to respond (and in doing so may make recommendations they would wish that body to consider).

4.1.37 Not Used

4.1.38 Questions by the public

4.1.39 Questions may be asked by members of the public who live or work in Bury at the following public meetings of the Council:

- Full Council (not annual or extraordinary)

- Cabinet (see cabinet rules)
- Audit and governance committee
- Health and wellbeing board
- Employment panel
- Scrutiny committees (see scrutiny rules)
- Licensing and Safety Committee

4.1.40 A period of up to 30 minutes, will be allocated for questions and supplementary questions. This period may be varied at the discretion of the mayor.

4.1.41 At meetings of Full Council, members of the public may ask questions of members of the Cabinet and any chair of a Committee of the Council; at other public meetings of the council where public questions are permitted the question should be addressed to the mayor of that committee.

4.1.42 **Notice of public questions**

4.1.43 A question may only be asked if notice has been given by delivering it in writing to the Monitoring Officer, Bury Council, Town Hall, Bury or by email (democraticservices@bury.gov.uk) to the monitoring officer no later than midday two clear working days before the day of the meeting (e.g. midday on a Friday where the meeting is on a Wednesday). Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the Council website after the meeting and shall be made available to the public attending the meeting.

4.1.44 **Order of public questions**

4.1.45 Questions will be answered in the order in which they are received. If time permits, further questions may be invited from members of the public present.

4.1.46 **Number of public questions**

4.1.47 A member of the public may submit only one question at any meeting of the Council.

4.1.48 **Scope of public questions**

4.1.49 The Monitoring Officer is authorised to reject a question in accordance with the following criteria:

- (a) it is in multiple parts;
- (b) it is not about a matter for which the council has a responsibility or which affects Bury

- (c) where a question is asked at a meeting other than Full Council not relating to the function of the committee or an item of the agenda;
- (d) it is defamatory, frivolous or offensive;
- (e) it is substantially the same as or similar to a question which has been put at a meeting of the Council, a Committee of the Council, or Cabinet in the past six months;
- (f) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
- (g) it is from a Council employee and the question is connected to their employment; or
- (h) it relates to a planning application or licensing application.

4.1.50 If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

4.1.51 Where a question is accepted but it is directed at the incorrect meeting because of criteria (d) above. The Monitoring Officer is authorised to direct the question to the correct meeting.

4.1.52 Supplementary questions

4.1.53 A questioner who is present at the meeting and who has submitted a written question may, at the discretion of the Mayor, ask one supplementary question. A supplementary question must arise directly out of the original question or the reply.

4.1.54 Answers to public questions

4.1.55 Answers to accepted questions will be published after the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.56 Restrictions on asking public questions

4.1.57 No questions may be asked at the annual meeting of the Council.

4.1.58 No questions may be asked at the budget meeting except in relation to reports published with the agenda.

4.1.59 No questions may be asked at an extraordinary meeting of the Council except in relation to reports published with the agenda.

4.1.60 Written Questions from Councillors

4.1.61 Written Questions may be asked by members of the council at Full Council

A period of up to 30 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the mayor.

4.1.62 A member may ask the leader, any member of the Cabinet or Chair of a Committee a question about any matter in relation to which the Council has powers or duties or which affects the borough, in accordance with these council rules.

4.1.63 Notice of written questions

4.1.64 A member may ask a question only if either:

(a) notice has been given by delivering it in writing or by email (democraticservices@bury.gov.uk) to the Monitoring Officer no later than midnight six clear working days before the day of the meeting (e.g. midnight on the Monday where the meeting is on a Wednesday the following week); or

(b) if the question relates to urgent matters, they have the consent of the member to whom the question is to be put, and the question is delivered to the monitoring officer (as above) by 9.30 am on the day of the meeting, or half an hour before the start of the meeting whichever is the earlier.

4.1.64A Oral Questions from Councillors

Oral Questions may be asked by members of the council at Full Council

A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the mayor.

4.1.62 A member may ask the leader, any member of the Cabinet or Chair of a Committee a question about any matter on the Council Agenda and which the Council has powers or duties or which affects the borough, in accordance with these council rules.

4.1.65 Scope of questions

4.1.66 The Monitoring Officer is authorised to reject a question in accordance with the following criteria:

- (a) it is in multiple parts;
- (b) it is not about a matter for which the council has a responsibility or which affects Bury
- (c) where a question is asked at a meeting other than Full Council not relating to the function of the committee or an item of the agenda;
- (d) it is defamatory, frivolous or offensive;
- (e) it is substantially the same as or similar to a question which has been put at a meeting of the Council, a Committee of the Council, or Cabinet in the past six months;
- (f) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
- (g) it is from a Council employee and the question is connected to their employment; or
- (h) it relates to a planning application or licensing application.

4.1.67 If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

4.1.68 Where a question is accepted but it is directed at the incorrect meeting because the meeting does not exercise the function being questioned. The Monitoring Officer is authorised to direct the question to the correct meeting.

4.1.69 Asking the Question at the meeting

4.1.70 The Mayor will invite the questioner to put the question to the member named in the notice.

4.1.71 Asking a supplementary question

4.1.72 A member who has put a question in person may also ask one supplementary question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in 4.1.69 above, or if the question takes the form of a statement or more than a minute to ask.

4.1.73 Answers to Councillors' questions

4.1.74 An answer to an accepted question will be published after the meeting. The answer to a supplementary question will be provided by the member to whom the question was put or their nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for Councillors' questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.75 Restrictions on asking Member questions

4.1.76 No questions may be asked at the annual meeting of the Council.

4.1.77 No questions may be asked at the budget meeting except in relation to those items listed on the agenda.

4.1.78 No questions may be asked at an extraordinary meeting of the Council except in relation to those items listed on the agenda.

4.1.79 Members may submit no more than two written questions at any one meeting.

4.1.75A Combined Authority Update

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 put side bodies or partnerships, provided notice in writing has been given to the Chief Executive at least six working days prior to the meeting. Questions to Joint Authority representatives is limited to a period of 15 minutes.

Joint Authority representatives will be required to attend Overview and scrutiny Committee meeting on a regular basis to provide an update.

4.1.80 Motions

4.1.81 There are two types of motion: those which can be moved during debate (known as motions without notice), and those for which notice is required. Except for motions which can be moved without notice under these Council rules, written notice of every motion, signed by the proposer and the seconder, must be delivered, or submitted

electronically to the monitoring officer not later than midday 10 clear working days before the date of the meeting (i.e. Tuesday two weeks before, when the meeting is on a Wednesday). A political group cannot propose more than one motion on notice per meeting.

4.1.82 Motions on notice may be amended in consultation with the monitoring officer at any time prior to the publication of the agenda by the member(s) who have signed the notice provided that such amendment shall not change the subject matter of the motion.

4.1.83 Motions set out in the agenda

4.1.84 Motions for which notice has been given will be listed on the agenda. The order on the agenda will alternate between the Political Groups, to a maximum of 4, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

4.1.86 Scope

4.1.87 Motions must be about matters for which the Council has a responsibility or which affect the borough. The Mayor may, on the advice of the monitoring officer, refuse a motion which is illegal, irregular or improper, (subject to paragraph 4.1.132) relates to a matter which has been the subject of debate or decision by the Council in the previous six months, or is otherwise out of order.

4.1.88 if the motion requires referral to either Cabinet or a Committee of the Council, a report must be at a Council meeting within six months of the date of debate on the motion.

4.1.89 Exceptions

4.1.90 Where, following publication of the agenda for a meeting of the Council, an urgent matter directly affecting part or all of the borough arises and it is not practical to defer consideration of the motion to the next ordinary meeting of the Council a motion signed by two members may be accepted by the mayor following consultation with the Monitoring Officer.

4.1.91 Motions without notice

4.1.92 The following motions may be moved without notice:

- (a) to appoint a person to preside at the meeting at which the motion is moved
- (b) to amend the minutes on a matter of accuracy
- (c) to change the order of business in the agenda where these procedure rules allow

- (d) to refer something to an appropriate body or individual to consider or reconsider
- (e) to withdraw a motion
- (f) to amend a motion (refer to para 4.1.102 below)
- (g) to proceed to the next business
- (h) that the question be now put
- (i) to adjourn a debate
- (j) to adjourn a meeting
- (k) that the meeting continue beyond three hours duration
- (l) to exclude the public in accordance with the access to information procedure rules
- (m) not to hear a member further or to require a member to leave the meeting
- (n) to give the consent of the Council where its consent is required by this constitution
- (o) to suspend a specified Council rule it is permitted to suspend
- (p) to request a recorded vote
- (q) to remove the Leader following a change in political control.

4.1.93 Rules of debate

4.1.94 A debate will commence only when a proposal has been made, explained and seconded.

4.1.95 No member may speak unless called upon by the Mayor.

4.1.96 Speeches must be directed to the matter being debated.

4.1.97 When a member may speak

4.1.98 Members may speak as detailed in the table below. The flow chart attached at appendix 1 to this section summarises the process of debate:

Purpose of speech	Who can make the speech	Length of speech
Present a report	Leader, Cabinet member, Committee chair r	5 minutes
Propose original motion	Proposer	5 minutes
Second the motion	Secunder (may reserve their right to speak until the end of the debate)	3 minutes

Propose an amended motion	Any member other than proposer/seconded of original motion	3 minutes
Second an amended motion	Any member other than proposer/seconded of original motion	3 minutes
Speak during debate	Any member other than proposer and seconded of amended motion and proposer of the original motion	3 minutes
Right of reply to debate on amended motion	Proposer of original motion	3 minutes
Respond to specific question	Cabinet member	2 minutes
Propose the budget	Leader	10 minutes
Second the budget	Deputy Leader	5 minutes
Respond to budget proposals	Group leaders	5 minutes
Right to reply to budget debate	Leader	5 minutes
Point of order	Any member	2 minutes
Personal explanation	Any member	2 minutes

4.1.99 Amendments to motions

4.1.100 An amendment must be relevant to the motion and may alter the wording as long as the effect is not to negate the motion. Unless notice of the amended motion has already been given, the Mayor may require it to be written down or in its altered form to be written down and handed to them before it is discussed

4.1.101 Amendments will be considered in the order in which they are received or tabled. No further amendment may be moved until the amendment under discussion has been debated and voted on.

4.1.102 If an amended motion is not carried, other amendments to the original motion may be moved.

4.1.103 If an amended motion 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.

4.1.104 After an amended motion has been carried, the Mayor will read out the substantive motion before accepting any further amendment, or if there is none, it is put to the vote.

4.1.105 Not used

- 4.1.106 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the s151 finance officer that the action proposed is achievable before submitting the amendment, in accordance with the Budget and Policy Framework Rules.
- 4.1.107 Where an amendment to a recommendation from the Cabinet in relation to a budget and policy framework item is approved by the Council, the Leader, on behalf of the cabinet, may indicate acceptance of the amendment.
- 4.1.108 Alteration of motion**
- 4.1.109 A member may alter a motion of which they have given notice with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion.
- 4.1.110 A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 4.1.111 Only alterations which could be made as an amendment may be made.
- 4.1.112 Withdrawal of motion**
- 4.1.113 A member may withdraw a motion which they have moved without the consent of either the meeting and/or the seconder.
- 4.1.114 Right of reply**
- 4.1.115 The proposer of an original motion has a right to reply at the close of the debate on the motion,
- 4.1.116 If an amended motion is proposed, the proposer of the original motion has a right of reply at the close of debate on the amended motion, but may not otherwise speak on the amendment.
- 4.1.117 The proposer of an amended motion shall have no right of reply to the debate on the amendment.
- 4.1.118 Motions which may be moved during debate**
- 4.1.119 When a motion is under debate, no other motion may be moved except the following:

- (a) to withdraw the motion
- (b) to amend the 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) that the meeting continue for a further half hour
- (h) to exclude the press and public in accordance with the access to information rules
- (i) that a member be not further heard or to exclude the member from the meeting.

4.1.120 Closure motions

4.1.121 A member may move without comment the following motions at the end of a speech of another member:

- (a) that the question be now put
- (b) to adjourn a debate
- (c) to adjourn a meeting.

4.1.122 If a motion that the question be now put is seconded and the Mayor thinks the item under discussion has been sufficiently discussed, the proposer of the original motion will have a right of reply before the matter is put to the vote. Any member who has reserved their right to speak later in the debate will not be heard.

4.1.123 Point of order

4.1.124 A member may raise a point of order at any time and the Mayor will hear it immediately. A point of order may only relate to the alleged breach of these council rules or the law. The member must indicate the section and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final and there will be no debate on the matter.

4.1.125 Personal explanation

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

4.1.127 Conduct of the debate

4.1.128 A member may indicate their wish to speak and shall wait to be called by the mayor. If more than one member so indicates the mayor shall call on them individually and in turn to speak.

4.1.129 Motion to rescind a previous decision

4.1.130a A motion or amendment to rescind a decision made at a meeting of the Council within the past six months cannot be moved

4.1.130b 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

4.1.131 Motion similar to one previously rejected

4.1.132 A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved.

4.1.133 *Once a motion or amendment to which this rule applies has been dealt with, no member can propose a similar motion or amendment within the next six months.

4.1.134 Voting majority

4.1.135 *Unless this constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.

4.1.136 Mayor's casting vote

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

4.1.138 On the voices and show of hands

4.1.139 *Unless a recorded vote is requested the Mayor will ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case the Mayor will take the vote by a show of hands.

4.1.140 Recorded vote

4.1.141 *If at least eight members (or pro-rata for other Committees to which these rules apply) present at the meeting requested it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes. All votes taken at a

budget decision meeting and relating to a budget decision are to be recorded votes.

4.1.142 *Reference to a “budget decision meeting” for the purposes of 4.1.143 means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

4.1.143 Right to require individual vote to be recorded

4.1.144 *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.

4.1.145 Voting on appointments

4.1.146 *Where 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.

4.1.147 Keeping of minutes

4.1.148 *Minutes of the proceedings of each meeting of the Council will be prepared and will be published on the Council’s website.

4.1.149 Signing the minutes

4.1.150 *The Mayor will sign the minutes at the next available meeting. The mayor will move that the minutes of the previous meeting be signed as a correct record. There will be no debate or questioning on matters arising from the minutes; only matters of accuracy may be determined.

4.1.151 Record of Attendance

The Chief Executive will record the names of all members present during the whole or part of a meeting.

4.1.152 No requirement to sign minutes of previous meeting at an extraordinary meeting

4.1.153 *Where in relation to any meeting, the next meeting for the purposes of signing the minutes is 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 purpose of signing of minutes.

4.1.154 Exclusion of the public

4.1.155 *The public and press may only be excluded either in accordance with the access to information rules (part 4 section 2) or in the case of disturbance by the public in accordance with these council rules 4.1.164.

4.1.156 Members' conduct

4.1.157 *When the Mayor stands during a debate any member(s) then speaking must discontinue and the Council must be silent.

4.1.158 *If a member is guilty of misconduct by persistently disregarding the ruling of the Mayor of the council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any member may move that that member is not further heard. If seconded, the motion will be voted on without discussion.

4.1.159 *If the member continues to behave improperly after such a motion is carried, any member may move either that the member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

4.1.160 *If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

4.1.161 *The decision as to whether misconduct is taking place shall rest with the Mayor who will have due regard to the councillor code of conduct.

4.1.162 Disturbance by the public

4.1.163 *If a member of the public interrupts proceedings, the Mayor will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.

4.1.164 *If there is a general disturbance in any part of the meeting room open to the public the mayor shall order that part to be cleared and the Mayor may for that purpose adjourn the meeting for as long as is needed, and may resume the meeting with or without members of the public being admitted and/or at another location deemed appropriate

4.1.165 Suspension and amendment of council rules

4.1.166 *Any of the Council rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, [except rules 4.1.1 to 4.1.31, 4.1.135 to 4.1.167, and 4.1.170 to 4.1.176.](#) For ease of reference the rules which cannot be suspended are identified by the symbol *

4.1.167 *Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the Council is present. Suspension shall be limited to the duration of the meeting or the determination of a particular item of business if appropriate and as specified in the motion.

4.1.168 Recording, filming and reporting of meetings

4.1.169 Where meetings of the Council are open to the public, any person attending may record, film or report meetings, provided that in doing so there is no disturbance to the meeting.

4.1.170 *Interests under the Councillors' Code of Conduct

4.1.171 *Members must abide by the Councillors' Code of Conduct (part 5 section 1) adopted by the Council and declare all schedule 1, schedule 2 and other interests in accordance with the code. Where a member has identified and declared a schedule 1 interest, that member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted.

4.1.172 *Confidentiality

4.1.173 *All reports and other documents marked "confidential" or "exempt from publication" shall be so treated unless they become public in the ordinary course of the Council's business. Such determination shall ordinarily be made by the monitoring officer having regard to the access to information rules. Further, all members must comply with the obligations as to confidentiality set out in the Councillors' Code of Conduct (part 5 section 1). Any alleged breaches shall be referred by the Mayor of the Council to the Monitoring Officer for consideration and report if not previously referred by some other person. The Mayor may require the surrender of such material at the end of discussion of the relevant item.

4.1.174 Substitution

4.1.175 The Monitoring officer on behalf of the Chief Executive may receive notice from a group leader or authorised nominee on behalf of that group that a different member of their group shall be substituted at a meeting for the member previously allocated to a place on a committee, sub-committee or other body to which the proportionality rules apply for the duration of that meeting. The giving of notice by email no later than 12 noon on the day of the meeting is encouraged.

4.1.176 The Monitoring Officer (in consultation with the ungrouped member(s) concerned) may substitute another ungrouped member for an ungrouped member who has notified the Monitoring Officer in writing

that they are unable to attend a meeting for the duration of that meeting. Such notification must be given no later than 12 noon on the day of the meeting.

ENDS

Appendix 1

Take in Flow Chart of Rules of Debate here

1. Amendments to motions can be moved at any time during the debate
2. Please note that this flowchart does not apply to the annual budget debate. The budget debate rules are set out in Part 4, Section 3 of the constitution

Section 4 - Cabinet Rules

4.4.1 The Cabinet

4.4.2 The Leader and the Cabinet comprise the Executive of the Council. The Leader is also the chair of Cabinet meetings. In his or her absence, the Deputy Leader chairs meetings of the Cabinet.

4.4.3 Cabinet meetings – time and location

4.4.4 The Cabinet will meet in accordance with a programme of meetings and at a place and time to be agreed by the Leader.

4.4.5 Public and private meetings of the cabinet

4.4.6 There is a presumption that Cabinet meetings will be held in public in accordance with the Council's principles of openness in decision making set out in part 2 article 11 of this Constitution. The access to information rules in section 2 of this part of the Constitution set out the requirements covering public and private meetings.

4.4.7 Quorum

4.4.8 The quorum of the Cabinet is three.

4.4.9 Who may attend and speak at Cabinet?

4.4.10 When a Cabinet meeting is held in public any person is permitted to attend. The press, public, and other members in attendance, can be excluded in accordance with the access to information rules (part 4, section 2).

4.4.11 In addition the following rules apply:

- a) members of the public and elected members who have submitted a question for Cabinet in accordance with 4.4.39-46 have the right to attend to ask a supplementary question only.
- b) where relevant to the agenda, the chairs of the scrutiny committees (or in their absence their vice chairs) have the right to attend Cabinet meetings for the purpose of presenting any recommendations from their committee
- c) group leaders have the right to attend Cabinet meetings for the purpose of reporting the views of their group and they may ask questions of any Cabinet member and/or the Leader on any matter under consideration at the meeting
- d) ward member(s) have the right to attend and speak at a Cabinet meeting where an item relating to an individual ward or a specified group of wards is included in the agenda
- e) other members may be invited to speak at the discretion of the chair of the meeting.

- 4.4.12 Reports shall be presented by the relevant lead Cabinet member. In addition, such officers as are required to assist in presenting reports or provide support, advice or information required by the Cabinet will attend.
- 4.4.13 The chair shall invite any person in attendance under these rules to speak on an item in order to enable that person to fulfil the purpose of his/her attendance as outlined at paragraph 4.4.11 above. Questions from members shall be dealt with in accordance with paragraph 4.4.39-46. The chair has responsibility for the conduct of the meeting and the order in which those in attendance will be invited to speak.
- 4.4.14 Members of the Cabinet will sit at the Cabinet table and all other invitees and attendees will be accommodated separately so as to make it clear to the public and others in attendance which person is fulfilling which role.
- 4.4.15 The chair of the Cabinet meeting will at the commencement of the meeting explain who is attending, in what capacity and for what purpose. The minutes will also reflect this.
- 4.4.16 The Leader will agree with the monitoring officer who should be invited to which meeting of the Cabinet and democratic services will manage the process of invitation and attendance.
- 4.4.17 In general the meetings of the Cabinet are to be used as a means of taking final soundings from those attending on an issue for decision and are not the forum for detailed questioning or scrutiny of decisions being taken.

4.4.18 Decision taking

- 4.4.19 All decisions, notwithstanding the subject matter or who takes them, will be made having regard to the principles of decision making (part 2 article 11) and in accordance with the access to information rules as they apply (part 4 section 2).
- 4.4.20 Where the Leader, any member of the Cabinet, or an officer taking an executive decision has a conflict of interest (whether a disclosable pecuniary interest or another interest) such interest will be disclosed and recorded and the individual making the disclosure will take no further part in the decision-making relating to that item.
- 4.4.21 Where an individual is unable to take a decision because of a conflict of interest the decision will be taken by the leader, or if the Leader has a conflict of interest, the Cabinet. If the Cabinet is inquorate because of a conflict of interest then the Monitoring Officer will be instructed to seek an appropriate dispensation.
- 4.4.22 The Leader, the Cabinet and individual Cabinet members may meet informally with officers to receive information and briefings but no Cabinet decisions will be taken at any such informal meeting.

4.4.23 Form of business

4.4.24 The Cabinet will conduct the following business at its meetings:

- a) Elect a person to preside at the meeting if the Leader and Deputy Leader are not present
- b) Receive any apologies for absence
- c) Receive any declarations of interest, if any
- d) Consider and approve the minutes of the last meeting (the only part of the minutes which may be discussed is their accuracy; once approved the chair will sign them as a correct record)
- e) Receive and respond to any questions from members of the public submitted in accordance with 4.4.28-38
- f) Receive and respond to any questions from elected members submitted in accordance with 4.4.39-46
- g) Consideration of matters referred to the cabinet or reports from a scrutiny committee or the Council
- h) Consideration of reports from the statutory officers
- i) Any other matters set out in the agenda for the meeting

4.4.25 The agenda for the Cabinet meeting shall specify all the business to be conducted in accordance with the access to information rules (part 4 section 2) and shall identify any matter which is a key decision.

4.4.26 Reports to the Cabinet will normally appear in the name of the Cabinet member and incorporate relevant advice from appropriate officers. Exceptions shall include a report from a statutory officer. The author of a report will ensure that draft reports are the subject of consultation with the relevant director, any relevant ward members or other consultees, and in all cases the s151 finance officer and the Monitoring Officer or their authorised nominee.

4.4.27 All reports to the Cabinet and the associated record of decisions made (whether on a collective or an individual basis) shall accord with the Council's corporate reporting style and associated systems so as to maintain transparency and probity in decision making.

4.4.28 Questions from the public

4.4.29 A period of up to 30 minutes will be allocated for questions and supplementary questions from members of the public who live or work in Bury. This period may be varied at the discretion of the chair.

4.4.30 A question may only be asked if notice has been given by delivering it in writing to the monitoring office at Bury Council, Town Hall, Bury by email (democratic.services@Bury.gov.uk) no later than 9.30 am on the third working day after publication (e.g. 9.30am on a Friday where the meeting is on a Wednesday). Each question must give the name and address of the questioner (although only the name and town will be published) and identify

who the question is addressed to. Copies of all accepted questions and answers shall be published on the Council website before the start of the meeting and shall be made available to the public attending the meeting.

4.4.31 Questions will be answered in the order in which they are received.

4.4.32 A member of the public may submit only one question at any meeting of the Council.

4.4.36 A questioner who has put a question in person may, at the discretion of the chair, also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chair may reject a supplementary question on any of the grounds in 4.4.33 above, or if the question takes the form of a statement, or more than a minute to ask.

4.4.37 Answers to accepted questions will be published after the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.4.38 Unless the chair decides otherwise, no discussion will take place on any question or a supplementary question

4.4.39 Questions from members

4.4.40 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the Council. This period may be varied at the discretion of the chair.

4.4.41 A member may ask the chair a question relating to a matter of the agenda or otherwise within the remit of cabinet only if notice has been given by delivering it in writing or by email (councillorservices@Bury.gov.uk) to the monitoring officer no later than 9.30 am on the third working day after publication (e.g. 9.30am on a Friday where the meeting is on a Wednesday).

4.4.45 A member who has put a question in person may, at the discretion of the chair, also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chair may reject a

supplementary question on any of the grounds in 4.4.42 above, or if the question takes the form of a statement, or more than a minute to ask.

4.4.46 An answer to an accepted question will be published after the meeting. The answer to a supplementary question will be provided by the member to whom the question was put or their nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for councillors' questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.4.47 Leader's report

4.4.48 The Leader will submit a report from the Cabinet to each ordinary meeting of council (other than the budget meeting) on which they may be questioned and if so, answer. This will report the work of the Cabinet since the last report and will include:

- a) A summary of those executive decisions taken by the cabinet, individual Cabinet members, and joint executive committees and other activities of the Cabinet since the previous Council meeting;
- b) Any recommendations of the Cabinet in respect of the budget and policy framework;
- c) Any report to the Council required by a scrutiny committee; and
- d) A summary and particulars of any urgent decision made under paragraphs 4.4.53-55 (urgent decisions).

4.4.49 Decisions subject to call in by scrutiny committees

4.4.50 Other than decisions taken under the urgency provisions of the access to information rules (part 4 section 2) and recommendations made to the Council on budget and policy framework items, Cabinet Key decisions made but not implemented may be called-in in accordance with the scrutiny rules (part 4 section 5).

4.4.51 Individual cabinet member or officer decisions

4.4.52 Where individual Cabinet members or officers make decisions on any matter which is an executive function they must comply with the provisions in the access to information rules (part 4 section 2).

4.4.53 Urgent decisions

4.4.54 There may be an urgent need to take a key decision where 28 days' notice of it is impracticable in the circumstances.

4.4.55 In that event the key decision may only be made in accordance with the general exception or special urgency provisions in the access to information rules (part 4 section 2).

ENDS

Section 5 - Overview and scrutiny rules

5.5.1 Arrangements for overview and scrutiny

5.5.2 The overview and scrutiny arrangements for the Council are as laid out in part 2 article 6 and section 4 of the functions scheme. The Council has decided that it will have two overview and scrutiny committees (an Overview and Scrutiny Committee and a Health Scrutiny Committee) which will have responsibility for all the overview and scrutiny functions on behalf of the Council as set out in part 3 section 4. These Rules apply to both Committees.

5.5.3 Who may sit on an overview and scrutiny committee?

5.5.4 All Councillors except Cabinet members may be members of an overview and scrutiny committee. No member may be involved in scrutinising a decision in which they have been directly involved, or for a decision in the Cabinet portfolio they provide support to as a deputy cabinet member.

5.5.5 Co-option

5.5.6 An overview and scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed work plan and/or task and finish group membership.

5.5.7 The Committee with responsibility for education shall include the following co-opted education representatives, as appointed by the Council: - one representative as nominated by the diocese of Bury - one representative as nominated by the archdiocese of Bury - one parent governor as elected from the primary school sector- one parent governor as elected by the secondary school sector - one parent governor as elected by the special school sector These education co-optees may vote on items relating to education; on other items on the committee agenda they may speak but not vote.

5.5.8 Quorum

5.5.9 The quorum for an overview and scrutiny committee is one quarter of the voting membership of the committee, or three members, whichever is the greater. If the number is a part number it is rounded up.

5.5.10 Task and finish groups

5.5.11 An overview and scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a

spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances.

- 5.5.12 The relevant overview and scrutiny committee will approve the scope of the activity to be undertaken, the membership, chair, timeframe, desired outcomes and what will not be included in the work. It will be a matter for the task and finish group to determine lines of questioning, witnesses (from the council or wider community) and evidence requirements.
- 5.5.13 The task and finish groups will be composed of at least two members of the relevant overview and scrutiny committee, other Councillors, and may also include, as appropriate, co-opted people with specialist knowledge and or expertise to support the task. It is unlikely that voting will be necessary in task and finish groups. However, should there be a need to vote, for example on the formation of recommendations within a task and finish group report, for the avoidance of doubt any councillor appointed to a task and finish group will have the right to vote. No co-opted members of task and finish groups will have voting powers (unless they are the education co optees listed in 4.5.7 above). Matters put to the vote will be determined on a simple majority with the task and finish group chair having a casting vote.
- 5.5.14 To assist in the identification of members for task and finish groups, the chair of the overview and scrutiny committees will ensure that group leaders are provided with the committee work programme, including potential task and finish activity. Group leaders will advise overview and scrutiny chair of those members suitable for such task and finish activity.
- 5.5.15 Task and finish groups, as working groups of the committee, are not subject to the requirements of political proportionality.
- 5.5.16 Officer support will be provided to each task and finish group the level of which will be dependent on the matter being considered.
- 5.5.17 As working groups of the committee, the task and finish groups will not be making decisions, and have the discretion to meet either in public or in private. Where meeting in private there is no right of attendance by any member who is not a member of a task and finish group.
- 5.5.18 If a task and finish group chooses to meet formally in public it may need to exclude the press and public including other members in attendance from part of any such meeting in accordance with the Access to Information Rules (Part 4 section 2).
- 5.5.19 Task and finish groups will report their findings/outcomes/recommendations to the relevant overview and scrutiny committee who will decide if the findings/outcomes/recommendations should be reported to the cabinet or elsewhere.

5.5.20 At the first meeting of each task and finish project, the task and finish group will finalise:

- expert/specialist support required
- officer input required
- lines of questioning
- evidence requirements
- which aspects of the task are to be undertaken in private or public.

5.5.21 Any changes proposed by the task and finish group to the scope, timeframe or outcomes stipulated by the committee must be approved by the statutory scrutiny officer following consultation with the chair of the relevant overview and overview and scrutiny committee and will be reported to the relevant overview and overview and scrutiny committee.

5.5.22 In the event of a task and finish group being unable to agree recommendations or findings on a particular matter, a report will be made to the relevant overview and scrutiny committee for its consideration.

5.5.23 Appointment of chair and members of the overview and scrutiny committees

5.5.24 The chairs and vice chairs of the overview and scrutiny committees are appointed at the annual meeting of the Council. The Council shall determine the number of members of the overview and scrutiny committees annually or as required from time to time in compliance with the statutory rules on proportionality.

5.5.25 Meetings of overview and scrutiny committees

5.5.26 The overview and scrutiny committees will meet in accordance with the council's schedule of meetings, subject to the chair's power to cancel or postpone meetings in case of emergency or where there is no business. Where an overview and scrutiny committee feels it is appropriate to hold additional meetings it may do so. The chair of an overview and scrutiny committee may also call additional meetings if they consider it necessary or appropriate. In so doing, the chair shall have regard to the advice of the Council's Monitoring Officer and Statutory Scrutiny Officer.

5.5.27 Programme of work of overview and scrutiny committees

5.5.28 The overview and scrutiny committees will be responsible for setting their own work programmes. In setting their work programme an overview and scrutiny committee shall have regard to the resources (including officer time) available.

5.5.29 Overview and scrutiny committee agendas

- 5.5.30 At each of its ordinary meetings an overview and scrutiny committee shall consider the following business, where appropriate:
- (a) minutes of the last meeting
 - (b) questions from members of the public
 - (c) questions from members of the Council
 - (d) any matter called-in in accordance with paragraphs 4.5.61-69 below
 - (e) a review of its work programme, including requests received for inclusion of items from members of the public, ward members, the Cabinet or the Council
 - (f) consideration of any budget and policy framework items
 - (g) any response to reports of the overview and scrutiny committee
 - (h) any item requested to be placed on the agenda by a member of the committee
 - (i) any Councillor call for action
 - (j) any report from a task and finish group;
 - (k) any business otherwise set out on the agenda for the meeting including items as identified in the work programme.
- 5.5.31 Any member may give notice to the Statutory Scrutiny Officer that they wish an item relevant to the functions of a committee and not excluded by law to be included in the agenda and discussed at a meeting of that committee. On receipt of such a request the Statutory Scrutiny officer shall ensure that it is included in the agenda for and discussed at a meeting of the relevant committee.
- 5.5.32 An overview and scrutiny committee shall also respond, as soon as its work programme permits, to requests from the Council and from the Cabinet to review particular areas of Council performance or policy. On receipt of any such request from the Cabinet an overview and scrutiny committee shall firstly consider whether it wishes to conduct the review as requested. Where it does so, and in response to any request from the Council, an overview and scrutiny committee shall conduct the review as requested and report its findings and any recommendations back to the Cabinet and/or the Council.
- 5.5.33 Councillor Call for action**
- 5.5.34 Any member of the Council shall be entitled to give notice to the statutory Scrutiny Officer if they wish an item relating to a Councillor call for action to be included on the agenda for discussion at the next available meeting of the relevant overview and scrutiny committee.

5.5.35 On receipt of such a request and subject to it falling within the statutory definition of a matter that can be the subject of a Councillor call for action and it meeting the procedural and other requirements set out in the Councillor call for action code (Part 5 section 7) the Statutory Scrutiny Officer shall ensure that it is included on the next available agenda of the committee.

5.5.36 Further guidance in respect of the Councillor call for action is contained in Part 5 section 7.

5.5.37 Policy review and development

5.5.38 The role of a scrutiny committee in relation to the development of the Council's budget and policy framework is found in the rules (part 4 section 3). 5.5.39 In relation to the development of the Council's approach to other matters not forming part of its budget and policy framework, an overview and scrutiny committee may make proposals to the Cabinet for developments in so far as they relate to matters within its terms of reference.

5.5.40 An overview and scrutiny committee may hold or commission inquiries and investigate the available options for future direction in policy development and may appoint advisers to assist it in this process. A committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend in order to address it on any matter under consideration and may pay to advisers, assessors and witnesses a reasonable fee and expenses for doing so, having regard to the resources (including officer time) available. In determining how to conduct such activities the chair of a committee should consult with the Statutory Scrutiny Officer.

5.5.41 Reports from the overview and scrutiny committees

5.5.42 Following any investigation or review, the committee or task and finish group shall prepare a report. Any report from a task and finish group will first be considered by the relevant overview and scrutiny committee and if adopted will be dealt with in accordance with the following rules.

5.5.43 If any review is in response to a request from Council, in accordance with paragraph 4.5.32 above, the overview and scrutiny committee shall report its findings to the Council.

5.5.44 In all other cases the report will be submitted to the Chief Executive for consideration by the Executive or other body as appropriate. If the recommendations are such that a decision can be taken by an individual Cabinet member acting within his/her portfolio in accordance with the functions scheme (Part 3 Section 3), the Chief Executive shall arrange for that Cabinet member to consider the report.

- 5.5.45 If the recommendations in an overview and scrutiny committee report are contrary to or not wholly in accordance with the budget and policy framework, the Cabinet shall consider the overview and scrutiny recommendations and report the matter with its response to the overview and scrutiny recommendations to the Council.
- 5.5.46 If the recommendations in the overview and scrutiny report are in line with the budget and policy framework, the Cabinet or the Cabinet member shall consider the overview and scrutiny recommendations and report their decision to the relevant overview and scrutiny committee.
- 5.5.47 Making sure that overview and scrutiny reports are considered by the Executive**
- 5.5.48 On receipt of a report from an overview and scrutiny committee (other than on budget and policy framework items) the Chief Executive will arrange for the report to be considered either by Cabinet or an individual Cabinet member as appropriate.
- 5.5.49 If any individual Cabinet member is minded to reject all of the recommendations in a report from an overview and scrutiny committee, then the matter must be referred to the next meeting of the Cabinet to decide its response.
- 5.5.50 The Chief Executive will notify the relevant overview and scrutiny committee of the response of the Executive within two months of receipt of the overview and scrutiny report, with the exception of matters relating to statutory health overview and scrutiny and issues relating to crime and disorder overview and scrutiny which require a response from the relevant body within 28 days. If the Cabinet or Cabinet member wishes to extend the deadline a report will be made to the relevant overview and scrutiny committee explaining why this is considered necessary. Decisions of the Executive or the Council on any overview and scrutiny recommendations will be recorded in the usual way.
- 5.5.51 Recommendations from overview and scrutiny committee in relation to a budget and policy framework item will be reported to the Executive who will have regard to that report, and provide a response to any recommendations within it, in making their recommendation to the Council.
- 5.5.52 Rights and powers of overview and scrutiny committee members**
- 5.5.53 Where an overview and scrutiny committee or task and finish group conducts investigations or reviews and people attend to give evidence or otherwise assist the committee the following principles will apply:
- (a) that the investigation be conducted fairly and all members of the committee or group be given the opportunity to ask questions of attendees, and to contribute and speak

- (b) that those assisting the committee by giving evidence be treated with respect and courtesy
- (c) that the investigation be conducted so as to maximise the efficiency and value of the investigation or analysis.

5.5.54 Members and officers giving account

5.5.55 An overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions, or as provided by statute certain other bodies. As well as reviewing documentation, in fulfilling the overview and scrutiny role, it may require any member of the Cabinet, the Chief Executive, Committee Chair, and/or senior officers carrying out functions on the Chief Executive's behalf to attend before it to explain in relation to matters within its remit regarding:

- (a) any particular decision or series of decisions
- (b) the extent to which the actions taken implement council policy; and/or
- (c) their performance.

5.5.56 it is the duty of those persons to attend if so required.

5.5.57 Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chair of the committee will inform the Statutory Scrutiny officer. The Statutory Scrutiny Officer shall inform the member or officer in writing normally giving at least ten working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are 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 report.

5.5.58 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then an overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance and/or a substitute as appropriate.

5.5.59 Unless in exceptional circumstances, any witnesses required to attend any meetings called under paragraphs 4.5.55 to 4.5.57 and 4.5.61-69 will be restricted to:-

- (a) any Cabinet member involved in the decision the subject of the call in

- (b) any officer who in the view of the chair of the meeting would be able to supply evidence materially able to assist at the meeting.

5.5.60 The Council has designated the Head of Democratic Services as the statutory scrutiny officer who is required to discharge the following functions:

- (a) to promote the role of the Council's overview and scrutiny committees
- (b) to provide support to the Council's overview and scrutiny committee and the members of the committees
- (c) to provide support and guidance to
 - (i) members of the Council,
 - (ii) members of the executive of the Council, and (
 - (iii) officers of the Council – in relation to the functions of the Council's overview and scrutiny committees

5.5.61 Call in

5.5.62 "Call in" is a statutory right for members of the Council to call in a key decision of Cabinet, an individual Cabinet member, an officer with delegated authority or under joint arrangements after it is made but before it is implemented subject to the following provisions (4.5.59, 4.5.63, 4.5.65 and 4.5.69).

5.5.63 Call in does not apply to Cabinet decisions that make recommendations to the Council because those decisions will not be implemented in any event until the matter has been considered and agreed by the Council. These are decisions such as setting the council tax and agreeing the annual revenue and capital budgets.

5.5.64 When a call in has been triggered, the call in process will be managed by the Monitoring Officer in consultation with the chair of the relevant overview and scrutiny committee and the members who have triggered the call in. The chair of the relevant overview and scrutiny committee will maintain responsibility for the conduct of any meeting at which the decision called in is considered.

5.5.65 Call in is not intended to be a mechanism for voicing objection to or dislike of any particular decision. It should only be used in exceptional circumstances and where there is evidence to show that one of the following may apply:

- (a) that there has been inadequate consultation with stakeholders prior to the decision being made;

- (b) that there was inadequate evidence or information on which to base a decision and that not all relevant matters were fully taken into account;
- (c) that the decision materially departs from the budget and policy framework;
- (d) that the decision is disproportionate to the desired outcome;
- (e) that the decision has failed to take into account the provisions of the Human Rights Act 1998 and or the public sector equality duty;
- (f) that the decision-maker has failed to consult with and take professional advice from all relevant officers including the Monitoring Officer and the Chief Finance Officer, as appropriate, or has failed to have sufficient regard to that advice; G that the decision exceeds the powers or terms of reference of the decision maker responsible for the decision; or
- (h) that the access to information rules have not been adhered to. .

5.5.66 Advice should be sought from the Monitoring Officer on these matters.

5.5.67 When a decision is made by the Cabinet or an individual Cabinet member that decision will be published widely by electronic means. This includes:

- (a) displaying it on the Council website
- (b) sending a copy of the decision electronically to all members of the Council identifying which overview and scrutiny committee's remit the decision falls within

5.5.68 The decision will be in the form of a notice and bear the date upon which it is published and will specify that the decision will come into force, and may be subsequently implemented, at the expiry of four working days after the date of publication, unless it is called in under these call in rules.

5.5.69 To call the decision in a call in notice must be received by 5.00pm on the working day before the implementation date specified on the notice of decision by the Monitoring Officer (or their nominated officer) in writing or electronically which:

- (a) clearly states the decision(s) which is/are being called in by reference to the decisions as set out on the decision notice
- (b) clearly states the grounds for the call in as laid out in rule 4.5.65 above as applied to each decision being called-in and the evidence on which the grounds are based
- (c) is signed by the Chair of the Committee or any two or more members of the Committee or any eight member of the Council (not

including cooptees). If electronic notification is being used an email in accordance with the requirements of this paragraph must be submitted by each member supporting the call in.

5.5.70 Limitations of call in

5.5.71 The call in procedure is restricted to decisions made by Cabinet or individual Cabinet members, decisions made by joint committees of the Executive and decisions made by officers under delegation from the Executive.

5.5.72 Where a decision has been taken in circumstances where the special urgency provisions apply, as set out in the access to information rules (Part 4 section 2), that decision will not be subject to call in.

5.5.73 The call in procedure will also not apply where the decision taken needs to be implemented urgently. 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 interest.

5.5.74 In this case 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 one that requires urgent implementation and the reasons why, and the Monitoring Officer should confirm that as such it is not subject to call in.

5.5.75 The chair of the relevant overview and scrutiny committee must agree both that the decision taken was reasonable in all the circumstances and to it being treated as a matter of urgency.

5.5.76 The consent to the decision being taken as a matter of urgency will be recorded on the published notice of the decision.

5.5.77 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

5.5.78 Post call in

5.5.79 The Monitoring Officer will determine the validity of the call in as soon as possible. The Monitoring Officer may, if appropriate, reject a request for call in if, in their opinion, it fails to meet any of the grounds listed in 4.5.65 above, or if they consider it is in any way vexatious, frivolous or otherwise inappropriate. Examples include but are not limited to:

- (a) the cited grounds bear no relevance to the decision that is identified for call-in;
- (b) the requisition cites grounds for which no relevant evidence is produced in support;

- (c) those requisitioning the call-in signed the requisition before it was complete (e.g. signed a blank form in advance or emailed consent without detailing the grounds and evidence);
 - (d) the call-in includes material which could be defamatory;
 - (e) the requisition is being used for improper purposes (e.g. to admonish an officer); or
 - (f) the decision is in accordance with the advice or recommendations provided to the decision maker by the overview and scrutiny committee.
- 5.5.80 If the call in is determined not to be valid, the Monitoring Officer will inform those members submitting the notice of the call in of the reasons for that determination.
- 5.5.81 If accepted as valid, the Monitoring Officer will then advise the original decision maker of the call in.
- 5.5.82 The Monitoring Officer shall then call a meeting of the relevant overview and scrutiny committee on such a day as they shall determine in consultation with the relevant chair and in any event within ten working days of the Monitoring Officer accepting the validity of the call In notice, subject to paragraph 4.5.89.
- 5.5.83 Having considered the decision in light of the grounds and evidence for the call in, if the relevant overview and scrutiny committee is still concerned about it, then it may refer the decision back to the decision-maker for reconsideration, setting out in writing the nature of its concerns.
- 5.5.84 The decision maker shall reconsider any decision referred to them following call-in, take into account any views expressed by the relevant overview and scrutiny committee and may either amend or confirm the original decision or require further specified work to be undertaken before making a final determination.
- 5.5.85 If it is alleged that the decision appears to be contrary to or not in accordance with the budget and policy framework, the Monitoring Officer shall advise the Cabinet on that or any other relevant legal issues raised by or in relation to the called in decision. The Cabinet shall consider that advice and shall reconsider its decision. If the matter is outside the budget and policy framework the monitoring officer shall refer the matter to the next Council meeting for consideration or convene an extraordinary meeting of the Council whichever may be sooner and in any event within ten working days of the meeting of the Cabinet.
- 5.5.86 Having been referred to the next Council meeting the Council has two options: (i) amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately;

or (ii) require the decision maker to reconsider the decision again and refer it to a meeting of the Cabinet to be held within five working days of the Council meeting. The Cabinet may choose to amend or confirm the decision and there will be no further right of call in.

5.5.87 If an overview and scrutiny committee or the Council does not meet within the time permitted by these rules or such extended time as may be agreed in accordance with paragraph 4.5.89, 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 meeting or expiry of the period in which the meeting should have been held, whichever is the earlier.

5.5.88 Extension of time limit

5.5.89 In exceptional circumstances the time limit of ten working days for convening a meeting of an overview and scrutiny committee to consider the called in decision may be extended as agreed by the original decision maker and/or the Leader where practical considerations or any unforeseen factor make such an extension appropriate.

5.5.90 Pre decision call in and the forward plan

5.5.91 The overview and scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions.

5.5.92 An overview and scrutiny committee may identify a forthcoming decision on the forward plan relevant to the remit of the committee and examine the issues around it.

5.5.93 In order not to obstruct the council in its business, the overview and scrutiny committee may call in an executive decision in advance of its actually being taken. In such a situation all the time-limits apply as above, except that a key decision cannot actually be implemented any sooner than it would have been had the overview and scrutiny committee not called it in.

5.5.94 Where the overview and scrutiny committee has called-in a key decision from the forward plan before its due date, the decision cannot be called-in again after the final decision has been taken.

5.5.95 Party whip

5.5.96 Government guidance views party or group "whipping" as incompatible with overview and scrutiny functions. Whipping arrangements should not be applied to overview and scrutiny committees and members should be free to comment and vote on matters under

5.5.97 Public questions

- 5.5.98 A period of up to 30 minutes will be allocated for questions and supplementary questions from members of the public who live or work in Bury. This period may be varied at the discretion of the chair.
- 5.5.99 A question may only be asked if notice has been given by delivering it in writing to the Monitoring Officer, Bury Council, democraticservices@bury.gov.uk) to the Monitoring Officer no later than 5.00pm one working day before the day of the meeting (e.g. 5.00pm on a Monday where the meeting is on a Wednesday). Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.
- 5.5.100 Questions will be answered in the order in which they are received.
- 5.5.101 A member of the public may submit only one question at any meeting of the council.
- 5.5.102
- 5.5.106 A questioner who is present at the meeting may, at the discretion of the chair, also put one supplementary question without notice. A supplementary question must arise directly out of the original question or the reply. The chair may reject a supplementary question on any of the grounds in 4.4.102 above, or if the question takes the form of a statement or more than a minute to ask.
- 5.5.107 Where more than one person wishes to raise the same issue or question, they shall be asked to agree a spokesperson to speak on that issue. If they cannot reach such an agreement, the chair may restrict the number of questions on that issue.
- 5.5.108 Answers to public questions**
- 5.5.109 Answers to accepted questions will be provided by either the chair or the Cabinet member . An answer to a supplementary question will be provided by either the chair or the cabinet member.
- If the question is asking for an item to be considered for future inclusion in the work programme the questioner will be advised by the chair that they will be informed of the outcome of the committee's consideration of the request once it has been considered as part of the overall work programme prioritisation.
- If the question is asking for a substantive answer to a question the cabinet member for the area will make reasonable endeavours to attend the overview and scrutiny meeting, if the questioner confirms that they wish to ask a supplementary question at the meeting.

The answer from the Cabinet member may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the Cabinet member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

5.5.110 Unless the chair decides otherwise, no discussion will take place on any question or a supplemental question

5.5.111 Questions from members

5.5.112 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the Council who are not members of the committee. This period may be varied at the discretion of the chair.

5.5.113 to 115 NOT USED

5.5.116 A member who has put a question in person may, at the discretion of the chair, also put one supplementary question without notice. The same procedure for public questions will be followed.

ENDS

Part 5 – Codes and Protocols

Public Guide to Participation (updated for Covid-19)

5.8.1 A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community, and this guide gives an overview of the ways in which you can do that.

5.8.2 Attending meetings

5.8.3 We encourage the public to attend all meetings of the Council and its committees, that are currently taken place on a remote basis and anyone attending is able to record or film what takes place at them provided that doesn't disrupt the meeting. Details of what meetings are coming up are published on the Council's website,

5.8.4 The agenda and papers are normally published on our website at least five working days in advance of the meeting. Draft minutes of the meeting are also published on the website as soon as possible after the meeting.

5.8.5 [not used].

5.8.6 Why are some meetings private?

5.8.7 During COVID19 , all meetings of the Council and its committees are held with remote access for the public. However on rare occasions an agenda item includes information which may be personal to an individual, which would compromise the commercial position of the council or another individual or organisation or which there are other particular legal or employment reasons for considering asking the public to leave the meeting for discussion of that item. When this is the case we will explain the reasons why and, as far as is legally possible, will afterwards provide a public summary of the decision taken.

5.8.8 Asking questions at meetings of the Council

5.8.9 Which meetings can the public ask questions at?

5.8.10 Questions can be asked at public meetings of:

- The Full Council
- Audit and governance committee
- Cabinet
- Employment panel
- Health and wellbeing board
- Overview and Scrutiny committees

5.8.11 Who can ask questions?

5.8.12 Questions can be put by anyone living or working in Bury.

5.8.13 What notice is required for questions?

5.8.14 A question must be delivered by email (democraticservices@Bury.gov.uk) by no later than 5pm one working day before the date of the meeting. Each question must provide the name and address of the questioner.

5.8.15 How many questions can be asked?

5.8.16 A member of the public may ask one question at any public meeting of the Council as listed above.

5.8.17 What is the scope for questions?

5.8.18 Questions should relate to the function of the committee where they are being asked. A question at the full Council can be addressed to any chair or Cabinet member and must relate either to something that the Council is responsible for or that affects the borough.

5.8.19 We will not consider any question that is defamatory, offensive or frivolous.

5.8.20 What happens at the meeting?

5.8.21 Time is made available early on the agenda for any accepted questions to be dealt with. Copies of any questions and answers will be published on the Council's website before the start of the meeting, and will be made available to members of the public who attend the meeting.

5.8.22 The chair will invite the questioner to put a supplementary question to the councillor named in the notice.

5.8.23 A questioner who has put a question in person can also ask one supplementary question, without notice, in response to the reply to their question. A supplementary question must arise directly out of the original question or the reply given. The chair can reject a supplementary question on any of the grounds detailed in the section above. As part of the 'virtual meeting' format, members and members of the public are able to submit supplementary questions in writing, via email or asking a question as a virtual participant.

5.8.24 What form will the reply take?

5.8.25 The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days.

5.8.26 There cannot be any discussion on questions but any matters raised by a question can be referred to the relevant Cabinet member or the appropriate committee to consider.

5.8.27 Petitions

5.8.28 We welcome petitions from those who live or work in Bury and recognise that petitions are one way in which people can let us know their concerns or the strength of public feeling.

5.8.29 What is the scope for petitions?

5.8.30 Petitions must relate to a matter over which the Council has powers or duties and may be rejected if they: contain language or statements which are defamatory, frivolous, vexatious, discriminatory, false, or otherwise offensive; disclose confidential or exempt information; name individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies; make criminal accusations; contain advertising statements; refer to an issue which is currently the subject of a formal Council complaint, Local Government Ombudsman complaint or any legal proceedings; or relate to a matter where there are other statutory processes in place for dealing with these matters (such as planning or licensing application matters or statutory petitions for a referendum).

5.8.31 How can a petition be submitted?

5.8.32 Petitions need to be submitted online and an online facility for running a petition is provided on the Council's website. There is no standard format for a petition but it must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish us to take;
- the name and address and signature of any person supporting the petition, which must be not fewer than 15 people; and
- contact details, including an address, for the petition organiser who will be the person we will contact to explain how we will respond.

5.8.33 During the meeting, as part of chair's announcements, any petitions received will be formally passed to the relevant Cabinet member or committee chair who will respond in writing to the petition organiser. You may ask your ward councillor to present the petition on your behalf. Petitions may also be sent in to:
Head of Democratic Services, Bury Council, Town Hall, Knowsley Street, Bury BL9 0SW or scanned and emailed to: councillorservices@Bury.gov.uk

5.8.34 What happens once a petition has been submitted?

5.8.35 All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt explaining how we will respond.

5.8.36 Details of all petitions received, and of our response, will be published on the website. The contact details of the petition organiser or signatories to a petition will not be placed on the website.

5.8.37 If your petition has been signed by a certain number of people who are registered to vote in the Borough (currently 2500) then you may request that the petition is scheduled for submission at the next ordinary meeting of the full Council. If that is the case the petition organiser will have up to 5 minutes to briefly present the petition at the meeting.

5.8.38 What do Councillors and officers do?

5.8.39 What Councillors do

5.8.40 Councillors are directly elected to represent the people and therefore have to consider not just the interests of their ward, but those throughout the whole Borough.

5.8.41 Your Councillors are responsible for making sure that the services that the council provides meet the needs of residents and those who work in Bury. They do this by setting the overall policies and strategies for the Council and by 28 April 2020

monitoring the way in which these are implemented. Councillors have a complex role and act in a number of capacities: as committee member, constituency representative and party activist.

5.8.42 The full Council of 51 members is responsible for agreeing the main policies and priorities for all services, including the Council's budget. The Cabinet have responsibility for all decisions which the law, or the Council, does not require to be taken by others and agrees policies and actions to implement the budget and policies set by full Council. Councillors who are Cabinet portfolio holders have more specialised roles in agreeing particular policies, representing the Council while at the same time working with other agencies to tackle issues such as improving overall health and wellbeing, social care and safeguarding, education, housing, transport, and promoting economic growth within the borough.

5.8.43 What Council officers do

5.8.44 Council officers are the professional people who work for the Council and who are paid to deliver the services agreed by councillors.

5.8.45 Officers help Councillors to develop policies and objectives through providing professional expertise and advice but they must remain impartial and serve the Council as a whole. Their main role is to provide the public with the highest possible standards of service within the budget that the Councillors set and in accordance with the priorities agreed by the Councillors.

5.8.46 What can my Councillor do for me?

5.8.47 Your Councillor can:

- be contacted to discuss your problem or ideas to improve the ward or borough
- help you if you need information or are dissatisfied with a Council service by advising or directing you to someone who can help sort out your problem, and can sometimes progress the case on your behalf
- as a community leader, put forward proposals to improve the ward they represent which may include bringing together different community groups to develop a case for change
- campaign on local issues
- represent your community within the Council and to other organisations
- speak at Planning Control and Licensing and Safety Committees on matters affecting the ward they represent
- ask questions or put forward views on your behalf at public meetings of the Council
- present petitions on your behalf
- get an issue (either within the remit of the Council or on a matter affecting the borough) debated at the full Council by submitting a motion.

5.8.48 Decisions

5.8.49 How do I know what decisions are being taken about matters that affect me or where I live?

5.8.50 We provide on our website (Forward Plan) summary information about future significant decisions to be taken by the Cabinet, together with contact details so that you can find out more information or provide your views. You can also contact your ward member and ask them to put forward your views on your behalf.

5.8.51 Planning or licensing applications which have been submitted are also published on the Council's website so that those who may be affected are able to make comments on the proposal.

5.8.52 The agendas and minutes of meetings are published on the website, and where a decision has been taken by a Cabinet member or officer, the decision report and notice of the decision are published on the website.

5.8.53 Are all decisions recorded and published?

5.8.54 Many are, but there are lots of day to day decisions which are not published. The Council has decided that officer decisions with a financial value of less than £100,000 will not be published unless there is a legal requirement to do so. This is because the number of such decisions would make it impractical to publish.

5.8.55 Why is some information kept confidential?

5.8.56 We aim to publish information unless there is good reason not to. Sometimes a decision takes into account information which may be personal to an individual, or which would compromise the commercial position of the council or another individual or organisation. There may be particular legal or employment reasons for not making the information public. When this is the case we will explain why the information cannot be made public, and will periodically review whether those reasons remain valid. If they do not we will then release the information.

5.8.57 How long is information about decisions kept?

5.8.58 Generally the law requires information to be available for public inspection for six years from the date of the decision.

5.8.59 How do I find out about decisions taken by partnerships?

5.8.60 Bury Council works with a wide range of partners to achieve shared objectives in an efficient and effective way. We keep a register of strategic partnerships on our website which includes information about where decisions taken by those partners is recorded and how you can find out more about them.

5.8.61 What if I can't find the information I am looking for?

5.8.62 The Freedom of Information Act 2000 gives you a general right of access to all types of recorded information that we hold. More information about how to make a request, and about your other legal rights to information, can be found at: [Access to information](#)

5.8.63 Other ways of getting involved

5.8.64 Planning

5.8.65 Information about planning applications submitted is available on the Council's website and public notices are displayed in the area affected. You may submit comments on a planning application which will be considered by the decision-maker. If the application raises unusual or sensitive planning issues you can ask your ward member to request that the application is considered by the Planning and Regulatory Committee rather than a single officer.

5.8.66 If you have provided comments on a particular planning application which is considered by the Planning and Regulatory committee you will be asked whether you wish to register to speak at the committee to present your views. Three minutes is generally set aside for public speaking in objection to an application Registration is on a first come first served basis. The time can be shared with the agreement of the person who has registered first.

5.8.67 Consultations

5.8.68 The Council encourages as many people as possible to give their views on decisions which affect them. Details of live consultations and how to get involved are available on the Council website at Get Involved. You can also find information about past consultations there.

5.8.69 Scrutiny reviews

5.8.70 You may request that a matter or concern be considered for inclusion in the future work programme of a scrutiny committee. The committees cannot include every suggestion but prioritise items taking into account: the significance and impact of the issue; the ability of scrutiny input to add value; the need to avoid any duplication; the timeliness of scrutiny involvement and the resources available to undertake the work.

5.8.71 The committee may invite members of the public to submit their views or evidence to Inform its work; when they do this the call for evidence will be publicised.

5.8.72 Vote

5.8.73 Elections take place for Bury Council every year as well as national elections, and police and crime commissioner elections. Your vote in all these elections and any other referendums that take place is important, but in order to vote you must be on the electoral register. Information about how to register is available at Register to Vote.

5.8.74 Stand for election

5.8.75 If you are interested in standing for election as a Bury Councillor you can find out more at Standing as a Councillor.

5.8.76 Volunteer

5.8.77 We provide a wide variety of services to people in Bury, particularly to those who are vulnerable and have complex needs. As more pressure is placed on our budget, and on the budgets of partner organisations, different ways of delivering these services are being developed. Individuals and communities are doing more to help each other and themselves. If you are interested in volunteering or have an idea for your community you would like to develop more information is available at Volunteering.

5.8.78 Give feedback

5.8.79 We want to hear what you think about our services. What you say is important and will help us improve our services. More information can be found at:

5.8.80 Find out more...

5.8.81 The Council's website provides lots of advice and information as well as access to online services and you can sign up to receive updates on particular matters of interest. If you can't find what you are looking for some useful contacts are below:

Customer Services

https://www.Bury.gov.uk/info/200148/your_council/50/contact_us

Freedom of information

https://www.Bury.gov.uk/info/200148/your_council/15/access_to_information/2

Governance

https://www.Bury.gov.uk/info/200148/your_council/61/get_involved

Find your Councillor information

https://www.Bury.gov.uk/info/200152/elections/219/election_information_for_your_area_search

PART 8 COVID - 19 INTERIM STANDING ORDERS

1. Introduction

- 1.1 As required by the [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#), certain changes are required to the Bury Council Constitution (May 2020 as amended) (the Constitution). The provisions in this legislation are effective from 4th April 2020 until 7 May 2021 or earlier if revoked by further legislation
- 1.2 These standing orders, as approved by the Monitoring Officer, shall apply from 22 April 2020 until 7 May 2021 or earlier if revoked by further legislation and shall be known as the COVID19 Interim Standing Orders.
- 1.3 These standing orders shall only apply to virtual meetings of the council including committees.
- 1.4 These standing orders include the changes agreed for virtual meetings at the annual Council meeting on 20 May 2020. At the meeting of the Council on 20 November 2020, it is proposed that these further changes to the Constitution are ratified by the Council.

2. Interpretation

- 2.1 In the constitution and these standing orders the following words, phrases, meaning shall have the following interpretation

“attend” means attending by remote access

“attendance” means attending by remote access

“chamber” means the remote meeting

“delivered” means by electronic means only

“designated office” means the council’s website only

“meeting” means the remote meeting

“open to inspection” means available on the council’s website only

“place” means the remote meeting

“present” means attending by remote access

“public forum” means a remote meeting

“public gallery” means public access to a remote meeting

“published, posted, or made available at the offices of the council “ means available on the council’s website or available by email.

“Remote access” means attending or participating in a meeting by electronic means, including telephone conference, video conference, live webcasts and live interactive streaming



“room” means the remote meeting

3. Amendments

3.1 In the current constitution version (May 2020 as amended) the following standing orders are amended:

3.2 Further amendments to COVID19 Standing Orders

Part 3 Section 1 Functions

The Monitoring Officer is authorised to make further changes to the COVID19 Standing Orders as a result of any further legislation, guidance and including best practice and learning relating to the conduct of virtual meetings of the council or committees.

3.3 Right to speak

Where a member of the public or councillor (that is not a member of the meeting) has the right to speak under the Constitution they *will* be invited to participate by either providing their text in writing to be read out by a Democratic Services Officer at the meeting, providing an audio and video recording to be played at the meeting or speaking via a live stream.

3.4 Public Inspection of Background Papers

For all purposes of the constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

- (a) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and
- (b) to be published, posted or made available at offices of the council shall include publication on the website of the council.

3.5 Council Meetings and Attendance

A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
- (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.



(c) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as they deem appropriate;

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
- (ii) count the number of Members in attendance for the purposes of the quorum; or
- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

3.6 Appointments

Any appointment which is specified as 'annual' continues until the next annual meeting.

3.7 Voting

A named vote will be taken for each item on the agenda. Each individual member will be asked by the officer from Democratic Services by means of a roll call to indicate if they are for, against or are abstaining.

Only, where there is a requirement to record the named vote, will the results of the roll call be recorded in the minutes of the meeting.

3.8 Interests

At all meetings, Members declaring an interest in any item should do so by notifying to Democratic Services prior to the meeting in writing, or verbally when the Chair requests such declarations at the appropriate time on the agenda, where a written declaration has not been possible. Anyone declaring a pecuniary or prejudicial interest must leave the meeting entirely.

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

3.9 Public Speaking and Public Questions

At all meetings where the Constitution provides for public questions, the public will be invited to submit one question and one related supplementary question in writing. The questions must be received by Democratic Services by midday two days clear calendar days before the date of the meeting.

3.10 Members of the public wishing to speak at a Planning Control Committee or Licensing and Safety Panel meeting will be able to do so, unless available technology prevents this. This will continue to be in accordance with the Probity in Planning Code of Conduct, but the one speaker for and one against, will be entitled to make written submissions, prior to the meeting.

3.11 Planning and Control Committee – Site Visits

Protocol For Site Visits – where a site visit cannot safely take place in accordance with the Protocol, a virtual site visit will be undertaken and the same process for actual site visits will be followed as far as reasonably practicable. A decision following such a virtual site visit will be made in accordance with the provisions of the last paragraph of the Protocol namely, that the members themselves should consider whether probity in planning is being upheld and whether in the circumstances they feel they are able make an informed, objective and appropriate decision on the basis of the information before them.

3.12 Bury Council Virtual Meetings Protocol (Standards Committee Guidance 12/10/20)

Introduction

Participating in 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
- Made a note of the dial-in telephone number and the conference ID in case you have Wi-Fi problems (if you are unclear on this please contact Democratic Services)
- Accepted meeting requests
- The agenda and other documentation required for the meeting – electronically or hard copy
- A quiet and where possible confidential 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 and where possible confidential 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 ensure you treat the meeting in the same manner as a face to face meetings and have regard to the Code of Conduct for Councillors and Other Elected Members;

- Remember you likely are visible at all times particularly where meetings are recorded or streamed,
- Mute your microphone at all times when you are not speaking,
- Ensure your microphone is unmuted and your camera is on when speaking,
- If you have connection issues consider turning off your camera when you are not speaking,
- Only use the 'chat' facility if one is available to notify the Chair you wish to speak (do not use this facility for any other reason unless asked to do so by the Chair, as it is both visible to all other participants and could be disclosable under the Freedom of Information Act),
- 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 on the top right of the screen,
- Close down the Microsoft Teams application,
- Ensure any documentation from the meeting is securely stored or destroyed.

ENDS

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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

Equality Analysis Form

The following questions will document the effect of your service or proposed policy, procedure, working practice, strategy or decision (hereafter referred to as 'policy') on equality, and demonstrate that you have paid due regard to the Public Sector Equality Duty.

1. RESPONSIBILITY

Department	Corporate Core	
Service	Deputy Chief Executive	
Proposed policy	Bury Council Constitution Review	
Date	24 November 2020 / 25 November 2020	
Officer responsible for the 'policy' and for completing the equality analysis	Name	Marie Rosenthal
	Post Title	Strategic Advisor
	Contact Number	0161 253 6252
	Signature	
	Date	29 October 2020

2. AIMS

What is the purpose of the policy/service and what is it intended to achieve?	To review the Bury Constitution to make sure it is up to date, lawful and capable of delivering its stated objectives.
Who are the main stakeholders?	Bury Councillors. Future candidates at Bury Council local elections. Current and future electorate. Community and voluntary organisations operating in the Borough.

3. ESTABLISHING RELEVANCE TO EQUALITY

3a. Using the drop down lists below, please advise whether the policy/service has either a positive or negative effect on any groups of people with protected equality characteristics. If you answer yes to any question, please also explain why and how that group of people will be affected.

Protected equality characteristic	Positive effect (Yes/No)	Negative effect (Yes/No)	Explanation
Race	Yes	No	Will ensure equal understanding and access to the Council and ability to

			<p>participate in Council governance to all protected characteristics.</p> <p>Will provide a positive difference to all protected characteristics not just race through transparency of the rules and how to get involved</p>
Disability	Yes	No	See above
Gender	Yes	No	See above
Gender reassignment	Yes	No	See above
Age	Yes	No	See above
Sexual orientation	Yes	No	See above
Religion or belief	Yes	No	See above
Caring responsibilities	Yes	No	See above
Pregnancy or maternity	Yes	No	See above
Marriage or civil partnership	Yes	No	See above

3b. Using the drop down lists below, please advise whether or not our policy/service has relevance to the Public Sector Equality Duty. If you answer yes to any question, please explain why.

General Public Sector Equality Duties	Relevance (Yes/No)	Reason for the relevance
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	Yes	<p>Will ensure equality of access and understanding of Council governance across all areas of the Borough.</p> <p>A member development strategy which equips and enables ward members to operate as community connectors and best represent the</p>

		views of diverse communities
Need to advance equality of opportunity between people who share a protected characteristic and those who do not (e.g. by removing or minimising disadvantages or meeting needs)	Yes	More robust scrutiny functions and capacity which will drive one of the council's inclusion objectives (more robust performance and scrutiny of equality functions) -
Need to foster good relations between people who share a protected characteristic and those who do not (e.g. by tackling prejudice or promoting understanding)	Yes	Will ensure equality of access and understanding of Council governance across all areas of the Borough. A member development strategy which equips and enables ward members to operate as community connectors and best represent the views of diverse communities

If you answered 'YES' to any of the questions in 3a and 3b

Go straight to Question 4

If you answered 'NO' to all of the questions in 3a and 3b

Go to Question 3c and do not answer questions 4-6

3c. If you have answered 'No' to all the questions in 3a and 3b please explain why you feel that your policy/service has no relevance to equality.

4. EQUALITY INFORMATION AND ENGAGEMENT

4a. For a service plan, please list what equality information you currently have available (including a list of all EAs carried out on existing policies/procedures/strategies),

OR for a new/changed policy or practice please list what equality information you considered and engagement you have carried out in relation to it.

Please provide a link if the information is published on the web and advise when it was last updated?

(NB. Equality information can be both qualitative and quantitative. It includes knowledge of service users, satisfaction rates, compliments and complaints, the results of surveys or other engagement activities and should be broken down by equality characteristics where relevant.)

Details of the equality information or engagement	Internet link if published	Date last updated
Member led review		On going
All member survey August 2020		September 2020

4b. Are there any information gaps, and if so how do you plan to tackle them?

[None identified at this stage.](#)

5. CONCLUSIONS OF THE EQUALITY ANALYSIS

<p>What will the likely overall effect of your policy/service plan be on equality?</p>	<p>Increased equality of understanding and access to participate across the Borough. Citizens will have more equitable chance to speak to / make their views known to their councillor. Voice of each elector will be more equally represented by their respective local councillor.</p>
<p>If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?</p>	<p>Not applicable.</p>
<p>Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.</p>	<p>Will ensure communications about the new Constitution is widely available across all channels.</p>
<p>What steps do you intend to take now in respect of the implementation of your policy/service plan?</p>	<p>Public communication campaign involving social media and other channels to promote public participation</p>

6. MONITORING AND REVIEW

If you intend to proceed with your policy/service plan, please detail what monitoring arrangements (if appropriate) you will put in place to monitor the ongoing effects. Please also state when the policy/service plan will be reviewed.

Democratic services will review numbers of public questions and nature of decisions and opportunity to assess trends/issues across different community groups

COPIES OF THIS EQUALITY ANALYSIS FORM SHOULD BE ATTACHED TO ANY REPORTS/SERVICE PLANS AND ALSO SENT TO YOUR DEPARTMENTAL EQUALITY REPRESENTATIVE FOR RECORDING.

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Classification	Item No.
Open / Closed	

Meeting:	Cabinet
Meeting date:	24 November 2020
Title of report:	The Council's Financial Position as at 30 September 2020
Report by:	Leader of the Council and Cabinet Member for Finance and Growth
Decision Type:	Key Decision
Ward(s) to which report relates	All

Executive Summary:

- 1.1 This report outlines the forecast financial position of the council at the end of 2020/21 based on the information known at the end of the second quarter (30 September 2020). The reports sets out the position for both revenue and capital and provides an analysis of the variances, both under and overspending. The report also sets out the performance on the treasury management activity, including investments and borrowing, against the agreed prudential indicators.
- 1.2 This is the second report of the financial year and reflects demand and the financial impact of Covid at that time. The continuation of the Covid pandemic and the additional measures that have been put in place, both nationally and across the Greater Manchester region, in response to this may impact further on demand for services and loss of income. There does therefore remain some significant challenges to forecasting as a result of COVID-19 and the financial position will continue to be closely monitored throughout the year.
- 1.3 In response to the COVID-19 crisis the government has made available £3.7bn to Local Authorities nationally and some additional specific grants have been made available to provide funding to cover additional costs that will be incurred as a result of specific grant criteria. The funding allocations that were made available have been reflected in the forecast out-turn.
- 1.4 Since the end of September the Government has announced further funding however the final allocations at a local level have not been issued. Where possible, an estimate of these has been made however are subject to change.

- 1.5 Progress on the capital programme has been slower than anticipated, some of this due to the impact of Covid. The forecast position is set out in the report and will inform the budget considerations that are being considered as part of the budget setting process for the 2021/22 financial year.
- 1.6 The treasury management activity for the mid-year position is reported and all activity has been carried out within the agreed parameters and prudential indicators as set out in the Council's treasury management strategy.

Recommendation(s)

That:

- **Note the forecast overspend of £6.931m on the revenue budget and that recently announced additional funding in relation to Covid is likely to reduce the forecast overspend to £1.707m;**
- **Note the significant uncertainties that exist, in particular Wave 2, and that there is likely to be further changes before the end of the financial year;**
- **Note the position on the Dedicated Schools Grant, Collection Fund and the Housing Revenue Account;**
- **Note the savings of £0.262m on the schemes to be funded from allocations from reserves and how these funds will remain in general reserves**
- **Note the Council has made 3,727 grant payments to business across the Borough totalling £41.769m and that this scheme is now closed;**
- **Note forecast position on the capital programme and:**
 - **Approve that £4.028m be added to the 2020/21 capital programme to reflect the additional funding received for schemes;**
 - **Approve that £36.828m be carried forward into the 2021/22 financial year**
 - **Schemes totalling £0.488m be reduced/removed from the programme as set out in the report and that the reserves funding allocated for these purposes will remain with the general reserve;**
 - **Note the revised capital programme of £56.977m once all amendments have been taken into consideration;**
 - **The overspend on the Kay Street Bridge scheme and the Angouleme Way Roadworks be met from a reallocation of DfT and Growth Deal funding as set out in the report;**
 - **Note the risk of the Storm Ciara damage and that the potential cost of £6.4m may need to be managed within the capital programme should the Bellwin claim not be successful;**
- **Note the mid year report on the treasury management activity and that the Council has not breached any of the prudential indicators set at the beginning of the financial year.**

Key considerations

Background

- 2.1 The council is forecasting an overspend of £6.931m which is an improvement on the position at the end of June by £0.593m although this is largely due to additional funding that has been made available to local authorities and a return of some of the waste levy from the Greater Manchester Combined Authority (£3.271m) offset by an underlying increase in costs (£2.678m).
- 2.2 In October the government announced a further £1bn additional support for local authorities (£3.324m for Bury) and this, together with anticipated grant income to compensate for losses on sales, fees and charges grant (up to £1.9m) the overspend is forecast to reduce to £1.707m. This however assumes that there is no further movement in the underlying cost

base as a result of Covid Wave 2 and the local restrictions that have been imposed as part of the national and Greater Manchester response to the pandemic.

- 2.3 In July, Cabinet agreed a set of principles for managing the in-year gap and budget holders need to ensure these are being applied to ensure that as much as possible is being done to manage downwards the forecast overspend. These are:
- The Council will continue to spend where need exists on the COVID-19 response and all decisions will be taken under existing governance arrangements and will focus on value for money;
 - The Council will seek to maintain services as far as possible and, in doing so, minimise the loss of income;
 - The Council will seek to maximise the delivery of its savings plan;
 - The Council will
 - Use the government grant funding in the first instance to fund additional COVID-19 related costs and loss of income;
 - Consider opportunities for stepping down or deferring the return of some services where resources can be deployed to emerging priorities;
 - Consider the use of reserves as a means of funding any residual financial gap subject to the approval and governance arrangements set out in the Council's reserves strategy.
- 2.4 The Council has operated with in these principles and, in response to this, some revised efficiency options are set out later in the report to replace some efficiencies agreed in February that are no longer considered deliverable as a result of Covid.
- 2.5 Within the Council's 2020/21 budget there was an expectation that savings of £4.162m would be delivered. The ability to deliver these in the context is continually being assessed and a total of £2.728m is deemed to be at risk although replacement options and stretched targets from the OCO Directorate have reduced this risk to £2.273m. This is a worsening of the position previously reported. The impact of this has already been factored into the monitoring position.
- 2.6 The Council has factored in £4.8m of costs that are to be funded through COVID-19 grant monies that have been made available to Clinical Commissioning Groups. The position beyond September still remains unclear and there is the potential for an adverse impact on the council's in year position that will need to be managed. Funding is likely to be made available through the Greater Manchester Health and Social Care Partnership though the exact level is not known.
- 2.7 The planned contribution to the pooled fund in 2020/21 will be £10.5m less than is budgeted for due to the fact that an additional contribution, to the same value, was made in 2019/20 as part of a strategy to access additional funding for the CCG. This has been reflected in the council's reserves position as set out later in the report and the funding has been confirmed by the CCG.
- 2.8 A tracker of all grants income is in place and details are set out at Appendix 1. Where grants are to fund new requirements, it has been assumed that additional expenditure to the grant level will be incurred.
- 2.9 Some of the losses faced by the Council directly relate to schools and the Council's relationship with schools. The opportunity to revisit the Council's position on schools and also mitigating some of the risk needs to be considered as part of the in-year position and also for the council's medium term financial strategy.
- 2.10 The Council's ability to deliver against the capital programme has been reduced due to Covid and the response that has been needed to deal with the impact of the pandemic. The proposed carry forward and re-phasing of the capital budget will enable the council to focus

on what is considered to be deliverable in the current financial year and the longer term re-phasing will be considered as part of the development of the 2021/22 capital programme. The opportunity to manage current risks, such as Storm Ciara, will be factored in to any future rephrasing.

3 FINANCIAL OVERVIEW - REVENUE

- 3.1 The forecast out turn position is set out in Table 1 below and shows a forecast overspend of £6.931m, representing 4.20% of the council's net revenue budget. The forecast is based on trends and information in the first half of the financial year and therefore will change as trends and assumptions crystallise. Assuming no further change, the overspend will reduce to c£1.7m, (1%), should the assumed additional funding be received from government.

Table 1

Forecast Out Turn Position 2020/21 – As At 30 September 2020					
Directorate	Approved Budget	Revised Budget	Forecast Out Turn	Forecast (Under)/Over Spend	Change to June 2020
	£m	£m	£m	£m	£m
One Commissioning Organisation	79.452	79.467	78.746	(0.721)	(0.888)
Children and Young People	41.778	41.778	43.018	1.240	0.364
Operations	16.247	16.247	24.031	7.784	1.203
Corporate Core	13.520	13.505	14.009	0.504	0.315
Business, Growth and Infrastructure	2.800	2.800	3.206	0.406	(0.153)
Arts and Museum	0.577	0.697	0.729	0.032	(0.030)
Housing General Fund	0.553	0.553	1.116	0.563	0.000
Non Service Specific	9.964	9.844	6.967	(2.877)	(1.404)
TOTAL	164.891	164.891	171.822	6.931	(0.593)
Funded By:					
Government Grants	25.718	25.718	25.718	0.000	0.000
Council Tax	89.020	89.020	89.020	0.000	0.000
Business Rates	50.153	50.153	50.153	0.000	0.000
TOTAL	164.891	164.891	164.891	0.000	0.000

- 3.2 Details on individual services are set out in the next section of the report.

One Commissioning Organisation – Forecast Underspend £0.721m

Table 2

2020/21 Forecast Revenue Out Turn Position – as at 30 September 2020			
One Commissioning Organisation	Approved Budget	Forecast Out Turn	Forecast (Under)/Over Spend
	£m	£m	£m
Adult Social Care Operations	7.616	7.108	(0.509)
Care in the Community	39.640	39.387	(0.253)
Commissioning & Procurement	17.090	171.120	0.030
Public Health	10.435	10.435	(0.002)
Departmental Support Services	4.607	4.621	0.017
Workforce Modernisation	0.078	0.078	0.000
TOTAL	79.467	78.746	(0.721)

3.3 The OCO budget is forecast to underspend by £0.721m which is an improvement of the position at the end of August when the Directorate was forecasting an overspend of £0.329m.

3.4 The main variances are as follows:

- **Care in the Community** is projecting an underspend of £0.253m and includes c£3.8m of Health Covid monies to offset Covid related expenditure. Care home deflection activity and reduced home care expenditure in recent months has seen a c.£2m net cost reduction in Older People expenditure activity which if viewed in isolation would result in the underspend position being much higher. However, in the same period there has been a significant increase in expenditure within the younger adult's cohort which has largely offset the older people reductions. This will be a key area of focus for the financial strategy.
- **Adult Social Care Operations** is projecting a £0.509m underspend due to underspends on staffing budgets within services that are undergoing transformation. The forecast assumes £1m of NHS Health Covid funding to offset Covid related health expenditure.
- **Commissioning and Procurement** is forecasting an overspend of £0.030m due to an under achievement of the in-year saving on the Persona contract offset by an underspend on salaries due to vacancies within the service.

Children and Young People – Forecast Overspend £1.239m

Table 3

2020/21 Forecast Revenue Out Turn Position – as at 30 September 2020			
Children and Young People Directorate	Approved Budget	Forecast Out Turn	Forecast (Under)/Over Spend
	£m	£m	£m
Children's Commissioning	1.357	1.299	(0.057)
Early Help & School Readiness	1.755	1.702	(0.053)
Education & Inclusion	16.285	17.258	0.973
Social Care & Safeguarding	22,381	222.759	0.378
TOTAL	41.778	43.018	1.239

3.5 The Children and Young People's Directorate is forecast to overspend by £1.239m due to:

- **Children's Commissioning** The predicted underspend of £0.057m is largely due to 4 vacancies within the Social Care Admin team and a member of staff seconded to another service.
- **Early Help & School Readiness** is forecast to underspend by £0.053m due to a vacant Early Help worker post within the Locality Teams.
- **Education & Inclusion** The forecast overspend of £0.973m is due to increased demand on School Transport (£0.623m), increased costs on packages of care for children with disabilities (£0.107m) and the non-achievement of savings (£0.202) for which alternatives are currently being pursued.
- **Social Care & Safeguarding** – the forecast overspend of £0.378m includes Corporate Parenting (£0.162m) due to an increase in the number of Looked After Children (LAC), delays in discharging/stepping down of care, an increase in care leavers (£0.116m), agency costs to cover sickness and vacancies in safeguarding (£0.339m) as well as

additional building costs due to delays in vacating Higher Lane (£0.052m) and increased external legal fees in relation to two high-cost court cases (£0.142m). These overspends are offset by additional tripartite funding on residential placements (-£0.306m).

Operations Directorate – Forecast Overspend £7.784m

Table 4

2020/21 Forecast Revenue Out Turn Position – as at 30 September 2020			
Operations	Approved Budget	Forecast Out Turn	Forecast (Under)/Over Spend
	£m	£m	£m
Wellness Operations	2.992	4.932	1.942
Engineers (including Car Parking)	(0.206)	1.781	1.987
Street Scene	4.875	5.077	0.200
Commercial Services	(0.307)	1.668	2.040
Waste, Transport and Stores	6.541	6.840	0.298
Health & Environmental Protection	1.565	1.589	0.024
Operations Senior Management	1.911	1.905	(0.006)
Corporate Landlord	(1.124)	0.239	1.298
TOTAL	16.247	24.031	7.784

3.6 The Operations Directorate is forecasting an overspend of £7.784m mainly as a result of loss of income due COVID-19. Grant income to provide support for loss of income is expected but has not been reflected in these figures. The Directorate has recently restructured and the budgets have been adjusted to reflect this. The material variances within Operations are as follows:

- **Health & Environmental Protection** – the projected overspend is due to licensing due to the temporary deferral of licensing charges (£0.060m) offset by savings from vacancies within Trading Standards (-£0.036m);
- **Engineers** – the overspend largely due to suspension of car parking charges (£1.941m) and other minor variations across the service;
- **Street Scene** - the overspend is largely due to Pest Control loss of income as only emergency works being undertaken in April and May (£0.100m), minor variations across Highways and reduced income in Grounds Maintenance services (0.030m)
- **Wellness Operations** – the overspend is due to income loss in the Leisure Services (£1.875m) and Loss of lettings income in libraries (£0.074m);
- **Commercial Services** – The overspend is due to loss of income in civic centres (£0.566m), an overspend on Catering due to loss of catering income from schools (£0.697m) and loss of market rental income due to agreed schemes to offer rent reliefs to market traders (£0.778m);
- **Corporate Landlord** – The Overspend is due to loss of income due to staff shortages, a reduction in chargeable work to the capital programme due to Covid19 (£0.469m) and an outstanding unachieved savings target (£0.033m) in Architects Service; pressures on rates, cleaning and utilities budgets (£0.277m) on admin buildings and unachieved savings on the corporate landlord model (£0.519m).

Corporate Core and Finance– Forecast Overspend £0.504m

Table 5

2020/21 Forecast Revenue Out Turn Position – as at 30 September 2020			
Corporate Core and Finance	Approved Budget	Forecast Out Turn	Forecast (Under)/Over Spend
	£m	£m	£m
Corporate Core	3.600	3.798	0.198
Adult Learning	0.099	0.099	0.000
Corporate Core Finance	9.806	10.112	0.305
TOTAL	13.505	14.009	0.504

3.7 Corporate Core and Finance is forecasting an overspend of £0.504m which is a slight improvement on the period 4 position and is as a result of:-

- **Legal Services** – the overspend is due to reduced income relating to COVID 19 and additional agency costs (£0.198m);
- **Corporate Procurement** - a reduction in income from contract management (£0.017m);
- **Communications and Engagement** – additional costs to support the communications team during Covid and to cover staff absences;
- **Customer Support and Collections** - Reduction in summons income due to the closure of courts (£0.206m) and increased staffing costs (£0.100m) due to Covid activity and regradings.

Business, Growth and Infrastructure – Forecast Overspend £0.406m

Table 6

2020/21 Forecast Revenue Out Turn Position – as at 30 September 2020			
Business, Growth and Infrastructure Directorate	Approved Budget	Forecast Out Turn	Forecast (Under)/Over Spend
	£m	£m	£m
Economic Regeneration & Capital Growth	1.214	1.620	0.406
Housing Needs & Options	1.586	1.586	0.000
TOTAL	2.800	3.206	0.406

3.8 The Business, Growth and Infrastructure Directorate is forecasting an overspend of £0.406m as a result of:

- Property Income losses (£0.400m) some of which is resulting from an approved rent relief scheme to support businesses affected by COVID-19;

Art Gallery and Museum – Forecast Overspend £0.032m

Table 7

2020/21 Forecast Revenue Out Turn Position – as at 30 September 2020			
Art Gallery and Museum	Approved Budget	Forecast Out Turn	Forecast (Under)/Over Spend
	£m	£m	£m
Art Gallery and Museum	0.697	0.729	0.032
TOTAL	0.697	0.729	0.032

3.9 The Art Gallery and Museum is forecast to overspend by £0.032m due to loss of income as a result of the service being closed and is an improvement on the previously reported position.

Housing General Fund – Forecast Overspend £0.563m**Table 8**

2020/21 Forecast Revenue Out Turn Position – as at 30 September 2020			
Housing General Fund	Approved Budget	Forecast Out Turn	Forecast (Under)/Over Spend
	£m	£m	£m
Housing General Fund	0.553	1.116	0.563
TOTAL	0.553	1.116	0.563

3.10 The Housing General Fund is forecast to overspend by £0.563m due to assumed required contribution to the bad debt provision and the projected net Housing Subsidy position.

Non Service Specific – Forecast Underspend £2.877m**Table 9**

2020/21 Forecast Revenue Out Turn Position – as at 30 September 2020			
Non Service Specific	Approved Budget	Forecast Out Turn	Forecast (Under)/Over Spend
	£m	£m	£m
Accumulated Absences	1.120	1.120	0.000
Chief Executive's Office	0.377	0.377	0.000
Corporate Management	1.730	1.730	0.000
Cost of Borrowing	4.978	7.234	2.256
Grants/COVID-19	0.000	(8.752)	(8.752)
Disaster Expenses	0.011	0.011	0.000
Environment Agency	0.100	0.104	0.004
FRS17 Costs	(19.962)	(19.962)	0.000
GMWDA Levy	13.763	12.191	(1.572)
Manchester Airport	(5.635)	0.000	5.635
Ethical Lettings Agency	0.040	0.040	0.000
Passenger Transport Levy	13.456	13.010	(0.446)
Persona Dividend	(0.200)	(0.200)	0.000
Town of Culture	0.050	0.050	0.000
Provisions/Reserves	0.014	0.014	0.000
TOTAL	9.844	6.967	(2.877)

3.11 The Non Specific Service budget is forecasting an underspend of £2.877m due to:

- **Manchester airport** – loss of dividend (£5.635m) and loan interest repayment (£2.256m) due to the impact of COVID-19 on the travel industry;
- **Passenger Transport Levy** – levy is forecast to be lower than anticipated (-£0.446m);
- **Waste Levy**: A refund in the waste levy (-£1.572m)
- **Environment Agency** – slightly higher levy than expected (£0.004m);
- **Grants/COVID-19** – reflects the receipt of additional grant offset by expenditure within other departments and a budget imbalance relating to the New Homes Bonus (-£9.352m). (The infection control grant income has been reflected in the OCO position from period 4 onwards)

4 DELIVERY OF THE SAVINGS PLAN

4.1 Planned savings of £4.162m are included in the 2020/21 revenue budget. Of these £1.434m is considered delivered with the remaining £2.728m at risk. Work is currently underway with Directorates to establish whether savings can be delivered in the remainder of the year and, if not, whether any other compensating savings can be identified. A summary of the savings is set out in the table below.

Table 10

Assessment of Savings in the 2020/21 Budget			
Directorate	Description	Amount £m	Assessment
One Commissioning Organisation	Persona Contract	0.611	Amber
One Commissioning Organisation	Supporting People Review	0.177	Green
One Commissioning Organisation	Debt Recovery	0.100	Red
Children and Young People	School Improvement Service	0.330	Amber
Children and Young People	Early Help Model	0.102	Amber
Children and Young People	Procurement review of Contracts	0.100	Amber
Operations	Procurement Review of Contracts	0.085	Green
Operations	Corporate Landlord	0.585	Red
Operations	Architects Service Review	0.200	Red
Corporate	Contract Management	0.300	Amber
Corporate	Discretionary payments	0.350	Amber
One Commissioning Organisation	Provider Fees Review	1.107	Green
Operations	Re-Wilding Grass Verges	0.065	Green
Operations	Review of Highways Fees	0.050	Red
Total		4.162	

- 4.2 In addition to the above, care package reviews were expected to reduce the financial impact of increasing demand in adult social care. A further budget pressure of £0.478m is anticipated. This may no longer be achievable due to COVID-19.
- 4.3 The latest information shows a worsening of the position and that a significant number of savings will not be delivered in the current financial year. Covid has clearly played a part however the ability for the council to deliver savings. This is however likely to be an area of political focus given the work undertaken last year by Grant Thornton and the assurances previously provided that these were deliverable. It is proposed that Executive Directors provide information on why savings cannot be achieved.
- 4.4 In recognition of the fact that some of the savings in the OCO are 'at risk' a re-evaluation has been carried out and proposed alternative savings have been identified to offset the majority of the shortfall. Some of the current planned savings options are also projected to deliver more than is budgeted for. Work is underway to identify options to cover the outstanding amount (£0.276m). Details are set out in the table below:

Table 11

Revised OCO Savings				
Description	Original Savings Target	Projected Shortfall/ (Surplus)	Proposed Alternative Savings	Shortfall on Savings
	£m	£m	£m	£m
Persona Contract	0.611	0.458		0.153
Supporting People	0.177	0.250		(0.073)
Debt Recovery	0.100	0.000		0.100
Provider Fees Review	1.107	1.216		(0.109)
Care Packages	0.844	0.366		0.478
Learning Disability/Mental Health	0.000	0.000	(0.200)	(0.200)
Carers	0.000	0.000	(0.069)	(0.069)
Advocacy	0.000	0.000	(0.004)	(0.004)
TOTAL	2.839	2.290	(0.273)	0.276

- 4.5 A summary of the revised efficiency savings, subject to the approval of Cabinet, are:
- **Learning Disability/Mental Health** A review redesign and transformation of both commissioned and internal services and processes
 - **Carers** – A new model to support carers over the age of 18, however the new framework has a significantly stronger emphasis on partnership working, in particular developing relations between young carer’s services and adult carer’s services, along with other partnerships across key services and sectors
 - **Advocacy** – Retendering of a commissioned service
- 4.6 The overall risk of the efficiency savings is reduced to £2.273m for the 2020/21 financial year and the new savings have been reflected in the monitoring position.

5 RESERVES

- 5.1 The forecast position on reserves is set out at Appendix 2 and takes account of the planned contribution to reserves that were agreed as part of the 2020/21 budget and the release of funding from the collection fund that was also agreed. Whilst the position may appear not to have moved significantly, the cumulative movement masks the fact that over £26m has been added to reserves this year through the collection fund and the lower contribution to the pooled fund. When this is taken into account, c£30m of reserves have been used.
- 5.2 The Council’s new reserves policy was agreed at Cabinet in July and is now being applied. Planned allocations from reserves have been reviewed and the following savings are considered achievable due to opportunities presented through partnership working and the availability of grant funding that have reduced the overall cost to the Council. The overall saving of £0.262k will therefore remain in general reserves:
- Tree Planting– reduced by £0.250m
 - Win a bike scheme - £0.005m
 - Increased cycling proficiency - £0.007

6 OTHER BUDGETS

Schools

- 6.1 The council’s expenditure on schools is funded primarily by the Dedicated Schools Grant (DSG). The DSG is ringfenced and can only be spent on schools related activity as set out in the Schools Finance (England) Regulations 2017. The Schools Budget includes funding for a range of educational and support services provided on an authority wide basis as well as individual Schools Budget. The Schools Forum oversee the allocation of funding to schools and the application of the funding formula.
- 6.2 The DSG has 4 main blocks:

Table 12

Block	2020/21 Budget
	£m
Schools	129.940
High Needs	33.209
Early Years	13.782
Central Support Services	0.774
TOTAL	177.705

- 6.3 Since the budget was set, schools and academies have also received further significant external funding of £25.004m, including new funding to support schools with the additional cost pressures arising from Covid. Details of the funding received are set out in the table below. Further information regarding funding received for Covid related purposes is set out in Appendix 1.

Table 13

Estimated External Income	
Grant	£m
Pupil Premium Grant	9.108
Universal Infant Free Schools Meals Grant	2.369
Primary PE and Sport	1.147
Year 7 Catch Up Grant	0.195
Teacher's pay Grant	1.473
Teacher's Pension Grant	4.909
Devolved Formula capital	0.742
Covid Exceptional Cost Reimbursement Scheme	2.366
Covid Catch-Up Premium	2.695
TOTAL	25.004

- 6.4 At the end of 2019/20 there was a deficit on the Dedicated Schools Grant (DSG) of £20.067m and this is forecast to increase to £24.531m by the end of the current financial year. This is a significant risk to the council and one which needs to be kept under careful review as any deficit on the DSG reserve is currently offset by the council's general and earmarked reserves. Whilst the DfE has announced that DSG deficits will no longer be offset against Council reserves, the required changes to legislation have not been made. Until then, the position on the reserve remains a significant financial risk to the Council.
- 6.5 The Council has been identified as one of the Local Authorities across the country with one of the highest DSG deficits and has been invited to take part in discussions with the DfE with the aim of 'agreeing a package of support and report that will help the Council bring your DSG deficit under control and ultimately, to eliminate it'. To support the Council, some additional grant funding may be made available however the quantum and the conditions of any potential grant are not yet known. A date has been set for 17 December for an introductory meeting. Updates on progress will be reported to Cabinet as part of the quarterly monitoring process.
- 6.6 The main reason for the forecast increase in the deficit by the end of the financial year is due to:
- Inclusion Partnerships and SEMH Hubs (£0.36m)
 - Paediatric Disability (£0.15m)
 - SEND Preparation for Employment (£0.04m)
 - SEND EHCP top up funding to comply with statutory finance and SEND requirements, including increased volumes (£2.3m)
 - Increased capacity at Bury's special school provision (£1.6m)

Collection Fund

- 6.7 The tables below show the forecast outturn position for the collection fund and the share of balances of the forecast position.

Table 14

Forecast Position on the 2020/21 Collection Fund			
	Council Tax	Business Rates	Total
	£m	£m	£m
Balance Brought Forward	0.024	(0.279)	(0.255)
(Surplus)/Deficit for the year	1.646	26.647	28.293
Balance Carried Forward	1.670	26.367	28.038
Distributed:			
Bury Council	(1.409)	(26.104)	(27.512)
GMCA – Police and Crime Commissioner	(0.182)	0.000	(0.182)
GMCA – Fire and Rescue Service	(0.079)	(0.263)	(0.343)
Total	(1.670)	(26.367)	(28.038)
Section 31 Grants Received		26.061	26.061
TOTAL	(1.670)	(0.306)	(1.976)

- 6.8 The increasing prominence of council tax and business rates in helping fund council services means that the collection fund is monitored on an ongoing basis. A forecast in year deficit of £28.293m means that the projected year end collection fund position (council tax and business rates), taking into account the brought forward surplus, is a projected deficit of £28.038m of which the council's share is £27.512m and the Greater Manchester Combined Authority's share is £0.565m (for police and fire and rescue services).
- 6.9 The accounting treatment for the collection fund currently means that a deficit is required to be declared although these largely relate to additional business rates reliefs announced as a result of Covid (Extended Retail Relief and Nursery Relief). These reliefs are funded via Section 31 grant which will be used to repay a significant proportion of the deficit in future years. The expected Section 31 grant on the latest forecast is £26.061m which leaves a net deficit of £1.976m which can now be phased over 3 financial years. The exact timing of the repayment of the Section 31 grant and the re-phasing is still unknown and will be confirmed when guidance on the re-phasing of the deficit over 3 years is issued.
- 6.10 The Greater Manchester Combined Authority area continues to pilot 100% business rates retention. The pilot was first implemented on 1 April 2017. The purpose of the pilot is to develop and trial approaches to manage risk and reward in a local government finance system that includes full devolution of business rates revenues. Whilst the pilot is in place, a no detriment policy is in operation under which the government guarantees that the level of business rates income/grant that a council receives can be no less than it would have been if it was not in the pilot area. The council has so far gained from being a member of pilot scheme.

BUSINESS GRANTS

- 6.11 In response to Covid, the government announced a grants scheme for small businesses within the retail, leisure and hospitality sectors. Funding allocations were made to Councils based on information from the valuation office. Bury received £42.920m of which up to 5% of the grants paid out would be available for a discretionary scheme.
- 6.12 The council was responsible for administering the scheme until it closed at the end of September. In total, £41.769m was paid out to 3,727 business across the borough leaving a small surplus of £1.151m which, based on current guidance, will be recovered by central government. It should be noted that the Council is only able to pay to those businesses that met the government's grant criteria and therefore there is no other alternative way of utilising this funding. A summary of the grants paid are set out in the table below.

Table 15

Analysis of Covid Business Grants Scheme				
	£10k Grants	£25k Grants	Discretionary Grants	TOTAL
Number Paid	3,056	366	305	3,727
Value Paid (£m)	30.560	9.150	2.059	41.769
Total Paid	39.710		2.059	41.769
Grant Available	(40.865)		(2.055)	(42.920)
Surplus (To be repaid)	(1.155)		0.004	(1.151)

- 6.13 From the analysis it should be noted that the discretionary grant fund was overspent by £4,000. This cannot be offset against the main grant allocation and will therefore, subject to the approval of Cabinet, be met from corporate reserves.

HOUSING REVENUE ACCOUNT

- 6.14 The Housing Revenue Account (HRA) is forecasting a surplus of £1.075m and further information is set out in the table 12 below.

Table 16

2020/21 Forecast Revenue Out Turn Position – as at 30 Sept 2020			
Housing Revenue Account	Approved Budget	Forecast Out Turn	Forecast (Under)/Over Spend
	£m	£m	£m
Income			
Dwelling Rents	(29.963)	(29.907)	0.056
Non-Dwelling Rents	(0.194)	(0.191)	0.003
Other Charges	(1.036)	(1.032)	0.004
Total Income	(31.193)	(31.130)	0.063
Expenditure			
Repairs and Maintenance	7.039	6.902	(0.137)
General Management	7.452	7.350	(0.102)
Special Services	1.366	1.365	(0.001)
Rents, Rates and Other Charges	0.060	0.059	(0.001)
Increase in Bad Debts Provision	0.484	0.742	0.258
Capital Charge	4.632	4.632	-
Depreciation	8.587	7.362	(1.225)
Debt Management Expenses	0.041	0.041	-
Contribution to/(from) reserves	(1.925)	(1.925)	-
Total Expenditure	27.736	26.528	(1.208)
Net Cost of Services	(3.457)	(4.602)	(1.145)
Interest receivable	(0.067)	(0.063)	0.004
Principal Repayments	0.192	0.193	0.001
Revenue Contributions to Capital	3.322	3.387	0.065
Sub Total	3.447	3.517	0.070
Operating (Surplus)/Deficit	(0.010)	(1.085)	(1.075)

- 6.15 The main reasons for the forecast surplus are:

- **Depreciation** – the calculation method was reviewed in 2019/20 resulting in a reduction in the charge for future years. As the depreciation charge is ultimately used to fund capital programme expenditure this reduction has been taken into account in the forecast Revenue Contributions to Capital (see note below).

- **Revenue contributions to capital** – the change shows the net effect of schemes brought forward from 2019/20 and anticipated slippage in the programme for the current year; it is forecast that £2.681m of resources will need to be released back from the HRA balances (Business Plan Headroom Reserve) in 2021/22 to complete the 2020/21 programme.

6.16 As well as looking at the in-year financial position, it is useful to consider some of the other aspects of performance regarding the Housing revenue Account. These have all to some degree been affected by the operating restrictions and financial impacts resulting from the pandemic; this makes forecasting with any certainty very difficult.

- **Voids** The rent loss due to voids for April to September was on average 1.21% which is worse than the 1% void target level set in the original budget. If this performance continues, there will be a reduction in rental income of £0.064m over the original budget. Six Town Housing continue to review the voids processes and the various factors affecting demand.
- **Arrears** The rent arrears at the end of September totalled £2.415m, an increase of 16.4% since the end of March. Of the total arrears £0.889m relates to former tenants and £1.526m relates to current tenants. An estimated £1.106m of current tenant arrears are in cases where either the under occupancy charge applies or the tenants are in receipt of Universal Credit rather than Housing Benefit; this is an increase of £0.229m from the start of the year reflecting the increase in the number of tenants claiming Universal Credit and the impact this can have on the arrears position with payments received for a number of weeks, in arrears and sometimes with delays.
- **Bad Debts** The Council is required to make a provision for potential bad debts. The contribution for the year is calculated with reference to the type of arrear, the amount outstanding on each individual case and the balance remaining in the provision following write off of debts.

The forecast increase in the required contribution to the Bad Debt Provision is based on an assessment of the arrears at the end of September and the potential change in arrears for the remainder of this financial year. This is very much an estimate based on current trends and expectations and is being closely monitored.

- **Right to Buy Sales** The forecast for 2020/21 was set at 60, this being an increase of 15 on the level of sales assumed for Bury in the Government's self-financing valuation. There have been 21 sales in the period April to September which is 4 less than at this point last year. The number of applications currently proceeding is higher than at this point last year (111 compared to 101); around half of the current applications are awaiting Right to Buy valuations before they can proceed. The valuation service, which was suspended at lockdown in March, has recently been resumed through an external provider. Given the current situation it is difficult to forecast how many applications will actually proceed to completion therefore the sales forecast has been kept at 60 and will be reviewed again at the end of quarter 3; the projections of rental income have been calculated on this basis.

7 CAPITAL PROGRAMME

7.1 The Council's capital programme is set at £86.562m including schemes rolled forward from the 2019/20 financial year. New schemes totalling £4.028m are recommended to be added to the programme in year, all of which are fully funded from external sources. The new schemes are set out below and, subject to approval, will increase the 2020/21 capital programme to £90.590m. Full Council approval is not required. However for governance purposes, these schemes need to be reflected in the capital programme so they can be monitored and reported on.

Table 17

Additions to the 2020/21 Capital Programme		
Project	£m	Reason
2020/21 Revised Capital programme	86.562	
Highways Planned Maintenance	0.049	Additional grant funding
Pothole Fund	1.523	Additional DfT funding via GMCA
Manchester Mesivita	0.008	Grant
Goshen Flood Work	0.511	Grant funding from the Football Foundation
Special Provision Grant	0.195	Additional Grant
Basic Need Grant (Schools)	(0.250)	Actual Grant lower than anticipated
School Condition Grant	1.202	Additional Grant
School Condition Grant	0.790	Additional Grant
Sub Total	4.028	
Revised 2020/21 Capital Programme	90.590	

7.2 Full details on the Capital programme are set out in Appendix 3 and a summary of the key elements are as follows:

- **Carry Forward**

7.3 Expenditure on the capital programme is £20.148m of which £13.403m relates to the strategic investments with the airport. Expenditure is lower than anticipated however this needs to be considered in the wider context of the Covid pandemic. Delivery of the capital programme has been significantly affected by the Covid pandemic and the closure of many services. Additionally, resources that would have been delivering capital schemes and projects have been diverted to other areas as part of the Council's emergency response to the pandemic.

7.4 The Council recognises that the Covid pandemic has impacted in many different ways and has taken the opportunity to review its capital programme to ensure the programme remains focused on priorities, is realistic in terms of what can be delivered in the current financial year and enables schemes to continue in future years should they still be a priority. In considering the schemes we have identified those that are grant funded to ensure that the opportunity to bring in external income to the borough is not lost even if schemes have been delayed. The outcome of the review is as follows:

Project	Current Budget £m	Proposed Budget £m
Schemes Recommended for Deletion		
Electric Vehicle Trials	0.075	0.000
Schemes Recommended to Reduce		
Community Climate Fund	0.600	0.187
TOTAL	0.675	0.187

7.5 It is proposed that the capital programme for 2020/21 be reduced by £0.488m. All of the proposals were to be funded from general reserves and this funding will therefore no longer be needed to be drawn down.

- **Projected Expenditure 2020/21**

- 7.6 As it stands, £16.680m is forecast to be spent in the last half of the financial year. This includes the expenditure on the parks and green spaces strategy that is set out elsewhere on the agenda. Given the ongoing impact of the Covid pandemic the ability to forecast expenditure with any great certainty is reduced and therefore the situation will be kept under careful review. Further updates will be considered by Cabinet prior to the setting of the 2021/22 capital programme at Full Council in February.

Variiances

- 7.7 The majority of the variiances on the capital programme are due to delays in delivery as a result of Covid and it is proposed that these funds, totalling £36.828m, be carried forward and the programme rephased to reflect when expenditure is likely to be incurred. For now, funds that need to be carried forward into the next financial year have been identified and more work will be undertaken to establish whether any of this will fall into future years. The outcome of this work will be reported to Cabinet in January 20201 when the Quarter 3 monitoring is produced.
- 7.8 Some variiances have however emerged and approval is sought to meet the additional costs as follows:
- expenditure on Kay Street Bridge which is currently forecast to exceed the budget provision by £0.675m due to additional construction costs as a result of unforeseen issues when the building work was commissioned. In order to fund this, it is proposed that DfT monies included in the 2020/21 be reallocated for this purpose.
 - tendered costs for Angouleme Way/Market Street and Wash Lane/M66 Jnc2) are £175k higher than anticipated. To fund this it is proposed that some of the funding within the Growth Deal 2 scheme allocated to the Prestwich High Street Scheme be reallocated for this purpose.
 - Given the significant slippage on the capital programme it is not envisaged that this reallocation of funding to address emerging issues will have a significant impact on the wider programme.

Financing

- 7.9 As well as approving the revised spending in the capital programme, the council must also ensure it has sufficient funds available to meet its capital payments in each financial year. The table below shows how the planned and forecast capital expenditure is to be financed.

Table 17

Financing of the 2020/21 Capital Programme as at 30 September 2020	
	£m
Revised Capital Programme as at Q1	86.562
New Schemes to be added	4.028
Revised Capital Programme	90.590
Funded By:	
External Funding and Contributions	41.416
Use of Capital Receipts	1.389
Revenue	14.675
Prudential Borrowing	33.110
TOTAL	90.590

- 7.10 The Capital Programme will continue to be monitored closely for the remainder of the year. New Capital Gateway processes have been developed and are being introduced in

November 2020. These processes will embed effective monitoring and reporting arrangements. It is envisaged that the new gateway process will ensure that:

- schemes are prioritised and presented to members for consideration at appropriate times during the year
- schemes are a strategic fit with corporate priorities
- adequate resources are identified at the start of the process to ensure sufficient capacity is available to deliver the projects within anticipated timescales
- effective monitoring is carried out so that any slippage or delays can be considered and reported
- effective project management practices are embedded for all projects

7.11 A review and update of the council's capital strategy is underway and will be concluded during 2020/21 for consideration and approval by Cabinet and Full Council. This is particularly important in light of the work on the Bury2030 strategy and will ensure that the capital strategy is aligned to the future outcomes and objectives of the council.

Risks

7.12 Storm Ciara has resulted in some residual damage caused by flooding, the extent of which has only become clear over recent months. Independent assessment of the damage has been carried out and it is anticipated that a total of £6.4m will be needed to carry out the work required. Given the significant financial cost the Council is seeking assistance through the government's Bellwin scheme.

7.13 The Bellwin Scheme is a scheme made available to Local Authorities to provide emergency financial assistance to meet uninsured costs incurred with the aftermath of an emergency in their area. At the time of the storm, the scheme was not made available to the Council as it was not deemed to have reached the threshold. Discussions with MHCLG have established that a claim may be accepted and funding made available. This is currently being progressed. In the event of a claim not being successful, the cost will fall to the Council and will need to be considered as part of the overall capital programme for the current and future financial years.

8 TREASURY MANAGEMENT MID-YEAR REVIEW

8.1 The Treasury Management mid-year review report is attached at Appendix 4. To comply with the CIPFA Code and the Council's Treasury Management Strategy, the Council is required to report on its treasury management activity throughout the year. The report sets out the latest economic impact and shows the Council's performance against the agreed prudential indicators.

8.2 There are no performance issues and the Council is operating within its financial limits and boundaries as set out in the strategy.

9 FUTURE YEARS

9.1 The impact of COVID-19 is having a significant impact on the council's financial position and its ability to deliver capital schemes within the anticipated timescales. With Covid Wave 2 and further restrictions being imposed it is expected that further financial pressures will be felt and that these will impact not only in the current financial year but in future financial years. A continuing process of updating the MTFs will ensure that any new or increase in trends will be identified quickly so that remedial action can be taken.

9.2 The ability to forecast with any great accuracy continues to be more difficult now than at any point previously. Not only is the length and the extent of the Covid a huge risk but the

uncertainty around future funding caused by a delayed Comprehensive Spending Review (CSR) and a one year settlement rather than the anticipated 3 year settlement adds further risk and complication. Reliance on scenario planning and reviewing and updating future plans as developments and trends emerge will be a feature of budget planning for some time to come.

- 9.3 The council is currently refreshing its MTFs and is in the process of identifying options that will manage the financial gap in future years. Delivery of these is essential to ensure longer term sustainability. In the short term, the need to protect reserves as much as possible to help mitigate against the significant financial challenges anticipated, in particular over the next 2 financial years, is recommended.

Community impact / Contribution to the Bury 2030 Strategy

Delivery of the Bury 2030 strategy is dependent on resources being available. The delivery of the strategy may be impacted by changes in funding and spending.

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
<p>There are significant risks in the financial position both in the current and future financial years. Financial sustainability is critical and the report sets out areas of concern that need to be addressed.</p> <p>Delays in delivering projects within the capital programme provide an opportunity to review projects and align to the changing position that has</p>	<p>Regular monitoring and reporting ensures that any changes in the financial position are quickly identified and action can be taken to manage the overall position.</p> <p>The longer term medium financial strategy takes accounts of any in-year changes in funding and demand and ensures the Council has a longer term view for future</p>

arisen due to Covid and to ensure that projects align to the Bury 2030 strategy.	years.
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Consultation:

There are no consultation requirements arising from this report.

Legal Implications:

Local authorities must make proper arrangement for the administration of their financial affairs and produce a balanced, robust budget for forthcoming years. This should be consistent with the Council's work plans and strategies and any identified budget gap. This report sets out the current anticipated position and the impact in terms of revenue and capital, in particular of the impact of Covid 19. This will assist Cabinet in formulating proposals to submit to Council in 2021, for the Council budget and council tax calculations for 2021/22.

Financial Implications:

The financial implications are set out in the report. The continuation of the Covid pandemic has impacted significantly on both the revenue and capital budgets across the whole of the Council and needs to be carefully monitored. The in-year position will be reflected in an updated medium term financial strategy and will inform the budget setting process for the 2021/22 financial year.

Report Author and Contact Details:

Lisa Kitto

Interim Director of Financial Transformation (S151 Officer)

Background papers:

The Council's Financial Position as at June 2020

Revenue Budget 2020/21 and Medium Term Financial Strategy 2020/21 – 2024/25

Capital Strategy and Capital Programme 2021 – 2022/23

Treasury Management Strategy and Prudential Indicators 2020/21

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

Term	Meaning

Analysis of Grants Received 2020/21 as a result of COVID -19			
Description	Amount (£m)	Additional Costs	Detail
COVID-19 Tranche 1	5.364	No additional costs. This grant was received in 2019/20 and is un-ringfenced and is available to support the Council to meet additional costs and loss of income as a result of COVID-19.	£1.1m of the total allocation of £5.364m was utilised within the 19/20 financial year. The balance will be utilised to offset additional costs / income losses across all services. The grant is being monitored and reflected in the forecast position of the non-service specific budget.
COVID-19 Tranche 2	5.253	No additional costs. This grant is un-ringfenced and is available to support the Council to meet additional costs and loss of income as a result of COVID-19.	The grant will be utilised to offset additional costs / income losses across all services. The grant is being monitored and reflected in the forecast position of the non-service specific budget.
COVID-19 Tranche 3	1.699	No additional costs. This grant is un-ringfenced and is available to support the Council to meet additional costs and loss of income as a result of COVID-19.	The grant will be utilised to offset additional costs / income losses across all services. The grant is being monitored and reflected in the forecast position of the non-service specific budget.
Hardship Relief Fund	1.880	Criteria on how this should be allocated was provided by government. Majority to be used to fund £150 credit on council tax bills to working age residents eligible for local council tax support scheme. Remainder allocated to hardship and welfare schemes.	Currently held within the Collection Fund as most of the costs will be incurred within the fund.
Infection Control Tranche 1	2.396	New Costs will be incurred. Monitoring assumes that the grant will be offset fully by new additional costs.	All of the grant received has been allocated to care home and other organisations as specified in the grant criteria.

Infection Control Tranche 2	1.934	New Costs will be incurred. Monitoring assumes that the grant will be offset fully by new additional costs.	
Re-Opening High Streets	0.169	New costs will be incurred. Monitoring assumes that the grant will be offset fully by new additional costs.	This grant will be paid in arrears on qualifying expenditure.
Test and Trace	1.084	New Costs. Monitoring assumes that the grant will be offset fully by new additional costs.	Additional costs will be reflected within the OCO department
DEFRA Food and Essentials Hardship Grant	0.229	Monitoring assumes that new costs will be incurred.	
New Burdens (Revenues and benefits) for the administration of the business rates grants.	0.170	New costs to support the administration of grants to businesses and increase in welfare and benefit claimants.	Decision made and funding used to increase capacity in the revenues and benefits team.
Test and Trace Enhanced Support	0.150	Monitoring assumes that new costs will be incurred.	Report being prepared
COVID Marshall Funding	0.104	Monitoring assumes that new costs will be incurred.	Report being prepared
Self Isolation Grant	0.171	Grant payments to eligible claimants who are self-isolating	Decision made. Scheme is operating in line with national guidance.
Business Rates Grants	42.920	Grant payments of £10k and £25k to eligible business and funding for a discretionary scheme.	The scheme is now closed.
TOTAL	63.523		
Further announcements of funding to support local authorities who have suffered income losses have been announced. Of the additional £1bn funding announced, Bury will receive £3.324m and it is expected that up to a further £1.9m compensation grant for losses on sales, fees and charges will be received. The Council is also assuming £4.8m grant funding made available to CCGs to cover health related costs.			

Analysis of Grants Received 2020/21 by schools as a result of COVID -19			
Description	Amount (£m)	Additional Costs	Detail
Wellbeing for Education Grant	0.030	Allocated to Schools	Non-ringfenced grant to better equip education settings to support wellbeing and psychological recovery as they return to full time education.
Covid catch-Up Premium	2.367	Allocated to Schools	Additional funding to help children catch up on lost learning and reach expected curriculum levels during the 2020/21 academic year. It should be noted that £0.875m of the funding was received by the council to be passported to academies. Funding will be received in 3 tranches (Autumn, Spring and Summer terms).
Covid Exceptional Cost Re-Imbursement Scheme	2.645	Allocated to Schools	Reimbursement scheme to allow schools to reclaim any exceptional costs incurred during lockdown from March – July 2020 in relation to premises, cleaning and free school meals plus other costs that are subject to DfE scrutiny and validation. Of the funding allocated £0.660m is for academies.
TOTAL	5.312		

Forecast Position on Reserves at 31 March 2021				
	Balance as at 1 April 2020	Planned use of Reserves	In Year Overspend (including future known grants)	Forecast Balance as at 31 March 2021
	£M	£M	£M	
General Reserves	6.989	19.277	(1.700)	24.566
Directorate Risk Reserves	0.992	(0.250)		0.742
Volatility and Fiscal Risk	34.174	(4.000)		30.174
Total Management of Risk Reserves	42.155	15.027	(6.931)	55.482
Corporate Priorities	7.794	4.550		12.344
External Funding/Grants	20.794	(14.806)		5.988
Total Earmarked Reserves	28.588	(10.256)	0.000	18.332
TOTAL COUNCIL RESERVES	70.743	4.771	(1.700)	73.814
School Reserves				
DSG Central Reserve	(20.067)	(4.464)		(24.531)
TOTAL SCHOOL RESERVES	(20.067)	(4.464)	0.000	(24.531)
TOTAL NET RESERVES	50.676	0.307	(1.700)	49.283

	2020/21 Budget	Slippage Brought Forward	Approved Adjustments	Revised Budget	Actual Expenditure as at 30 September 2020	Forecast Expenditure 2020/21	Proposed Rephasing to future years
	£m	£m	£m	£m	£m	£m	£m
Radcliffe Regeneration:							
Radcliffe Town Centre	0.100	0.000	0.000	0.100	0.000	0.000	0.100
Radcliffe Market Chambers	0.100	0.000	0.000	0.100	0.000	0.000	0.100
Radcliffe Library Refurbishment	0.000	-0.020	0.000	-0.020	-0.008	-0.008	-0.012
Radcliffe Regeneration	0.300	0.000	0.000	0.300	0.000	0.263	0.037
Radcliffe Regeneration Action Plan	0.000	0.231	0.000	0.231	-0.002	-0.002	0.233
Sub Total	0.500	0.211	0.000	0.711	-0.010	0.253	0.458
Prestwich Regeneration:							
Public Services Hub	0.050	0.000	0.000	0.050	0.000	0.000	0.050
Strategic Acquisition – Longfield	0.300	0.000	0.000	0.300	0.000	0.000	0.300
Prestwich Urban Village	0.200	0.000	0.000	0.200	-0.008	0.492	-0.292
Sub Total	0.550	0.000	0.000	0.550	-0.008	0.492	0.058
Ramsbottom Regeneration:							
Ramsbottom Town Plan	0.200	0.000	0.000	0.200	0.000	0.000	0.200
Upper Floor Development	0.200	0.000	0.000	0.200	0.000	0.000	0.200
Sub Total	0.400	0.000	0.000	0.400	0.000	0.000	0.400
Bury Regeneration							
Bury Market	0.050	0.000	0.000	0.050	0.000	0.000	0.050
Bury Business centre	0.050	0.000	0.000	0.050	0.000	0.000	0.050

	2020/21 Budget	Slippage Brought Forward	Approved Adjustments	Revised Budget	Actual Expenditure as at 30 September 2020	Forecast Out Turn	Proposed Rephasing to future years
	£m	£m	£m	£m	£m	£m	£m
Elizabethan Suite Update	0.080	0.000	0.000	0.080	0.000	0.000	0.080
Bury Civic Centre – Phase 1	1.800	0.000	0.000	1.800	0.000	-0.001	1.801
Sub Total	1.980	0.000	0.000	1.980	0.000	-0.001	1.981
Bradley Fold Regeneration	0.200	0.000	0.000	0.200	0.000	0.000	0.200
Refurbishment of Bury Market	0.900	-0.008	0.000	0.892	0.000	0.206	0.686
TOTAL - REGENERATION	4.530	0.203	0.000	4.733	-0.018	0.950	3.783
Place Shaping/Growth:							
Prestwich	0.000	0.249	0.000	0.249	0.000	0.000	0.249
Radcliffe	0.000	0.420	0.000	0.420	0.000	0.000	0.420
Whitefield	0.000	0.100	0.000	0.100	0.001	0.001	0.099
Place Shaping/Growth Programme	0.000	2.715	0.000	2.715	0.000	0.000	2.715
Other Development Schemes	0.000	0.138	0.000	0.138	0.478	0.450	-0.312
TOTAL – PLACE SHAPING/GROWTH	0.000	3.623	0.000	3.623	0.479	0.451	3.172
Sport and Leisure:							
Parks and Green Space Strategy	0.800	0.000	0.000	0.800	0.030	0.439	0.361
Play Area Strategy	0.250	0.000	0.000	0.250	0.001	0.251	-0.001
Outdoor Gyms	0.120	0.000	0.000	0.120	0.000	0.000	0.120
Access, Infrastructure and Quality – Parks	0.300	0.000	0.000	0.300	0.000	0.220	0.080
Grass Pitch Vert Draining	0.010	0.000	0.000	0.010	0.000	0.000	0.010
Leisure Gym Equipment Upgrade	0.500	0.000	0.000	0.500	0.257	0.500	0.000
Bury Athletics Track	0.100	0.000	0.000	0.100	0.000	0.006	0.094
Flood Repair – 3 G Pitch	0.000	0.105	0.511	0.616	0.000	0.052	0.564
3G Pitch – Bury Radcliffe	0.040	0.000	0.000	0.040	0.000	0.000	0.040
3G Pitch at Goshen	0.669	0.000	0.000	0.669	0.000	0.000	0.669

	2020/21 Budget	Slippage Brought Forward	Approved Adjustments	Revised Budget	Actual Expenditure as at 30 September 2020	Forecast Out Turn	Proposed Rephasing to future years
	£m	£m	£m	£m	£m	£m	£m
Sustainable Tennis Strategy	0.180	0.000	0.000	0.180	0.000	0.226	-0.046
Radcliffe FC Facilities	0.170	0.000	0.000	0.170	0.000	0.000	0.170
Match Fund Football Grants	0.150	0.000	0.000	0.150	0.000	0.000	0.150
Non Turf Cricket Pitch	0.072	0.000	0.000	0.072	0.000	0.000	0.072
Flood Repair and Defence	0.000	0.568	0.000	0.568	0.385	0.395	0.172
Environmental Works	0.000	0.084	0.000	0.084	0.003	0.078	0.005
Parks	0.000	0.142	0.000	0.142	0.000	0.137	0.005
TOTAL – SPORT AND LEISURE	3.361	0.898	0.511	4.770	0.677	2.305	2.465
Operational Fleet::							
Vehicle Replacement Strategy	6.760	0.000	0.000	6.760	0.000	4.000	2.760
Grounds Maintenance Equipment	0.240	0.000	0.000	0.240	0.017	0.070	0.170
TOTAL – OPERATIONAL FLEET	7.000	0.000	0.000	7.000	0.017	4.070	2.930
ICT:							
ICT Projects	5.015	0.869	0.000	5.884	1.106	2.100	3.784
Improving Information Management	0.000	0.057	0.000	0.057	0.000	0.000	0.057
GM Full Fibre Project	0.000	0.469	0.000	0.469	0.468	0.468	0.001
TOTAL – ICT	5.015	1.395	0.000	6.410	1.574	2.568	3.843
Highways:							
Highways Investment Strategy – Tranche 2	4.000	0.000	0.000	4.000	0.000	4.000	0.000
Cycling and Walking Routes – Mayors Challenge	3.000	0.102	0.000	3.102	0.025	0.035	3.067
Growth Deal	0.711	0.000	0.000	0.711	0.000	0.000	0.711
Mobile Speed Signs	0.035	0.000	0.000	0.035	0.000	0.000	0.035

	2020/21 Budget	Slippage Brought Forward	Approved Adjustments	Revised Budget	Actual Expenditure as at 30 September 2020	Forecast Out Turn	Proposed Rephasing to future years
	£m	£m	£m	£m	£m	£m	£m
Full Fibre Infrastructure	0.520	0.000	0.000	0.520	0.000	0.000	0.520
Weather Station and Road Surface Temperature Sensors	0.030	0.000	0.000	0.030	0.000	0.030	0.000
Street Lighting	2.000	-0.239	0.000	1.761	0.029	1.289	0.473
Traffic Calming and improvement	0.517	0.281	0.000	0.798	0.119	0.239	0.559
Traffic Management Schemes	0.000	0.127	0.000	0.127	0.000	0.075	0.052
Public Rights of Way	0.000	0.058	0.000	0.058	0.000	0.005	0.053
Highways Planned Maintenance	0.000	2.640	0.049	2.689	1.026	2.689	0.000
Pothole Fund	0.000	0.000	1.523	1.523	0.000	1.156	0.367
Bridges	0.000	0.050	0.000	0.050	0.022	0.052	-0.002
TOTAL – HIGHWAYS	10.813	3.019	1.572	15.404	1.221	9.570	5.835
<i>Children and Young People (including Schools):</i>							
NDS Modernisation	6.995	1.121	1.742	9.858	1.110	4.026	5.832
DFE Formula Capital	0.327	0.555	0.008	0.890	0.253	0.353	0.537
Targeted Capital Funds	0.000	-0.130	0.000	-0.130	-0.131	-0.131	0.001
Special Provision Grant	0.000	0.320	0.195	0.515	0.078	0.494	0.022
Radcliffe School	0.378	0.000	0.000	0.378	0.000	0.000	0.378
Condition Related Schemes – Schools	0.500	0.000	0.000	0.500	0.000	0.000	0.500
Schools Sustainability Schemes	0.250	0.000	0.000	0.250	0.000	0.000	0.250
TOTAL – CHILDREN AND YOUNG PEOPLE	8.450	1.866	1.945	12.261	1.309	4.741	7.520
<i>Estate Management – Investment Estate:</i>							
Demolition of Former Fire Station – Bury	0.300	0.000	0.000	0.300	0.000	0.000	0.300

	2020/21 Budget	Slippage Brought Forward	Approved Adjustments	Revised Budget	Actual Expenditure as at 30 September 2020	Forecast Out Turn	Proposed Rephasing to future years
	£m	£m	£m	£m	£m	£m	£m
177 & 179 The Rock	0.005	0.000	0.000	0.005	0.000	0.000	0.005
Portland and Chesham industrial Estate	0.010	0.000	0.000	0.010	0.000	0.000	0.010
Former Prezzo, Lytham	0.055	0.000	0.000	0.055	0.000	0.000	0.055
Black Manor Street	0.050	0.000	0.000	0.050	0.000	0.000	0.050
Tile Street	0.050	0.000	0.000	0.050	0.000	0.000	0.050
St Mary's Place	0.030	0.000	0.000	0.030	0.000	0.000	0.030
TOTAL – ESTATE MANAGEMENT INVESTMENT ESTATE	0.500	0.000	0.000	0.500	0.000	0.000	0.500
<i>Estate Management - Corporate Landlord:</i>							
Fernhill Gypsy and Traveller Site	0.360	0.000	0.000	0.360	0.000	0.000	0.360
Bradley Fold Welfare Facilities	0.200	0.000	0.000	0.200	0.123	0.205	-0.005
Bradley Fold Depot – Essential Maintenance	0.220	0.000	0.000	0.220	0.000	0.220	0.000
Leisure Health and Safety Improvements	0.188	0.000	0.000	0.188	0.000	0.120	0.068
Leisure Health and Safety Improvements 19/20	0.181	0.000	0.000	0.181	0.000	0.003	0.178
LED Lighting Installation	0.011	0.000	0.000	0.011	0.000	0.051	-0.040
Seedfield – Health and Safety	0.025	0.000	0.000	0.025	0.000	0.000	0.025
Bury Cemetery Upgrade of Welfare Facilities	0.025	0.000	0.000	0.025	0.000	0.010	0.015
Hoyles park Pavilion Demolition and Clarence Park Skateboard Park removal	0.040	0.000	0.000	0.040	0.000	0.000	0.040
TOTAL – ESTATE MANAGEMENT CORPORATE LANDLORD	1.250	0.000	0.000	1.250	0.123	0.610	0.640
<i>One Commissioning Organisation:</i>							
Older People	0.588	-0.204	0.000	0.384	0.080	0.079	0.305
Disabled Facilities Grant	0.855	0.597	0.000	1.452	0.179	0.179	1.274

	2020/21 Budget	Slippage Brought Forward	Approved Adjustments	Revised Budget	Actual Expenditure as at 30 September 2020	Forecast Out Turn	Proposed Rephasing to future years
	£m	£m	£m	£m	£m	£m	£m
Neighbourhood Working	0.000	0.242	0.000	0.242	0.014	0.014	0.228
Planning – Other Schemes	0.065	0.012	0.000	0.077	0.000	0.012	0.065
Other Development Schemes	0.027	0.000	0.000	0.027	0.000	0.000	0.027
Environmental Works	0.067	0.000	0.000	0.067	0.000	0.000	0.067
TOTAL – COMMUNITIES AND WELLBEING	1.602	0.647	0.000	2.249	0.272	0.283	1.966
Electric Vehicle Trials	0.075	0.000	0.000	0.075	0.000	0.000	0.075
Housing – HRA	9.280	3.406	0.000	12.686	0.171	9.592	3.094
HRA – Disabled Facilities Adaptations	0.550	0.166	0.000	0.716	0.000	0.609	0.107
Empty Property Strategy	0.000	0.273	0.000	0.273	0.000	0.000	0.273
Next Steps Accommodation Programme	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Housing Development	0.000	1.000	0.000	1.000	0.921	1.100	-0.100
TOTAL – HOUSING	9.905	4.845	0.000	14.750	1.091	11.301	3.448
Climate Change:							
Community Climate Capital Fund	0.600	0.000	0.000	0.600	0.000	0.007	0.593
Climate Change Resilience Fund	0.200	0.000	0.000	0.200	0.000	0.060	0.140
Electric Charging Points	0.040	0.000	0.000	0.040	0.000	0.000	0.040
Glysophate Alternative Equipment	0.050	0.000	0.000	0.050	0.000	0.050	0.000
Waste Management	0.000	0.014	0.000	0.014	0.000	0.069	-0.055
Fly-Tipping	0.060	0.000	0.000	0.060	0.000	0.052	0.008
TOTAL – CLIMATE CHANGE	0.950	0.014	0.000	0.964	0.000	0.238	0.726
Strategic Airport Investment	0.000	1.863	1.863	3.726	3.726	3.726	0.000
Strategic Airport Investment	0.000	0.000	12.950	12.950	9.677	12.950	0.000
TOTAL – STRATEGIC INVESTMENT	0.000	1.863	14.813	16.676	13.403	16.676	0.000
TOTAL	53.376	18.373	18.841	90.590	20.148	53.763	36.828

Treasury Management Mid-Year Review 2020/21

1.0 BACKGROUND

1.1 In December 2017, the Chartered Institute of Public Finance and Accountancy, (CIPFA), issued revised Prudential and Treasury Management Codes. As from 2020/21, all authorities have been required to prepare a Capital Strategy which is to provide the following:-

- A high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services,
- An overview of how the associated risk is managed,
- The implications for future financial sustainability.

A report setting out our Capital Strategy will be taken to Council before 31st March 2021.

1.2 The Council operates a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return.

1.3 The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

1.4 Accordingly, treasury management is defined as:- "The management of the local authority's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks".

1.5 This report has been written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2017). The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the full council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a **Mid-year Review Report** and an Annual Report (stewardship report) covering activities during the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is: Overview & Scrutiny Committee.

- 1.6 This mid-year report has been prepared in compliance with CIPFA’s Code of Practice on Treasury Management, and covers the following:

An economic update for the 2020/21 financial year to 30 September 2020;
 A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
 The Council’s capital expenditure, as set out in the Capital Strategy, and prudential indicators;
 A review of the Council’s investment portfolio for 2020/21
 A review of the Council’s borrowing strategy for 2020/21
 A review of any debt rescheduling undertaken during 2020/21
 A review of compliance with Treasury and Prudential Limits for 2020/21

- 1.7 This report fulfils the requirement to produce a mid-year review.

2.0 ECONOMIC UP-DATE (from Treasury Advisors)

2.1 Economic Performance to date

- 2.1.1 The Bank of England’s Monetary Policy Committee kept Bank Rate unchanged on 6th August. It also kept unchanged the level of quantitative easing at £745bn.

The fall in **GDP** in the first half of 2020 was revised from 28% to 23% (subsequently revised to -21.8%). This is still one of the largest falls in output of any developed nation. However, it is only to be expected as the UK economy is heavily skewed towards consumer-facing services – an area which was particularly vulnerable to being damaged by lockdown. The peak in the **unemployment rate** was revised down from 9% in Q2 to 7½% by Q4 2020.

- 2.1.2 It was forecast that there would be excess demand in the economy by Q3 2022 causing **CPI inflation** to rise above the 2% target in Q3 2022, (based on market interest rate expectations for a further loosening in policy). Nevertheless, even if the Bank were to leave policy unchanged, inflation was still projected to be above 2% in 2023.

- 2.1.3 In conclusion, the MPC acknowledged that the “medium-term projections were a less informative guide than usual” and the minutes had multiple references to **downside risks**, which were judged to persist both in the short and medium term. In addition, Brexit uncertainties ahead of the year-end deadline are likely to be a drag on recovery.

2.2 Interest rate Forecasts and Outlook

- 2.2.1 The Council’s treasury advisor, Link Asset Services, has provided the following forecast on 11th August 2020.

Link Group Interest Rate View 11.8.20										
	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23
Bank Rate View	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 month average earnings	0.05	0.05	0.05	0.05	0.05	-	-	-	-	-
6 month average earnings	0.10	0.10	0.10	0.10	0.10	-	-	-	-	-
12 month average earnings	0.15	0.15	0.15	0.15	0.15	-	-	-	-	-
5yr PWLB Rate	1.90	2.00	2.00	2.00	2.00	2.00	2.10	2.10	2.10	2.10
10yr PWLB Rate	2.10	2.10	2.10	2.10	2.20	2.20	2.20	2.30	2.30	2.30
25yr PWLB Rate	2.50	2.50	2.50	2.60	2.60	2.60	2.70	2.70	2.70	2.70
50yr PWLB Rate	2.30	2.30	2.30	2.40	2.40	2.40	2.50	2.50	2.50	2.50

The coronavirus outbreak has done huge economic damage to the UK and economies around the world. After the Bank of England took emergency action in March to cut Bank

Rate to first 0.25%, and then to 0.10%, it left Bank Rate unchanged at its meeting on 6th August (and the subsequent September meeting), although some forecasters had suggested that a cut into negative territory could happen. However, the Governor of the Bank of England has made it clear that he currently thinks that such a move would do more damage than good and that more quantitative easing is the favoured tool if further action becomes necessary. As shown in the forecast table above, no increase in Bank Rate is expected within the forecast horizon ending on 31st March 2023 as economic recovery is expected to be only gradual and, therefore, prolonged.

2.2.2 The overall balance of risks to economic growth in the UK is probably relatively even, but is subject to major uncertainty due to the virus. There is relatively little UK domestic risk of increases or decreases in Bank Rate and significant changes in shorter term PWLB rates. The Bank of England has effectively ruled out the use of negative interest rates in the near term and increases in Bank Rate are likely to be some years away given the underlying economic expectations. However, it is always possible that safe haven flows, due to unexpected domestic developments and those in other major economies, could impact gilt yields, (and so PWLB rates), in the UK.

3.0 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY UP-DATE

3.1 The Treasury Management Strategy Statement (TMSS) for 2020/21 was approved by the Council on 26 February 2020.

3.2 There are no policy changes to the TMSS; the details in this report update the position in the light of the updated economic position and budgetary changes already approved.

4.0 THE COUNCIL'S CAPITAL POSITION (PRUDENTIAL INDICATORS)

This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

4.1 Prudential Indicator for Capital Expenditure

This table shows the revised estimates for capital expenditure and the changes since the capital programme was agreed at the Budget

Capital Expenditure	2020/21 Original Estimate £m	2020/21 Revised Estimate £m
Non-HRA	43.546	75.915
HRA	9.830	14.675
Total	53.376	90.590

The increase of the revised estimate over the original estimate is due to slippage from 2019/20 of £18.373m with approved in year adjustments of £18.841m.

4.2 Changes to the Financing of the Capital Programme

The table below shows the main strategy elements of the capital expenditure plans. The borrowing requirement shown will increase the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

Capital Expenditure	2020/21	2020/21
	Original Estimate	Revised Estimate
	£m	£m
Total capital expenditure	53,376	90,590
Financed by:		
Capital receipts	609	1,389
Capital grants	14,978	41,416
Revenue	9,830	14,675
Total financing	25,417	57,480
Borrowing requirement	27,959	33,110

4.3 Changes to the Prudential Indicators for the Capital Financing Requirement, External Debt and the Operational Boundary

The table shows the CFR, which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period, which is termed the Operational Boundary.

	2020/21	2020/21
	Original Estimate	Revised Estimate
	£m	£m
Prudential Indicator - Capital Financing Requirement		
CFR – non HRA	168.481	169.866
CFR – HRA existing	40.531	40.531
Housing Reform Settlement	78.253	78.253
Total CFR	287.266	288.651

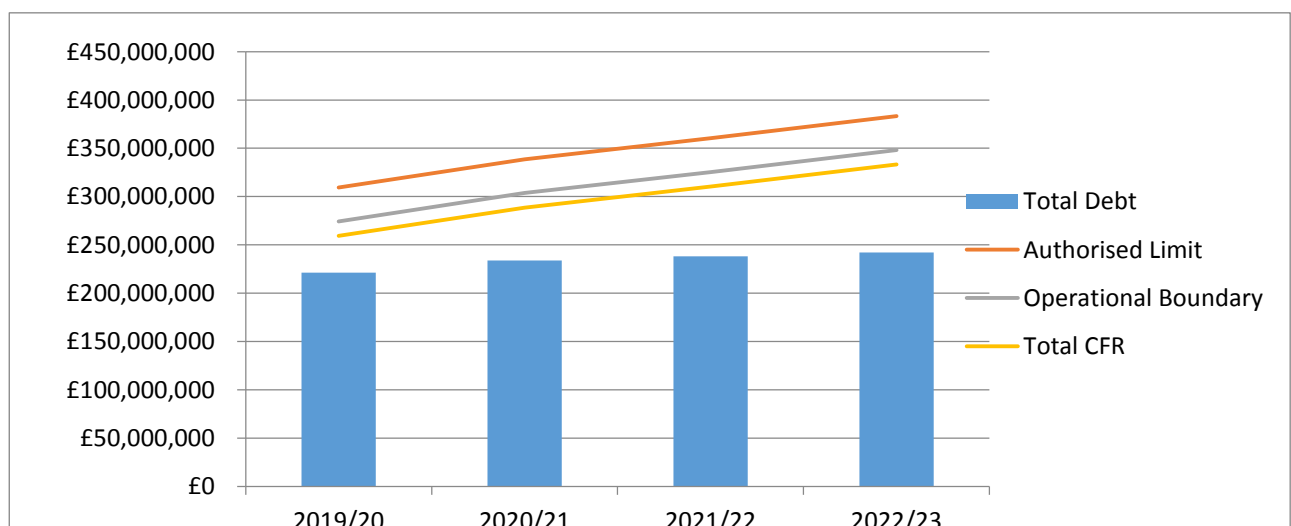
Prudential Indicator - External Debt / the Operational Boundary		
Borrowing	269.300	298.700
Other long term liabilities	5.000	5.000
Total	274.300	303.700

4.4 Limits to Borrowing Activity

- 4.4.1 The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2019/20 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.
- 4.4.2 A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

Authorised Limit for External Debt	2020/21	2020/21
	Original Indicator	Revised Indicator
	£m	£m
Borrowing	304.300	333.700
Other long term liabilities	5.000	5.000
Total	309.300	338.700

4.4.3 The chart below shows the projected trend of the Council's Prudential Indicators.



5 INVESTMENT PORTFOLIO 2020/21

5.1 The Treasury Management Strategy Statement (TMSS) for 2020/21, which includes the Annual Investment Strategy, was approved by the Council on 26th February 2020. In accordance with the CIPFA Treasury Management Code of Practice, it sets out the Council's investment priorities as being:

- Security of capital
- Liquidity
- Yield

The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with the Council's risk appetite. In the current economic climate it is considered appropriate to keep investments short term to cover cash flow needs, but also to seek out value available in periods up to 12 months with high credit rated financial institutions, using the Link suggested creditworthiness approach, including a minimum sovereign credit rating and Credit Default Swap (CDS) overlay information.

5.2 As shown by the interest rate forecasts in section 2, it is now impossible to earn the level of interest rates commonly seen in previous decades as all investment rates are barely above zero now that Bank Rate is at 0.10%, while some entities, including more recently the Debt Management Account Deposit Facility (DMADF), are offering negative rates of return in some shorter time periods. Given this risk environment and the fact that increases in Bank Rate are unlikely to occur before the end of the current forecast horizon of 31st March 2023, investment returns are expected to remain low.

5.3 The Council held £27.7m of investments as at 30 September 2020 (£29.4m at 31 March 2020) and the investment portfolio yield for the first six months of the year is 0.14% against a 3 month benchmark of 0.05%.

The investments held as at 30 September 2020 were:-

Type of Investment	£ m
Call Investments (Cash equivalents)	27.7
Fixed Investments (Short term investments)	0.0
Total	27.7

5.4 The Director Of Financial Transformation confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2020/21.

5.5 The Council's budgeted investment return for 2020/21 is £0.1m, and performance for the year to date is in line with the budget.

5.6 The Cabinet have approved a "Property Investment Strategy" which aims to increase investment income by investing in property rather than investing with financial institutions where returns are low at present. Additional borrowing may need to be undertaken to finance property acquisitions; each investment will be subject to a robust business case and also non-financial factors (e.g. ethical stance) will be considered.

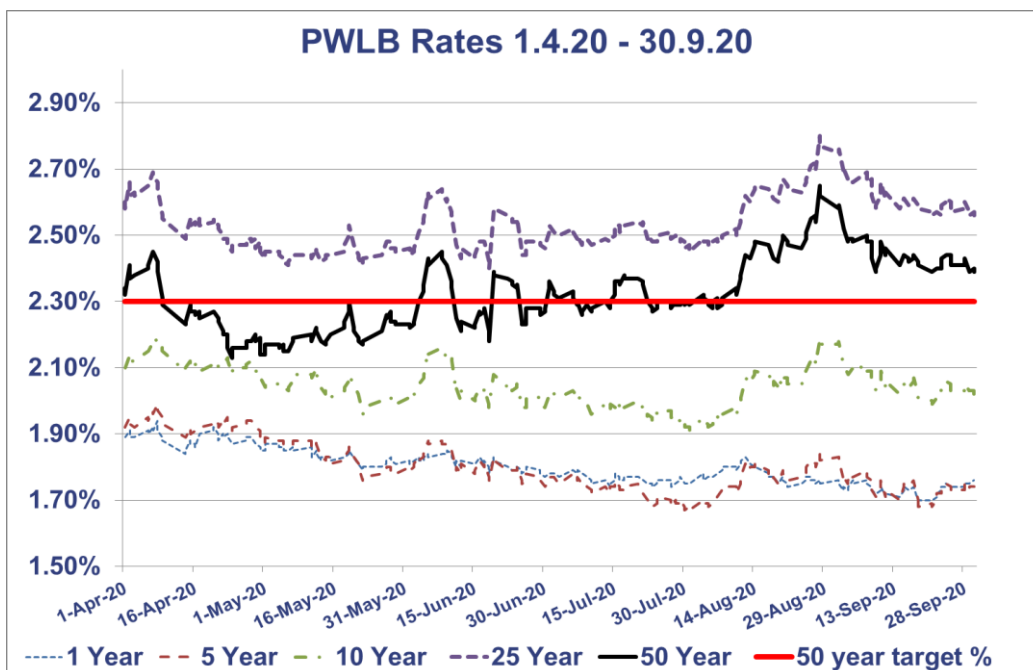
6.0 BORROWING

6.1 The Council's capital financing requirement (CFR) for 2020/21 is £288.7m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. The table below shows the Council has borrowings of £207.2m and has utilised £81.4m of cash flow funds in lieu of borrowing. This is a prudent and cost effective approach in the current economic climate but will require ongoing monitoring in the event that upside risk to gilt yields prevail.

	1st April 2020			30 September 2020		
	Principal		Avg.	Principal		Avg.
	£M	£M	Rate	£M	£M	Rate
Fixed rate funding						
	PWLB Bury	134.071			134.102	
	PWLB Airport	11.828			11.828	
	Market Bury	49.272	195.171		51.300	197.230
Variable rate funding						
	PWLB Bury	0			0	
	Market Bury	0	0		0	0
Temporary Loans / Bonds						
		21.003	21.003		10.003	10.003
Total Debt			216.174	3.70%	207.233	3.70%
Capital Financing Requirement						
			259.304		288.651	
Over/ (under) borrowing			(43.130)		(81.418)	
Total Investments						
			29.410	0.62%	27.660	0.14%
Net Debt						
			186.764		179.573	

6.2 External borrowing of £2.3m has been undertaken from the market during the first 6 months of 2020/21. 1 loan was taken to take advantage of low interest rates. Additional external borrowing will be required during the remainder of this financial year.

6.3 The graph below shows the movement in PWLB certainty rates for the first six months of the year to 30.09.20.



	1 Year	5 Year	10 Year	25 Year	50 Year
Low	1.70%	1.67%	1.91%	2.40%	2.13%
Date	18/09/2020	30/07/2020	31/07/2020	18/06/2020	24/04/2020
High	1.94%	1.99%	2.19%	2.80%	2.65%
Date	08/04/2020	08/04/2020	08/04/2020	28/08/2020	28/08/2020
Average	1.80%	1.80%	2.04%	2.54%	2.33%

7.0 DEBT RESCHEDULING

7.1 Debt rescheduling opportunities have been very limited in the current economic climate given the consequent structure of interest rates, and following the increase in the margin added to gilt yields which has impacted PWLB new borrowing rates since October 2010. No debt rescheduling was undertaken during the first six months of 2020/21.

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Classification	Item No.
Open	

Meeting:	CABINET
Meeting date:	24 November 2020
Title of report:	Setting the 2021/22 Budget
Report by:	Leader of the Council and Cabinet Member for Finance and Growth
Decision Type:	Key Decision
Ward(s) to which report relates	All

Executive Summary

1 INTRODUCTION

- 1.1 This year the context in which financial planning is being undertaken is perhaps the most complex and difficult of recent times. When the Council's 2020/21 budget was set uncertainties around Government policy and funding through the Comprehensive Spending Review, Local Government Finance Settlement, the Fairer Funding Review, the Business Rates Retention Review and potentially other major reforms existed. Whilst a challenging situation in it's own right, this was without the emergence and impact of the Covid-19 pandemic, which will continue to have a significant financial impact on our own finances and on the wider economic position of our borough and our region, for some time to come.
- 1.2 The economic reality is fast changing and challenging and the extent of how long this will last cannot be predicted with any great certainty but will inevitably bring additional pressures in demand for the services provided by the Council and our partners. The significant financial impact of Covid-19 cannot be underestimated and as the economic impact of Wave 1 is still unfolding the potential for an even greater impact of Wave 2 and beyond is one which the Council needs to consider and plan for. In response to this, the Council has developed a six month plan for living with Covid as part of a two year corporate plan that is recommended for approval elsewhere on the agenda.

- 1.3 Over recent months the Council has been reviewing and reporting on its financial position and in October 2020 Cabinet received a financial planning document and financial framework within which its 2021/22 budget would be developed and which would form the basis of the budget for future years. In providing a framework, it was recognised that there were still some significant uncertainties, particularly with the funding assumptions for future years which remain unknown largely due to the delay in the Comprehensive Spending Review, the outcome of which is not likely to be known until early to mid-December. What is known is that whatever the outcome of the CSR, the Council is likely to be facing a significant financial challenge going forward and processes need to be put in place to be able to deal with this now in order to meet our statutory requirements around budget setting.
- 1.4 In October 2020, the Council launched a public consultation on the Bury 2030 strategy and it is essential that our budget planning aligns to the vision and priorities set out in the strategy. The priorities are organised around the five themes of the local industrial strategy:
- **Healthy People:** We want to improve health and well-being by working with communities and residents to ensure that all people have a good start and enjoy a healthy, safe and fulfilling life.
 - **Thriving, green Places:** All six towns should be thriving and sustainable and by 2030 we will have delivered key regeneration opportunities within our town centres. Everyone will be living in a high-quality carbon-neutral environment by 2038.
 - **Co-designed Ideas:** We will routinely harness the voices and creativity of all our residents in developing future plans; celebrate the diversity of our community and offer an 'opportunity guarantee' for everyone who wants to develop through volunteering or needs specific support to get back to playing a fulfilling role in the community.
 - **Future-proofed Infrastructure:** All people and businesses in the Borough will have access to modern well-managed infrastructure including excellent housing, transport and superfast broadband as part of a new 'digital first' norm.
 - **Inclusive Business Growth:** Our Borough will have a thriving local economy which will be recovered from the impacts of Covid-19 and from which all residents can benefit through a first-class all-age skills offer, high quality local jobs and targeted support for people experiencing hardship, including those who are working.
- 1.5 Underpinning the strategy is a commitment to internal transformation, the objectives for which include:
- the need to drive internal improvements across core key functions within the partnership such as organisation strategy; programme delivery and IT/Digital infrastructure;
 - a requirement to develop the internal capabilities to deliver vision of Bury 2030 outcomes;
 - public service reform to support more integrated working practice and enhanced partnership working in order to reduce demand.
- 1.6 It is within this context that the Council's approach to setting the 2020/21 budget has been developed. Over recent months the Executive Team has been involved in detailed discussions on how the Council's budget may be reshaped and transformed to deliver the services and outcomes that we need but within a reduced cost and funding envelope. The outcome of this work forms the basis for the rest of the report. The One Commission Organisation and Pooled Budget with Bury CCG has been central to the work on budget options and to our single response to Covid. The largest proportion of savings proposed so far in the budget process are with the Health and Social Care partnership as set out in section 5 of this report.

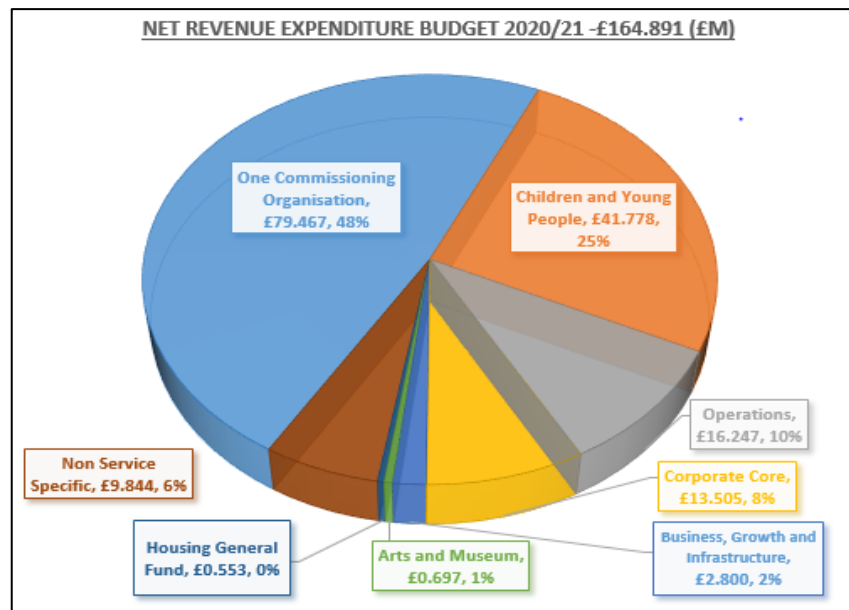
Recommendations

To:

- **Approve the 2021/22 to 2024/25 medium term financial and budget strategy including the savings proposals for the purposes of a conversation with the public, key stakeholders and staff to inform the final budget proposals to Full Council in February and that these proposals will be presented to the Overview and Scrutiny Committee as part of the process;**
- **Note the significant uncertainty in funding and that the MTFs will be updated and reviewed in light of the announcements anticipated in December 2020;**
- **Note the budget gap of £64.093m over the 4 years of which £31.243m relates to 2021/22 prior to any proposed savings and the proposed use of reserves;**
- **Note the residual gap of £15.280m over the 4 year period should all savings proposals and use of reserves be ultimately accepted and that a gap of £4.194m remains by the end of the second year of the strategy (2022/23) and that further work is underway to identify further options;**
- **Note the planned work on transformation and that a saving of £5m, the key themes of which are described in the report, are expected to generate savings of £5m to contribute towards the savings target;**
- **Note the projected position on the Council's reserves and the intention to bring forward proposals to generate one-off income that can be utilised to supplement reserves and reduce the 'run rate', i.e. capital receipts;**
- **Note the further work underway on the Council's capital programme and to prioritise projects that can deliver better outcomes and reduce the revenue funding requirements;**
- **Note that the initial proposals as a conversation prompt will be considered by the Strategic Commissioning Board in December alongside emergent clarity on the CCG financial position for 2021/22 and in the context of the commitment to the pooled budget for health and care between the Council and the CCG.**

2 FINANCIAL CONTEXT AND BACKGROUND

- 2.1 The Council's 2020/21 budget was set to remove ongoing reliance on short term and one-off reserves funding, 'rebalance' budgets to where the funding was needed, remove historic savings targets that were unachievable and these were replaced with savings options that had been robustly challenged and were considered achievable at that time. At the same time the Council's reserves were starting to be replenished and funding to support the wider transformation of the Council was available. The 2020/21 financial year, whilst challenging, was considered to be deliverable. This unfortunately is no longer the reality.
- 2.2 In understanding the budget proposals it is useful to understand the financial envelope within which the Council operates. The net controllable budget for the Council (excluding schools) is £164.891m and the allocation of the budget across the services is set out below:



- 2.3 Since 2010 the Government has reduced the funding for Local Government as part of its efforts to reduce the fiscal deficit and has been the longest sustained squeeze on public spending on record.
- 2.4 Alongside reductions in funding, Local Authorities have had to deal with growth in demand for key services, most notably adults and children’s social care and this demand is expected to continue. Other pressures have also been faced including higher national insurance contributions, inflationary pressures on goods and services, the apprentice levy and the National Living Wage.
- 2.5 The cost to the Council of the Covid-19 pandemic and the expected ongoing financial pressures have also added to the savings requirement for 2021/22 and beyond.
- 2.6 On 21 July 2020 the Chancellor announced a Comprehensive Spending Review (CSR) for the autumn which was to inform government departmental totals. The consultation period has now ended and the outcome is awaited. Due to the unprecedented uncertainty it is now known that a one year only settlement will be announced. The Spending Review is expected ‘in the last weeks of November with the CSR two to three weeks later’. This means that the outcome of the CSR is unlikely to be known until mid-December and at that point a further review of the Council’s financial position will be needed to inform the final budget proposals in February.
- 2.7 The Council is however unable to wait until the funding allocations are known and planning assumptions have been updated and refreshed. This work will continue throughout the remainder of the year until the budget is set in February 2021. The outcome of the refresh has:
- Determined the likely levels of resources available over the medium term;
 - Determined the level of spending priority commitments arising from the Covid-19 recovery plan and the Council’s ambitions over the medium term;
 - Developed and considered options to deliver budget reductions that can be evaluated alongside spending priorities.

Updated Resource Forecast

An updated position on forecast resources is set out in the table below:

Revised Resources Forecast – November 2020						
	2021/22			2022/23	2023/24	2024/25
	Original	Revised Nov	Net Reduction / (Increase)	Net Reduction / (Increase)	Net Reduction / (Increase)	Net Reduction / (Increase)
	£m	£m	£m	£m	£m	£m
Total Resource Forecast	167.446	160.435	7.008	4.397	1.269	(0.764)
Analysis:						
Improved Better Care Fund	7.405	7.405	0.000	0.000	0.000	0.000
Social Care Grant	1.395	1.395	0.000	0.000	0.000	0.000
New Homes Bonus	0.235	0.235	0.000	0.000	0.000	0.000
Social Care £1bn	3.375	3.375	0.000	0.000	0.000	0.000
NHS Funding/Contribution	0.400	0.000	0.400	0.400	0.400	0.400
Independent Living Fund	0.291	0.291	0.000	0.000	0.000	0.000
LCTS Admin Grant	0.230	0.230	0.000	0.000	0.000	0.000
Housing Benefit Admin Grant	0.520	0.520	0.000	0.000	0.000	0.000
Sub Total	13.851	13.451	0.400	0.400	0.400	0.400
Council Tax	90.747	87.987	2.760	0.559	(1.766)	(3.368)
Business Rates	62.846	58.997	3.848	3.439	2.635	2.205
Sub Total	153.593	146.984	6.609	3.997	0.869	(1.164)
TOTAL	167.446	160.435	7.009	4.397	1.269	(0.764)

2.8 The calculation of resources assumes:

- **Continuation of grants at 2020/21 levels** – There is currently no information on the level of grants for 2021/22 and future years and therefore it has been assumed that these will continue at existing levels;
- **Council tax increase of 2% per annum** – This is subject to political decision making however was included in the MTFS when it was set in February 2020. A 1% change in council tax is equivalent to £0.8m;
- **Collection Rates for council tax and business rates** – This is currently an extremely volatile situation and continues to be significantly impacted by Covid-19 and the wider economic impact on our residents and businesses. Currently a reduction in council tax collection from the previously assumed 96.5% to 94.5% has been reflected in the figures (this reflects an improvement in the last two months of the current financial year). Similar assumptions have been made on business rates though there is a risk that these are artificially high and are being masked by the additional S31 grants received from the government;

- **Council Tax Growth** – A review of empty properties and current growth has identified £1.257m that can be built into the baseline for 2021/22. In addition to this, a further 1% in the council tax growth has been assumed generating a further anticipated £3.294m over the subsequent financial years. This has now been built into the base;
- **Rephasing of 2020/21 collection fund deficit over 3 financial years** – The final accounting regulations have now been released however councils have been advised that they can phase the 2020/21 impact over 3 financial years. For Bury this is £1.976m applied equally over the 3 years. This is the new cost for Bury after taking account of S31 grants (£26m) that were made available to local authorities in 2020/21 to cover the cost of the business rates holiday for eligible businesses in the retail, hospitality and leisure sectors.

Refresh of Savings Plan

2.9 When the 2020/21 budget was set in February 2020 a total of £4.162m savings were reflected in the budget. Some of these savings were expected to increase over the next financial years increasing to £4.629m in 2021/22 and £4.964m in 2022/23. In July, Cabinet agreed that where savings were not considered deliverable, alternative efficiencies should be identified where possible. Some alternative areas of efficiency have been identified and approved by Cabinet as replacements for those that are not achievable. Two savings have however emerged as unachievable:

- Corporate Landlord (£0.585m). Savings on the corporate landlord model are not currently deliverable as initially anticipated however work on the one public estate, the corporate facilities management function, the consolidation of the council's properties and a move towards agile working as part of the wider transformation programme will deliver savings. It is proposed that savings will be generated in future years to offset this proposal through a reduction in the Council's estate, creation of public service hubs and sharing of premises with partners;
- Architects Service (£0.525m). Savings on staff have been reflected in previous budget rounds however the associated income loss has not been addressed which has created an undeliverable pressure on the service.

It is proposed that these be added back into the forecast.

Update and Refresh of Demand Assumptions

2.10 Some demand assumptions had already been reflected in the MTFs when the 2020/21 budget was set however an assessment of current demand trends and other known factors suggest that a further £11.684m in ongoing costs is required over the next 4 years of which £9.725m is required in the first two financial years. The impact of Covid-19 has been reflected in demand and is a key driver for a higher than anticipated increase particularly in the early years of the strategy. Of the £3.188m demand pressures in 2020/21, £1.980m is Covid-19 related (adults social care, looked after children placements, home to school transport and legal costs), the remainder reflecting changes in demand/demographics etc.

A summary is set out in the table below and a full analysis at Appendix A.

Analysis of Cost Pressures Reflected in the MTFS				
	2021/22	2022/23	2023/24	2024/25
	£m	£m	£m	£m
Previously Agreed Costs	1.115	0.000	0.000	0.000
Pay Award	0.250	0.000	0.000	0.000
Inflation	0.239	0.613	0.591	0.658
Demand	3.188	0.324	0.398	0.312
DSG Related Costs	2.295	0.000	0.000	0.000
Fall Out of Time Limited Funding	0.600	0.000	0.000	0.000
Undeliverable Savings from previous years	1.110	0.000	0.000	0.000
TOTAL	8.798	0.937	0.989	0.970

2.11 In addition to reviewing demand, a review of income assumptions has also been carried out:

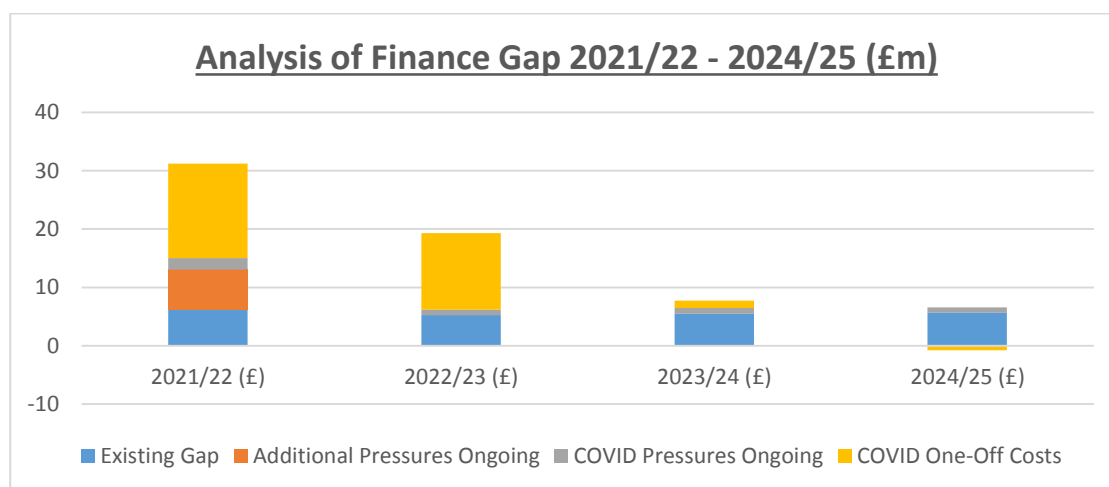
- The Council has a strategic investment in the Manchester Airport Group and has budgeted income within the financial strategy of £5.9m. In line with the principles of the mid-range scenario it has been assumed that the dividend will not be paid in the 2021/22 and 2022/23 financial years after which it will recover in full;
- The Council has previously provided strategic investment loans to Manchester Airport the interest payment for which is received in twice yearly instalments. These loan repayments are not forecast to be payable in the 2021/22 and 2022/23 financial years and it is therefore considered prudent that provision for these be made in the Council's strategy equivalent to £2.256m per annum;
- It has also been assumed that some of the income losses relating to car parking, leisure etc. will not recover to current budget levels for the same period of time. Both of these are shown as one-off losses to be met from reserves as they are directly related to Covid-19.

3 REVISED POSITION

3.1 The table below sets out the revised position in light of the MTFS update and is split between those costs that are deemed to be one-off and those that are deemed to be ongoing.

Updated MTFS Position November 2020				
	2021/22	2022/23	2023/24	2024/25
	£m	£m	£m	£m
Original Gap (Ongoing)	6.203	5.269	5.472	5.616
Additional Cost Pressures (Ongoing)	8.798	0.937	0.989	0.970
Annual Revised Gap (Ongoing)	15.001	6.206	6.461	6.586
Cumulative Revised Gap (Ongoing)	15.001	21.207	27.668	34.254
One-Off Funding Shortfall	7.009	4.397	1.269	(0.763)
Income Loss	9.233	8.694	0.000	0.000
Annual Short Term Funding Shortfall	16.242	13.091	1.269	(0.763)
Cumulative Short Term Funding Shortfall	16.242	29.333	30.602	29.839
Annual Gap (One-Off and Ongoing)	31.243	19.297	7.730	5.823
Cumulative Gap (One-Off and Ongoing)		50.540	58.270	64.093

- 3.2 In total £64.093m of savings are forecast to be required over the next 4 financial years which is an improvement on the previously forecast position largely due to improved forecast position on the collection fund and council tax base.



4 MANAGING THE GAP

- 4.1 To manage the gap, Cabinet agreed that this would be a combination of reserves, budget reductions and efficiencies through transformation. Based on the current position, it is not unrealistic to assume that the one-off losses can be met from one-off reserves and the remainder through budget reductions and transformation. In the broadest terms this means that £34.2m of savings are required on an ongoing basis over the next 4 years, of which £21.2m is required in the first two financial years. The call on reserves over the 4 years is forecast to be £29.9m of which £29.3m is required in the first two financial years.
- 4.2 Bury’s reserves have been historically low however a review of the collection fund in the last financial year, and a commitment to make planned contributions to general reserves, was an opportunity to see reserves grow in the short term. Due to the position outlined above the call on reserves is now likely to be significant and must be reviewed as an integral part of budget monitoring and through the development of the strategy. With this in mind the focus of the savings delivery plans is on the first two financial years in order to demonstrate financial sustainability and resilience in the longer term.
- 4.3 The options developed to date are set out below and are summarised at Appendix B. In total these total £6.437m in 2021/22 increasing to £13.974m in 2023/24. The proposed options include:

Children and Young People (£1.125m)

- 4.4 Wider transformation of the children and young people’s service is envisaged and to support this a further diagnostic piece of work which will commence towards the end of the year to consider what opportunities may be available in the future. This piece of work will focus on a whole system analysis to ensure that practice in family support and prevention is robust in all areas of service delivery and is front loaded to ensure that the best evidence based interventions are available at the earliest opportunity without unnecessary reference to referral and thresholds. Avoiding escalation to costly care options, particularly out of borough placements, is the most effective way to reduce spending. The analysis will provide modelling and close monitoring of the relationship between early help in the form of locality, and settings based family work in close alignment with all locality based delivery partners and reduction in the need for statutory

intervention. This is in line with the neighbourhood model of the public service integration proposed in the Bury 2030 strategy. The analysis will provide for a challenging comprehensive narrative to be developed and shared, which will raise expectations for families from their Council, their schools and their health services, particularly in respect of inclusivity, co-production and family self-efficacy. This requires a whole system focus on some agreed principles and ways of working, including focusing money where it has most impact, ensuring most work with families is undertaken in community settings, empowering communities to act to prevent escalation to statutory services and reducing dependency on costly and sometimes ineffective provision. It requires helping people to receive and exit statutory services when needed as rapidly as possible.

- 4.5 The Council has made a good start on this journey with its commitment to Early Help and locality based working and has made some progress in reducing the number of school placements in out of borough Independent Non Maintained Sector. Additionally, the Council is engaging with the Department of Education who are working with local authorities with significant deficit balances on their Dedicated Schools Grant. The opportunity to consider the relationship between funding and expenditure will be explored at the time. In the meantime, the Council continues to manage its relationship with increasingly autonomous schools, maintaining a focus on its statutory and strategic role in promoting high quality education, skills and training and ensuring that the needs of the most vulnerable children and those with additional needs are met.
- 4.6 The Children & Young People Directorate will work on joint strategies such as the All Age Learning Disabilities Strategy referenced below, making sure that opportunities to work as a whole system are maximised.

One Commissioning Organisation

Transformation and Innovative Commissioning - All Age Disability Integration (£3m)

- 4.7 Our vision for Learning Disabilities (LD) services in Bury is an all age service, which would remove the need for transitions providing one smooth pathway for customers. To do this we will work differently recognising peoples strengths, ensuring all care is outcome focused, so all customers are aware that it's individual first not their disability. It is recognised that current practice to support people through the transitions process could be better therefore we are focussing on transitions planning, in particular those young people transitioning to adult's services in the coming 24 months.
- 4.8 We will focus on those transitioning from Children and Young Peoples services at an earlier age, ideally 13/14 years, this will enable more appropriate support of the individual and their family to be put in place. This will better manage expectations of the transitions process and potential reduction in support packages preventing less upset and chaos for those involved.
- 4.9 We need to prevent out of borough placements where possible, therefore we will work collaboratively with partners to improve our local offer i.e. education, housing, respite thus allowing individuals to remain part of their community and improve equity for all Bury customers. Achieving this will realise savings in reduction in care package values relevant to aspired outcomes that are more suitable, encourage independence, choice and control for our young adults.

Adult Social Care Personalisation and Transformation (£2m)

- 4.10 We will be moving from our traditional approach of social care assessment and support planning to a more personalised approach, recognising the strength of our residents and

ensuring community, family and carer support options are fully explored before providing additional support. The support provided will focus on how we enable the person to achieve their outcomes rather than providing or doing it for or to them. There is extensive research to show working this way delivers outcomes for people and reduces demand. Alongside the transformation and savings work the Principal Social Worker in Bury will lead a programme of workforce development that will bring about:

- Strength and asset based approach
- Ethnographic thinking
- Personalised conversations
- New quality assurance framework
- Providing social care with the tools and information to work differently

Development of Assistive Technology (£0.500m)

- 4.11 Assistive Technologies is a range of equipment designed to prompt and assist people with everyday activities which have become difficult. They support people to stay safe and independent in their own home for as long as possible. Often called personalised technology because it is not about the technology, but the people and how providers can enhance lives. Solutions include anything from telecare equipment and environmental controls, to mobile technology and communication aids. The gadgets and equipment selected will meet someone's daily needs, whether at home, out and about in the community or at work.
- 4.12 A review of other local authorities has highlighted opportunities that not only deliver better outcomes for people and services but also significant savings. The initial findings suggest the amount of savings is dependent on a number of factors, willingness to invest to save, dedicated leadership/ team, innovation to continually develop, buy in from health and social care staff and an appetite to mainstream Assistive Tech across Social Care.

Improved Housing Options for people with disabilities (£0.1m)

- 4.13 The links between housing and social have never been more important and these are set out in the draft Housing Strategy approved by Cabinet for consultation on 14 October 2020. It is our intention to better utilise properties available, ensure they are of good quality, value for money, fit for purpose for the intended client groups and used in the best way possible. To achieve this involves improving existing stock and exploring new ways to develop local specialist housing options.

To enable us to achieve this we need to;

- Increase our shared lives scheme to deal with increased demand for the service that will come from a range of customers including reducing those in supported living.
- Develop the aspirational 'own front door' concept of a number of individual self-contained units as currently many people live in accommodation with shared facilities i.e. kitchens, bathrooms. With onsite support available 24/7, the costs of sharing support arrangement will realised savings and provide better quality of life for customers.
- Reconfigure and/or realign current specialist housing stock to reduce increasing voids costs to the council and providers. Develop connections between housing and social care system to provide improved accommodation options in borough.
- Reduce number of high cost out of borough placements through increasing adequate local accommodation opportunities.

- Decommission empty properties/spaces that have financial implications and work with providers to better use their available stock to prevent (where possible) market destabilisation.

Effective and Innovative Commissioning (£3.387m)

- 4.14 The focus of high quality, effective and innovative commissioning is on people, health and wellbeing, achieving good outcomes with using evidence, local knowledge, skills and resources to best effect. This means working in partnership across the health and social care system to promote health and wellbeing and prevent, as far as is possible, the need for health and social care.
- 4.15 Every person using health and social care services deserves the highest quality care and support, and the maximum opportunity to influence how that support is arranged and managed. Effective commissioning plays a central role in driving up quality, enabling people to meaningfully direct their own care, facilitating integrated service delivery and making effective use of available resources.
- 4.16 Commissioning is the Councils cyclical activity to assess the needs of the local population for care and support services, then designing, delivering, monitoring and evaluating those services to ensure person-centred and outcomes-focused delivery. In addition, good commissioning ensures a vibrant, diverse and sustainable market to deliver positive outcomes for people and communities, actively encouraging and promoting investment and innovation in the market in partnership care providers.
- 4.17 A number of areas have been prioritised to consider and test our approach to deliver effective and innovative commissioning:-
- Increased contribution from health into the pooled budget,
 - More effective and efficient payment of Care at Home,
 - Continuation of the work in respect of effective Market management in borough
 - More effective management of personal budgets
- 4.18 The proposals in adult social care are with the grain of transformation programmes articulated in the Locality plan for health and care 2019-2024 which highlighted the potential of a health and care system wide gap in funding of £86m of which £27m was identified as associated with in scope local authority services. The implementation of the proposals will be managed as part of the health and care recovery and transformation programme and specifically the community programme of work.

Packages of Care Reviews (£3.462m)

- 4.19 Extensive research shows there are better outcomes for people when done 'with' the person rather than 'to' or 'for' the person. Alongside the transformation Bury is leading a programme of workforce development that will bring about:
- Strength and asset based approach
 - Ethnographic thinking
 - Personalised conversations
 - New quality assurance framework
 - Providing social care with the tools and information to work differently

- 4.20 This workforce development will ultimately lead to behavioural change of the social care workforce that overtime will reduce the reliance on traditional care.
- 4.21 Service delivery will continue with a different vision and new ways of working, considering alternative options for people, in most cases better options. This may result in some packages of care being reduced following a review process. In these instances best interest outcomes will be considered whilst ensuring statutory requirements are met. This work is not focused on removing support irrationally, rather considering alternative options that may not have been available at the point of assessment due to new ways of transformational working.

Operations

Civic Venues (£0.132m)

- 4.22 The Council operates a number of civic venues some of which operate at a loss and are also in need of significant investment in future years. Closure of the venues is proposed and will generate an ongoing saving as well as avoid the cost of future capital investment.

Waste Review and Vehicle Rationalisation (£0.237m)

- 4.23 This will involve continuation of the vehicle rationalisation programme, optimising waste collection rounds and street cleansing litter rounds as well as looking at opportunities to increase household waste recycling rates beyond 60% through:
- A comprehensive, sustained communications campaign which would require recruitment of additional staff and ongoing engagement with residents.
 - Potential to enforce recycling, involving the issue of fines to residents who do not put 'the right stuff in the right bin'.
 - Collection of a wider range of recyclables e.g. plastic pots, tubs and trays; textiles; batteries; small Waste Electrical and Electronic Equipment.
 - Promotion of home composting, with an offer of subsidised compost bins to residents.

Dimming of Street Lights (£0.030m)

- 4.24 A street lighting column replacement programme is already underway in Bury. As a result of this programme, approximately 3,500 street lighting columns across Bury will be equipped with energy efficient LED lanterns which are able to be dimmed.
- 4.25 It is proposed to dim these lanterns between 00:00hrs and 06:00hrs, which will realise a reduction in carbon output and energy consumption in the region of 80 tonnes and £40,000 per annum respectively, therefore supporting a lower carbon economy, greater resilience to climate change and cleaner growth.
- 4.26 The proposed dimmed lighting levels will remain in line with the current British Standard Specification whilst providing adequate levels of lighting on the highway. It is important to note that the public will notice very little change in lighting quality from street lights being dimmed. A number of pilots have already taken place across Bury, with no negative feedback being received.
- 4.27 If implemented, the changes will enable the Council to reduce light pollution, and its negative effects on residents' sleep patterns, certain nocturnal animals, plant species and people's enjoyment of the night sky.

5 TRANSFORMATION

- 5.1 When the Council's budget for 2020/21 was set in February 2020, the need for transformation was central to the strategy going forward and, in recognition of this, a fund of £5.8m was created to support transformation with the expectation that long term savings would be delivered. In managing the gap, it is proposed that a total of £5m be delivered through transformation in the first two financial years and the fund will be used to provide capacity to drive the agenda forward and make long term change .
- 5.2 Transformation projects will be pursued that improve service outcomes and can deliver efficiency savings as well. Initial areas of focus are set out below:

Transformation Workstream	Proposed savings option
Leadership	Agile Working model – improvement in staff productivity and reduction in Council owned and occupied buildings and operating costs
Process	A council Customer service strategy - channel shift opportunity to extend the Council's reach to communities and secure economies of scale by streamlining all customer contact into a coherent corporate function
	A joint business support review to establish a modern and cost effective service which reduces cost through: <ul style="list-style-type: none"> • Simplified and standardised support process, enabled by MS Teams collaborative tools • An expectation of user self-service through digital capabilities via i-Trent and MS Teams and corporate behaviours such as open diaries • An agile working model which removes the need to arrange and manage meeting rooms • Paperless meetings without the need for printing, postage and filing
Workforce	Management efficiencies within the Council through consistent and efficient spans of management control and organisational hierarchy

- 5.3 The options above are expected to make a significant contribution to the £5m target but more options are likely to be required to balance the budget over the next two years. Work is underway to engage a partner to lead a piece of “Design and Discovery” analysis, as follows:
- Assess the Council's costs, resources and delivery arrangements against sector best practice generally and public sector reform in particular. Deliverables from the initial discovery phase during this financial year will be required as follows:
 - A future operating model proposed based on strength based, community first principles.
 - Cost and use of resources analysis using benchmarks from across local government and other appropriate comparators.
 - Financial modelling using a range of techniques to reassess current allocation.
 - Proposal of a series of further potential budget options to reduce costs and maintain / improve outcomes.
- 5.4 As part of the Council's relationship with Microsoft a piece of digital design and discovery analysis is also underway, without additional cost, to assess systems requirements and opportunity across the strands of:

- Executive priorities, with reference to the Bury 2030 Strategy and Corporate Plan.
- Customer services, related to the specific budget option proposed.
- Data expectations and potential.

5.5 The output of this analysis will be advice on the digital journey including an indication of timescale and business-case based investment requirements.

5.6 In developing the transformation plan, it is essential that the rigour and the governance is in place to ensure that the plan remains on track and that overall cost of the business is reduced. To enable this to happen, a Delivery Unit was established in the September 2020 Cabinet report, comprised of a small team of programme and project managers which operate within the Corporate Core but work organisation-wide to establish and deliver all budget options and corporate transformation activity as a single programme of work. This Unit will create:

- an overarching programme plan for all transformation activity including all corporate budget savings options;
- a consistent delivery methodology;
- regular update reports to Members;
- corporate “check and challenge” of proposed options to ensure a consistent approach to such issues as stakeholder consultation;
- risk management and the use of resources to ensure, for example, that savings in one part of the organisation do not create costs in another.

5.7 The Delivery Unit will be directed by the Corporate Core Leadership team, specifically the Deputy Chief Executive (Corporate Core); the Executive Director Financial Transformation and the Chief Information Officer, supported by wider members of the Corporate Core Management Team. The Transformation Strategy will be included within the Leader’s portfolio and regular updates provided to Cabinet.

6 OVERALL POSITION

6.1 The table below sets out the position taking into account the options and shows that overall there is a shortfall of £15.280m over the 4 year period with a gap outstanding of £4.194m at the end of the first two years which is the area of focus.

Updated MTFS Position November 2020				
	2021/22	2022/23	2023/24	2024/25
	£m	£m	£m	£m
Annual Revised Gap (Ongoing)	15.001	6.206	6.461	6.586
Annual Short Term Funding Shortfall	16.242	13.091	1.269	(0.763)
Total Shortfall	31.243	19.297	7.730	5.823
Planned Use of Reserves	(16.242)	(13.091)	(1.269)	0.763
Proposed Budget Options	(6.437)	(5.576)	(1.961)	0.000
Transformation	(1.500)	(3.500)	0.000	0.000
Remaining Gap	7.064	(2.870)	4.500	6.586
Cumulative Gap	7.064	4.194	8.694	15.280

6.2 Clearly there is still some more progress to be made and the Executive Team is currently looking at other options that can be used to bridge the gap. The outcome of this work will

be reported in subsequent reports to Cabinet. Phasing of savings between the first two financial years is challenging due to the lead in time for some savings to be delivered. As it stands, the gap in 2021/22 is £7.064m and if not addressed would fall to reserves which will place greater pressure on the reserves position which, as previously recognised, is an integral and critical strand to the overall strategy and long term sustainability of the Council.

7 RESERVES

- 7.1 As part of the budget setting process, the Council's S151 statutory officer is required to assess the adequacy of the Council's reserves in light of risks both known and unknown at that time. If it is the S151's opinion that that reserves are not adequate and are below an adequate level to reflect the risks and therefore the setting of a balanced budget was at risk then further statutory responsibilities under S114 of the Local Government Finance Act exist and a formal report to Council would have to be issued.
- 7.2 The Ministry of Housing, Communities and Local Government (MHCLG) are liaising with all local authorities to identify those at risk of a S114 and to establish what exceptional support could be given. Based on what is known, Bury's reserves remain adequate for the 2021/22 financial year although it is recognised that the situation will need to be carefully monitored during the year and as part of the development of the 2022/23 budget and beyond.
- 7.3 To illustrate this further, the forecast position on the Council's reserves is set out in the table below and assumes that all ongoing savings will be identified and delivered:

Forecast Position on Reserves - Assumes all ongoing savings delivered				
	2019/20	2020/21	2021/22	2022/23
General Reserves	6.989	24.566	15.911	10.407
Corporate Reserves	7.794	7.544	7.294	7.044
Transformation Reserve	0.000	4.800	2.300	0.000
Directorate Reserves	0.992	0.742	0.492	0.242
Fiscal and Risk Management Reserves	34.174	30.174	22.074	13.974
External/Grant Funded Reserves	17.522	2.716	1.216	0.000
Capital Reserves	3.272	3.272	0.000	0.000
Sub Total	70.743	73.814	49.287	31.667
DSG Reserve	(20.067)	(24.531)	(24.231)	(22.431)
TOTAL FORECAST RESERVES	50.676	49.283	25.056	9.236

- 7.4 The DSG reserve deficit is significant and, in line with the current legislation, is offset against the Council's reserves. It is anticipated that a statutory override will be announced shortly to remove the link between the DSG deficit and the Council's reserves however until this is issued the reserve is shown as part of the overall position on reserves.
- 7.5 It is clear that the impact in the first two financial years of the financial strategy, 2021/22 and 2022/23, is significant and this has to be the immediate focus for planning purposes in order to ensure financial sustainability and resilience in future years.
- 7.6 Clearly to be financially resilient and sustainable the Council needs to deliver significant savings in the short and medium term. It is a statutory requirement that councils are able to deliver a balanced budget each financial year and based on the current information this

may not be possible beyond the 2022/23 financial year or earlier if ongoing cashable savings are not delivered.

- 7.7 Building back reserves through one-off monies, including capital receipts, are currently being developed which, if successful, will reduce the run rate' on reserves and contribute to the longer term sustainability. Proposals on how these may be achieved will be presented to Cabinet for consideration in due course.

8 CHALLENGE AND SCRUTINY

- 8.1 A challenge and scrutiny process has been built into the MTFS development and will include:
- o Enhanced scrutiny and assessment of spending/savings proposals for consideration. This will be carried out by the Executive Team;
 - o Independent evidence will be used to challenge the extent of savings including cost comparisons, commerciality and the financial viability of services and benchmarking information;
 - o Opportunity for scrutiny through the Council's Overview and Scrutiny process.
- 8.2 An outline timetable is set out below.

Budget Setting Timetable		
Consideration of Savings Options	November	Cabinet
Capital Programme Update	November	Cabinet
Quarter 2 Monitoring Position	November	Cabinet
Budget Scrutiny	November	Scrutiny
Capital Programme Proposals	January	Cabinet
Final Proposals for Consideration	January	Cabinet
Budget Scrutiny	January	Scrutiny
Budget Finalised and set	February	Council

- 8.3 A key programme of change and delivery will emerge from the approach outlined and it is essential that capacity is available to fully support the process. Project management support will be secured in order to ensure the plans are properly defined, are on track and that escalations are made when necessary. These costs will be met from the transformation fund and from the corporate capacity budget that was reflected in the 2020/21 budget on an ongoing basis.
- 8.4 Challenge and scrutiny on the proposals and implementation will also need to be considered in the operation of the pooled budget between council and CCG - recognising both opportunities for shared investment in demand reduction, and unintended financial consequences of service reductions being seen as additional costs to the pool.

8 Risks and Opportunities

- 9.1 There still remain significant risks within the budget including the potential changes to the funding for Clinical Commissioning Groups and future funding arrangements. The financial regime in which Bury Clinical Commissioning Group operates is subject to clarification in national guidance. This guidance is still awaited.
- 9.2 There is also significant risks of changes in the funding settlement from government, the fact that a one year only settlement will be received and therefore make longer term planning more difficult. Other risks include the wider economic impact on our communities that could see demand for services increase and income collection,

particularly council tax and business rates, reduce and the loss of income from the airport as a result of Covid-19.

- 9.3 Other risks and opportunities are set out later in the report and reflect on potential changes to assumptions made in the model relating to pay awards, inflation, borrowing costs etc. are set out below:

Sensitivity Analysis Risks and Opportunities		
		£m
Fair Funding and Review of Business Rates	+/- 1% change	0.600
Council Tax	+1 1% change	0.800
Pay Inflation	+/- 1% change	1.000
Price Inflation	+/- 1% change	0.500
Capital Financing Borrowing	£5m of investment	0.400

- 9.4 Any delay in the delivery of savings will place greater pressure on reserves and the profiling of savings to ensure more can be brought forward for the first year of the strategy needs to be considered as a mitigating action.
- 9.5 The opportunity to leverage long term savings through better utilisation and prioritisation of the capital programme is being reviewed alongside the development of the capital programme for 2021/22 onwards.
- 9.6 The pace at which change within the organisation can happen is also a risk and plans will need to be developed to ensure there are the skills in place and that any emerging issues are quickly identified and mitigations put in place.

10 Recommendations

- 10.1 Cabinet is asked to:

- Approve the 2021/22 to 2024/25 medium term financial and budget strategy including the savings proposals for the purposes of a conversation with the public, key stakeholders and staff to inform the final budget proposals to Full Council in February and that these proposals will be presented to the Overview and Scrutiny Committee as part of the process;
- Note the significant uncertainty in funding and that the MTFs will be updated and reviewed in light of the announcements anticipated in December 2020;
- Note the budget gap of £64.093m over the 4 years of which £31.243m relates to 2021/22 prior to any proposed savings and the proposed use of reserves;
- Note the residual gap of £15.280m over the 4 year period should all savings proposals and use of reserves be ultimately accepted and that a gap of £4.194m remains by the end of the second year of the strategy (2022/23) and that further work is underway to identify further options;
- Note the planned work on transformation and that a saving of £5m, the key themes of which are described in the report, are expected to generate savings of £5m to contribute towards the savings target;
- Note the projected position on the Council's reserves and the intention to bring forward proposals to generate one-off income that can be utilised to supplement reserves and reduce the 'run rate', i.e. capital receipts;
- Note the further work underway on the Council's capital programme and to prioritise projects that can deliver better outcomes and reduce the revenue funding requirements;

- Note that the initial proposals as a conversation prompt will be considered by the Strategic Commissioning Board in December alongside emergent clarity on the CCG financial position for 2021/22 and in the context of the commitment to the pooled budget for health and care between the Council and the CCG.

Community impact

There are no community impacts arising from this report at this stage. As the budget process continues, the impacts on our communities will be considered and reported.

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
The proposed strategy is intended to reflect the known financial position and to reflect emerging changes in funding and costs over the next 4 years to enable the Council to understand its financial position and long term financial resilience and sustainability.	The development and refresh of the medium term financial strategy ensures the Council has an up to date position and assessment of its finances and has an overarching strategy for delivering and managing the funding gap.

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Consultation:

The Council is legally required to consult on service changes or reductions. Some options, which are clearly indicated, will therefore require a period of formal consultation. Others will not diminish overall levels of provision and therefore do not require community consultation.

As a matter of good practice the Council is entering into a period of structured conversation with the community about the financial position and plans to mitigate it. The conversation is an inextricable part of the 2030 strategy and therefore the consultation materials already published include the opportunity to feedback about use of resources. The community will be reminded of this process next week when the cabinet report is considered. All staff will be briefed on proposals being put forward this week, when papers are published.

The budget conversation will continue until January 2020 when a final report will be presented to the Cabinet including key messages of feedback and the CSR position from government. At this stage final decisions will be taken about the basis of budget proposals to be taken to full council for agreement.

A period of 30 days formal consultation will be allowed before any decisions are taken for those options that involve statutory service change and are legally subject to this requirement.

The Strategic Commissioning Board will consider both the Council proposals and the emergent national context for the Clinical Commissioning Group and ensure that the issue of interdependence are identified and considered.

Legal Implications:

The Local Government Finance Act 1992 (LGFA 1992) requires the Council to set a balanced budget, including the level of the Council tax. This means the income from all sources must meet the proposed expenditure. Best estimates must be employed to identify all anticipated expenditure and resources.

The approval of the Council's budget and Council Tax, and the adoption of a final strategy for the control of the Council's borrowing or capital expenditure are matters reserved, by law, to full Council. However, the Cabinet has responsibility for preparing, revising and submitting to Council estimates of the various amounts which must be aggregated in making the calculations required in order to set the budget and the Council tax; and may make recommendations on the borrowing and capital expenditure strategy. This Report is an important step in ensuring the Cabinet are able to provide these estimate before February 2021.

Local authorities must decide every year how much income they are going to raise from Council Tax. This decision must be based on a budget that sets out estimates of what the Council plans to spend on services. As the Council Tax must be set at the start of the financial year and cannot

be increased during the year, consideration must be given to risks and uncertainties, and allowances made in funds for contingencies and reserves as outlined in the Report.

The Local Government Act 2003 establishes a system to regulate the capital expenditure and borrowing of the Council. The heart of the prudential borrowing system is the duty imposed upon authorities to determine and keep under review how much money they can afford to borrow. This Report will assist in that regard.

Financial Implications:

The proposed approach will support the Council in its statutory duty to deliver a balanced budget for the 2021/22 financial year. The report sets out some options for managing the financial gap or future years and proposed use of reserves to support the strategy on a one-off basis to assist with the impact of Covid. Failure to act will mean that that the Council's long term financial sustainability and resilience will be at risk.

Report Author and Contact Details:

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Background papers:

Revenue Budget 2020/21 and Medium Term Financial Strategy 2020/21 – 2024/25

Approach to developing the Medium Term Financial Strategy 2020/21 – 2024/25

The Council's Financial Position 2020/21 – As at 30 June 2020

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

Term	Meaning
MTFS	Medium Term Financial Strategy
CSR	Comprehensive Spending Review
DSG	Dedicated Schools Grant
MHCLG	Ministry for Housing, Communities and Local Government
DFE	Department for Education

Appendix A

Analysis of Cost Pressures Reflected in the MTFS				
	2021/22	2022/23	2023/24	2024/25
	£m	£m	£m	£m
Previously Agreed				
Employee Assistance Programme	0.015	0.000	0.000	0.000
Borrowing Costs – Strategic Investments	1.100	0.000	0.000	0.000
Sub Total	1.115	0.000	0.000	0.000
Pay				
Pay Award 2020/21 Catch Up (2.75%)	0.250	0.000	0.000	0.000
Sub Total	0.250	0.000	0.000	0.000
Inflation				
Residential Care Living Wage Adjustment	-0.135	0.024	0.028	0.032
External Foster Placements	0.006	0.046	0.051	0.055
Fostering, Adoption and Leaving Care Allowances	-0.058	0.030	0.031	0.035
Support Packages and Direct Payments (CYP)	-0.022	0.002	0.002	0.001
Premature Retirement Costs (CYP)	-0.018	-0.013	-0.012	-0.014
Community Care Contract	0.219	0.205	0.175	0.162
Residential Care	0.247	0.319	0.315	0.387
Sub Total	0.239	0.613	0.591	0.658
Demand				
External Legal provision (CYP)	0.150	0.000	0.000	0.000
Home to School Transport	0.441	0.000	0.000	0.000
Increase in Looked After Children	0.452	0.000	0.000	0.000
Care in the Community – Covid Increase	0.937	0.000	0.000	0.000
Transition from Children’s Services	0.259	0.324	0.398	0.312
Winter Maintenance	0.082	0.000	0.000	0.000
Legal Services	0.150	0.000	0.000	0.000
New Homes Bonus Adjustment	0.597	0.000	0.000	0.000
Moderations	0.120	0.000	0.000	0.000
Sub Total	3.188	0.324	0.398	0.312
Costs Previously Funded from DSG				
SEN Team	0.255	0.000	0.000	0.000
16-19 Team	0.056	0.000	0.000	0.000
LAC Education (Virtual Headteacher)	0.200	0.000	0.000	0.000
Connexions Bury	0.315	0.000	0.000	0.000
Youth Service general	0.234	0.000	0.000	0.000
Oasis Team (Early Help)	0.495	0.000	0.000	0.000
CAMHS	0.233	0.000	0.000	0.000
Victoria Family Centre	0.507	0.000	0.000	0.000
Sub Total	2.295	0.000	0.000	0.000
Fall out of Time Limited Funding				
Reablement	0.600	0.000	0.000	0.000
Sub Total	0.600	0.000	0.000	0.000
Unachievable Savings				
Corporate Landlord Model	0.585	0.000	0.000	0.000
Architects Review	0.525	0.000	0.000	0.000
Sub Total	1.110	0.000	0.000	0.000
TOTAL	8.798	0.937	0.989	0.970

Appendix B

Analysis of Budget Options (2021/22 – 2045/25)					
Directorate	Description	2021/22	2022/23	2023/24	2024/25
		£m	£m	£m	£m
Children and Young People	Deletion of vacancies	0.694	(0.309)	0.000	0.000
Children and Young People	Contract Reviews	0.120	0.000	0.000	0.000
Children and Young People	Review of Placements	0.300	0.120	0.000	0.000
Children and Young People	Review of Children's centres	0.100	0.100	0.000	0.100
	Sub Total	1.214	(0.089)	0.000	0.000
One Commissioning Organisation	Innovative Commissioning	1.050	1.750	0.200	0.000
One Commissioning Organisation	Personalisation and Transformation	0.000	1.000	1.000	0.000
One Commissioning Organisation	Development of Assistive Technology	0.000	0.500	0.000	0.000
One Commissioning Organisation	Improved Housing Options	0.000	0.050	0.050	0.000
One Commissioning Organisation	Effective and Innovative Commissioning	2.987	0.300	0.100	0.000
One Commissioning Organisation	Review of Care Packages	0.797	2.055	0.611	0.000
	Sub Total	4.834	5.655	1.961	0.000
Operations	Closure of Civic Venues	0.132	0.000	0.000	0.000
Operations	Review of Waste Services/Fleet Rationalisation	0.237	0.000	0.000	0.000
Operations	Street Light Dimming	0.020	0.010	0.000	0.000
	Sub Total	0.389	0.010	0.000	0.000
TOTAL BUDGET OPTIONS		6.437	5.576	1.961	0.000



Classification	Item No.
Open / Closed	

Meeting:	Cabinet
Meeting date:	24 th November 2020
Title of report:	Accelerated Land and Property Disposals Programme
Report by:	Paul Lakin, Director of Regeneration & Capital Growth
Decision Type:	Key Decision
Ward(s) to which report relates	All wards

Executive Summary:

The Council wishes to take active steps to rationalise its land and property portfolio (collectively referred to in this report as land assets). Many of its land assets are being seen as surplus to the requirements of the Council and are non-strategic (not of benefit to retain within the Council's ownership); and continue to need a continuous injection of revenue funding to maintain them with currently very limited staffing resources to properly manage them.

Key strategic sites which are sites critical to the Council's wider regeneration proposals or sites specifically held for redevelopment purposes will be dealt with outside of this proposal due to their strategic importance.

This report therefore details a proposal to undertake a process to reduce the Council's land assets through a combination of both general and managed disposals and controlled disposals via an accelerated disposals programme. The report also details how this programme will be developed and implemented, as well as seeking approval for the resources required to ensure its success.

Recommendation(s)

That:

- The disposal of agreed surplus land assets via an accelerated land and property disposals programme is approved.
- Approval is given to ring-fence a proportion of the capital receipts (arising from the sale of the Council's land assets) to employ an officer to work alongside an external agent on a fixed-term contract of initially 2 years to project manage the work; and a resource for all legal matters connected with the disposals.
- The Council's existing Land & Property Disposals Strategy be used in order to ensure a clear and transparent decision-making process to declare land assets surplus to the Council's requirements.
- Cabinet approve each phase of land assets (which will include a detailed schedule of all assets for sale) for disposal and delegation is given to the Interim Head of Property & Asset Management/Director of Economic Regeneration & Capital Growth to manage the disposals

Key considerations

Background

There are many benefits to having an accelerated disposals programme:

- **Local economy:** Developed sites would likely generate a combination of capital receipts (upon sale) and ongoing additional revenue e.g. Business Rates and Council Tax. There will also be the opportunity for increased business growth by selling smaller sites for commercial industrial use.
- **Creation of additional local jobs/small business space:** We have previously received requests and disposed of small parcels of land that have resulted in either new SMEs being built or expansion of existing businesses. This proposed disposals programme will build on this previous success and contribute to the Greater Manchester Spatial Framework (GMSF) by helping to bring additional employment into the borough.
- **Improved highway curtilage:** Sites within close proximity to the highway being developed by roadside developers that are prepared to invest in the borough e.g. Clear Channel (one of the world's leading outdoor advertising companies) that is looking for additional locations in Bury for its digital advertising boards and a potential new trend of drive-through eateries and coffee shops.
- **New housing:** This disposals programme will contribute to our commitment to developing housing on brownfield land. Some of the land assets that may be disposed of are likely to attract small-scale housing developments. Such sites will again be complimentary to the GMSF and will provide additional housing that will contribute to the overall need for an increased housing supply (including affordable housing) into the borough. Smaller sites should

be attractive to SME housebuilders who are likely to build the property types we are short of to meet the Borough's housing needs e.g. bungalows.

- **Resources:** Over the longer-term this project will create capacity for the Property & Asset Management team to focus on the Council's strategic land assets and key regeneration sites. It will help reduce our cost base and ensure that we can manage our assets more safely, in part because we will be holding a much simpler portfolio that will reduce our compliance requirements and health and safety risks.

In addition to the above, this proposal will be a key strand in delivering the Neighbourhood Asset Review and One Public Estate programme; both of which seek to consolidate our joint land holdings with our public sector partners into a smaller number of sites. This joint approach is a key objective for the relaunched Bury Strategic Estates Group – this proposal will feature on its agenda.

The Council's Land & Property Disposals Strategy

This existing strategy (attached to this report) will provide a framework for which to strategically manage the land disposals at a corporate level and will be used as part of this proposal.

Whilst this strategy has been operating successfully for a number of years, it has not been used properly over the last 2-3 years due to the lack of resources to use it to its full potential by the Property & Asset Management team.

Current Challenges

The input of limited Council resources to deal with the constant ongoing individual requests from individuals or third parties looking for opportunities to purchase our land assets are often very disproportionate to the outcome.

There is a cost to maintain the Council's assets and failure to manage them properly could cause a potential health and safety risk, as well as a reputational risk to us as the landowner. Additional staffing resources will be needed to effectively manage the property assets if we decided to retain our existing portfolio of land assets.

We do not currently have a marketing strategy in place and this makes for an inefficient and lengthy disposal process on a case by case reactive basis when having to individually advertise land assets after the decision has been made to declare them surplus. This proposal makes for a significantly better co-ordinated approach to disposal.

The proposal

The necessary resources will be secured to ensure the success of the project by appointing a project manager, property lawyer and procuring a retained property agent.

Work has already started to prioritise a Phase 1 list for disposal in accordance with the Council's Land & Property Disposals Strategy, noting that:

1. The controlling Council department will have to agree that the asset is surplus to requirements.
2. Legal title will have to be checked for covenants, restrictions etc
3. Any encroachments will have to be dealt with.
4. Any objections received via mandatory Public Open Space advertising will need to be considered.

A manageable number of land assets will offered to the market by the property agent on a phased basis to maximise on the capital receipts due to their extensive knowledge of the market; but there will also be an option to take the asset to auction. There has been lots of previous successes with taking a land asset to auction in the past where it has sold for a lot more than the guide price.

Certain property assets could be sold subject to planning permission being achieved to avoid them being sold for land-banking purposes, as this helps secure the Council against inappropriate future uses of the land. However, introducing conditions can sometimes complicate the sale, suppress demand and reduce the sale price, so this will need to be carefully considered throughout the process. We will also need the support of the property lawyer to develop a strict process that allows the Council to act if the property asset was not successfully developed within a reasonable amount of time.

Further manageable phases of lists of land assets will be developed on an ongoing basis during the lifetime of the programme and managed using the same process. This ongoing process of identifying land assets, alongside disposal and working with the Operations department will ensure that there is a guaranteed pipeline of disposals to meet the savings target as detailed below.

The Property & Asset Management team also have a historical list where agreement to dispose of land assets has previously been made but not progressed due to a different decision then being made to retain them. Along with the above, this can be revisited and disposals progressed.

This proposed disposals programme will look to combine the disposal of land assets in conjunction with proposals that the Operations department has for disposing of surplus land assets for community use. The list of disposals can also be worked up with the list of sites in connection with the ongoing land disposals programme already in existence that is being managed by the Parks and Countryside service.

Resources

Project Manager – will be appointed on initially a 2-year fixed-term basis to manage the programme and deliver the objectives of the proposal, who will sit within the Property & Asset Management team.

Property Lawyer – the proposal will need a dedicated legal resource to undertake the necessary legal matters and the Council's Legal Services do not have capacity. We will need to massively increase the level of property transactions to manage a large

number of disposals over a 2 – 3 year period. This person will sit within the above team but be accountable to the Team Leader (Environment) within Legal Services.

Property Agent – a retained and experienced property agent(s) will be appointed to ensure that best value is achieved, including arranging for ground conditions surveys, planning matters etc where required. This will be procured under a single procurement contract.

The Property & Asset Management team will be accountable and ensure successful delivery of the programme, as well as its officers supporting its implementation.

Financial implications

It is anticipated that capital receipts of up to £8m can be generated from which the costs of disposing of the assets, including those set out in the report will be met. In addition to this, the Council already has costs of c£1.6m that have been incurred in preparing land and buildings for disposal that will need to be met in accordance with previous decisions.

Since 2016, local authorities have been provided with the flexibility to use capital receipts to support expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs. This opportunity is reflected in the Council’s 2020/21 capital strategy alongside the option of using the receipts to support the capital programme as a means of reducing borrowing requirements. Receipts cannot however be used to fund the ongoing costs of service delivery.

The flexibility of the use of receipts will need to be considered in the context of the Council’s financial strategy to ensure that it can best support the Council in delivering its priorities and transforming the way in which it delivers its services.

This programme is focused on creating a single and streamlined process for managing the disposal of the Council’s surplus land assets and promoting new regeneration and housing on our surplus sites.

The above costs will be off-set in the longer-term by revenue savings on estate management.

Implementation

The following table sets out the key milestones and expected delivery timescales:

Milestone	Timeline
Cabinet approval for accelerated disposals programme	November 2020
Project team recruited	November – February 2021
Property agents procured and retained	November – February 2021
First phase of sale sites agreed	March 2021

Milestone	Timeline
Marketing of sites commences, including taking sites to auction	April 2021
Final bids for Phase 1 sites received	June 2021
Processing of land sales	July 2021 to November 2021
Phase 2 Sites identified (and further phases)	May 2021 onwards

Governance

This proposal will ensure that clear governance is in place:

1. Each phase of identified assets for disposal will go through the Land & Property Disposals Strategy process
2. Each phase of identified sites will be agreed by Cabinet
3. There will be prior liaison with ward members
4. For assets that have been deemed to need a conditional sale agreement e.g. planning permission, the sale will not proceed until all conditions have been met
5. A strategic disposal process will be considered for assets that have strategic importance to ensure best value is achieved

Other alternative options considered

Option 1

To implement the proposed disposals programme as outlined above but without using a proportion of capital receipts to cover the fixed-term contracts etc; noting that a budget would need to be found to cover such costs.

Option 2

Do nothing which will result in the Council having to find ongoing revenue to maintain assets that are deemed surplus to requirements; as well as minimal in-house resources available to manage a large-scale programme.

Community impact / Contribution to the Bury 2030 Strategy

Community groups or other parties may express an interest in acquiring land assets from the Council. It may be that in the event that a sale price is not secured that a community transfer could be considered.

The community will benefit from some assets being transformed from possibly unused pieces of land that have been difficult to maintain over the years, to land that is of benefit to the local community e.g. small-scale residential developments.

Equality Impact and considerations:

This proposal does not adversely affect equality.

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:

Risk / opportunity	Mitigation
Failure to generate target receipts	This can be mitigated in Year 1 through the addition of the Fire Station site into the project plan. This is project to raise a net-receipt in the region of £800k to £1m. Other sites capable of generating a large receipt will be identified throughout the programme
Recession leads to lower land values and receipts	In this event, a larger disposal programme would be required to meet targets
Cabinet fails to agree to place more significant assets up for sale and/or doesn't agree to dispose of some sites that are capable of generating large capital receipts	If only very small land holdings are included it may be difficult to meet targets. It will require a few larger sites to be included in the programme if targets are to be met
Land and property disposals are notoriously labour intensive and are at risk of not being favoured within a community	Agree sales schedules with Members and in particular ward members where they might be impacted and consider disposing to a community group via community asset transfer, subject to conditions being satisfied

Risk / opportunity	Mitigation
Purchase fails to meet obligations placed on an agreed disposal and a dispute breaks out	Strict legal process in place that allows the Council to act if the agreed obligations weren't met within an agreed timescale

Consultation:

- Members/Ward Members on the lists of assets per phase
- Senior management as per the Disposals Strategy 2013
- Members of the public as required
- Existing service users where applicable

Legal Implications:

The legal implications associated with the proposed land sales are recognised within the report along with the additional legal resource required.

In addition, recruitment to the proposed posts will need to follow the correct governance/approval route.

Financial Implications:

The current pipeline of sites indicates that c£8m in capital receipts can be generated from which £0.6m is likely to be needed to drive forward the programme. In addition to this, the Council has already incurred costs of c£1.6m in previous financial years to prepare sites for disposals with the agreement that these would be met from capital receipts. These costs will be a further 'first call' on the receipts generated. Any receipts in excess of this and the opportunity they provide will need to be considered in the context of the Council's financial strategy. Consideration of the flexibilities allowed to support projects that will deliver service transformation and a reduction in costs will need to be taken into account.

Regular monitoring and reporting of the process will be needed to ensure that receipts are delivered within anticipated timescales and that the Council does not incur costs without seeing the benefit of receipts. As part of the development of the governance arrangements for the capital programme, monitoring of capital receipts will be factored into the quarterly monitoring reports to Cabinet.

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Background papers:

Land & Property Disposals Strategy



Disposal Strategy
071013.docx

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

Term	Meaning
One Public Estate programme	A national programme designed to create economic growth (new homes and jobs), deliver more integrated, customer-focused services, whilst generating efficiencies through capital receipts and reduced revenue costs
Neighbourhood Asset Review	A GMCA initiative designed to support the devolution agenda/support to bid for funding, to assist in better delivering local public services to address future needs, by appraising public sector assets in context to local community need, and in association with public sector service providers and their ambitions for improved health and community outcomes

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Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 November 2020
Title of report:	Corporate Plan 2020/22
Report by:	Cllr Rafiq, Elected Member and Corporate Affairs and HR Portfolio Holder
Decision Type:	Key Decision/Non-key (Council)
Ward(s) to which report relates	All

Executive Summary:

In October 2020, Cabinet received a draft Bury 2030 Strategy as a proposal and basis for consultation which would drive and direct a common ambition, vision, delivery plan and improved outcomes for the Borough.

The Corporate Plan is a key delivery vehicle to realising the Bury 2030 vision and translated the Strategy into tangible corporate and departmental plans and priorities with clear deliverables and measures outcomes over a two-year period and is the first Corporate Plan for the Council and CCG under the single leadership and partnership structure.

Drafted in the context of the current national Covid-19 pandemic and associated local response, with a specific strategic objective to ensure a sustained focus building further on the initial 10-point plan which was delivered pre Wave 2, the Corporate Plan outline core actions to enable and address recovery for the next 6 months. It is also informed by the recent Equalities Review and the need to strengthen Inclusion throughout all our activities.

As with the Strategy, the Corporate Plan also aligns to the Locality Plan and supports the delivery of the ambition to secure transformational improvement in population health so that residents are in control of their lives and enabled through a joined-up health and care system.

The Corporate Plan is ambitious and in defining a new way of working it is exciting, but will also demand tough decision-making, routine monitoring and constructive challenge so that we hold ourselves and each other to account in order that outcomes and experience is improved for our communities, citizens and patients.

The Corporate Plan will be approved by the Cabinet with a recommendation to full Council to adopt it.

Let's Do It.

Recommendation(s)

That: Cabinet are asked to :

- Approve the covid 6 month recovery plan set out in the Corporate Plan and;
- Recommend its adoption to Council.

Community impact/links with Community Strategy

Equality Impact and considerations:

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.*

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.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<p>The Corporate Plan embraces the recommendations from the recent Equalities Review and reflects the requirement for further progress to be made in respect to the wider Inclusion agenda.</p> <p>Through the delivery of the Corporate Plan, whether as a whole or through individual departmental objectives and priorities, there will be improved outcomes and experience for the Borough, which will support demonstrable due regard as required by legislation, but also improvements and greater cohesion within and across communities.</p> <p>There is no adverse impact in respect to the protected characteristics of communities of interest.</p>	

**Please note: Approval of a cabinet report is paused when the ‘Equality/Diversity implications’ section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Lack of Ownership	Regular performance reporting against deliverables.
Level of ambition exceeds resources	Regular review and refresh

Consultation:

Legal Implications:

The report and attached plan set out the vision for Bury. The associated Bury 2030 Strategy will be the subject of consultation.

The decision to approve the covid 6 month recovery plan is a key decision within the remit of the Cabinet. The approval of plan and recommendation to Council for adoption is non-key as approval of this plan is within the remit of the Council.

Financial Implications:

The Council will deliver the corporate plan within the available financial resources. Any additional funding that may be required to deliver the plan will be considered at the relevant point in time.

Report Author and Contact Details:

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CORPORATE PLAN 2020-22

Bury Council and NHS Bury CCG

Our Corporate Plan 2020/22 sets out key themes, principles and deliverables to support the Borough of Bury as it recovers from the local impact of the Covid-19 pandemic and builds a better and brighter future for our people, communities and businesses. Through this plan we set out the foundations from which new relationships, responsibilities and outcomes will emerge to support delivery of the Bury 2030 Strategy.

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Introduction

Welcome to our Corporate Plan 2020/22.

In 2015 NHS Bury Clinical Commissioning Group (CCG) and Bury Council committed to working closer together to integrate health and care services in Bury. The appointment of a single and joint Chief Executive of Bury Council and Accountable Officer for the CCG in 2018 cemented this commitment and enabled us to join up 'everything the Council does' with the CCG and, through shared objectives, to further improve the health and wellbeing of the people in the Borough and bring to bear the full powers, influence, resources and capabilities of both organisations.

The partnership is now working to deliver its role in the Bury 2030 Strategy – the 10-year vision for the whole Borough, which will improve life chances for everyone through:

- five clear commitments to make significant progress in carbon neutrality; healthy lives; economically strong; inclusive and digitally enabled by 2030
- the five delivery themes of the local industrial strategy: people, place, ideas, infrastructure and business environment; and
- four principles of ways of working from which we all operate to drive *inspiration; aspiration; participation* and *collaboration*

This plan describes how, through the joint working of the Council and CCG through the four departments and One Commissioning Organisation, the partnership will work together to contribute to the Borough Strategy over the next two years. It describes the work of our teams; the priorities we are working towards and the outcomes we are committing to achieve.

All of this work is required at a time of great national challenge and uncertainty because of the Covid-19 pandemic. At the time of writing the vaccination programme is in development; infection levels remain highly unstable and there are huge demands on the Council and CCG to lead the local public health response; protect the NHS and support the community in conjunction with private and voluntary sector partners. The economic and health impacts of Covid-19 remain unclear but there is no doubt they will make our mission to reduce inequalities harder and increase the challenges to achieving economic growth and improving the quality of life for local people.

Our response to the Covid-19 pandemic as a health and care system has generated a momentum that we must keep hold of whilst we strive for a safe and sustainable recovery from the emergency. This is a catalyst for change that will create new ways of receiving services, new ways of working and a different relationship with our residents and our communities. The learning from our experiences will help drive and deliver real improvements.

Our Corporate Plan sets out our priority deliverables for the next two years in this context, as a platform to harness the very best of our partnership. It is aligned to the Locality Plan and supports the delivery of the ambition to secure transformational improvement in population health so that residents are in control of their lives and enabled through a joined-up health and care system. There are exciting plans proposed but some tough decisions too. We will track our progress on this challenging journey through a new outcomes' framework and the delivery of our budget strategy.

Let's do it!

Who we are

The Council and CCG partnership is organised as for departments and a One Commissioning Organisation.

The Business Growth and Infrastructure department leads:

- Strategic development strategy and functions of the Council including the Local Plan;
- The Council's capital development programme;
- Town planning and building control functions;
- Housing strategy development including the relationship with the private rented sector.

The Children and Young People's department:

- Provides universal and targeted early help support for the Borough's children, including:
 - Supporting 1136 vulnerable children, including 358 for whom we are their Corporate Parent and a further 140 who are supported into adulthood after leaving care;
 - Providing dedicated support to early years settings and child minders who provide 5,550 places to the Borough's pre-school children;
 - Supporting the leadership of 80 schools across the Borough, enabling head teachers to delivery high quality education for 29,000 children;
 - Providing strategic leadership around inclusion and statutory support for children with additional needs and disabilities;
 - Delivering services targeted at supporting young people through provision of youth work and education, training and employment support.

The Corporate Core:

- Leads the corporate strategy functions across the Council and CCG and co-ordinates the Team Bury network of public, private and community partners;
- Provides professional enabling services including HR, communications, legal services and business support;
- Provides the partnership's governance and democratic functions, including support to the council's 51 Elected Members and the CCG Membership, Governing Body and committees.

Finance sits alongside the Corporate Core and

- Leads on the medium-term financial strategy, providing strategic oversight and guidance on financial sustainability and resilience;
- Provides stewardship over all financial activities across the Council and CCG;
- Provides and delivers effective payment mechanisms for staff, providers and suppliers;
- Delivers an internal audit function to support and report on governance specifically for the Council; and
- Delivers revenue, benefits and welfare services to our residents and businesses.








The **Operations** department is responsible for:







- All environmental services operated by the Council including waste management, street cleansing and grounds maintenance;
- Management of all highways, street lighting and engineering;
- Operation of the Council's leisure, civic and regulatory services;
- A range of commercial services including Bury Markets, Schools catering, caretaking and cleaning;
- Facilities management; and
- Refuse collection.

The '**One Commissioning Organisation**' (OCO) brings together all the health and social care commissioning functions of the CCG and Council into one structure. It is responsible for:

- The health of the Borough's residents through its public health functions and by leading a single strategy for health and care commissioning;
- Managing a pooled budget of all our combined health and care funding;
- Ensuring robust clinical leadership to enable delivery of a wide-reaching health and care transformation delivery programmes;
- Delivery of statutory requirements across primary, secondary and community commissioning, safeguarding practice and quality;
- Ensuring the services that we commission are of a high quality and people have a good experience of their local services;
- Ensuring the public are protected through integrated safeguarding practices and safe services.

What we do

-  Operate a significant number of individual services from a range of buildings across the Borough
-  provide leadership to 80 schools and education to 29,000 children
-  answer 228,075 calls into our services every year
-  registered 1736 births; 1955 deaths; and 436 marriages last year
-  receive 15000 contacts each year in relation to Adult Social Care leading to 5000 assessments; provide support to between 3500-4000 adult social care users at any one time
-  are parents to 358 Looked After Children
-  employ 5873 staff across all our services

-  a pooled budget for health and care spend of £0.4bn
-  manage 660km of carriageway, 300km of footpath, 19,000 street lighting columns, 36,500 street gullies and 400ha of green space
-  Collected waste from 83,500 households; and recycled 33,090.42 tonnes of waste last year
-  operate 118 healthcare contracts across the Bury area
-  purchase a range of health care and services for 190,000 people including 72,880 A&E attendance, 25,435 hospital appointments for planned care, 26,480 treatments on an emergency basis and 157,130 follow-up hospital appointments
-  own a stock of council houses

Where are we now

This is an exciting time for Bury Council and CCG.

Under the leadership of a new Executive team we have established system-wide leadership of the health and care system including a One Commissioning Organisation and a Local Care Organisation. Together, we have developed a Locality Plan which sets out an ambitious plan to guide this partnership over the coming years.

The Council and CCG have led the wider Borough partnership to develop a strategy and clear plan for the next ten years, **Bury 2030**, which describes the outcomes; activities and behavioural shift we want to achieve to drive life chances for all our residents.

Our hard work is paying off. Major **regeneration** initiatives are beginning to reach a positive conclusion - the strategic regeneration framework for Radcliffe has now been agreed and we are waiting to see if a new high school is approved by the Department of Education.

This year Bury was awarded the accolade of being the first **Greater Manchester Town of Culture** and the quality of our parks and public spaces continues to be recognised through our reaccreditation of **Purple Flag town centres** and **12 Green Flag parks**.

There are, however, significant **challenges** ahead. The gap in healthy life expectancy between those who live in the most and least affluent parts of our Borough is, after decades of improvement, starting to widen; the measure of deprivation in our towns is stagnating and our educational attainment is not as good as it was. We have also made a challenging

commitment to be carbon neutral by 2038 which will require radical change across all aspects of our lives.

The resources we have to be able tackle these issues also continue to be challenging. Council and CCG budgets have reduced year-on-year and the forecast for the next two years is no less difficult. This is further exacerbated by the impact of Covid-19 and the lack of any certainty around future funding.

Based on the latest information:

- savings of c£70m will be required by the Council over the next 4 years, and
- the CCG began 20/21 with a financial gap of £20m and requirement to save c£40m over the next 4 years – the ongoing national changes to financial and contracting frameworks and funding methodologies puts a great deal of uncertainty on these original forecasts, but it is clear that the impact of Covid-19 will result in greater financial pressures to the system

These challenges all become much harder to address in the context of the **Covid pandemic**, of course. Sadly, we expect the health and economic impacts of the emergency to be far-reaching and the practical stretch in Council and CCG capacity between leading the local response and maintaining our focus on wider services and policy work is a challenge

This is the year to tackle these issues, however this require major transformation of the way we deliver our services and manage our resources.

Local people deserve improvements in our local outcomes and the likely requirement to “live with Covid” for some time requires a relentless focus on economic recovery and community care and support.

Where do we want to get to

This plan explains how the Bury 2030 strategy will cascade into the practical delivery priorities of the Council and the CCG, through **four clear objectives** which have been defined for delivery by the partnership during 2020/22. These are to:

- Support the Borough through a robust **emergency response** to the Covid-19 pandemic
- Deliver our role in the Bury 2030 **local industrial strategy** priorities and recovery
- Lead a programme of **transformation** to establish the capabilities required to deliver the 2030 vision and embed the principles of *Inspiration, Aspiration, Participation* and *Collaboration* in all we do
- Secure financial sustainability through the delivery of the agreed **budget** strategy

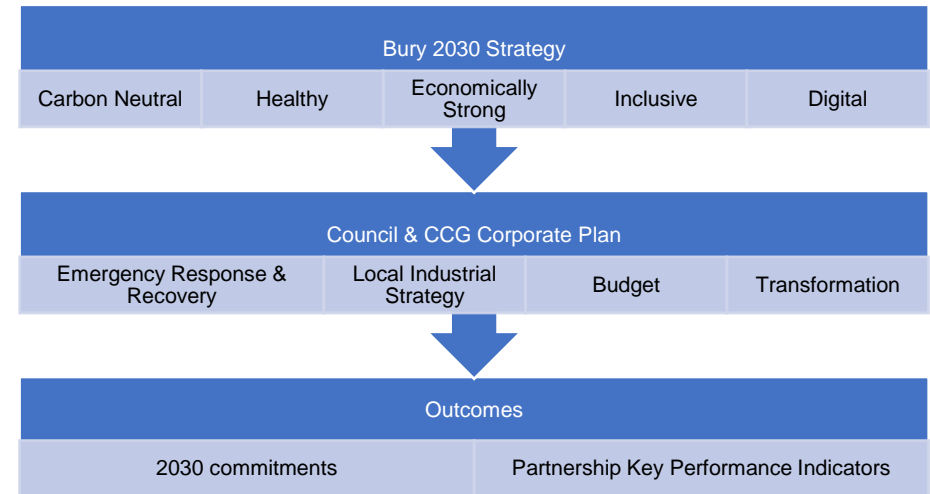
Underpinning the priorities are the **equality** objectives which have been set by the partnership; are reviewed annually and driven by the Strategic Commissioning Board.

A high-level delivery plan against all priorities is provided, together with the key measures against which we will track our progress. We will measure:

- demonstrable **outcomes** which contribute to the Bury 2030 commitments to:
 - Carbon neutrality
 - Healthy Communities
 - Economic growth/recovery
 - Equalities and inclusion
 - Digital-first

- Improving **outputs**, measured through a new internal performance dashboard to monitor the performance of partnership organisations themselves

Whilst we have set a clear objective in respect to our **emergency response**, we recognise that all of our work, not only in the short and medium term but also the longer term, will need to take account of the local situation and will require careful prioritisation of all activity across the partnership.



Details of our four Corporate Plan objectives are described overleaf.

Our Objectives

Emergency Response and Recovery

We could never have predicted the scale or impact the Covid-19 pandemic. We responded promptly, with a focus on protecting the health and care system and delivery of an initial “ten point” recovery plan. We have now defined four clear priorities for the rest of 2020/21, to take us to the point of a vaccine. These are:

Containing COVID by managing:

- Infection prevention control including outbreak management
- Restrictions, including enforcement
- Tiers of intervention
- Test, trace and supporting self-isolation
- Mortality Planning
- Plans for the vaccination programme

Supporting our Health and Social Care System

- Planned, Urgent & Community based Health & Care
- Support for children in need of help and protection
- Population Health including mental health
- Strategic Finance

Mitigating the impacts by supporting

- children and families deemed vulnerable, to reduce the risks of widening inequalities;
- schools, early years providers and FE colleges to mitigate the detrimental impacts of Covid-19 on learning;
- establishing the Neighbourhood Model of integrated, early help, including community safety and cohesion;
- Business and town centres including local jobs.

Supporting Our Communities including

- Communications and engagement
- The provision of humanitarian aid; a network of volunteers; support to the lonely and those facing hardship through our Community Hubs.

Bury 2030 Local Industrial Strategy

We will drive the delivery of the Bury 2030 vision, with an initial focus only on those activities which drive recovery from the present emergency. This will include:

- the health, wellbeing and connectedness of our **people** through a new physical activity strategy; mental health review and embedding progress with community healthcare; children’s school readiness; early help and educational attainment
- Developing **Place** regeneration plans to the point of business case within Radcliffe, Prestwich and Bury town centre, including a One Public Estate
- Harnessing **Ideas** by implementing our inclusion strategy; strengthening the Youth Cabinet; a refresh of the Armed Forces’ Covenant and new strategy for the voluntary & community sector
- **Infrastructure** improvements including 5G roll out; progression of the Highways Investment Strategy and the creation of more cycling and walking routes. We will implement the housing strategy, including homelessness prevention
- Local **Business** will benefit from large-scale land release in the Northern Gateway; a skills strategy and a Covid-19 economic recovery strategy, with a focus on local spend

'Business Excellence' Transformation

To deliver improved outcomes and secure financial sustainability, an internal and external transformation programme will begin, according to the principles of business excellence:

Investment in **Leadership** will include Elected Member and senior officer development strategies; the development of a clear joint vision and identity and staff engagement plan;

Partnership resources will be corralled in a neighbourhood model within each township, to mitigate demand and take pressure off statutory services through joined-up, all-age “early help” and mainstreamed community hubs;

Our **workforce** will be developed including a refreshed induction; apprenticeship strategy and updated core skills programme to maximise our resources and target our work in the right places; and

All **processes** will be reviewed to establish integrated and efficient business processes which enshrine the five Bury 2030 Commitments, in particular a digital-first approach.

Financial Sustainability

The Council is facing a forecast financial gap of c£21m by 2022 as a result of Government spending restrictions; demand increases for statutory services and additional pressures as a result of Covid pressures not covered by Government grants. The forecast for the CCG will be determined when national announcements are made.

In balancing our budget, we will look to:

- Make changes and efficiencies to our services which are aligned with the Bury 2030 pledges, to ensure decisions on resources match policy commitments as far as possible. Proposals for the next 12 months are described below;
- use our reserves to balance the need to support short-term funding gaps whilst recognising the need to deliver ongoing savings; and
- Introduce a new operating model that will increase the time we spend on delivery by removing duplicated and fragmented systems and processes.

Carbon Neutrality	Healthy Communities	Economic Growth	Equalities and Inclusion	Digital First
<ul style="list-style-type: none"> • reduction in the Council's fleet ; • more efficient waste collection rounds; • streetlight dimming; • introduction of district parking charges 	<ul style="list-style-type: none"> • development of community-based health model to keep people well for longer and reduce demand for and provision of statutory social care packages; • a review of all children's social care services to take every opportunity for efficient provision 	<ul style="list-style-type: none"> • creation of opportunities for all Bury people to access the wealth that economic growth brings and thereby reduce demand for reactive services 	<ul style="list-style-type: none"> • review of the provision for vulnerable people including all-age learning disability • deliver efficiencies by transforming our offer, targeting resources and continuously improving what we do 	<ul style="list-style-type: none"> • number of office locations will be reduced and staff enabled to work flexibly; • Full use of digital technologies to maximise the efficiency of our operations • extended reach into the community to reduce the costs of our processes and communication

Inclusion at our Core

Between 2016 – 2020 the Council has been working to the equalities objectives of taking action to 1) tackle unwanted behaviour; 2) reduce the proportion of unknown workforce data and 3) work to digital include more of our employees. A report against progress was produced in 2019: “Three years on” which set out the further work required.

The CCG has been working to 1) Improved equality monitoring data collection across all NHS services; 2) Develop an effective partnership approach to delivering robust responsive Services; 3) Being an employer who embraces the concept of work life balance and 4) Being an Inclusive Leader.

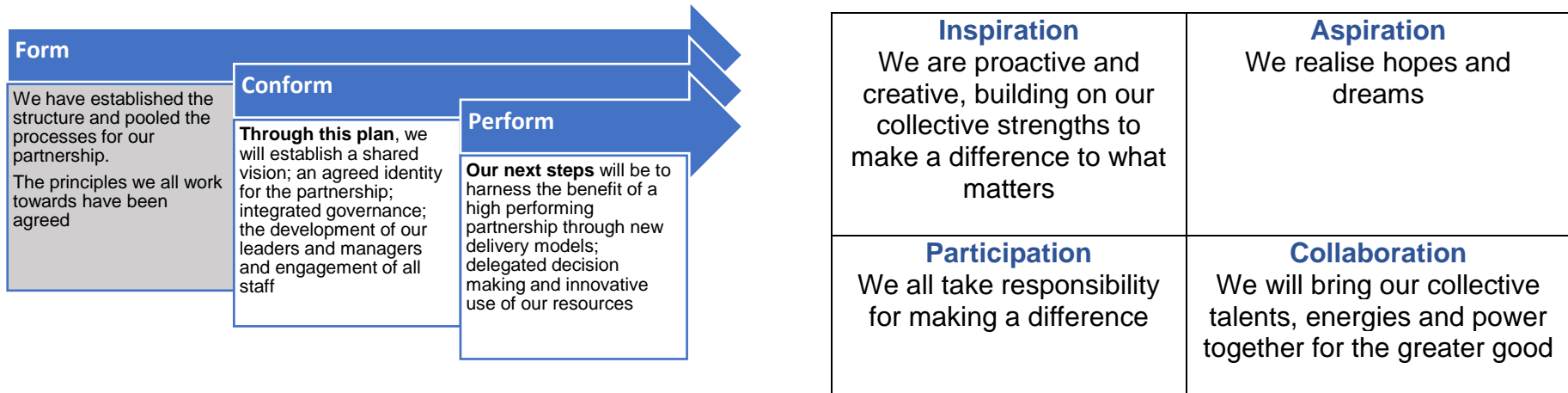
Both partners recognised that there is more to do to make progress to fulfil these objectives. A joint, independent equalities review was therefore undertaken in 2020, from which an Inclusion strategy was agreed, and the following equalities objectives have been set as required by the Equalities Act 2010. Detailed actions are included in the action plan appended:

1. **Performance and Scrutiny:** establish effective governance arrangements in order to ensure there is a robust performance and scrutiny function;
2. **Equality Data and Information:** To use data more effectively to promote equality in all decisions made by the Council and the CCG and to help ensure they give due regard to the general equality duty;
3. **Community Engagement:** develop inclusive community engagement structures in order to strengthen community engagement opportunities for the Borough’s diverse communities;
4. **Representative Workforce:** to take steps towards having workforces that are representative of the diversity of the local population;
5. **Training and Learning:** to raise awareness of people’s rights and responsibilities and to aid the delivery and embedding of the Inclusion Strategy;
6. **Improve user access and experience:** by seeking effective assurance from providers, where appropriate and embedding EDHR into commissioning;
7. **Framework Delivery:** take action to adopt and ensure real progress is made on the implementation of Workforce Race Equality Standard (WRES), the Workforce Disability Equality Standard (WDES), Equality and Delivery System2 (EDS2) and Equality Framework for Local Government (EFLG)

How we will deliver

The Bury 2030 strategy sets out a clear set of principles which will be the basis of all work across the partnership: **Inspiration, Aspiration, Collaboration and Participation**.

The Council and CCG will lead by seeking to lead by example in demonstrating these principles in all work to deliver this plan. A phased programme of organisation development (OD) will be designed to determine what this really means and to equip leaders, managers and staff with the skills and understanding to adopt the new approach. A multi-year programme of change across our people, systems and processes is proposed to *form* the partnership, establish and *conform* to a corporate approach and then achieve high *performance* through optimised processes, systems and structures.

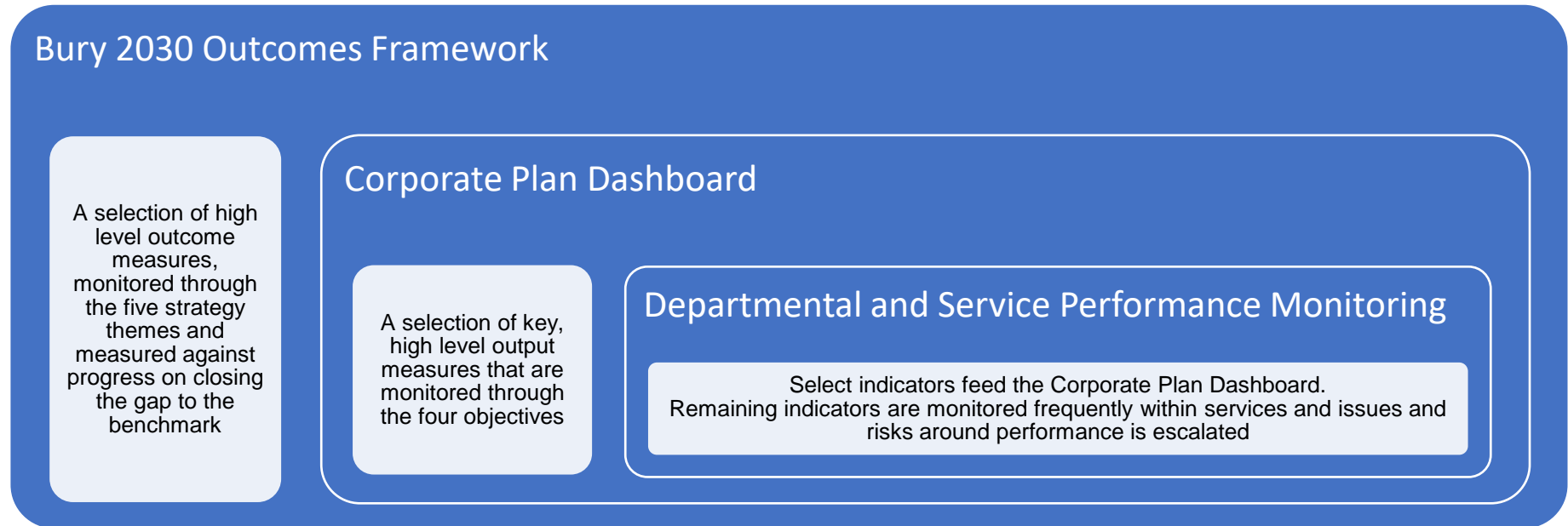


The journey to **high performance** begins as this plan is set, with a series of expectations about how we will work including:

- The performance management of all staff, led from the top, which evaluates behaviours as well as outputs
- Effective governance that ensures transparent decision making and management of delivery
- Evidence-based investment only
- An evidence-led understanding of risk and impact to ensure the right intervention at the right time
- Business cases for savings or investment tracked, delivered and evaluated
- Improvement targets monitored and achieved

Our Measures of Success

A **Corporate Performance Dashboard** will be implemented with this plan, which also follows the business excellence model and evaluates the result of the plan on people; society; customers and the organisation. Outputs and outcomes will be monitored quarterly and reported to the Council’s Cabinet and CCG’s Governing Body.



We will monitor our success against a range of metrics which have been presented against our four objectives overleaf.

Emergency Response and Recovery

- 1) Monitoring R number and Infection levels
- 2) Number of rough sleepers currently being supported
- 3) Number of rough sleepers moving into suitable accommodation
- 4) Visits to libraries and archives
- 5) Number of Kickstart placements
- 6) Attendance at targeted youth support groups
- 7) Numbers of children using fit and fed clubs
- 8) IMC Bed Occupancy
- 9) Residential and Nursing Care Bed Occupancy
- 10) Number of referrals to Adult Social Care
- 11) Number of Looked After Children
- 12) Number of Children In Need
- 13) Number of Child Protection Plans
- 14) Medically Optimised Awaiting Transfer
- 15) Number of Clinically Extremely Vulnerable supported through Community Hubs
- 16) Numbers accessing self isolation £500 benefit scheme

Bury 2030 Local Industrial Strategy

Infrastructure

- 1) Annual housing completions
- 2) Highway repairs completed on time
- 3) Street lighting faults completed on time

People

- 1) Breastfeeding prevalence at 6-8 weeks
- 2) School Readiness
- 3) Smoking prevalence in adults (18+)
- 4) Emergency hospital admissions due to falls
- 5) Dementia diagnosis rate (65+)
- 6) Live Well Services including BEATS referrals
- 7) Flu immunisation uptake high risk

Ideas

- 1) % parks and recreation grounds with friends of groups
- 2) New Personal Health Budgets
- 3) Numbers of volunteers engaged through the VCFA
- 4) Number of local offers on TBD

Place

- 1) Carbon emissions from council vehicles
- 2) All materials sent for Recycling, Composting and reuse
- 3) Green flags ?
- 4) Number of ASB complaints received by the council
- 5) Number of residential burglaries
- 6) Total number of violent crimes by young people

Business

- 1) Net business growth rate (start-ups minus dissolutions)
- 2) Number of business contacted through the Workplace Health
- 3) Number of individuals who have stayed in work or found a new role due to accessing the support of the Workplace Health Programme

'Business Excellence' Transformation

- 1) % Invoices paid within 10 and 30 days
- 2) Payment days for SMEs
- 3) Average time taken to repair street lighting
- 4) Average number of days in temporary accommodation
- 5) Number of housing complaints completed within 20 days
- 6) Number of empty properties brought back into use
- 7) High and medium food standards inspections completed
- 8) % uptake of primary school meals per school
- 9) Sickness absence: average number of days lost per FTE per year
- 10) Staff turnover
- 11) Employee engagement: overall satisfaction with Bury Council as an employer
- 12) FOIs completed on time
- 13) SARs completed on time
- 14) Complaints responded to within timescale / escalated to ombudsman
- 15) Contact centre – number of contacts
- 16) Prevent – Volume of Training for Council and CCG Staff

Financial Sustainability

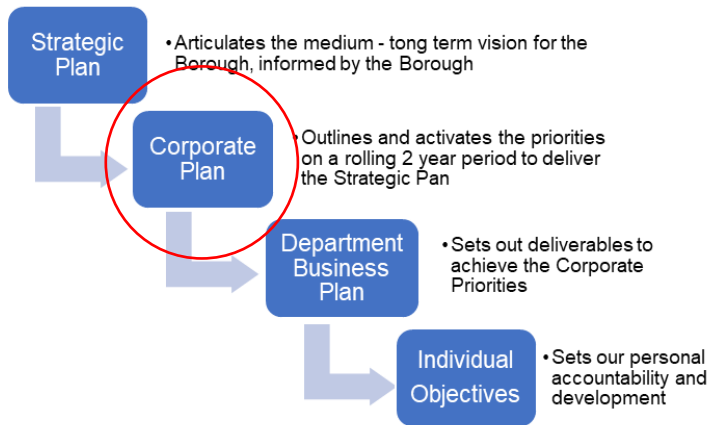
- 1) PCN collection rates
- 2) Council tax collection
- 3) Business rate collection
- 4) Debtor days above 30 days
- 5) Capital projects completed
- 6) Capital slippage
- 7) Departmental savings achieved
- 8) Total amount cashable savings from Health and Care Recovery schemes
- 9) Actuals against plan: CCG, Council, Pennine Care, Pennine Acute

Our Delivery Framework

This corporate plan drives the cascade of strategic objectives into tangible delivery. It translates both the Bury 2030 vision and operational priorities into detailed corporate and departmental plans and performance objectives for every member of staff to help us to:

- Clearly articulate our priorities and desired outcomes
- Prioritise what gets done within the resources available
- Provide and demonstrate value for money
- Provide good services and satisfaction for users and the local community
- Improve performance
- Motivate and manage our staff

The process begins in February each year when the Corporate Plan is presented for approval alongside the annual budget. The approval of strategic objectives forms the basis of the annual performance review of the Chief Executive/Accountable Officer, following which all other performance reviews can begin on the basis of cascaded objectives.



During the year the progress and impact of the Corporate Plan will be managed through quarterly reports to the Council’s Cabinet and CCG Governing Body. Reports will:

- **track delivery** to confirm plans are being delivered; consider new priorities and revise work plans
- **report on outcomes** to evaluate the impact of our work on in improving the lives of our residents

“Deep dive” challenge on particular work plans will be welcomed through the Scrutiny function and CCG Sub Committee structure.

Our Corporate Plan 2020/22 – Delivery Plans by Department

Business Growth and Infrastructure

Priorities	Timeframe	Our Commitments					Our Objectives			
		CN	HC	EG	IN	DF	ER	FS	TR	IS
Growth Strategy	Q3 2020/21			✓				✓		
Council Strategic Asset Management Strategy	Q4 2020/21									
Housing Strategy (including review of affordable housing)	Q3 2020/21		✓	✓					✓	
Private Rented Strategy	Q4 2020/21		✓						✓	
GMSF	Q3 2020/21			✓						✓
Northern Gateway	Q3 2020/21			✓						✓
Preferred option in respect to Bury Interchange to be approved	Q3 2020/21			✓						✓
5G network	Q4 2020/21			✓						✓
Economic Recovery Plan including Barclays Thriving Local Economies programme	Q2 2020/21			✓			✓			
Town Centre Recovery Boards	Q2 2020/21			✓						✓
Ramsbottom Town Centre Development	Q2 2020/21		✓	✓						✓
Prestwich Village Regeneration	Q4 2020/21		✓	✓						✓
Bury Town Centre Masterplan	Q4 2020/21		✓	✓						✓
Radcliffe SRF	Q4 2020/21			✓						✓
Estates Strategy	Q3 2020/21								✓	
Investment proposition approved to improve performance of the commercial estate	Q4 2020/21			✓				✓		
Proposals approved in respect to One Public Estate programme	Q4 2020/21			✓						✓
Complete feasibility study of Uplands	Q3 2020/21			✓						✓
Approval of enhanced disposal programme	Q3 2020/21		✓	✓					✓	
Identification of suitable council space for business incubators	Q3 2020/21			✓						✓
Business relationship and engagement function	Q3 2020/21				✓					✓
Inward investment approach	Q3 2020/21			✓						✓
Working Well programme	Q3 2020/21		✓				✓			

Children's and Young People

Priorities	Timeframe	Our Commitments					Our Objectives			
		CN	HC	EG	IN	DF	ER	FS	TR	IS
Support for children in need of help and protection through the period of Covid-19 restrictions	Q3 2020/21		✓				✓			
Support to schools, early years providers and FE colleges to mitigate the detrimental impacts of Covid-19 on children and young people's learning	Q3 2020/21		✓				✓			
Focused support children and families deemed vulnerable to reduce the risks of widening inequalities and narrowing of life chances	Q3 2020/21		✓				✓			
Development of early help support for children and families via a neighbourhood management model of delivery integrated with social care and community health teams	Q3 2020/21		✓	✓						✓
Preparation for SEND	Q3 2020/21				✓				✓	
Support to the Star Academy Trust to deliver a new secondary school in Radcliffe or deliver on a contingency plan Free School Presumption application to the Department for Education	Q4 2020/21				✓				✓	
Education Improvement Strategy to rebase the performance profile of each Key Stage in Learning in mitigation of the impact of Covid and Focus on the imperatives of a Schools-Led improvement programme.	Q4 2020/21		✓	✓						✓
Improvements to children's social care practice and partnerships in response to the findings of the September 2020 Ofsted focused visit and preparation of ILACS inspection	Q4 2020/21				✓				✓	
Delivery of 4 million of savings and robust management of the Dedicated Schools Grant recovery plan	Q3 2021/23						✓			
Leadership of the Borough's contribution to delivery of the Greater Manchester Children's Plan	Q3 2020/23		✓							✓
Establish the principles and practice of co-production in the areas of special educational needs and community safeguarding prevention	Q3 2020/22		✓							✓

Corporate Core

Priorities	Timeframe	Our Commitments					Our Objectives			
		CN	HC	EG	IN	DF	ER	FS	TR	IS
Corporate Plan & departmental business planning process launched	Q3 2020/21				✓				✓	
Homeless Strategy 2020/21 (No rough sleepers ABEN 2020/21)	Q4 2020/21				✓		✓			
HR policy review	Q3 2020/21				✓				✓	
Joint Equalities Review and Strategy agreed	Q3 2020/21				✓				✓	
i-Trent/transactional HR review	Q3 2020/21				✓				✓	
Boundary Commission Review	Q3 2020/21			✓						✓
Development of VCFA requirements including volunteer strategy	Q3 2020/21		✓		✓				✓	✓
Microsoft 365 rolled out	Q3 2020/21					✓			✓	
Council constitution updated inc. member Development Plan	Q3 2020/21				✓				✓	
Transformation partner commissioned & planning begins	Q3 2020/21					✓	✓	✓		
Brexit Planning	Q3 2020/21			✓			✓	✓	✓	
Agile working strategy	Q3 2020/21					✓	✓	✓	✓	
Health & Safety Strategy (inc centralised resource)	Q3 2020/21				✓				✓	
Talent Strategy including Apprenticeships	Q3 2020/21				✓				✓	
Business support review	Q4 2020/21				✓				✓	
IG strategy review	Q4 2020/21				✓				✓	
Culture Strategy (inc events and blue plaques)	Q4 2020/21		✓	✓						✓
Joint Communication Strategy updated	Q4 2020/21				✓				✓	
Performance data dashboard & reporting begins	Q4 2020/21				✓				✓	
Armed Forces Covenant Refresh	Q4 2020/21				✓				✓	
Social Value Policy and Procurement Review	Q4 2020/21			✓						✓
Local Election Planning and Delivery	Q4 2020/21				✓					✓
Digital Strategy	Q4 2020/21					✓			✓	
Neighbourhood Model defined and programme plan developed	Q1 2021/22			✓				✓		
Domestic Violence Strategy	Q1 2021/22		✓		✓				✓	

Finance

Priorities	Timeframe	Our Commitments					Our Objectives				
		CN	HC	EG	IN	DF	ER	FS	TR	IS	
Risk Registers and Risk Maturity Assessment	Q3 2020/21				✓				✓		
Procurement Strategy	Q4 2020/21			✓					✓		
Financial Procedures and Policies	Q4 2020/21				✓				✓		
Capital Strategy	Q4 2020/21			✓					✓		
Medium Term Financial Strategy and Delivery	Q4 2020/21			✓					✓		
Treasury Management Strategy	Q4 2020/21			✓					✓		
Making Tax Digital	Q4 2020/21					✓			✓		
Council Tax Support Scheme	Q4 2020/21		✓	✓				✓			
Finance Service Offer	Q4 2020/21				✓				✓		
Financial Management Code of Practice Compliance	Q4 2020/21				✓				✓		
Section 75	Q4 2020/21				✓			✓			
Contracts Register refresh	Q3 2020/21				✓				✓		
Anti-poverty Strategy	Q2 2020/21		✓		✓		✓				
Capital Programme review	Q3 2020/21			✓					✓		
Commercial Strategy (Including Traded Services)	Q3 2020/21			✓					✓		
Income and Debt Management Review and Write-off Policy	Q3 2020/21			✓					✓		
Six Town Housing VFM Strategy	Q4 2020/21			✓				✓			
Community voucher scheme	Q2 2020/21		✓		✓			✓			
Housing Revenue Account Strategy	Q3 2020/21			✓				✓			

Operations

Priorities	Timeframe	Our Commitments					Our Objectives				
		CN	HC	EG	IN	DF	ER	FS	TR	IS	
Accommodation Review <ul style="list-style-type: none"> Develop Asset Rationalisation plan Town Hall Maintenance and Repairs COVID secure buildings FM Strategy and Structure 	Q4 2020/21	✓						✓	✓		
	Q3 2021/22	✓						✓			
	Q3 2020/21		✓								
Bury Markets investment and improvement	Q3 2021/22	✓	✓	✓				✓	✓	✓	
Civic Venues Review	Q4 2020/21			✓				✓			
Clean Air and Minimum Licensing Standard Consultation	Q3 2020/21	✓	✓						✓		
Climate Change Strategy <ul style="list-style-type: none"> Produce Carbon Footprint Report Recruitment of additional resources Develop strategy for consultation Deliver the Housing Strategy action plan in relation to Carbon Management 	Q3 2020/21	✓	✓						✓		
	Q3 2020/21	✓							✓		
	Q4 2020/21	✓									
	Q3 2021/22	✓	✓		✓			✓	✓	✓	
Environmental Quality <ul style="list-style-type: none"> Reduce contaminated bins and maximise recycling Strategy in respect of community ownership – keeping the Borough clean and tidy 	Q3 2021/22	✓	✓					✓	✓		
	Q3 2021/22		✓		✓						
Green Space Strategy <ul style="list-style-type: none"> Implement the playing pitch strategy, including 3G pitch plan Play areas strategy Green Flag improvement programme Accessible allotments strategy Promoting our physical strategy in green spaces Tree planning in conjunction with City of Trees Country parks sustainability projects 	Q3 2021/22		✓		✓				✓		
	Q3 2021/22		✓		✓						
	Q3 2021/22		✓		✓				✓		
	Q3 2021/22	✓	✓		✓				✓	✓	
	Q3 2021/22		✓		✓						
	Q3 2021/22	✓	✓		✓				✓		
	Q3 2021/22		✓	✓	✓			✓	✓	✓	
Highways and Engineering											

<ul style="list-style-type: none"> Highways Investment Tranche 2 Cycling and Walking Infrastructure Transport plan with 'on the shelf' schemes 	Q3 2021/22							✓	✓	
	Q3 2021/22	✓	✓		✓			✓	✓	
Leisure Review										
<ul style="list-style-type: none"> Determine options re: the viability of a facility as part of the Bury Town Centre Masterplan Determine options re: the viability of a facility as part of the Strategic Regeneration Framework plans in Radcliffe Determine the options re: the viability of a facility as part of the Ramsbottom Town Centre development 	Q3 2021/22	✓	✓	✓	✓			✓	✓	
	Q3 2021/22	✓	✓	✓	✓			✓	✓	
	Q3 2021/22	✓	✓	✓	✓			✓	✓	
Waste and Transport										
<ul style="list-style-type: none"> 3 Year Vehicle Replacement Programme 12 new refuse collection vehicles ready for use Waste collection review including optimisation and balancing 	Q4 2020/21	✓								✓
	Q3 2021/22							✓	✓	

One Commissioning Organisation

Priorities	Timeframe	Our Commitments					Our Strategy				
		CN	HC	EG	IN	DF	ER	FS	TR	IS	
Urgent Care System Transformation	Q2 2020/21		✓						✓		
Primary Care Programme including Primary Care Network Development	Q2 2020/21		✓						✓		
Children's Integrated Health and Care Commissioning including SEND	Q2 2020/21		✓						✓		
Health and Care System Recovery into Transformation	Q2 2020/21		✓						✓		
Local Outbreak Plan	Q2 2020/21		✓						✓		
Physical Activity Strategy	Q3 2020/21		✓						✓		
Community Health Service potential re-procurement	Q3 2020/21		✓						✓		
Adult Social Care Transformation Programme	Q3 2020/21		✓						✓		
Learning Disabilities Commissioning - Transformation	Q3 2020/21		✓						✓		
Discharge to Assess arrangements	Q3 2020/21		✓							✓	
Clinical and financial led rationalisation of secondary care services	Q3 2020/21		✓							✓	
Tackling loneliness	Q3 2020/21				✓					✓	
Population health and health inequalities	Q4 2020/21		✓						✓		
Mental health reform and integration	Q4 2020/21		✓						✓		
Planned Care System Transformation	Q4 2020/21		✓						✓		
Quality and Assurance Frameworks review	Q4 2020/21		✓						✓		
Health and Care System Enabling Frameworks - Estates, Workforce, Digitalisation,	Q4 2020/21				✓					✓	
Governance Review of OCO	Q4 2020/21				✓				✓		
Community Based Health and care integration including LCO form and function	Q4 2020/21				✓				✓		
DFG, Aids & Adaptations Strategy	Q3 2021/22		✓		✓					✓	
Extra care/community care	Q1 2021/21		✓		✓					✓	

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Classification Open / Closed	Item No.
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Meeting:	Cabinet
Meeting date:	24 th November 2020
Title of report:	RAMSBOTTOM PLACE MANAGEMENT PLAN
Report by:	Cllr. Eamonn O'Brien (Leader) – Cabinet Member for Finance and Growth
Decision Type:	Non – Key decision
Ward(s) to which report relates	All Ramsbottom Wards

Executive Summary:

This report seeks Member approval to appoint a multi-disciplinary consultancy to prepare a public realm and place management plan for Ramsbottom. The plan will guide a series of actions/initiatives aimed at improvement and promotion of Ramsbottom town centre as a quality visitor destination, aiming to secure its role as one of the Boroughs main visitor destinations over the next 10 to 15 years.

Recommendation(s)

That:

- Members approve the use of consultants to prepare a Place Management Plan for Ramsbottom town centre.
- Note that the first phase of the Place Management Plan will be presented to Cabinet for approval for consultation purposes.

- Delegated powers be given to the Director of Economic Regeneration and Capital Growth to authorise progression to phase two of the commission, following completion of the Place Management Plan.

Key considerations

Background

- 1.1 Over recent years Ramsbottom has developed a strong reputation as a food and drink led visitor destination, supported by the East Lancashire Railway visitor attraction (a top ten North West attraction), a good range of independent retailers, expanding events programme, and a growing reputation as one of the best places to live in the region.
- 1.2 As one of the Borough's main visitor destinations the Council has over the years supported the Ramsbottom Business Group to deliver priority projects and activity to support the growing visitor economy. This included a significant programme of events including festivals (e.g. Chocolate and Head for the Hills) and specialist markets. More recently the Business Group has led the programme of events activity due to Council capacity issues.
- 1.3 The Ramsbottom Destination Strategy (2010) set out a framework of proposals and activity, aiming to ensure continued success and growth of Ramsbottom as a key visitor destination within the Borough. In support, the East Lancashire Railway have updated their Development Strategy and activity to support destinations along the route, including Ramsbottom. The Council continue to work with and support the ELR Trust to maximise benefits for the Boroughs visitor economy.
- 1.4 Whilst Ramsbottom has performed relatively well as a visitor destination the major changes now impacting the physical retail environment is likely to affect all town centres across the country. The centres that remain successful will be those that have a diverse range of visitor and leisure attractions, modern workplaces and a reconfigured and varied retail experience.
- 1.5 As a key destination and one of the most popular visitor destinations in the Borough, Ramsbottom is in a good position to continue its recent success. However, an updated approach to further improve the quality, appeal, and range of attractions in the town is required, to ensure that the offer remains attractive to visitors and Ramsbottom retains its important role in supporting the local economy.
- 1.6 If Ramsbottom, like other town centres in the Borough, can adapt appropriately, they can continue to be key economic drivers for the Borough playing an important role in the delivery of the cultural and economic aspirations set out in the emerging Bury 2030 Strategy.

Town Centre Challenges

- 2.1 Town centres across the country have been facing significant challenges that have eroded high street retailing and its role in underpinning the vitality and economic strength of town centres. These challenges have included:
 - Continued and rapid growth in the use of mobile devices and online retailing;
 - Increasing wages, rents and business rates;
 - A shift in consumer spending away from products towards experiences and lifestyle; and
 - Wider economic conditions in general.
- 2.2 Furthermore, whilst the scale of the economic impact of the Covid-19 pandemic is yet to be fully understood, it is already clear that this has led to a significant intensification and acceleration of these challenges and that this is likely to have far-reaching consequences for the economies of all town centres.
- 2.3 Although not immune from the wider economic challenges facing high streets across the country, Ramsbottom, having developed as visitor-led destination, has been supported by the increased emphasis in recent years on quality of experience and lifestyle. Ramsbottom does have a significant hospitality sector and the impact of the pandemic upon this sector has underlined the need for action.
- 2.4 It is now a critical time for the town centre to have a planned response to these ongoing challenges - a response that will enable it to adapt and respond to the challenges facing the visitor economy in both short term recovery, and longer term need to improve the quality of product offer, to maintain both resident and visitor spend in support of the local economy.
- 2.5 The overall aim is to provide a strategy to guide a series of town centre initiatives aimed at ensuring further place improvement and promotion of Ramsbottom to maintain its vibrancy and attractiveness.
- 2.6 A place management plan would help to play a key role in delivering this response as well as being an important tool in demonstrating that the Council has a cohesive and up-to-date strategy in place to support any bids for external funding. The plan preparation will focus principally upon public realm, townscape, and infrastructure improvements, in recognition of the need to further enhance existing assets including the built and natural environment, tourism, culture, and events activity. Opportunities for physical rationalisation and/or development together with traffic/access/parking related issues will form part of the wider approach.

The proposal

- 3.1 Whilst the scale of opportunity is different from the large regeneration and development ambitions in other centres across the Borough, the need for a co-ordinated approach for Ramsbottom is nevertheless important to sustain the longevity of the vibrancy of the centre.
- 3.2 An up to date Place Management Plan for Ramsbottom will consider the potential to:
 - Significantly improve the overall townscape and visitor environment through creation of common design guidelines for public realm improvements, enhanced pedestrian linkages, legibility, and information across the town centre;
 - Achieve an improved balance between all town centre users, vehicle/visitor/pedestrian/cyclists movement and space requirements;
 - Identify opportunities to create additional space for leisure activity, e.g. improved access to the river and green space;
 - Achieve a co-ordinated approach to parking provision, access, and traffic circulation as part of a parking strategy approach, all of which currently can act as a detractor for visitors and events;
 - Facilitate an enhanced destination management approach, including for example the markets/events/activity programme, to ensure it remains attractive and in line with changing consumer needs.
 - Review and enhance visitor facilities to ensure the offer remains attractive and relevant;
 - Review and promote additional physical complementary development opportunities where they exist e.g. the vacant former Mondi paper mill site;
 - Review the scope and opportunity to rationalise existing Council/public owned assets to create additional development opportunities to support the place management approach; and
 - Identify a phased approach to implementation via a series of short medium and longer term interventions to bring forward a programme of improvements, subject to funding availability.

- 3.3 It is proposed to appoint a multi-disciplinary consultancy to prepare a comprehensive Place Management Plan with a series of actions and initiatives to guide the continued improvement and promotion of Ramsbottom town centre over the next 10 to 15 years.
- 3.4 The consultancy would be procured in accordance with Council requirements and procurement rules. A phased approach is proposed, with phase one setting out the vision, draft place management plan and parking strategy, together with a draft series of key interventions identified with high level outline costs. It is envisaged that an initial budget of up to £50,000 would be allocated to cover the costs of this phase one work.
- 3.5 There would be extensive engagement with businesses, community and wider stakeholders in developing the draft Place Management Plan, before it was presented to Cabinet for approval for formal consultation purposes. The intention is to take the Place Management Plan back to Cabinet for formal approval thereafter.
- 3.6 Upon completion the plan will be used to inform statutory policies and proposals in the emerging Bury Local Plan. It would also be used to identify opportunities that could attract public and private funding and it is important that proposals are clearly set out in a plan that has the Council's support.
- 3.7 Phase two of the commission would comprise detailed design work and detailed costing for the proposed interventions. This element of the proposal may be further broken down into individual projects depending on opportunities, priorities or recommended delivery programme (i.e. it may not be appropriate to develop all of the design work immediately).
- 3.8 A further £50,000 is proposed to cover the cost of this phase two work. It is proposed that delegated powers be given to the Director of Economic Regeneration and Capital Growth to authorise progression of the phase two element of the commission following completion of the consultation programme.
- 3.9 The commission to prepare Phase 1 of the Place Management Plan for Ramsbottom is likely to take up to 6 months to complete on appointment.

Other alternative options considered

None

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

Consultation:

Legal Implications:

The proposal within the report is below the EU threshold but the procurement of the service must comply with the Council’s Contract Procedure Rules.

Financial Implications:

The cost of the proposal is £100,000 and can be met from within the 2020/21 capital programme.

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Background papers:

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

Term	Meaning

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