

Geoff Little
Chief Executive

Our Ref JG
Your Ref C/JG
Date 16 November 2021
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TO: All Members of Council

Councillors : R Bernstein, C Birchmore, C Boles, N Boroda, R Brown, S Butler, R Caserta, P Cropper, C Cummins, L Dean, U Farooq, I Gartside, R Gold, J Grimshaw, S Haroon, J Harris, M Hayes, T Holt, S Hurst, K Hussain, N Jones, J Lancaster, K Leach, J Lewis, J Mason, L McBriar, G McGill, C Morris, B Mortenson, E O'Brien, K Peel, T Pickstone, T Pilkington, M Powell, A Quinn, D Quinn, T Rafiq, J Rydeheard, A Simpson, L Smith, M Smith, G Staples-Jones, T Tariq, C Tegolo, K Thomas, D.Vernon, S Walmsley, C Walsh, M Whitby, S Wright and Y Wright

Dear Member/Colleague

Council

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

Date:	Wednesday, 24 November 2021
Place:	Bury Town Hall
Time:	7.00 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:	

AGENDA

The Agenda for the meeting is attached.

The Agenda and Reports are available on the Council's Intranet for Councillors and Officers and also on the Council's Website at www.bury.gov.uk – click on **Agendas, Minutes and Forward Plan**.

Yours sincerely

A handwritten signature in blue ink, appearing to read "GP Little".

Chief Executive

AGENDA

1 **PRIOR TO THE COMMENCEMENT OF THE FORMAL BUSINESS OF THE MEETING MEMBERS ARE ASKED TO CONVEY THEIR THANKS TO COLONEL ERIC DAVIDSON**

2 **APOLOGIES FOR ABSENCE**

3 **DECLARATIONS OF INTEREST**

Members of the Council are requested to declare any interests which they have in any items or issues before the Council for determination.

4 **MINUTES** (Pages 11 - 18)

To approve as a correct record the Minutes of the Meeting of the Council held on 8th September 2021.

5 **MAYORAL COMMUNICATIONS AND ANNOUNCEMENTS**

To receive communications from the Mayor and any announcements by the Leader of the Council or the Chief Executive on matters of interest to the Council.

6 **PUBLIC QUESTION TIME** (Pages 19 - 22)

To answer questions from members of the public, notice of which has been given, on any matter relevant to the Council or its services to the community. Up to 30 minutes will be set aside for this purpose. If time permits, further questions will be invited from members of the public present.

7 **RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES** (Pages 23 - 270)

Committee/Date	Subject	Recommendation
Democratic Arrangements Forum – 6 th October 2021	Appointment of Co-opted members to the Children and Young Peoples Scrutiny Committee	The Democratic Arrangements Forum recommends to Council, following consultation with the Chair of the Children and Young People's Scrutiny Committee, that one Trade Union and one Young Person (chair of the Youth Cabinet) be appointed as co-opted non-voting Members of the Committee.
Employment Panel – 2 nd November 2021	Business Growth & Infrastructure Department Leadership Structure	Employment Panel Recommends to Council: 1. That the Executive Director (Place and Housing) role (Band H) is redesignated as Executive Director (Place) which has been evaluated at

		<p>Band G (amended) of the Council's Chief Officer structure.</p> <p>2. Recommend to Council that the Assistant Director of Housing role (Band C) is deleted and a Director of Housing role established. This role has been evaluated at Band F of the Council's Chief Officer structure. The proposed role will report directly to the Chief Executive.</p>
Licensing and Safety Committee 11 th November 2021	Review of Statement of Principles under the Gambling Act 2005	That the Licensing and Safety Committee notes the report and recommends that Council accept and adopt the proposed Statement of Principles as set out in Appendix 1 to the report without amendment.
Licensing and Safety Committee 11 th November 2021	Common Minimum Licensing Standards- Stage 2 (vehicles)	<p>That the Licensing and Safety Committee notes the report and recommends that Council approve and adopt the following;</p> <p>The recommendations presented in Section 4 (Lead Officer Recommendations) for each proposed standard for implementation except for Vehicle Proposed Standard 5 in relation to Vehicle Livery.</p> <p>That in relation to Vehicle Proposed Standard 5 (Vehicle Livery), Bury Council having carried out further consultation with taxi drivers and operators and following this, it's recommended that the Council implements the following GM livery standards proposed below:</p> <p><u>That all vehicles will:</u> Display permanently affixed licence plates on the front and back of the vehicle</p> <p><u>That all PHVs will:</u> Only display stickers provided by the licensing authority (at cost) which will</p>

		<p>bear the operator name and phone number, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo (the design, dimensions and placement of the stickers on the vehicle is to be determined at a future date)</p> <p>Display those stickers on both rear side doors and the back window</p> <p>Not use any magnetic stickers</p> <p>That any decision regarding the implementation of the proposed 'GM approved' bonnet sticker will be delayed for a period of 2 years while more work is carried out with the trade and GMP to address the concerns raised by the trade relating to antisocial behaviour.</p> <p>That existing vehicle livery standards in Bury will be retained until the new GM livery design, dimensions and placement are confirmed and procured. Ahead of the changes, the existing livery standards will be reviewed to accommodate the GM livery.</p>
Cabinet 17 th November 2021	Freedom of the Borough	That Cabinet recommend to Council that they bestow an Honorary Freedom of the Borough on Henry Donn JP MBE.

8 REPORT OF THE INDEPENDENT REMUNERATION PANEL (Pages 271 - 326)

Report attached.

9 BOUNDARY COMMISSION REPORT (Pages 327 - 378)

Report attached.

10 BURY COUNCIL CONSTITUTION UPDATE REPORT (Pages 379 - 466)

Report attached.

11 LEADER' STATEMENT AND CABINET QUESTION TIME (Pages 467 - 508)

To receive a report from the Leader of the Council on the work of the Cabinet and to answer written questions from Members of the Council to the Leader, Cabinet Members and Chair of a Committee on any matter in relation to which the Council has powers or duties which affect the Borough, provided the necessary written notice has been given. (30 minutes)

A member may ask a verbal question of the Leader, any Member of the Cabinet or Chair of a Committee about any matter on the Council agenda and which the Council has powers or duties or which affects the Borough. Only one verbal question per Councillor. (15 minutes)

12 **COMBINED AUTHORITY REPORT AND QUESTIONS TO THE COUNCIL'S COMBINED AUTHORITY REPRESENTATIVES** (Pages 509 - 542)

(A) A combined authority update report is attached, for information

(B) Questions (if any) on the work of the Combined Authority to be asked by Members of the Council for which the necessary notice has been given in accordance with Council Procedure Rules.

13 **NOTICES OF MOTION** (Pages 543 - 546)

(i) Stop the Council Tax Squeeze

A motion had been received and set out in the Summons in the names of:

Councillors C Boles, N Boroda, S Butler, C Cummins, U Farooq, R Gold, J Grimshaw, S Haroon, M Hayes, T Holt, K Leach, G McGill, C Morris, B Mortenson, E O'Brien, K Peel, T Pilkington, A Quinn, D Quinn, T Rafiq, A Simpson, L Smith, T Tariq, K Thomas, S Walmsley, C Walsh and M Whitby.

The Chancellor and Conservative Government have openly admitted that this winter will be tough for many as we see soaring energy prices, rising costs in shops and cuts in Universal Credit. With the Bank of England warning a possible rise of inflation as high as 5%, many people across Bury are facing a real cost of living crisis – one that has been exacerbated by last month's Budget.

Despite a 10% hike in national insurance on workers and businesses, local councils across the country are facing no other but to also raise council tax next year in order to maintain frontline services - in fact, the Government's spending figures for local government rely on councils doing so, it is there in black and white in the Budget.

The council notes:

- That direct funding to local government has been cut year on year by the Conservatives with a cut to Bury Council of over £100 million so far since 2010.
- That the Conservative Government's latest Budget expects us to raise Council Tax by 3% in order to increase our spending power.
- Even with this hike in Council Tax, Bury Council will still be forced to make around £18m in cuts by the financial year 2023/24.

This council resolves to:

1. Call on the Government to stop the squeeze and fund Bury Council directly to avoid increases in council tax.
2. Call on the Government to reverse tax cuts on banks and consider a windfall levy on individuals and enterprise whose wealth grew exponentially in the pandemic.
3. Write to Bury's Conservative MPs asking them to co-sign a letter demanding true levelling up for Bury, by restoring our direct funding grant so that Council Tax payers don't have to bear an even heavier burden of funding vital local services, which should be funded by Government.

(ii) Supporting our wonderful high streets over the festive period

A motion had been received and set out in the Summons in the names of:

Bernstein, Brown, Caserta, Cropper, Dean, Gartside, Harris, Lancaster, Hurst, Hussain, N Jones, Lewis, McBriar, Rydeheard, Vernon, Y Wright

The Council recognises:

Bury Council notes the impact of the COVID-19 pandemic has had on residents and businesses across the borough over the last two years. The Borough owes a debt of gratitude to our key workers, residents, businesses and organisations for all that they have done through the pandemic.

As the festive period approaches the Council must do all it can to support our fantastic independent businesses across the borough and our high streets

The Council notes:

The Government provided over £100 million to Bury MBC to support residents and businesses whether the COVID-19 storm across the borough

In the October Budget our borough was awarded two levelling up bids totalling £40 million to regenerate Bury Market and Radcliffe Town Centre. Now we must celebrate this success and support our high streets, encouraging residents and visitors to shop local this festive period.

There are 4 Saturdays in December, including Small Business Saturday on the 4th, and as a Council we must do all we can to support business

This motion aims to support the boroughs high streets and independent retailers across Ramsbottom, Tottington, Bury, Radcliffe, Whitefield, and Prestwich and promote shopping locally throughout the month of December

The Council resolves to:

- All Council-owned car parks to be free every Saturday in December 2021 across Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich including Christmas Day

- Actively support and promote 'Small Business Saturday' in December by spreading the word across the Borough via locally via the Council website and all digital media channels
- Promote 'Shop Local' throughout the month of December across all the Councils digital media channels and share press releases with local media to drum up support for our wonderful towns this festive period

(iii) Children's Catch-up Funding

A motion had been received and set out in the Summons in the names of:

Councillors M Powell, C Tegolo and S Wright

This Council recognises that:

- There has been an enormous impact from Covid-19 on schoolchildren in Bury
- The staff, pupils and Governors in our schools in Bury have worked incredibly hard to make sure the impact of Covid is mitigated
- For months at a time, most children have not been able to attend school, been isolated from their friends, and missed out on valuable experiences such as playing sports or learning a musical instrument
- The Government's former Education Commissioner Sir Kevan Collins recommended that £15 billion is required to help school children catch up on the learning and experiences they have lost during the pandemic
- The Liberal Democrats announced a policy at their Party Conference in September 2021 calling for the full £15 billion to be made available as a 'Catch-Up Fund' for schoolchildren
- £5 billion of this fund would go directly to parents in the form of vouchers to be spent in the best way they see fit. This would mean each school child in Bury would receive £200 worth of vouchers a year for each of the next three years (these vouchers would increase to £400-£600 a year for those from the most disadvantaged backgrounds or those in need of additional support)

This Council resolves to:

- Welcome these proposals and acknowledge they would result in parents and carers being able to give their children new opportunities and experiences that they have sorely missed out on over the past 18 months
- Instruct the Chief Executive to write to the Secretary of State for Education to demand that the recommendations of the Liberal Democrat's Children's Catch-Up Policy are implemented in full. In particular, that the full £15 billion is made available as a Catch-Up Fund for schoolchildren, and that £5 billion of this goes directly to parents in the form of

vouchers that can be spent on their choice of approved courses and experiences

14 **COUNCIL MOTION TRACKER** (Pages 547 - 568)

A report setting out progress in respect of Motions passed at the last meeting of Council is attached for information.

15 **SCRUTINY REVIEW REPORTS AND SPECIFIC ITEMS "CALLED IN" BY SCRUTINY COMMITTEES**

16 **QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS**

Questions on the work of Outside Bodies or partnerships on which the Council is represented to be asked by Members of the Council (if any).

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Minutes of: COUNCIL

Date of Meeting: 9th September 2021

Present: The Worshipful the Mayor (T Pickstone in the Chair);
Councillors R Brown, R Bernstein, C Boles, C Birchmore, N Boroda, S Butler, R A Caserta, P Cropper, LJ Dean, U Farooq, R Gold, J Grimshaw, S Haroon, J Harris, M Hayes, T Holt, K Hussain, N Jones, J Lancaster, J Lewis, G McGill, B Mortenson, E O'Brien, K Peel, T Pilkington, A Quinn, D Quinn, M Powell, T Rafiq, T Rydeheard, A Simpson, L Smith, M Smith, G Staple-Jones, T Tariq, C Tegolo, D Vernon, S Walmsley, M Whitby, S Wright and Y Wright

Apologies: Councillor Walsh, Leach, Thomas, Cummins, Morris, Gartside, Hurst, McBriar, Mason

Public attendance: 16 Members of the public were in attendance.

C.XXX DECLARATIONS OF INTEREST

The following declarations of interest were made at the meeting in relation to items on the agenda:

1. Councillor A Quinn declared a personal interest in all matters under consideration as both his son and daughter-in law, work for the NHS, he is a member of the Trade Union, Unite and the Downs Syndrome Association.
2. Councillor D Quinn declared a personal interest in all matters under consideration as an employee of the Citizens Advice Bureau and both her son and daughter-in law, work for the NHS
3. Councillor T Pilkington declared a personal interest in all matters under consideration as an employee of the Manchester Foundation Trust.
4. Councillor A Simpson declared a personal interest in all matters under consideration as both her and her son are employed by the NHS.
5. Councillor S. Wright declared a personal interest in all matters under consideration as his wife works for a school in the Borough.
6. Councillors Brown and Rydeheard declared personal interests in agenda Common Minimum Licensing Standards C.XXX as practicing solicitors who work representing the Taxi trade.
7. Councillor Peel expressed a personal interest in all matters under consideration as a Trustee of Bolton and Bury Citizens Advice Bureau.
8. Councillor LJ Dean declared a personal interest in agenda item Notice of Motion C.XXX as a family member works for Six Town Housing Association.

C.XXX MINUTES

RESOLVED:

That the minutes of the meeting of the Council held on 28th July 2021 be approved as a correct record and signed by the Mayor.

C.XXX MAYORAL COMMUNICATIONS

The Mayor reported the sad news of the death of the former Mayoress, Ruth Ramsey, the Mayor requested that his condolences and that of all Elected Members present be passed on to her family.

The Mayor reported that the 10th September 2021 is World Suicide Awareness day, the Mayor's Charity is the Bury Samaritans and the Mayor will be in attendance at an event hosted by the charity to mark and raise awareness of this important day.

C.XXX PUBLIC QUESTION TIME

Notice had been received of 2 questions, due to the number of items scheduled for consideration, questions were only answered from those members of the public present at the meeting. The Leader gave an undertaking that copies of those questions and responses not taken at the meeting will be circulated to all Councillors. The Leader also gave an undertaking to make these available on the Council Web Site.

No	Issue	Questioner	Answered by:
1	Street Lighting	Deborah Pinkney	Cllr Quinn
2	Longfield Suite	Andy hay	Cllr O'Brien
3	Clean Air Grants	Mr Raja	Cllr O'Brien/Cllr Quinn
4	Fly tipping	George Ostafijczuk	Cllr Quinn
5	Common minimum licensing standards	Mr Raja Adil	Cllr O'Brien
6	Abuse directed towards taxi trade	Mr Mamhood	Cllr O'Brien
7	Taxi dress code	Aamer Yaisier	Cllr O'Brien
8	Licensing Department	Mr Sahijid	Cllr O'Brien

C.XXX RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES**Meeting of Cabinet – 1st September 2021 Treasury Management Outturn Report**

It was moved by Councillor O'Brien and seconded by Councillor Tariq and it was:

RESOLVED:

That Council approves:

- 20/21 Prudential and Treasury Indicators
- Treasury Management 2020/21 outturn report

Meeting of Licensing and Safety Committee – 2nd September 2021

It was moved by Councillor O'Brien and seconded by Councillor Walmsley and **On being put**, with 28 voting for, 13 voting against and the Mayor abstaining, it was:

RESOLVED:

That the Council adopts the recommendations presented in section 4 (Lead Officer Recommendations) for each proposed standard for implementation by 1 December 2021 unless an alternative date is specified, or a further report is required.

C.XXX HOUSING OPTIONS SERVICE RESTRUCTURE

The Leader moved, and Councillor Rafiq seconded, that the report on the Housing Option Service Restructure report be approved,

That Council Approves

The capital costs associated with the proposed redundancy of the post of Service Manager – Accommodation as described in the report

C.XXX LEADER'S STATEMENT AND CABINET QUESTION TIME

(a) Written question (Notice given)

The Leader of the Council, Councillor E O'Brien, made a statement on the work undertaken by him since the date of the last Council meeting.

The Leader and the relevant Cabinet Members answered questions raised by Councillors on the following issues:

NO	ISSUE	QUESTIONER	ANSWERED BY
1	Parking in Prestwich	Cllr Powell	Cllr Quinn
2	Higher Education Bill	Cllr Boroda	Cllr O'Brien
3	Community Safety Plan	Cllr Holt	Cllr Gold
4	Refuse Collection	Cllr Lewis	Cllr Quinn
5	Trimingham Drive Estate	Cllr Hayes	Cllr O'Brien
6	Fuel Poverty	Cllr Peel	Cllr O'Brien
7	SEN Provision	Cllr Bernstein	Cllr Tariq
8	Refuse Collections	Cllr S Wright	Cllr Quinn
9	Places for Everyone Plan	Cllr Walmsley	Cllr O'Brien
10	Real Living Wage	Cllr Whitby	Cllr Rafiq
11	Work Experience	Cllr Lancaster	Cllr Tariq

Due to the lack of time to answer questions 12 to 32 inclusive, the Leader gave an undertaking that copies of those questions and responses will be circulated to all Councillors. The Leader also gave an undertaking to make these available on the Council Web Site.

b) Verbal Questions

1	Community Asset Transfer	Cllr N Jones	Cllr O'Brien
2	Social Care Changes	Cllr M Powell	Cllr Powell
3	Additional Bins	Cllr McGill	Cllr Quinn
4	Free School Meals	Cllr Vernon	Cllr O'Brien
5	Brownfield Sites	Cllr Birchmore	Cllr O'Brien
6	Universal Credit and Food banks	Cllr Walmsley	Cllr O'Brien
7	Accelerate Land Sales	Cllr Rydeheard	Cllr O'Brien
8	Prestwich Walk in Centre	Cllr S Wright	Cllr Simpson
9	East Lancashire Railway	Cllr Staple Jones	Cllr O'Brien
10	Holiday Activities for Children	Cllr Whitby	Cllr Tariq

C.XXX COMBINED AUTHORITY REPORT AND QUESTIONS TO THE COUNCIL'S COMBINED AUTHORITY REPRESENTATIVES

(a) The Council received a report on the work of the Combined Authorities.

(b) The following questions had been received in accordance with Council Procedure Rules:

No.	Issue	Questioner	Answered by
1.	Number 96 Bus	Councillor S Wright	Councillor Peel (Representative on Transport for Greater Manchester)
2.	Road Safety Initiatives	Councillor Hayes	Councillor Peel (Representative on Transport for Greater Manchester)
3.	Active Travel Fund	Councillor Whitby	Councillor Peel (Representative on Transport for Greater Manchester)
4.	Anti social behaviour on Metrolink	Councillor Harris	Councillor Peel (Representative on Transport for Greater Manchester)
5.	Parklife	Councillor Boroda	Councillor Gold (Representative on Police and Crime and Panel)
6.	Diesel Vehicles	Councillor Lewis	Councillor Quinn

7.	Active Travel Investment	Councillor Powell	Councillor Peel (Representative on Transport for Greater Manchester)
8	GM Transport Commissioner	Councillor Lancaster	Councillor Peel (Representative on Transport for Greater Manchester)

Due to the lack of time to answer questions nine to 16 inclusive, the Mayor gave an undertaking that copies of the questions and responses will be circulated to all Councillors and made available on the Council Web Site.

C.XXX NOTICES OF MOTION

(i) Welcoming refugees

A motion had been received and set out in the Summons in the names of:

Councillors M Powell, C Tegolo and S Wright

This Council recognises:

- The deeply concerning developments in Afghanistan along with recent political unrest and war in places such as Syria, Yemen and Hong Kong
- The responsibility the UK has to many citizens in countries like Afghanistan and Hong Kong
 - That these developments are driving men, women and children in these locations to seek safety in the West, often willing to make perilous journeys, including by boat, to seek asylum in the UK
 - The longstanding tradition the UK has had to welcoming refugees dating back to the Second World War and before, and that this commitment should remain now and going forwards
 - The strong tradition the UK has in international aid, recently put in jeopardy by the cruel cut to International Aid
 - The strong track record Bury has in welcoming refugees over many decades
 - That Local Authorities have a vitally important role to play in housing refugee families, and that this crisis can be managed successfully if all Council's welcome their fair share of refugees over the coming months

This Council resolves to:

- Reaffirm our commitment that Refugees are very welcome in Bury
- Pledge a commitment to take at least our fair share of refugees, and encourage other Local Authorities to do the same
 - Work with our public and voluntary sector and partners, and across Greater Manchester, to make that welcome a day to day reality
 - Write to the Government, directly, through your MPs and our city region Mayor asking them to:

- Provide the necessary support and funding to Council's to facilitate the housing of refugees and care for refugee children
- Reverse immediately the cut to International Development Aid and restore the 0.7% of GDP minimum

It was moved by Councillor N Jones and seconded by Councillor P Bernstein as an amendment to:-

DELETE

The strong tradition the UK has in international aid, recently put in jeopardy by the cruel cut to International Aid

And DELETE

Reverse immediately the cut to International Development Aid and restore the 0.7% of GDP minimum

On being put, with 13 voting for, 28 voting against, and with the Mayor abstaining, the Mayor declared the motion lost.

On being put with 28 voting for, the Conservative Group and the Mayor abstaining the original motion was carried.

(ii) Stop The Cut to Universal Credit

A motion had been received and set out in the Summons in the names of:

Councillors C Boles, N Boroda, S Butler, C Cummins, U Farooq, R Gold, J Grimshaw, S Haroon, M Hayes, T Holt, K Leach, G McGill, C Morris, B Mortenson, E O'Brien, K Peel, T Pilkington, A Quinn, D Quinn, T Rafiq, A Simpson, L Smith, T Tariq, K Thomas, S Walmsley, C Walsh and M Whitby.

This Council Notes:

- 1) This autumn the Government plans to cut Universal Credit by £20 a week.
- 2) This cut would affect 15,300 people in the borough Bury.
- 3) The Child Poverty Action Group have stated that the £20 uplift is essential to ensure "low-income families with children receive the support they need".
- 4) The Joseph Rowntree Foundation has warned that the cut could see another 200,000 children pushed into poverty.

This Council resolves to:

- 1) Write to the Prime Minister and Chancellor of the Exchequer calling on them to stop the £20 a week cut to Universal Credit
- 2) Write to the Members of Parliament for Bury North and Bury South calling on them to oppose the cut and vote against it in Parliament.

On being put, with 28 voting for, 13 members voting against, and with the Mayor abstaining, the Mayor declared the motion carried.

(iii) Future of care homes and housing provision for over 60s and the strengthening of the Borough's mental and physical health offer

A motion had been received and set out in the Summons in the names of:

Bernstein, Brown, Caserta, Cropper, Dean, Gartside, Harris, Lancaster, Hurst, Hussain, N Jones, Lewis, McBriar, Rydeheard, Vernon, Y Wright

'The coronavirus pandemic has emphasised to all of us just how vital it is that local people, have safe and secure places to live and green open spaces to enjoy and exercise in.

The council notes the ongoing consultation on 'older people's day services' which is asking for feedback on day services for people over 50. The service review is part of the quality improvement and this engagement is welcome.

It is important that we provide the highest standard of specialist housing for older residents, be it sheltered, extra-care or simply adapting homes to meet the needs of our residents.

As we begin to move forward from the pandemic we need to develop plans for anticipated future demand and work with all the communities of bury to help shape the services and facilities they now need, including strengthening mental and physical health support

That is why we call on the Council

1. To produce a baseline report that assesses our current housing stock: focusing on capacity, quality and adaptability.
2. to produce a baseline report that identifies current services and facilities which are available
3. To consult with residents of all ages and produce a report outlining future demand for housing, mental and physical health provision for residents over 60 years old or those requiring care.
4. To set out plans for delivering any new identified housing, mental and physical health provision

On being put, with 42 voting for, 0 members voting against, the Mayor abstaining the Mayor declared the motion carried.

C.XXX COUNCIL MOTION TRACKER

The Motion Tracker was circulated for information.

C.XXX SCRUTINY REPORTS AND SPECIFIC ITEMS "CALLED IN" BY SCRUTINY COMMITTEES

There were no Scrutiny Review Reports or specific items "called in" by the Overview and Scrutiny Committee to be considered at this Council meeting.

C.XXX QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS

There were no questions received in accordance with Council Procedure Rules.

THE WORSHIPFUL THE MAYOR

(NOTE: The meeting started at 7pm and finished at 10.30pm)

Public Questions – Council 24th November 2021

1. How does Bury Council think it is helping the N.H.S. with the Covid pandemic by deploying parking officials from NSL Ltd of Carne House to prosecute older & disabled people, such as

1) myself, 77 yrs with poor mobility, on 15th Oct,

2) the 89 yr old man reported in Bury Times of Nov. 11th, and

3) (as I myself witnessed on 6th Nov 2021) a man escorting a 94 yr old relative, WITH £50 PARKING PENALTIES incurred on the poorly marked, ambiguously noticed and overcrowded Grants Arms Car park outside the Civic Hall Vaccination centre, at times WHEN ALL OF US WERE

THERE TO RECEIVE OUR COVID BOOSTER JABS (with the aim of protecting the health of ourselves and others, and to prevent the N.H.S from becoming overwhelmed) ?”

Thank you. The parking wardens could be better deployed directing & assisting people to park safely, given the difficult & poorly lit setting. Why ever not?

Catherine Lavan

Cllr Quinn

It is the Council's duty to ensure that car parks are used by the public in a manner that does not negatively impact on their safe operation. Parking out-of-bay can introduce manoeuvring difficulties for other vehicles and can also interfere with sightlines - such things can expose other users of the car park to risks that are not present ordinarily - especially for pedestrians. The Council does not seek to prosecute anyone - it does not target individuals at all. However, it needs to take enforcement action against vehicles that are parked in contravention for the reasons stated.

2. The Borough of Bury is lucky to be home to a recipient of the Victoria Cross, the highest award for bravery in HM Armed Forces, yet his achievements and his name are not well known locally.

Would the council consider honouring Private George Peachment VC, Bury sole Victoria Cross recipient by renaming Angouleme Way, currently named after Bury's twin town in France, Peachment Way. "

Owen Dykes

Cllr Gold

Whilst there are no existing plans in place specifically in relation to George Stanley Peachment we would welcome the opportunity to discuss possible means of recognition in the Borough, including those linked into future developments in Bury close to George's home in Fishpool. George studied engineering at Bury Technical School and became an apprentice steam engine fitter engineer and such discussions would look to include local further education provision and partners at East Lancashire Railway.

3. Can the leader of the Council advise what measures the Council are taking to improve road safety, especially along Radcliffe New Road in Pilkington Park Ward

which has seen many accidents over the years including a tragic death in the summer of 2020.

Anton Slawycz
Cllr Quinn

Subsequent to the tragic incident in 2020, the Council undertook speed surveys [mean speed was 32mph] and also met with Greater Manchester Police to discuss what could be done at this location. As a consequence, GMP are undertaking additional speed enforcement and Bury Council are installing a Vehicle Activated Sign as part of the Road Safety Programme 2021/22 at this site which will also see road safety mitigation measures implemented across many other locations in the Borough.

4. What is the Council's strategy for supporting children in care within Bury schools?

Carol Bernstein
Cllr Tariq

Like all LAs, Bury has a statutory duty to employ a Virtual School Headteacher whose duties are to oversee and promote the education and attainment of Bury's children in care, whether they attend Bury schools or are placed outside the authority. Bury's Virtual School currently consists of the Headteacher, two caseworkers who are qualified teachers, a Learning Mentor and a Personal Adviser for post-16 young people in care. We work with schools to monitor the attendance of children in care on a daily basis and intervene where required, and to support educational outcomes via the statutory Personal Education Plan process. We use Pupil Premium Plus funding to support our children's learning, for example by providing them with individual tuition, laptops, music lessons or other equipment. We provide advice and guidance to schools, social workers and carers and hold regular training events.

5. Anti-social behaviour and vehicle crime cause a lot of concern across Bury. The police have launched Operation Saturn to tackle this. What is the council doing to support the police to carry out Operation Saturn and what is the council doing to help to tackle these issues across the borough?

Andrew Luxton
Cllr Gold

The Local Authority share concerns about Anti-social behaviour and vehicle crime in Bury and are working with partners to address these issues.

We are support Police colleagues with Operation Saturn and have been part of the successful days of action across the borough. Officers and elected members have accompanied the Police on these patrols and agreed to follow up actions working with other agencies such as Transport for Greater Manchester.

Outside of Operation Saturn, we undertake a significant amount of work to address ASB and vehicle crime, including investigating complaints that don't hit the criminal threshold and taking action to address the issues.

We also invest a lot of time in working with young people, engaging them through Youth Outreach teams and delivering inputs into schools. We also run a large-scale early intervention project, which works with young people at risk of being drawn into anti-social behaviour and crime.

Finally, a proposed new three-year Community Safety Plan is currently out for consultation which will also take a strategic look at these issues and identify how we can work together to address them across the Partnership.

6. Private hire & hackney taxi driver's are not satisfied the level of service getting from bury licensing and the Bradley fold mot center they submitted lots of complain with evidence but no actions has been taken to improve the service why?

Muhammad Warraich

Cllr Morris

Thank you for your question Mr Warriach.

I can confirm that the Licensing Service and Council's Testing Station deal with all complaints made about service through the Council's Corporate complaints procedure. Complainants are updated about the findings and outcome of any complaint investigation.

At the current time there are no issues with capacity at Bradley Fold Testing Station who are coping with demand and have no waiting lists for tests. All MOT tests are carried out to the highest professional standards strictly in accordance with the Compliance Test Manual. Complaints regarding the Licensing Service should be directed to the Licensing Unit Manager and complaints regarding service received at Bradley Fold testing station should be directed to the Transport Manager. Complaints will be responded to in line with the Council's corporate complaints procedure. If you have outstanding complaints that have not been responded to then please follow them up in line with the Councils Complaints procedure to ensure a response. Details of the procedure can be found on the council's web site.

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Classification	Item No.
Open	

Body:	Employment Panel
Date:	4 th November 2021
Title of report:	Business Growth & Infrastructure Department Leadership Structure
Report by:	Councillor O'Brien, Leader of the Council and Councillor Cummins, Cabinet Member for Housing Services
Decision Type:	Non Key Decision
Ward(s) to which report relates	All

Executive Summary:

In July Cabinet agreed a range of changes within the Business Growth & Infrastructure (BGI) Department. This included: revised priorities for a refocused Executive Director (Place & Housing), a new strategic approach to the Council's management and structural arrangements for housing (including the establishment of an Assistant Director of Housing), and strengthened capacity within the Regeneration and Capital Development division of the Department.

Following consultation, work is now underway to implement the proposed structural changes as set out. A comprehensive search and recruitment process has also taken place for the Executive Director (Place & Housing) role which has provided the opportunity to thoroughly test the market and the suitability of this role as designed. The broader housing context has also continued to progress, and the importance of strong and credible leadership in this field has been further emphasised.

In the light of developments since July the proposal is to amend the senior structure of the Department. These revisions will ensure the Council has an Executive Director able to provide sufficient strategic focus and capacity on the Council's ambitious physical regeneration and place shaping priorities and a separate Director of Housing role with the capacity and credibility to take forward the Housing Strategy.

Recommendation(s)

Employment Panel is asked to:

1. Recommend to Council that the Executive Director (Place and Housing) role (Band H) is redesignated as Executive Director (Place) which has been evaluated at Band G of the Council's Chief Officer structure.

2. Agree that, on the basis of the thorough search and recruitment process for the Executive Director (Place and Housing), the current Director of Regeneration and Capital Development is appointed to the Executive Director (Place) role.
3. Recommend to Council that the Assistant Director of Housing role (Band C) is deleted and a Director of Housing role established. This role has been evaluated at Band F of the Council's Chief Officer structure. The proposed role will report directly to the Chief Executive.

Key considerations

1. Background

- 1.1 In July Cabinet agreed a range of changes within the Business Growth & Infrastructure (BGI) Department. These changes focused on four key areas:
 1. The key priorities for a redesignated and refocused Executive Director (Place and Housing).
 2. The future of housing services. This included agreement that the Council should retain a strategic housing and housing client function within a single department and support for a joint approach to residential development on Council owned land.
 3. Structural changes within Housing to align capacity under a new Assistant Director for Housing, established at a more junior level than the previous Director of Housing and Development given the strengthened focus in this area anticipated to be provided by the Executive Director.
 4. Strengthened capacity within the Residential and Capital Growth division of the Department to reflect the Council's significant physical regeneration plans.
- 1.2 Since this report, the proposed changes have been subject to a process of formal consultation with staff. This process resulted in a number of questions and points of clarification. However, no required revisions to the structural changes proposed were identified and the changes below Chief Officer level are now in the process of being implemented. One key theme emerging from the consultation was the scale of ambition and demand placed upon the Department.

2. Revised Senior Structure Proposals

- 2.1 Since July, a comprehensive search and recruitment process has been undertaken for the Executive Director (Place and Housing) role. Interviews by a sub-group of this Panel identified a preferred candidate. However, this has not resulted in a successful appointment to the role as currently designed. This process did, however provide a thorough opportunity to test the market and consider both internal and external candidates.
- 2.2 During this period, the scale and scope of the physical regeneration and place shaping work of the Department has also been further emphasised, as has the

crucial need for significant leadership focus in this area. As well as leadership of the place elements of the Let's Do It strategy and delivery of the Council's physical regeneration ambitions, this also includes leadership of the 'Let's Do It Flexibly' transformation programme and delivery of the associated capital and revenue savings from a complex programme of estates rationalisation and transformation.

- 2.3 If the Council is to deliver on its ambitions in this area and to progress the creation and delivery of masterplans and delivery strategies for each of the six towns across the borough, then it is essential that sufficient leadership focus and expertise is in place.
- 2.4 Alongside the above, the critical importance of securing high calibre and credible leadership for the Council's housing functions and re-integrating housing functions under a single leader and away from current interim dispersed arrangements remains critical. In the context of the Housing White paper and imminent requirement that the Council must identify an accountable officer for its Landlord function and comply with a new range of consumer regulation, it is essential that this leadership gap is filled with a candidate of sufficient credibility, capability and capacity to drive forward the Housing Strategy. The Council's housing priorities must also be seen in the context of the significant and growing financial challenges faced by the Council, as reported in the Medium-Term Financial Strategy agreed by Cabinet in October.
- 2.5 In light of the above, the proposal is to revise the Department's senior structural arrangements from those reported to Cabined in July.

2.6 ***Executive Director (Place)***

- 2.6.1 The Executive Director (Place and Housing) will be redesignated Executive Director (Place) to provide focused leadership to the significant place shaping, physical regeneration and estates transformation priorities of the Council. A revised job description for this role is appended and has been evaluated at Band G £107K - £116K (a reduction from the Band H, £119K - £130K).
- 2.6.2 Based on the comprehensive selection process for the Executive Director (Place and Housing) the proposal is to appoint the current Director of Regeneration and Capital Development to this role. The subsequent vacancy will then be filled.

2.7 ***Director of Housing***

- 2.7.1 The Assistant Director Housing (Band C, £71K - £76K role will be deleted and a more senior role of Director of Housing (Band F, £97K - £105K) established to provide strategic leadership across all Council housing functions. A revised job description for this role is appended. To ensure sufficient focus to both the Place and Housing agendas, this role will report directly to the Chief Executive.
- 2.7.2 Following approval by Council, the intention is to progress a comprehensive external search and recruitment process for this role, alongside the Director of

Regeneration and Capital Development position. This process will be progressed at pace given the importance of recruiting to these key roles to ensure the continued delivery of the Council's housing and regeneration priorities.

- 2.8 As the proposals above related to posts with salary ranges above £100K, these changes will be subject to ultimate approval by Council at its meeting on 24th November in line with the Constitution and Pay Policy Statement requirements.

3. Conclusion

- 3.1 The report to Cabinet in July set out the scale and scope of work required by the Business Growth and Infrastructure Department if the Council is to deliver on its ambitions for both Place and Housing. In the light of both market testing and the growing importance and emphasis in these areas, the revised arrangements set out above aim to ensure sufficient leadership capacity is placed across the Department's portfolio.

- 3.2 Members are asked to:

1. Recommend to Council that the Executive Director (Place and Housing) role (Band H) is redesignated as Executive Director (Place) which has been evaluated at Band H of the Council's Chief Officer structure.
2. Agree that, on the basis of the thorough search and recruitment process for the Executive Director (Place and Housing), the current Director of Regeneration and Capital Development is appointed to the Executive Director (Place) role.
3. Recommend to Council that the Assistant Director of Housing role (Band C) is redesignated as Director of Housing, which has been evaluated at Band F of the Council's Chief Officer structure, and that this role will report directly to the Chief Executive.

Community impact/links with Community Strategy

The proposals in this report are directly aligned with the Lets do it! Strategy, in particular the delivery of the housing strategy and the place shaping ambitions of Let's Do It.

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

The proposals in this report strengthen the Council's leadership of inclusion within the borough, in particular support to the socio-economically deprived people who are defined within our local Inclusion Strategy as a protected characteristic.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Lack of ability to fill the Director of Housing or Director of Regeneration and Capital Development roles impacts on delivery.	Recruitment supported by an expert external partner and market testing already undertaken.

Consultation:

The initial proposals agreed by Cabinet in July were subject to a 30 day consultation process and the recommendations above have been informed by this process.

Legal Implications:

S 112 of the Local Government Act 1972 states that Councils have the power to appoint officers on such reasonable terms as they think fit.

Section 38 of the Localism Act 2011 requires all Councils to have a pay policy statement the statement must for reasons of openness and transparency ensure when a salary package is proposed which is in excess of 100k this must be voted on by Council before the appointment is confirmed. This requirement applies to all new positions. Employment panel are asked to consider whether they recommend this proposal for determination by Council.

Employment arrangements for Chief Officers are linked to the relevant national arrangements and the Joint national Council for Chief Officers.

Financial Implications:

The proposed revised senior structural arrangements above will increase costs by £19K.

As a consequence of the work that will be undertaken by the BGI Department the funding of different posts will be from a number of recurrent and medium term funding streams, both revenue and capital as appropriate including transformation and capital receipts. Inclusive of the proposals set out in this report, there is currently a £219k increase in costs over and above identified funding which the department should be able to generate through transformation and delivery of economic growth and income after a period of approximately two years. In the interim the shortfall will be funded from a combination of slippage in recruitment to new posts and support from the transformation reserve

Report Author and Contact Details:

Geoff Little,
Chief Executive and Accountable Officer
Email: g.little@bury.gov.uk

Background papers:

Business Growth and Infrastructure Department – Report to Cabinet, 21 July 2021

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

Term	Meaning
BGI	Business Growth & Infrastructure Department

APPENDIX 1: EXECUTIVE DIRECTOR (PLACE) JOB DESCRIPTION**JOB DESCRIPTION**

Post Title: EXECUTIVE DIRECTOR OF PLACE	
Department: Business, Growth & Infrastructure (BGI)	Post No:
Division/Section: Executive	Post Grade: Band G
Location: Town Hall, Bury	Post Hours: 37 hours in accordance with service requirements (*)
Special Conditions of Service: Authorised User Car Allowance. (*) Attendance at evening meetings will be required.	
Purpose and Objectives of Post: <ul style="list-style-type: none"> As a member of the Executive Team to work with the Chief Executive/Executive Directors and Elected Members and contribute towards the development of corporate strategy, policy, service co-ordination, resource management, partnership arrangements, performance review, communications, budget investment and resource strategies to ensure the overall effectiveness of Council services. Strategically lead the delivery and transformation of Council Services in a range of critical functions related to place shaping, growth and infrastructure within the borough including: all aspects of transport strategy, strategic planning, economic development, development management, building control and major physical regeneration and investment projects. To formulate, promote and build strategic relationships with Senior Executives of Greater Manchester Combined Authority and the Greater Manchester Mayor's office, multi-agency external partners, institutional funders, developers, the business community and politicians to build confidence in Bury as a place to invest and develop 	

economic growth. This includes regional authorities and agencies, central government departments, statutory inspectorates and a wide range of other partners to promote the interests of the Borough and to further the Council's strategic aims.

- To continually review the existing and future needs of the Borough with regard to the statutory and discretionary functions and responsibilities delegated to the postholder.
- Champion Bury as a highly desirable location for national and international investment. This includes the Northern Gateway. The Northern Gateway is a site of national significance being developed with Rochdale Council with the potential for transformational impact on high quality jobs for Bury people.
- To be the overall strategic lead office for the borough in relation to place making strategies and their implementation and provide oversight to the Director of Regeneration and Capital Growth in relation to the wider physical and economic regeneration and growth of the borough.

Accountable to: Chief Executive

Immediately Responsible to: Chief Executive

Immediately Responsible for: Director of Regeneration and Capital Growth

Relationships: (Internal and External)

All employees of the department,
 All Directors and Chief Officers of the Council
 All Members of the Council
 Cabinet Member(s), Deputies and Opposition Spokespersons
 Lead Officers within the Team Bury Partnership, AGMA, regional and national bodies and agencies. Government Ministers, Homes England Regional Directors
 Investors, Businesses, Partner Organisations and other stakeholders.

Control of Resources:

Financial	- Control of Revenue/Capital Budget
Personnel	- Control, discipline, training and direction of all employees of the Department
Equipment	- Ultimate responsibility for all equipment used by the Service
Health/Safety	- Health, Safety and Welfare of all employees of the service

Duties/Responsibilities:

1.0 Corporate Management

- 1.1 To develop, lead and sustain strategic planning arrangements with key partners outside the Council whose services impact directly on communities in Bury.

- 1.2 As directed, to represent the Council at international, national and regional levels, working in partnership with internal and external stakeholders.
- 1.3 To advise and support Elected Members in pursuing the Council's agreed objectives.
- 1.4 To liaise with and develop effective and sustained working relationships with all other Council departments.
- 1.5 As appropriate, to represent the Council on external bodies.
- 1.6 To contribute towards and participate in the Council's emergency planning arrangements.

2.0 Performance Management

- 2.1 To implement a business like performance management arrangement within the BGI Department and ensure that fit for purpose resource management arrangements are in place to achieve the Council's vision and targets in relation to the Department's work.
- 2.2 To ensure that systems are in place to manage, develop, monitor, evaluate and review performance within the Department which deliver services against agreed targets, service standards, performance indicators and budgets.

3.0 Service Delivery

- 3.1 To ensure the effective use of resources within the Department and the provision of timely and appropriate professional advice to Members and between service areas to secure service provision in accordance with the Council's vision and objectives.
- 3.2 Within agreed budgets, to develop policies, plans and priorities for service provision; to monitor progress against these and to institute remedial action as necessary to ensure that they can be achieved.
- 3.3 To report to Cabinet and Scrutiny Committees of the Council on all aspects of the Department's services.
- 3.4 To undertake, on behalf of the Council, all matters delegated to the postholder in accordance with the Officer Delegation Scheme of the Council's constitution.

4.0 Resource Management/Co-ordination

- 4.1 To participate in the appointment, training, development and appraisal of the Department's senior management team, reviewing individual and service objectives.

- 4.2 To put in place a business like culture and ensure that effective mechanisms are in place to provide transformational leadership, build teams, enable empowerment so teams are well motivated and developed to deliver high performance of employees within designated service areas.
- 4.3 To ensure effective engagement with staff across the Department and work to facilitate effective employee relations by regular consultation with the workforce and appropriate trade unions.
- 4.4 To ensure the health, safety and welfare of all employees within the Department.
- 4.5 To proactively respond to media enquiries in liaison with the Authority's press office.
- 4.6 To provide equality of opportunity in the delivery of services and employment practices.
- 4.7 To lead, direct and facilitate organisational and cultural change across the Department and ensure effective service integration and joint working, within and across traditional departmental boundaries.

5.0 Place Shipping

- 5.1 To be responsible for place making strategies and their implementation.
- 5.2 To engage the residents, businesses and all other stakeholders in each of the Borough's six townships.
- 5.3 To understand the distinctive identities of each of Bury's six townships and the diversity of their communities.
- 5.4 To create strategies to achieve the ambition for the Bury delivery faster economic growth than the national average with lower than national average levels of deprivation.
- 5.5 To champion, Bury as a great place to invest, securing both public and private investment, in a way that helps deliver Let's Do It and be responsible for leading on any appropriate strategic funding bids.

6.0 People and Place

- 6.1 To focus on the aim that within 10 years Bury will be a place that stands out not just in Greater Manchester but nationally as an example of what inclusive growth looks like.
- 6.2 Contribute to the people aspects of Let's Do It, especially reducing deprivation through better access to high quality jobs.
- 6.3 To work with and influence key partnership boards focused on the people based strategies e.g. health and social care and educational and skills.
- 6.4 To help shape the outcomes and priorities of council service plans in order to focus and join them into delivery strategies.
- 6.5 To connect economic and physical regeneration programmes to the neighbourhood model of public service integration.

7.0 Strategic Frameworks for Townships

- 7.1 To lead the creation of strategic frameworks for each of the Borough's six townships. Building on the example set by the Radcliffe Strategic Regeneration Framework, the frameworks will celebrate the unique history, culture and opportunities of each township.
- 7.2 To develop the use of strategic frameworks to connect people and place and to connect economic, social and environmental development within each township.
- 7.3 To use township strategic frameworks to link spatial planning and infrastructure to Council and other public services, as tools for the prioritisation of capital revenue budgets and as the foundation of bids of external funding.
- 8.0 Overseeing and supporting the Director of Regeneration and Capital Growth with particular reference to the following priorities contributing to the overall place shaping role of the department:**
- 8.1 Development of a new economic strategy for the Borough and supporting Bury businesses to recover from the huge economic challenges of Covid.
- 8.2 The development of each of the Borough's town centres, each with its own a mix of housing, transport hubs, public service hubs, community space and culture and entertainment offer.
- 8.3 Ensure that town centre masterplans and development programmes are integral to township strategic frameworks.
- 8.4 Securing investment from government, other public bodies and the private sector in town centre developments
- 8.5 Develop the Councils transport strategy ensuring it integrates with the spatial strategy and townships strategic frameworks.
- 8.6 Delivery of a statutory spatial strategy for the borough and through that the economic, social and environmental infrastructure needed for inclusive growth.

- As an employee of Bury Council you have a responsibility for, and must be committed to, safeguarding and promoting the welfare of children, young people and vulnerable adults and for ensuring that they are protected from harm.
- Bury Council is committed to equality, diversity and inclusion, and expects all staff to comply with its equality related policies/procedures, and to treat others with fairness and respect.
- The post holder is responsible for Employees Duties as specified with the Corporate and Departmental Health and Safety Policies.

Where an employee is asked to undertake duties other than those specified directly in his/her job description, such duties shall be discussed with the employee concerned who may have his/her Trade Union Representative present if so desired. (See paragraph 203 of supplemental Conditions of Service)

Job Description prepared by:	Sign: Geoff Little	Date: 17/10/21
Agreed correct by Postholder:	Sign:	Date:
Agreed correct by Supervisor/Manager:	Sign:	Date:

DEPARTMENT FOR BUSINESS GROWTH AND INFRASTRUCTURE
EXECUTIVE DIRECTOR PLACE

CORE BEHAVIOURS FOR THE POST (Please tick those relevant)			
Commercial Thinking & Analysis	✓	Planning	✓
Customer Service	✓	Developing Self & Others	✓
Delivering Results	✓	Teams, Networking & Partnerships	✓
Values, Ethics & Diversity	✓	Adapting to Change	✓
Delivering a Quality Service(Continuous Improvement)	✓		

SHORT LISTING AND INTERVIEW CRITERIA	ESSENTIAL
1. Qualifications	
Relevant degree/masters level qualification in a relevant subject or equivalent experience.	✓
2. Experience	✓
Experience of developing and implementing commercial business strategies for large scale regeneration development and growth.	✓
Evidence of delivering successful outcomes for regeneration functions in a dynamic and complex environment.	✓
A track record of successful delivery of major projects with a complex private/ public sector interface, on time, on budget, and fulfilling scheme objectives in excess of £100m's.	✓
Experience of taking a proactive and innovative approach to working with partners. Lobbying, influencing and securing investment/ funding.	✓
Experience/successful track record of the leadership of highly effective teams and the delivery of transformational change.	✓
Experience of leading on the delivery of strategic place shaping activities.	✓

3. Knowledge	
Detailed knowledge of relevant policy, regulations and legislation and principles of, property, strategy and regeneration.	✓
Knowledge and understanding of the importance of place shaping and the role of Local Authorities within this.	✓
Good understanding of ways in which property can be used to support growth, regeneration, and the delivery of new service models.	✓
Clear and demonstrable knowledge and understanding of business/commercial principles and economic drivers.	✓
A demonstrable understanding of financial, legal and procurement issues in the context of public sector commercial agreements.	✓
4. Skills & Abilities	
Excellent communication skills and the ability to build and develop relationships with partners/all stakeholders and the business community to deliver results.	✓
Ability to think and act strategically across and outside of organisational boundaries.	✓
Strong leadership skills including the ability to motivate and inspire others.	✓
Ability to manage conflicting priorities and challenging timescales and be resilient to the uncertainty of change.	✓
Ability to work successfully in a political environment and have a clear understanding of the context in which the job is delivered.	✓

APPENDIX 2: DIRECTOR OF HOUSING JOB DESCRIPTION**JOB DESCRIPTION**

Post Title: Director of Housing	
Department: Business, Growth and Infrastructure	Post No:
Division/Section:	Post Grade: Band F
Location: Town Hall, Bury	Post Hours: 37
Special Conditions of Service: None	
<p>Purpose and Objectives of Post:</p> <p>To be the overall strategic lead officer for the borough in all matters relating to the Council's Strategic Housing role including policy and strategy; homelessness and housing options; private sector housing; disabled adaptations; client for the Council's ALMO and Disabled Adaptations.</p> <p>Take ownership for the Council's Housing and ensuring priorities are delivered, identifying resources and gaps to enable those priorities to be delivered or re-prioritised as necessary.</p> <p>To create a collaborative environment both within the Council and its public sector partners and in the wider housing related field in order to deliver the housing strategy objectives.</p> <p>To build a delivery culture amongst housing teams and partners which get things done and presents an outward facing reputation for Bury as a place that makes things happen.</p> <p>To assist and support the Chief Executive to discharge their responsibilities and accountabilities for housing</p>	
Council Accountable to: Chief Executive	
Immediately Responsible to: Chief Executive	
Immediately Responsible for: Head of Homelessness and Housing Option; Head of Housing Strategy, Policy and Performance; Head of Private Sector Housing.	

Relationships: (Internal and External)

Internal – Elected Members, Chief Executive, SLT, Senior Managers, Trade Unions.

External – Potential residential investors, Housing Partner Organisations including Six Town Housing - Arms Length Management Organisation (ALMO), Greater Manchester Combined Authority, Funding Agencies such as Homes England and Government Departments.

Control of Resources:

Managers and staff within the Directorate under your control.

Budgets under your control.

Health, Safety and Welfare of staff under your control.

Equipment.

Duties/Responsibilities:

Strategic Leadership of the Housing Agenda

1. To be responsible for the delivery of the Bury Housing Strategy.
2. To provide leadership and coordination of all matters relating to the Council's housing role including collaborative working club partnerships with Registered Housing Providers and other housing bodies including in the public and private sector.
3. To provide visible leadership as the Council's senior responsible officer on housing and provide a strong voice on housing in sub regional and national arenas.
4. To provide strategic leadership on all matters relating to housing supply, including new homes and investment in existing housing stock, both public and private.
5. To raise Bury's profile and reputation in Greater Manchester and with Homes England a place to invest in housing outputs and outcomes.
6. To be the Council's responsible and accountable officer for its social housing landlord role and for the management agreement with Six Town Housing and the Springs Tenant Management Organisation.
7. To establish effective assurance systems and processes for the Council's landlord role in relation to Six Town Housing and the Springs Tenant Management Organisation. To monitor performance and determine the best course of action for maintaining and improving services for Council tenants.

8. To contribute towards and ensure effective corporate governance and introduce effective commercial governance arrangements between the Council and its subsidiary Six Town Housing.

Housing Delivery:

The housing teams support the development and implementation of the housing strategy across the Borough, in particular the overall supply including numbers, tenures, affordable housing and supported housing.

This includes the lead responsibility for the following tasks:

1. Understand and contribute to planning frameworks to guide and co-ordinate residential development activity;
2. Analysing information on housing market intelligence and housing needs in relation to the Boroughs housing supply and formulating plans and strategies to help deliver good quality housing to meet demand and need, including assessment of the current stock and its suitability in meeting demand and needs;
3. Creating collaborative working partnerships with the local Registered Housing providers and other appropriate delivery organisations to enable them to deliver the Borough's housing and neighbourhood priorities;
4. Management of the statutory housing register and oversee the allocations process and to lead on any periodic reviews of the effectiveness of the Council's policy and processes in meeting need and balancing communities.
5. Management of the Councils Homelessness service including prevention of homelessness, rough sleeping and temporary accommodation.
6. Management of a range of housing related services through contract management, in particular the ALMO management agreement and any TMO agreements;
7. Management of the HRA and the housing capital programme, including funding for disabled adaptations across the Borough;
8. Ensuring the Council is able to make the best use of its existing housing stock and in particular managing the reduction of long term empty homes in all sectors.
9. Management and delivery of the Boroughs residential carbon reduction implementation plans including enforcement of Government standards and any locally agreed standards.

10. Influencing and supporting the delivery of the Boroughs Private Rented Sector enforcement team to ensure that the Council meets its statutory duties and is enabled to be more pro-active in the sector.

Residential Growth:

The Housing service will work closely with Land and Property teams in the BGI Department to enable Residential development to be brought forward.

This includes the lead responsibility for the following tasks:

1. Maintaining an up to date knowledge of the Housing Market in Bury and maintaining a good knowledge of the Housing Needs across all tenures.
2. Applying the knowledge to develop residential accommodation strategies to enable clear development plans to be brought forward on both sites owned by the public sector and private land
3. Identifying public and private sector partners to help deliver residential schemes putting in place enabling processes and supporting funding bids where appropriate;
4. Identifying and targeting government and GMCA funding programmes and loan facilities on priority schemes.

Securing External Funding:

1. Understand and interpret existing and future legislation and funding frameworks and, in conjunction with finance colleagues, develop appropriate strategies to maximise residential funding opportunities for Bury.
2. Maintain and develop good working arrangements with key external funding agencies such as GMCA and Homes England and lead on funding bid preparations for appropriate residential funding.
3. Project lead, identify and source relevant alternative funding opportunities including Institutional funding, including identification of potential investors.

Leadership

1. Work closely with the Executive Director of Place and Director of Economic Regeneration and Capital Growth ensuring a joined up approach.

2. Contribute and, where appropriate, lead the development and implementation of Bury strategy and policy, liaising with internal colleagues and Elected Members as appropriate.
3. Promote effective working relationships across Bury and ensure the growth strategy is communicated across Bury and is consistent with the growth objectives and priorities.

Management

1. Lead, motivate and develop teams carrying out regular 1-1's with direct reports and employee reviews and allocating workloads according to ability, developmental needs and capacity.
 2. Ensure all corporate policies and process are effectively implemented and adhered to including legal, procurement and financial controls.
 3. Ensure all staff within the team are being developed, both professionally and personally.
- As an employee of Bury Council you have a responsibility for, and must be committed to, safeguarding and promoting the welfare of children, young people and vulnerable adults and for ensuring that they are protected from harm.
 - Bury Council is committed to equality, diversity and inclusion, and expects all staff to comply with its equality related policies/procedures, and to treat others with fairness and respect.
 - The post holder is responsible for Employees Duties as specified with the Corporate and Departmental Health and Safety Policies. =

Where an employee is asked to undertake duties other than those specified directly in his/her job description, such duties shall be discussed with the employee concerned who may have his/her Trade Union Representative present if so desired. (See paragraph 203 of supplemental Conditions of Service)

Job Description prepared by: **Sign:** **Date:**

Agreed correct by Postholder: **Sign:** **Date:**

Agreed correct by Supervisor/Manager: **Sign:** **Date:**

DEPARTMENT FOR BUSINESS, GROWTH AND INFRASTRUCTURE**Assistant Director of Housing**

CORE BEHAVIOURS FOR THE POST (Please tick those relevant)			
Commercial Thinking & Analysis	✓	Planning	✓
Customer Service	✓	Developing Self & Others	✓
Delivering Results	✓	Teams, Networking & Partnerships	✓
Values, Ethics & Diversity	✓	Adapting to Change	✓
Delivering a Quality Service(Continuous Improvement)	✓		

SHORT LISTING CRITERIA	ESSENTIAL	DESIRABLE
Qualifications		
Relevant degree or professional qualification	✓	
Management Qualification		✓
Project management qualification at practitioner level and equivalent experience (e.g., MSP Practitioner or Prince2)		✓
Experience		
Experience of developing and implementing commercial business strategies for housing	✓	
Relevant experience or good knowledge of Social Housing management practice	✓	
Relevant experience or good knowledge of all aspects of housing strategy and policy development	✓	
Experience of identifying funding opportunities and successful bidding for funding to external agencies	✓	
Experience of creating and sustaining good collaborative working arrangements with relevant partners which deliver results	✓	
Experience of providing strategic direction and strong leadership to senior managers. Line management or	✓	

successful matrix management experience in a similar sized, large or complex organisation		
Experience of effectively managing key performance indicators and identification of key strategic and operational risks	✓	
Effectively managing revenue budgets in a constantly changing environment	✓	
Experience of developing and managing capital investment programmes especially in relation to housing investment and adaptations	✓	
Experience of managing team and staff workloads through prioritisation and bidding for additional resources to support desired outcomes	✓	
Knowledge and Skills		
Detailed and broad knowledge and understanding of Housing, both public and private.	✓	
Ability to lead by example, coach, mentor, inspire and motivate people to provide excellent, professional, value for money services	✓	
Ability to proactively develop relationships and build effective partnerships delivering excellent services.	✓	
Knowledge of appropriate legislation and funding frameworks	✓	
A good knowledge and understanding of the workings of local government, including its legal, financial, social and political pressures and processes.	✓	
Initiative to work independently, working imaginatively and creatively to solve a range of problems to work through risks and make decisions and/or recommendations as appropriate where a solution may not be immediately obvious	✓	
Strong interpersonal skills to initiate and develop positive and effective working relationships, both internal and external, influencing and negotiating with others	✓	

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Classification	Item No.
Open	

Meeting:	Licensing & Safety Committee
Meeting date:	11 November 2021 Licensing and Safety Committee 24 November 2021 – Full Council
Title of report:	Review of Gambling Policy - Statement of Principles
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All Wards

Executive Summary:

The Gambling Act 2005 (Section 349) requires the Local Authority to review its Statement of Principles at least every three years. The statement can also be reviewed at any time during the three year period, if any urgent matters were to arise. The existing Statement of Principles ceases to have effect on 22 January 2022.

The report contains the revised proposed Statement of Principles (attached at **Appendix 1**) and details the consultation process. Section 4 outlines the amendments to the statement following the responses to the consultation.

We have been working with our partners across Greater Manchester, which has resulted in the [Greater Manchester Gambling harm and reduction programme](#) being set up. The programme reflects this collaboration across Greater Manchester and as a result, for the first, time, a joint Statement of Gambling Principles has been created, to be approved at a local level. The principles share our aims to prevent and reduce the negative impacts of gambling on individuals, families, and communities. The Statement of Principles appended to the report at **Appendix 1** is the result of this partnership working.

The report also provides a comparison of the proposed Statement of Principles (**Appendix 1**) and the current Statement of Principles (**Appendix 2**), detailed in section 2 of the report.

Recommendation

The proposed Statement of Principles, attached to the report at **Appendix 1**, can be accepted, amended or rejected. To comply with the statute, a revised Statement of Principles must be agreed by Council on 24 December 2021, for the proposed statement to be in place by 23 January 2022.

It is recommended that the proposed Statement of Principles is accepted without amendment. The statement has been widely consulted and any necessary amendments, as detailed in section 4 of the report, have been made.

1.0 Introduction

1.1 The Gambling Act 2005 requires the Authority to prepare and publish a Statement of Principles prior to carrying out functions under the Act. The Statement must be reviewed at least every three years. The current Statement of Principles ceases to have effect on 22 January 2022.

1.2 The Act is based on the promotion of three licensing objectives:

- a) preventing gambling from being a source of crime and disorder
- b) ensuring that gambling is conducted in a fair and open way and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling

1.3 The Act provides that Authorities should aim to permit gambling in so far as they think it is:

- a) in accordance with issued codes of practice;
- b) in accordance with guidance issued by the Gambling Commission;
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with their Policy Statement

1.4 In preparing the proposed Statement of Principles the Council has had regard to codes of practice guidance issued by the Gambling Commission.

1.5 In relation to this review, we have been working with our partners across Greater Manchester with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities. As part of our innovative public service reform and population health agenda we are working with our partners to ensure that gambling is a safe and enjoyable activity for all those who choose to take part.

Our priorities are:

- Developing our understanding of gambling related harms
- High quality treatment and support
- Supporting interventions to prevent gambling from becoming a harmful activity
- Engaging with people and communities to co-design our work

1.6 The [Greater Manchester Gambling harm and reduction programme](#) reflects the collaboration across the Greater Manchester combined Authorities with, for the first, time a joint Statement of Gambling Principles approved at local level. The

aim is to prevent harm from arising and to ensure that the individuals, families and communities experiencing harm as a result of gambling have access to the right treatment and support

- 1.7 The proposed Statement of Principles (attached at **Appendix 1**) is the culmination of joint working with our Greater Manchester partners.

2.0 Statement of Principles – Comparison

- 2.1 One of the main differences between the proposed Statement of Principles (**Appendix 1**) and the current Statement of Principles (**Appendix 2**) is the change in layout and style. Our work with partners Greater Manchester has produced a uniform document template for each Authority to use.
- 2.2 The proposed document refers to the Greater Manchester harm and reduction programme and its aims.
- 2.3 Both documents contain the relevant legislation and show how, as a Council we will deal with applications.
- 2.4 The geographical information currently in the Executive Summary is now contained in section 2 of the proposed statement. Wording and maps have been condensed and simplified to make the document easier to read.
- 2.5 The proposed document contains additional information, which can be seen in section 3 General Principles – Public Health (3.11-3.21) of the proposed statement. Whilst Public Health is not a 'responsible authority', within the legislation, it is recognised that Public Health offer insights into the impact of gambling in their respective local areas. As such the proposed statement of principles advises that Public Health will be consulted on all premise licence applications.

3.0 Consultation

- 3.1 The Act requires consultation with a number of statutory defined consultees as detailed in 2.13 and 3.7 of Appendix 1. Public Health are one of the defined consultees.
- 3.2 The consultation commenced on 6 August 2021 and asked for comments to be received by 22 October 2021. The Consultation has also been made available on the Council's website and has been sent to all current licence holders under the Gambling Act 2005.
- 3.3 The advisory letter, detailing the review of the Statement of Principles, has been returned by the post office, from the eight organisations detailed below, as either 'gone away or addressee unknown'. These organisations have therefore been removed from section 2.13 of the proposed Statement of Principles.
 - Be Gamble Aware
 - Businesses in Sport and Leisure (BACTA)
 - Casino Operators Association of the UK (COA(UK))
 - Security Industry Authority
 - Remote Gambling Association

- Society of Independent brewers
- The Rank Group PLC
- Gamestec Leisure Ltd

4.0 Responses to the Consultation

- 4.1 On 7 September 2021 a letter (a copy of which is attached at **Appendix 3**) from Gosschalks Solicitors (on behalf of the Betting and Gaming Council) was received by Oldham Council as a response to their Statement of Principles. As this also related to the Greater Manchester Policy it was circulated to Bury. The same letter was received by the licensing section at Bury Council on 20 October 2021.
- 4.2 The letter was reviewed by Manchester City Council's licensing team in consultation and following consultation with their legal team and a response sent a copy of the response and suggested amendments is attached to this report at **Appendix 4**.
- 4.3 As the response related to the Greater Manchester Statement of Policy it was circulated to Bury. Our policy has been amended in line with the response outlined in Appendix 4.
- 4.4 A statement (a copy of which is attached at **Appendix 5**) was received from Jon Hobday Consultant in Public Health. The statement provides details of the current position in relation to gambling within Bury and lists those who are vulnerable to its effects. The statement also acknowledges that although license betting shops have declined, there has been an increase in 'online' gambling.
- 4.5 In regard to his 'statement' Jon Hobday does not see the need for any changes to the current proposed Statement of Principles.
- 4.6 On 15 October 2021 a letter was received by Manchester City Council from Trafalgar Leisure. The letter (a copy of which is attached to the report at **Appendix 6**) was forwarded to the licensing section for our attention. The letter relates to section 6.14 of the Bury Statement of Principles, which has been amended to reflect the comments in the letter regarding clarity around the operation of gaming machines in bingo premises.

5.0 Conclusion

- 5.1 The current Statement of Principles, which has been in existence for three years, has, to date, not been challenged either formally or informally.
- 5.2 The Licensing Service has received 4 responses to the consultation relating to the proposed Statement of principles. A summary of the responses is detailed within section 4 of the report. The responses have been considered and where appropriate the Statement of Principles amended. These are attached at Appendix 3, 4, 5 and 6.
- 5.3 A policy statement can be reviewed at any time during the three year cycle to take account of emerging issues.
- 5.4 The Authority is required to have a Statement of Principles and it must be published prior to the 3 January 2022 (28 days prior to the current statement expiry) otherwise the Council will be acting unlawfully.

- 5.5 For the Statement of Principles to be agreed by that date it will need to be placed before Council at the 24 November 2021 meeting if a special Council meeting is to be avoided.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

Community impact / Contribution to the Bury 2030 Strategy

The introduction of the Greater Manchester led policy and resultant statement of principles will assist individuals in Bury for whom gambling has a negative impact. This will not only have a positive impact within the community, but it also contributes to the Bury 2030 strategy vision to give everyone an equal chance in life and the opportunity to be the very best they can be.

Equality Impact and considerations:

An Equality Impact Assessment has been undertaken and a copy is available on request.

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 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
Risk – If the Statement of Principles is not adopted then any decisions made by the council will not be lawful.	Statement of Principles produced for adoption.

Consultation:

A consultation commenced on 6 August 2021 until 22 October 2021. The Consultation was available on the Council's website and was sent to all current licence holders under the Gambling Act 2005.

Legal Implications:

The Council must comply with the Gambling Act 2005 and the guidance issued to Local Authorities which require the Council to have a Statement of Principles and to carry out a review of this policy at least every three years. Such a review has been carried out and the result of the review is that the policy has been amended. To comply with the legislation the Statement of Principles must be published by the 3 January 2022, (28 days) before the current Statement ceases to have effect on the 23 January 2022.

Financial Implications:

If the Authority does not have a revised statement in place by the 23 January 2022 it will not be able to fulfil its duties under the Act. The revenue budget includes provision for expenditure and income associated the gambling activities covered by the statement. The proposed changes to the statement are not anticipated to result in any significant change to resource requirements.

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

Term	Meaning
Statement of Principles	A document, prepared by the Council, which outlines the areas that applicants need to consider before applying for a gaming licence.

Background papers:

List of Background Papers:-

Gambling Act 2005

Greater Manchester Harm and Reduction programme

Appendix 1 – Proposed Statement of Principles (embedded click on icon)

Appendix 2 – Current Statement of Principles (embedded click on icon)

Appendix 3 – Letter from Gosschalks Solicitors

Appendix 4 – Manchester City Council review of letter from Gosschalks Solicitors and response

Appendix 5 – Statement from Jon Hobday – Public Health Consultant

Appendix 6 – Letter from Trafalgar Leisure

Appendix 1 Proposed Statement of Principles 2022-2025



Proposed Statement
of Principles.pdf

Appendix 2 – Current Statement of Principles 2019 – 2022



Current Statement
of Principles.pdf

Appendix 3 – Letter from Gosschalks Solicitors

BY EMAIL ONLY
Licensing Department
Oldham MBC

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM /
123267.00001
#GS4082253
Your ref:
Date: 07 September 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems

may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the Draft Gambling Licensing Policy Statement 2022-2025

Paragraph 2.7 refers to the council's "responsibility under the Gambling Act 2005 to decide whether to grant or reject applications..." It is disappointing that this

paragraph which effectively paraphrases s153 Gambling Act 2005 omits the council's responsibility to "aim to permit" the use of premises for gambling. Indeed, this responsibility is not acknowledged until page 8 (paragraph 3.1). As this is a fundamental requirement of the Act, paragraph 2.7 should be redrafted to include a reference to the "aim to permit" principle.

The purpose of the licensing policy statement is to set out the principles that the licensing authority proposes to apply when exercising its functions under Gambling Act 2005. It is not to provide a commentary on research documents or to provide an over simplified precis of research documents taken out of context. Paragraphs 3.11 to paragraph 3.17 are headed "Public Health." The purpose of these paragraphs is unclear, the information provided is oversimplified, their inclusion is pejorative, and they should be deleted.

If these paragraphs are not to be deleted then they must be amended in order that any "research" referred to is properly identified, context is provided, and the correct figures used when calculating the estimated numbers of problem gamblers and at risk gamblers.

Paragraph 3.11 should be deleted. This is, at best misleading. The paragraph indicates that whilst gambling is an enjoyable activity for "some", it is a source of harm for "many." This statement ignores the fact that for the overwhelming majority, gambling is a harmless and enjoyable activity.

Paragraph 3.12 refers to "research", but it is not clear what this research is, when this research was conducted or where. The paragraph refers to a "city region like Greater Manchester" and if it is to be left in the statement of principles, it should be clear that these figures are not figures from Greater Manchester itself.

Thereafter there is a table outlining the estimated number of problem gamblers and the estimated number of at-risk gamblers. The Gambling Commission figures show that the overall rate of problem gambling is stable at around 0.5% of the population. The figures used in the table estimating the number of problem gamblers in the Greater Manchester area are however more than three times this at 1.8%.

Similarly, whilst the Gambling Commission published rates of persons at risk so are 2.7%, the figure used in the table showing the estimated number of at risk gamblers in the Greater Manchester area is almost twice this at 5%.

It is not clear where these inflated figures used have come from and if this table is to remain in the draft statement of principles, the correct figures should be used.

Paragraph 13.13 contains the statement, "Men, younger adults (aged 18-34) and adults from a lower socio-economic or black and minority ethnic background are more likely to be classified as gamblers experiencing some level of harm." This may be correct where those groups do engage in gambling but context is all important. Otherwise, a misleading impression is given. The research (Wardle

2015) states, "where both adults and children of Asian backgrounds were far less likely to gamble than their White British counterparts, yet those that did were more likely to experience problems." The same research piece stated, "The evidence relating to household income and gambling harms is mixed, showing that generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This was highlighted as a concern given the (likely) lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011). However, as stakeholders noted, there is some unease about labelling all low-income households as vulnerable as income, gambling, debt and money management are likely to interact to shape outcomes."

The draft statement of gambling licensing policy must include context. Otherwise, the impression is given that all persons on low income/persons from black/Asian backgrounds are automatically to be presumed vulnerable.

Paragraph 3.38 in Section 3 contains a list of bullet points detailing representations that would not be considered. This list should be expanded to include issues of nuisance and whether the proposals have or are likely to be granted building regulation approval or planning permission.

Paragraphs 4.8 to 4.12 inclusive explain the licensing authority's approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are intended to be sufficient to ensure operation that is consistent with the licensing objectives, and it is unlikely that additional conditions will need to be imposed. This section should also state that additional conditions will be imposed only where there is evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

Paragraphs 5.5 to 5.7 inclusive are headed "Gambling related harm". It is not clear what the purpose of these paragraphs are, and they should be removed.

Paragraphs 5.8 to 5.17 inclusive explain the requirement for an operator to assess the local risk to the licensing objectives posed by the provision of gambling facilities at its premises and have policies procedures and control measures to mitigate those risks. These paragraphs are overly prescriptive and unnecessary.

Paragraph 5.12 details matters that the authority will expect the local risk assessment to include. This is unnecessary. An operator will always assess risks within the local environment. The issues outlined within paragraph 5.12 occur in all urban landscapes and operators will take into account anything relevant to the licensing objectives when assessing risk. The policy should be clear that the mere presence of any of the issues outlined in the bullet points should not affect the grant of an application as long as an operator has assessed those risks and has control measures and strike control measures, policies and procedures in place to address and mitigate them.

Overall, the draft statement of principles appears to adopt an anti-gambling stance and ignores the fundamental “aim to permit” principle contained within s153.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "Gosschalks", written in a cursive style.

GOSSCHALKS LLP

Appendix 4 – MCC Suggested amendments

Suggested amendments to Licensing Policy following consultation response from the Betting and Gaming Council (BGC)

Introduction

We note that Oldham have received a consultation response from the Betting and Gaming Council (BGC) to the proposed gambling licensing statement of principles. We expect that all 10 licensing authorities in Greater Manchester (GM) have received similar responses. This document addresses the comments made by the BGC and provides suggested amendments to the draft statement of principles.

Considerations specific to the Draft Licensing Policy Statement

This document attempts to navigate licensing leads to the right place in the document. Please note that due to differences in document layout, paragraph numbers may differ in each local authority policy.

Existing text	BGC response	Amendments	Notes
"In Greater Manchester we are thinking differently about gambling with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities. As part of our innovative public service reform and population health agenda we are working with partners across Greater Manchester to ensure that gambling is a safe and enjoyable activity for all who choose to take part." (Circa – Forward)	Overall, the draft statement of principles appears to adopt an anti-gambling stance and ignores the fundamental "aim to permit" principle contained within s153.	None.	We clearly state throughout the document that licensing decisions will be made in accordance with the Gambling Act "aim to permit" and that our objective is for "gambling to be a safe and enjoyable activity for all who choose to take part".

The Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licensing applications to decide any conditions to apply where the decision is taken to grant. (circa para 2.7 in "Introduction" section)	This omits a fundamental requirement of the Gambling Act to "aim to permit"	None.	The aim to permit is clearly included in the document at later stage and is referenced as "all decisions are based on the Act".
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<p>"While for some gambling is an enjoyable activity, it is a source of harm for many" (circa para 3.11 under "Public Health")</p>	<p>This is, at best, misleading.</p>	<p>Suggest an amendment to:</p> <p><i>"While gambling can be an enjoyable activity, it is a source of harm for many"</i></p> <p>With the addition of the following references:</p> <p>Citizens Advice (2018) <i>Out of Luck - An exploration of the causes and impacts of problem gambling</i>. Available at: http://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/consumer-policy-research/consumer-policy-research/out-of-luck-an-exploration-of-the-causes-and-impacts-of-problem-gambling/</p> <p>IPPR (2016) <i>Cards on the table: The cost to government associated with people who are problem gamblers in Britain</i>, IPPR. Available at:</p>	<p>We consider the original statement to be accurate as every person who directly experiences harm as a result of gambling, between 6-10 others are affected, suggesting that the impact of harm is widely felt beyond just those who participate in gambling, with resulting costs for wider society.</p>
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		https://www.ippr.org/research/publications/cards-on-the-table	
<p>"Research suggests that in a city-region like Greater Manchester there are approximately 39,000 people living with a gambling disorder, with a further 118,000 at risk." (Circa para 3.12 under "Public Health")</p>	<p>This refers to "research", but it is not clear what this research is, when this research was conducted or where</p>	<p>Retain this data but include the following reference:</p> <p><i>Kenyon (2017) Problem Gambling in Leeds: Report to Leeds City Council. Leeds Beckett. Available at:</i> http://eprints.leedsbeckett.ac.uk/id/eprint/3945/1/Problem%20Gambling%20Report.pdf.</p>	<p>This is the most up to date data we have available and incorporated an estimate based on GM population demographics using analysis conducted by Leeds Beckett University specifically looking at urban areas. The national data for gambling harm quoted by the BGC includes areas that bear no similarity to GM (for example, rural areas in Devon), therefore we have used more specific data to inform our estimates so they are relevant to our local population.</p>

<p>"Men, younger adults (aged 18-34) and adults from a lower socio-economic or black and minority ethnic background are more likely to be classified as gamblers experiencing some level of harm." (Circa para 3.13 under "Public Health")</p>	<p>This may be correct where those groups do engage in gambling but context is all important. Otherwise, a misleading impression is given.</p> <p>The letter goes on to quote an exploratory piece of research from 2015 looking at vulnerability to gambling harm.</p>	<p>Retain this text but include the following reference:</p> <p><i>Dinos, S. et al. (2020) 'Treatment Needs and Gap Analysis in Great Britain', GambleAware p. 45.</i></p> <p>Available at: https://www.begambleaware.org/sites/default/files/2020-12/treatment-needs-and-gap-analysis-in-great-britain-a-synthesis-of-findings1.pdf</p>	<p>Anyone who gambles is vulnerable to harm, however this data is taken from the most recent surveys conducted by Gamble Aware – more research has been done in this space following the quoted 2015 report. We know that gambling prevalence is lower among people from black and ethnic minority backgrounds so the overall numbers are lower, but of those who do participate more report experiencing harm as a result, therefore this statement is an accurate reflection of the data.</p>
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<p>"The licensing authority will not take into account representations that are</p> <ul style="list-style-type: none"> • Repetitive, vexatious or frivolous • From a rival gambling business where the basis of the representation is unwanted competition • Moral objectives to gambling • Concerned with expected demand for gambling • Anonymous" <p>(Circa para 3.38 – "Factors that will not be relevant")</p>	<p>This contains a list of bullet points detailing representations that would not be considered. This list should be expanded to include issues of nuisance and whether the proposals have or are likely to be granted building regulation approval or planning permission.</p>	<p>None</p>	<p>Current text sufficiently describes factors which will not be taken into account.</p> <p>There is no legal basis for planning permission to be incorporated into a licensing decision as these are determined on different grounds and therefore is irrelevant.</p>
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<p>How the licensing committee decides what conditions to apply to premises licenses (Circa para 4.8-4.12 "How the licensing committee decides what conditions to apply to premises")</p>	<p>This section would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are intended to be sufficient to ensure operation that is consistent with the licensing objectives, and it is unlikely that additional conditions will need to be imposed.</p>	<p>None.</p>	<p>The first bullet point of para 4.8 refers to "conditions specified in the Gambling Act 2005".</p> <p>Individual licensing authorities can determine what conditions apply in accordance with the Statement of Principles and the Gambling Act. While some conditions are mandatory these do not describe the minimum conditions that can be imposed on licenses. We consider the current operation of the Gambling Act to provide insufficient protection to gamblers from harm which is why we have developed risk-based conditions which may apply.</p>
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Gambling related harm (Circa para 5.5-5.7 in the "Relevant factors when considering applications and reviews" section)	These are headed "Gambling related harm". It is not clear what the purpose of these paragraphs are, and they should be removed.	None. For conciseness licensing authorities may wish to combine content from paragraphs headed "Public Health (3.7-3.11)" and "Gambling related harm (5.5-5.7)" in one place in the document.	This section provides context to inform the risk assessment and the Statement of Principles. In accordance with the objectives of the GM gambling harm reduction programme these are key factors to consider.
Local risk assessments (Circa para 5.8-5.17 in the "Relevant factors when considering applications and reviews" section)	These paragraphs explain the requirement for an operator to assess the local risk to the licensing objectives posed by the provision of gambling facilities at its premises and have policies procedures and control measures to mitigate those risks. These paragraphs are overly prescriptive and unnecessary.	None.	This section is included specifically to provide clear guidance on what is expected from operators in accordance with our shared aim of preventing and reducing gambling harm.

<p>"The Authority will expect the local risk assessment to consider the urban setting:</p> <ul style="list-style-type: none"> • Proximity of the premises to schools • The commercial environment • Factors affecting footfall • Etc. etc." <p>(Circa para 5.12 under "local risk assessments")</p> 	<p>The policy should be clear that the mere presence of any of the issues outlined in the bullet points should not affect the grant of an application as long as an operator has assessed those risks and has control measures and strike control measures, policies and procedures in place to address and mitigate them.</p>	<p>None.</p>	<p>Para 5.8-5.10 clearly describes what is expected of the risk assessment and does not suggest that a licensing will not be granted if these conditions are present.</p>
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Appendix 5 - Statement from Jon Hobday

Title: Bury position statement on gambling

Author: Jon Hobday, Consultant in Public Health

Date: September 2021

Background

There is increasing awareness about harmful gambling and its impact on families and local communities, as well as the individuals directly harmed by it. The prevalence of high stakes betting machines on high streets; the significant increase in gambling advertising since the introduction of the Gambling Act over a decade ago; and the rise in online gambling have all contributed to societal concern about gambling in the UK and the harm that can be associated with it.

Harmful gambling is increasingly cited as a public health issue which requires a broad response; that is to say, traditional approaches that focus on single interventions do not tend to work at a population level. Harmful gambling is a complex problem with a large number of different but often interlinked factors - no single measure is likely to be effective on its own in addressing it.

Councils will be coming into contact with people impacted by problem gambling through a range of services, including housing and homelessness, financial inclusion, children's services and addiction services. Yet few, if any, councils have data on where problem gambling has been a contributory or additional factor in these cases, and we are only just starting to take full advantage of the support that is currently available for problem gambling through the third sector-led treatment system.

Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues and wider local communities.

Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas.

Council's responsibilities

Councils are not responsible for providing treatment for harmful gambling, but there is a range of ways in which different services can seek to support local residents and families who are affected by it. District and unitary (licensing) authorities have a statutory role regulating local gambling premises and various tools to try to prevent gambling related harm occurring in premises developing maps highlighting locally specific gambling risks; repairing local licensing policies setting out expectations of gambling businesses, and undertaking compliance visits to assess whether they are meeting these

expectations. Planning teams may also be able to play a role in relation to local gambling premises.

Beyond licensing and planning teams, many council service areas will be coming into contact with people experiencing or impacted by harmful gambling, including children's, family and adult services, treatment services, homelessness and wider housing services and financial inclusion services.

Councils should ensure that frontline staff are provided with training on harmful gambling so they recognise potential cases: there is a significant opportunity for these staff to help local residents access support by signposting to the national treatment network via the National Gambling Helpline. Councils can also seek to work with local partners and build links with support organisations to help develop specific local referral pathways and ensure these can be accessed from across the full range of local services. As frontline awareness and identification of harmful gambling develops, councils should ensure they capture data about it, to help understand the extent of harmful gambling, impacts and costs associated with it.

The research found evidence that the following groups are more vulnerable:

- Children, adolescents and young adults (including students)
- People with mental health issues, including those experiencing substance abuse issues
- (Problem gambling is often 'co-morbid' with these substance addictions)
- Individuals from certain minority ethnic groups, such as Asian/Asian British, Black/
- Black British and Chinese/other ethnicity
- The unemployed
- The homeless
- Those with low intellectual functioning
- Problem gamblers seeking treatment
- People with financially constrained circumstances
- Those living in deprived areas.

A range of issues can be associated with being a problem gambler these include:

- Health Relationship Social and financial resources
- Unexplained joint / muscle pains
- Heart palpitations
- Breathing difficulties
- Sleep disturbances/ insomnia
- Increased blood pressure
- Headaches
- Anxiety / depression
- Narcissistic presentations
- Self harm and suicidality
- Confusion
- Substance misuse
- Feelings of stigma/shame
- Domestic violence/ abuse

- Relationship difficulties and breakdown
- Loss of trust
- Loneliness
- Social isolation
- Neglect / abandonment
- Anti-social behaviour
- Poor concentration
- Money/debts
- Housing issues
- Work / school problems
- Reduced productivity
- Criminality
- Use of food banks

The position in Bury

Bury has 19 licensed premises distributed across the following wards
 Ward No of Premises

Ward	Number of Premises
East	7
Radcliffe East	2
Unsworth	1
St. Mary's	2
Ramsbottom	0
Redvales	1
Sedgley	2
Church	0
Besses	0
Radcliffe North	0
Holyrood	0
Elton	1
Moorside	0
North Manor	2
Pilkington Park	0
Radcliffe West	1
Tottington	0

As can be seen by the table the ward with the highest number of establishments is East which is expected as it covers the town centre. The number of other establishments across the borough are relatively evenly distributed. While the number of establishments is an important factor the huge increase in online gambling (including through mobile phone apps) has made gambling accessible to all communities.

Appendix 6 – Letter from Trafalgar Leisure



Trafalgar Leisure

RECEIVED

15 OCT 2021

PREMISES TEAM

Premises Licencing
Level 1 Town Hall Extension
Manchester
M60 2LA

12th October 2021

Comments on the Draft Statement of Gambling Policy – Effective January 2022

Dear Sirs,

Please find comments on the published Draft Statement Gambling Policy (effective January 2022) below, the comments are referenced by way of the paragraph number within the draft policy.

5.13 Gaming Machines at Bingo Premises:

As drafted this implies there is a limit on the overall provision of gaming machines in a Bingo Premises, which there is not.

Section 172(7)(b) of the Gambling Act 2005 provides that a bingo premises licence authorises the holder to make available any number of Category C gaming machines; and section 172(7)(c) provides that a bingo premises licence authorises any number of category D machines to be made available. The restriction on numbers only applies to the provision of category B machines, which must not exceed 20% of the total number of machines available for use.

5.15

5.15 Should make clear that this does not restrict the provision of gaming machines outside the default hours for bingo where substantive facilities for bingo are made available during the default hours.

Kind Regards

Trafalgar Leisure Ltd

Trafalgar Leisure Limited
373 - 375
Station Road
Harrow
HA1 2AW

Company Reg. No. 3705826



Greater Manchester

Statement of Principles under the Gambling Act 2005

Safety and Licensing Committee	11 November 2021
Council	24 November 2021
Comes into effect	23 January 2021

Table of Contents

Greater Manchester	1
Statement of Principles under the Gambling Act 2005	1
1. Forward by Executive Member Culture and Economy	4
2. Introduction.....	5
Publication of this Policy	6
Description of the Area	8
Figure 1 – Bury Area	8
Figure 2 – Distribution of licensed premises by Ward	9
3 General Principles	9
Other regulatory regimes	10
Responsible Authorities	10
Public Health	11
Gambling-related harm	13
Commenting on a licence application	17
Split Premises	18
Premises “ready for gambling”	19
Applications and plans	20
Staff counters	20
Tracks.....	21
4. How the Licensing Authority decides whether to grant or refuse an application.....	21
How the licensing committee decides what conditions to apply to premises licences	22
Determining whether to review a licence.....	23
5. Relevant factors when considering applications and reviews	25
Location of the premises	25
Local Area Profile	29
How the premises will operate consistent with the licensing objectives.....	29
Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:.....	29
Protecting children and other vulnerable persons from being harmed or exploited by gambling	31
Custodial and non-custodial offenders.....	32
Self-exclusion schemes.....	33
Expectations of operators: Staffing provision	34
Expectations of operators: Data gathering and sharing	34
Expectation of applicants: Staff Training and Knowledge.....	35
Expectation of applicants: Gaming machines / layouts	36

6. Premises-specific considerations.....	37
Adult Gaming Centres	37
Casinos	37
‘No Casinos’ resolution.....	38
Bingo premises	38
Electronic bingo gaming machines	39
Gaming machines at bingo premises.....	39
‘Entertainment’ Bingo	41
Betting Premises	41
(Licensed) Family Entertainment Centres	42
Occasional use notices	43
7 Permits and other permissions.....	43
Alcohol Licensed Premises Gaming Machine Permits	43
Prize Gaming Machine Permits	44
Unlicensed FECs (uFEC).....	44
Small Society Lotteries	45
8 Appendices.....	46
Appendix 1 –Responsible Authorities	46
Appendix 2 – Template for data collection	48
Appendix 3 - Glossary.....	49

1. Forward by Executive Member Culture and Economy

- 1.1 Gambling as in the other Greater Manchester Districts provides jobs and leisure activity. Whilst this is good for the economy harmful gambling is increasingly cited as a public health issue because of the related problems affecting individuals, families and communities. The harmful effect of gambling is an issue that has been recognised by all the Authorities within Greater Manchester.
- 1.2 Since this policy was last reviewed, we have worked with our partners in Greater Manchester to produce the [Greater Manchester Gambling harm and reduction programme](#)
- 1.3 This gambling policy sets out the principles agreed by all Greater Manchester Authorities and determines how we will apply these when considering gambling in Bury.
 - Developing our understanding of gambling related harms
 - Improving access to high quality treatment and support
 - Supporting interventions to prevent gambling from becoming a harmful activity
 - Engaging with people and communities to co-design our work
- 1.4 The [Greater Manchester Gambling harm and reduction programme](#) reflects this collaboration across Greater Manchester, with, for the first, time a joint Statement of Gambling Principles approved at local level. The aim is to prevent harm from arising and to ensure that the individuals, families and communities experiencing harm as a result of gambling have access to the right treatment and support
- 1.5 The Greater Manchester model “doing things differently” means integrating revolves around people, places and their needs, focusing on prevention, developing new models of support and sharing information to design and deliver better services. Working across disciplines will provide the skills to understand gambling harm, recognise it and signpost specialists where required.
- 1.6 This statement of Policy in relation to the Gambling functions that this Authority regulates sets out the approach that will be taken when dealing with permissions it grants and enforces thereafter.
- 1.7 It also identifies how the Authority will seek to promote the licensing objectives under the Act, namely: -

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.
- Ensuring gambling is conducted in a fair and open way.
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

2. Introduction

- 2.1 As the licensing authority, we are required to perform the following functions under the Gambling Act:
- Be responsible for licensing premises where gambling activities are to take place by issuing premises licences
 - Issue provisional statements where it is proposed that gambling activities will take place but a premises is not yet ready for use
 - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits
 - Issue club machine permits to commercial clubs
 - Issue permits for unlicensed Family Entertainment Centres where Category D machines may be used
 - Receive notifications from premises licensed for on-sales of alcohol for use of two or fewer Category C or D gaming machines
 - Issue licensed premises gaming machine permits for premises licensed for on-sales of alcohol for use of two or more Category C or D machines
 - Register small society lotteries
 - Issue prize gaming permits
 - Receive and endorse Temporary Use Notices for temporary use of premises for gambling
 - Receive Occasional Use Notices for betting at tracks
- 2.2 Gambling is defined in the Act as either gaming, betting or taking part in a lottery
- 2.3 Gaming' means playing a game for the chance to win a prize.
- 2.4 Betting' means making or accepting a bet on:
- the outcome of a race, competition, or other event
 - the likelihood of anything occurring or not occurring
 - whether anything is true or not.
- 2.5 A Lottery' is where participants are involved in an arrangement where prizes are allocated wholly by a process of chance.

- 2.6 The responsibility for regulating gambling is shared between the Gambling Commission and local authorities. The Gambling Commission is responsible for issuing operating licences to organisations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission takes the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating and personal licence requirements. The Commission is also responsible for remote gambling activities such as facilities provided via the internet, television or radio.
- 2.7 We are also required to:
- Provide information to the Gambling Commission regarding details of licences issued
 - Maintain a register of the permits and licences that are issued under the functions above.
- 2.8 The council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by the licensing authority in relation to premises licences (and some other authorisations – see specific sections for details) are based on the Act, relevant guidance, Codes of Practice, our Gambling Policy and the three licensing objectives.

These objectives are:

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 2. Ensuring that gambling is conducted in a fair and open way
 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 2.9 In the case of premises licences (and some other authorisations – see specific sections for details), the licensing committee will permit gambling only so far as it is reasonably consistent with these three objectives.

Publication of this Policy

- 2.10 Licensing authorities have a requirement to develop, consult on, and publish a statement of licensing policy every three years with regards to the principles they propose to apply in exercising functions under the Gambling Act 2005.

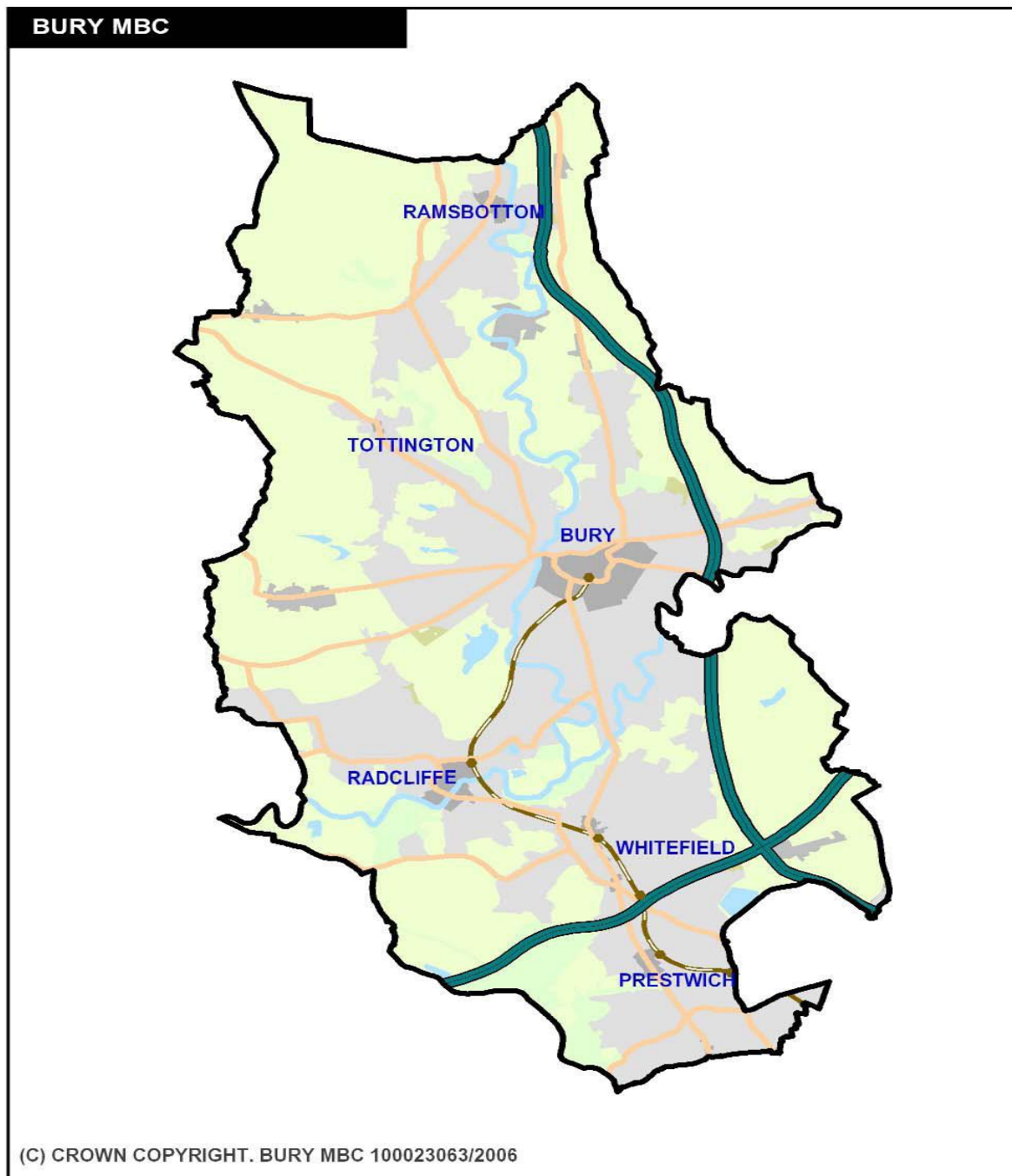
- 2.11 The policy statement forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
- 2.12 The authority is one of the 10 Metropolitan Districts of Greater Manchester. In Greater Manchester we have a shared aim reducing gambling related harms, our approach focuses on preventing gambling harms from occurring, as well as improving how we support our residents who are already experiencing harms, either directly or as a result of someone else's gambling. The renewal of licensing policies presents an opportunity for local authorities to embed these principles. Licensing leads across Greater Manchester have agreed to take a common approach to refreshing gambling licensing policies.
- 2.13 The following people and organisations have been consulted in preparing the statement:

British Beer & Pub Association	HM Customs & Excise
Gamblers Anonymous	GM Fire & Rescue Service Chief Constable
The Lotteries Council	The Bingo Association
Association of British Bookmakers	Casino Operators
British Casino Association (BCA)	Responsibility in Gambling Trust Gambling Commission
TOTE Ladbrokes Plc William Hill	Paul Deans Bookmakers Ltd British Holiday and Home Parks
Association Club and Institute Union	Nobles Amusements
Society of Independent Brewers	Gala Coral Group Ltd
Leisure Link	Punch Taverns
George Bet Centre's Ltd	Limelight Amusements
Children's Safeguarding Board	Six Town Housing
Salvation Army	TRACC
Betfred	Holders of existing licenses / registrations within the Borough of Bury
Bury Council Planning, Environmental Health, Health & Safety, Pollution and Weights & Measures	
Representatives of Bury Faith Forum	

- 2.14 After the Authority have consulted on this Policy it will be finalised at a Licensing and Safety Committee held on 11 November 2021 and ratified, with or without amendments at a Full Council meeting to be held on the 24 November 2021.

Description of the Area

Figure 1 – Bury Area



- 2.15 Bury Council is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 187,900 it occupies an area of 9,919 hectares and consists of 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich.
- 2.16 Bury currently has 19 licensed premises distributed across the following wards, a reduction from the previous 30 licensed premises.

Figure 2 – Distribution of licensed premises by Ward

Ward	Betting	AGC	Bingo
East	4	2	1
Radcliffe East	1	1	0
Unsworth	1	0	0
St. Mary's	2	0	0
Ramsbottom	0	0	0
Redvales	1	0	0
Sedgley	2	0	0
Church	0	0	0
Besses	0	0	0
Radcliffe North	0	0	0
Holyrood	0	0	0
Elton	1	0	0
Moorside	0	0	0
North Manor	2	0	0
Pilkington Park	0	0	0
Radcliffe West	1	0	0
Tottington	0	0	0
Totals	15	3	1

3 General Principles

- 3.1 In making decisions on premises licences, the licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice issued by the Gambling Commission;
 - In accordance with any relevant guidance issued by the Gambling Commission;
 - Reasonably consistent with the licensing objectives; and
 - In accordance with the authority's statement of licensing policy

- 3.2 As the licensing authority, we will regulate gambling in the public interest, which will be reflected in this policy statement.
- 3.3 This policy statement does not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.
- 3.4 This policy does not override anybody's right to make an application, make representations about an application, or apply for a review of a licence.
- 3.5 Each application will be considered on its merits in accordance with the requirements of the Gambling Act and without regard to demand.

Other regulatory regimes

- 3.6 The licensing authority will avoid duplication with other regulatory regimes, so far as possible. A range of general duties are imposed on the self-employed, employers and operators of gambling premises, both in respect of employees and of the general public, by legislation governing health and safety at work and fire safety. Therefore, such requirements do not need to be included in the policy statement.

Responsible Authorities

- 3.7 Responsible Authorities are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to one or more of the licensing objectives.
- 3.8 Section 157 of the Act defines those authorities. For this area they are:
- - The Gambling Commission
 - Greater Manchester Police
 - Greater Manchester Fire and Rescue
 - The Planning Authority
 - The authority which has functions in relation to pollution to the environment or harm to human health
 - Bury Safeguarding Board
 - HM Revenue and Customs
 - The Licensing Authority.
- 3.9 The contact details of all the Responsible Authorities are available are set out in Appendix 1.

3.10 The licensing authority has designated the Bury Safeguarding Board as the body that is competent to advise it about the protection of children from harm. The principles that have been used in making this designation is that the board is:

- responsible for the whole of the licensing authority's area
- answerable to democratically elected persons

Public Health

3.11 While gambling can be an enjoyable activity, it is a source of harm for many. [1]

3.12 Research suggests that in a city-region like Greater Manchester there are approximately 39,000 people living with a gambling disorder, with a further 118,000 at risk, however we know that self-reported surveys underestimate true prevalence of harm given the unfortunate shame and stigma associated with gambling disorder. For every person who gambles, it is estimated that between six and ten people are 'affected others' and experience similar harms. These may be dependents, parents, partners, friends, or colleagues.[2]

Area	Estimate of Adult Population 2016	Estimated number of problem gamblers	Estimated number of 'at risk' gamblers
Greater Manchester	2,148,660	38,676	118,176
Bolton	216,920	3,905	11,931
Bury	145,880	2,626	8,023
Manchester	416,480	7,497	22,906
Oldham	173,900	3,130	9,565
Rochdale	164,820	2,967	9,065
Salford	192,840	3,471	10,606
Stockport	227,920	4,103	12,536
Tameside	173,960	3,131	9,568
Trafford	179,920	3,239	9,896
Wigan	256,020	4,608	14,081

3.13 Anyone who gambles is vulnerable to harm. Men, younger adults (aged 18-34) and adults from a lower socioeconomic or black and minority ethnic backgrounds are more likely to be classified as gamblers experiencing some level of harm. Gambling related harms are often described at an individual level, however these harms have a wider

impact on communities and society with costs to the UK, as a whole, estimated at being between £260m and £1.16bn.[3]

- 3.14 People living with, or at risk of developing, a gambling disorder may experience stress, anxiety and depression, financial losses, debts and exhibit compulsive behaviours, such as chasing losses. Gambling related harms may accrue over a long period of time or very quickly at a time of crisis, many harms have a lasting legacy beyond initial recovery from gambling disorder. Harms associated with gambling include poor mental health and wellbeing, relationship breakdown, neglect of other priorities in life, poor performance at work or school and criminal activity. It is estimated that for every day of the year, one person takes their own life as a result of gambling disorder.
- 3.15 Awareness of gambling harms as an emerging public health problem has increased in recent years, however Public Health are not a responsible authority under the Gambling Act 2005. Nonetheless, the licensing authority will consult the Director of Public Health on all premises licence applications and will advise the Director of Public Health to consider the use of the Gambling Commission's toolkit for public health and safeguarding:
- 3.16 Greater Manchester has a gambling harms reduction programme (which aims to reduce the harms caused by gambling to the population. Licence applicants and holders will be expected to show how they are actively protecting the local population from gambling harms with their processes and operations, and consider how the location, opening hours and promotion of their activities can minimize opportunities for harm to the vulnerable groups listed above.
- 3.17 The licensing authority recognises that local authority public health teams can offer insights from those impacted by gambling harms and offer contextual information about treatment and support in the local area and can add value to the licensing application process where there are concerns raised about risk of harm to vulnerable groups locally.
- 3.18 Greater Manchester's gambling harms reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better understand problem gambling in the region. As findings from this research emerge, licence holders will be expected to support the delivery of recommendations to help minimize gambling harms to the local populations.

- [1] Citizens Advice (2018) [An exploration of the causes and impacts of problem Gambling](#) IPPR (2016) [Cards on the Table](#): The cost to government associated with people who are problem gamblers in Britain, IPPR.
- [2] Kenyon (2017) [Problem Gambling in Leeds](#): Report to Leeds City Council. Leeds Beckett
- [3] Dinos, S. et al. (2020) '[Treatment Needs and Gap Analysis in Greater Britain](#)', GambleAware p45

Gambling-related harm

- 3.19 Between 61 and 73 percent of British adults gamble to some extent each year. For the majority of these people, gambling is a harmless and sociable activity. However, between 0.4 and 1.1 percent of British adults are estimated to be 'problem gamblers' who experience harm as a consequence of their gambling. A further 4% are estimated to be 'at-risk gamblers' who may go on to become problem gamblers.[1]
- 3.20 Problem gambling has been defined as "gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits"[2]. Males are 5 times more likely than females to be problem gamblers. Problem gambling also varies by age with young people aged 16-24 the most likely to be affected. Problem gambling disproportionately affects people on low incomes and those from ethnic minorities. Individuals of Asian/Asian British heritage and Black/Black British heritage are more likely to be problem gamblers than people who identify as White/White British[3].
- 3.21 For problem gamblers, harms can include higher levels of physical and mental illness, debt problems, relationship breakdown and criminality. Problem gambling is also associated with domestic violence and substance misuse. Harms from gambling affect far more people than just the problem gambler: it is estimated that for every harmful gambler, between 6 and 10 additional people are directly affected (such as friends, family or colleagues)[4]. Problem gambling also has a significant impact on public finances due to increased costs to the welfare, housing, health and criminal justice sectors. For these reasons, gambling-related harm is increasingly recognised as a public health issue.
- [1] Institute for Public Policy and Research (2016). Cards on the table. The cost to government associated with people who are problem gamblers in Britain.
- [2] Lesieur, H. R. & Rosenthal, M. D. (1991). Pathological gambling: A review of the literature (prepared for the American Psychiatric Association Task Force on DSM-IV Committee on disorders of impulse control not elsewhere classified). Journal of Gambling Studies, 7 (1), 5-40.
- [3] See 1 above.

[4] Local Government Association and Public Health England (2018). Tackling gambling related harm A whole council approach.

Determining whether a person is an interested party in relation to a premises licence, or an application for or in respect of a premises licence

- 3.22 For the purposes of the Gambling Act, an 'interested party' is:
- a. Someone who lives sufficiently close to the premises to be likely to be affected by the gambling premises
 - b. Has business interests that might be affected by the authorised activities
 - c. Represents persons who satisfy paragraph (a) or (b)
- 3.23 Whether or not a person is an 'interested party' is ultimately the decision of the Licensing Authority which issues the licence or to which the application is made.
- 3.24 To determine who lives 'sufficiently close to the premises to be likely to be affected by the 'gambling premises', we will consider the following on a case-by-case basis:
- The size of the gambling premises
 - The nature of the gambling premises
 - The distance of the premises from the address of the person making the representation
 - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
 - The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises e.g. 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
 - The 'catchment' area of the premises (i.e. how far people travel to visit it).
- 3.25 Having a 'business interest' will be given the widest possible interpretation and include community and voluntary groups, schools, charities, faith groups and medical practices. The licensing authority will consider the following factors relevant when determining whether a person's business interests may be affected:
- The size of the premises
 - The 'catchment' area of the premises (i.e. how far people travel to visit it)

- Whether the person making the representation has business interests in the affected catchment
- 3.26 In so far as who represents persons who satisfy paragraphs (a) or (b), this would include for example:
- Residents' associations and tenants' associations
 - Trade associations and trade unions
 - Any other person with written permission from somebody who satisfies paragraph (i) or (ii)
 - Local councillors and MPs
 - Exchange of information between the licensing authority and the Gambling Commission (s29 and s30 of GA2005), and the exchange of information between the licensing authority and other persons listed in Schedule 6 of the Act
- 3.27 The licensing authority may share application information received in the course of processing applications with the Gambling Commission, a constable or police force, an enforcement officer, another Licensing Authority, her Majesty's Commissioners of Customs & Excise, The Gambling Appeal Tribunal, The National Lottery Commission, The Secretary of State or Scottish Ministers.
- 3.28 We will abide by the Freedom of Information Act and the General Data Protection Regulation (GDPR) in its safeguarding/release of information or data.
- 3.29 In the context of the Gambling Act, we will retain only that information which relates to the processing of applications for licences, permits, permissions and representations. Applications and representations in respect of applications are both in the public domain and are therefore available on request and may be published as part of our web register. Personal addresses/contact numbers attached with representations may also be released. Information may also be shared with other Gambling Act regulators or other parties prescribed by the Secretary of State.
- 3.30 Licensing authorities have statutory duties to notify the Commission as well as the applicant and other responsible authorities of the grant/rejection of applications (new, variations, transfers etc) as well as the revocation, surrender or lapse of a premises licence using the correct statutory forms.
- 3.31 We will inform the Gambling Commission without delay if:-

- The Licensing Authority receives information that causes it to question the suitability of the person holding/applying to hold an operating licence
- There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an operating licence
- If it comes to our attention that: alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and makes it possible that the £2,000 in seven days is being exceeded.

3.32 The licensing authority will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation.

Functions of the licensing authority under Part 15 of the GA2005 with respect to the inspection of premises and the power under s346 of the Act to institute criminal proceedings in respect of the offences specified in that section

3.33 Our principal enforcement role under the Gambling Act is to ensure compliance with the conditions of the premises licence and legal requirements in respect of other permissions the licensing authority regulates. However, we will also ensure that any unlicensed premises which are operating illegally are dealt with appropriately to ensure compliance. Where appropriate, we will work with the Gambling Commission in our enforcement activity. The Council will adopt a risk-based inspection and enforcement programme, which will mean giving greater attention to high-risk premises and a lighter touch for low-risk premises. In all cases we will ensure our inspection and enforcement programme is operated in accordance with any codes of practice issued by the Gambling Commission, in accordance with the Government's Enforcement Concordat and the Compliance Code.

3.34 The Council will take account of the Gambling Commissions guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.

3.35 This licensing authority will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

Proportionate	regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
Accountable	regulators must be able to justify decisions, and be subject to public scrutiny
Consistent	rules and standards must be joined up and implemented fairly
Transparent	regulators should be open, and keep regulations simple and user friendly
Targeted	regulation should be focused on the problem, and minimise side effects

- 3.36 Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were seven Primary Authority arrangements with host local authorities:

Operator	Primary Authority local authority
BACTA	Reading
Coral Racing	Milton Keynes
Ladbrokes	Milton Keynes
Paddy Power	Reading
Rank Group	City of Westminster
Sky Betting & Gaming	Wakefield
William Hill	Reading

- 3.37 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/pa>

Commenting on a licence application

- 3.38 If 'interested parties' (see below for definition) or 'responsible authorities' wish to comment on an application for a premises licence relating to the licensing objectives, they can make a 'representation'. The Licensing Authority can only consider representations if made by either an 'interested party' or 'responsible authority'.

- 3.39 A representation is a statement that outlines any comments that the party making the representation wants to be taken into consideration by the Licensing Authority when determining the application. In all cases representations will need to be 'relevant'. The only representations likely to be relevant are those that meet one or more of the following criteria:
- Relate to the licensing objectives

- Relate to relevant matters in our gambling policy
 - Relate to relevant matters in the Gambling Commission's Guidance to Local Authorities
 - Relate to relevant matters in the Gambling Commission's Codes of Practice
 - Relate to the premises that are the subject of the application
 - Are neither frivolous nor vexatious nor will certainly not influence the authority's determination of the application.
 - Factors that will not be relevant
- 3.40 Any objections to new premises or requests for a review should be based on the licensing objectives of the Act. Unlike the Licensing Act 2003, the Act does not include the prevention of public nuisance as a specific licensing objective.
- 3.41 The licensing authority will not take into account representations that are:
- repetitive, vexatious or frivolous
 - from a rival gambling business where the basis of the representation is unwanted competition
 - moral objections to gambling
 - concerned with expected demand for gambling anonymous
- 3.42 Details of applications and representations referred to a licensing sub-Committee for determination will be published in reports that are made publicly available and placed on the council's website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will however be removed from representations in the final website version of reports.
- 3.43 Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is specifically asked to do so.

Split Premises

- 3.44 The Licensing Authority will always give the closest consideration to whether a sub-division has created separate premises meriting a separate machine entitlement. The Authority will not automatically grant a licence for sub- divided premises even if the mandatory conditions are met, particularly where the Authority considers that this has been done in order to sidestep controls on the number of machines which can be provided in a single premise. The Authority will consider if the sub-

division has harmed the licensing objective of protecting the vulnerable. The Authority may also take into account other relevant factors as they arise on a case-by-case basis.

Premises “ready for gambling”

- 3.45 A licence to use premises for gambling will only be issued in relation to premises:
- that the Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use
 - where they are expected to be used for the gambling activity named on the licence.
- 3.46 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 3.47 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two-stage consideration process: -
- Whether the premises ought to be permitted to be used for gambling
 - Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 3.48 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 3.49 When dealing with a premises licence application for finished buildings, the licensing authority will not take into account:
- whether those buildings have to comply with the necessary planning or building consents;
 - fire or health and safety risks.
- 3.50 Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence.

- 3.51 It is noted that's s.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building

Applications and plans

- 3.52 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Authority to plan future premises inspection activity.
- 3.53 It is the local authority's policy that it will expect applicants for new premises licences and variations to provide a plan showing the indicative layout of the plan including, but not limited to:
Machines, specified by category

Staff counters

- 3.54 We consider that this information is appropriate, in conjunction with the premises' risk assessment, to effectively assess the provision of gambling facilities at the premises. Where this information is not provided, it is more likely that a representation will be made in order to enable the licensing authority to accurately assess the likely effect of granting the application relative to the LCCP and licensing objectives.
- 3.55 The premises plan in itself is only one means by which the licensing authority may seek reassurance that the requirements will be met. It may be that conditions attached to the premises licence regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices are a more effective method of doing so. Local circumstances and concerns and the layout of a particular premises may well determine what is most appropriate for an individual application.

Tracks

- 3.56 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 3.57 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.
- 3.58 Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. Determining Premises Licence

4. How the Licensing Authority decides whether to grant or refuse an application

- 4.1 Where we receive an application for a gambling premises licence, we will aim to permit the use of premises for gambling where it is considered:
- a. In accordance with any relevant code of practice issued by the Gambling Commission
 - b. In accordance with any relevant guidance issued by the Gambling Commission
 - c. Reasonably consistent with the licensing objectives (subject to a and b) and
 - d. In accordance with this policy (subject to a – c).

- 4.2 The Licensing Authority has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g., the committee cannot reject applications on moral grounds.
- 4.3 Each case will be decided on its merits.
- 4.4 The Licensing Authority will not have regard to any demand issues for the premises.
- 4.5 Where an area has known high levels of organised crime the licensing authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.
- 4.6 Rather than reject applications outright, wherever possible the Licensing Authority will look to work with gambling premises and tackle concerns with licence conditions that uphold the licensing objectives. However, where there are reasons that granting a licence would not be consistent with (a) - (d) above, the application will normally be refused.
- 4.7 In accordance with the Guidance from the Gambling Commission, we will circulate 'clear and comprehensive' reasons for any decision to all parties. We will also cite the extent to which decisions have been made in accordance with the Council's gambling policy and the Guidance from the Gambling Commission.

How the licensing committee decides what conditions to apply to premises licences

- 4.8 Premises Licences may be subject to any or all of the following:
- Conditions specified in the Gambling Act 2005
 - Conditions specified in the regulations issued by the Secretary of State
 - Conditions attached by Bury
 - Council's Licensing and safety Committee following a hearing (where necessary).
- 4.9 With respect to conditions, licensing authorities are able to:
- Issue licences without modifying conditions set out in the Act and by the Secretary of State
 - Exclude default conditions
 - Attach conditions where it is believed to be appropriate

- Conditions may be general in nature (i.e. they attach to all licences of a particular premises type e.g. all casinos) or they may be specific to a particular licence.

We will ensure that any conditions we impose are:

- Proportionate to the circumstances which they are seeking to address
- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

4.11 There are also conditions, which the licensing authority cannot attach to premises licences:

- Conditions on a premises licence which make it impossible to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers, or method of operation
- Conditions that require membership of a club or body. (The Gambling Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- Conditions relating to stakes, fees, winnings or prizes
- Conditions relating to demand for the premises.

4.12 Decisions about conditions will be taken on a case-by-case basis considering Gambling Commission guidance, Gambling Commission Codes of Practice, the Licensing Objectives and our policy.

Determining whether to review a licence

4.13 After a licence is granted, where the day-to-day operation of a gambling premises is not felt to be 'reasonably consistent with the licensing objectives', a review of the premises licence can be requested at any time.

4.14 A review may be initiated by the Licensing Authority or as a result of an application for review from an interested party or responsible authority. Where it is the Licensing Authority that initiate the review, they may do this for a whole class of premises e.g. all Adult Gaming Centres or in relation to particular premises. The Licensing Authority can review a licence for any reason it thinks appropriate.

- 4.15 Where an application for review is received from an interested party or responsible authority, as a licensing authority we must decide whether to go ahead with the review. The application for review will be considered based on the following:
- Does the request raise issues other than those found under the Gambling Commission's Guidance, Codes of Practice, the Licensing Objectives or our gambling policy?
 - Is it irrelevant, frivolous or vexatious?
 - Is it so minor that the authority will certainly not wish to revoke or suspend the licence or remove, amend or attach conditions?
 - Is it substantially the same as a previous application for review relating to the same premises?
 - Is the application for review substantially the same as a representation made at the time the application for a premises licence was considered?
- 4.16 If the answer to ANY of the above questions is 'yes', the request for review may be rejected. The purpose of the review is to determine if the licensing committee should take any action in relation to the licence. If action is needed, the options are to either:
- Revoke the premises licence
 - Suspend the premises licence for a period not exceeding three months
 - Exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such an exclusion
 - Add, remove or amend a licence condition previously imposed by the Licensing Authority
- 4.17 To decide what action, if any, needs to be taken following an application for review, the licensing committee will make its determination:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with relevant guidance issued by the Gambling Commission
 - In so far as it is reasonably consistent with the licensing objectives
 - In accordance with the authority's statement of licensing policy
- 4.18 The committee will also consider any relevant representations and information given at the hearing. Codes or practice and the guidance referred to above may be obtained from the Gambling Commission.

5. Relevant factors when considering applications and reviews

- 5.1 In considering applications for new gambling licences, variations to existing licences and licence reviews the licensing authority will consider the following matters:
- the location of the premises
 - the Local Area Profile
 - the Local Risk Assessment (LRA)
 - the views of responsible authorities
 - the views of interested parties
 - compliance history of current management
 - the hours of operation
 - the type of premises
 - the operation of the premises in accordance with the expectations of the licensing authority, as set out in this policy
 - the physical suitability of the premises
 - the levels of crime and disorder in the area
 - the level of deprivation and ill health in the area
- 5.2 The Licensing Authority believes that this list is not exhaustive and there may be other factors which may arise that could be considered relevant. The Licensing Authority will consider the relevance of any additional factors raised on a case-by-case basis.

Location of the premises

- 5.3 The location of the premises will be an important factor as it can impact on all three of the licensing objectives. The Licensing Authority will consider very carefully applications for premises licences that are located in close proximity to sensitive premises such as:
- Schools, including universities
 - Parks, stations, other transport hubs and places where large numbers of school children might be expected
 - other premises licensed for gambling
 - premises licensed for alcohol
 - children's and vulnerable persons' centres and accommodation
 - youth and community centres
 - health and treatment centres
 - leisure centres used for sporting and similar activities by young persons and/or vulnerable persons
 - religious centres and public places of worship

- 5.4 The Licensing Authority expects each premises to produce and keep on the premises a local risk assessment, covering the areas set out in this policy.
- Local risk assessments
- 5.5 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- when applying for a variation of a premises licence
 - to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 5.6 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must consider relevant matters identified in the licensing authority's policy statement.
- 5.7 In conducting their risk assessment, the Licensing Authority will expect operators to follow the general principles of risk assessment:
- Identify hazards (think about what may cause harm using the information provided below as a guide and any other matters you consider relevant)
 - Assess the risks (decide how likely it is that someone could be harmed and how serious it could be. This is assessing the level of risk). Decide:
 - Who might be harmed and how
 - What you're already doing to control the risks
 - What further action you need to take to control the risks
 - Who needs to carry out the action
 - When the action is needed by
 - Control the risks (Look at what you're already doing, and the controls you already have in place.) Ask yourself:
 - Can I get rid of the hazard altogether?
 - If not, how can I control the risks so that harm is unlikely?
 - Record your findings (record your significant findings), including:
 - the hazards (things that may cause harm)
 - who might be harmed and how
 - what you are doing to control the risks
 - Review the controls. (You must review the controls you have put in place to make sure they are working.) You should also review them if:

- they may no longer be effective
 - Also consider a review if your workers have spotted any problems or there have been any accidents or near misses.
 - to take account of significant changes in local circumstances, including those identified in this policy statement
 - when there are significant changes at the premises that may affect your mitigation of local risks
 - Update your risk assessment record with any changes you make.
- 5.8 The Licensing Authority considers the following as significant changes at the premises that may affect your mitigation of local risks:
- Staffing changes
 - Layout of the premises
 - Changes to gaming facilities provided
- 5.9 The Authority will expect the local risk assessment to consider the urban setting:
- The proximity of the premises to schools
 - The commercial environment
 - Factors affecting the footfall
 - Whether the premises is in an area of deprivation
 - Whether the premises is in an area subject to high levels of crime and/or disorder
 - The ethnic profile of residents in the area.
 - The demographics of the area in relation to vulnerable groups
 - The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
 - The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
 - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
 - The proximity of churches, mosques, temples or any other place of worship
- 5.10 The local risk assessment must show how vulnerable people, including people with gambling dependencies, are protected through:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
 - Information held by the licensee regarding self-exclusions and incidences of underage gambling.
 - Arrangements in place for local exchange of anonymised information regarding self-exclusion and gaming trends.

- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
 - dedicated and trained personnel
 - leaflets and posters
 - self-exclusion schemes
 - window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate

5.11 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

5.12 Other matters that the assessment will include as appropriate: -

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of people using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

- 5.13 Such information may be used to inform the decision the Authority makes about whether to grant the licence, to grant the licence with special conditions, or to refuse the application.
- 5.14 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Local Area Profile

- 5.15 The Greater Manchester Gambling Harms Reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better understand problem gambling in the region. As findings from this research emerge, license holders will be expected to support the delivery of recommendations to help minimize gambling harms to the local populations. This research and evidence will be available online at: [Greater Manchester - Understanding Gambling Related harm](#) and should be referred to in Local Risk Assessments.

How the premises will operate consistent with the licensing objectives

- 5.16 We expect high standards from all gambling premises. Operators will be expected to demonstrate that they have given careful consideration to the licensing objectives and have appropriate measures in place to uphold them.
- 5.17 The following paragraphs indicate the physical and management factors that the licensing authority may take into account when considering applications for new, varied licence applications and reviews. These are not mandatory requirements but should be used as a guide to applicants and licensees as to the sort of arrangements that it should have in place and demonstrate these are in place through their bespoke risk assessment. Where an applicant or licensee can demonstrate that these factors are not relevant, or alternative arrangements are more appropriate, the licensing authority will take these into account.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

- 5.18 The Gambling Commission play a leading role in preventing gambling from being a source of crime, through maintaining rigorous procedures that aim to prevent criminals from providing facilities for gambling, or being associated with doing so, as a result of the operating licence procedure.
- 5.19 However, as a Licensing Authority, we will take into account any local considerations that may impact with regard to this licensing objective, particularly in respect to the location of the premises, to ensure the suitability of the gambling premises. When considering whether a disturbance was serious enough to constitute disorder, we will have regard to the individual merits of the situation including, but not limited to, whether police assistance was required and how threatening the behaviour was to those who could see or hear it. We acknowledge that the Gambling Commission highlights in its guidance to local authorities that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance”.
- 5.20 Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences; if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence
- 5.21 Licensees and applicants will be expected to demonstrate that they have given careful consideration to preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- 5.22 In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police’s architectural liaison unit at the design stage to ensure crime prevention and detection.
- 5.23 We encourage that premises liaise with their Neighbourhood Policing Team to develop relationships at a local level and promote effective communication and co-operation. Additionally, operators are expected to actively support and participate in any local business partnership schemes, where any such schemes are in operation, and where such schemes are reasonably consistent with the licensing objectives.
- 5.24 The measures to be considered should include:

- The arrangements in place to control access (preventing unauthorised access shall not be limited to the provision of supervisory personnel; other options may include, but are not limited to, time-lock or maglock entrances)
- The opening hours
- The provision of registered door supervisors*
- The provision of CCTV
- The number of staff on duty and effective staff training, especially in relation to lone working
- The provision of toilet facilities
- Prevention of antisocial behaviour associated with the premises, such as street drinking, litter, activity outside the premises including the management of clients leaving the premises
- Adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.
- Only staff directly employed by Casinos and Bingo Clubs have an exemption from SIA registration. Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.
- Ensuring that gambling is conducted in a fair and open way

5.25 Generally, this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

5.26 Where we suspect that gambling is not being conducted in a fair and open way, we will bring this to the attention of the Gambling Commission, for their further consideration, and work in partnership with their officers. In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

5.27 The Gambling Act defines 'children' as those persons under 16 years of age and 'young persons' as those persons aged 16 or 17 years of age.

The term 'vulnerable persons' is not defined and what constitutes harm or exploitation will have to be considered on a case-by-case basis.

- 5.28 Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society. These harms are diverse, affecting resources, relationships and health, and may reflect an interplay between individual, family and community processes. The harmful effects from gambling may be short-lived but can persist, having longer- term and enduring consequences that can exacerbate existing inequalities.
- 5.29 Regard will be had to current evidence in relation to vulnerability to gambling-related harm. In 2015, Manchester City Council in partnership with Westminster Council commissioned research into this issue and published a report: Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review by Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015. Similarly, In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling ([Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016](#)) looking specifically at identifying groups of the society that could be considered (more) vulnerable to problem gambling:
- Younger people, including students
 - Those who are unemployed and/or with constrained financial circumstances
 - Those from minority ethnic groups
 - Those under the influence of alcohol or drugs
 - Problem gamblers seeking treatment
 - Homeless people
 - Those living in areas of greater deprivation
 - Those with other mental health issues and substance abuse/misuse disorders
 - Those with poorer intellectual functioning

Custodial and non-custodial offenders

- 5.30 Licensees and applicants will be expected to demonstrate they have carefully considered how to protect children and vulnerable persons from harm and have adequate arrangements for preventing underage gambling on their premises. The measures that should be considered where appropriate are:
- The provision of CCTV
 - Location of entrances

- Restricted opening and closing times to protect residents vulnerable to harm
- Supervision of entrances
- Controlled access to the premises by children under the age of 18
- Dealing with pupils who are truanting, and policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays
- Design layout/lighting/fit out to not attract children or vulnerable persons having a nationally-recognised proof of age scheme – Think 21/25
- The provision of registered door supervisors
- Clear segregation between gaming and non-gaming areas in premises frequented by children
- The provision of adequate signage and notices
- Supervision of machine areas in premises, particularly areas to which children are admitted
- Controlled opening hours
- Effective self-barring schemes
- The provision of materials for GamCare, Betknowmore UK or similar, Citizens Advice Bureau information, local public and mental health and housing/homeless associations, printed in languages appropriate to the customer base.
- Advertising local support services in the area such as Beacon Counselling Trust or the NHS Gambling Clinic.
- The number of staff on duty and effective staff training, especially in relation to the ability to effectively Identify and engage with vulnerable persons, including primary intervention and escalation
- A requirement that children must be accompanied by an adult (in premises where children are allowed)
- Enhanced DBS checks of staff
- Obscuring windows where appropriate and labelling premises so it is clear that they are gambling premises

Self-exclusion schemes

- 5.31 With reference to those persons with a mental impairment or mental health difficulties, operators would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling
- 5.32 For multi-occupied premises consideration should be given to the arrangements for controlling access to children and the compatibility of

the different uses. Separate and identifiable entrances may be required to ensure that people do not drift inadvertently into a gambling area.

- 5.33 Children are not permitted to use Category C or above machines and in premises where these machines are available, and children are permitted on the premises the licensing authority will require:
- all Category C and above machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance
 - adults only admitted to the area where these machines are located
 - adequate supervised access to the area where the machines are located
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder
 - prominent notices displayed at the entrance to, and inside, any such areas there indicating that access to the area is prohibited to persons under 18

Expectations of operators: Staffing provision

- 5.34 Staff in licensed gambling premises are recognised as being subject to risk in the workplace from violence and verbal abuse, especially if working alone. In addition, lone workers may not be able to sufficiently serve and supervise the customers, identify and prevent young people from gambling, protect vulnerable persons, deal with customers who may be consuming alcohol and prevent the premises being used as a source of crime or supporting crime.
- 5.35 We expect premises management to recognise and address this as part of their management arrangements, especially at times where it has been identified that there is a spike in crimes around the premises.
- 5.36 We expect there to be an adequate number of staff and managers on premises to cover key points throughout the day, especially where premises are close to schools/colleges/universities, pubs, bars, shopping centres and stadia.

Expectations of operators: Data gathering and sharing

- 5.37 Keeping track of the incidence and handling of problem gambling in Bury is a key part of promoting the licensing objectives. We expect all

gambling premises to maintain a log and share this and other information with the Licensing Unit upon request.

5.38 Data that we consider should be recorded and shared includes (but is not exclusive to) We would expect that all records including time and date along with a short description of the incident and action taken:

- Customer interventions
- Cases where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
- Mandatory exclusions needing enforcement
- Attempts to enter by those underage in a calendar month
- Attempts to enter by those underage in the company of adults
- Attempts to enter by those underage with complicit adults
- Incidents of 'at risk behaviour'
- Incidents of 'behaviour requiring immediate intervention'

5.39 We expect that this application will be provided to the licensing authority annually.

5.40 A template for this information to be provided is at Appendix 2.

Expectation of applicants: Staff Training and Knowledge

5.41 We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

- The importance of social responsibility (Premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility)
- Causes and consequences of problem gambling
- Identifying and communicating with vulnerable persons: primary intervention and escalation, supported by high quality training given the challenging nature of these conversations.
- Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment including local treatment providers
- Refusal of entry (alcohol and drugs)
- Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- Importance and enforcement of time/spend limits

- The conditions of the licence
- Maintaining an incident log
- Offences under the Gambling Act
- Categories of gaming machines and the stakes and odds associated with each machine
- Types of gaming and the stakes and odds associated with each
- Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
- Safe cash-handling/payment of winnings
- Identify forged ID and bar those using forged ID from the premises
- Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
- The importance of not encouraging customers to:
 - Increase the amount of money they have decided to gamble
 - Enter into continuous gambling for a prolonged period
 - Continue gambling when they have expressed a wish to stop
 - Re-gamble winnings
 - Chase losses.

5.42 Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling. In so far as training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

Expectation of applicants: Gaming machines / layouts

5.43 It is an operator's responsibility to ensure staff are able to effectively monitor gaming machine play for a number of reasons that are part of the operator's licence conditions. Age verification, customer interaction and self-exclusion policies all require operators to take into account the structure and layout of their gambling premises.

5.44 The Licence conditions and code of practice (LCCP) state: 'Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times'.

5.45 A screen or pod around a gaming machine, designed to increase the privacy of the player, could prevent staff in a gambling premises from effectively monitoring gaming machine play

- 5.46 Operators will be expected to be able to evidence to the licensing authority how they have considered the risk to the licensing objectives and implemented effective controls, prior to the introduction of any new machine arrangements.
- 5.47 It will be important to consider the means by which gaming machines are supervised (e.g. line of sight to counter, effective CCTV, mirrors or floor staff) and consider whether that is appropriate for that premises.
- 5.48 Whether amendments to a premises amount to a 'material change' warranting an application to vary the premises licence under s.187 of the Gambling Act is a matter for local determination and the licensing authority will adopt a common-sense approach.

6. Premises-specific considerations

Adult Gaming Centres

- 6.1 Adult gaming centres (AGCs) are premises able to make category B, C and D gaming machines available to their customers. Persons operating an AGC must hold a gaming machines general operating licence from the Commission as well as a premises licence from the Council.
- 6.2 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 6.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises, e.g. motorway service areas and shopping malls. The council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

Casinos

- 6.4 Bury has no licensed casinos.
- 6.5 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino

games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

'No Casinos' resolution

- 6.6 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

Bingo premises

- 6.7 The Gambling Act 2005 does not contain a definition of Bingo. It is to have its ordinary and natural meaning and the Act does stipulate that "bingo" means any version of that game, irrespective of how it is described. Two types of bingo may be offered:
- Cash bingo, where the stakes panel made up the cash prize that's won; or
 - Prize bingo, where various forms of prizes is won, not directly relating to the stakes panel
- 6.8 Subject to the rules of individual operators, children and young people are allowed into bingo premises. However, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 6.9 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one metre high
 - only adults are admitted to the area where the machines are located
 - access to the area where the machines are located is supervised at all times

- the area where the machines are located is arranged so that it can be observed by staff
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
- children will not be admitted to bingo premises unless accompanied by an adult.

6.10 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.

6.11 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

Electronic bingo gaming machines

6.12 Where a premises intends on providing electronic terminals to play bingo, we will expect operators (as part of their application) to provide a breakdown of the number of electronic bingo terminals that will be provided at the premises

Gaming machines at bingo premises

6.13 In addition to bingo, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act. Bingo premises licences authorise a maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4.

6.14 Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, where there are substantive facilities during the default hours for bingo, there are no restrictions on access to gaming machines in bingo premises outside of the default hours

6.15 The LCCP requires (Social Responsibility Code Provision 9) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a bingo premises operator offers substantive facilities for non-remote bingo it should not make gaming machines available for use on the premises in question.

- 6.16 As the licensing authority, we will need to satisfy ourselves that a premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo. Equally, we must ensure that a premises licensed for the purposes of providing facilities for bingo is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines.
- 6.17 Therefore, we will expect operators (as part of their application) to provide information on:
- any times they intend to provide gaming machines at any times that bingo facilities are not provided
 - how the premises will be recognised as a premises licensed for providing facilities for bingo
 - A breakdown of gaming machine numbers (by category)
- 6.18 The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions. The licensing authority will expect applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.
- 6.19 The licensing authority will use their power to restrict the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
- the size and physical layout of the premises
 - the number of counter positions and staff on the premises
 - the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 6.20 The licensing authority will not seek to limit the number of gambling machines by category as this entitled provision is defined in the Gambling Act. However, we will seek to ensure that the number and provision of gaming machines are only provided in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo.
- 6.21 To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.

- 6.22 The licensing authority will information required from an applicant for a new premises or for a variation to an existing premises in order to satisfy themselves as to the matters set out at s153 of the Act. This includes the codes of practice and the Gambling Commission's guidance to licensing authorities.

'Entertainment' Bingo

- 6.23 A phenomenon over recent years has been the evolution of businesses, such as Bongo's Bingo, providing facilities for high turnover bingo (the aggregate stakes or prizes for bingo in any seven day period may exceed £2,000); typically providing equal chance gaming at pubs and nightclubs, in reliance on the alcohol licence held by the premises, and therefore doing so under the rules for exempt gaming.
- 6.24 We note that it is a condition of some such companies' operator's licence that they must notify both the Commission and the relevant LA at least 28 days before any event takes place in new premises, by providing a description of the event taking place, a copy of the premises contract and any amendment to the rules of the bingo.
- 6.25 We would encourage venues hosting such events to promote responsible gambling messaging at them.

Betting Premises

- 6.26 We encourage operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises. Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.
- 6.27 Licensed betting premises are only permitted to offer gambling facilities between 7am and 10pm, unless the licensing authority has granted a variation application to extend these hours. The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions.
- 6.28 The licensing authority also has concerns that licensed betting premises operators may seek to extend the permitted hours for the primary purpose of making gaming machines available to customers for longer.

- 6.29 As a consequence, the licensing authority is unlikely to grant variation of hours' applications unless applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.
- 6.30 The licensing authority will use their power to restrict the number of betting machines (bet receipt terminals), their nature and the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
1. the size and physical layout of the premises
 2. the number of counter positions and staff on the premises
 3. the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 6.31 Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It is noted that children are not able to go into premises with the benefit of a Betting Premises Licence.

(Licensed) Family Entertainment Centres

- 6.32 The Act creates two classes of family entertainment centre (FEC). Licensed FEC's provide category C and D machines and require a premises licence. Unlicensed FEC's provide category D machines only are regulated through FEC gaming machine permits.
- 6.33 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas. Operators should ensure that a proof of age scheme is in force.
- 6.34 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area

containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Occasional use notices

- 6.35 Occasional Use Notices (OUN) are designed to allow licensed betting operators to provide betting facilities at genuine sporting events, such as point-to point racecourses and golf courses for major competitions, within the boundaries of the identified venue on a specific date.
- 6.36 An OUN must be submitted for EACH day that the betting activity will be conducted on the premises. For example, four notices for four consecutive days of betting and not one notice covering the four days.
- 6.37 We will liaise with the Gambling Commission should we receive an OUN that does not relate to a genuine recognised sporting event to ensure that OUN's are not misused, for example, venues seeking to become tracks through a contrived sporting event, utilising OUNs to solely or primarily facilitate betting taking place on events occurring away from the identified venue.

7 Permits and other permissions

Alcohol Licensed Premises Gaming Machine Permits

- 7.1 Premises licensed to sell alcohol that have a bar and the alcohol is not ancillary to food for consumption on the premises, having more than two gaming machines, will need to apply for a permit and must also notify the Licensing Authority if they have one or two machines. In considering whether to grant a permit, the licensing authority will have regard to the licensing objectives, guidance issued by the Gambling Commission and any other relevant matters. Permits will not be granted to licensees who have failed to demonstrate compliance with the Gambling Commission's Code of Practice.
- 7.2 In addition to the requirements of the Gambling Commission's Code of Practice, the Licensing Authority expects applicants to:
- display adequate notices and signs, advertising the relevant age restrictions
 - position machines within view of the bar in order for staff to be able to monitor the machines for use by underage

- or misuse of the machines
- challenge anyone suspected of being under age and refuse access
- provide information leaflets and / or help-line numbers for organisations such as GamCare and Betknowmore UK.

Prize Gaming Machine Permits

- 7.3 Prize gaming premises will appeal to children and young persons and weight will be given to child protection issues. Therefore, the licensing authority will expect the applicant to demonstrate that they are suitable to hold a permit (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises.
- 7.4 The licensing authority expects applicants to set out the types of gaming machines that they intend to offer and be able to demonstrate that:
- they understand the limits to stakes and prizes that are set out in regulations
 - that the gaming offered is within the law
- 7.5 The Gambling Commission website gives advice on types of permits, conditions, stakes and prizes. See www.gamblingcommission.gov.uk

Unlicensed FECs (uFEC)

- 7.6 Unlicensed family entertainment centres (FEC's) will perhaps be most commonly located at places such as airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. Unlicensed FEC's will be able to offer only category D machines in reliance on a gaming machine permit.
- 7.7 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238). As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.
- 7.8 Given that the premises is likely to appeal particularly to children and young persons, when considering applications for permits we will give weight to matters relating to protection of children from being harmed

or exploited by gambling and are keen to ensure that staff supervision adequately reflects the level of risk to this group. Therefore, we will generally expect such risks to be addressed through effective:

- Staff supervision and training
- Detailed plan
- Social responsibility policies
- Staff being easily identifiable
- Clear signage

7.9 As part of an application for a uFEC, it is our policy that a plan for the uFEC must be submitted.

Small Society Lotteries

7.10 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

7.11 To be 'non-commercial' a society must be established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

7.12 This licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries
- The eligibility of society as 'non-commercial'

8 Appendices

Appendix 1 –Responsible Authorities

Licensing Authority	3 Knowsley Place, Duke Street, Bury, BL9 0EJ
Environmental Health	3 Knowsley Place, Duke Street, Bury, BL9 0EJ
Greater Manchester Police	Dunster Rd, Bury BL9 0RD
HM Revenue & Customs	Excise Processing Teams, BX9 1GL
Planning	3 Knowsley Place, Duke Street, Bury, BL9 0EJ
Gambling Commission	Victoria Square House, Victoria Square, Birmingham, B2 4BP
Greater Manchester Fire & Rescue Service	The Fire Safety Manager Greater Manchester Fire & Rescue Service Bury Fire Station Magdalene Road Bury, BL9 0ES
Bury Safeguarding Children Board	18-20 St Mary's Place Bury, BL9 0DZ Tel Number: 0161 253 5705 Email: safeguardingteam@bury.gov.uk
Public Protection	Health & Safety, Pollution and Weights & Measures Sections 3 Knowsley Place Duke Street Bury, BL9 0EJ Tel Number: 0161 253 5353 Emails: Pollution and Health & Safety: commercial@bury.gov.uk Weights and Measures: tradingstandards@bury.gov.uk

Public Health	3 Knowsley Place Duke Street Bury, BL90EJ Email: publichealth@bury.gov.uk
Immigration Alcohol Licensing Team	Lunar House 40 Wellesley Road Croydon, CR9 2BY Email: Alcohol@homeoffice.gsi.gov.uk
<p style="text-align: center;">Neighbouring Authorities</p> <p>Bolton 01204 336570 Blackburn 01254 585585 Rochdale 01706 647474 Rossendale 01706 217777 Salford Council 0161 794 4711</p>	

The data collection template is available as an Excel file upon request from the Licensing Unit. The screenshots below demonstrate the information to be collected.

Licence Holder	
Licence Type	
Named Person Responsible for Safeguarding Vulnerable and Children/Young Persons	
Licence Number	
Enter Calendar Year	2021

[illegible]

Licencee Interventions

Record a short description of the cause and effect of each intervention made (e.g. challenging excessive gambling, advising of gambling help services etc).

[illegible]

Appendix 3 - Glossary

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Authority.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

Term	Description
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives. The licensing objectives are:</p> <ul style="list-style-type: none"> • Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. • Ensuring that gambling is conducted in a fair and open way. • Protecting children and other vulnerable people from being harmed or exploited by gambling.
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>

Term	Description
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming

Term	Description
	machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Authority which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks and stadia) where races or other sporting events take place



Statement of Principles

2019-2022

Gambling Act 2005

Bury Council
POLICY STATEMENT
Under Section 349 of the Gambling Act 2005

Contents

Executive Summary 4	page
Introduction	page 5
Gambling Prevalence and Problem Gambling 9	page
Part A: Policy Statement 10	page
1. The licensing objectives 11	page
2. Declaration 11	page
3. Responsible Authorities 11	page
4. Interested parties 12	page
5. Exchange of information 14	page
6. Enforcement 14	page
7. Licensing Authority functions 16	page
Part B: Premises licences	
8. General Principles 23	page
9. Adult Gaming Centres 30	page
10. (Licensed) Family Entertainment Centres 31	page
11. Casinos 32	page
12. Bingo premises 32	page
13. Betting premises 33	page
14. Tracks 34	page
15. Travelling fairs 36	page

16. Provisional Statements	page
36	
17. Reviews	page
37	

Part C: Permits / Temporary and Occasional Use Notices

18. Unlicensed Family Entertainment Centre gaming machine permits	page
39	
19. (Alcohol) Licensed premises gaming machine permits	page
40	
20. Prize Gaming Permits	page
41	
21. Club Gaming and Club Machines Permits	page
42	
22. Temporary Use Notices	page
44	
23. Occasional Use Notices	page
44	

Appendix A: List of Consultees	page
49	
Appendix B: Responsible authorities	page
50	
Appendix C: Scheme of delegation	page
52	
Appendix D: Bury Council's Position on Gambling	page
54	
Appendix E: Local Area Risk Map	page
60	

Glossary

Any reference to we, this Authority, this licensing Authority, the Council, relates to Bury Council as a Licensing authority as defined in the Gambling Act 2005

Any reference to the Act relates to The Gambling Act 2005

Any reference to The Commission relates to The Gambling Commission

Executive Summary

The Gambling Act 2005 received Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005, Bury Council as a Licensing Authority is required to publish a statement of principles that it proposes to apply when exercising its functions under the Act. This Statement must be published at least every 3 years starting from 31 January 2007. The statement must also be reviewed from time to time in response to emerging risks.

The purpose of the Statement of Principles is to set out the policy and principles that the Council proposes to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the council in regard to determination of premise licence applications including definitions of premises, location, duplication with other regulatory regimes, promotion of the licensing objectives, conditions, door supervision, layout of premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council is responsible for issuing permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described along with other processes specified in legislation for example temporary use notices, occasional use notices and small society lottery registrations.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission. This policy describes the Council's enforcement principles and principles underpinning the right of review.

The Policy does not override the rights of any person to make an application and to have it considered on its individual merits.

The policy has 4 appendices, showing the list of Responsible Authorities under the Gambling Act 2005, List of consultees, Council Scheme of delegation and Bury Council's position on gambling.

Introduction

This statement of Policy in relation to the Gambling functions that Bury Council as the licensing authority regulates, sets out the approach that will be taken when dealing with permissions its grants under the Gambling Act 2005 and enforces thereafter.

This Policy also identifies how the Authority will seek to promote the licensing objectives under the Act, namely:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime;**
- **Ensuring gambling is conducted in a fair and open way;**
- **Protecting children and other vulnerable people from being harmed or exploited by gambling.**

Partnerships are important to us and with this in mind we will be working closely with the Gambling Commission, the Police and the other responsible authorities named within the Act. We will also provide guidance and support, where possible, to the trade, residents and businesses.

All decisions that are made in relation to gambling will be made having taken into account the three objectives and each application will be dealt with on its merits.

This policy will come into effect on the 31st January 2019 and will be reviewed no later than the 31st January 2022.

In carrying out its gambling functions this Authority will have regard to this Policy and Guidance issued by the Gambling Commission.

An equalities impact assessment has been conducted in relation to this Policy and is available upon request.

Bury Council consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided at Appendix A.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

Our consultation took place between 3rd August 2018 and 5th October 2018

All Comments received were considered and responded to in the document at Appendix E

The policy was approved at a meeting of the Full Council on 28th November 2018 and was published via our website on 13th December 2018. Copies were placed in the public libraries of the areas well as being available at the Town Hall and 3 Knowsley Place.

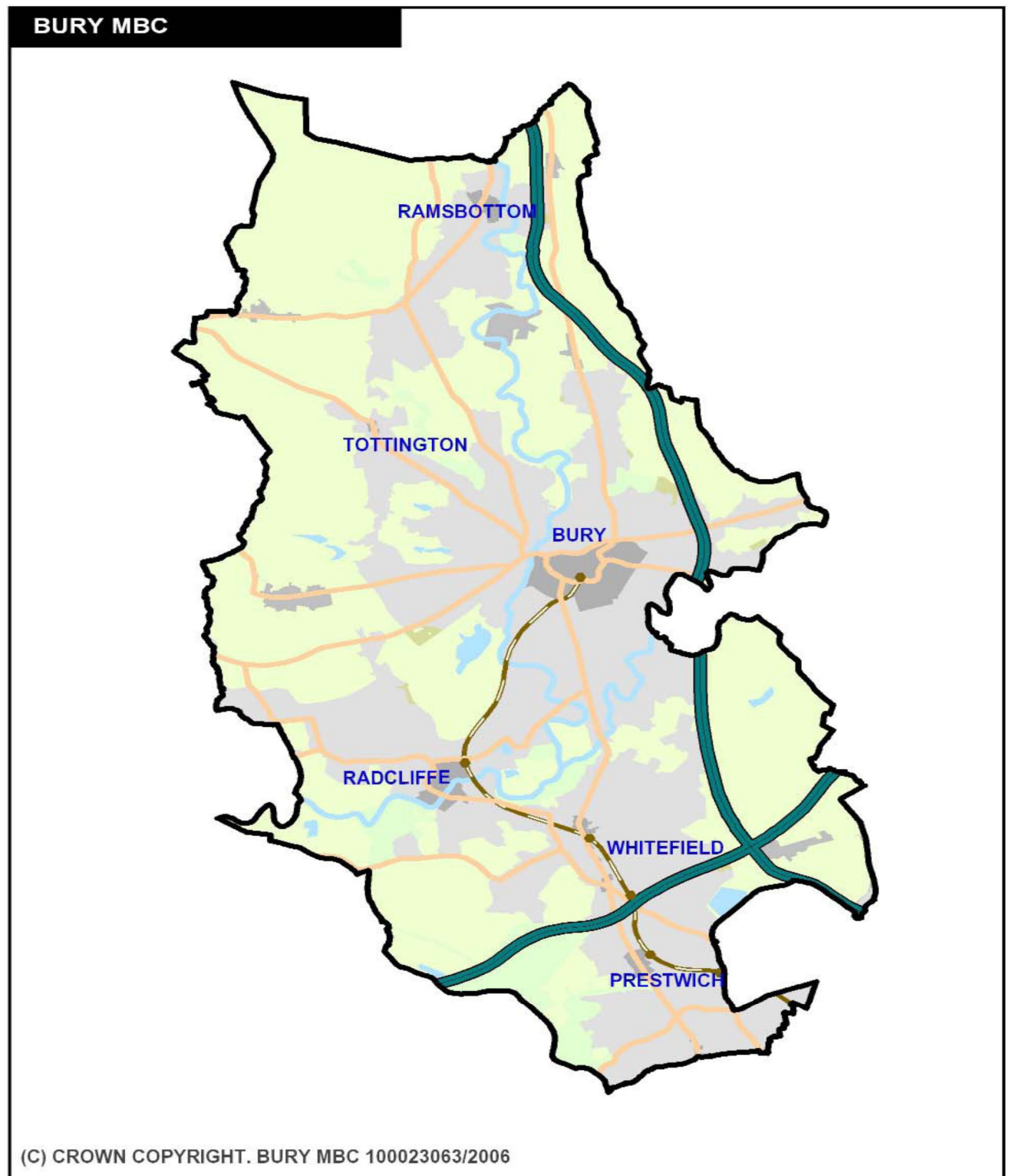
The full list of comments made and the consideration by the Council of those comments will be available by request to the address given below.

Should you have any comments as regards this policy statement please send them to us at:

Address: Licensing Section, 3 Knowsley Place, Duke Street, Bury, BL9 0EJ
Phone: 0161 253 5208
E-mail: licensing@bury.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

INTRODUCTION



Bury Council is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 187,900 it occupies an area of 9,919 hectares and consists of 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich.

Bury's town centres sit at the heart of our communities and provide a wide range of facilities such as shops, services, leisure, tourism, culture, health care, education and work places.

The Borough has four town centres with Bury being the principle centre offering an extensive range of shops services and cultural attractions. Ramsbottom, in the north of the borough has a focus on independent and specialist retailing, food and drink. The town centre is a popular stop on the East Lancashire Steam Railway making it a popular visitor destination.

Prestwich, known locally as 'The Village', is attracting a growing number of independent businesses and a recent regeneration scheme has enhanced the high street. Radcliffe is also seeing increasing investment through housing in development and the town centre retail offer.

The district centre of Whitefield has capitalised on its excellent transport links and mixes local retail with a strong food and drink offer, whilst Tottington is a thriving centre with independent shops and a strong community feel.

Gambling Prevalence and Problem Gambling

The Health Survey England 2016 states that 56 % of people in England had gambled that year. Other notable statistics are 42% of people in England (excluding those who had only played National Lottery draws).

0.7% of people in England most identified as problem gamblers, 1.2% of gamblers in England identified as problem gamblers.

The Gamcare Annual Review for 2016/17 shows that advisers answered a total of 43,637 calls and web chats via the HelpLine and NetLine.

Gamcare delivered counselling to 8,044 clients nationwide in 2016/17, an increase of 18% compared to 6,832 in 2015/16.
90% of clients were problem gamblers.

Based on national projections showing that 3.6% of people aged 16 or over in England were at low or moderate risk of developing problems with their gambling in Bury this would equate to 5733 at risk gamblers.

In addition the 0.7 % figure suggests that 1056 people in Bury are identified as problem Gamblers.

Based on local postcode data, Gamcare recorded 45 callers from the Bury area to their helpline in 2016/17 and 31 in 2017/18. 74 % were male with the highest age group being 26-35 year olds. Of those disclosing their debts 1 recorded this as being over £100,000.

The types of gambling activity declared covered all modes of gambling including arcades, betting shops and casinos despite there being no casinos in Bury. The statistics show callers also may be undertaking more than one form of gambling. The Mode method of gambling is fixed odds betting terminals.

Fixed Odds Betting Terminals

Fixed odds betting terminals (FOBTs) are electronic machines, mainly sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Gambling Act 2005 classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

In October 2017, the Department for Digital, Culture, Media and Sport (DCMS) announced a range of proposals to strengthen protections around gambling. These included lowering the maximum stake on FOBTs to between £50 and £2. A consultation on the proposals, including the level of the new stake, closed on 23 January 2018.

On 17 May 2018, the Government announced that the maximum stake on FOBTs will be reduced to £2 from £100. This will require secondary legislation. No further details are available at this point, however, any changes to legislation or products on the market may not currently be reflected in this Policy and as such may be subject to change in light of such legal developments

Bury Council's position on gambling can be found at Appendix D

**POLICY STATEMENT
PART A**

1. The Licensing Objectives

- 1.1 In exercising its functions under the Gambling Act 2005, Bury Council must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

- Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by Gambling.
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 We aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority’s statement of licensing policy.

2 Declaration

In producing the final statement, we will have regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses received from those consulted on the statement.

3 Responsible Authorities

- 3.1 Responsible Authorities are public bodies that must be notified about applications and are entitled to make representations to the council in relation to applications for, and in relation to, premises licences.
- 3.2 We are required by regulations to state the principles we will apply in exercising our powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority’s area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 3.3 This authority designates the Bury Safeguarding Children’s Board for this purpose.
- 3.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix B.

4. Interested parties

- 4.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

- 4.2 We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party.

Interested Parties – Principles relating to determination

We will apply various principles to determine whether a person is an Interested Party.

The Licensing Authority will consider each case on its merits.

In determining whether a person lives “sufficiently close to the premises we will have regard to the following factors which we consider appropriate to the circumstances:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- what might in our opinion be reasonably regarded as a potential impact of the premises (for example this might be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc.); and
- the circumstances of the complaint. This is not meant to cover the personal characteristics of the complainant, but the interests of the complainant where they may be relevant to the distance from the premises. For example we are likely to apply a wider interpretation to the meaning of “sufficiently close” where the complainant provides services attended by children or vulnerable adults; and such other factors we consider relevant.
- Each case will determined on its merits.

In determining whether a business interest is “likely to be affected” we will have regard to the following factors that we consider appropriate to the circumstances:

- the size of the premises;

- the 'catchment' area of the premises (i.e. how far people travel to visit);
- whether the person making the representation has business interests in that catchment area that might be affected.

Interested parties with "business interests" will be given the widest possible interpretation and may include partnerships, charities, faith groups and medical practices.

If in the particular circumstances of the application we depart from the guidance, we will explain our reasons for doing so.

The Gambling Commission guidance states that interested parties can be people who are democratically elected such as councillors and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

However, this authority emphasises that it will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

- 4.3 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these however, we will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 4.4 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not a member of the Licensing and Safety Panel dealing with the licence application. If there are any doubts then the licensing section should be contacted at 3 Knowsley Place, Duke Street, Bury, BL9 0EJ phone 0161 253 5208.
- 4.5 It is important to note that in order for a representation to be considered as relevant, interested parties are required to demonstrate that granting a licence would undermine any of the three licensing objectives under the Gambling Act (preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime; ensuring that gambling is conducted in a fair and open way and protection of children and other vulnerable persons from being harmed or exploited by gambling) . It should be noted that unlike the Licensing Act 2003, the Gambling Act does not include the prevention of public nuisance as a licensing objective.

5 Exchange of Information

- 5.1 We are required to include in our statement, the principles to be applied by us in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between us and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act.
- 5.2 The principle that we will apply, is that, we will act in accordance with the provisions of the Gambling Act 2005 in our exchange of information which includes the provision that the Data Protection Act 2018, The General Data Protection Regulations 2018 and the Freedom of Information Act 2000 will not be contravened. We will also have regard to any published guidance issued by the Gambling Commission to licensing authorities on this matter, as well as any relevant regulations issued by the Secretary of State.
- 5.3 Should any protocols be established regarding the exchange of information with other bodies then they will be made available from the licensing office.

6 Enforcement

- 6.1 We are required by regulation under the Gambling Act 2005 to state the principles to be applied by us in exercising functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 6.2 Our principles are that:

We will work closely with responsible authorities in accordance with locally established joint enforcement initiatives and will aim to promote the licensing objectives by targeting known high risk premises following government guidance on better regulation.

In carrying out our enforcement duties with regards to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, we will be guided by the Gambling Commission's Guidance for licensing authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

- The Legislation and Regulatory Reform Act 2006 Part 2 requires us to have regard to the principles of good regulation. Regard has been had to the Regulators Code in the preparation of this policy, and the Code applies generally to our activities under the Act.
- 6.3 As per the Gambling Commission's Guidance for licensing authorities we will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 6.4 We will implement a risk-based inspection program, based on:
- The licensing objectives;
 - Relevant codes of practice;
 - Guidance issued by the Gambling Commission;
 - The principles set out in this policy;
 - Bury Council's enforcement policy, and
 - Recorded intelligence.
- 6.5 The main enforcement and compliance role for us in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which we authorise. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by us but should be notified to the Gambling Commission.
- 6.6 We may undertake test purchasing activities to measure compliance of licensed operators with aspects of the Gambling Act. When carrying out test purchase activities we will undertake to liaise with the Gambling Commission and operator to determine what other, if any test purchasing schemes may have already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed an appropriate course of action.
- We will follow the Gambling Commission's guidance document issued in February 2015 (and any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. This guidance ensures that test purchasing is conducted by the Council in accordance with the Better Regulation Delivery Offices Code of Practice on Age Related Products.
- 6.7 We will also keep ourselves informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 6.8 Our Enforcement Policy will be available upon request by contacting the licensing section at 3 Knowsley Place, Duke Street Bury BL9 0EJ or e-mail: licensing@bury.gov.uk
- 6.9 Reference will also be made to our Enforcement Policy and the Code for Crown Prosecutors when considering enforcement action.
- 6.10 Where there is a Primary Authority Partnership in place, the Council will seek guidance from a premises' Primary Authority before taking any enforcement action. Further information, including an index of all Primary Authority Partnership arrangements can be found at:

<https://primary-authority.beis.gov.uk/par>

7 Licensing Authority functions

7.1 As Licensing Authorities we are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permit;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centre's;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

7.2 These functions will be carried out in accordance with the Council's Scheme of Delegation. This is available at Appendix C.

7.3 It should be noted that local licensing authorities are not to be involved in licensing remote gambling at all, this is regulated by the Gambling Commission via operating licences.

Part B
Promotion of the Licensing Objectives

Licensing Objectives

8.1 Premise licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission's Guidance for Licensing Authorities and some comments are made below.

8.2 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

8.2.1 We are aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

8.2.2 We are aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

8.2.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in **Part C** of this document and also in **Part D** which covers permits and notices.

8.3 Ensuring that gambling is conducted in a fair and open way

8.3.1 We are aware that except in the case of tracks, generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. However, the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice

8.3.2 Examples of the specific steps the licensing authority may take to address this area can be found in the various sections covering specific premises types in **Part C** of this document and also in **Part D** which covers permits and notices.

8.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling

8.4.1 Protection of children

We have noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as the restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

8.4.2 The Act provides the following definition for child and young person in Section 45:

Meaning of "child" and "young person"

(a) In this Act "child" means an individual who is less than 16 years old.

(b) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

8.4.3 For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

8.4.4 We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

8.4.5 We are also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

Examples of the specific steps the licensing authority may take to address this area can be found in the various sections covering specific premises types in **Part C** of this document and also in **Part D** which covers permits and notices.

Protection of vulnerable people

8.4.6 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."

We will consider this licensing objective on a case by case basis.

8.4.7 The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:

"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

8.4.8 In the case of premises licences we are aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice.

8.4.9 In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

Combating problem gambling;
Access to gambling by children and young persons;
Information on how to gamble responsibly and help for problem gamblers;
Customer interaction;
Self-exclusion;
Employment of children and young persons.

8.4.10 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. We will communicate any concerns to the Gambling Commission about any absence of this required information.

8.4.11 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on
- gambling premises in a location that is both prominent and discreet, such as toilets;
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable;
- trained personnel for the purpose of identifying and providing support to vulnerable persons;
- self-exclusion schemes;
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;
- posters with GamCare Helpline and website in prominent locations;
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

8.4.12 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

8.4.13 The licensing authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant

Selling of Lottery tickets and Scratch card games

8.5 We recognise that the National Lottery Commission regulates all aspects of the operation of the National Lottery, including the draw-based games, scratch cards and what are known as the Instant Win Games (which are referred to as the 'virtual cards' on the internet); the Gambling Commission regulates other forms of gambling in the UK. Further information regarding the role of the National Lottery Commission can be found on our website www.natlotcomm.gov.uk.

8.5.1 Shops and supermarkets are the most popular places for children to get tickets for National Lottery games and scratch cards. It is important to note that it is an offence to sell a lottery tickets or scratch cards to children and young people under the age of 16. The penalty for selling to an underage person is a fine of up to £5,000 and/or 2 years imprisonment

8.5.2 Should we receive any complaints of irresponsible retailing from operators on lottery tickets or scratch cards, we will look to work collaboratively with the, Gambling Commission, the Licensing Enforcement Team, Trading Standards and the Police Authority to carry out enforcement practices.

How should operators protect themselves?

8.5.3 Lottery and scratch cards are age-restricted products.

There are several checks and measures that operators can put into place to protect themselves from enforcement action:

Consider introducing an age verification policy such as Challenge 21/25 whereby anyone under the age of 21/25 is asked to prove their age.

of If you are in doubt as to a customer's age you should always ask for proof of age

You should always ask them to produce a reliable form of proof of age; such as passport or driving licence with a photograph or a Proof of Age Standards

Age Scheme (PASS) ID Card. The PASS scheme is the UK's national Proof of

Standards Scheme and all cards meeting this standard bear an accredited hologram.

Never accept a birth certificate or National Insurance card as proof of age. National Insurance cards are issued before a person has reached their sixteenth birthday

Keep a refusals register. This is a record of all the times that you refuse to sell an age-restricted product. Details kept in the register should be a description of the person, their name and address (if you know it), their age, the date and time of the attempted purchase and the type of product that was requested.

the Display any age restriction notices prominently. You may get these from Trading Standards Team (e-mail tradingstandards@bury.gov.uk)

Train all of your staff on the law and hand out written instructions on the

checks that should be carried out.

Keep a training register for each member of staff and keep it up to date.

Ask

staff to sign a copy of the instructions that they receive, to show that they have understood. Ask them to sign their training record as well. Regularly check your systems and procedures to ensure staff are following them.

8.5.4 We also operate, a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Gambling Commission, Police Authority, or any of the other responsible authorities under the Gambling Act 2005, or working with colleagues from other council departments or outside agencies.

PART C**PREMISES LICENCES****9. General Principles**

- 9.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 9.2 In accordance with s153 of the Act, when considering any application (save for Casino premises as per s166), we will 'aim to permit' licence applications (subject to the mandatory and default conditions) unless there is evidence of a particular risk to the licensing objectives thereby either requiring the imposition of additional conditions, or that the application be refused.

Decision-making

- 9.3 We are aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing policy.
- 9.4 It is appreciated that as per the Gambling Commission's Guide to Licensing Authorities the following are not valid reasons for rejection:-
- Moral objections;
 - Unmet demand;
 - Any irrelevant matters.
- 9.5 We will also have regard to the Gambling Commission's guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licences.
- 9.6 In making this determination, we will have regard to the six indicators of betting as a primary gambling activity:

The offer of established core products (including live event pictures and betting range);

- The provision of information on products and events;
- The promotion of gambling opportunities and products;
- The actual use made of betting facilities;

- The size of premises;
- The delivery of betting facilities.

9.7 **Definition of premises** - In the Act, "premises" is defined as including "any place". A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can be properly regarded as different premises.

9.8 When considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, we will expect to see the following:

- Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- The third licensing objective seeks to protect children from being harmed by gambling. Children are permitted to be involved in certain types of gambling in particular Category D machines. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling
- Particular attention will be paid to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Specific issues that we will consider before granting such applications, are whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- Customers should be able to participate in the activity named on the premises licence.

9.9 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates.
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public

passageway?

- Can the premises only be accessed from any other gambling premises?

9.10 We will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

9.11 **The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

9.11.1:

Casinos

- The principal access entrance to the premises must be from a street defined as any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not.
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street as defined above or from another premises with a betting premises licence
- There must be no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

9.12 The Gambling Commission provides further guidance on this issue, which we will also take into account in its decision-making.

9.13 Premises “ready for gambling”

A licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied is going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement may be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, we will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that we are entitled to decide that it is appropriate to grant a licence subject to conditions, but we are not obliged to grant such a licence.

More detailed examples of circumstances in which such a licence may not be granted can be found in the Guidance.

9.14 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. The Gambling Commission has advised that reference to “the premises” is to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. We agree with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

9.15 **Location** – we are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives is relevant to our decision making. As per the Gambling Commission’s Guidance to licensing authorities, we will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome. A Local area risk map is attached at Appendix F however local risk assessments should reflect this.

9.16 **Planning:**

The Gambling Commission’s Guidance to Licensing Authorities states:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

We will not take into account irrelevant matters as per the above guidance. In addition we note the following excerpt from the Guidance:

When dealing with a premises licence application, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

9.17 ***Duplication with other regulatory regimes*** – We will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning and the fire service. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in our consideration of it. We will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

9.18 When dealing with a premises licence application, we will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

- 9.19 Section 7 of the Gambling Commission Guidance to Licensing Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed. A number of matters should be considered in particular operators must ensure that;

- all staff are trained,
- that all customers are supervised when on gambling premises
- must have procedures for identifying customers who are at risk of gambling related harm.

- 9.20 The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

- 9.21 Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

See Part 4 of this policy statement for further details and on the council's requirements in relation to the LCCP.

- 9.22 **Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects;
- Consistent with those attached to their Operators Licences.

- 9.23 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we will consider, such as the use of supervisors, appropriate signage for adult only areas, supervision of adult gaming machines etc.

There are specific comments made in this regard under some of the licence types below. We will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

- 9.24 We will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

9.25 We will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- physical barriers to segregate areas should not impede the escape routes from that or other areas

9.26 These considerations will apply to premises including buildings where multiple premises licences are applicable.

9.27 We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, we will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.28 It is noted that there are conditions which we cannot attach to premises licences these are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.
- All premises licences shall by virtue of section 183 of the Act be subject to the condition that premises shall not be used to provide facilities for gambling on Christmas Day.

9.29 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised

access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premise licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

It is noted that door supervisors at casinos and bingo premises are not required to be licensed by the SIA. Where door supervisors are provided at such premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be by carrying out criminal record checks (DBS checks) and for such staff to receive recognised training.

Only staff directly employed by Casinos and Bingo Clubs have an exemption from SIA registration.

10. Adult Gaming Centre's

10.1 Adult gaming centres (AGCs) are premises able to make category B, C and D gaming machines available to their customers. Persons operating an AGC must hold a gaming machines general operating licence from the Commission as well as a premises licence from the Council.

10.2 We will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

10.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, we will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

10.4 We may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11. (Licensed) Family Entertainment Centre's

- 11.1 Licensed Family Entertainment Centres (FEC) are those premises which usually provide a range of amusements such as computer/video games, penny pushers etc. which may have a separate section set aside for adult only gaming machines with higher stakes.
- 11.2 The Act creates two classes of family entertainment centre (FEC). Licensed FEC's provide category C and D machines and require a premises licence. Unlicensed FEC's provide category D machines only and are regulated through FEC gaming machine permits.
- 11.3 We will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 11.4 Where category C or above machines are available in premises to which children are admitted then we will expect operators to ensure that:

All such machines are located in an area of the premises separate from the remainder of the premises by physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar will not suffice and we may insist on a permanent barrier of at least 1 metre high;

Only adults are admitted to the area where the Category C machines are located;

Access to the area where the machines are located is supervised at all times;

The area where the machines are located is arranged so that it can be observed by staff and

At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18.

- 11.5 We will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- CCTV;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self-barring schemes;
 - Provision of information leaflets / helpline numbers for organisation's such as GamCare;
 - Measures / training for staff on how to deal with suspected truant school children on the premises.
 - Proof of age schemes

- 11.6 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 11.7 We will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. We will have regard to any published mandatory or default conditions on these premises licences.

12. **Casinos**

- 12.1 Section 7 (1) of the Act states that "a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games". Casino games are a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.

No Casinos resolution – Bury Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should we decide in the future to pass such a resolution, we will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

13. **Bingo premises**

- 13.1 The Gambling Act 2005 does not contain a definition of Bingo. It is to have its ordinary and natural meaning and the Act does stipulate that "bingo" means any version of that game, irrespective of how it is described. Two types of bingo may be offered:

- Cash bingo, where the stakes paid make up the cash prize that's won; or
- Prize bingo, where various forms of prizes are won, not directly relating to the stakes placed.

Under the Act, the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. Therefore, a premises with a bingo premises licence, or a casino premises licence (where the operator holds bingo as well as a casino operating licence) will be able to offer bingo in all its forms.

- 13.2 We note that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

We also note the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

We also note the Guidance regarding the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

The Code of Practice for Equal Chance Gaming in Clubs and premises with an alcohol licence can be found on the Gambling Commission website. This details specific provisions for bingo relating to maximum stakes and prizes without the need for a commercial Bingo Operators Licence.

13.3 We will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisation's such as GamCare;
- Measures / training for staff on how to deal with suspected truant school children on the premises.
- Proof of age schemes

14. Betting premises

14.1 Betting Premises are premises such as bookmakers where various types of gambling are authorised to take place.

14.2 The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises which require licensing, for instance – off course betting (i.e. licensed betting offices) and betting offices on tracks.

We specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy us, for example that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

14.3 *Betting machines* – We will, take into account the size of the premises, the number of counter positions available for person-to person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

14.4 We have discretion as to the number, nature and circumstances of the use of betting machines, we will consider limiting the number of machines

only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, we may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

- 14.5 We will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 14.6 We recognise that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give us a single named point of contact, who should be a senior individual, and whom we will contact first should any compliance queries or issues arise."
- 14.7 We will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- CCTV;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self-barring schemes;
 - Provision of information leaflets / helpline numbers for organisation's such as GamCare;
 - Measures / training for staff on how to deal with suspected truant school children on the premises.
 - Proof of age schemes

15. Tracks

- 15.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (i.e.: "totalisator" or "tote") and also general betting (i.e.: "fixed odds" betting).
- 15.2 We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, we will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 15.3 We will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are

still prevented from entering areas where gaming machines (other than category D machines) are provided.

- 15.4 We will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Requirements that children must be accompanied by an adult.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 15.5 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to have four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

- 15.6 *Betting machines* – We will, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

- 15.7 Condition on rules being displayed –We will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in a leaflet from the track office.

Applications and plans

- 15.8 The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that we have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for us to plan future premises inspection activity.

- 15.9 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

- 15.10 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises

licence holders may erect temporary structures to restrict access to premises.

15.11 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

15.12 We appreciate that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

16. Travelling Fairs

16.1 The Act defines a travelling fair as "a fair consisting wholly or principally" of the provision of amusements and a fair held on a day in a calendar year is a travelling fair" if provided—

(i) wholly or principally by persons who travel from place to place for the purpose of providing fairs, and

(ii) at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.

16.2 We are responsible for deciding whether, where category D machines and /or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is to be met.

16.3 We will also consider whether the application falls within the statutory definition of a travelling fair.

16.4 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will work with neighboring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded. In any event neighboring authorities will be consulted to ensure best practice and consistency is applied.

17. Provisional Statements

17.1 Developers may wish to apply to for provisional statements before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a

premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

- 17.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 17.6 In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and we note that we can discuss any concerns we have with the applicant before making a decision.

18. Reviews

- 18.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing and Safety Panel with the possibility that the licence may be revoked, suspended or conditions be amended or new conditions added.
- 18.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority

to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

18.3 The request for the review will also be subject to the consideration by us as to whether the request is frivolous, vexatious, or whether it will certainly not cause us to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous representations or requests for review.

18.4 We can also initiate a review of a particular premises licence on the basis of any reason which we think is appropriate.

18.5 Once a valid application for a review has been received by us, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by us, and we will publish notice of the application within 7 days of receipt.

18.6 We must carry out the review as soon as possible after the 28 day period for making representations has passed.

18.7 The purpose of the review will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

18.8 In determining what action, if any, should be taken following a review, we must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

18.9 In particular, we may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

18.10 Once the review has been completed, we must, as soon as possible, notify our decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;

- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART D
PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

19. Permits

Permits regulate gambling and the use of gaming machines in a premise which does not hold a premises licence. They are required when a premise provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises

We are responsible for issuing the following permits:

- Unlicensed family entertainment centre gaming machine permits;
- Alcohol-licensed premises gaming machine permits;
- Prize gaming permits;
- Club gaming permits and club machine permits.

We can only grant or reject an application for a permit and cannot attach conditions. Therefore we will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

20. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

20.1 The term unlicensed family entertainment centre is defined in the Act and refers to a premise which provides category D gaming machines along with various other amusements such as compute games and "penny pushers". The premise is unlicensed in that it does not require a premises licence but does require a permit to be able to provide category D machines.

20.2 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

20.3 In determining the suitability of an applicant for a permit we may have regard to the licensing objectives and we shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for licensing authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues."

20.4 An application for a permit may be granted only if the licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- That the applicant has no relevant convictions (those set out in schedule 7 of the Act; and
- That staff are trained to have a full understanding of the maximum stakes and prizes (24.9)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

20.5 We will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on its merits, however, they may include:

- appropriate measures / training for staff as regards suspected truant school children on the premises,
- measures / training covering how staff would deal with unsupervised very young children being on the premises,
- or children causing perceived problems on / around the premises.

21. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

21.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

21.2 We will expect operators to:

- Be aware of the rules concerning exempt gaming on their premises;
- Have a clear understanding of limits on stakes and prizes;
- To keep records of age verification procedures;
- Supervise areas where gaming machines are sited.

For more details see the Gambling Commissions Code of Practice for Equal Chance Gaming in clubs and premises with an alcohol licence.

Permit 3 or more machines

- 21.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, *and "such matters as they think relevant."*
- 21.4 We considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only, gaming machines. Measures which will satisfy us are that there will be no access to the machines by under 18 year olds, may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

Where premises are applying for additional machines these would normally be granted where the premises comply with the Gambling Commission's Code of Practice. An application for a permit for up to four machines would normally be considered by Officers without the need for a hearing.

- 21.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 21.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 21.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

It should be noted that the Gambling Commission Guidance to Licensing Authorities explains that low level gaming is lawful in alcohol licensed premises within defined limits.

22. Prize Gaming Permits

- 22.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Prizes are determined by the operator before play commences.
- 22.2 A prize gaming permit is a permit issued by the Council to authorise the provision of facilities for gaming with prizes on specified premises.

- 22.3 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 22.4 The applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law;
 - Clear policies are in place that outline the steps to be taken to protect children from harm.
- 22.5 In making its decision on an application for this permit, the licensing authority does not need but may have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 22.6 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

23. Club Gaming and Club Machines Permits

- 23.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D)

Commercial clubs may not site category B3A gaming machines offering lottery games in their clubs.

- 23.2 Members Clubs and Miner’s welfare institutes (But not commercial clubs) may apply for a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Equal chance gaming and games of chance as set out in forthcoming regulations.

We note that the Gambling Commission's Guidance states:

The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

23.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

23.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

As the Gambling Commission's Guidance for licensing authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

23.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

24. Temporary Use Notices

- 24.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 24.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 24.3 Gambling Act 2005 (Temporary Use Notices) Regulations 2007 (SI 2007/3157) – sets out the restrictions on the type of gambling to be offered under a TUN. These restrictions are:
- it can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both;
 - gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises;
 - it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner;
 - gaming machines may not be made available under a TUN..
- 24.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises". As with "premises", the definition of 24.4 "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 24.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 24.6 We expect to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

25. Occasional Use Notices (OUN)

- 25.1 The intention behind occasional use notices is to permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting where the event upon which the betting is to take place is of a temporary, infrequent nature. The occasional use notice dispenses with the need for betting premises licences for the track in these circumstances.
- 25.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is

not exceeded. We will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. We will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

26. Small Society Lotteries

26.1 We will adopt a risk based approach towards enforcement regarding responsibilities for small society lotteries. We consider that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- submission of incomplete or incorrect returns;
- breaches of the limits for small society lotteries.

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes;
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact us on 0161 253 5208 within working hours to seek further advice.

PART 4 Licence Conditions & Codes of Practice (LCCP)

27. The Gambling Commission Licence Conditions and Codes of Practice (LCCP) were updated in January 2018 with the changes effected from 4 April 2018.

This version of the LCCP includes changes relating to society lotteries and information requirements consulted on in 2017.

Full details of the LCCP can be found at www.gamblingcommission.gov.uk.

The LCCP contains two types of code provision:

Social Responsibility Code Provisions: Compliance with these is a condition of licences

Ordinary Code Provisions: these do not have the status of operator licence conditions but set out good practice.

Society Lottery Changes – Overview

Societies and External Lottery Managers (ELMs) should do more to provide consumers with more information on the lottery they are participating in, and

how much of their stake is returned to support the aims and objectives of the promoting society.

Topic	Code provision number	Change	Summary of change please refer to LCCP for the full provision	Comments
Low frequency lotteries	SR 3.2.13	Amended provision	We are updating the definition of 'low frequency lottery', which already appeared in this code provision to make clear that it includes those lotteries offered by local authorities.	Includes a summary of the operators to which the provisions apply – consult LCCP for the full explanation Applies to all remote lotteries
Publication of lottery proceeds	SR 4.3.1	New provision	We have added a new social responsibility code provision to require operators to publish the proportion of lottery proceeds returned to the purposes of the society or local authority.	Applies to all lotteries

27.1 We will expect external lottery managers to provide consumers with clear information as detailed in the LCCP

28. Risk Assessments

28.1 Such risk assessments are required from new applicants, and from existing premises licences seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

28.2 Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

28..3 The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this

council expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

28.4 The council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.;
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling.

Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

28.5 Other issues that may be considered could include:

Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

- 28.6 We will expect all risk assessments to be kept on site on the premises and available for inspection upon request

29. **Local Area Profile**

The Council has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP however should we produce a Local Area Profile this will be a separate document to this Policy as it will need to be regularly reviewed in light of changes.

**APPENDIX A
CONSULTEES**

**British Beer & Pub Association
HM Customs & Excise
Gamblers Anonymous
Be Gamble Aware
Greater Manchester Fire & Rescue Service
Chief Constable
The Lotteries Council
The Bingo Association
Association of British Bookmakers
Casino Operators Association of the UK (COA (UK))
Business in Sport and Leisure
BACTA
British Casino Association (BCA)
Security Industry Authority
Remote Gambling Association
Responsibility in Gambling Trust
Gambling Commission
TOTE
Ladbrokes Plc
William Hill
Paul Deans Bookmakers Ltd
Betfred
British Holiday and Home Parks Association
Club and Institute Union
Society of Independent Brewers
Nobles Amusements
The Rank Group Plc
Leisure Link
Gamestec Leisure Ltd
Gala Coral Group Ltd
George Bet Centre's Ltd
Punch Taverns
Children's Safeguarding Board
Limelight Amusements
Salvation Army
Six Town Housing
TRACC
Holders of existing licences/registrations within the Borough of Bury
Planning, Environmental Health, Health & Safety, Pollution and Weights &
Measures Sections.
Representatives of Bury Faith Forum**

**APPENDIX B
RESPONSIBLE AUTHORITIES**

Any application must be sent to:

**Licensing Unit Manager
Bury MBC
Licensing Office
3 Knowsley Place
Duke Street
Bury BL9 0EJ**

Copies of a notice as prescribed by the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 must also be sent to the following responsible authorities:

**The Fire Safety Manager
Greater Manchester Fire & Rescue Service
Bury Fire Station
Chamberhall Business Park
Magdalene Road
Bury BL9 0ES**

**HM Customs and Revenue
National Registration Unit
21 India Street
Glasgow G2 4PZ**

**Bury Safeguarding Partnership
18-20 St Mary's Place
Bury, BL9 0DZ**

**Head of Service
Planning Division
Knowsley Place
Duke Street
Bury
BL9 0EJ**

**The Licensing Officer
Greater Manchester Police
Dunster Road
Bury
BL9 0RD**

**Environmental Health
Health & Safety, Pollution
Knowsley Place
Duke Street
Bury
BL9 0EJ**

**Head of Service
Trading Standards and Licensing**

**Knowsley Place
Duke Street
Bury
BL9 0EJ**

**Gambling Commission
Victoria Square House
Victoria Square,
Birmingham
B2 4BP**

APPENDIX C
BURY METROPOLITAN BOROUGH COUNCIL SCHEME OF DELEGATION

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Application for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

Appendix D

Title: Bury position statement on gambling

Author: Jon Hobday, Consultant in Public Health

Date: 13th July 2017

Background

There is increasing awareness about harmful gambling and its impact on families and local communities, as well as the individuals directly harmed by it. The prevalence of high stakes betting machines on high streets; the significant increase in gambling advertising since the introduction of the Gambling Act over a decade ago; and the rise in online gambling have all contributed to societal concern about gambling in the UK and the harm that can be associated with it. The recent Government announcement that it proposes to reduce maximum stakes on Fixed Odds Betting Terminal (FOBT) machines to £2 is extremely welcome news, with the LGA and others having long argued that the £100 stake was too high. But it is just one step among many more that need to be taken to prevent and address harmful gambling.

Harmful gambling is increasingly cited as a public health issue which requires a broad response; that is to say, traditional approaches that focus on single interventions do not tend to work at a population level. Harmful gambling is a complex problem with a large number of different but often interlinked factors - no single measure is likely to be effective on its own in addressing it.

Councils will be coming into contact with people impacted by problem gambling through a range of services, including housing and homelessness, financial inclusion, children's services and addiction services. Yet few, if any, councils have data on where problem gambling has been a contributory or additional factor in these cases, and we are only just starting to take full advantage of the support that is currently available for problem gambling through the third sector-led treatment system.

Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues and wider local communities.

Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas.

Council's responsibilities

Councils are not responsible for providing treatment for harmful gambling, but there is a range of ways in which different services can seek to support local residents and families who are affected by it. District and unitary (licensing) authorities have a statutory role regulating local gambling premises and various tools to try to prevent gambling related harm occurring in premises: developing maps highlighting locally specific gambling risks; repairing local licensing policies setting out

expectations of gambling businesses, and undertaking compliance visits to assess whether they are meeting these expectations. Planning teams may also be able to play a role in relation to local gambling premises.

Beyond licensing and planning teams, many council service areas will be coming into contact with people experiencing or impacted by harmful gambling, including children's, family and adult services, treatment services, homelessness and wider housing services and financial inclusion services.

Councils should ensure that frontline staff are provided with training on harmful gambling so they recognise potential cases: there is a significant opportunity for these staff to help local residents access support by signposting to the national treatment network via the National Gambling Helpline. Councils can also seek to work with local partners and build links with support organisations to help develop specific local referral pathways and ensure these can be accessed from across the full range of local services. As frontline awareness and identification of harmful gambling develops, councils should ensure they capture data about it, to help understand the extent of harmful gambling, impacts and costs associated with it.

The research found evidence that the following groups are more vulnerable:

- Children, adolescents and young adults (including students)
- People with mental health issues, including those experiencing substance abuse issues (Problem gambling is often 'co-morbid' with these substance addictions)
- Individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- The unemployed
- The homeless
- Those with low intellectual functioning
- Problem gamblers seeking treatment
- People with financially constrained circumstances
- Those living in deprived areas.

A range of issues can be associated with being a problem gambler these include:

- Unexplained joint / muscle pains
- Heart palpitations
- Breathing difficulties
- Sleep disturbances/ insomnia
- Increased blood pressure
- Headaches
- Anxiety / depression
- Narcissistic presentations
- Self harm and suicidality
- Confusion
- Substance misuse
- Feelings of stigma/shame
- Domestic violence/ abuse
- Relationship difficulties and breakdown
- Loss of trust

- Loneliness
- Social isolation
- Neglect / abandonment
- Anti-social behaviour
- Poor concentration
- Money/debts
- Housing issues
- Work / school problems
- Reduced productivity
- Criminality
- Use of food banks

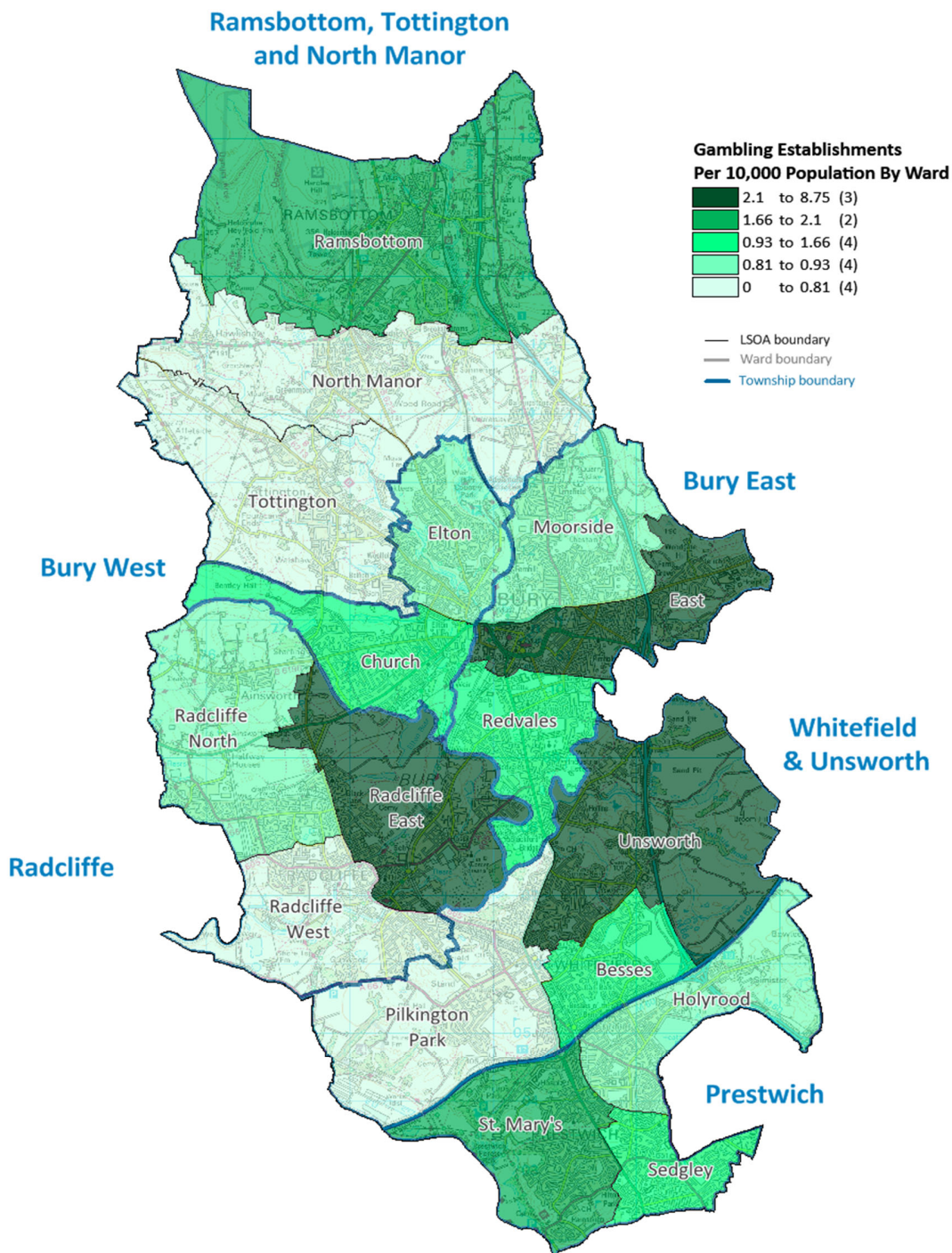
The position in Bury

Bury has 30 licensed premises distributed across the following wards

Ward	No of Premises
East	10
Radcliffe East	4
Unsworth	2
St. Marys	2
Ramsbottom	2
Redvales	2
Sedgley	2
Church	1
Besses	1
Radcliffe North	1
Holyrood	1
Elton	1
Moorside	1
North Manor	0
Pilkington Park	0
Radcliffe West	0
Tottington	0
Total	30

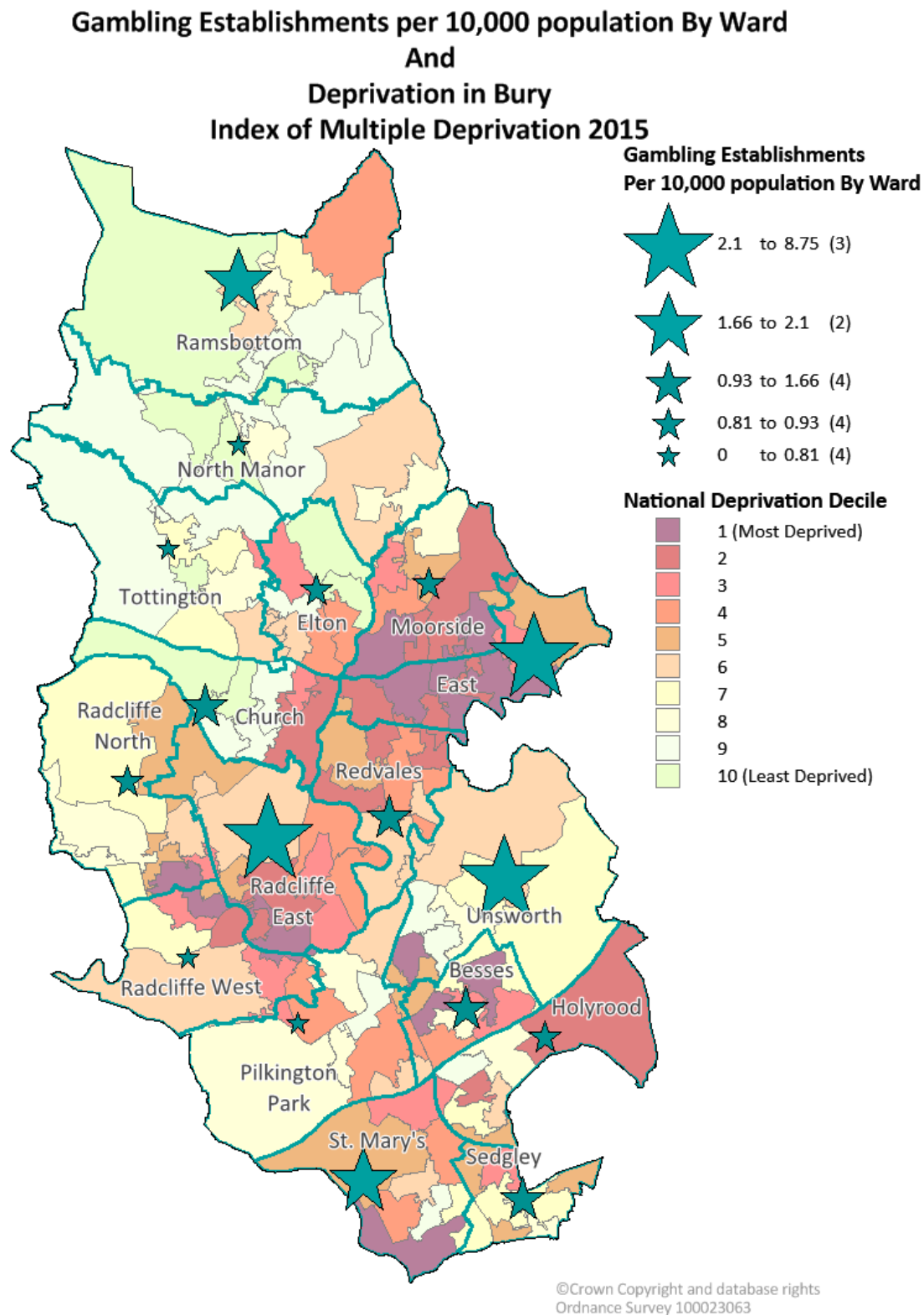
Figure 1

Gambling Establishments per 10,000 population By Ward



Data Source: IMD 2015, DCLG
 ©Crown Copyright and database rights
 Ordnance Survey 100023063

Figure 2



As can be seen by the map the rate of gambling establishments in each ward directly correlates to the level of deprivation (i.e. the rate of gambling establishments are highest in the most deprived areas).

Numbers of problem gamblers in Bury Council

Based on national projections **3.6%** of the over 16 population are at low or moderate risk based on their gambling this is equivalent to **5733** at risk gamblers.

In addition national evidence suggests **0.7%** of the population over 16 are identified as problem gamblers which equates to **1056** people in Bury.

Local Support Services

Gamblers Anonymous Manchester

Offers help and support in the diagnosis and the recovery from gambling. Also offers a Gamron service that holds meetings for partners of gamblers.

Bank Street, Bolton, BL1 1TS

[Website](#)
[Remove from My Shortlist](#)

Ocean Recovery Centre

Ocean Recovery is an alcohol and drug rehabilitation centre. We provide services to addicts wishing to attain recovery. Services we provide are divided into two areas: detoxification and rehabilitation. Rehabilitation typically includes counselling and therapy sessions. We are qualified to treat behavioural addictions such as...

94, Queens Promenade, Lancashire, FY2 9NS

0125 353 0553


[Email](#)
[Website](#)
[Remove from My Shortlist](#)

Rehab - The Priory Highbank Centre - Bury

The Priory Group of Companies has established an unrivalled reputation for delivering a real and lasting difference for its service users. Priory currently treats more than 70 different conditions through a nationwide network of over 450 facilities.

The Priory Group is made up of a comprehensive...

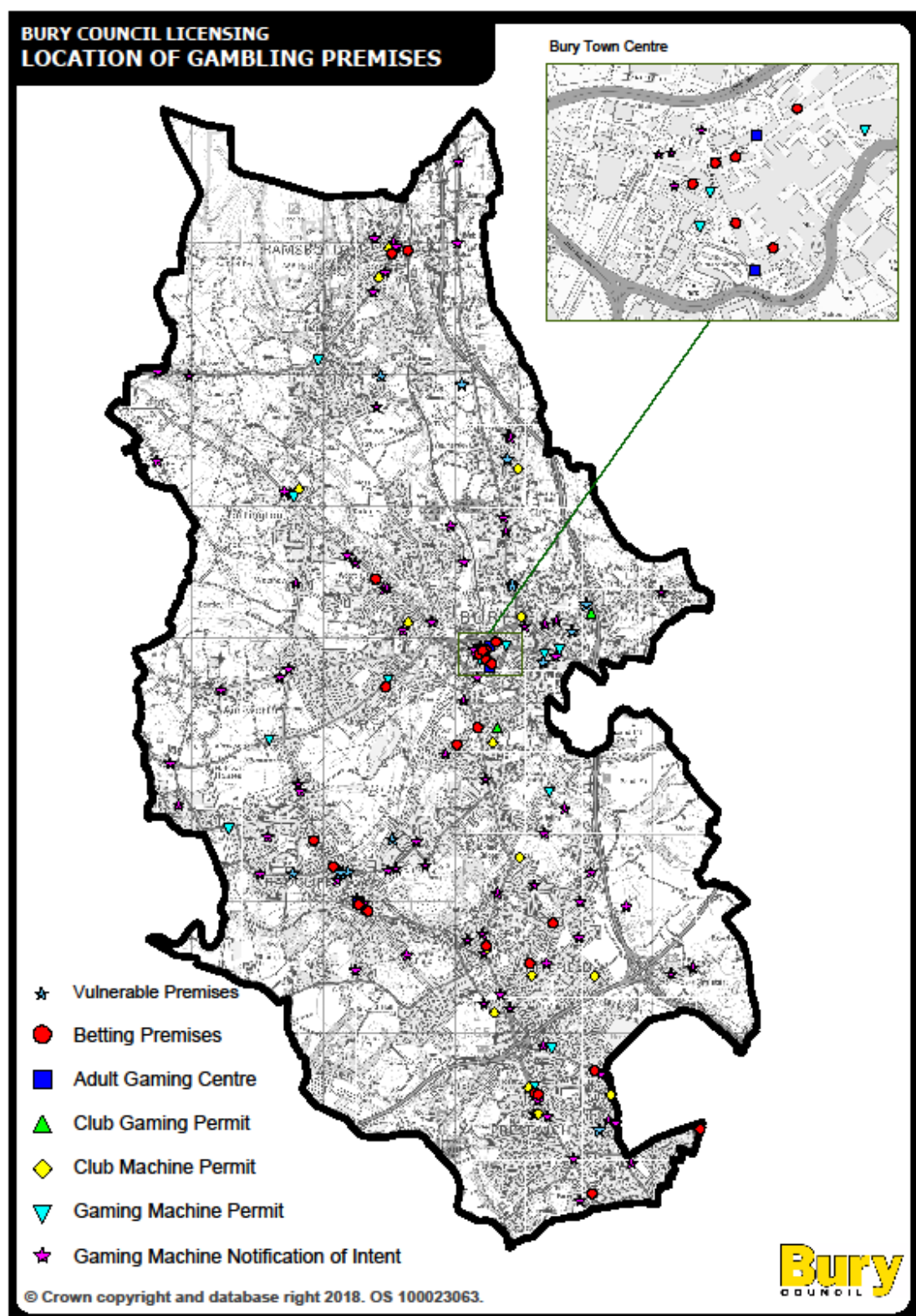
Walmersley House, Walmersley Road, Lancashire, BL9 5LX

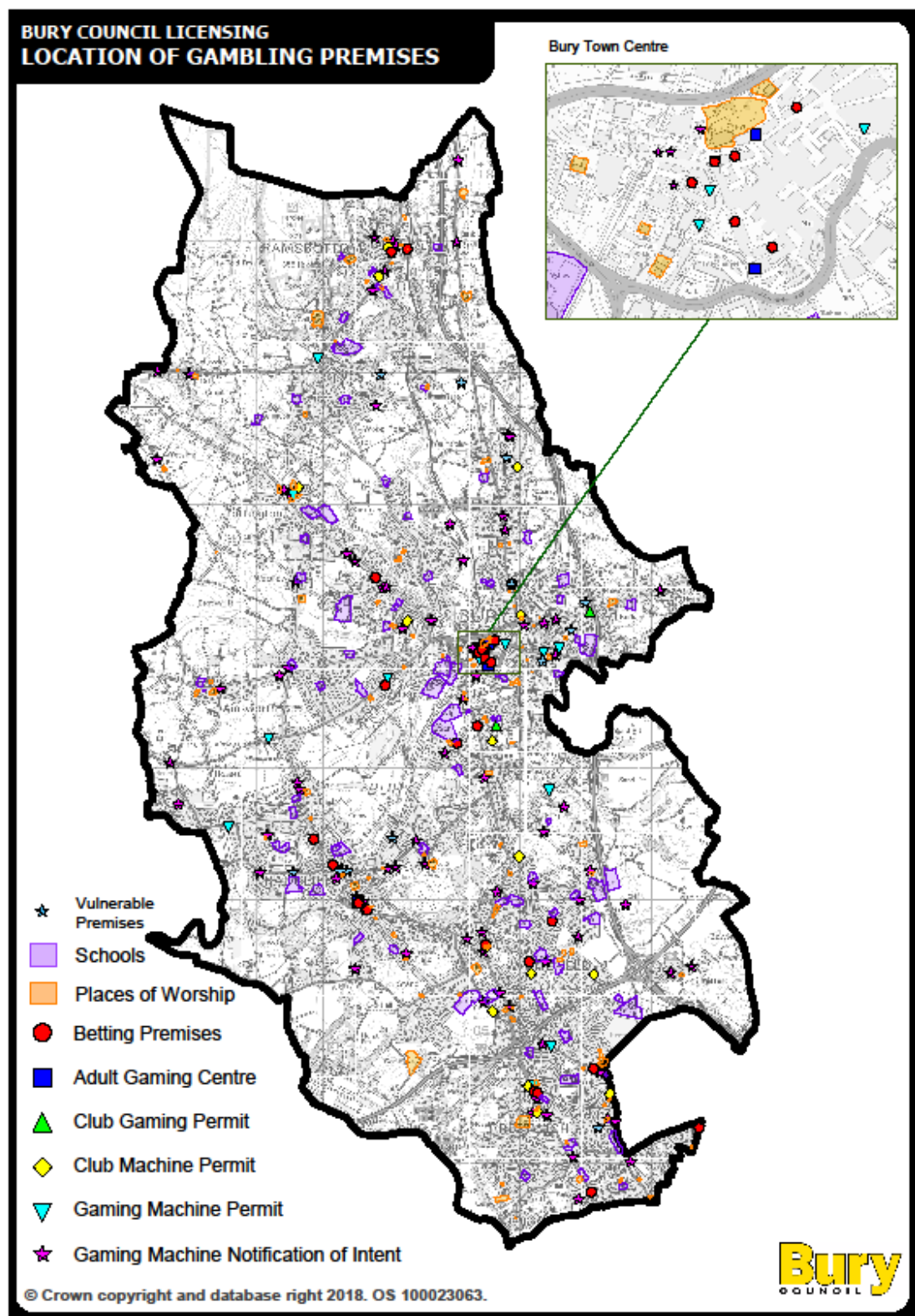
01706 829 540

[Email](#)
[Website](#)
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Recommendations

Any application for new gambling establishments should be considered based on the current distribution of gambling venues across Bury and what is known about groups which are at increased risk (i.e. the more deprived







Classification	Item No.
Open	

Meeting:	Licensing & Safety Committee / Full Council
Meeting date:	11 November 2021 – Licensing and Safety Committee 24 November 2021 – Full Council
Title of report:	Common Minimum Licensing Standards
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report outlines the work that has been undertaken by the Greater Manchester Licensing Network, Transport for Greater Manchester and Bury Council in relation to Common Minimum Licensing Standards for hackney carriage and private hire vehicle licensing. It details the consultation that has taken place and feedback and comments received. The standards detailed in the report relate to licensed drivers, licensed private hire operators and the local authority and the proposals and recommendations made in the report are designed to ensure a safe, visible, accessible and high-quality hackney and private hire service.

Recommendations

- To adopt the recommendations presented in Section 4 (Lead Officer Recommendations) for each proposed standard for implementation by a time determined by the Licensing & Safety Committee, unless an alternative date is specified, or a further report is required, except for Vehicle Proposed Standard 5 in relation to Vehicle Livery.
- In relation to Vehicle Proposed Standard 5 (Vehicle Livery), Bury Council have carried out further consultation with taxi drivers and operators and following this

recommend that the Council implements the following GM livery standards proposed:

That all vehicles will:

- display permanently affixed licence plates on the front and back of the vehicle

That all PHVs will:

- only display stickers provided by the licensing authority (at cost) which will bear the operator name and phone number, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo (the design, dimensions and placement of the stickers on the vehicle is to be determined at a future date)
- display those stickers on both rear side doors and the back window
- not use any magnetic stickers

Any decision regarding the implementation of the proposed 'GM approved' bonnet sticker will be delayed for a period of 2 years while more work is carried out with the trade and GMP to address the concerns raised by the trade relating to antisocial behaviour.

Existing vehicle livery standards in Bury will be retained until the new GM livery design, dimensions and placement are confirmed and procured. Ahead of the changes, the existing livery standards will be reviewed to accommodate the GM livery. A further update report will be presented to the Licensing and Safety Committee.

1.0 Introduction

1.1 Background

Around 2,000 hackney vehicles, approximately 11,500 private hire vehicles and upwards of 18,600 drivers are currently licensed across the ten Greater Manchester Authorities. Whilst there are many similarities in terms of policy standards and licence conditions, there are also significant differences, particularly when it comes to policies relating to the licensing of vehicles, the calculation of licensing fees and the approach to proactive compliance.

In 2018, Greater Manchester's ten local authorities agreed to collectively develop, approve and implement a common set of Minimum Licensing Standards (MLS) for taxi and private hire services.

At that time, the primary driver for this work was to ensure public safety and protection, but vehicle age and emission standards in the context of the Clean Air and the decarbonisation agendas are now also major considerations. In addition, by establishing standards around common vehicle specifications, MLS

is an important mechanism that permits the systematic improvements to taxi and private hire service across Greater Manchester and their visibility.

This approach stands to benefit drivers and the trade more widely as public confidence in a well-regulated and locally licensed taxi and private hire sector grows and will contribute directly to better air quality and lower carbon emissions. By establishing and implementing Greater Manchester-wide MLS, the 10 licensing authorities can help to ensure that all residents and visitors see these services as safe and reliable, and preferable to those not licensed by Greater Manchester local authorities.

This collaborative approach seeks to establish basic and GM MLS in key areas, whilst allowing Districts to exceed these minimums where they consider this to be appropriate. As licensing is a local authority regulatory function, the Standards have been devised by the GM Licensing Managers Network who work in partnership across Greater Manchester to drive innovation, partnership and change agendas. MLS is also related to other key Greater Manchester priorities, most notably the GM Clean Air Plan and decarbonisation strategies, hence TfGM has been supporting the development of MLS ensuring it complements wider objectives.

Ultimately the collaborative approach that MLS represents will help achieve the vision of Taxis and Private Hire as a crucial part of the overall transport offer; a strong, professional and healthy taxi sector that can deliver safe and high-quality services to residents and visitors across the whole of Greater Manchester. The proposed MLS, together with funding from the GM Clean Air Plan, will help deliver improved safety, customer focus, higher environmental standards and accessibility.

Local reform through MLS can deliver real improvements across Greater Manchester, but the growth of out-of-area operation undermines local licensing. This gives cause for real concern that vehicles and drivers licensed outside our conurbation (but carrying Greater Manchester residents and visitors) may not be regulated to the high standards GM authorities and the travelling public expect.

In devising these MLS, officers are all too aware that out-of-area operation sets very real limits on what can be achieved within the current regulatory environment. Not all of our policy goals can be achieved in this stage of reform.

And it is in this regard, that Government reform of taxi and private hire legislation remains as critical as ever. Further work to press the case to Ministers and officials for reform is a key part of the overall approach.

1.2 Minimum Licensing Standards

The GM MLS were ready to be consulted on when the Department for Transport published Statutory guidance for taxi and private hire licensing authorities in July 2020. The MLS project has had regard for that guidance, which largely mirrors

what is already proposed across GM, and reference is made in the report where appropriate.

It should be noted however that the Statutory guidance firmly highlights the past failings of licensing regimes in putting public safety at the forefront of their policies and procedures. The guidance asks authorities to have due regard to reviewing its policies thoroughly and considering good practice in the implementation of robust standards that address the safeguarding of the public and the potential impact of failings in this area.

It is with public safety as our primary duty in mind as Licensing Authorities that the MLS are proposed.

Overall, the GM approach looks to provide:

- the public with safe, visible, accessible and high-quality hackney and private hire services.
- the hackney and private hire trades with clarity over what the required standards will be over the long term, and through the GM Clean Air Plan, with unprecedented investment to help renew the fleet.
- local authorities with the continued regulatory role in relation to driver, vehicle and operator licensing whilst retaining scope to exceed the MLS as agreed locally by elected members.

The MLS are divided into four distinct sections as follows:

Licensed Drivers; including criminal records checks, medical examinations, local knowledge test, English language requirements, driver training including driving proficiency and common licence conditions.

Licensed vehicles; including vehicle emissions, vehicle ages, common vehicle colour and livery, vehicle testing, CCTV, Executive Hire and vehicle design common licence conditions.

Licensed private hire operators; including common licence conditions, DBS checks for operators and staff every year, fit and proper criteria for operator applications and common licence conditions.

Local Authority Standards: including application deadlines and targets, GM Enforcement Policy, Licensing Fee Framework, Councillor training requirements and Officer delegations.

- 1.3 As Members will know, due to the breadth of proposals to be considered, the final Standards recommendations have been split into two Stages. Stage 1 standards related to drivers, operators and local authority standards and this Stage 2 report seeks to provide Members with detailed consultation feedback and officer recommendations on the Vehicle Standard proposals.

1.4 Link to the Clean Air Plan

An important element of the overall approach is to provide clarity and long term certainty for vehicle owners, so that they are able to plan the upgrade of their vehicles in a way that meets and contributes positively to GM's Air Quality, Carbon and other environmental obligations.

This will also help ensure that applicants to the £19.7m Clean Taxi Fund (CTF), secured as part of the GM Clean Air Plan, will have a clear understanding of what locally licensed vehicle requirements will be over the longer term, for example in terms of emissions, age and other criteria, so they can determine the best use of the available funds given their specific circumstances. Note that Applicants for the CTF will need to demonstrate that:

- they are the owner/registered keeper of the non-compliant vehicle;
- the non-compliant vehicle is licensed for the purposes of Hackney Carriage or a private hire services with one of the 10 Local Authorities in GM and has been so licensed for not less than twelve (12) uninterrupted consecutive calendar months immediately prior to the date of Application;
- the non-compliant vehicle has been owned by the Applicant for not less than twelve (12) uninterrupted consecutive calendar months immediately prior to the date of Application;

2. **The Consultation**

- 2.1 Members have already been provided with a summary of the GM wide public consultation that took place between 8 October and 3 December 2020 in the Stage 1 Report.
- 2.2 For a full breakdown of demographics and to view the complete GM consultation report please visit www.gmtaxistandards.com
- 2.3 The response breakdown for Bury Council was as follows:
In total, 43 members of the public and 16 private hire drivers commented about the vehicle standards.

Main themes from the public

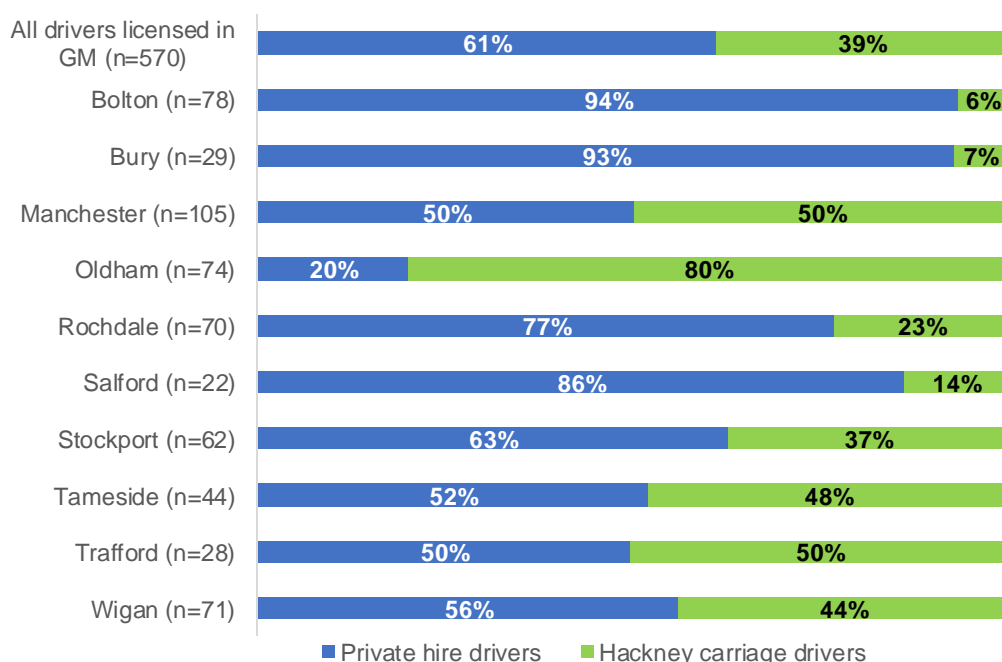
	Number of comments
Vehicle Colour	21
General Comments	9
Vehicle Maintenance and Testing	7
Vehicle Livery	6
Age of Vehicle	6
Accessible vehicles	6

Vehicle Conditions	5
CCTV	4
Vehicle Emissions	4
Vehicle Design	1

Main themes from private hire drivers

	Number of comments
Vehicle Colour	9
Age of Vehicle	7
General Comments	5
CCTV	4
Vehicle Livery	3
Vehicle Conditions	1
Vehicle Maintenance and Testing	1
Executive Hire and specialist vehicles	1

2.4 The following table provides a comparison of driver trade response levels across each of the 10 districts (with numbers on the left column and split shown between Hackney and Private Hire):



2.5 As Members will see, the response rates were generally low across the board, particularly from members of the trades. This isn't uncommon compared to Officers reflections on previous engagement with the trade. At a GM level, there are enough responses to draw conclusions, however, the number of responses in

some sub-groups at district level is small and as such, the data should be treated with caution.

- 2.6 Across GM there were monthly meetings with trade and union representatives to update and reflect on the work being undertaken. Twelve briefings were held for representatives at GM level in MLS and clean air. There were also 25 briefing sessions for all trade sectors affected by clean air and at local level a number of local briefings were held and various communication methods used to notify all affected that consultation was underway including emails, newsletters and contact via operator bases.
- 2.7 It should be noted that the findings of the in-depth interviews and focus groups have been included alongside the findings from the questionnaire, expanding on the findings to provide deeper insight and examples in commentary form. The in-depth interviews enabled those who may be specifically impacted to provide additional detail and specific examples, for example from a specific business sector.
- 2.8 The Consultation document provided detail on 10 separate vehicle standard proposals and asked the following questions:
1. To what extent do you agree or disagree with the proposed minimum licensing standards for Vehicles in Greater Manchester?
 2. Please use this space to provide any comments relating to the proposals for the minimum licensed standards for Vehicles

For question 1 on each section, response options were:

- strongly agree
- agree
- neither agree or disagree
- disagree
- strongly disagree
- don't know

Respondents were then asked a series of other questions to gain further insight into their views on implementation and impact of the proposals, including free text responses to gain more qualitative feedback.

- 2.9 Copies of the Consultation Questionnaire and accompanying information booklet are available at www.gmtaxistandards.com

3. SUMMARY FINDINGS

- 3.1 This section provides higher level summaries of the consultation responses at a GM level. Detailed comments and District specific feedback on individual standards are included later in the report in section 4.

3.2 Vehicle Standards

- High level of agreement from members of the public (88%)
- Greater overall level of disagreement from Trade (Hackney 69% and PH 63%)
- Trade mostly commented on age policy proposals; disagreeing
- Concerns raised about the charging infrastructure for electric vehicles
- Public liked the proposal of CCTV but concerns raised by the Trade with regards to cost and data privacy
- High number of comments and disagreement across both public and trade with regards to colour policy proposals

3.3 Drivers who rent or lease their vehicle were more likely to agree with the proposed vehicle standards compared to those who own their vehicle (37% and 22% respectively), likely due to the lower likelihood of significant direct financial impact, however in both cases more drivers disagree than agree with the proposed vehicle standards.

3.4 The following table shows the number of total comments made (GM level) for each standard category by respondent type:

Category	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
General Comments	95	11	32	6	3	1	3
Vehicle Emissions	39	20	10	5	1	2	4
Age of Vehicle	82	78	84	8	1	1	10
Vehicle Colour	214	23	95	12	2	1	13
Accessible vehicles	54	38	1	1	1	0	4
Vehicle Livery	62	7	47	6	1	3	11
Vehicle Maintenance and Testing	44	20	31	4	0	0	2
CCTV	83	16	51	6	1	3	8
Executive Hire specialist vehicles	8	0	5	2	0	0	1

Vehicle Design	9	4	0	0	0	0	1
Vehicle Conditions	24	1	3	2	0	0	0
Base	449	114	187	24	7	6	20
Proportion of respondent type	45 %	49 %	53 %	75 %	37 %	60 %	56 %

3.5 Some of the general comments about the vehicle standards as a whole are as follows:

"Really impressed with the standards I hope it is brought in sooner rather than later." (Public, age 35-44, Trafford)

"All of these are important" (Public, age 55-64, Bury)

"These measures will make all passengers safer." (Public, age 35-44, Tameside)

"I feel this is a policy that is being rushed through without full thought of the cost and consequences to the self-employed sole trader who has been badly affected by Covid 19." (Hackney Driver, Tameside)

"Standardising of vehicles leads to a higher demand for a smaller range of vehicles which, in turn, increases initial purchase cost and ongoing maintenance costs (due to high parts demand). The vast majority of private hire drivers are living close to minimum wage and any increasing in their running cost will be pushed directly onto the customers. Resulting in the continuing demise of the industry and customers turning to subsidised transport systems." (Public, age 25-34, Wigan)

"I believe that wanting completely emission-free taxis by 2028 is a goal that should be circumstantial. Most drivers use these vehicles for their private life too and electric vehicles must have the range and practicality to serve both needs before making it mandatory to have an emission-free vehicle." (PHV Driver, Stockport)

3.6 Additional Consultation with the Trade in Bury

To ensure the Council fully understood the views of the trade in relation to MLS and their concerns, the Council has engaged with Trade representatives through Trade Liaison meetings to go through the details of the proposals.

3.7 GM Wide Amendments

Concerns raised by the trade in relation to a number of the standards were amended across GM following the consultation e.g., in relation to:

- Vehicle emission – The date to move all licensed vehicles to ZEC was amended from April 2028 to as soon as possible.
- Vehicle colour – The proposed single colour for PHVs was removed and changed to an aspiration of the MLS programme.
- CCTV – The proposed implementation was amended to a recommendation to approve the drafting of a CCTV policy for further consideration and consultation.
- Vehicle Design – The specification for window tints was changed to allow manufacturers tint to a minimum of 20% light transmission.

3.8 Bury Specific Amendments

- Vehicle Livery - During liaison meetings, the trade representatives raised concerns relating to projectiles being thrown at licensed vehicles and the possibility bonnet livery would increase the risk to drivers. As a result, Bury Council have chosen to amend the recommendation from the original GM report in relation to bonnet livery.
- Vehicle Colour – In relation to the proposal to implement a single colour for Hackney Carriage Vehicles, Bury Council have recommended the standard is only applied to all new and replacement vehicles to take on board the trades concerns relation to the cost and availability of vehicles to comply with the colour policy.

4 RECOMMENDATIONS

4.7 This section of the report provides further detailed and qualitative feedback and officer recommendations for each proposed standard. A separate Equality Impact Assessment has been carried out.

- 4.8 Each Standard is set out in individual tables below detailing:
- the proposed Standard and the rationale for the proposal
 - the current standard in district
 - feedback and comments made in the consultation in relation to the specific standard (both at a GM and local level),
 - outline of relevant points, considerations and risks in response to the consultation
 - officer recommendation for that proposed standard.

VEHICLE STANDARDS PROPOSALS

Vehicle Proposed Standard 1	Bury Council Current standard																
Hackney Carriages It was proposed that all licensed hackney carriages should be wheelchair accessible vehicles (WAV), and that there is a consistent approach to makes and models of vehicles that will be accepted onto fleets as Hackney Carriages. It was also posed for consultation whether a purpose-built HC vehicle should be side or rear loading.	Bury Council currently has a policy that any vehicle being licensed as Hackney Carriage must be wheelchair accessible. However, we do not permit rear loading vehicles due to issues of opening door if parked on a rank with a vehicle behind.																
Reason for Proposal																	
Currently not all GM authorities have a wheelchair accessible or purpose-built hackney carriage policy. Passengers with additional mobility needs should not have to wait for long periods at a taxi rank for a suitable accessible vehicle. Licensing Authorities need to ensure their policies are non-discriminatory and inclusive. This standard proposal seeks to ensure that there is sufficient availability of accessible vehicles for residents and visitors to the region, and that there is a more consistent standard across the conurbation for the makes/model and specifications of Hackney Carriage vehicle allowed onto the fleets.																	
Consultation Response																	
<u>GM level response:</u> This proposal elicited a fair number of comments compared to some other standards, as per the table below:																	
<table><tr><th>Standard</th><th>General public</th><th>Hackney Drivers</th><th>PHV Drivers</th><th>PHV Operators</th><th>Business</th><th>Vehicle Leasing Company</th><th>Representatives</th></tr><tr><td>Accessible vehicles</td><td>54</td><td>38</td><td>1</td><td>1</td><td>1</td><td>0</td><td>4</td></tr></table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Accessible vehicles	54	38	1	1	1	0	4
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
Accessible vehicles	54	38	1	1	1	0	4										
This table breaks down those comments thematically across the respondent categories:																	

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
A mixed fleet (types of vehicles) is important	13	23	0	1	0	0	2
Accessible vehicles are expensive / need to be subsidised	3	6	1	0	0	0	0
PHV should have to have same rules about accessibility	1	0	0	0	0	0	0
More accessible vehicles are needed	34	6	0	0	1	0	3
More consultation with disabled people required	5	0	0	0	0	0	0
Problem with design of accessible vehicles	3	5	0	0	0	0	2
Base	54	38	1	1	1	0	4
<p>34 members of the public commented that more accessible vehicles were needed as did 6 hackney drivers. Some members of the public shared how they often encounter difficulty booking wheelchair accessible vehicles due to their lack of availability, and those hackney drivers who have accessible vehicles noted how they are relied upon by many who do not have many other options for transport.</p> <p><i>"Accessible Hackney carriages - we have extreme trouble booking a taxi in advance that has wheelchair access as the taxi company do not always know when their wheelchair accessible vehicle will be available. In the past we have been asked to ring at the time an accessible taxi is needed - and in every occasion one was not and our family has had to pick her up instead - not an ideal situation for a young lady who would like some independence." (Public, age 45-54, Bury)</i></p>							

"Make it all wheelchair accessible vehicles, known as a level playing field." (Hackney Driver, Wigan)

In contrast, 23 hackney drivers felt having a mixed fleet was more important, with some sharing how they feel some passengers are deterred by larger vehicles.

"As a Hackney driver, I don't agree for all Hackney carriage vehicles to be wheelchair accessible. Reason is for that we do, need mixed fleet for elderly people who do not like getting into bigger vehicles. I believe it will make them go to private hire offices and that will affect our business. Also, it's more affordable to buy a normal electric car." (Hackney Driver)

One operator who took part in the focus groups specialises in the transportation of customers who need wheelchair accessible vehicles. He stated hackneys were not suitable for all.

"On the black cabs and I've got two of them, okay. The ramps that come down, they come down on an angle and, you know, that ramp the wheelchairs cannot actually get up on them and also the people, when they're sat in them, they'll bang their head against the roof. So for some reason licensing seemed to think that anybody who's in a wheelchair would fit in a black cab. It's not the case, so you might have two thousand black cabs out there and they could say, oh, they're all wheelchair accessible. They are for full manual wheelchairs. Electric ones they can't fit. (Operator, Trafford).

Representatives also argued for a mixed fleet:

"This is totally not acceptable because [it] is not meeting the needs of vulnerable or disabled [people]. Many old [and] disabled don't use wheelchair vehicles either [because] it's too high or [they] dislike it them". (Organisation, NPHTA)

"There is very little evidence to support the need for an entire trade to cater for wheelchair bound passengers, potentially at the cost of the majority of disabled passengers who are not confined to a wheelchair and therefore find it far more difficult to access the higher vehicles that are WAV, so a mixed fleet is a better approach". (Organisation, NPHTA)

Some hackney drivers and operators expressed concerns with the design of wheelchair accessible vehicles, with 5 explaining their preference is for side loading accessible vehicles rather than rear loading and expressing their safety concerns.

"All Hackney carriages should be side loading wheelchair accessible, rear loading takes up too much space on ranks, they are also dangerous when unloading passengers in the middle of the road." (Hackney Driver, Wigan)

"Accessible Hackney carriages: It is proposed that all hackney carriages should be wheelchair accessible. Agreed. Particularly important condition which will help to prevent the influx of out-of-town licensed saloon cars plated as Hackney carriages from working within the GMC area. Side and / or rear loading without the need for swivel seats: A policy as to whether purpose-built accessible vehicles should be side

and/or rear loading without the need for swivel seats is being considered. The choice of entry location generally determines the floor plan available. Rear entry vehicles offer two floor plans for up to four or six passengers. A side entry van has more options when it comes to the floor plan. Side entry vehicles will lower the available space inside, as the maximum number of ambulatory passengers in this option is four including three in the rear bench seat. Swivel seats in taxis where fitted should remain as they are an additional feature making it easier to enter or exit the car without undue discomfort. For those who have conditions such as arthritis, multiple sclerosis, or osteoarthritis, which can limit their mobility will benefit as they reduce strain otherwise placed on the hips and back.” (Operator, Manchester)

“I mean I have a sliding door on the side, two sliding ones and the rear loaded is the big door that comes up. Okay, there’s a row of seats there, but the row of seats can be moved. I mean I do put, where the large wheelchairs fit and if I do one, because it can be that you can’t get them through the side door, because there’s a big person, so they have to go through the rear door. So, what you do is, you just push the seats right forward, because they’re all tracking, you just push them right forward. So, I would be fine.” (Licensed hackney driver – own my vehicle, Stockport)

A further 6 hackney drivers felt wheelchair accessible vehicles were expensive or need to be subsidised if they are all required to be wheelchair accessible.

“Vehicle emissions. what I can gather from the information available is that driver is responsible for all the costs involved. Accessible Hackney is very expensive it will put almost every Hackney driver out of business in Rochdale for sure even Euro six diesel is unaffordable.” (Hackney Driver, Rochdale)

Concerns were raised by members of the public about the impact on the cost of using a hackney / PHV.

“Wheelchair accessible vehicles are more expensive than normal cars. And that’s tough for people who need them. One solution would be to provide a subsidy to anyone buying an accessible vehicle to use as a taxi. But what makes absolutely zero sense is to make the non-wheelchair-using public (the VAST majority of people) pay for accessibility features they do not need.” (Public, age 35-44, Manchester)

Some users and drivers felt a few drivers use the fact they are transporting someone who needs an accessible vehicle to their advantage:

“But a lot of the time they do treat you, you know, what they do is they charge, they put the timer on and if it takes you ages to get into the cab and put your belt on and everything, they charge you for all that, you know and getting out the cab, they don’t always put seatbelts on properly and things like that, but then the private hire companies don’t usually have accessible vehicles.” (User, Group 1)

Others highlighted not all disabilities are visible:

"More accessible vehicle design for disabled people. Not everyone with a disability you see looks disabled very important not to forget for drivers." (Public, age 45-54, Oldham)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Accessible vehicles	6

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed.

Accessible vehicles: four people commented there needs to be more accessible vehicles available, with two similar comments adding that a mixed fleet is important;

Main themes from private hire drivers

	Number of comments
General Comments	5

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

No specific comments made in relation to this standard.

Comments and considerations

All purpose-built Hackney Carriages are wheelchair accessible, but also have additional mobility and accessibility design features such as passenger compartment controls, additional lighting, additional space, visibility strips, audio loops, steps, swivel seats (may built in as standard), wide doors etc.

As well as providing better access for those with additional needs, purpose-built Hackneys also make it much easier for the travelling public to distinguish between a licensed Taxi and a private hire vehicle. As such, 7 of the 10 districts currently only licence purpose built/Wheelchair Accessible vehicles as Hackney Carriages in their policy.

Where mixed fleets exist, and ordinary saloon cars are licensed as Hackneys, these are commonly permitted to have a hire light installed on the roof to enable them to legally ply for hire. However, in the current landscape where these vehicles can undertake pre-booked private hire work in other areas, and/or are more likely to be crossing local boundaries, it can serve to undermine local purpose built only Hackney policies, and potentially undermine the legitimate business undertaken by Hackneys in certain areas. The public observe saloon vehicles in one area legally plying for hire and not understand that this is not permissible in another area, and this serves to encourage illegal activity as confusion provides an opportunity for those looking to illegally ply.

Therefore, it should also be noted that a decision on this policy standard has knock on considerations/decisions for the following:

- Age Policy for Hackneys (WAV/non-WAV – standard Proposal 2)
- Colour and livery policies for Hackney vehicles (see Standards Proposals 4 and 5)
- Intended use policy for Hackneys (see Standard Proposal 10 – Hackney Carriage Vehicle Conditions)

As outlined within the proposal section above, this policy standard is not just about wheelchair accessibility. For a City Region like Greater Manchester, with ambition to licence a high-quality service offer that supports economic and business growth, including accessibility standards within the public transport network; it must therefore follow that all licensed Hackney Carriages are purpose built accessible vehicles, providing all the benefits to users that such vehicles do. The objective to ensure that no one with additional needs should ever have to wait on a rank for a suitable vehicle has considerable merit, and the policy has the added safety benefit of properly distinguishing licensed Hackneys and Private Hire vehicles in all fleets. An additional consideration is that there will be no better time to implement this transition, as the funding opportunity provided through the Clean Air Plan is unique and time limited providing much needed support to those that seek to make this transition.

Lead Officers recommendation

To implement the standard for all licensed Hackney Vehicles to be WAV (already in place in Bury).

To defer the decision on side/rear loading at this time as the consultation response on this specific point was particularly low.

Vehicle Proposed Standard 2	Bury Council Current standard
<p>Vehicle Age</p> <p>It was proposed that all licensed vehicles are under 5 years old at first licensing and no more than 10 years old.</p> <p>Views were sought on consideration of a different age policy for electric and wheelchair accessible vehicles (WAV).</p>	<p>Bury Council currently licenses vehicles that must be under 10 years old at first grant. Then on reaching 10 years should go off, unless exceptional condition (private hire) or pass 5 fault rule (hackney).</p> <p>Currently Bury have no lower age limit for vehicles coming onto the fleet for both Hackney Carriage or Private Hire.</p>
Reason for Proposal	
<p>The majority of GM districts have upper limits for both the age at which a vehicle must be under to be first licensed, and the age at which it will cease to be licensed, although these currently vary across the conurbation, with some districts having</p>	

never implemented any age restriction on its licensed fleets. The proposal seeks to rationalise the variance across the conurbation and ensure that GM districts do not undermine each other's policies; deterring applicants from seeking the authority with a significantly lower standard in this regard.

Licensed vehicles undertake significantly more miles than an average domestic vehicle, meaning they are likely to deteriorate more quickly and experience structural weaknesses over time which impacts on vehicle safety. Where vehicle testing data is held by the local authority (as it is delivered inhouse), this generally evidences that the older a vehicle is, the more likely it is to fail tests, and usually with a higher number of major faults. So where vehicle age policies already exist within GM, this encouraged lower polluting vehicles, ensured higher levels of safety in vehicles and also supported the strategic objectives to have a better quality of fleet for residents and visitors within this key section of the transport network. The specific purpose of having an age limit for vehicles 'coming on to fleet' is to safeguard against having the majority of the licensed fleet at the older end of the age limit scale and is a common policy among licensing authorities nationally.

Consultation Response

GM level response:

This proposal elicited a much higher number of comments:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Age of Vehicle	82	78	84	8	1	1	10

The following table sorts the comments by theme according to respondent:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with Age Limit proposals	18	1	7	1	1	0	0
Age limit should be higher than 10 years	4	37	16	1	0	0	2
Age limit should be less than 10 years	11	1	4	0	0	0	0

Electric cars should have same age limit as non-electric	7	4	0	1	0	0	3
No age limit or higher for electric vehicles	1	5	5	0	0	0	1
Minibus maximum age should be 15years	0	0	2	0	0	0	0
Age is not important	45	33	47	6	0	1	6
10 years isn't enough time to return investment	0	8	2	2	0	0	2
Suggestion of different Minimum age	2	4	13	2	0	0	0
Base	82	78	84	8	1	1	10

A relatively small number of comments were made (28) in support of the age limit proposals. Comments included the reference to the poor condition of vehicles not subject to an age limit:

"I live in Bolton, and the current standard of taxis is appalling - it's like a rolling scrap yard. Other parts of Greater Manchester seem to have much nicer, newer taxis, but Bolton is full of decrepit, shonky old rust boxes, limping around the town, pumping out clouds of smoke and regularly breaking down. I saw an "S" reg taxi not long ago - registered in 1997! The car was older than it's driver! We pay good money to be driven around in these awful heaps, and it's about time something was done about it" (Public, age 45-54, Bolton)

However, the vast majority of comments expressed a view that the age limit was either not important/not necessary or should be higher than 10 years, with significantly fewer responses supporting the proposal. A high number of comments were received expressing the age of a vehicle should not matter if the vehicle is well-serviced and maintained, with this being expressed by 33 hackney drivers, 47 PHV drivers, 6 PHV operators, and 45 of members of the public.

"Vehicle age shouldn't matter as long as it is in good condition. We have two MOTs in a year, so the vehicles are good for customers". (PHV Driver, Bolton)

Some respondents commented about hackneys being more expensive to replace and upgrade, with some comparing the costs to PHVs. Therefore, 37 hackney drivers and 16 of PHV drivers felt the age limit should be higher. Drivers licensed in Manchester raised this more than any other area.

"Age shouldn't be a problem as long as kept up with maintenance and repairs to a good standard. Personally, I think if a vehicle needs welding, it's past its best for the job, and licenses should be granted for 12 months after repairs to give drivers the time to invest in a replacement. Also, Hackney carriages cost a hell of a lot more money than a private hire car, £30,000 upwards whereas a new Dacia car can be purchased for £8000, so should be given 15-year age limit" (Hackney Driver, Stockport)

Both the LPHCA and Unite Union did not feel the age standard was appropriate:

"As a former qualified engineer and operator that had over 2,000 vehicles used, leased or owned by my business for Private Hire usage and as many experienced operators, taxi & PHV hirers will tell you – it is the condition of, not the age of a vehicle that is critical. A combination of condition and vehicle emissions requirements (as you have set out above) is a far better way to determine the fitness for a taxi or PHV to be licensed. It is reasonable to subject older PHVs to more frequent MOTs and other inspections whilst meeting established Euro Standards and Air Quality requirements, rather than the outdated and inappropriate use of age policies." (Organisation, LPHCA)

Setting the hackney vehicle age limit at 10 years is a nonsense. It provides insufficient time for recovery on investment. And these vehicles will become scrap at end of arbitrary lifespans as numbers of charging CAZs increase and residual values disappear, accordingly. The upper age limit for hackneys should be 15 years". (Organisation, Unite the Union-Manchester Hackney Carriage)

The same argument was strongly raised in the in-depth interviews with both users, drivers and operators arguing a vehicle should be able to be used regardless of age if it was fit for purpose and passed all the relevant tests.

"And most people get cars maybe like every five or six years, so ten is quite old for a car. The more modern the car is, the less likely it is to have bad emissions and a lot of them have things put in place when they're being built to not release as many". (User, Group 15)

The in-depth interviews with hackney and private hire drivers highlighted concerns about removing vehicles considered roadworthy and of a good standard from working. This was felt to be not only wasteful but forced drivers to replace their vehicles earlier than envisaged. This was particularly mentioned by drivers in Rochdale and Oldham as they currently have a longer age limit on their vehicles.

"This will hit drivers hard in this area. You only need to look at the cars on the road currently to see that a lot of them will not meet this age criteria. No one has the money to update these cars, we are all still paying money

off on them and getting no money in at the moment. Here is one of the most deprived parts of Manchester.” (PHV Driver, Rochdale)

Drivers and operators currently trading in the regions that are currently under standards of between 7 and 12 years for the age limit of their vehicle understood why ten had been suggested and felt it fell in line with their own district. A couple of drivers / operators highlighted specialist vehicles, i.e. adapted for wheelchair transportation should be given an exemption to the age standard due to the need for their type of vehicles.

“Number one, the most important thing for me in my business, I need vehicles to be able to drive, okay, to be able to bring people. The maximum age of ten years for a vehicle in my opinion is going to wipe out, number one my company completely and 80% of the hackney carriage trade.” (Operator, Trafford)

Two operators mentioned the impact the standard would have on their operations as currently they are able to manage their fleet by moving older vehicles to other areas where the current age standards are lower for example, Manchester to Trafford, enabling them to stagger the replacement of their vehicles and therefore the finance needed to do this.

“I usually move the vehicles from Manchester to Trafford once they hit their age limit in Manchester. I now will be able to keep them longer in Manchester but will get less out of them overall and won’t be able to move them on to Trafford so I will now need to update more vehicles in a smaller timescale.” (Operator, Trafford / Manchester).

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Age of Vehicle	6

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle Age: Half of the comments here (n=3) suggested vehicle age is not important, two suggested a different minimum age. One suggested that the age limit should be under 10 years;

Main themes from private hire drivers

	Number of comments
General Comments	5
Age of Vehicle	7

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular

Vehicle Age: Most of the comments from drivers (n=5) suggested vehicle age is not important, one comment suggested a different minimum age and one that the age limit should be under 10 years;

Comments and considerations

Upper age limits across GM currently vary from 7 years (for private hire) to 15 years (for Hackneys), with 3 authorities currently not having any upper age limit at all. As can be seen from some of the comments, this has resulted in older, more polluting and lower standard vehicles being passed to those authorities with higher or no age limits. This practice undermines the attempt by those authorities seeking to raise the quality and safety standard of its vehicle fleet and goes against the collaborative approach that GM districts wish to take. It also means that residents and visitors will have a significantly different experience depending on which district they live/visit and that is a scenario this project aims to address.

Many individuals within the trade expressed views that standards in relation to vehicle condition and emissions could negate the need for an age policy altogether. Whilst there initially appears to be some merit in this assertion, it is important to note that compliance with an emissions policy that required (for example) the vehicle to be of the current Euro emissions standard, would currently allow a vehicle registered in 2005 to be licensed on the fleet. Similarly, a significantly older vehicle can be fitted with retrofit technology to bring it into emissions standard compliance, but all the other risk associated with the vehicle age will continue to exist. There is also significant testing data to evidence that the older the licensed vehicle is (and the more mileage it undertakes), the more likely it is to fail mechanical tests.

It should also be noted that there is currently a wide variance across GM districts on how authorities monitor/test the condition of vehicles. Whilst some authorities carry out this function in house and can therefore conduct a full compliance check (ensuring compliance with all licence conditions/policy as well as testing the mechanical structure) and be fully assured as to the mechanical and cosmetic condition of the vehicle; others permit proprietors to test vehicles at approved testing stations and usually only require the tester to perform a DVSA standard MOT, which will not consider whether the other aspects of the vehicle are compliant with relevant policies. Therefore in order to fully rely upon the testing regime to safeguard against the risk that vehicles that fall below the desired standard on the licensed fleets, a deeper review of the how this is harmonised and delivered across the conurbation would be required.

It is critically important for all districts, but primarily the trade themselves, that the Hackney and Private Hire sectors remain integrated into the sustainable transport network within GM, moving passengers with minimal environmental impact and remain a key transport mode of choice. To this end, it would be desirable to implement a limit to ensure a 'line in the sand' for all concerned and continue to promote the safety and quality that a younger fleet provides. However, officers are cognisant of the strong views expressed by the trade in relation to the capital cost and return on investment particularly with regards to purpose built and ZEC/EV taxis, as well as the ongoing impact of Covid.

Further research of other non-GM authorities policies in this regard provides that the majority of licensing authorities do impose an age limit (both for coming on to the fleet and for continuing to be licensed), including those authorities who are also subject to Clean Air Zone emissions requirements; further supporting the view that an age limit is a useful policy standard in ensuring a better quality fleet.

In considering all the consultation feedback and the relevant risks, it is proposed that the age limits are changed from that proposed to:

PHV – under 5 on to fleet and 10 years off

PHV WAV – under 7 on to fleet and 15 years off

Purpose built WAV HCV – under 7 on to fleet and 15 years off

Testing data (where held) will be reviewed periodically by the Licensing Network group, alongside air quality metrics to assess any negative impacts of these age policies on both the safety of vehicles and air quality. Any issues or future risks will be brought back to Members as necessary.

Subject to policy decisions (where relevant) with regards to the Hackney Carriage Vehicle Policy and Wheelchair Accessibility, a separate age policy for non-WAV Hackneys may also need to be introduced.

Members should be aware that some authorities in GM and beyond currently operate an 'Exceptional Use' or 'Beyond the Age Limit' or similar policy that enables vehicles of a determined condition and testing record to continue to be licensed as exceptions to the normal age limit policy. However, in recognition of the significant concession made on the age policy, it is proposed that such explicit exception policies are removed. As with any Council policy, it will always be within the gift of an individual to ask the authority to depart from policy.

Lead Officers recommendation

To implement the following as the minimum standard:

- PHV – under 5 years on to fleet and 10 years off
- PHV WAV – under 7 years on to fleet and 15 years off
- Purpose built HVC – under 7 on to fleet and 15 years off
- Air quality metrics and impacts and testing data to be reviewed over the next 2-3 years by the Licensing Network and risks or proposed amendments brought back to Members as necessary
- To remove exceptional use or beyond the age limit (or similar) policies where they currently exist.

That the above policy be implemented for new to licence vehicles as soon as the policy takes effect. That existing fleets begin transitioning and are compliant with the policy standard by 1 April 2024.

Vehicle Proposed Standard 3	Bury Council Current standard
Vehicle Emissions It was proposed for consultation that all licensed vehicles must comply with the current Euro standard when they are first licensed with	Bury Council does not have any emission standard

an ambition for a zero-emission capable fleet by 2028.

The following was also proposed within the Timetable section of the consultation:

- i. New vehicles being licensed from 1 April 2021 will be required to meet the standards approved following this consultation
- ii. From April 2021, existing licensed vehicles will begin transitioning to comply with the standards approved following consultation
- iii. Transition periods will be determined by each district having considered existing local policies and impacts on the trade with an expectation that all vehicles will be compliant by 1 April 2024 (non-compliant vehicles will still be liable to pay the Clean Air Zone charge subject to any exemptions permitted under the Clean Air Plan) – this will be that all licences due for renewal from April 2023 onwards will need to have a compliant vehicle attached to be compliant by 1 April 2024.
- iv. From 2025 all new to licence would need to be Zero Emissions Capable (ZEC*)
- v. From April 2028 onwards all vehicle licences would need a ZEC vehicle attached to the licence.

Reason for Proposal

It is important that taxi and private hire vehicle policies interrelate with other relevant policies, and in this case that the emissions standard requirement for licensed vehicles reflects the ambition set out in the Greater Manchester Combined Authority (GMCA) Environmental Plan which states:

"We want Greater Manchester to be a clean, carbon neutral, climate resilient city region with a thriving natural environment and circular, zero-waste economy".

It was therefore proposed that all licensed vehicles comply with the vehicle emissions standards set out in the government's Clean Air Zone framework and thereby will comply with the GM Clean Air Zone as proposed in the GM Clean Air Plan in the short to medium term.

In recognition of the fact that the GM Environmental Plan has also set the date of 2038 to be carbon neutral, it was proposed for consultation that all licensed vehicles should therefore be zero-emissions capable (ZEC) by 2028 (to take vehicle age requirements into account). The GM Environment Plan clearly indicates that this shift from vehicles powered by fossil fuels to ones that are ZEC is required as soon as possible in order to achieve carbon

neutral targets within the set timeframe and it is important that licence holders understand these key dates to inform their business choices.

Consultation Response

GM level summary:

This proposal elicited one of the smallest number of responses across vehicle standards, with only 39 members of the public commenting and 42 members/representatives of the trades:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Emissions	39	20	10	5	1	2	4

There was a mix of views in the comments, with some support for the timeline, particularly from the public, but many concerns expressed about the timings, funding support and charging infrastructure:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with timeline for a transition to a fully electric fleet	23	3	4	0	1	0	0
Should have a fully electric fleet earlier than proposed	8	1	0	0	0	0	0
Should give more time to switch to a fully electric fleet	3	3	5	2	0	2	1
Comment / concerns about suitability of	2	7	3	1	0	0	3

some electric vehicles							
Electric vehicles too new to understand suitability	1	1	0	1	0	0	0
Charging infrastructure needs improving / not yet ready	5	7	2	3	0	0	1
General Disagreement with Age	1	2	0	0	0	0	0
Base	39	20	10	5	1	2	4

Comments in support included:

"Good to aim for fully electric fleet by 2028, but I feel taxi drivers should be offered grants and financial incentives to encourage early take up, therefore creating demand and bringing down the price."
(Public, age 35-44, Manchester)

"Agree with emission requirements given ample support is provided to upgrade vehicles." (PHV Driver, Stockport)

"Vehicle emissions: what will it take to move to electric vehicles at a faster pace than proposed? I think the [proposal] is too loose around what's going to be expected of taxi operators so surely we should be looking for their commitment to move to electric as early as possible."
(Public, age 65-74, Stockport)

Concerns expressed from the trade included detailed comments made during in depth interviews where drivers and operators describe purchasing a vehicle as an investment, budgeted for the expected lifespan of a vehicle. Therefore, drivers who have already invested in vehicles that haven't reached their expected lifespan cannot afford to replace them within the proposed timescale.

"Vehicle Emissions. This is a very big step, and I think the GM Councils should allow more time to help operators safely and economically phase out old cars." (Operator, Trafford)

"Emissions should be allowed to come in as and when the vehicles are replaced so that over the coming years the fleet would naturally be replaced with zero emission vehicles. Retrofitting of emission kits on older vehicles should be allowed, as the money is not being earned by the drivers to be able to afford an electric taxi." (Hackney Driver, Trafford / Manchester and Salford)

"I think it's going to be unfair to say to someone your vehicle's not fit for purpose, you need to go and buy this vehicle now and it's just going to be really really difficult to do that to people who've been doing it thirty, forty years, they're struggling to make ends meet and it's hard work." (Operator, Bury)

"We agree with the first part but must point out the ambition for a zero-emission capable fleet by 2028, whilst sensible cannot at this stage form a policy as the supply, charging infrastructure, cost, ability for drivers to charge at home is uncertain, especially post-pandemic. There is also uncertainty on grant funding for drivers, so this aspiration needs to be kept under review as events become clearer." (Organisation, LPHCA)

"The effect on me in terms of additional crippling costs to comply with some of the proposals in terms of going electric will be detrimental, and restrictions on vehicle colour and age limit is questionable. If TfGM are willing to supply all the taxi industry with all new electric vehicles and guarantee a lifetime service and warranty, then we, the taxi industry, can consider the proposals. The support funding for drivers to switch to electric is nowhere near enough to cover the cost of these vehicles, and limited charging points which you can never match the fuelling stations accessibility and coverage for petroleum fuelling." (PHV Driver, Manchester)

The in-depth interviews provided more detail of the industry's concerns with electric vehicles; the lack of electric charging points infrastructure and the lack of technological advancements in battery life, parts maintenance and overall servicing and trust in the lifespan of the vehicle.

"A brand new electric cab, the bottom end is £55,000. So even if they gave you £17,500 towards one of those vehicles you're saddling somebody with a debt of almost £30,000." (Hackney Driver, Salford)

"70,000 miles he said he'd done, and his batteries are goosed and he didn't realise how much the batteries were. It's all right for 180 miles, then you get 160 miles and as the batteries start to die and get weaker and weaker you start getting electrical problems, you're getting forty miles, fifty miles, you've got to replace them for new ones then. So that's the problem with having electric vehicles on, good for the environment, but rubbish for the job, unless Tesla with their million-mile battery come along with a decent priced vehicle." (Operator, Tameside)

"Right, because they've now set the standards of Euro 6, Euro 5 vehicles are not wanted, they're not worth the trade-in. I've enquired about this. The best they would offer me is three grand." (Hackney Driver, Stockport)

"I bought a very very clean 11 plate cab in February (right before COVID) and I paid £5,000 for it. I won't get £1,000 for that now, purely because of this." (Operator, Stockport)

"That's one of their standards, they've raised it to thirteen years now, but at the time, my vehicle was too old, so I asked specifically what vehicle I needed to get, they told me a Euro 5, I've gone out and got it and now they've moved the goalpost, Euro 6 or you pay this emissions charge." (Hackney Driver, Manchester)

Bury Response:

Main themes from the public

	Number of comments
Vehicle Emissions	4
General Comments	9

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle emissions: Two people suggested that more time is needed to switch to a fully electric fleet. One comment was provided that electric vehicle charging infrastructure wasn't ready yet and one agreed with the timeline.

Main themes from Private Hire Drivers

	Number of comments
General Comments	5

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Vehicle Emissions: No specific comments were made regarding this standard.

Comments and considerations

Regardless of licensing policy, a required emissions standard for licensed vehicles will be implemented by way of the GM Clean Air Zone (where taxis and private hire vehicles feature in every zone category), and so it is important that the licensing regulatory framework complements those same requirements. It is also important in any event that local authorities do all they can to support the move towards a carbon neutral city region by 2038, and this means ensuring all council services and policies seek to reduce emissions at every possible opportunity, including our licensed vehicle sector.

In terms of the existing fleet becoming compliant with both this policy standard and the CAZ; in recognition of the challenge this poses to many of our vehicle licence holders who own their vehicles, the disparity across the districts, as well as the impact of the pandemic, the GM local authorities

have worked closely with TfGM to secure essential financial support from government totalling £19.7m (£9.5m for Taxis and £10.2m for Private Hire). This funding support will be managed through a Clean Taxi Scheme, where licensees will be able to apply for various grants ranging from £3k to £10k that will be paid directly to accredited suppliers of retrofit and replacement upgrade options. The higher-level grants are limited to replacing existing vehicles with ZEC or electric vehicles in order to support and encourage vehicle owners to transition as soon as possible.

To set a date in licensing policy for a requirement to be ZEC at this time poses a significant risk to authorities in the current regulatory landscape. If GM authorities require ZEC only vehicles on the fleet when this is not a national requirement, the risk is that existing fleets will use the GM funding scheme to upgrade to an emissions compliant vehicle, but then move to non-GM licensing authorities who do not require ZEC vehicles in their policies. Under current regulations, these private hire vehicles and drivers will be able to work and operate in GM, with a CAZ compliant vehicle (assuming the CAZ requirement remains as is) but not be governed by GM regulations and therefore the only disbenefit will be to GM licensing authorities who stand to lose income recovery and regulatory authority. Further discussions with government about these impacts of the current regulatory system need to be had.

Therefore, in consideration of this significant risk alongside the impacts of Covid on the trade, the proposal is that in the short to medium term authorities in GM will only require licensed vehicles to be compliant with the current emissions standard, and not to set a date at this time by which vehicles need to be ZEC. However, it is extremely important that the licensed vehicle trade understand that there is a pressing need to shift to ZEC only vehicles over the next decade, in order to achieve our carbon neutral targets and that it remains our joint ambition across the combined authorities to move existing fleets to ZEC in line with the GMCA Environment Plan. Proprietors would be wise to transition earlier wherever possible, using the funding available.

The policy to require licensed vehicles to be compliant with the current emissions standard is now proposed as follows:

- From the date local policy is determined; all new to licence vehicles (not temporary replacement vehicles on an existing licence), must be compliant with the current emissions standard.
- Local transition arrangements can commence for existing fleets to be current emissions compliant from the date the policy decision is confirmed – with all existing licenses required to have compliant vehicles attached to them by 1 April 2024.

In further recognition of the significant challenge posed by this policy change, the current proposal under the CAZ will be that all non-compliant GM licensed vehicles will be exempt from the daily CAZ charge until 31 May 2023.

Whilst the challenges of this proposal are acknowledged and efforts to mitigate the impact are proposed, the transport sector has to make significant changes at pace to support the reduction in harmful emissions and the achievement of carbon neutrality. As such, it is considered that the proposed timeline and support package will provide the existing fleet adequate time and opportunity to make suitable business choices going forward.

Lead Officer recommendation

To implement the policy:

To require licensed vehicles to be compliant with the current emissions standard (Currently Euro 4 petrol and Euro 6 diesel) as follows:

- For all new to licence vehicles – with immediate effect
- For existing fleets – to begin transitioning as soon as the policy is in place and to complete transitioning by 1 April 2024*
- To note the strong ambition to move existing fleets to ZEC as soon as possible

*vehicle must also be compliant with the age policy

Vehicle Proposed Standard 4	Bury Council Current standard
<p>Vehicle Colour</p> <p>It was proposed that all private hire vehicles should be white in colour and hackney carriages should be black with the following exceptions:</p> <ul style="list-style-type: none"> • London style taxis which may be of the manufacturer's colour; • To allow advertising on some hackney carriages; • Executive hire (for example chauffeur services) 	<p>Bury Council currently does not have any colour policy for Hackney Carriage or Private Hire Vehicles.</p>
<p>Reason for Proposal</p> <p>The Standard was proposed primarily in the interests of public safety, to enable passengers to better distinguish (alongside other vehicle standard requirements) between a licensed Hackney Carriage and a licensed Private Hire Vehicle; to distinguish between a legitimately licensed vehicle and a bogus vehicle, and to better distinguish between a vehicle licensed by a GM authority and that from out of the area. The proposal also intended to bring a more uniform appearance to vehicles licensed in GM to support strategic objectives around the quality of offer within the transport network.</p> <p>The exception to allow London Style cabs to be of the manufacturer's colour was in acknowledgement of the very recognisable and unique design of the traditional</p>	

London Style cab, which doesn't have to be black in colour to be clearly recognised as a Hackney Carriage.

Consultation Response

GM level response:

This proposal provoked a significantly larger number of comments than other standards, particularly amongst the public and private hire trade as can be seen below:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Colour	214	23	95	12	2	1	13

This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with white colour proposals	46	2	3	0	1	0	2
Support one colour but not white	27	0	11	1	0	0	3
Don't think standard colours are necessary	138	20	68	10	1	1	8
Vinyl wraps should be allowed as well as full resprays	1	0	1	0	0	0	0
Driver should have a choice of colour	8	1	14	2	0	0	0
Base	214	23	95	12	2	1	13

Whilst there was some support for this proposal, the overwhelming majority of respondents that commented opposed the proposal of a colour policy. Not many comments referenced the proposal with regards to Hackney vehicles, although the following comments were made in relation to this which assumed that non purpose-built taxis will still be allowed to be licensed as Hackneys:

"As Oldham, Rochdale and Wigan councils are allowed white saloon cars as Hackney, these white cars can be changed to black colour with minimum cost. Then black saloon cars can be easily blended with rest of Hackney fleets". (Association Rep, Oldham)

Most respondents only referencing the proposal with regards to private hire:

"There will be a massive shortage in available white vehicles suitable for private hire use, and the few that are available (New or used) will be at premium cost. Will the licensing district be assisting in paying this extra cost or assisting to resolve the lack of supply." (Organisation, Anonymous)

"There's ten boroughs in the whole of Greater Manchester, right. Only one borough has got white colour private hire taxis, which is Manchester, so shouldn't they come to our standard and be a normal colour, why should we go to their standard? I don't understand, above the rules, so why are we being pushed to Manchester standards, when Manchester city, they can afford, they have the businesses, there, what do we have in Rochdale? You know, how can we sustain, how can they justify making us pay extra money to paint our car a white colour, what's the benefit for the driver, tell me what is the benefit for our drivers? I'm sorry, but there's no benefit, is there?" (Licensed private hire driver – own my vehicle, Rochdale)

"We are supportive of any measure that can assist in promoting the safety of private hire passengers and the public more generally. However, it is unclear to us how a single colour policy would contribute to the safety message and we are concerned that it could be detrimental to passenger safety and hinder the transition to a zero emission private hire fleet. By anchoring passengers to the belief that their private hire vehicle will be white, it potentially reduces the additional safety checks passengers will make prior to entering a vehicle. The limited supply of electric vehicles and wheelchair accessible vehicles in white will also exacerbate the shortage of suitable vehicles of these types forcing drivers into vehicles that do not support Manchester's zero carbon ambitions" (PH Operator, Manchester)

"I think it's an unreasonable request, because it doesn't affect the running of the car, but I think certain companies like to have all their vehicles a certain colour and I think they're the people who could dictate. It's like corporate identity, really, it's corporate identity and I think it would be wrong of the Government or any local authority to say this has to be this colour". (Licensed private hire driver – own my vehicle, Trafford)

This was also raised in the in-depth interviews as the following quotes illustrate:

"Yeah, I just don't understand that possibly spraying up to fifty thousand cars white is good for the environment." (PHV driver, Wigan)

"What about the likes of like me who bought this two years ago, a couple of drivers have just bought new vehicles that are blue, there's one company that's bought twenty odd, dark blue and red minibus wheelchair vehicles, so have they got to spray all their vehicles white?" (Hackney Driver, Tameside)

Many of the comments related to how quickly white cars become dirty. Not all PHV drivers were opposed to the idea of a common colour, but they were opposed to the colour white as the following quote illustrates:

"With white cars, we struggle to keep them looking clean. There have been times where I've taken my white car for a wash in the morning, and by the evening, the car is dirty from outside. I'm not saying that my silver car remains clean. However, I'd like to point out the fact that dirt stands out significant on white cars than it does on silver cars." (PHV driver, Manchester)

The following comment was received about the risk to people with sight impairments:

Guide Dogs welcomes the proposal for standardised colours and marking on private hire vehicles and taxis across Greater Manchester ... however some passengers with low vision told us that they had concerns regarding the use of the colour white for PHVs, as it may make it more difficult to identify a PHV easily. This is because sunlight reflecting off a white car creates glare, which can, in the words of one GM guide dog owner, "cause white vehicles to blend into the background". Another regular taxi user with sight loss also expressed concerns that white isn't a colour that is easily identifiable." (Guide Dogs organisation)

Most members of the public were also less concerned about colour of the vehicle:

"I'm not concerned on the colour of the vehicles as long as they display the correct approval information (decals) on the bodywork" (Public, age 45-54, Bolton)

"Vehicle colour - I don't agree with. I don't understand why having a white car for private hire will improve the service and standards. What will be put on place to support drivers in replacing brand new vehicles?" (Public, age not provided, Bolton)

However, a few members of the public did feel a consistent colour would make it easier to identify a PHV.

"Vehicle colour - Would not improve driving standards but easier for public to identify" (Public, age 45-54, Bolton)

Representatives also argued against the proposed standard colours:

"With respect this is an extremely poor proposal, the few people within the PHV industry that I have spoken to that would accept this as being rational, either run or own white vehicles and even they accept that prescribing white only will almost certainly increase prices, reduce model availability and potentially create a shortage of available vehicles. Here are just some of the other reasons not to do this:

- Private Hire Vehicles are Privately booked not taxis*
- A uniform colour will make PHVs look more like taxis*
- Modern technology and the number plate identifies vehicles to customers*
- Passengers will start approaching white vehicles (this is dangerous)*
- Bogus drivers will use a white vehicle (this is dangerous)*
- Passengers from neighbouring authorities will be confused*
- Tourists travelling to multiple destinations will be confused*
- Drivers who move into TfGM with a vehicle they used elsewhere won't be able to get licensed*
- Electric and Hybrid vehicles are not predominantly white*
- Colour schemes are unwelcomed by vehicle hirers, replacement vehicle suppliers and major trade suppliers*
- Colour schemes for PHVs have been successfully challenged in the courts*
- Some excellent PH industry vehicles are not available in white" (Organisation LPHCA)*

"This approach actually promotes, encourages and support the issue of cross border hiring, since all 10 districts (and indeed further afield such as Rossendale and others.) will look identical, and therefore there will be very little to demonstrate to passengers whether the vehicle is correctly licensed or not" (Organisation, NPHTA)

"Making all the vehicles uniform in colour could result in some negative unintended consequences. Suddenly, a fleet of white GM private hire vehicles become taxis and many will exploit this by plying for hire without a relevant licence". (Unite the Union - Manchester Hackney Carriage)

Bury Response:

Main themes from the public

	Number of comments
Vehicle Colour	21

General Comments	9
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General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Colour of vehicle (n=21): Half of all the comments were about the vehicle colour and the majority of public who commented stated that a specific colour is unnecessary and will not improve standards.

"The colour of the car isn't that important." (Public, age 65-74)

"Some of these things would price a lot of private hire cars off the road. There is no need to all have one colour. Hackney cabs should be of a higher spec but even then one colour is not required. Firms should also have different vehicle types as whilst I don't need an all access vehicle, some people would." (Public, age 65-74)

Main themes from private hire drivers

	Number of comments
Vehicle Colour	9
General Comments	5

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Vehicle colour: All PHV drivers stated the standard colour suggestion is unnecessary, and it will increase the cost of the vehicle.

"Vehicle colour I disagree with all white no thanks. Availability on these vehicles will be low and the price hike and who is going to pay for this." (PHV driver)

"I don't agree with this proposal because if you are to pass this motion than can manufacturers and sellers will put their prices up on white colour cars (private hire) and black colour MVPs knowing the demand for these have gone up in our trade." (PHV driver.

Comments and considerations

Background in GM and the National landscape

It is generally accepted in licensing practice that in order to support and promote public safety, the public need to be able to clearly identify legitimately licensed Hackney Carriage and Private Hire vehicles; that licensed vehicles must be distinguishable from each other (clear demarcation between Hackney and Private Hire) and from other vehicles. As such, many licensing authorities have requirements on the types of vehicles that can be licensed as either a Hackney or Private Hire, have stipulations around signage/livery and plates, and have some element of colour policy (usually requiring Hackney's to be of a certain colour, and stipulating that private hire vehicles can be anything but that colour). Having clear identifiers for a legitimately licensed vehicle (and enforcing those policies) better mitigates the risks of travelling in a mode of transport that carries the highest risk for individuals and vulnerable passengers.

Across GM, policies relating to colour, make/model, roof signs, livery, stickers and plates vary widely. Within these proposals are other standards around vehicle specifications to bring about consistency of these identifying requirements. This standard proposal deals with colour only and as set out above, proposed that Hackney's be black and Private Hire be white in colour to support clear identification and public safety.

Most members may be aware that several GM authorities have had Hackney vehicle colour policies for some time; currently requiring within their Hackney Carriage Vehicle Policy that all licensed Hackneys (that are not purpose built taxis) must be black in colour. Purpose Built or London Style Hackney vehicles may be the manufacturer's colour.

Manchester City Council (MCC) also currently has a Private Hire Vehicle (PHV) Colour Policy, which appears unique in the industry (officers are not aware of any similar PHV policy in the UK). This policy was introduced in 2001 alongside other vehicle requirements in response to the death of student Rachel Thacker, who was brutally sexually assaulted and murdered in Manchester after getting into a vehicle posing as a licensed PHV after a night out in 1996. The policy intention was to improve public safety by making legitimately licensed PHVs more distinguishable and make it more difficult for an unlicensed driver to masquerade in the City. This approach was supported by the Suzy Lamplugh Trust, whose longest running campaign related to the regulation of the taxi and private hire industry. The Suzy Lamplugh Trust were also a member of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing that presented its report to government in September 2018, and they state in their continued lobbying of government: "*National minimum standards should also strengthen requirements to ensure that the public are able to distinguish easily between taxis and PHVs, and licensed and unlicensed vehicles*".

Initially in 2001, MCC's policy stated that all licensed PHVs had to be white in colour (and gave over 5 years for the existing fleet at the time to transition). In 2003, the policy was amended following submissions by the trade about the increased cost of white vehicles as a direct consequence of the policy, as well as the availability of vehicles. The trade at the time suggested the inclusion of silver within the PHV colour policy and this amendment was accepted by the Committee at the time. The only subsequent change to the policy since 2003 was to clarify what would be acceptable as 'silver' due to wide variances from manufacturers. The trade have not expressed any major issues obtaining white or silver vehicles since 2003. The size of the licensed PHV fleet in MCC has increased in that time from under 2000 to currently around 2860, having previously peaked at over 3400.

It is fair to say that there is no hard evidence by which to accurately assess the impact of MCC's colour policy and no data is held about enforcement activity 20 years ago by which to compare current data. From a proactive compliance point of view, it has certainly made it easier for officers to distinguish between an MCC and non-MCC licensed vehicle and anecdotally officers say there is some public awareness of this, but also there remains significant levels of ignorance of and/or apathy towards the policy amongst the public and particularly the younger generations within the night time economy. It is also fair to say that the policy has been undermined since its inception by the fact that vehicles from neighbouring

districts (and more recently from further afield) with no colour and varying vehicle identifying policies, have always been able to enter the city to pick up, drop off or sub-contract; and this undermining has increased tenfold since the changes made in the Deregulation Act.

Response to specific concerns raised in the consultation

It should be noted that apart from generalised comments in relation to 'not thinking standardised colours are necessary', there were no specific comments disagreeing with the proposal for all licensed Hackney Vehicles to be black in colour (or manufacturer's colour for London Style cabs). Some comments have however been received with regards to extending the exception on manufacturer's colour to any Hackney Carriage that is purpose built as such by the manufacturer, which includes all the additional needs adaptations built as standard (and not converted to a Wheelchair Accessible Taxi after manufacture). Given the significant challenge to proprietors in acquiring second hand compliant purpose built/WAV Hackneys at present, it is considered reasonable at this stage to permit manufacturer's colour for any purpose-built Hackney.

All the following concerns outlined are in relation to the proposal for PHVs to be white in colour:

Expense/Availability: there were a number of comments raised in relation to the cost of vehicles of a specified colour increasing (as they did in response to Manchester's 2001 policy) or the cost of re-sprays to make vehicles compliant. This risk could be mitigated with the introduction of another specified colour, and/or the phasing of a transition period for existing licence holders (for example 5 years) should the policy proposal go ahead. However the availability of specific vehicles, particularly EV, Hybrid models remains limited on the market at present and it may be considered too onerous to have the additional requirement that it be a specific colour also at this stage.

Uniformity would make PHVs look more like Taxis / reduce safety: This is a relevant consideration and one which should be carefully considered. Whilst on the one hand without the policy standard it could be more difficult for members of the public to easily identify operators that use vehicles licensed within a GM district, on the other hand, the higher the number of PHVs operating within GM, the higher the possibility that members of the public don't perceive them as working for separate businesses or indeed as licensed by separate authorities. In turn it stands to reason that there also follows a higher possibility of illegal plying for hire, as the uniformity of appearance across a larger fleet comprising of all 10 districts could be perceived as 'taxis' by the public. Practically this could also be a challenge for compliance officers, who may struggle to identify which district a vehicle is licensed by sight, and it could increase the possibility of cross border hiring.

The comments from the Guide Dogs organisation about the colour white being challenging for those with sight impairments have not been expressed previously in relation to MCC's current policy but will need to be given due consideration in the context of this proposal.

Risk of licensees moving out of GM: As this was one of the standards within the policy proposals that members of the trade most disagreed with, it can reasonably be inferred that there is a significant risk that existing PHV licence holders would move out of GM before they were subjected to the policy condition, possibly after already making use of the Clean Taxi Fund. Members will know that this won't preclude those licensees (both drivers and vehicles) from operating and working back within GM, but subject to the policies, conditions and checks conducted by other authorities. As well as losing recovery of costs within licensing regimes, the public safety assurances afforded by GM districts' policies will not necessarily apply. The further risk to licensing services business models is that given the strength of negative feeling in relation this policy, it could preclude GM districts attracting licensees back to their local area.

Modern Technology and number plates identify vehicles to customers: It is a relevant point that the technology that currently exists and is used by many PH Operators, was not available in 2001 when Manchester introduced its policy and there are now other means available to assist the public in ensuring they are entering the correct vehicle they have pre-booked. It should be noted that not all PH Operators make use of such technology and so this cannot be fully relied upon. It is also the case that despite these provisions and other identifying specifications, many passengers, particularly those travelling in the night-time economy, will still enter vehicles they have not pre-booked.

Bogus drivers can still use the colour white: It is a fact that a bogus driver with ill intent could just as easily access a white coloured vehicle and attempt to pose as a legitimately licensed driver. The colour policy alone was never intended to mitigate this risk in isolation, and it is alongside other policies relating to livery requirements that a colour policy would have more effect. However, as outlined above, the impact of such a policy can also be severely undermined if not implemented at a national level in the current landscape.

Other considerations:

In Manchester where the policy has existing for almost 20 years, intelligence from MCC's compliance officers suggests that bogus/unlicensed drivers has reduced significantly over that time, but this cannot necessarily be solely attributed to the policy in isolation and it is likely there are a number of factors contributing to this. MCC also conducts regular undercover operations with GMP (on average once a month) where plain clothed Special Constables, posing as potential customers, undertake journeys when approached by private hire drivers illegally plying for hire. Operations are run during peak periods into the early hours during of the night-time economy and often detect upwards of seven offences each night, and since it has been running over the last four years, has detected no unlicensed/bogus drivers. Whilst it is not known that any licensed drivers illegally approaching customers without a booking have any malintent, clearly the existence of the colour policy in conjunction with other policies and a robust proactive compliance approach, does not sufficiently deter many drivers from approaching customers without bookings within a busy social economy.

There is a strong argument that the existence of other official livery requirements, i.e. properly attached and easily readable plates and non-magnetic Council issued

stickers placed in specific locations on the vehicle, alongside other vehicle specifications should be sufficient to assist passengers in identifying a properly licensed private hire vehicle, particularly if they have any additional identifying information provided by the Operator when they book. Recommendation 5 helps fulfil this important consideration.

All of these concerns emphasise the importance of public awareness and personal responsibility around the risks posed by not properly pre-booking PHVs, and not checking the vehicle you are entering is the one dispatched by the Operator. There is another risk that passengers could overly rely on the colour policy and may be less likely therefore to make additional checks prior to entering a vehicle. Whilst licensing authorities can seek to mitigate the very real risks as much as possible, it is known that people are less inclined to take necessary precautions in particular circumstances, there is only so much that authorities can do to remove these risks entirely and continuing to raise public awareness to encourage individuals to make sufficient checks and supporting better travel choices is key to improving public safety.

Finally, if Members are not inclined to support this proposal either in part or whole, it is important to note that this will not preclude any authority from retaining or introducing a specific colour policy if they wish to do so.

Lead Officers recommendation

To implement the policy standard that all Hackney Carriage Vehicles should be black in colour for all new and replacement vehicles with the following exceptions:

- Purpose-built* Taxis may be of the manufacturer's colour
- Advertising is allowed on London Style Taxis

Not to recommend a specific colour requirement for Private Hire vehicles at this stage. A piece of research is to be commissioned to further consider the risks/benefits of this policy in light of concerns raised by the trade. However, single colour for private hire vehicles remains an aspiration of the MLS programme.

* A Purpose-built Hackney Carriage is defined as a vehicle that has been manufactured and sold by the relevant manufacturer as a Hackney Carriage. A vehicle that has been manufactured and registered, but subsequently converted is not considered to be purpose-built. Whilst vehicles converted by an approved company post manufacturing process may be permitted onto the fleet, it does not meet the definition of purpose-built and therefore any new Hackney Carriage vehicles of this nature that are licensed must be black in colour.

Vehicle Proposed Standard 5	Bury Council Current standard
Vehicle Livery It was proposed that all vehicles will: <ul style="list-style-type: none"> • display permanently affixed licence plates on the front and back of the vehicle 	Bury Council requires all Hackney Carriage and Private Hire vehicles to display front and rear plates.

<ul style="list-style-type: none"> display a 'GM approved' sticker on the bonnet <p>It was proposed that all PHVs will:</p> <ul style="list-style-type: none"> only display stickers provided by the licensing authority (at cost) which will bear the operator name, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo display those stickers on both rear side doors and the back window not use any magnetic stickers 	<p>In respect of Private hire vehicles, they must display the following as well as the plates:</p> <ul style="list-style-type: none"> Operator stickers on two front doors. The name of the operator's firm on the front windscreen at the top left-hand side, the name of the operator's firm at the bottom of the back windscreen. Bury Insurance stickers on two rear doors. We do not allow any signage to be on magnets. The operator signage is currently approved and then provided by the Operator. All signs, including phone numbers and logos, must be between 4cm and 7cm high. <p>We do find that several drivers make their own versions of this signage, so is not standard. Action is taken against those not meeting the standard.</p>
Reason for Proposal	
<p>As outlined in Standard 4 above, having clear and consistent specification for livery that helps identify and distinguish properly licensed vehicles as either Hackney Carriages or Private Hire vehicles is a significant aspect of reducing the risk to public safety. Stipulating that officially issued plates and stickers have to be properly affixed is an important feature of this mitigation, so that stickers and plates cannot be easily transferred or used on non-licensed vehicles and help give assurance and confidence to the travelling public.</p> <p>Specifying and standardising what stickers can be placed where also helps raise the aesthetic look of the fleet, ensuring consistency, neatness and guards against the use of inappropriate material or messaging that would fall below the standard the authority expects in representing the district.</p>	
Consultation Response	
<p><u>GM level response:</u></p> <p>This proposal generated a fairly high number of comments compared to many other standards:</p>	

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Livery	62	7	47	6	1	3	11

This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle liveries should still be regulated	9	3	9	2	0	0	3
Problems with liveries e.g. distracting	3	1	27	1	0	2	0
Liveries cause devaluation	0	0	6	0	0	0	1
Use stickers / livery to make cabs identifiable	27	1	1	1	0	0	4
Large fines for improper use of liveries	2	0	0	0	0	0	0
Include GM branding e.g. bee / variation by district	9	0	0	0	0	0	2
Liveries can hinder driver ability to use vehicle for personal use	2	0	3	0	1	1	0
Disagree with livery - unspecified	12	2	7	3	0	0	2

Advertisement is a source of income	6	1	0	0	0	0	2
Base	62	7	47	6	1	3	11

27 Members of the public and 1 PHV operator agreed with use of stickers/livery to make vehicles more identifiable for customers and authorities equally, on the road and on CCTV. Some feel it will increase safety, such as making it easier for customers to hail hackney in the evening / when visibility is poor.

"Vehicle livery - operator logo should also be displayed on bonnet to assist authorities in identifying taxi via CCTV when required." (Public, age 35-44, Bury)

"I think it's very important that taxis still have their company logo on the side. When I personally order a taxi that's the first thing I look for before checking with the driver." (Public, age 25-34, Stockport)

There were some suggestions to include Manchester branding like "The Bee" symbol or have colour on bonnet based on the licensing authority.

"Livery: I think it's important to recognise each vehicle especially at night-time and have Manchester Theme e.g. "the Bee" symbol. Name of operator or driver again may not be too visible at night" (Public, age 75+, Bolton)

"All private hire vehicle should be white with an identifiable stripe on the side/bonnet depicting a colour coordinating with the issuing authority. ie Stockport Mauve. Tameside Yellow, Bolton blue etc. This would identify the vehicle to that particular issuing authority, ensuring an easily identifiable vehicle correct to the area." (Public, age 55-64, Tameside)

Eight respondents commented about how they felt livery could be a means of additional income to drivers, with some feeling advertisements add interest and support their use.

"The advertisements that sometimes cover Hackney cabs can be interesting and eye catching to passengers. They make the city more colourful and interesting." (Public, age 25-34, Manchester)

"As regard to advertising on cabs this is a second source of income and a big part of diversity of generating revenue." (Hackney Driver, Tameside)

However, PHV drivers raised issues with the use of livery including:

- **Use of vehicle for personal use:** PHV owners were concerned they will not be able to use their vehicle for personal use.

"I think there is no need to slap stickers on private hire cars. We can't use that car for personal use or social, if I would out with family people would approach my car asking if it is their taxi. That's mean I have to buy another car for personal use causing more pollution and traffic on the road. I hope this makes sense. Greater London has no stickers on

PHVs, which is much bigger in size and population. Thanks.” (PHV Driver, Bolton)

- **Lead to distraction:** liveries on vehicles may lead to distraction and take the essence of the hackney.

“Another thing I don’t agree with is that purpose-built black cabs e.g. London style only taxis would lose their prestige if stickers were put all over them and could cause a distraction if they are on the bonnet, as well as they don’t slope away like in other vehicles.” (Hackney Driver, Wigan)

- **Vehicles become targeted:** liveries lead to vehicles being targeted by vandals, with some respondents expressing concerns about their vehicles being damaged deliberately.

“Vehicle Livery - this is already an issue for Manchester licensed vehicles that become a target for vandals as they are easily recognisable. Stone throwing, egg throwing is commonplace on the streets of Manchester. I would like to see an alternative to the visible livery.” (Vehicle leasing company, Manchester)

- **Devaluation of Vehicles:** stickers affect the paintwork leading to devaluation of the taxis.

“Vehicle livery I agree with this but NOT the placement of the bonnet sticker as a Manchester licence vehicle this has always been and caused issues with paintwork damage as any stickers on the bonnet and wings of a vehicle are the worst place you could choose to put them as the heat from the engine causes paint damage and discolouration when they are on for many years and cause vehicle depreciation value due to the paintwork damage and in my honest opinion make the vehicles look horrible just stickers on the rear doors is good placement even the sticker in the rear window is sometimes now not suitable as with the shape and style of some vehicles rear window the sticker placement can cause issues with rear view through the rear view mirror when reversing a vehicle.” (PHV Driver, Manchester)

“Why is there a need to have a sticker on the bonnet? With licence plates front and back plus side stickers. The stickers cause damage to paint work plus discolouration.” (PHV Driver, outside Greater Manchester)

Two representatives suggested including livery **advertisement as a source of income** within the current restrictions.

“The restriction on livery has been long established, but there is merit in considering an exemption for public health or public interest livery pre-approved by the licensing authority. This could provide additional income to drivers who are faced with escalating costs and increased competition, and assist with public health campaigns; for instance, on Covid-19, smoking cessation or other important campaigns.” (Councillor / Elected official, Oldham West)

Bury Response:

Main themes from the public

Number of comments	
General Comments	9
Vehicle Livery	6

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle livery: Half of the comments given here (n=3) felt the use of stickers would make taxis more identifiable, two other comments were that there should be some Manchester branding e.g. district or the bee. One person commented that liveries should still be regulated;

Main themes from private hire drivers

Number of comments	
General Comments	5
Vehicle Livery	3

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular

Vehicle livery: Most of the drivers (n=2) felt the livery is distracting to them, with one comment that the livery may hinder them when driving for their personal use;

Comments and considerations

As outlined above, the livery policies are integral to supporting the identification of properly licensed vehicles and help distinguish between the two sectors. The governing legislation simply requires that the council issue a plate and stipulate how it should be 'exhibited on the vehicle', but caselaw has determined that the design of the plate is a matter for the issuing authority and cannot be challenged by the licence holder. Most licensing authorities stipulate additional identification requirements in order to support proper identification, and therefore in turn support public safety.

This proposal requires both a rear and front plate to better enable the public and officers to identify properly licensed vehicles more readily. Requiring the plate to be properly affixed also safeguards against the plate being used on non-licensed vehicles and in turn supports public confidence in the regulatory regime. Too often licensed vehicles are seen with plates that are affixed with clips, Velcro or other temporary fixings from other authorities and this undermines our local efforts to safeguard the travelling public. Whilst the DfT did not refer to any specific vehicle standards in its Statutory Guidance published in 2020, it did make reference in its 'Best Practice Guide' March 2010 to it being helpful 'if licence plates are displayed on the front as well as the rear of vehicles', and it suggests that licence conditions requiring a sign on the vehicle in specified forms that help identify the operator, the licensing authority and some words such as 'pre-booked only' seem to be best practice. It stands to reason therefore that policies prohibiting the use of other signs/stickers would be preferable so as not to confuse the public and make identification a clearer process. The best practice guide also warns against the use of roof mounted signs on PHVs which are liable to cause confusion with a taxi.

Similarly, not permitting the use of stickers that are not permanently affixed has the same safeguarding intention. When officers are conducting proactive compliance on the streets, particularly within the night-time economy when passengers may be more vulnerable, it is much more effective if officers can easily identify a licensed vehicle, the authority it is licensed by and for PHVs, the Operator it is working for. Without this easier identification on the street, lengthy enquiries may need to be conducted and drivers/vehicles cannot be dealt with as quickly if there are concerns warranting the use of immediate action. If licensees can only use officially approved stickers for example (and in addition their distribution is effectively managed) it makes it much more difficult to obtain those stickers and pose as a legitimately licensed vehicle. Additionally, those drivers in vehicles that may not be as easily identifiable, may be subject to less scrutiny when in other districts and therefore less accountable to their licence conditions and responsibilities.

Some respondents in the consultation made a number of points in relation to stickers which are addressed in turn below:

Personal Use: Caselaw has determined that a private hire vehicle is always a private hire vehicle (*Benson v Boyce* 1997), even if it is being used for domestic/personal use and cannot be driven by a non-licensed driver; therefore there can be no scope for enabling licence holders to remove identification if they wish to use it for personal use.

Licensed Vehicles being targeted: Authorities are aware of allegations being made that licensed private hire vehicles are targeted with anti-social behaviour and therefore request the removal of identifying stickers. For all the reasons outlined above, most authorities in GM that have relevant sticker policies have resisted this. Anti-social behaviour in all its forms should be challenged and tackled directly by partners working effectively together to identify the offenders and take relevant action.

It is considered the best approach that licensing authorities do not remove or relax safeguarding measures with regards to stickers, but instead work with drivers, operators and partners wherever anti-social behaviour is reported to hold those individuals to account and deter such behaviour.

Devaluation of vehicles: Whilst there may be some risk of discolouration or damage to paintwork from the use of adhesive stickers if they are left affixed for a long period, it is not considered a strong enough reason to allow the public safety risks associated with the use of magnetic stickers. A licensed vehicle is a business and just like any other business that may use vehicles (that will always depreciate in value in any event) as well as use identifiers on vehicles, should consider and build these costs into the business model.

Depictions of the proposals can be found at **Appendix 1**. It should be noted that colour of the vehicles is for illustrative purposes only, and exact branding has not been finalised; but the intention is that:

- required stickers be yellow in colour with an ambition to link to the wider Bee Network transport brand for Greater Manchester
- have the local authority crest/logo clearly identifiable

<ul style="list-style-type: none"> plate colours and sizes will be specified by individual districts
Lead Officers recommendation <p>Bury Council have carried out further consultation with taxi drivers and operators and following this recommend that the Council implements the following GM livery standards proposed:</p> <p><u>That all vehicles will:</u></p> <ul style="list-style-type: none"> display permanently affixed licence plates on the front and back of the vehicle <p><u>That all PHVs will:</u></p> <ul style="list-style-type: none"> only display stickers provided by the licensing authority (at cost) which will bear the operator name and phone number, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo (The design, dimensions and placement of the stickers on the vehicle is to be determined at a future date) display those stickers on both rear side doors and the back window not use any magnetic stickers <p>Any decision regarding the implementation of the proposed 'GM approved' bonnet sticker will be delayed for a period of 2 years while more work is carried out with the trade and GMP to address the concerns raised by the trade relating to antisocial behaviour.</p> <p>Existing vehicle livery standards in Bury will be retained until the new GM livery design, dimensions and placement are confirmed and procured. Ahead of the changes, the existing livery standards will be reviewed to accommodate the GM livery. A further update report will be presented to the Licensing and Safety Committee.</p>

Vehicle Proposed Standard 6	Bury Council Current standard
Vehicle Testing <p>It was proposed that all vehicles more than 3 years old will be tested at least twice a year and that all vehicles will be tested against the DVSA MOT standard as a minimum. (This will be at cost to the vehicle licence proprietor/driver).</p>	<p>Bury Council currently tests all vehicles over two years old at least twice a year. However, if a vehicle fails two consecutive tests with three or more MOT faults the vehicle is put on three tests a year.</p> <p>For the vehicle that is on three tests a year to go back to 2 test a year it has to pass two consecutive tests with less than 3 MOT faults.</p>
Reason for Proposal <p>The legal requirement for licensed vehicles is that they are subject to at least an annual test (MOT or equivalent) – for taxis this is always at least annually and for PHVs this is after the vehicle is 3 years old.</p>	

Those authorities within GM that have introduced a more frequent testing regime to the basic annual test required by law, have done so on the back of testing data that has evidenced high levels of testing failures in older vehicles.

Licensing figures would also suggest that with the increase of 'licence shopping' since the impact of the Deregulation Act, vehicle licence holders have sought out those authorities that have lower testing frequencies (alongside other lower policy standards) and so this proposal seeks to harmonise the testing regimes across GM to minimise the variance and better ensure the safety standard of vehicles carrying the public.

Consultation Response

GM level response:

This standard received a fair number of responses compared to some others:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Maintenance and Testing	44	20	31	4	0	0	2

This table breaks down those comments thematically across the respondent categories:

Comment Category	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with proposed plan for vehicle testing	20	7	8	1	0	0	1
More vehicle testing required than proposed	3	1	0	1	0	0	0
Less vehicle testing required than proposed	10	4	16	2	0	0	1
Reporting unroadworthy	4	0	0	0	0	0	0

vehicles should be simple							
Maintenance spot checks should be performed	3	0	0	0	0	0	0
Stricter checks on testing centres	2	3	0	0	0	0	0
Need more places to be able to conduct tests	0	6	5	0	0	0	0
Cars that have been written off and repaired should be allowed to be licensed again	0	1	4	0	0	0	1
Testing frequency should be based on the vehicle mileage	5	1	0	0	0	0	0
Base	44	20	31	4	0	0	2

Most respondents that commented provided a general comment of support for the proposed standard:

"Vehicle testing should be twice a year, main renewal and a 6-month inspection throughout the 10 years of licence as Manchester have 4 tests for vehicles over 5 years old which is ridiculous as the standard DVSA MOT test is valid for all road vehicles for 12 months by general public, so for taxis, twice a year is acceptable." (PHV Driver, Manchester)

"Also, important that if we're mandating twice-yearly safety checks these are not prohibitively expensive or driver's may be priced out of operation." (Public, age 25-34, Rochdale)

Five respondents suggested more testing is needed than what is proposed, feeling the additional checks are needed due to the high mileage such vehicles generally do.

"Vehicle testing should be more frequent; these vehicles are higher than average mileage vehicles so need more testing." (Public, age 45-54, Oldham)

Four hackney drivers, 16 PHV drivers and 10 members of the public felt less testing was needed. *"Testing - Tests should not be conducted twice per year. This is overkill." (Public, age 18-24, location not provided)*

"Annual mot test seems adequate to me. As I have a 14-year-old car, I would be ok with a taxi over 10 years old." (Public, age 65-74, Stockport)

Some respondents suggested the amount of vehicle testing should depend on the age of the vehicle, with newer vehicles requiring less testing.

"Vehicle age: having bought many vehicles for private hire. Usually around 3-4 years old, and financing over three years. Doesn't leave me with a finance free private hire vehicle for very long. So I would welcome the 10 years. The vehicle is being tested twice a year. Maybe the final one or two years could be three times a year." (PHV Driver, Manchester)

"On vehicle testing, I think vehicles under three years old should have one test a year, and vehicles three years and over should have two." (Hackney Driver, Stockport)

"Vehicle testing instead of making a car redundant at 10 years old. Why not change and at eight years old and put the cars on three tests per year at least then the vehicle stays in maintained condition and keeps the driver in work as there are enough taking taxpayers money without the councils making more unemployed." (Public, age 55-64, Wigan)

A small number of respondents, both members of the public and drivers, suggested testing frequency should be based on vehicle mileage.

"Vehicle testing should be linked to the amount of mileage a taxi covers." (Public, age 55-64, Rochdale)

"Vehicle testing - I believe a more onerous testing regime should be avoided. Speaking personally, I have seen the number of miles that I cover in a year reduce to a level that is less than most private cars, yet I have to produce my vehicle for two enhanced tests every year. Obviously, vehicles must be safe as a priority but so should every vehicle that is on the road." (Hackney Driver, Stockport)

Six hackney drivers and five PHV drivers felt more testing places were needed, and three Hackney drivers also felt stricter checks should be required at testing centres to ensure vehicles are roadworthy and safe.

"Vehicle Testing Vehicles should be tested twice a year to a more rigorous test at a local authority test centre and not at a for profit MOT station. There should be less chance of favouritism and corruption." (Hackney Driver, Wigan)

"Private hire should not look like a Hackney Hackneys should be the most versatile vehicle Testing Vehicles should be tested at least twice a year at the local authority testing facilities. At a higher standard than

the MOT standard. And not at any MOT station or not for profit.” (Hackney Driver, Wigan)

“Vehicle testing should be allowed at any government approved testing station and not just be tested by local authorities so they can take advantage.” (Hackney Driver, Manchester)

Three respondents suggested maintenance spot checks should be performed.

“Vehicle conditions should be subject to an annual check to ensure fit for purpose and that spot checks should be made around the Borough to ensure these standards are maintained.” (Public, age 45-54, Rochdale)

Four respondents felt the process for reporting unroadworthy vehicles should be simple.

“Members of the public should have the ease of reporting the poor condition of a vehicle to the issuing authority easily through a call centre or web address instead of going through the hoops and jumps that occurs today.” (Public, age 55-64, Tameside)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Vehicle Maintenance and Testing	7

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle maintenance and testing: Most of the comments agreed with the proposed plans for vehicle testing (n=4), with two comments suggesting the reporting of unroadworthy vehicles should be simple and one suggested that stricter checks should be done on testing centres;

Main themes from private hire drivers

	Number of comments
General Comments	5
Vehicle Maintenance and Testing	1

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Vehicle maintenance and testing: A driver commented that to deliver this, there needs to be more places to test their vehicle;

Comments and considerations

In busier licensing authorities, where licensed vehicles may be more likely to conduct higher mileage compared to other less populated areas, it is considered reasonable

to test vehicles more frequently than the minimum required by law – a view also supported by the DfT's Best Practice Guidance March 2010. A quick review of several city and large town licensing authorities reveals a varied picture with 6 monthly tests as common as the basic minimum requirement.

In general, licensed vehicles undertake much higher mileage than domestic vehicles (a recent report from one GM authority shows that in 2018-19 both Hackneys and PHVs were conducted on average around 30,000 miles per annum) and therefore will wear more quickly (both mechanically and cosmetically). Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. A best practice guide for the Inspection of Hackney Carriage and Private Hire Vehicles produced by the Freight Transport Association (published August 2012) on behalf of the Hackney Carriage and Private Hire Inspection Technical Officer Group, Public Authority Transport Network (PATN) (and supported by VOSA), states:

The purpose of the HC and PHV test is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If, in the opinion of the vehicle examiner, the vehicle has not been fully prepared, the test will be terminated and a further full test shall be required. It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway. HC proprietors and PHV drivers/owners and operators failing to maintain their vehicles in a safe and roadworthy condition may have their vehicle licence suspended, revoked or their licensing application refused by the local licensing authority. In addition, licence holders risk the suspension or revocation of their driver or operator licences by the local licensing authority. This best practice guide should be read in conjunction with Vehicle & Operator Services Agency (VOSA) publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2. This best practice guide provides a working document for those who inspect, maintain and prepare vehicles for inspection prior to being issued with a hackney carriage or private hire licence. Although detailed in its content the best practice guide is not exhaustive. However, in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC and PHV test.

As with many of these standard proposals, there is a risk that introducing more stringent requirements than other local authorities, may result in private hire licensees taking their business to other authorities of lower standards. As many other authorities already require more than the minimum annual test, this standard may be considered to present a lower risk than others. As with all proposals that seek to raise the quality and safety of the fleet licensed within GM, the key to effective implementation will be public awareness and continued lobbying of government to highlight the constraints and risks to authorities that strive to improve standards.

Authorities have a duty and must be able to assure the public with regards to the safety levels of its licensed fleet and it is considered that once a vehicle is over 3 years of age, it is reasonable to seek to ensure that both the mechanical and internal/cosmetic features of the vehicle remain to a standard expected by the authority.

Lead Officers recommendation
To implement the standard as proposed.

Vehicle Proposed Standard 7	Bury Council Current standard						
CCTV It was proposed that all licensed vehicles are fitted with mandatory CCTV to a standard yet to be determined.	Bury Council does not have a current CCTV requirement or policy.						
Reason for Proposal							
The presence of cameras can act as a deterrent to criminal behaviour and can protect both drivers and passengers. If the principle of a CCTV policy is agreed, it is proposed that audio as well as video recording is required, triggered by a panic button system.							
Consultation Response							
<u>GM level response:</u>							
This proposal evoked a greater number of comments from both the public and members of the trade:							
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
CCTV	83	16	51	6	1	3	8
This table breaks down those comments thematically across the respondent categories:							
Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree CCTV should be mandatory	46	6	12	2	0	0	3
CCTV should not be necessary it's optional / no need for CCTV	10	1	11	0	0	0	3

CCTV is expensive / Council should help fund	5	5	21	2	0	2	2
All vehicles should also have a dash-cam filming outside of the car	7	1	2	0	0	0	0
CCTV should be used to assess driving standards too	4	0	0	0	0	0	0
Concern about privacy / data protection worries	20	4	11	3	0	0	2
Both drivers and passenger should have panic button	5	0	0	1	1	1	1
Base	83	16	51	6	1	3	8

The majority of respondents were in favour of the proposal in principle:

"CCTV if used in a way that doesn't cause an invasion of privacy to the driver, is very important for the safety of the public. Any livery should be suitably visible for people with limited vision" (Organisation, Brandlesholme Community Centre)

"CCTV will be essential to ensure safety and crime prevention on both sides" (Public, age 25-34, Rochdale)

"I like the CCTV has this will help the trade in lots of ways including Panel Hearings" (Organisation, The Hackney Drivers Association Ltd)

However, 5 hackney drivers and 21 PHV drivers expressed concerns about the cost of CCTV and felt funding should be provided via the council for this purpose. This was also raised in the in-depth interviews where drivers questioned the cost implications of the installation and maintenance of CCTV and what expense would be incurred to download and submit data when there was a problem.

"It's a very good idea having CCTV in the vehicle, because at the end of the day it's safety for yourself and safety for your passengers, but you know, who's going to pay for it, it's about £1,500 for a CCTV in a vehicle, especially for licensed." (PHV Driver, Rochdale)

There were several concerns raised about privacy, GDPR, and the use and storage of recordings, with 4 hackney drivers and 11 PHV drivers raising concerns related to this, compared with 3 PHV operators and 20 members of the public.

"CCTV is an invasion of the public privacy and I'm sure will be challenged in Court. whose paying for this, who under the GDPR is retaining the recordings? How long are those recording retained? Who gets to see them? (Operator, Trafford)"

"We support the introduction of mandatory CCTV in taxi and private hire vehicles and the role that it can play in protecting drivers and passengers and reducing the incidents of serious safety incidents. In order for CCTV to act as an effective deterrent it must be only accessible by the Local Authority, acting as Data Controller, to prevent unauthorised access, distribution or deletion of data by drivers or proprietors." (Operator, several GM authorities)

Two vehicle leasing companies suggested a panic button would be more effective.

"More than CCTV a panic button is a more effective tool. Panic buttons which are connected directly to the police are important CCTV is not very clear when these incidents happen the perpetrators are always wearing caps and hoodies which makes them hard to identify. Therefore, panic buttons alone are more effective." (Vehicle leasing company, Salford)

In the in-depth interviews further concerns were raised by drivers about the responsibility for data storage and management. Queries were raised about whether drivers would be required to upload data to the authority and how will the data recorded be secure and managed by the drivers.

"Who is going to be responsible for the data? Are we going to have to download the data all the time and provide it? At what cost? I understand why this is being considered but practically I'm not sure how this will work." (Hackney Driver Manchester)

Some drivers already had dashcams, which offered the additional benefit of lowering their insurance however, there are strict rules on ensuring the camera only points outwards of the vehicle and not into the car therefore protecting the privacy of the occupants. Questions were raised about the impact of CCTV on their insurance.

"You see I have a dashcam as it is cheaper for my insurance, but it has to point outwards, my insurance is very clear on that. Will my insurance now accept this CCTV inside the car? (PHV Driver, Tameside)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
CCTV	4

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

CCTV: Two comments were about privacy concerns, one comment suggested that both drivers and passengers have panic buttons and one comment stated that CCTVs are expensive.

Main themes from private hire drivers

	Number of comments
General Comments	5
CCTV	4

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

CCTV: Four drivers commented that CCTV is expensive;

Comments and considerations

A mandatory CCTV policy is a complex stand alone piece of work and so the purpose of proposing this standard as part of the MLS project, was to consider whether the introduction of a mandatory policy would be supported in principle.

It is clear that there is considerable support for such a policy, notwithstanding the concerns raised which would need to be addressed within a separate policy proposal, and this will now enable officers to draft a full policy for further public consultation.

Lead Officers recommendation

To approve the drafting of a CCTV policy for further consideration and consultation.

Vehicle Proposed Standard 8	Bury Council Current standard
<p>Executive Hire</p> <p>It was proposed that the following conditions apply to executive hire vehicle (eg chauffeur driven) policies</p> <ul style="list-style-type: none"> • Bookings to be confirmed by written contract • Payments made in advance of the journey or by invoice afterwards • Stipulation on the types of vehicles to be licensed • Dress code • Business plan shared with licensing authority 	<p>Bury Council does have a policy and therefore this standard is part met for our executive vehicles.</p> <p>We also currently require:-</p> <ul style="list-style-type: none"> • Business plan • The contracts they hold • A dress code <p>Exemption is given from plates and signage. A disc is instead provided to be displayed in the front windscreen of the car.</p>

<ul style="list-style-type: none">• Vehicles not to be fitted with data heads, radios or meters• Exemptions from plates and door signs only to be given when used exclusively for executive hire							
Reason for Proposal							
This proposal seeks to ensure that policies relating to Executive Hire services across GM are consistent.							
Consultation Response							
<u>GM level response:</u>							
Extremely few comments were received about this standard proposed:							
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Executive Hire and specialist vehicles	8	0	5	2	0	0	1
This table breaks down those comments thematically across the respondent categories:							
Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Executive hire should be exempt from colour regulations	0	0	1	2	0	0	0
Executive hire operators should have more duties of care	1	0	0	0	0	0	0
Executive hire should be	0	0	0	2	0	0	0

exempt from CCTV							
Should be exclusions for specialist vehicles	3	0	1	1	0	0	1
The exclusive use clause for executive hire vehicles may be unfair on owner drivers	1	0	1	0	0	0	0
Executive hire shouldn't have different rules	3	0	4	0	0	0	0
Base	8	0	5	2	0	0	1

Two operators provided comments citing executive hire vehicles should be exempt from CCTV:

"Executive Fleet. This will raise a lot of issue with the high-end customers we pick up on daily basis. Celebrities, Corporate Staff and others who will surely object to being recorded in the vehicle. Privacy is very important to these individuals." (Operator, Trafford)

"CCTV will break NDA's and client confidentiality and would be strongly opposed by clients who use executive hire services. Colour creates issues within Chauffeur/Executive hire and would destroy industry if it resulted in having to have white cars." (Operator, Bury)

The two operators and respondents who took part in the focus groups gave the following arguments for why the colour standard should not be applied.

"We believe there should be at least 2 vehicle choices. Executive Fleet. We work with lots of Global Travel agents and Executive Chauffeur companies and the most preferred colour for executive work is BLACK / SILVER. White colour for corporate Executive Fleet is a NO NO. Majority of such firms specifically ask that the vehicle be strictly Black or Silver in colour. White Executive cars are mostly in demand for Weddings etc but DEFINITELY NOT FOR CORPORATE SECTOR." (Private hire operator)

Two respondents felt executive hire operators should have more duties of care and they must maintain their high standards.

"Executive hire operator should have greater operating duties as to drivers' hours records vehicle usage." (Public, age 55-64, Tameside)

"Executive taxi operators must use latest technologies and way of communication with the customers and drivers to maintain the highest

standards in the business, bringing in line with the European, American or Australian counterparts' standards." (PHV Driver, Bury)

However, five respondents (4 PHV drivers and 3 members of the public) felt executive hire should not have different rules, explaining the same rules should apply to all.

"Why does "executive" hire get lower restrictions and some exemptions? It's elitist. Manchester is a city of Marx and Engels. All should adhere to the same standards. People with money should not be exempt from ANY rules or regulations. Why should their cars not have plates? But the working classes have? Zero justification." (Public, age 35-44, Manchester)

"As for executive hire as far as I am concerned they should be treated in the same way as private hire as they are just a glorified taxi for people with a bit more money to waste such as councillors etc." (Public, age 55-64, Wigan)

"It is also discriminatory as you have allowed executive vehicles to drive with door stickers, yet you have discriminated us normal PHVs. Why are executive taxis allowed to drive without signage and not us? They are pre booked so are we. We take care of our customers as much as them, by creating a separate rule for executive taxis, you have inadvertently discriminated against normal taxis and it promotes classism and shows that you have 2 different standards in your dealings with us. One for the rich and one for the poor. We should be allowed to drive without any livery at all." (PHV Driver, Rochdale)

Bury Response:

Main themes from the Public

	Number of comments
General Comments	9

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Executive Hire: No comments were made by the public on this standard

Main themes from private hire drivers

	Number of comments
General Comments	5
Executive Hire and specialist vehicles	1

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Executive hire: This person felt that the exclusive clause for executive hire vehicles may be unfair on drivers.
Comments and considerations
<p>Policies for Executive Hire (or Non-Standard Private Hire) are common amongst licensing authorities and a number of such policies already exist within GM and have done for some time. The purpose of such policies are to recognise the difference in business/service offer of specialised contract executive or chauffeur hire services. These services are markedly different to standard private hire, in their business plans (for example prestige or vintage vehicles are often used with a much higher monetary value), clientele who may be in the public eye and require a higher level of security; and therefore in working with such companies, a separate set of licence conditions are determined in recognition of the very different type of service they operate.</p> <p>Non-standard or Executive Private Hire vehicles are not permitted to also operate as standard private hire vehicles, which is how risk to public safety is mitigated.</p> <p>This proposal seeks to bring about a level of consistency for these elements of Executive Hire policies across GM.</p>
Lead Officers recommendation
To implement the standard as proposed.

Vehicle Proposed Standard 9	Bury Council Current standard
<p>Vehicle design</p> <p>It was proposed that:</p> <ul style="list-style-type: none"> all vehicles conform to the M1 standard (any modified vehicle at M2 standard must have an appropriate test to ensure conformity with single vehicle type approval) No retrofitting of engines into older vehicles will be allowed. LPG conversions will be accepted Where retrofit emissions technology is installed it shall be approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS) Specification for window tints will be: <ul style="list-style-type: none"> a) Front windscreen – min. 75% light transmission b) Front side door glass – min. 70% light transmission c) Remaining glass (exc. Rear window) min. 70% light transmission 	<p>Bury Council currently allows signage on private hire vehicles that has been approved by the Licensing Unit Manager.</p> <p>Bury Council do not permit roof signs on Private hire vehicles.</p> <p>Bury Council used to allow window tints as described in this proposed standard, but this has been considered by the Licensing and Safety Committee and we no longer test the percentage of light transmission.</p>

<ul style="list-style-type: none"> • No vehicle first being licensed will have been written off in any category and will not be renewed (if previously written off) after 1 April 2021. • No roof signs permitted on PHVs • No advertising other than Council issued signage on PHVs • The question was also posed whether a swivel seat should be required in a Hackney Carriage vehicle 	<p>We allow window tints that are manufacture fitted i.e. privacy glass</p>
<p>Reason for Proposal</p> <p>GM districts currently have fairly similar licensing requirements with regards to the type and design of vehicles permitted on fleets, however where some minor variations do exist, these proposals bring those into line and provide consistency for what will and won't be acceptable criteria for vehicles being licensed. Requirements relating to the categorisation of vehicles having had modifications or accidental damage are clearly aimed at ensuring the structural safety of such vehicles to carry passengers.</p> <p>Window tint requirements are for the safety of passengers and drivers; to ensure that compliance and other authorised officers (but also generally members of the public) can conduct a quick visual check inside the vehicle, view how many passengers are being transported, and safeguard against criminal activity taking place inside the vehicle. Some passengers, particularly vulnerable passengers may feel safer if they can be seen from outside the vehicle.</p> <p>At the time of consultation, the proposed effective date for written off vehicles not being renewed was 1 April 2021, and as this date has passed, it is proposed that this date now be amended to be effective immediately upon the determination of policy locally.</p> <p>Roof signs on PHVs give a false impression to the public that the vehicle is a licensed Hackney Carriage and works against our aim to ensure greater awareness among the public about the key differences between the two sectors and prevent/deter illegal ply for hire, so it is proposed that this cease to be allowed where it currently is.</p> <p>In support of our objective to have a clearer and cleaner visual identity for vehicles licensed by GM districts, it is proposed that advertisements on PHVs are not permitted unless they are issued/approved by the relevant authority. Currently where there are no restrictions on this, vehicles can have advertising stickers placed in various places around the vehicle, often haphazardly, which really detracts from the image of a high-quality licensed fleet that authorities wish to promote. It will also safeguard against the use of material that could cause offence or be in poor taste.</p> <p>It was also posed within the consultation document, whether Hackney Carriages should have a requirement to have a swivel seat or not.</p>	

Consultation ResponseGM level response:

This proposal received the second fewest number of comments within the vehicle standards:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Design	9	4	0	0	0	0	1

Comments that were made, touched upon the following themes:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
General Disagreement	6	1	0	0	0	0	1
Issue with the accessible vehicle	1	3	0	0	0	0	0
Roof top signs that light up to identify a PHV	2	0	0	0	0	0	0
Base	9	4	0	0	0	0	1

Those 12 respondents who expressed disagreement with the vehicle design standards and elaborated explained they felt the required standards were “too severe”, need “further consideration”, and the swivel seat requirement “restricts vehicle availability” and is not necessary or asked for by passengers.

“I feel that the vehicle design propositions are too severe.” (Public, age 55-64, Manchester)

“I think the seats and loading rules appear to exclude virtually all private hire vehicles. This needs further consideration.” (Public, age 75+, Trafford)

“The swivel seat requirement needs to go. It restricts vehicle availability and is almost never requested out on the streets.” (Hackney Driver, Manchester)

Bury Response:

Main themes from the public	
	Number of comments
General Comments	9
Vehicle Design	1
<p>General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;</p> <p>Vehicle design: One respondent suggested rooftop lights to make PHVs recognisable;</p>	
Main themes from private hire drivers	
	Number of comments
General Comments	5
<p>General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;</p> <p>Vehicle Design: No comments were made on this standard</p>	
Comments and considerations	
<p>The general vehicle design specifications are mainly enshrining in a consistent policy many requirements that already exist throughout GM, and general requirements in law for passenger carrying vehicles. Whilst consultation responses were very low, it makes sense for all GM authorities to take a consistent approach to some of the more common design variations, particularly where they affect public safety.</p> <p>One issue that trade bodies did raise strong objection to was the tint level allowed (or minimum light transmission) for rear side windows. Whilst purpose built taxis are manufactured without significant window tints as standard, standard saloon vehicles used for private hire work are not similarly purpose built, and manufacturers who are making vehicles for the wider market are increasingly manufacturing with a rear side window tint or 'privacy glass' as standard. As such, the private hire trade are finding it increasingly difficult to source a vehicle that complies with the tint requirements, and costs can be up to £1000 for window replacements, which in turn may then carry a safety risk dependent on the standard of replacement. Authorities have also acknowledged the intent to move to mandatory CCTV requirements for vehicles that would mitigate the safety concerns relating to tint. Therefore, in recognition of this fact, the significant additional cost to the trade within the context of the other costs associated with these proposals, and the risks of licence shopping if introducing significantly more stringent policies than other authorities for private hire, it is proposed to amend this part of the policy standard to:</p> <ul style="list-style-type: none"> • Remaining glass or rear side windows (excl. rear window) allow manufacturer's tint to a minimum of 20% light transmission 	

On reflection and in light of experience during the pandemic (where districts were happy to approve a use of a product i.e. NHS signage, but don't necessarily wish to issue), it is intended to amend the advertisement proposal from:

- No advertising other than Council *issued* signage on PHVs to:
- No advertising other than Council *approved* signage on PHVs

Lead Officers recommendation

To implement the standard as proposed with the following minor amendments:

To change the minimum light transmission specific for point c) remaining glass and specify:

- Remaining glass or rear side windows (exc. Rear window) - allow manufacturer's tint to a minimum 20% light transmission

To change:

- No advertising other than Council *issued* signage on PHVs

to:

- No advertising other than Council *approved* signage on PHVs

To amend the start date for non-renewal of licences with vehicles that have been previously written off to 1 April 2022.

To defer the decision on swivel seats at this time as the consultation response on this specific point was particularly low.

Vehicle Proposed Standard 10	Bury Council Current standard
<p>Vehicle Licence Conditions</p> <p>A set of proposed conditions for Hackney Carriage and Private Hire Vehicles are set out at Appendix 2 and Appendix 3 respectively. The conditions cover a comprehensive set of expectations with regards to the livery, condition, fares and the responsibilities of the proprietor.</p>	<p>Bury Council currently has vehicle licence conditions for both Hackney Carriage and Private Hire Vehicles, but these are in need of updating.</p>
Reason for Proposal	
<p>Each local authority already has licence conditions for each vehicle fleet, but they vary across the conurbation. The Licensing Managers Group reviewed their own conditions and collectively proposed a set of updated and revised conditions, that reflect proposed policy standards and complement conditions also required of drivers and operators, to set clear parameters by which licence holders can be held to account.</p>	
Consultation Response	

GM level response:

There were relatively few comments made with regards to the proposed vehicle licence conditions, with most coming from members of the public and only 6 comments coming from the trade:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Conditions	24	1	3	2	0	0	0

Comments tended to centre around vehicle cleanliness. This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle cleanliness is important	24	1	3	2	0	0	0

Respondents discussed how vehicle condition is important, including interiors, condition of current vehicles, hygiene, smell, and general road worthiness.

"Vehicle Conditions: in our geographical area, the condition of some of the vehicles are a disgrace - just by looking at them you can see they are not fit for purpose ie battered, worn tyres, rust, filthy and disgusting with drivers smoking in them and not maintaining them inside or out; some are totally unhygienic which, at the best of times is unhealthy but particularly now during the Covid-19 pandemic. Our suggestion would be that testing standards are raised and adhered to, to ensure, that only roadworthy and clean cars are licensed i.e. only the very best cars are licensed." (Operator, Wigan)

"People should feel safe in the vehicle they are travelling in. Regular testing should be compulsory as well as a standard of cleanliness." (Public, age 45-54, Oldham)

"Our suggestion would be that testing standards are raised and adhered to, to ensure, that only roadworthy and clean cars are licensed i.e. only the very best cars are licensed." (Operator, Wigan)

"Vehicle colour is not particularly important. Emphasis should be on condition of vehicle both mechanically and inside." (Public, age 55-64, Salford)

Bury Response:

Main themes from the public

	Number of comments
General Comments	9
Vehicle Conditions	5

General comments: Over two-thirds of the comments here (n=7) welcomed the proposed changes. One commented on the current state of taxis and one suggested that changes are not needed;

Vehicle conditions: All comments were about the importance of vehicle cleanliness.

Main themes from private hire drivers

	Number of comments
General Comments	5
Vehicle Conditions	1

General comments: Five drivers felt these changes were unnecessary without specifying any part of the standard in particular;

Vehicle Conditions: One driver agreed that vehicle cleanliness is important;

Comments and considerations

Whilst responses were relatively low, there were no strong objections to any specific aspects of the proposed vehicle licence conditions.

It should be noted that the requirement for a vehicle licence holder to undertake a basic DBS check will be added into both sets of licence conditions. This was recommended in the Department for Transport's Statutory Guidance for Taxi and Private Hire Licensing Authorities in July 2020.

Lead Officers recommendation

To implement the standard as proposed with the addition of the DBS requirement for vehicle proprietors who are not licensed drivers.

5 Timescales for Implementation

- 5.7 It should be noted that similar reports to this are going through District governance contemporaneously making the same recommendations. These recommendations were also outlined and endorsed by the Combined Authority at their October meeting.

5.8 All districts are expected to have completed Stage 2 governance by mid-January 2022. Districts will move to embed new policy decisions within existing policies with immediate effect.

5.9 The following table provides a summary of key milestones:

Activity	Target Date
Stage 2 Report to GMCA	29 Oct 2021
District Governance for Stage 2 begins	6 Nov 2021
District Governance for Stage 2 concludes	13 Jan 2022
Clean Taxi Fund Scheme Go Live	End Jan 2022
Stage 2 standards implementation	<p>With immediate effect (upon determination of policy at district level) for new licences</p> <p>Recommended that all existing fleets are compliant with policies by 1 April 2024</p> <p>With agreed longer transitional arrangements for existing fleets on WAV requirement for Hackneys</p>
Clean Air compliance requirements	<p>All GM Licensed vehicles given exemption until 31 May 2023</p> <p>Recommended in MLS that licensed vehicles should be compliant with CAZ requirements by 1 April 2024</p>

6 Conclusion

6.1 The 'golden thread' of licensing is that of public protection. The consultation has demonstrated that the public are overwhelmingly in support of the additional

safeguards and protection that this project can deliver. As well as the local policy strengthening that minimum licensing standards will bring across Greater Manchester it delivers on the implementation of the statutory standards on safeguarding that the Government have introduced.

- 6.2 The vision of Greater Manchester is to continue to work closely together, influence policy change and support the licensed trade by delivering on its promise to provide financial support to move to greener vehicles. This is the start of a journey to continue to deliver excellence in licensing regulation in Greater Manchester. This in turn will help drive more business and passengers to a well-regulated, safe and efficient locally licensed hackney and private hire trade, for example by GM local authorities, TfGM and the GMCA delivering PR and other campaigns encouraging the public to only use and book local licensed services.
- 6.3 However, it is important not to underestimate the challenges the trade continues to face and the balance that must be struck in order to continue to support the trade whilst safeguarding the public; delivering a licensing regime that offers journeys in safe licensed vehicles, driven by safe licensed drivers. The 10 GM licensing authorities will continue to work with the hackney and private hire trade to provide that ever-important support and guidance whilst ensuring that public protection is at the forefront of our considerations.

Community impact / Contribution to the Bury 2030 Strategy

Local Neighbourhoods: The proposals will improve safety standards within the Taxi trade which will increase safety for Bury/GM residents using their services.

Enterprise: The proposals support GM economic growth and will promote and provision and use of local, safer and more consistent GM private hire and hackney carriage trade.

Economic Growth and Inclusion: The implementation of the proposals and improved safety standards will include GM wide promotion of the GM Taxi trade. Public awareness will be increased outlining the benefits following the improved standards and will increasing awareness of the trade and services they provide to the public in Bury/GM.

Equality Impact and considerations:

A GM-wide Equality Impact Assessment has been undertaken and a copy is available on request.

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 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
Opportunity - Improved/co-ordinated safety and standards for hackney carriage and private hire licensing across GM.	Not applicable.
Risk – Licensed vehicle proprietors may choose to obtain licences outside of GM resulting in loss of income and lower standards.	<p>Continued lobbying of Government to review the issue of out of town (not licensed in GM) drivers and vehicles operating in GM.</p> <p>The GM Clean Air Plan exemption will be restricted to those vehicles licensed in GM.</p> <p>Following implementation there will be GM-wide publicity to promote to members of the public the benefits of using GM licensed vehicle.</p>

Consultation:

A Consultation was undertaken by Aecom on behalf of Transport for Greater Manchester and the ten Greater Manchester Authorities. The consultation took place for an eight-week period between the 8 October 2020 until the 3 December 2020.

Legal Implications:

The granting of private hire and hackney carriage and private hire vehicle licences is governed by legislation and gives local authorities powers to attach conditions on grant. In addition, the legislative requirements place duties on local authorities granting such licences.

The current proposals of common minimum licensing standards will require adoption by the Council. Their application is open to legal challenge either by way of an appeal against the attachment of conditions to a licence or by way of judicial review in relation to the overall decision to adopt.

Further reports will be required in due course on a limited number of the proposals and advice will be required as to the appropriate governance route at that time.

Financial Implications:

There are no significant financial costs associated with adopting the common minimum licensing standards for Bury and the work associated with administering and monitoring the scheme will be subsumed within existing resources. Work is ongoing as part of this project to develop and adopt a common fee methodology at which time an assessment will be required as to the financial impact favourable or adverse this may have on existing income budgets.

Report Author and Contact Details:

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

Term	Meaning
GM	Greater Manchester
MLS	Minimum licensing Standards
PH	Private Hire
HC	Hackney Carriage
PHV	Private Hire Vehicle
PHO	Private Hire Operator
TfGM	Transport for Greater Manchester
WAV	Wheelchair Accessible Vehicle

Standard Proposal 5: Livery

Illustrative examples (NB. Vehicle colour is not relevant):





STANDARD PROPOSAL 10

APPENDIX 2

PROPOSED PRIVATE HIRE VEHICLE CONDITIONS

The licensee shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

1. Definitions

For a legal definition of the following terms, see the Local Government (Miscellaneous Provisions) Act 1976.

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Vehicle Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" Bury Council

"Identification Plates" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle

"The Licensee" means the holder of a private hire vehicle licence.

"The Operator" / "PHO" a person who makes provisions for the invitation and acceptance of booking / hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"The Proprietor" means the person(s) who owns, or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"The Meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

Words importing the masculine gender such as "he" and "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

2. Identification Plates

- 2.1 The vehicle front and rear licence identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and the plate must be fixed in the plate holder using the clips provided, so as to allow them to be easily removed by an authorised officer. The plate holder should be securely fixed to the vehicle in such a way that neither it, nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.
- 2.2 The Licensee shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

3. Condition of Vehicle

- 3.1 The Licensee shall ensure that the private hire vehicle shall be maintained in good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the period the vehicle is licensed.
- 3.2 The interior and exterior of the Private Hire Vehicle shall be kept in a clean and safe condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the written consent of the Council.
- 3.4 The Licensee of the Private Hire Vehicle shall: -
 - provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of the hiring;
 - ensure the interior of the vehicle is kept wind and water tight and adequately ventilated;
 - ensure the seats in the passenger compartment are properly cushioned and covered;
 - ensure the floor in the passenger compartment has a proper carpet, mat or other suitable covering;
 - ensure fittings and furniture of the Private Hire Vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
 - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.

- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Licensee).
- 3.6 A daily vehicle check log must be completed by the driver of the vehicle at the beginning of each shift. The checks to be carried out are as follows:
- Lights and indicators
 - Tyre condition, pressures and tread
 - Wipers, washers and washer fluid levels
 - Cleanliness inside and out
 - Bodywork – no dents or sharp edges
 - Licence plates present and fixed in accordance with these conditions
 - Any internal discs on display and facing inwards so customers can see.
 - Door and bonnet stickers on display
 - Tariff sheet in display
 - Horn in working order

The Licensee shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

4. Accidents

- 4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

5. Vehicle signage

- 5.1 No sign, notice, flag or emblem or advertisement shall be displayed in or on any Private Hire Vehicle without the express permission of the Council.
- 5.2 The Licensee shall ensure that the Council issued mandatory bonnet and rear door and rear window signs are affixed permanently to the vehicle and are not removed whilst the vehicle is licensed.

6. Assistance Dogs

- 6.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.
- 6.2 The location of the assistance dog must be agreed with the passenger at all times.

- 6.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

7. Other Animals

- 7.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

8. Meters

- 8.1 If the vehicle is fitted with a meter:

- The licensee shall ensure the meter is of a type approved by the Council and maintained in a sound mechanical condition at all times
- The licensee shall ensure the meter is set to display any fare table which may be adopted by the private hire operator
- The Council may ensure calibrate and seal, at the expense of the licensee, any meter which is to be used in the licensed vehicle
- The licensee shall ensure the meter is illuminated and is located in a position where any hirer can see the fare easily
- The licensee shall ensure that the words 'FARE' shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon
- The licensee shall ensure that the meter and any connected equipment is fitted securely without the risk of impairing the driver's ability to control the vehicle or be a risk to any person in the vehicle
- No meter shall be replaced without the consent of an authorised officer of the council.

9. Fare Tables

- 9.1 The Licensee shall ensure that a copy of the current fare table is available, when not working for an 'app only' based operator, at all times, so it can be easily read by passengers.
- 9.2 The Licensee shall ensure that the fare table is not concealed from view or rendered illegible whilst the vehicle is being used for hire.

10. Licence

- 10.1 The Licensee shall retain a copy of the original private hire vehicle drivers' licences of all drivers driving the private hire vehicle and produce the same to an Authorised Officer or Police Constable on request.

11. Convictions and Suitability Matters

- 11.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.
- 11.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.
- 11.3 The licensee shall notify the Council if they are subject to any:
- arrest or criminal investigation,
 - summons,
 - charge,
 - conviction,
 - formal/simple caution,
 - fixed penalty,
 - criminal court order,
 - criminal behaviour order or anti-social behaviour injunction,
 - domestic violence related order,
 - warning or bind over
 - or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

12. Notifications and Licence Administration

- 12.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.
- 12.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.
- 12.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.
- 12.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -

- The name of the driver and their badge number;
- The address of the driver;
- The company for whom the driver works for;
- The date and time you hired / lent / leased / rented your vehicle to the driver;
- Whose insurance the driver will be using the vehicle under;
- Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
- The expected duration the vehicle will be hired / lent / leased / rented to the driver

13. CCTV

- 13.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.

STANDARD PROPOSAL 10**APPENDIX 3****PROPOSED HACKNEY CARRIAGE VEHICLE CONDITIONS**

This Licence is issued subject to compliance with the Council's current Hackney Carriage byelaws and the relevant provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

1. Definitions

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Bury Council

"Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847

"The Identification Plates" the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage

The "Licensee" is the person who holds the Hackney Carriage Vehicle Licence

"The Proprietor" means the person(s) who owns or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"Taximeter" any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

"Vehicle" the vehicle licensed as a Hackney Carriage

Words importing the masculine gender such as "he" or "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council unless otherwise stipulated, all communication must be with the Council's Licensing Department.

2. Identification Plates

- 2.1 The front and rear vehicle identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and that the

plate must be fixed in the plate holder using the clips provided so as to allow them to be easily removed by an authorised officer. The plate holder should be fixed to the vehicle in such a way that neither it nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.

- 2.2 The Licensee of the vehicle shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

3. Condition of Vehicle

- 3.1 The Licensee shall ensure that the vehicle is always maintained in a good mechanical and structural condition and be capable of satisfying the Council's mechanical and structural inspection at any time during the period of the licence.
- 3.2 The interior and exterior of the Hackney Carriage shall be kept in a clean condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the vehicle to be varied without the consent of the Council.
- 3.4 The Licensee of the vehicle shall: -
 - provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - ensure the interior of the vehicle to be kept wind and water tight and adequately ventilated;
 - ensure the seats in the passenger compartment are properly cushioned and covered;
 - cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering;
 - ensure fittings and furniture of the vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
 - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.
- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Proprietor).

3.6 The Licensee must ensure that a daily vehicle check log must be completed by the licensee or driver(s) of the vehicle at the beginning of each shift. The checks to be carried out are as follows:

- Lights and indicators
- Tyre condition, pressures and tread
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with these conditions
- Any internal discs on display and facing inwards so customers can see.
- Door and bonnet stickers on display
- Tariff sheet in display
- Horn in working order

3.7 The Licensee shall ensure that he or the driver shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

4. Accidents

4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

5. Advertisements

5.1 The Licensee may only display advertisements on the outside of a London Style Hackney Carriage which must comply with the Council's policy and for which consent has been provided by an Authorised Officer.

6. Vehicle Signage

6.1 The Licensee will not allow any sign, notice flag, emblem or advertisement to be displayed in or from any Hackney Carriage Vehicle without the express permission of the Council

6.2 The Licensee will ensure that any mandatory signs be affixed permanently to the vehicle as directed by the Council and are not removed whilst the vehicle is licensed.

7. Assistance Dogs

- 7.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.
- 7.2 The location of the assistance dog must be agreed with the passenger at all times.
- 7.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

8. Other Animals

- 8.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

9. Taximeters

- 9.1 The Licensee shall ensure the vehicle is fitted with a Council approved, tested and sealed Taximeter before plying or standing for hire and shall use the approved meter only.
- 9.2 The Licensee shall ensure that the Taximeter is located within the vehicle in accordance with the reasonable instruction of an authorised officer, and sufficiently illuminated that when it is in use, it is visible to all passengers.
- 9.3 The Licensee shall ensure that the authorised Taximeter is maintained in a sound mechanical/electrical condition at all times and programmed to calculate the fare in accordance with the current fares tariffs fixed by the Council.
- 9.4 The Licensee shall ensure that the 'for hire' sign is extinguished when the fare commences, and the taximeter is brought into operation.
- 9.5 The Licensee shall ensure that the 'for hire' sign is not illuminated when the vehicle is outside of its licensing district.

10. Tampering with Taximeters

- 10.1 Taximeters must not be tampered with by anybody other than an Authorised Officer or an approved contractor approved by the Council.

11. Fare Table

- 11.1 The Licensee shall ensure that a copy of the current fare table supplied by the Council is displayed and visible at all times so that it can be easily read by passengers.

12. Drivers Licence

- 12.1 The Licensee shall retain copies of the hackney carriage drivers' licence of each driver of his vehicle and produce the same to an Authorised Officer or Police Officer on request.

13. Communication Equipment

- 13.1 The Licensee shall ensure that any communication equipment, used to communicate with passengers, fitted to his Hackney Carriage is at all times kept in a safe and sound condition and maintained in proper working order.

14. Convictions and Suitability Matters

- 14.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.

- 14.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

- 14.3 The licensee shall notify the Council if they are subject to any:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

15. Notifications and Licence Administration

- 15.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or

produce a relevant certificate, assessment, validation check or other administration or notification process.

- 15.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.
- 15.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.
- 15.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -
- The name of the driver and their badge number;
 - The address of the driver;
 - The company for whom the driver works for;
 - The date and time you hired / lent / leased / rented your vehicle to the driver;
 - Whose insurance the driver will be using the vehicle under;
 - Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
 - The expected duration the vehicle will be hired / lent / leased / rented to the driver

16. Intended Use

- 16.1 The Licensee of the Hackney Carriage vehicle licence shall ensure that an accurate and contemporaneous record is made and maintained either by himself or the driver of the vehicle, of all uses of the vehicle when being used to fulfil pre-booked hiring's on behalf of a private hire operator licensed by another local authority;
- 16.2 The accurate and complete record should include, as a minimum, the following information, and be recorded in a stitch or heat / glue bound book so as to provide a continuous record without breaks between rows: -
- date;
 - time of first pick up;
 - first 'pick up' point by location / name / address including house number;
 - destination point by location / name / address including house number;
 - the name and address of the operator on behalf of which the journey was being undertaken.

- 16.3 Each book shall legibly and clearly display the details of the vehicle to which it relates, including the make, model, registration number and vehicle licence number;
- 16.4 The record of journeys shall be available for inspection at any time by a Police Officer or PCSO; and an Authorised Officer of any local authority who through the course of their normal duties are authorised to inspect the licensed vehicle;
- 16.5 Each book, when full, shall be delivered to the Council's Licensing Department;
- 16.6 Where the Licensee wishes to maintain a record of use in any other format than set out above, prior approval must be obtained from an Authorised Officer.

17. CCTV

- 17.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.

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Classification	Item No.
Open	

Meeting:	Democratic Arrangements Forum Standards Committee Council
Meeting date:	15 th November 2021 24 th November 2021
Title of report:	Report from the Independent Remuneration Panel – Review of the Member Allowance Scheme
Report by:	The Monitoring Officer
Decision Type:	Council
Ward(s) to which report relates	All

EXECUTIVE SUMMARY:

This report is a synopsis of the deliberations and recommendations made by the Independent Remuneration Panel (the IRP or Panel) for Bury Council to advise the Council on its Members' Allowances scheme.

The IRP report states that evidence shows that the Bury Council Members' Allowances scheme is a low paying scheme both comparatively and in real terms. Benchmarking shows that the Bury are the lowest or next to lowest in every category across all the Greater Manchester. Moreover, the SRAs are now lower than what they were in 2010.

The IRP received anecdotal evidence that the current level of allowances was acting as a barrier to the recruitment of a wide range of candidates to stand for Council. In particular, the time required to be a Member (whether this was at the most senior level or at the backbench level) was not recompensed by the current level of allowances payable.

While the Basic Allowance and SRAs were never intended to reflect the 'market value' of the workload and responsibilities undertaken by Members, they are intended to go a large way to recognising that there is a substantial time commitment and complexity

to being an elected Member that is largely unrecognised in their current remuneration. Legislative changes have increased the demands on all Members but on leading Members in particular. The current allowances payable do not reflect the increased demands made on Members.

Currently, it is the IRP's view that the Bury Council Members' Allowance scheme does not meet this core principle underpinning the purpose of establishing such schemes.

RECOMMENDATIONS:

- 1. That Council notes the report of the Independent Remuneration Panel dated November 2021 (Appendix 1)**
- 2. Following consultation with the Group Leaders, the Mayor and the Standards Committee, Council consider the recommendations 1- 29 as detail below: (Appendix 2)**

1. Basic allowances for Members to be reset at £10,791. Note that the Basic Allowance continues to be deemed inclusive of all in-Council travel and subsistence costs and telephone allowance and that Schedule 2 of the allowances scheme is amended to reflect this situation.
2. The Special responsibility allowance for the Leader is set at £32,733
3. The SRA for the Deputy leader is set at £19,424.
4. The Cabinet members SRA is set at £14,568, Deputy Cabinet Members SRA to be reset at £2,185.
5. SRA for the Chairs of the six main committees to be set at £8,093

Chairs of the main Committees (x6) -Overview & Scrutiny
Committee/Children's & Young People's Scrutiny Committee/Health Scrutiny
Committee/Planning Control Committee/Licensing & Safety Committee/Audit
Committee

6. That Members who sit on Licensing Hearings Panels who attend more than 6 meetings in any one year are paid an SRA as follows:

Meetings over 4 hours: £106

Meetings up to 4 hours: £53

As per current practice this SRA should only be paid to Members who are not otherwise in receipt of an SRA.

7. The SRA for the Leader of the Main Opposition Group is reset at £10,683.
8. The SRA for the Deputy Leader only be payable if the Main Opposition Group holds 20 per cent of seats (11) on Council and is reset at £4,273.
9. The SRA for Leaders of Other Opposition Groups is reset at £5,342, where there are two or more Other Opposition Groups.
10. The SRA for the Deputy Leader(s) of Other Opposition Groups is reset at £1,870. This is only paid when an Other Opposition Group attains 10 per cent of seats (five) on Council. Where there are two or more Other Opposition

Groups of five or more seats the SRA of £1,870 should be paid to their respective Deputy Group Leaders on a pro rata basis.

- 11.The Leader is paid a separate SRA of £6,000 as a Member/Portfolio Holder on the GMCA under the 2011 Order.
- 12.The SRA for the two Bury Members appointed to the GMTC is reset at £3,000.
- 13.The SRA for the two Bury Council Members appointed to the GM Waste and Recycling Committee is reset at £1,5000.
- 14.That the council discontinue the SRA for the Council's appointment to the GM Pension Fund.
- 15.The 1-SRA only rule is maintained with the exception of the additional SRAs paid under the 2011 GMCA Order.
- 16.That the SRA (£4,273) for the Deputy Leader of the Main Opposition Group is only payable if the size of the Main Opposition Group attains 11 Members
- 17.That where there are two or more Other Opposition Groups then the recommended SRA of £5,342 should be divided on a pro rata basis and paid accordingly to Leaders of all Other Opposition Groups.
- 18.That the SRA for the Deputy Leader(s) of Other Opposition Groups of £1,870 is only paid when an Other Opposition Group attains 10 per cent of seats (five) on Council. Where there are two or more Other Opposition Groups of five or more seats the SRA of £1,870 should be paid to their respective Deputy Group Leaders on a pro rata basis.
- 19.As per current practice this SRA should only be paid to Members who are not otherwise in receipt of an SRA.
- 20.That Shadow Portfolio Holders, Group Whips and the Council's appointee to the GM Pension Fund are not recommended an SRA is paid.
- 21.That the 1-SRA only rule is maintained with the exception of the SRAs paid in respect of appointments to the GMCA.
- 22.That the financial loss allowance is discontinued and the Audit and Standards Hearings Panel Co-optees to be paid a Co-optees' Allowance that has two elements as follows:

Standard element	£500 per year
Meetings element	
Meetings over four hours	£106 per meeting
Meetings up to four hours	£53 per meeting

- 23.Note that there is no change to the Mayoral Civic Allowance (£16,472) and Deputy Mayor Civic Allowance (£4,118).
- 24.That the current allowances paid to the Independent Members who sit on Council Education Appeals Panels are discontinued and reset as follows:

£106 for meetings over 4 hours
£53 for meetings up to 4 hours

Mileage/public transport reimbursement – maintain where applicable
Parking fee reimbursement – maintain where applicable

25. That the carers allowance is maintained but there are two types of care identified to be paid at the following maximum rates:

Child care: maximum rate paid at real living wage

(Currently £9.50)

Elderly/disabled care: maximum rate paid at the hourly rate charged by Bury Council Social Services Department for a Home Help

An annual cap be for these payments to be set at £2,000

26. That the current approved duties and conditions for which the Travel and Subsistence Allowances may be claimed outwith the Council are maintained but that the mileage reflect the full range of HMRC AMAP (Approved Mileage Allowance Payment) rates as follows:

Mode of Travel	First 10,000 business miles in the tax year	Each business mile over 10,000 miles in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

Passenger payments – cars and vans

5p per passenger per business mile for carrying fellow Member or Council employee in a car or van

Current mileage rates are clarified to include provision that if a Member is claiming out of Council mileage by driving a hybrid or electric vehicle that the applicable mileage rates continues to be HMRC approved rates.

27. The subsistence rates for attending approved duties outwith the Council area should be based on current Officer rates as follows:

Subsistence - Breakfast	£7.31
Subsistence - Lunch	£9.74
Subsistence - Evening Meal / Networking	£18.28

28. That the allowances scheme is amended to include a statement that clarifies the continued right of remuneration for a Member when they are required to take maternity, paternity or adoption leave for up to a period of 12 months, subject to the legal attendance requirements.

29. The revised members allowance scheme is adopted from the date of the Council's Annual Meeting 2022 and that indexation is applied in accordance with the IRP recommendations.

3. Instructs the Monitoring Officer to amend the Councils Members Allowance scheme in accordance with the decision of the Full Council meeting held on 24th November 2021.

1.0 INTRODUCTION

Each year, the Council must approve a Members' Allowances Scheme before the end of the preceding financial year. Before doing so it must consider the views of its Independent Remuneration Panel.

The Democratic Arrangement Forum gave authority in June for the Monitoring Officer to establish a new Independent Remuneration Panel (IRP) to carry out this review of all Member allowances.

2.0 BACKGROUND AND TERMS OF REFERENCE

2.1 Under the Local Authorities (Members' Allowances) (England) Regulations 2003, Local Authorities must establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to make recommendations to the Local Authority about the allowances to be paid to Members. Council's can not alter or update their schemes without first considering a report from an Independent Remuneration Panel.

2.2 The Regulations require that Independent Remuneration Panels should have at least three members, none of whom is a Member of the Council or of a committee or sub committee of the Council or is disqualified from being a member of the Council by virtue of s 80 of the Local Government Act 1972 and s 79 and 83 (11) of the Local Government Act 2000. Members of Panels cannot be Members of any Local Authority in respect of which the Panel makes recommendations and must be independent of the Council.

The Panel was Chaired by Dr Declan Hall who has extensive experience in Chairing IRPs across the country including Greater Manchester. The Chair was assisted by two independent members, Dr Andrew Hall Managing Director of Avoira Limited and a John Thompson Trade Union representative, Unison Branch Secretary.

2.3 It was agreed that the Panel be asked to consider the following specific issues:-

- i. The amount of basic allowance that should be payable to its elected members.
- ii. The responsibilities or duties which should lead to the payment of a special responsibility allowance (SRA) and as to the amount of such an allowance.
- iii. About other allowances including an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make

such a recommendation, the amount of this allowance, travel and subsistence and phone.

- iv. The level of allowances paid to co-opted members of the Council's Audit Committee and co-opted members of the Standards Committee.
- v. The level of allowance paid to the Mayor and Deputy Mayor for the purpose of meeting the expenses of those offices (i.e., the Civic Allowances).
- vi. The implementation date for the recommendations, including whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended.
- vii. The payment of member(s) appointed to the Greater Manchester Combined Authority (GMCA) in respect of duties and responsibilities undertaken as a member of the GMCA, and if so to specify the amount of any such allowance (in accordance with the Greater Manchester Combined Authority Order 2011 Schedule 1 - Constitution (Remuneration page 18)).
- viii. The level of Travelling, utility and Subsistence Allowances for members of the Independent Education Appeals Panels.
- ix. The consideration of a Parental Leave Policy for elected members. This item was added at the request of the standards Committee.
- x. Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run.

3.0 METHODOLOGY AND TIMELINE FOR UNDERTAKING THE REVIEW

- The Panel sought views of Members both written and oral, with an opportunities for selected Members to meet the Panel (See Appendix XXX list of interviewees)
- Factual Briefings from Officers
- The Statutory Guidance on Regulation for Local Authority Allowances 2006.
- The 2003 Members' Allowances Regulations
- Roles and Responsibilities as contained within the Council's Constitution
- That recommendations should conform to existing legislation and anticipate likely future legislation so far as possible.
- The requirement for their report and recommended changes to the scheme of allowances to be easy to understand and adequately justifiable to the electorate.

To assist in its deliberations, as background information the Panel was provided with comparative information from other GM authorities.

The Panel considered each item listed in the terms of reference and have made recommendations. The supporting information is set out in their report dated 5th November 2021. Members are asked to note that in addition to the specific

recommendation relating to individual allowances the IRP also recommends that indexation should run for four years (2022-2026), which is the maximum length of time permitted by the 2003 Regulations. For authority for indexation to be extended beyond the fourth anniversary of the establishment of the new scheme of allowances the Council is required to first seek advice from the IRP.

The IRP recommends that the new scheme of allowances based on the recommendations contained in this report is adopted from the date of the Council's Annual Meeting 2022.

Community impact/links with Community Strategy

An up to date Member Allowance Scheme will ensure decision are taken lawfully and in an open and transparent manner.

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>An up to date Member Allowance Scheme 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</p>	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
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Ensure compliance with the Under the Local Authorities (Members' Allowances) (England) Regulations 2003	Independent panel establish and report to Members for consideration
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Consultation:

Group Leaders and the Mayor at the Democratic Arrangements Forum and Members of the Standards Committee. The terms of reference set out members would be interviewed by the IRP and a Member survey was sent to all Members to obtain their views.

Legal Implications:

The legal implications are set out in the report.

Financial Implications:

The report includes a broad range of recommendations. Depending upon whether some, none or all of the recommendations are adopted the financial consequence will differ. The current budget is £753,600 for the allowances noted within the report. Adoption of all of the proposed recommendations based upon the same number of members and special responsibility allowances thereby comparing on a like for like basis would require an increase in the budget of £111,600 to create a revised budget of £865,200, representing a 14.81% increase. There would also be additional costs for independent members attendance at meetings but based upon current activity this is not anticipated to exceed £5k per annum. If the new rates were adopted from the Councils annual meeting in May 2022 there would be a part year effect in the 2022/23 financial year. Any agreed increase would be built into the Councils budget setting process which is currently underway.

Report Author and Contact Details:

Jacqui Dennis, Monitoring Officer and Council Solicitor

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**A Review
Of
Members' Allowances
For
Bury Council**

**A Report by the
Independent
Remuneration Panel**

**Declan Hall PhD (Chair)
Dr Andrew Roberts
John Thomson**

November 2021

Executive Summary – Recommendations

The Table below sets out the Panel's recommendations for the Basic Allowance and SRAs (2022/23), including total number of SRAs and maximum amounts payable. In reality the total paid out in SRAs is likely to be less due to the 1-SRA only rule.

Bury November 2021 Review	Recommended Maximum Payable 2022/23			
POSITION	Nos Paid	Basic Allowance	Total P/Mbr (BA+SRA)	Sub Total Per Category
BASIC ALLOWANCE	51	£10,791		£550,341
SPECIAL RESPONSIBILITY ALLOWANCES		SRA annual		
EXECUTIVE				
Leader	1	£32,373	£43,164	£32,373
Deputy Leader	1	£19,424	£30,215	£19,424
Other Cabinet Members	6	£14,568	£25,359	£87,407
Deputy Cabinet Members	7	£2,185	£12,976	£15,296
OVERVIEW AND SCRUTINY (O&S)				
Chairs O&S Committees	3	£8,093	£18,884	£24,280
REGULATORY				
Chair Audit Committee	1	£8,093	£18,884	£8,093
Chair Planning Control Committee	1	£8,093	£18,884	£8,093
Chair Licensing & Safety Committee	1	£8,093	£18,884	£8,093
OPPOSITION POSTS				
Leader Main Opposition Group	1	£10,683	£21,474	£10,683
Deputy Leader Main Opposition Group (where Group has reached threshold of 11 members)	1	£4,273	£15,064	£4,273
Leader(s) Other Opposition Groups total payable regardless of number of Other Opposition Groups	0	£5,342	NA	NA
Leader Other (Liberal Democrat) Opposition Group	1	£2,671	£13,462	£2,671
Leader Other (Radcliffe First) Opposition Group	1	£2,671	£13,462	£2,671
Deputy Leader(s) Other Opposition Groups total payable regardless of number of Other Opposition Groups (Where Group has reached threshold of 5 Members)	0	£1,870	NA	NA
Sub Total - Basic Allowance	51			£550,341
Sub Total - SRAs	25			£223,358
Total (BA+SRAs)				£773,699
SRA paid to Members appointed to GMTC	2	£3,000	£13,791	£6,000
SRA paid to Members appointed to GM Waste Committee	2	£1,500	£12,291	£3,000
Leader's SRA under GMCA Order	1	£6,000	£49,164	£6,000
Total BA+SRAs + GMCA SRAs				£788,699

The IRP also recommends:

Opposition SRAs – Deputy Leader of Main Opposition Group

That the SRA (£4,273) for the Deputy Leader of the Main Opposition Group is only payable if the size of the Main Opposition Group attains 11 Members

Opposition SRAs – Leader of Other Opposition Group(s)

That where there are two or more Other Opposition Groups then the recommended SRA of £5,342 should be divided on a pro rata basis and paid accordingly to Leaders of all Other Opposition Groups.

Opposition SRAs – Deputy Leader[s] of Other Opposition Group

That the SRA for the Deputy Leader(s) of Other Opposition Groups of £1,870 is only paid when an Other Opposition Group attains 10 per cent of seats (five) on Council. Where there are two or more Other Opposition Groups of five or more seats the SRA of £1,870 should be paid to their respective Deputy Group Leaders on a pro rata basis.

Members who sit on Licensing Hearings Panels

That Members who sit on Licensing Hearings Panels who attend more than six meetings in any one year are paid an SRA as follows:

- Meetings over 4 hours: £106
- Meetings up to 4 hours: £53

As per current practice this SRA should only be paid to Members who are not otherwise in receipt of an SRA.

Other SRAs considered but not recommended

That Shadow Portfolio Holders, Group Whips and the Council's appointee to the GM Pension Fund are not recommended an SRA is paid.

Maintaining the 1-SRA Only Rule and Exceptions

That the 1-SRA only rule is maintained with the exception of the SRAs paid in respect of appointments to the GMCA.

The Co-optees' Allowance

That the financial loss allowance is discontinued and the Audit and Standards Hearings Panel Co-optees to be paid a Co-optees' Allowance that has two elements as follows:

- Standard element £500 per year
- Meetings element
 - Meetings over four hours £106 per meeting
 - Meetings up to four hours £53 per meeting

The Civic (Mayoral) Allowances

That there is no change to the Mayoral Civic Allowance (£16,472) and Deputy Mayor Civic Allowance (£4,118).

The Independent Members of the Educations Appeals Panels Allowance

That the current allowances paid to the Independent Members who sit on Council Education Appeals Panels are discontinued and reset as follows:

- £106 for meetings over 4 hours
- £53 for meetings up to 4 hours

The Dependants' Carers' Allowance (DCA)

That the DCA is maintained but there are two types of care identified to be paid at the following maximum rates:

- Child care: maximum rate paid at real living wage
(Currently £9.50)
- Elderly/disabled care: maximum rate paid at the hourly rate
charged by Bury Council Social Services
Department for a Home Help

The IRP also recommends that the current annual cap be raised to £2,000 and as a matter of course all claims to be receipted.

Travel and Subsistence Allowances - Within the Council

That the Basic Allowance continues to be deemed inclusive of all in-Council travel and subsistence costs and that Schedule 2 of the allowances scheme is amended to reflect this situation.

Travel and Subsistence Allowances - Outside the Council

That the current approved duties and conditions for which the Travel and Subsistence Allowances may be claimed outside the Council are maintained but that the mileage reflect the full range of HMRC AMAP (Approved Mileage Allowance Payment) rates as follows:

Mode of Travel	First 10,000 business miles in the tax year	Each business mile over 10,000 miles in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

Passenger payments – cars and vans

5p per passenger per business mile for carrying fellow Member or Council employee in a car or van

The IRP also recommends that the current mileage rates are clarified to include provision that if a Member is claiming out of Council mileage by driving a hybrid or electric vehicle that the applicable mileage rates continues to be HMRC approved rates.

Furthermore the IRP recommends that the subsistence rates for attending approved duties outwith the Council area should be based on current Officer rates as follows:

Subsistence - Breakfast	£7.31
Subsistence - Lunch	£9.74
Subsistence - Evening Meal / Networking	£18.28

The Telephone Allowance

That the Telephone Allowance is discontinued.

Adopting a Parental (Maternity, Paternity and Adoption) Leave Policy

That the allowances scheme is amended to include a statement that clarifies the continued right of remuneration for a Member when they are required to take maternity, paternity or adoption leave for up to a period of 12 months, subject to the legal attendance requirements.

Issues arising I – amendment of scheme paragraph 8 (1)

That the current paragraph 8 (1) of the allowances scheme is removed.

Indexation

That the following indices are applied to the allowances paid to Members and appointees of Bury Council:

- **Basic Allowance, SRAs (including those paid in accordance with the GMCA 2011 Order), Co-optees' Allowance, Civic (Mayoral) Allowances and the remuneration for Independent Members appointed to Education Appeals Panels:**
 - Indexed to the annual percentage salary increase for local government staff (at spinal column 49) as agreed each year by the National Joint Council for Local Government Services and applicable to the same year it applies to Officers but with an implementation date from the start of the municipal rather than financial year.
- **Mileage Allowance (Outwith only):**
 - Members' mileage allowances rates indexed to HMRC Approved Mileage Allowance Payment rates.
- **Subsistence Allowances (Outwith only):**
 - Subsistence allowances should continue to be indexed to the same rates that are applicable to Officers.

- **The Dependants' Carers' Allowance:**
 - **Child care:** maximum rate indexed to the real living wage (Currently £9.50 per hour)
 - **Elderly/disabled care:** maximum rate indexed to the hourly rate charged by Bury Council Social Services Department for a Home Help

The IRP also recommends that indexation should run for four years (2022-2026), which is the maximum length of time permitted by the 2003 Regulations

Implementation

That the new scheme of allowances based on the recommendations contained in this report is adopted from the date of the Council's Annual Meeting 2022.

A Review
Of
Members' Allowances for Bury Council
By the
Independent Remuneration Panel
November 2021

Regulatory context

1. This report is a synopsis of the deliberations and recommendations made by the Independent Remuneration Panel (the IRP or Panel) for Bury Council to advise the Council on its Members' Allowances scheme.
2. The IRP was convened under The Local Authorities' (Members' Allowances) (England) Regulations 2003 (SI 1021) ("the 2003 Regulations"). These regulations, which arise out of the relevant provisions contained in the Local Government Act 2000, require all local authorities to establish and maintain an advisory Independent [Members] Remuneration Panel to review and provide advice on Members' allowances on a periodic basis.
3. All Councils are required to convene their IRP and seek its advice before they make any changes or amendments to their Members' Allowances Scheme. They must 'pay regard' to their IRPs recommendations before setting a new or amended Members' Allowances Scheme. On this particular occasion, the IRP has been reconvened under the 2003 Regulations [19. (1)], which states:

Before an authority referred to in regulation 3(1) (a), (b) or (c) [which includes a metropolitan authority] makes or amends a scheme, the authority shall have regard to the recommendations made to it by an independent remuneration panel.

4. It is this requirement that provides an opportunity for IRPs to publicly scrutinise their Councils' allowances schemes and enhance public accountability.

Terms of Reference

5. The terms of reference provided to the IRP for this review were as follows:

In accordance with the 2003 Members' Allowances Regulations the IRP shall make recommendations to be considered by the Council at Full Council on 24th

November 2012 for a proposed implementation date at Annual Council 2022 regarding:-

- i. The amount of basic allowance that should be payable to its elected members
 - ii. The responsibilities or duties which should lead to the payment of a special responsibility allowance (SRA) and as to the amount of such an allowance
 - iii. About other allowances including an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance, travel and subsistence and phone
 - iv. The level of allowances paid to co-opted members of the Council's Audit Committee and co-opted members of the Standards Committee
 - v. The level of allowance paid to the Mayor and Deputy Mayor for the purpose of meeting the expenses of those offices (i.e., the Civic Allowances)
 - vi. The implementation date for the recommendations, including whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
 - vii. The payment of member(s) appointed to the Greater Manchester Combined Authority (GMCA) in respect of duties and responsibilities undertaken as a member of the GMCA, and if so to specify the amount of any such allowance (in accordance with the Greater Manchester Combined Authority Order 2011 Schedule 1 - Constitution (Remuneration page 18)
 - viii. The level of Travelling, utility and Subsistence Allowances for members of the Independent Education Appeals Panels
 - ix. The consideration of a Parental Leave Policy for elected members
 - x. Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run
6. In arriving at its recommendations the IRP shall also take into account:
- A. The views of Members both written and oral, with an opportunity for selected Members to meet with the IRP
 - B. Factual Briefings from Officers
 - C. The Statutory Guidance on Regulation for Local Authority Allowances 2006.
 - D. The 2003 Members Allowances Regulations (SI 2003/1021)
 - E. Roles and Responsibilities as contained with the Council's Constitution
 - F. That the recommendations should confirm to existing legislation and anticipate likely future legislation as far as possible

- G. The requirement for their report and recommended changes to the scheme of allowances to be easy to understand and adequately justifiable to the electorate
- H. Allowances paid in comparable councils, namely the other Greater Manchester Metropolitan Councils

Membership of the Independent Remuneration Panel

7. In accordance with the decision of Bury Council on 17th March 2021, the Director of Law and Public Services in consultation with the Mayor was authorised to appointed a new IRP, consisting of the following appointees:
 - Dr Declan Hall (Chair): an independent consultant specialising in members' allowances and support and a former lecturer in local government and politics at the Institute of Local Government, The University of Birmingham.
 - Dr Andrew Roberts: A local businessman and MD of a local IT Company; Chair of Bury Business Leaders Group and a Governor of the University of Bolton
 - John Thomson: UNISON Bury Branch Secretary
8. The IRP was supported by Julie Gallagher Head of Democratic Services and Jacqui Dennis, Director of Law and Democratic Services, who were the organisational leads in facilitating and supporting the work of the IRP.

The Review Process and Methodology

9. The IRP met in person at Bury Council Offices on 6th and 7th October 2021 to consider all the written evidence and data and receive factual briefings on the Council and how it operates from relevant Officers. It was during this time that a representative range of Members met with the IRP to discuss their roles and responsibilities and to raise any issues of concern. Any Member not invited but who wanted to meet with the IRP was accommodated.
10. In addition, every Member was sent a short questionnaire through which they could make their views known and raise any concerns directly with the IRP, of which 17 were received. The questionnaire also had the methodological advantage of ensuring all Members were being asked a common set of questions during the interviews, the main point being that all Members had at least one opportunity to exercise their voice during the review.
11. In compliance with the terms of reference and for benchmarking purposes the IRP also took into account the range and levels of allowances paid in comparable local authorities, namely the other Greater Manchester Councils.

12. The full range of interviewees and written information received and considered by the IRP is set out in the appendices as follows:
- Appendix 1: List of information and evidence that was included in the Information Pack for IRP Members
 - Appendix 2: Elected Members and appointees who met with the IRP
 - Appendix 3: Officers who provided a factual briefing to the IRP
 - Appendix 4: Summary of benchmarking of Bury Council Allowances against other Greater Manchester Councils

Key Messages – Allowances Scheme – a low paying scheme

13. The evidence shows that the Bury Council Members' Allowances scheme is a low paying scheme both comparatively and in real terms. Benchmarking shows that the Bury are the lowest or next to lowest in every category across all of Greater Manchester. Moreover, the SRAs are now lower than what they were in 2010 and have not been fundamentally reviewed since then; the Basic Allowance has not been fundamentally reviewed since at least a few years prior to 2010.

The Changing roles of Members

14. The generally low level of allowances and the fact that they have not been reviewed at all for over 11 years is in a context whereby that the roles of Members have changed dramatically since then. Legislative changes have increased the demands on all Members but on leading Members in particular. The current allowances payable does not reflect the increased demands made on Members

Allowances acting as a deterrent to becoming and remaining a Member

15. The IRP received anecdotal evidence that the current level of allowances was acting as a barrier to the recruitment of a wide range of candidates to stand for Council. In particular, the time required to be a Member (whether this was at the most senior level or at the backbench level) was not recompensed by the current level of allowances payable. Moreover, the relatively high churn of Members in Bury it was argued was partially a function of the lack of support provided by the current level of allowances payable.
16. While the Basic Allowance and SRAs were never intended to reflect the 'market value' of the workload and responsibilities undertaken by Members, they are intended to go a large way to recognising that there is a substantial time commitment and complexity to being an elected Member that is largely unrecognised in their current remuneration.
17. This purpose is highlighted by the original policy underpinning the work of remuneration panels when considering the principles for establishing a Members Allowances Scheme¹:

¹ Modern Local Government – In touch with the People: Cm 4014 July 1998, 3.54

The financial support for Councillors must also reinforce the culture of the modern council and address, as far as possible, any disincentives to serving in local politics. People do not enter public service to make their fortune. But neither should they pay a price for serving the public.

18. Currently, the Bury Council Members' Allowances scheme does not meet this core principle underpinning the purpose of establishing such schemes.

Putting the Allowances scheme on a par with Greater Manchester peers

19. A strong view that came across in both the written and oral representation made to the IRP was that the allowances paid in Bury Council should be broadly in line with that paid across the other Greater Manchester Council. The broad view expressed was it was inequitable that Bury Council should generally pay lower allowances than that in their peer authorities.
20. There was a further minority view expressed that there should be a national scheme of allowances. However, this is beyond the remit of the IRP, local discretion is in place and the IRP must work within the required legislative framework. As a result of this local discretion it has led the IRP to make Bury appropriate recommendations that have cognisance of the allowances paid across Greater Manchester but not wholly driven by them.

Function of this review – fundamental reform required

21. The IRP recognises that it is never a good time to recommend increases in Members' allowances and now is a particularly difficult time to do so. However, for all the reasons outlined above the IRP has concluded that its role goes beyond that of addressing any particular anomalies arising, its role is to fundamentally modernise the scheme and to ensure it is fit for purpose.

The IRPs Recommendations – recalibrating the Basic Allowance

22. In arriving at recommendations the IRP is required to pay regard to the 2006 Statutory Guidance. In considering the Basic Allowance the 2006 Statutory Guidance (paragraph 67) states:

Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated.

24. The Statutory Guidance (paragraphs 68-69) expands on the above statement by breaking it down to three variables, namely
- Time required to fulfil the role of the ordinary Member
 - Recognising public service principle
 - The rate of remuneration

Time to fulfil duties for which the Basic Allowance is paid

25. The Basic Allowance is primarily a time-based payment (see 2006 Statutory Guidance paragraph 10). It is paid to compensate for workload. Obviously Members work in different ways and have varying commitments and the time spent on council duties varies. Yet, the Basic Allowance is a flat rate allowance that must be paid equally to all Members. So the time assessment is typically taken as the average time required to carry out all those duties for which the Basic Allowance is paid.
26. The most up to date information available on what is a reasonable time expectation for which the Basic Allowance is paid has been derived from the 2018 Councillors Census. In data supplied to the Chair of the IRP from the Local Government Association, it showed that Councillors in metropolitan councils who held "no positions" of responsibility put in on average hours per week "on council business"². The LGA includes within "council business"
 - Council/committee meetings
 - Working with community groups
 - Engaging with constituents, etc.
 - Other³
27. For the purposes of recalibrating the Basic Allowance in line with the 2006 Statutory Guidance the IRP has equated 24 hours per week to 156 days per year (or the equivalent of three days per week) based on an eight hour working day as the expected time input from Members for their Basic Allowance.
28. The IRP recognises that based on the representation received some Members who hold no positions do put in more than the equivalent of 3 days per week. But that is through choice rather than requirement.

Recognising the Voluntary Principle – A Public Service Discount (PSD)

29. The 2006 Statutory Guidance (paragraph 67) says that it is necessary to establish out of the time required to do the work of the ordinary Member how many of those hours "ought to be remunerated." What is meant by this is explained further in the Statutory Guidance (paragraph 68) which goes on to state

It is important that some element of the work of [elected] members continues to be voluntary – that some hours are not remunerated.

30. The element of unremunerated time often known as the 'Public Service Discount' (PSD) recognises the principle of public service. Thus, the voluntary principle is realised by discounting an element of the expected time inputs associated with the Basic Allowance. The typical range for this public service discount is between 30% - 40%, largely on the basis that is broadly in line with the proportion of time backbenchers spend on

² Information based on National Census of Local Authority Councillors 2018 (LGA), breakdown of mean weekly hours put in on council business by councillors by number of positions held and type of council, in email from S. Richards, LGA 21 October 2019.

³ See LGA, National census of local authority councillors 2018, Chart 3, page 5

- Dealing with constituents
 - Attending surgeries
 - General enquiries from citizens and
 - Other constituent/ward related activities.
31. The IRP has opted for voluntary discount of 35 per cent as it is the mid-point between the typical range of 30-40 per cent that most IRPs utilise as the size of the voluntary discount utilised. It is also the most common size of voluntary discount used by IRPs in principal councils.
32. Thus, by applying a voluntary discount of 35 per cent to the expected time input of 156 days per year it produces a voluntary element of 54.6 days per year. These are the hours that are 'not remunerated', deemed to be public service, leaving 101.4 remunerated days per year.

The rate for remuneration

33. Historically, in settling on the appropriate rate of remuneration to utilise in arriving at the recommended Basic Allowance IRPs primarily relied upon an advisory day rate published by the LGA each year to assist IRPs in setting a rate of remuneration, which by 2010 had reached £152.77 per day.⁴
34. However, the LGA has since stopped issuing this advice as IRPs switched to a more locally based rate of remuneration as it more closely reflects the typical earnings of elected Members' constituents. A reason for the switch was one of data availability: the Office of National Statistics started to collect and publish data on average earnings on a council by council basis about 10 years ago in its Annual Survey of Hours & Earnings (ASHE). A second reason for the switch is that by using a rate of remuneration that is based on average earnings of Members constituents it has robustness and is readily defensible.
35. In 2020, the median gross daily salary for all full time employee jobs within the area of the Bury Council was £106.42 as published by the Office of National Statistics (ONS).⁵ Thus, for the purposes of recalibrating the Basic Allowance the IRP has adopted a rate for remuneration at £106.42 per day.
36. If the IRP updated the variables to arrive at a recalibrated Basic Allowance to take into account the most recent data available it gives the following values:
- Time required for backbencher: 156 days per year (3 days per week)
 - Public Service Discount: 35% (54.6 days)
 - Rate for Remuneration: £106.42 per day
37. By following the methodology as set out in the 2006 Statutory Guidance with the updated variables it produces the following recalibrated Basic Allowance:

⁴ See LGA alert 62/10, Members' Allowances, 23 June 2010

⁵ See ASHE, 2020, Table 7.1a - Media weekly pay - gross - for full time employee jobs in area of Bury Council, which is £532.10 and divided by 5 working days equals £106.42 per day, <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/placeofworkbylocalauthorityashtable7>

- 156 days per year input minus 35% PSD (54.6 days)
= 101.4 remunerated days per year multiplied by £106.42 per day
= £10,791

Benchmarking

38. Benchmarking⁶ shows that the current Bury Council Basic Allowance is significantly below the average paid in peer Councils across Greater Manchester:

- | | |
|---|---------|
| • Benchmarking group mean Basic Allowance | £11,368 |
| • Benchmarking group median Basic Allowance | £11,108 |
| • Bury Council 2021/22 Basic Allowance | £8,948 |

Representation received by the IRP

39. Finally, the third 'corner' of the triangulation process was the representation received from elected Members. There was an overwhelming view that the Basic Allowance was in need of revision, particularly to place it on a par with peers across Greater Manchester, although it must be acknowledged that within that view there was a minority view expressed that despite the case to do so now was not the right time to increase the Basic Allowance. However, conversely the minority view that indicated they did not wish to increase the Basic Allowance many did so not on the grounds that they felt the Basic Allowance was appropriate but rather on grounds of cost.

Recommending the recalibrated Basic Allowance

40. By undertaking this triangulation process it produced the following potential values for the Basic Allowance

- | | |
|--|-----------------|
| • Recalibrated Basic Allowance | £10,791 |
| • Benchmarking group mean/median Basic Allowance | £11,368/£11,108 |
| • Representation received | GM mean |

41. Rather than recommend the GM average Basic Allowance the IRP has opted for the recalibrated Basic Allowance primarily because it is based on the methodology set out in the Statutory Guidance and establishes a direct link with the current median earnings of the constituents of elected Members. Furthermore, opting for a Basic Allowance slightly below the GM average it also goes some way to recognise that most meetings ordinary Members attend are in the evening, which will not be the case in most other GM Councils.

42. **The IRP recommends that the Basic Allowance is reset at £10,791.⁷**

Special Responsibility Allowances - The Leader's SRA

⁶ See Appendix Four BM1

⁷ All recommendations relate to 2022/23, subject to any indexation that may be applicable

43. The last review (2010) to look at the SRA for the Leader increased it from £25,174 to £28,500. Through indexation the Leader's SRA currently stands at £25,503. This is a result of the Council first voluntarily then since last year as a matter of Council policy agreeing to cut all SRAs by 10 per cent as a cost cutting measure. Despite the fact that the role of Leader has undergone some of the greatest changes in the intervening years their SRA is now lower than it was 11 years ago.
44. The role of Leader has undergone significant change and it is clear that it requires a full time commitment, and certainly precludes any meaningful paid employment in the normal sense. In addition, the role of Leader had grown in responsibility with the passage of The Localism Act 2011. This Act enhanced the powers of all Leaders by requiring all Councils operating the executive model of governance to adopt the strong Leader model. Consequently the Leader now has all executive powers vested in the post and is responsible for the discharge of all executive functions, although much is delegated through the appointment of a Cabinet. The Leader also holds the portfolio for Finance and Growth, as well as currently being the Leader of the Labour Group.
45. The IRP received representation that the role of Leader continues to develop, particularly in relation to the setting up of the Strategic Commissioning Board (SCB - which involves a number of senior Members) and meets monthly, which broadly has the remit:
- To commission high quality all age health, social care and related services for the people of the Borough of Bury in order to meet assessed population, community and individual need, within the financial resources over which the Board has control.
 - To agree the Health, Social care and Well-being commissioning strategies and commissioning outcomes for Bury Council and NHS Clinical Commissioning Group (CCG) in accordance with the agreed delegations from RBC and CCG.
 - To manage all the pooled budgets established under section 75 of the National Health Service Act 2006.
 - The SCB will be replaced by the Locality Board which is currently operating in shadow form but is anticipated to be formalised from May 2022. This has the same remit as the SCB but its membership also includes representatives from the Northern Care Alliance.
46. The other aspect of the Leader's role that continues to develop is at the sub-regional level, namely at the Greater Manchester Combined Authority (GMCA). Although the Leader's responsibilities at the GMCA are addressed below, the reality is that regardless of whether there was a GMCA, the Leader of Bury Council would have a sub-regional and regional, and indeed national, dimension to their role. This was evident before the GMCA was set up in 2011 as the Leader became the key post in representing Bury at relevant forums regionally and nationally, such as the Association of Greater Manchester Authorities (AGMA) and the Local Government Association (LGA) – roles the Leader continues to carry out.
47. The representation received by the IRP was overwhelmingly of the view that the current SRA received by the Bury Council Leader was too low. It demands a full

time role and the responsibilities have increased dramatically over the years – as borne out by legislative changes since the role was last reviewed. In fact the IRP received anecdotal evidence that at least two previous Leaders had to stand down as their remuneration was insufficient to support the need to make a full time commitment. Once again, when pressed the oral representation (partially backed up the written representation) suggested that the SRA for the Leader should be on a par with the average SRA paid to Leaders of GM Councils.

48. Benchmarking shows that the SRA for the Bury Council Leader is low, with mean GM Councils Leaders/elected Mayors' SRA being £35,690 and a median SRA of £32,834. In fact, the SRA for Leader of Bury Council is the lowest across all the GM Councils.
49. In arriving at the Leader's recommended SRA the IRP has been mindful of the 2006 Statutory Guidance (paragraph 76) which states:

One way of calculating special responsibility allowances may be to take the agreed level of basic allowance and recommend a multiple of this allowance as an appropriate special responsibility allowance for either the elected mayor or the leader.

50. This is known as the factor approach and is commonly deployed by IRPs in arriving at the recommended SRA for Leaders on the basis that it is easy to understand, simple, transparent. A factor from a range of 2.75 – 3.25 is the commonly acceptable multiple of the Basic Allowances regardless of type of council (although it tends to be towards the lower range of the typical multiple range in district councils and the higher end in London Boroughs).
51. Currently, the Leader's SRA (£25,502) is a multiple of 2.85 of the current Basic Allowance, but that figure is based on the 10 per cent reduction in SRAs. If the 10 per cent reduction was not factored in the factor would be 3.14 (£8,948/£28,053). Benchmarking shows a mean Leaders' SRA of £35,690 across the GM Councils, which is also 3.14 times the mean Basic Allowance (£11,368). In order to keep it clean and simple the IRP has opted to utilise the mid-point between the current multiple (2.85) and original and benchmarked mean multiple (3.14) of the Basic Allowance/Leaders' SRA, which is a multiple of 3 times the recommended Basic Allowance (£10,791) to arrive at the recommended SRA for the Leader, which equates to £32,373).
52. **The IRP recommends that the SRA for the Leader is reset at £32,373 for 2022/23.**

The Deputy Leader of the Council (x1)

53. In recommending other SRAs the IRP has in the main followed the approach laid out in the 2006 Statutory Guidance (paragraph 76) which states:

A good starting point in determining special responsibility allowances may be to agree the allowance which should be attached to the most time consuming post on the Council (this maybe the elected mayor or the leader) and pro rata downwards for the other roles which it has agreed ought to receive an extra allowance.

54. This is known as the 'pro rata' approach in that the other remunerated posts are assessed as a ratio or percentage of the Leader's role. By definition the size of the Leader's roles is 100% and other SRAs are set as a proportion of 100%. Again it has the advantage of being simple, transparent and easy to understand. The IRP has chosen to maintain this approach and adjusted the current ratio for SRAs where there is a demonstrable case to do so.
55. The Deputy Leader, current SRA £15,307 set at 60 per cent of the Leader's SRA, also has a portfolio - Children, Young People and Skills. The Deputy Leaders undertakes the traditional role of attending briefings with the Leader, acting as a sounding board and stepping in for the Leader in the Leader's absence, which occurs more frequently as the Leader has had to undertake a larger GM wide role. Indeed it means that the Deputy Leaders (as do most other executive members but to a lesser extent) have acquired a larger GM wide role. This includes deputizing for the Leader at the GMCA when required and being appointed to GMCA committees, e.g., the Deputy Leader with the Children, Young People and Skills Portfolio is also appointed to the GM Work and Skills Executive. The Deputy Leader will also have a national role through being one of the Council's appointees (alongside the Leader and Leader of the Main Opposition Group) onto the Local Government Association (LGA) General Assembly.
56. Benchmarking shows that the SRA for the Bury Deputy Leader SRA (£15,307) is the lowest across Greater Manchester, with the mean SRA (£20,056) and median SRA (£19,103) being paid to Deputy Leaders across the GM Councils. In terms of methodology, the mean GM Deputy Leaders' SRA is 56 per cent of the mean GM Leaders/elected Mayors' SRA, which is in line with the current ratio of 60 per cent deployed in Bury Council.
57. Although in the main there was less representation received regarding the role of other post holders (as being less visible than that of the Leader) insofar there was representation received regarding the SRA for the Deputy Leader the view expressed was that it should be on a par with that paid across the GM Councils. As such, the current ratio (60% of the Leader's SRA) is still appropriate in setting the recommended SRA for the Deputy Leader which equates to £19,424.
58. **The IRP recommends that the SRA for the Deputy Leader is reset at £19,424, which is 60 per cent of the Leader's recommended SRA (£32,373).**

Other Cabinet Members (x6)

59. Currently, the Leader appoints six other Cabinet Members (Portfolio Holders), who each receive an SRA of £10,203, which is 45 per cent of the Leader's SRA. The IRP did receive some representation that questioned the need for six other Cabinet Members. It is beyond the remit of the IRP to comment on how the Council decides to organise itself. However, the IRP does note that the Local Government Act 2000 places a legal maximum of 10 Executive Members (including Leader and Deputy Leader) and Bury has at present eight Executive Members in total. The IRP was also informed that the average number of Executive Members across the GM Councils was nine; Bury has eight in total.

60. The only other (albeit limited) representation the IRP received regarding the SRAs of the other Cabinet Members was that it should be on a par with that of other Cabinet Members across the GM Councils. Benchmarking shows that the current SRA paid to other Cabinet Members in Bury Council, is the second lowest (Bolton is the lowest at £7,140 although there are eight other Cabinet Members in Bolton). The mean SRA paid to other Cabinet Members across the GM Councils is £15,246 (43 per cent of the Leaders mean SRA), with a median figure of £15,579.
61. The IRP received no evidence to revise the current ratio of 45 per cent of the Leader's recommended SRA in arriving at the recommended SRA for the other Cabinet Members, which equates to £14,568.
62. **The IRP recommends that the SRA for the six other Members of the Cabinet is reset to £14,568, which has been set at 45% of the Leader's recommended SRA.**

The Deputy Cabinet Members (x7)

63. The Leader also appoints seven Deputy Cabinet Members, with five of the Executive Members having a Deputy Cabinet Member; one Cabinet Member having two Deputy Cabinet Members and two Executive Members not assigned a Deputy Cabinet Member. In effect, one of the larger portfolios (Environment, Climate Change and Operations) has the support of two Deputy Cabinet Members and two of the smaller portfolios (Culture and the Economy and Housing Services) being deemed not requiring a Deputy Cabinet Member. The SRA for this role, currently £1,338, was brought in following a very specific review in December 2013 and set at 12 per cent (now 13 per cent with indexation variation) of the SRA for the full Cabinet Members on the basis that they have role profiles (albeit very limited) as set out in current Bury Council Constitution Section 7, part one.
64. Again, the IRP received representation questioning the necessity of this non-statutory role and whether it should be remunerated. Without commenting on the requirement of the role itself as that is beyond the IRP's remit, the IRP's remit is to decide on whether the roles it has in front of it merit remuneration or not.
65. On balance the IRP is content that there is a significant responsibility to merit an SRA. They do attend all Cabinet weekly briefing meetings, chair relevant other meetings when asked by their Portfolio Holder and take the lead on relevant issues when directed. Much of their work is also carried out during the day. Moreover, an equivalent post is remunerated in eight out of the 10 GM Councils, with a mean SRA of £6,464 and a median SRA of £7,150.
66. On the other hand, they are not formal deputies to Cabinet Members and are not executive members under the Local Government Act 2000. Thus they cannot operate as formal substitutes for the Portfolio Holders, exercise any executive powers nor have assigned to them any delegated decision making. In law, they cannot vote at Cabinet meetings or make decisions on behalf of their respective Cabinet Member. There is also an element of succession planning in the role, so as to identify and train up future Executive Members.

67. While the IRP decided that the current SRA was little more than tokenistic at its current level it has chosen not to be guided by the benchmarking in arriving at the recommended SRA for the Deputy Cabinet Members as there is nothing in their roles and responsibilities to suggest such a high level of SRA. As such the IRP has simply rounded up the ratio from 13 per cent to 15 per cent of the recommended SRA (£14,568) for other Cabinet Members, which equates to £2,185.
68. **The IRP recommends that the SRA for the seven Deputy Cabinet Members is reset at £2,185, which is 15 per of the recommended SRA (£14,568) for the other Cabinet Members.**

Chairs of the main Committees (x6)

- **Overview & Scrutiny Committee**
 - **Children's & Young People's Scrutiny Committee**
 - **Health Scrutiny Committee**
 - **Planning Control Committee**
 - **Licensing & Safety Committee**
 - **Audit Committee**
69. Currently, all the main Committee Chairs are paid the same SRA (£6,379), which has been set at 25 per cent of the Leader's SRA. The IRP did receive some representation that there was a case to differentiate the SRA between those who chaired the larger committees. Indeed, a case can be made as some committees, such as Planning Control, meet more often than others such as Audit.
70. However, the IRP has decided to maintain the flat rate model for the SRA for main Committee Chairs as there was greater support in the representation to do so. Moreover, the flat rate SRA model for main Committee Chairs occurs in six out of the ten GM Councils, so there is a GM preference for such a model.
71. Benchmarking shows that the SRAs paid to the main Committee Chairs in Bury Council is either the lowest in two cases,, namely the Chairs of Overview & Scrutiny and Planning Control Committees and second lowest in all other cases. Specifically the mean/median SRAs payable across the GM Councils are as follows:
- | | |
|---|---------------|
| • Overview & Scrutiny Committee mean/median SRA | £8,016/£8,383 |
| • Other Scrutiny Committees mean/median SRA | £8,180/£8,353 |
| • Planning Control Committee mean/median SRA | £9,600/9,662 |
| • Licensing & Safety Committee mean/median SRA | £8,923/£8,910 |
| • Audit Committee mean/median SRA | £7,675/£8,114 |
72. In terms of the mean ratios (mean Chairs SRAs as a percentage of the mean Leaders SRAs) they all fall into the 22-27 per cent range, thus being on broad par with the current ratio (25 per cent) utilised to arrive at the SRA for the main Committee Chairs.
73. Consequently, the IRP has decided that in arriving at the recommended SRA for the main Committee Chairs to keep it at 25 per cent of the Leader's recommended SRA (£32,373), which equates to £8,093.

74. **The IRP recommends that the SRA for the Chairs of the six main Committees is reset at £8,093, which is 25 per cent of the recommended SRA (£32,373) for the Leader.**

Attendance at meetings of Licensing Hearing Panels

75. Currently the scheme contains provision for Members who attend more than 10 Licensing Hearing Panels per year an SRA as follows:
- £25 per full day
 - £12.50 – 2 to 4 hours
 - £6 up to 2 hours
76. The basis of these SRAs is unknown and is simply tokenistic. It is a difficult SRA to benchmark largely because only one other GM Council, Manchester, pays a similar SRA, £554 to all Members who sit on Licensing Appeals Panels.
77. However, this SRA did have continued support on the grounds that reaching the threshold of attending more than 10 Licensing Hearing Panels in any one year was deemed above and beyond the role of ordinary Member. There are a great number of Licensing Hearing Panels in Bury as taxi licensing is a major, Bury specific issue so it was perceived to be an appropriate Bury-specific SRA.
78. As such the IRP has decided to maintain this SRA but to simplify it and set it at a more realistic level. It has done this by simply reclassifying meetings that last up to and over four hours. It has also taken the rate of remuneration (£106 per day) utilised in arriving at the recommended Basic Allowance as the appropriate level. Furthermore, as all Members of Licensing are attending 11 Licensing Committee meetings per year already the qualifying threshold for this SRA should be reduced to more than six meetings per year.
79. **The IRP recommends that the SRA for Members who attend more than six Licensing Hearings Panels in any one year is reset as follows:**
- **Meetings over 4 hours: £106**
 - **Meetings up to 4 hours: £53**
80. **As per current practice this SRA should only be paid to Members who are not otherwise in receipt of an SRA.**

Opposition SRAs – Leader of Main Opposition Group

81. The 2003 Regulations require that where the Council is controlled by one or more political groups (defined as having a minimum of two Members) then at least one SRA must be paid to an Opposition Member. The current Bury Council allowances scheme fulfils this requirement by appointing Opposition Members to Chairs of Scrutiny Committees. Nonetheless, it is typical to remunerate the Leaders of the Main Opposition Groups at least.

82. The current SRA (£8,419) for the Leader of the Main Opposition Group has been set at 33 per cent of the Leader's SRA, which is in line with the mean ratio (32 per cent) in the benchmarking group. Benchmarking also shows that the mean SRA paid to Leaders of Main Opposition Groups across the GM Councils is £11,399, with a median SRA of £11,143.
83. The IRP received no evidence to suggest the current ratio (33 per cent) utilised in arriving at the SRA for the Leader of the Main Opposition Group required revision. The Leader of the Main Opposition Group has the prime responsibility to present alternative views to the majority group and provide critical challenge to the Leadership. They also by virtue of holding their post gain access to meetings with Officers and are appointed to a number of Council and external bodies. Thus, the IRP has arrived at the recommended SRA for the Leader of the Main Opposition Group by multiplying the recommended SRA (£32,373) for the Council Leader by 33 per cent, which equates to £10,683
84. **The IRP recommends that the SRA for the Leader of the Main Opposition Group is reset at £10,683, which is 33% of the Leader's recommended SRA.**

Opposition SRAs – Deputy Leader of Main Opposition Group

85. Currently the Deputy Leader of the Main Opposition Group receives an SRA of £3,364, which has been set at 40 per cent of their Group Leader's SRA. Benchmarking shows that this role is not always remunerate elsewhere, it is a paid post in five of the ten GM Councils, with a mean SRA of £5,163 and median SRA of £5,986. Often this SRA is only paid where there is a substantial Main Opposition Group which is the case in Bury but the IRP has decided that a size criteria should be in place for this SRA to be paid, namely the Main Opposition Group would need to hold 20 per cent of Council seats, which the IRP has defined as being 11 in total, before the Deputy Leader of the Main Opposition Group. The IRP received no evidence to alter the current ratio utilised in arriving at the recommended SRA for the Deputy Leader of the Main Opposition Group. Therefore the IRP has arrived at the recommended SRA for the Deputy Leader of the Main Opposition Group by multiplying the recommended SRA (£10,683) for the Leader of the Main Opposition Group, which equates to £4,273
86. **The IRP recommends that the SRA for the Deputy Leader only be payable if the Main Opposition Group holds 20 per cent of seats (11) on Council and is reset at £4,273, which is 40 per cent of the recommended SRA for the Leader of the Main Opposition Group.**

Opposition SRAs – Opposition Shadow Portfolio Holders/Group Whips

87. There was some representation received, albeit very minor, arguing that the Opposition Shadow Portfolio Holders should receive an SRA as well as the Group Whips.
88. In the current political context, extending the scope of the Opposition SRAs payable to Opposition Shadow Portfolio Holders would be disproportionate; nearly all Members of the Main Opposition Group would receive an SRA. The enhanced recommended Basic Allowance recognises that all the Opposition

Members have a spokesperson role particularly in regards to the remits of those committees that they sit on. The IRP also took the view the role of Group Whips is primarily a party political role which does not merit remuneration. It notes that such posts are not remunerated in other GM Councils.

89. **The IRP does not recommend that the Opposition Shadow Portfolio Holders or Group Whips are paid an SRA.**

Opposition SRAs – Leader[s] of Other (Third Largest) Opposition Group

90. Currently, the Leaders of the Other Opposition Groups each receive an SRA of £4,210, which is 16.5 per cent of the Leader's SRA. Again benchmarking shows that this role is not always remunerated elsewhere, with six of the 10 GM Councils remunerating such a post. It is also the one SRA that is not out of synch with peers, as the mean SRA paid to Leaders of Other Opposition Groups is £4,265, with a median SRA of £2,940. Nonetheless, the IRP is content to keep the current ratio in arriving at the recommended SRA for the Leader of the Other Opposition (third largest) Group. Thus, the recommended Leader's SRA (£32,373) multiplied by 16.5 per cent multiplied equates to £5,342.
91. The IRP notes that currently the SRA for Leader of Other Opposition (Third Largest) Group is paid equally to both the Leaders of the third largest groups as they are of equal size. The IRP has taken the view that this contravenes the spirit of the original intent behind the SRA for this post and is an excessive SRA for when there are two Third Largest Groups of equal size.
92. Accordingly the IRP has taken the view that the recommended SRA (£5,342) for the Leader of the Third Largest Group should be paid to Leaders of Other Opposition Groups on a pro rata basis according to Group size. Thus no matter how many Other Opposition Groups there are the total sum paid to their respective Group Leaders will not exceed £5,342. On the current political configuration with two Other Opposition Groups each having four members each that equates to £2,671 apiece.
93. **The IRP recommends that the SRA for Leaders of Other Opposition Groups is reset at £5,342, which has been set at 16.5 per cent of the recommended SRA for the Leader. Furthermore where there are two or more Other Opposition Groups then the recommended SRA of £5,342 should be divided on a pro rata basis and paid accordingly to Leaders of all Other Opposition Groups.**

Opposition SRAs – Deputy Leader[s] of Other Opposition Group

94. Currently, both the Deputy Leaders of the Other Opposition Groups receive an SRA of £1,515 apiece, which has been set at 35 per cent of their respective Group Leaders SRA. Benchmarking this SRA is difficult as only one other GM Council remunerate an equivalent post (Trafford at £2,774). The IRP has decided to maintain this SRA at its current ratio, which equates to £1,870, but to be only paid if the Other Opposition Group attains 10 per cent of the seats on Council, which is five seats. On the current political configuration this SRA would no longer be payable. Where there are two or more Other Opposition Groups that attain 10

per cent (five) of Council seats then the SRA for Deputy Leader of Other Opposition Group should be paid on a pro rata basis according to group size.

95. **The IRP recommends that the SRA for the Deputy Leader(s) of Other Opposition Groups is reset at £1,870, which is 35 per cent of the recommended SRA for Leader(s) of Other Opposition Groups. The IRP also recommends it is only paid when an Other Opposition Group attains 10 per cent of seats (five) on Council. Where there are two or more Other Opposition Groups of five or more seats the SRA of £1,870 should be paid to their respective Deputy Group Leaders on a pro rata basis.**

Recommended SRAs in accordance with the GMCA Order 2011

96. The IRP has been asked to consider whether a SRA should be paid to Bury Member[s] appointed by the Council to the Greater Manchester Combined Authority (GMCA) in respect of duties and responsibilities undertaken as a member of the GMCA and any of its committees, and if so to specify the amount of any such allowance. The GMCA is prohibited from paying allowances to any of its Members or appointees to its committees. This point was made specifically in the 2015 amendment to the GMCA 2011 Order, and any remuneration in this regard has to be paid through the schemes of the constituent councils.
97. The IRP notes that there is very little consistency in the scope and level of SRAs paid to Members across the Greater Manchester Councils who are appointed to the GMCA and its committees. However, this is largely a function of the GMCA constitutional set up and historical factors.

Bury Leader appointed to the GMCA

98. The rolling implementation of devolution since the previous review has created a different set of challenges for all GM Council Leaders/elected Mayor and the Bury Leader in particular. All GM Leaders/elected Mayor are full Members of the GMCA.. Each Leader on the GMCA has a particular policy lead; the Leader of Bury is the GMCA and AGMA portfolio lead for Young People and Cohesion, which also involves appointments to other relevant bodies, such as being appointed to the AGMA Draft Joint Development Plan – Places for Everyone Committee. Also the Leader, as with all Leaders/District elected Mayor on the GMCA, sits on the GM Health and Social Care Strategic Partnership.
99. The GM region is the only region thus far to take control of its combined health and social care budgets, which is more than £6 billion. More recently, through the GMCA Devolution Agreement with the Government, there has been a further significant devolution of powers and responsibilities to GMCA designed to drive economic growth and reform of public services. There was general agreement that the GMCA-related work of the Leader had increased significantly and it is an area of work that did not exist the last time the remuneration for the Leader was reviewed in 2010. As such, the IRP has decided to recognise this aspect of the Leader's workload and responsibilities by recommending a separate SRA payable under the GMCA 2011 Order.

100. The IRP notes that currently four of the 10 GM Councils make separate SRA provision for their Leader on the GMCA. The fact that it is not paid in the six other GM Councils has as much to do with the fact that their respective IRPs have not had the opportunity to review the role recently rather than being a conscious decision.
101. Although the benchmarking is limited (as only four out of the 10 GM Councils pay their Leader a GMCA SRA under the 2011 Order) it does show the following:
- Oldham Leader's GMCA SRA: £5,985
 - Rochdale Leaders GMCA SRA: £5,879
 - Trafford Leader's GMCA SRA: £10,367
 - Wigan Leader's GMCA SRA: £10,367
102. Although it is on very limited data, it produces a GMCA Leader's mean SRA of £8,121 and a median figure of £8,119.
103. In this particular instance, the IRP has taken a relatively cautious approach and has chosen to be guided by the level of SRA paid for GMCA related duties to the Leaders of Oldham and Rochdale, and rounded that indicative figure up to £6,000.
104. **The IRP recommends that the Leader is paid a separate SRA of £6,000 as a Member/Portfolio Holder on the GMCA under the 2011 Order.**

Bury Members appointed to the GM Transport Committee (x2)

105. Currently, the Bury allowances scheme contains provision to pay two Members it appoints to the Transport for Greater Manchester Committee (TfGMC) an SRA of £4,272. The TfGMC was a joint GM committee to make decisions on transport issues delegated to it by the GMCA. However, the TfGMC no longer exists as the elected Mayor of the GMCA now holds all transport powers for GM.
106. As a consequence, the TfGMC has been replaced by the GMCA Transport Committee (GMTC). The GMTC is primarily an advisory committee with very limited powers. However, the residual SRA paid to Members appointed to the TfGMC that is still listed in the Bury Members' Allowances scheme has been transposed and paid to the Bury Members appointed to the GMTC, which in turn was originally set when there was a separate GM Integrated Transport Authority, with its own powers of precept. The IRP notes that this is also the case in a handful of other GM Councils as they continue to list the SRA for appointees to the TfGMC in their allowances schemes, rather than appointees to the GMTC. On the other hand, four GM Councils have completely discontinued this SRA.
107. The IRP accepts that there is a role at the GMTC for Bury Members to undertake at the GMTC. It is a joint committee of the made-up of the principal transport decision-making bodies – the ten GM Councils, the Greater Manchester Combined Authority (GMCA) and the Mayor of Greater Manchester. It is responsible for driving the delivery of 'Our Network' - the city region's vision for an integrated, efficient and reliable transport system.

108. Members of the GMTC represent residents and businesses across Greater Manchester and have a unique oversight across all aspects of Greater Manchester's transport network. It also oversees the performance of the transport system and holds rail, tram, and bus operators, TfGM, and highways authorities to account. This effectively allows the Committee to act in an advisory capacity to the Mayor and the GMCA, through the Mayor's Transport Board.
109. It has six scheduled meetings per year but has recently set up two sub-Committees (Bus Services and Metrolink & Rail) that also have at least five scheduled meetings per year. So each Bury Council appointee to the GMTC should be sitting on at least one sub-Committee and be attending up to 11 meetings per year.
110. Nonetheless, the current level of SRA payable is primarily a legacy SRA, being set in a different context. Moreover, the current SRA (£4,272) if maintained would be the equivalent of 40 per cent of the recommended Basic Allowance (£10,791). The IRP does not accept that being a member of the GMTC is 40 per cent of the size of being an ordinary Member of Bury Council. The IRP has simply taken the view that the role of Bury Council appointee on the GMTC cannot be more than half the size of the role of Bury Council Leader on the GMCA. As such, the SRA for the members appointed to the GMTC should be reset at £3,000.
111. **The IRP recommends that the SRA for the two Bury Members appointed to the GMTC is reset at £3,000, which is 50 per cent of the recommended SRA (£6,000) for Leader appointed to the GMCA.**

Bury Members appointed to the GM Recycling and Waste Committee (x2)

112. Similarly the allowances scheme contains provision for an SRA (£2,364) payable to Bury Council Members appointed to the GM Waste Disposal Authority. Again, this is a legacy SRA and the Waste Disposal Authority no longer exists with responsibility for waste transferred to the GMCA. The level reflects an era when the workload and responsibility was different. It has now been replaced by the GM Recycling and Waste Committee.
113. Bury appoints two Members to the GM Recycling and Waste Committee. The GMCA has delegated powers to the GM Recycling and Waste Committee relating to the establishment and implementation of waste disposal strategies of the GMCA and oversees matters relating to the effective management of waste disposal operations including contracts and the behavioural change programme. It meets up to five times per year.
114. The IRP notes that only two other GM Council remunerate their Members appointed to the GM Recycling and Waste Committee, both at a similar level to that of Bury. Again Bury takes the view that the current SRA reflects the role in a different time and era and by definition attending up to five meetings per year is not in excess of 20 per cent of the size of the role of the Bury Council ordinary Member, which is the case when comparing current SRA (£2,364) to recommended Basic Allowance (£10,791). As such the IRP has decided to reset the SRA to reflect the changed context and on a similar basis as it has for arriving at the recommended SRA for members appointed to the GMTC it has utilised a

ratio of 25 per cent of the recommended SRA for the Leader's GMCA SRA (£6,000), which equates to £1,500.

115. **The IRP recommends that the SRA for the two Bury Council Members appointed to the GM Waste and Recycling Committee is reset at £1,500, which is 25 per cent of the recommended SRA (£6,000) for the Leader appointed to the GMCA.**

Bury Member appointed to the GM Pension Fund

116. The IRP received some representation that consideration be given to pay an SRA to the Council's representative on the GM Pension Fund. Only two other GM Councils pay such an SRA (Oldham and Tameside both at £1,460. Actually the GM Councils do not appoint to the Pension Fund but the Pension Fund Management Panel which makes recommendations to the Pension Fund. However, the IRP did not during the course of the review receive enough information on the work of the Bury appointee to the Pension Fund Management Panel to make an informed judgement. It will reconsider once more at the time of the next review.
117. **The IRP is not making a recommendation for an SRA regarding the Council's appointment to the GM Pension Fund.**

Maintaining the 1-SRA Only Rule and Exceptions

118. In common with most Councils⁸ Bury Council has adopted what is known as the 1-SRA only rule; in that regardless of the number of remunerated posts held by an elected Member they can be paid 'one SRA only', excluding those SRAs paid for GM posts. No evidence was received to change this practice.
119. **The IRP recommends that the 1-SRA only rule is maintained with the exception of the additional SRAs paid under the 2011 GMCA Order.**

The Co-optees' Allowance

120. Currently, the allowances scheme contains provision for those co-optees sitting on a Standards Hearings Panel to be paid "out of pocket expenses" and "loss of earnings allowance, up to a maximum of £250".
121. The 2003 Regulations do not permit the payment of a loss of earnings allowance so this should be replaced by a Co-optees' Allowance. The Constitution provides for in addition to the Standards Hearing Panel Co-optee a Co-optee to be appointed to the Audit Committee. However, the Council is unable to fill these positions and remuneration was cited as a contributory factor. As such the IRP has decided to revise the current remuneration arrangements largely based on the adopted rate of remuneration.

⁸ Out of the 10 GM Councils only Trafford permits the payment of more than 1 SRA. Where a Member in Trafford holds 2 remunerated posts they are paid 1.5 SRAs.

122. **The IRP recommends that the financial loss allowance is discontinued and the Audit and Standards Hearings Panel Co-optees be paid a Co-optees' Allowance that has two elements as follows:**

- | | |
|------------------------------------|-------------------------|
| • Standard element | £500 per year |
| • Meetings element | |
| ○ Meetings over four hours | £106 per meeting |
| ○ Meetings up to four hours | £53 per meeting |

The Civic (Mayoral) Allowances

123. Currently, the allowances scheme contains provision for mayoral allowances as follows:

- | | |
|----------------|---------|
| • Mayor | £16,472 |
| • Deputy Mayor | £4,118 |

124. This allowance is paid under the provisions of the Local Government Act 1972 (s3(5) and s5(4)), which permits principal councils to pay the chair and vice chair an allowance which it thinks reasonable for the purpose of meeting the expenses of those offices. It is often known as the Civic Allowance. The Council publishes these allowances the allowances scheme for transparency purposes.

125. These allowances are outside the remit of the IRP and the 2003 Regulations. However, in the absence of any other means of external validation the Council has asked the IRP to provide view on the Civic Allowance payable. It is fairly common for Councils to ask their IRPs for such advice.

126. The IRP explored with current and past holders of the posts of Mayor and Deputy Mayor whether the current levels do indeed meet the bulk of the expenses of holding the offices of Mayor and Deputy Mayor. No representation was received to suggest that the Civic Allowance did not meet its objective.

127. **The IRP is not recommending any change to the Mayoral Civic Allowance (£16,472) and Deputy Mayor Civic Allowance (£4,118).**

The Independent Members of the Educations Appeals Panels Allowance

128. Similarly, the remuneration of the Independent Members who sit on Council Education Appeals Panels is outside the remit of the IRP. However, in the absence of any other means of external validation the Council has been asked to look at their current remuneration.

129. Currently the Independent Members who sit on Council Education Appeals Panels receive a parking fee, mileage or public travel reimbursed (when meeting in person) or £5 towards utilities when meeting virtually, and £7 for lunch. They also receive a meetings allowance as follows:

- £37.50 over 6 hours
- £25 for 4-6 hours

- £12.50 for 2-4 hours
 - £6 up to 2 hours
130. The IRP made some enquiries on what was paid elsewhere and generally they were flat rate allowances ranging anywhere from £50 to £100. The IRP felt that these figures were more realistic and should be reset in line with the adopted rate of remuneration utilised in arriving at the recommended Basic Allowance, namely the median gross daily salary for all full time employee jobs within the area of the Bury Council which is £106.42, and the IRP has simply rounded that figure down to the nearest pound. Moreover, as many of these Independent Members come from outside the Council area the mileage/public transport allowance was merited.
131. **The IRP recommends that the current allowances paid to the Independent Members who sit on Council Education Appeals Panels are discontinued and reset as follows:**
- **£106** **for meetings over 4 hours**
 - **£53** **for meetings up to 4 hours**

The Dependants' Carers' Allowance (DCA)

132. The 2003 Regulations give specific authority for Members to claim an allowance for care of any dependants they may have while undertaking approved duties (that are defined by statute). It was specifically introduced to enable a wider range of Members to stand and be on Council. It is known as the Dependants' Carers' Allowance (DCA).
133. The Council has provision for a DCA that is paid at a maximum hourly rate of £6 and capped at £1,200 per year. It does not distinguish between childcare and other (elderly/disabled) type of care, which is common elsewhere. The DCA is now also commonplace across all English Councils.
134. Although it is rarely claimed the IRP received almost universal support in the representation received to maintain this allowance on the principle that it helped reduce a barrier to public service from traditionally underrepresented sections of the population. Moreover, all the GM Councils now make the DCA available.
135. The IRP understands that there may be reluctance on the part of eligible Members to claim the DCA as it appears as a published expense against a Members' name in the annual statutory publication of remuneration and reimbursements received by each Member.
136. The IRP takes this opportunity to point out that this allowance was given recognition in statute and is specifically designed to reduce a potential barrier to being an elected Member for those with caring responsibilities. The IRP suggests that if it is known that a Member has caring responsibilities then the DCA is specifically brought to their attention. It should be also pointed out that the approved duties for which this allowance may be claimed is governed by statute.

137. An internal audit did raise the issue that claims for this allowance need to be receipted. Moreover, the DCA is in need of an update to recognise more realistic costs of care and to distinguish the different costs associated with different types of care.
138. **The IRP recommends that the DCA is maintained but there are two types of care identified to be paid at the following maximum rates:**
- **Child care:** maximum rate paid at real living wage (Currently £9.50)
 - **Elderly/disabled care:** maximum rate paid at the hourly rate charged by Bury Council Social Services Department for a Home Help
139. **The IRP also recommends that the current annual cap be raised to £2,000 and as a matter of course all claims to be receipted.**

Travel and Subsistence Allowances - Within the Council

140. Currently the Basic Allowance is deemed to include all travel and subsistence expenses incurred by Members while carrying out council related duties within the Council area, although this is not reflected in Schedule 2 of the scheme.
141. There was some (albeit very minor) representation that argued all travel and subsistence related expenses incurred while carrying out council related duties should be reimbursed whether they are within or outside the Council area. However, it is pointed out that most of the duties which were quoted for which in-Council travel and subsistence allowances should be paid, such as undertaking ward duties or informal meetings, would not meet the standard definition of approved duties. Moreover, it is common practice across the other GM Councils to include all within authority travel and subsistence expenses in the Basic Allowance. The current Covid-19 pandemic also means that Members are not travelling to and from meetings to the same extent as they were so the logic of an in-Council travel and subsistence allowance is further weakened, particularly in the context when the IRP is recommending an enhanced Basic Allowance. The additional travel and subsistence expenses incurred by Members for undertaking in-Council, approved duties are so marginal that there is no justification to pay it, particularly considering the cost in Officer time that would be incurred in administering claims-based in-Council travel and subsistence allowances.
142. **The IRP recommends that the Basic Allowance continues to be deemed inclusive of all in-Council travel and subsistence costs and that Schedule 2 of the allowances scheme is amended to reflect this situation.**

Travel and Subsistence Allowances - Outwith the Council

143. It is a different context when a Member has to travel outside the Council to represent the Council at regional and national meetings or attend conferences. In these cases Members are incurring expenses that are beyond 'incidental' and are not typically incurred through a Member's routine work.

144. Currently Members can claim out of Council Subsistence Allowances that are largely historical and do not reflect actual costs. As is common practice elsewhere subsistence rates should be updated and based on the same rates that are applicable to Officers.
145. The travel allowance is either reimbursement of public transport costs (under same conditions that apply to Officers) or where a Member uses their own vehicle to attend an out of Council approved duties then the HMRC approved mileage rate of 45p per mile is applicable. This does not reflect the full range of HMRC approved mileage rates and the mileage allowances should be amended to also include for when a Member is travelling via a hybrid or electric vehicle.
146. **The IRP received no evidence to change the current approved duties and conditions for which the Travel and Subsistence Allowances may be claimed outwith the Council and recommends that they continue but that the mileage reflect the full range of HMRC AMAP (Approved Mileage Allowance Payment) rates as follows:**

Mode of Travel	First 10,000 business miles in the tax year	Each business mile over 10,000 miles in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

Passenger payments – cars and vans

5p per passenger per business mile for carrying fellow Member or Council employee in a car or van

147. Although a Member claiming mileage for out of Council approved duties while driving a hybrid or electric vehicle was not raised with the IRP the IRP decided to address the issue, if nothing else to future proof the scheme.
148. The Office of Low Emission Vehicles advises that where mileage claims are being made for the driving of hybrid and electric vehicles then the normal HMRC approve mileage rate is applicable, currently 45p per mile for first 10,000 miles and 25p per mile after 10,000 miles.
149. **The IRP recommends that the current mileage rates are clarified to include provision that if a Member is claiming out of Council mileage by driving a hybrid or electric vehicle that the applicable mileage rates continues to be HMRC approved rates.**
150. **Furthermore the IRP recommends that the subsistence rates for attending approved duties outwith the Council area should be based on current Officer rates as follows:**

Subsistence - Breakfast	£7.31
Subsistence - Lunch	£9.74
Subsistence - Evening Meal / Networking	£18.28

The Telephone Allowance

151. Currently, Members can claim a Telephone Allowance at £14.99 per month. Once again the provision of this allowance is outside the remit of the IRP and the 2003 Regulations but the Council has asked the IRP to provide a view in absence of any other external means of validation.
152. This allowance is now largely an anachronism in the era of inclusive packages. Many Councils deem that a reasonable Basic Allowance is sufficient to cover the marginal costs of telephone usage that is required by being an elected Member. Indeed in the representation received many did not realise such an allowance was available and the general view was that if the Basic Allowance was at “a realistic level” then the rationale behind the Telephone Allowance was no longer supported.
153. **The IRP recommends that the Telephone Allowance is discontinued.**

Adopting a Parental (Maternity, Paternity and Adoption) Leave Policy

154. The IRP has been asked to provide advice on a Parental Leave Policy for elected Members if they need to take time off to care for newly arrived infants. In particular, this request came to the IRP from the Standards Committee. Again this is outside the remit of the IRP and the 2003 Regulations. Moreover, Members are not formally employees so legally have no parental leave rights under employment legislation.
155. This does not prevent the Council from voluntarily adopting a Parental Leave Policy and many Councils have done so, although none so far in Greater Manchester. On one level, particularly in relation to the Basic Allowance the issue is somewhat of a red herring. A Member receives their Basic Allowance and where applicable their SRA by right of being an elected Member and in the case of an SRA by holding that post. The only criteria they need to meet to remain a Member is attend an approved duty once every six months, in that context they continue to receive the Basic Allowance and if still in post their SRA. This to some extent makes a Parental Leave Policy somewhat redundant.
156. However, the IRP can see the value of the Council adopting a Parental Leave Policy as it underlines the principle that the Council is supportive of Members who have acquired parental responsibilities. In addition, adopting such a policy would clarify the situation for Members who have acquired parental responsibilities..
157. **The IRP recommends that the allowances scheme is amended to include a statement that clarifies the continued right of remuneration for a Member**

when they are required to take maternity, paternity or adoption leave for up to a period of 12 months, subject to the legal attendance requirements.

Issues arising I – amendment of scheme paragraph 8 (1)

158. The IRP notes that the current allowances scheme paragraph 8 (1) reads as follows:

The Chief Executive or Assistant Director of Legal and Democratic Services, after consultation with the Leader and Deputy Leader of the Council and the Leaders of the Minority Groups, has delegated authority to amend this scheme in respect of the levels and number and type of the various allowances payable under the scheme, subject to any financial ceilings contained in the Regulations.

159. This provision does not confirm with the 2003 Regulations 19 (1) which permits a Council to amend or change its allowances scheme on after having “regard to the recommendations made in relation to it by an independent remuneration panel.” **As such, the IRP recommends that the current paragraph 8 (1) of the allowances scheme is removed.**

Indexation

160. The 2003 Regulations (10 (4) permit “for an annual adjustment of allowances by reference to such index as may be specified by the authority”. The 2003 Regulations 21 (1)(e) also require IRPs to make recommendations

as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;

161. There was overwhelming support in the representation received that the allowances continue to be indexed. Typically uplifting the allowances by an annual cost of living index means that they do not lose relative value which in turn requires substantial periodic uplifts just to maintain their relative value. Moreover, the indexation of allowances is in place in almost all of the other GM Councils.

162. The main index that that historically been utilised by Bury Council (and most other Councils) is the annual percentage increase in the salary of staff as agreed each year by the National Council for Local Government Staff, known as the NJC index. It has the advantage of being nationally agreed and ensures that Members and Officers are treated equally each year in their annual cost of living remuneration increase. The IRP received no evidence to change the current practice.

163. **The IRP recommends that the following indices are applied to the allowances paid to Members and appointees of Bury Council:**

- **Basic Allowance, SRAs (including those paid in accordance with the GMCA 2011 Order), Co-optees’ Allowance, Civic (Mayoral)**

Allowances and the remuneration for Independent Members appointed to Education Appeals Panels:

- Indexed to the annual percentage salary increase for local government staff (at spinal column 49) as agreed each year by the National Joint Council for Local Government Services and applicable to the same year it applies to Officers but with an implementation date from the start of the municipal rather than financial year.
 - **Mileage Allowance (Outwith only):**
 - Members' mileage allowances rates indexed to HMRC Approved Mileage Allowance Payment rates.
 - **Subsistence Allowances (Outwith only):**
 - Subsistence allowances should continue to be indexed to the same rates that are applicable to Officers.
 - **The Dependants' Carers' Allowance:**
 - **Child care:** maximum rate indexed to the real living wage (Currently £9.50 per hour)
 - **Elderly/disabled care:** maximum rate indexed to the hourly rate charged by Bury Council Social Services Department for a Home Help
164. The IRP also recommends that indexation should run for four years (2022-2026), which is the maximum length of time permitted by the 2003 Regulations. For authority for indexation to be extended beyond the fourth anniversary of the establishment of the new scheme of allowances the Council is required to first seek advice from the IRP.
- Implementation**
165. The IRP recommends that the new scheme of allowances based on the recommendations contained in this report is adopted from the date of the Council's Annual Meeting 2022.

APPENDIX ONE - Information reviewed by the IRP

1. IRP Terms of Reference
2. Report to Council, 17th March 2021 “Members’ Allowances Scheme 2021/22”, noting appointment of IRP and under of review
3. Bury Council Members' Allowances Scheme 2020/21 including full schedule of SRAs payable, travel and subsistence rates and approved duties, including the support provided to Members
4. Schedule of fees, support and other allowances provided to Members appointed to the Independent Education Appeals Panels
5. Bury Council annual statutory publication of Members’ allowances and expenses received by each Member including category sub-totals, 2020/21
6. Bury Council IRP Members’ Allowances Review Report, 18th May 2010
7. Bury Council IRP Members’ Allowances Review Report, 11th December 2013
8. Bury Council, flow diagram of Council Committees
9. Bury Council Constitution: <https://www.bury.gov.uk/index.aspx?articleid=15900>
10. Bury Council, meetings timetable
11. Bury Council, Information requested for Boundary Commission Review (September 2020) showing number of meetings and average length 2018/19, 2019/20 & 2020/21 (up to September 2021)
12. Summary of recent governance changes (establishment of the Strategic Commissioning Board and locality board and additional Scrutiny Committee as well as additional GM Committees)
13. New Council Constitutions: (Statutory) Guidance on Regulation for Local Authority Allowances, May 2006
14. The Local Authorities (Members' Allowances) (England) Regulations 2003, SI 2003/1021
15. Local Government Association, summary of hours worked (mean per week/by type of Council/by positions held) by Councillors (Census of Councillors 2018)
16. National Employers for Local Government Services, Local Government Pay Offer, 27th July 2021
17. The Greater Manchester Combined Authority Order 2011, Schedule 1, SI2011/908

18. Annual Survey of Hours and Earnings (ASHE), Table 7.1a, average earnings (gross) for all full time employee jobs within the District of Bury Council, November 2020
19. Office for Low Emission Vehicles, Ultra Low Emission Vehicles Tax Benefits 2018
20. Copy of questionnaire sent to all Councillors, including replies
21. Benchmarking - summary of allowances paid across the GM Councils 2020/21 or the latest data available
22. PowerPoint training/briefing presentation to Bury Council IRP, Reviewing Allowances: Context and the Bury Remuneration Model – Patterns, Options and Issues

APPENDIX TWO - Member Interviewees**Members and Appointees who met the IRP (24th - 25th March 2021)**

1. Cllr R. Bernstein: Chair of Overview & Scrutiny Committee (Conservative)
2. Cllr C. Birchmore: Member Radcliffe First
3. Ian Bott: Independent Education Appeals Panel representative
4. Cllr L.J. Dean: Conservative Group Whip
5. Cllr T. Holt: Chair Health Scrutiny, Deputy Mayor and Labour Group Whip
6. Cllr N. Jones: Leader Main (Conservative) Opposition Group
7. Cllr J. Mason: Leader Other (Radcliffe First) Opposition Group
8. cllr G. McGill: Chair Planning Development Committee (Labour)
9. Cllr E. O'Brien: Leader of the Council and Labour Group, Portfolio Holder for Finance & Growth and Member Greater Manchester Combined Authority
10. Cllr K. Peel: Deputy Cabinet Member Environment, Climate Change & Operations and Bury Council representative on GMCA Transport Committee (Labour)
11. Cllr T. Pickstone: Mayor & Chair Standards Committee (Liberal Democrat)
12. Cllr M. Powell: Leader Other (Liberal Democrat) Opposition Group
13. Cllr A. Quinn: Portfolio Holder for Environment, Climate Change & Operatinos and Bury representative on GMCA Recycling & Waste Committee (Labour)
14. Cllr T. Tariq: Deputy Leader (Labour) & Portfolio Holder for Children, Young People & Skills
15. Cllr S. Walmsley: Chair of Licensing Committee & Licensing Hearing Sub-Committee (Labour)
16. Cllr M. Whitby: Chair Audit Committee (Labour)
17. Cllr S. Wright: Chair Children & Young People's Scrutiny Committee (Liberal Democrat)
18. Cllr Y. Wright: Conservative Member

APPENDIX THREE - Officer Briefings

Sam Evans:	Section 151 (Treasurer) Officer
Jacqui Denis:	Director of Law & Governance & Monitoring Officer
Julie Gallagher:	Head of Democratic Services
Geoff Little OBE:	Chief Executive

APPENDIX FOUR – Benchmarking Allowances paid across the Greater Manchester Councils

BM1 Bury BM Group - Other GM Mets: BA + Exec + Scrutiny SRAs (20/21 unless indicated)										
Comparator Council	Basic Allowance	Leader or Elected Mayor	Leader Total	Deputy Leader	Executive Members	Assistant or Deputy Execs	Chair Main O&S	Chairs/Lead Scrutiny	V/Chairs Scrutiny	Chairs Scrutiny Panels/WGs
Bolton (19/20)	£11,644	£31,294	£42,938	£18,775	£7,140			£5,100		
Manchester	£17,525	£43,732	£61,257	£18,393	£18,393	£7,360		£11,048		
Oldham	£9,976	£29,929	£39,905	£20,950	£17,957	£7,482	£8,978	£8,978		
Rochdale	£11,172	£33,516	£44,688	£16,758	£15,082	£3,016	£8,379	£8,379		
Salford (19/20)	£11,043	£54,654	£65,697	£22,253	£14,253	£10,689		£8,910		
Stockport	£10,717	£32,151	£42,868	£17,683	£16,075			£6,430		£1,286
Tameside (19/20)	£12,567	£38,907	£51,474	£25,368	£21,701	£9,018		£10,345	£3,449	
Trafford	£6,940	£27,760	£34,700	£19,430	£13,879	£6,939	£8,327	£8,327	£4,163	
Wigan	£13,150	£39,450	£52,600	£25,644	£17,776	£5,866		£7,901		
Bury	£8,948	£25,503	£34,451	£15,307	£10,203	£1,338	£6,379	£6,379		
Mean	£11,368	£35,690	£47,058	£20,056	£15,246	£6,464	£8,016	£8,180		
Median	£11,108	£32,834	£43,813	£19,103	£15,579	£7,150	£8,353	£8,353		
Highest	£17,525	£54,654	£65,697	£25,644	£21,701	£10,689	£8,978	£11,048		
Lowest	£6,940	£25,503	£34,451	£15,307	£7,140	£1,338	£6,379	£5,100		
Mean Ratios	Leader = 3.14 X BA	100%		56%	43%	42%	22%	23%		

BM2 Bury BM Group - Other GM Mets: Regulatory SRAs (20/21 unless indicated)									
Comparator Council	Chair of Planning	V/Chair of Planning	Chair of Licensing	V/Chair Licensing	Chairs Liquor Licensing Panels/Subs	Chair of Audit &/or Governance	V/Chair Audit	Chair Standards	V/Chair Standards
Bolton (19/20)	£8,177	£2,813	£7,740	£2,521					
Manchester	£11,048	£3,684	£11,048	£3,684					
Oldham	£8,978		£8,978			£8,978			
Rochdale	£11,172		Inc in Planning			£6,703			
Salford (19/20)	£8,910		£8,910			£8,910			
Stockport	£8,038		£4,823		£3,858	£3,858			
Tameside (19/20)	£10,345	£3,449	£6,692	£2,492	£6,692	£10,345	£3,449	£6,692	£2,492
Trafford	£11,104	£4,163	£11,104	£4,163	£3,470	£8,327	£4,163	£2,453	
Wigan	£11,849	£3,084	£14,633	£3,658		£7,901			
Bury	£6,379		£6,379			£6,379			
Mean	£9,600	£3,439	£8,923	£3,304	£4,673	£7,675			
Median	£9,662	£3,449	£8,910	£3,658	£3,858	£8,114			
Highest	£11,849	£4,163	£14,633	£4,163	£6,692	£10,345			
Lowest	£6,379	£2,813	£4,823	£2,492	£3,470	£3,858			
Mean Ratios Leaders' SRA	27%		25%		13%	22%			

BM3 Bury BM Group - Other GM Mets: Opposition & Other & GMCA SRAs (20/21 unless indicated)								
Comparator Council	Main Opposition Leader	Main Opposition Deputy Leader	Opposition Lead or Shadow Exec	Other Opposition Group Leaders	Area Chairs	GMCA Leader's SRA	GMCA SRA - Other	Other SRAs/Comments
Bolton (19/20)	£10,555	£6,333		£2,940				Chair Bolton Cares Steering Committee £8,085, Chair Bolton at Home £5,500
Manchester	£18,393	£7,360					Mbr GM Waste Comtee £2,280, Mbr TfGMC £4,149	Opposition Lead Mbr Finance £1,821, Mbr Adoption Panel £5,927, Mbr Fostering Panel + City Centre Spokesperson £7,360, Airport Group Brd Mbr £11,048, Mbrs Licensing Appeals £554
Oldham	£14,964	£5,986	£2,993		£7,182 - £5,387	£5,985	Mbrs GM Pension Fund £1,460, TfGMC £4,069	Chairs Health & Wellbeing + Miocare + Unity Partnership £8,978, Leader's discretion SRA £1,496
Rochdale	£11,731				£8,379	£5,879	£4,182 GMTC Mbrs	
Salford (19/20)	£8,910			£8,910			Mbr TfGMC £5,317	
Stockport	£9,645			£1,101 + £330 p/Mbr	£4,823			ICT Allowance £338
Tameside (19/20)	£12,168			£2,492	£10,345		Mbrs GMWDA £2,100, TfGMC £3,825, GM Pension Fund £1,460	Chair Council Business £12,701, Dep Chairs Liquor Licensing Panels £2,492, Dep Area Chairs £3,449, Cllr Mbr of Standards £1,636, >5 Standards Hearings £108 p/hearing
Trafford	£13,879	£2,774	£2,774	£2,774		£10,253		Dep Leader Minority Opposition Group £2,774, Lead Mbr Education £8,327, Shadow Lead Education £1,699, Shadow Dep Exec Mbrs £1,386, Opposition Spokesprsns (Planning & Licensing) £2,774 + Tele Allowance
Wigan	£5,328					£10,367	Chair GMTC £5.139	
Bury	£8,419	£3,364		£4,210			Mbrs TfGMC £4,272, GMWDA £2,364	Deputy Leaders Other Opposition Groups £1,515, > 10 Licensing Hearings £25 p/day, £12.50 2-4 hours, £6 up to 2 hours + Tele Allowance
Mean	£11,399	£5,163		£4,265	£7,849	£8,121		
Median	£11,143	£5,986		£2,940	£8,379	£8,119		
Highest	£18,393	£7,360		£8,910	£10,345	£10,367		
Lowest	£5,328	£2,774		£2,492	£4,823	£5,879		
Mean Ratios to Leaders' SRA	32%			12%	22%			

Appendix 1 - IRP Recommendations

The IRP recommends the following -

1. Basic allowances for Members to be reset at £10,791. Note that the Basic Allowance continues to be deemed inclusive of all in-Council travel and subsistence costs and telephone allowance and that Schedule 2 of the allowances scheme is amended to reflect this situation.
2. The Special responsibility allowance for the Leader is set at £32,733
3. The SRA for the Deputy leader is set at £19,424.
4. The Cabinet members SRA is set at £14,568, Deputy Cabinet Members SRA to be reset at £2,185.
5. SRA for the Chairs of the six main committees to be set at £8,093

Chairs of the main Committees (x6)
Overview & Scrutiny Committee
Children's & Young People's Scrutiny Committee
Health Scrutiny Committee
Planning Control Committee
Licensing & Safety Committee
Audit Committee

6. That Members who sit on Licensing Hearings Panels who attend more than 6 meetings in any one year are paid an SRA as follows:

Meetings over 4 hours:	£106
Meetings up to 4 hours:	£53

As per current practice this SRA should only be paid to Members who are not otherwise in receipt of an SRA.

7. The SRA for the Leader of the Main Opposition Group is reset at £10,683.
8. The SRA for the Deputy Leader only be payable if the Main Opposition Group holds 20 per cent of seats (11) on Council and is reset at £4,273.
9. The SRA for Leaders of Other Opposition Groups is reset at £5,342, where there are two or more Other Opposition Groups then the recommended SRA of £5,342 should be divided on a pro rata basis and paid accordingly to Leaders of all Other Opposition Groups.
10. The SRA for the Deputy Leader(s) of Other Opposition Groups is reset at £1,870. This is only paid when an Other Opposition Group attains 10 per cent

of seats (five) on Council. Where there are two or more Other Opposition Groups of five or more seats the SRA of £1,870 should be paid to their respective Deputy Group Leaders on a pro rata basis.

11. The Leader is paid a separate SRA of £6,000 as a Member/Portfolio Holder on the GMCA under the 2011 Order.
12. The SRA for the two Bury Members appointed to the GMTC is reset at £3,000.
13. The SRA for the two Bury Council Members appointed to the GM Waste and Recycling Committee is reset at £1,5000.
14. That the council discontinue the SRA for the Council's appointment to the GM Pension Fund.
15. The 1-SRA only rule is maintained with the exception of the additional SRAs paid under the 2011 GMCA Order.
16. That the SRA (£4,273) for the Deputy Leader of the Main Opposition Group is only payable if the size of the Main Opposition Group attains 11 Members
17. That where there are two or more Other Opposition Groups then the recommended SRA of £5,342 should be divided on a pro rata basis and paid accordingly to Leaders of all Other Opposition Groups.
18. That the SRA for the Deputy Leader(s) of Other Opposition Groups of £1,870 is only paid when an Other Opposition Group attains 10 per cent of seats (five) on Council. Where there are two or more Other Opposition Groups of five or more seats the SRA of £1,870 should be paid to their respective Deputy Group Leaders on a a pro rata basis.
19. As per current practice this SRA should only be paid to Members who are not otherwise in receipt of an SRA.
20. That Shadow Portfolio Holders, Group Whips and the Council's appointee to the GM Pension Fund are not recommended an SRA is paid.
21. That the 1-SRA only rule is maintained with the exception of the SRAs paid in respect of appointments to the GMCA.
22. That the financial loss allowance is discontinued and the Audit and Standards Hearings Panel Co-optees to be paid a Co-optees' Allowance that has two elements as follows:

Standard element
Meetings element

£500 per year

- a. Meetings over four hours £106 per meeting
- b. Meetings up to four hours £53 per meeting

23. Note that there is no change to the Mayoral Civic Allowance (£16,472) and Deputy Mayor Civic Allowance (£4,118).

24. That the current allowances paid to the Independent Members who sit on Council Education Appeals Panels are discontinued and reset as follows:

£106 for meetings over 4 hours
£53 for meetings up to 4 hours

Mileage/public transport reimbursement – maintain where applicable

Parking fee reimbursement – maintain where applicable

25. That the carers allowance is maintained but there are two types of care identified to be paid at the following maximum rates:

- Child care: maximum rate paid at real living wage
 (Currently £9.50)
- Elderly/disabled care: maximum rate paid at the hourly rate
1. charged by Bury Council Social Services Department for a Home Help

An annual cap be for these payments to be set at £2,000

26. That the current approved duties and conditions for which the Travel and Subsistence Allowances may be claimed outwith the Council are maintained but that the mileage reflect the full range of HMRC AMAP (Approved Mileage Allowance Payment) rates as follows:

27. Mode of Travel	28. First 10,000 business miles in the tax year	29. Each business mile over 10,000 miles in the tax year
30. Cars and vans	31.45p	32.25p
33. Motor cycles	34.24p	35.24p
36. Bicycles	37.20p	38.20p

Passenger payments – cars and vans

5p per passenger per business mile for carrying fellow Member or Council employee in a car or van

Current mileage rates are clarified to include provision that if a Member is claiming out of Council mileage by driving a hybrid or electric vehicle that the applicable mileage rates continues to be HMRC approved rates.

27. The subsistence rates for attending approved duties outwith the Council area should be based on current Officer rates as follows:

Subsistence - Breakfast	£7.31
Subsistence - Lunch	£9.74
Subsistence - Evening Meal / Networking	£18.28

28. That the allowances scheme is amended to include a statement that clarifies the continued right of remuneration for a Member when they are required to take maternity, paternity or adoption leave for up to a period of 12 months, subject to the legal attendance requirements.
29. The revised members allowance scheme is adopted from the date of the Council's Annual Meeting 2022 and that indexation is applied in accordance with the IRP recommendations.



Classification	Item No.
Open	

Meeting:	Council
Meeting date:	24 November 2021
Title of report:	Local Government Boundary Commission for England's Review of Bury Council – Final Report
Report by:	Councillor Eamonn O'Brien Leader of the Council and Cabinet Member for Finance and Growth Councillor Tahir Rafiq Cabinet Member for Corporate Affairs and HR
Decision Type:	Council Decision
Ward(s) to which report relates	All Wards

Executive Summary:

The Local Government Boundary Commission for England (LGBCE) 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 has been carried out in stages, initially looking at Council Size (Stage One), and then asking for suggestions on the potential distribution of Wards (Stage Two), and finally consultation on a proposed redrafting of ward boundaries, including consideration of any ward name changes (Stage Three).

The Council established a Member Working Group chaired by the Leader of the Council and consisting of the leaders of all political groups in the Borough.

In December 2020, the LGBCE approved the Council's Stage One - Size Submission proposal (approved by Council on 25 November 2020) of remaining at 51 councillors.

In March 2021, the Council submitted a proposal on the future warding patterns, however, this was not supported by all local political groups who provided the LGBCE with their own submissions. A number of submissions were also made by individual members of the public.

The LGBCE considered all the submissions and produced their own recommendations on ward boundaries based on some of the proposals received. These recommendations also asked for opinion on the change of name of three wards in the Borough. The Stage Three consultation commenced on 1 June 2021 and concluded on 9 August 2021. The Council, along with a number of organisations and individuals, submitted comments on these proposals, with the Council's response being approved at the Council meeting on 28 July 2021.

On the 2 November 2021, the LGBCE published its final report and recommendations for the future warding pattern for the Borough. These recommendations are subject to Parliamentary approval, which is due to be given in the Winter 2021, however, it is not expected that there will be any further changes made.

Council is asked to note the LGBCE's final recommendations, and that a polling district and polling station review, including full risk assessment, will be carried out prior to 'all out' elections in May 2022.

Recommendation(s)

That Council notes the final recommendations of the LGBCE review and commencement of an internal polling district and polling station review.

Key considerations

1. Background

- 1.1 In 2019, the Council was contacted by the Local Government Boundary Commission for England (LGBCE) to review the Council's size and ward boundaries. Progress was delayed by the global pandemic.
- 1.2 At the Council meeting of 25 November 2020, approval was given for the Council Size Submission. This recommended that the number of councillors in Bury should remain at the current level of 51, and a case was made for this.
- 1.3 At their Board meeting of 14 December 2020, the LGBCE agreed with the Council's Size Submission.
- 1.4 At the Council meeting of 17 March 2021, approval was given by the majority of the Council to a revised warding pattern. The opposition political groups did not support the revised proposals and made their own submissions.

- 1.5 The LGBCE launched their Stage Three consultation on 1 June 2021, running until 9 August 2021. This consultation proposed new warding patterns, based on their desk-top review of the Borough and submissions received from the Council, opposition groups and individuals.
- 1.6 At the meeting of 28 July 2021, approval was given for the Council's response to the Stage 3 proposals.

2. LGBCE Final Recommendations

- 2.1 On the 2 November 2021, the LGBCE published details of their final recommendations for the future warding pattern of the Borough.
- 2.2 The LGBCE report detailed the comments that they had received from the Council, organisations and individuals, how these had been considered and their final decision.
- 2.3 The LGBCE recommended no further changes to their Stage 3 proposals (as detailed in the report to Council of 28 July 2021. However, they confirmed the changes to the names of three wards:

East renamed as Bury East

Church renamed as Bury West

Radcliffe North renamed as Radcliffe North and Ainsworth

3 Final Recommendations and Next Steps

- 3.1 The Order for the new warding pattern will be Made and Laid by the LGBCE in the winter of 2021.
- 3.2 Subject to approval of the Order, the proposals will result in 'all out' local elections in May 2022. It is not expected that there will be any changes to the proposals at this stage.
- 3.3 In order to implement the recommendations in time for 'all out' elections in May 2022, the Council will need to carry out a Polling District review, to fit these into the new Wards, and complete a Polling Station Review, including a full risk assessment, to ensure that these are in appropriate locations for the new wards and ensure accessibility for all electors. Elected Members will be asked for their views in connection with the Polling Station review.

4. Recommendations

- 4.1 Council is asked to note the Final Recommendations of the LGBCE review and that a Polling District and Polling Station Review will be carried out internally for use at the May 2022 local elections.

Community impact / Contribution to the Bury 2030 Strategy

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.

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.*

The first stage of the review will consider the size of the Council. By ensuring a more equitable distribution of electors across councillors, there will be greater opportunity to fulfil the Council's Equality Duty. For example, areas which might have increased in population through immigration in recent years, could have been under-represented under the current distribution, whereas the review allows a more balanced distribution.

Consultation on the second and third stages of the review, was also undertaken with all individuals and local and community groups, providing an opportunity for all to have an input in the future format of the Council.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Opportunity to provide greater elector representation.	Undertaking the review after a period of almost twenty years justifies the review.
Confusion amongst the electorate if their wards are redrawn.	Communications with the electorate, particularly at election periods, will minimise this.
Risk in that by remaining at the same number of councillors, they will struggle to meet the increased expectations of them locally and regionally.	Current austerity regime and pressure on local authority budgets does not justify increase in the number of councillors in the Borough.

Consultation:

A working group, chaired by the Leader of the Council and consisting of all Opposition Group Leaders, has been involved in the development of the Council's submissions and consulted throughout on the proposals.

The LGBCE has undertaken extensive consultation as part of Stage Two and Stage Three of the review.

Consultation with elected members will be carried out in connection with the Council's Polling Station review.

Legal Implications:

As set out in the report.

Financial Implications:

There are no financial implications to this report.

Report Author and Contact Details:

Marcus Connor – Corporate Policy Manager

Background papers:

Local Government Boundary Commission for England, Bury Electoral Review, Member Briefing

Local Government Boundary Commission for England, Council Size Submission, Bury Council

Local Government Boundary Commission for England, New Electoral Arrangements for Bury Council, Final Recommendations, November 2021 (enclosed)

Report to Cabinet (11 November 2020) and Council (25 November 2020) Local Government Boundary Commission for England's Review of Bury Council.

Report to Council (17 March 2021) Local Government Boundary Commission for England's Review of Bury Council – Stage 2

Report to Council (28 July 2021) Local Government Boundary Commission for England's Review of Bury Council – Stage 3.

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

Term	Meaning
CIPFA	Chartered Institute of Public Finance and Accountancy
LGBCE	Local Government Boundary Commission for England

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	Elections and Land Charges	
Proposed policy	Boundary Review Final Recommendations	
Date	24 November 2021	
Officer responsible for the 'policy' and for completing the equality analysis	Name	Marcus Connor
	Post Title	Corporate Policy Manager
	Contact Number	0161 253 6252
	Signature	
	Date	20 July 2021 updated 24 November 2021

2. AIMS

What is the purpose of the policy/service and what is it intended to achieve?	<p>To review the future size and ward patterns of Bury Council.</p> <p>This will ensure greater equality of representation for the electorate in the Borough.</p> <p>Will help to ensure that councillors are better able to meet the internal and external demands for their time.</p>
Who are the main stakeholders?	<p>Bury Councillors.</p> <p>Future candidates at Bury Council local elections.</p> <p>Current and future electorate.</p> <p>Community and voluntary organisations operating in the Borough.</p> <p>Members of Parliament (although this review does not impact on their electoral boundaries).</p>

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 representation across the Borough especially addressing wards with high number of electors per councillor, e.g. areas with high growth due to immigration.
Disability	Yes	No	The associated polling station review will help ensure that future polling stations are fully accessible.
Gender	No	No	
Gender reassignment	No	No	
Age	No	No	
Sexual orientation	No	No	
Religion or belief	Yes	No	The associated polling station review, will consider the appropriateness of buildings used as polling stations and whether these will deter voters from attending, e.g. if associated with a particular faith, or if the entry to a building used (such as a public house) is not acceptable.
Caring responsibilities	No	No	
Pregnancy or maternity	No	No	
Marriage or civil partnership	No	No	

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	Will ensure equality of representation across all areas of the Borough.
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	The associated polling station review will look at buildings which will not deter voters with any of the protected characteristics (e.g. disability or religion / belief) from entering.
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)	No	

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
Outcome of the review will reduce variance from Borough average in wards.		
Associated polling station review will reduce number of complaints about suitability of polling stations.		

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

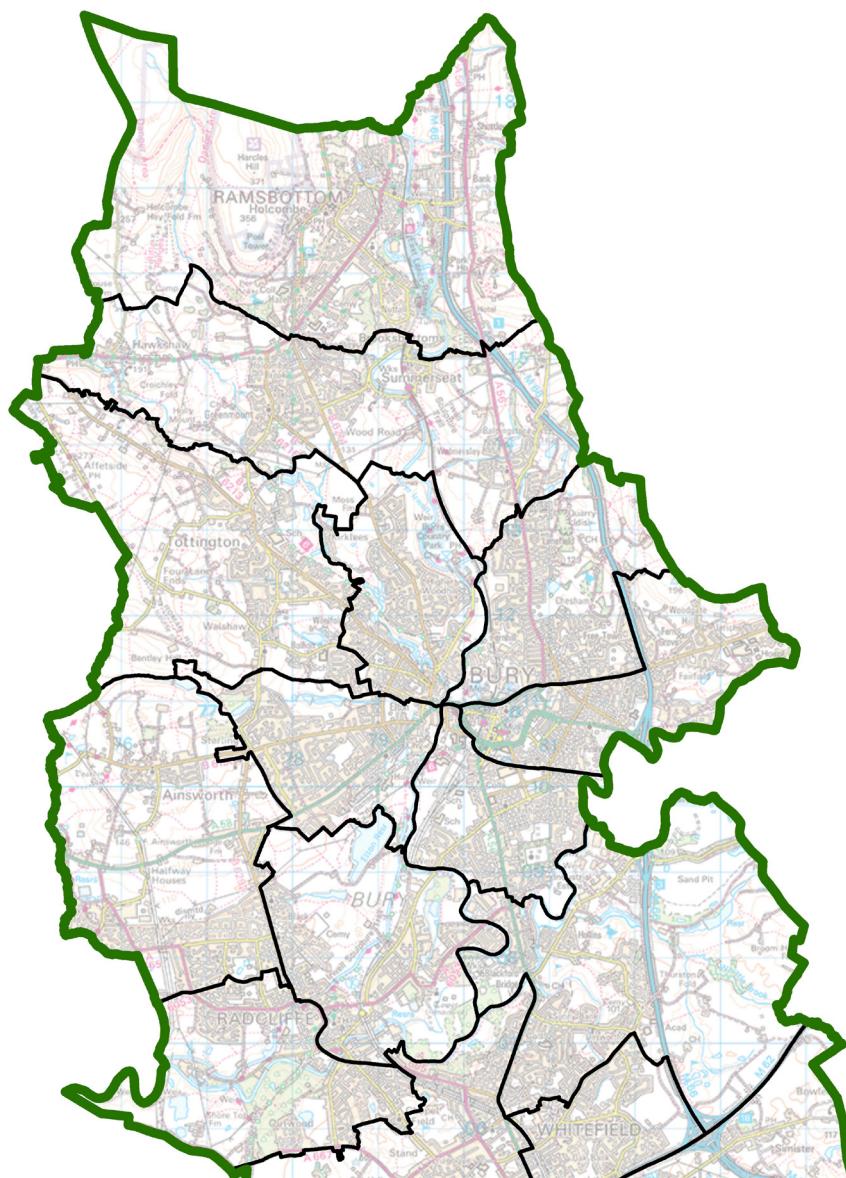
What will the likely overall effect of your policy/service plan be on equality?	Increased equality of representation across the Borough. Electors will have more equitable chance to speak to / make their views known to their councillor. Voice of each elector will be more equally represented by their respective local councillor.
If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?	Not applicable.
Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.	
What steps do you intend to take now in respect of the implementation of your policy/service plan?	Undertake polling district and polling station review to ensure increased accessibility for voters and maximise opportunity to vote in person if so wished. Also undertake full polling station risk assessment to ensure safety of all people entering polling stations.

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.

Monitor future distribution of electors by ward. Monitor complaints received about individual polling stations.

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



New electoral arrangements for Bury Council

Final Recommendations

November 2021

Translations and other formats:

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A note on our mapping:

The maps shown in this report are for illustrative purposes only. Whilst best efforts have been made by our staff to ensure that the maps included in this report are representative of the boundaries described by the text, there may be slight variations between these maps and the large PDF map that accompanies this report, or the digital mapping supplied on our consultation portal. This is due to the way in which the final mapped products are produced. The reader should therefore refer to either the large PDF supplied with this report or the digital mapping for the true likeness of the boundaries intended. The boundaries as shown on either the large PDF map or the digital mapping should always appear identical.

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Contents

Introduction	1
Who we are and what we do	1
What is an electoral review?	1
Why Bury?	5
Our proposals for Bury	5
How will the recommendations affect you?	5
Review timetable	6
Analysis and final recommendations	8
Submissions received	8
Electorate figures	8
Number of councillors	9
Ward boundaries consultation	9
Draft recommendations consultation	10
Final recommendations	10
North Manor and Ramsbottom	12
Elton and Tottington	14
Bury East and Moorside	15
Redvales and Unsworth	17
Bury West, Radcliffe North & Ainsworth and Radcliffe East	19
Besses, Pilkington Park and Radcliffe West	22
Holyrood, Sedgley and St Mary's	24
Conclusions	26
Summary of electoral arrangements	26
What happens next?	28
Equalities	30
Appendices	32
Appendix A	32
Final recommendations for Bury Council	32
Appendix B	34
Outline map	34
Appendix C	35
Submissions received	35
Appendix D	36
Glossary and abbreviations	36

Introduction

Who we are and what we do

1 The Local Government Boundary Commission for England (LGBCE) is an independent body set up by Parliament.¹ We are not part of government or any political party. We are accountable to Parliament through a committee of MPs chaired by the Speaker of the House of Commons. Our main role is to carry out electoral reviews of local authorities throughout England.

2 The members of the Commission are:

- Professor Colin Mellors OBE (Chair)
- Andrew Scallan CBE (Deputy Chair)
- Susan Johnson OBE
- Peter Maddison QPM
- Amanda Nobbs OBE
- Steve Robinson
- Jolyon Jackson CBE (Chief Executive)

What is an electoral review?

3 An electoral review examines and proposes new electoral arrangements for a local authority. A local authority's electoral arrangements decide:

- How many councillors are needed.
- How many wards or electoral divisions there should be, where their boundaries are and what they should be called.
- How many councillors should represent each ward or division.

4 When carrying out an electoral review the Commission has three main considerations:

- Improving electoral equality by equalising the number of electors that each councillor represents.
- Ensuring that the recommendations reflect community identity.
- Providing arrangements that support effective and convenient local government.

5 Our task is to strike the best balance between these three considerations when making our recommendations.

¹ Under the Local Democracy, Economic Development and Construction Act 2009.

6 More detail regarding the powers that we have, as well as the further guidance and information about electoral reviews and review process in general, can be found on our website at www.lgbce.org.uk

Why Bury?

7 We are conducting a review of Bury Council ('the Council') as the last review was completed in 2002 and we are required to review the electoral arrangements of every council area in England 'from time to time'. In addition, some councillors currently represent many more or fewer electors than others. This is 'electoral inequality'. Our aim is to create 'electoral equality', where the number of electors is as equal as possible, ideally within 10% of being exactly equal.

8 This electoral review is being carried out to ensure that:

- The wards in Bury are in the best possible places to help the Council carry out its responsibilities effectively.
- The number of electors represented by each councillor is approximately the same across the borough.

Our proposals for Bury

9 Bury should be represented by 51 councillors, the same number as there are now.

10 Bury should have 17 wards, the same number as there are now.

11 The boundaries of most wards should change; one will stay the same.

12 We have now finalised our recommendations for electoral arrangements for Bury.

How will the recommendations affect you?

13 The recommendations will determine how many councillors will serve on the Council. They will also decide which ward you vote in, which other communities are in that ward, and, in some cases, which parish council ward you vote in. Your ward name may also change.

14 Our recommendations cannot affect the external boundaries of the borough or result in changes to postcodes. They do not take into account parliamentary constituency boundaries. The recommendations will not have an effect on local taxes, house prices, or car and house insurance premiums and we are not able to take into account any representations which are based on these issues.

Review timetable

15 We wrote to the Council to ask its views on the appropriate number of councillors for Bury. We then held two periods of consultation with the public on warding patterns for the borough. The submissions received during consultation have informed our final recommendations.

16 The review was conducted as follows:

Stage starts	Description
14 December 2020	Number of councillors decided
6 January 2021	Start of consultation seeking views on new wards
16 March 2021	End of consultation; we began analysing submissions and forming draft recommendations
1 June 2021	Publication of draft recommendations; start of second consultation
9 August 2021	End of consultation; we began analysing submissions and forming final recommendations
2 November 2021	Publication of final recommendations

Analysis and final recommendations

17 Legislation² states that our recommendations should not be based only on how many electors³ there are now, but also on how many there are likely to be in the five years after the publication of our final recommendations. We must also try to recommend strong, clearly identifiable boundaries for our wards.

18 In reality, we are unlikely to be able to create wards with exactly the same number of electors in each; we have to be flexible. However, we try to keep the number of electors represented by each councillor as close to the average for the council as possible.

19 We work out the average number of electors per councillor for each individual local authority by dividing the electorate by the number of councillors, as shown on the table below.

	2020	2026
Electorate of Bury	148,595	148,270
Number of councillors	51	51
Average number of electors per councillor	2,914	2,907

20 When the number of electors per councillor in a ward is within 10% of the average for the authority, we refer to the ward as having 'good electoral equality'. All but one of our proposed wards for Bury will have good electoral equality by 2026. We believe that the ward we are recommending with a forecast variance greater than 10% from the average is justified because this provides for a better reflection of community identity.

Submissions received

21 See Appendix C for details of the submissions received. All submissions may be viewed on our website at www.lgbce.org.uk

Electorate figures

22 The Council submitted electorate forecasts for 2026, a period five years on from the scheduled publication of our final recommendations in 2021. These forecasts were broken down to polling district level and predicted a decrease of less than 1% by 2026.

² Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009.

³ Electors refers to the number of people registered to vote, not the whole adult population.

23 We considered the information provided by the Council and are satisfied that the projected figures are the best available at the present time. We have used these figures to produce our final recommendations.

Number of councillors

24 Bury Council currently has 51 councillors. We have looked at evidence provided by the Council and have concluded that keeping this number the same will ensure the Council can carry out its roles and responsibilities effectively.

25 We therefore invited proposals for new patterns of wards that would be represented by 51 councillors.

26 As the Council elects by thirds (meaning it has elections in three out of every four years) there is a presumption in legislation⁴ that the Council have a uniform pattern of three-councillor wards. We will only move away from this pattern of wards if we are of the view that our statutory criteria would not be reflected in a uniform warding pattern.

27 We received two submissions about the number of councillors in response to our consultation on our draft recommendations. One submission argued for a reduction in councillors to 46, with the other also making a case for a reduction but did not argue for a specific number of councillors to represent the Council. Neither of these alternative proposals outlined how the reductions would be achieved in terms of the decision-making responsibilities of the Council or made reference to our key criteria. We have therefore not adopted any of these proposals as part of our final recommendations.

Ward boundaries consultation

28 We received 101 submissions in response to our consultation on ward boundaries. These included two borough-wide proposals from Bury Council and the Conservative Group. We also received a partial scheme from the Liberal Democrat Group. The remainder of the submissions provided localised comments for warding arrangements in particular areas of the borough.

29 The two borough-wide schemes proposed uniform patterns of three-councillor wards for Bury. We carefully considered the proposals and were of the view that the proposed patterns of wards resulted in good levels of electoral equality in most areas of the authority and generally used clearly identifiable boundaries.

⁴ Schedule 2 to the Local Democracy, Economic Development & Construction Act 2009 paragraph 2(3)(d) and paragraph 2(5)(c).

30 Our draft recommendations also took into account local evidence that we received, which provided further evidence of community links and locally recognised boundaries. In some areas we considered that the proposals did not provide for the best balance between our statutory criteria and so we identified alternative boundaries.

31 Given the travel restrictions, and the social distancing, arising from the Covid-19 outbreak, there was a detailed virtual tour of Bury. This helped to clarify issues raised in submissions and assisted in the construction of the proposed draft boundary recommendations.

32 Our draft recommendations were for 17 three-councillor wards. We considered that our draft recommendations would provide for good electoral equality while reflecting community identities and interests where we received such evidence during consultation.

Draft recommendations consultation

33 We received 20 submissions during consultation on our draft recommendations. These included comments on our proposals from Bury Council and Bury Labour Party. The remainder of the submissions provided localised comments for warding arrangements in particular areas of the borough.

34 Our final recommendations are based on the draft recommendations with a modification to the ward names in the town centre and Radcliffe, based on the submissions received.

Final recommendations

35 Our final recommendations are for 17 three-councillor [wards](#). We consider that our final recommendations will provide for good electoral equality while reflecting community identities and interests where we received such evidence during consultation.

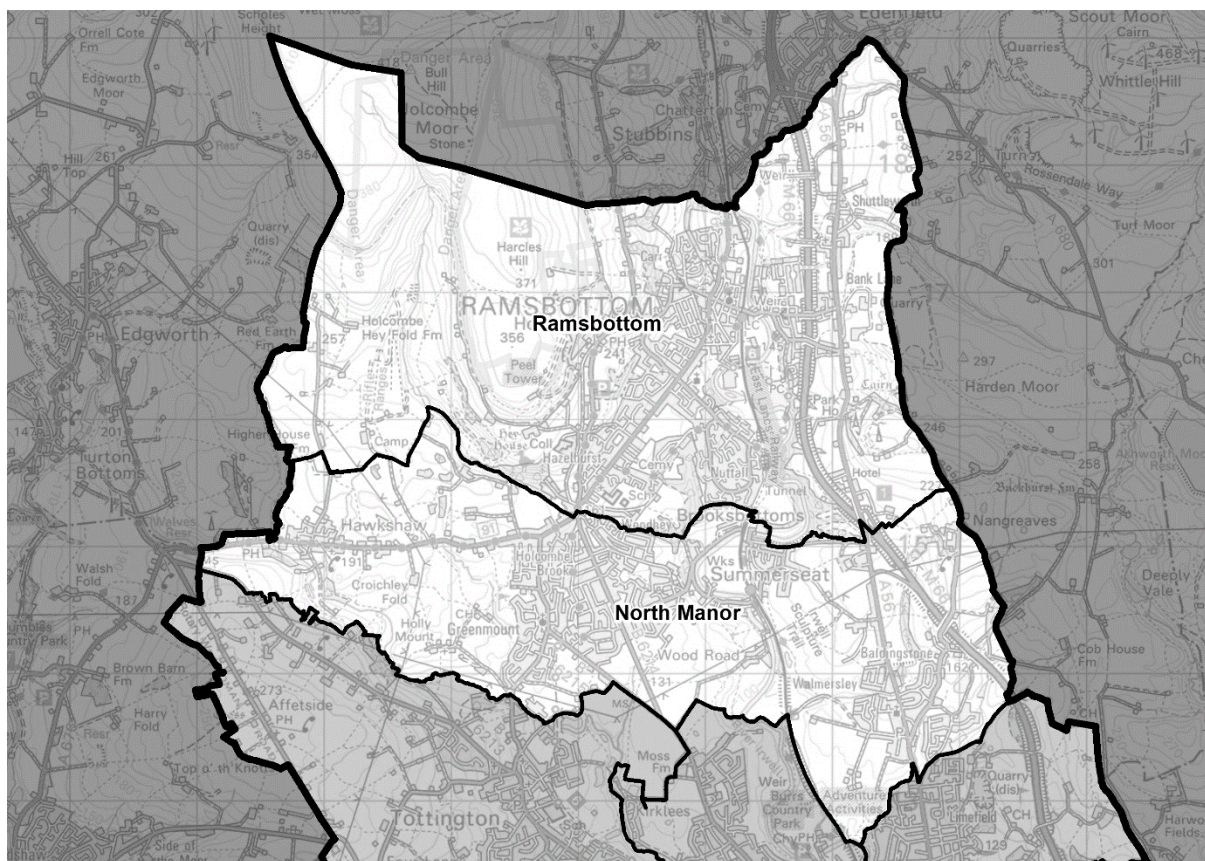
36 The tables and maps on pages 9–21 detail our final recommendations for each area of Bury. They detail how the proposed warding arrangements reflect the three statutory⁵ criteria of:

- Equality of representation.
- Reflecting community interests and identities.
- Providing for effective and convenient local government.

⁵ Local Democracy, Economic Development and Construction Act 2009.

37 A summary of our proposed new wards is set out in the table starting on page 29 and on the large map accompanying this report.

North Manor and Ramsbottom



Ward name	Number of councillors	Variance 2026
North Manor	3	-8%
Ramsbottom	3	7%

North Manor and Ramsbottom

38 Our draft recommendations for this area were based on the existing wards, with the exception of some minor amendments to follow ground details as proposed by the Council. We received two responses to our draft proposals for this area during consultation, from Bury Labour Party and a local resident.

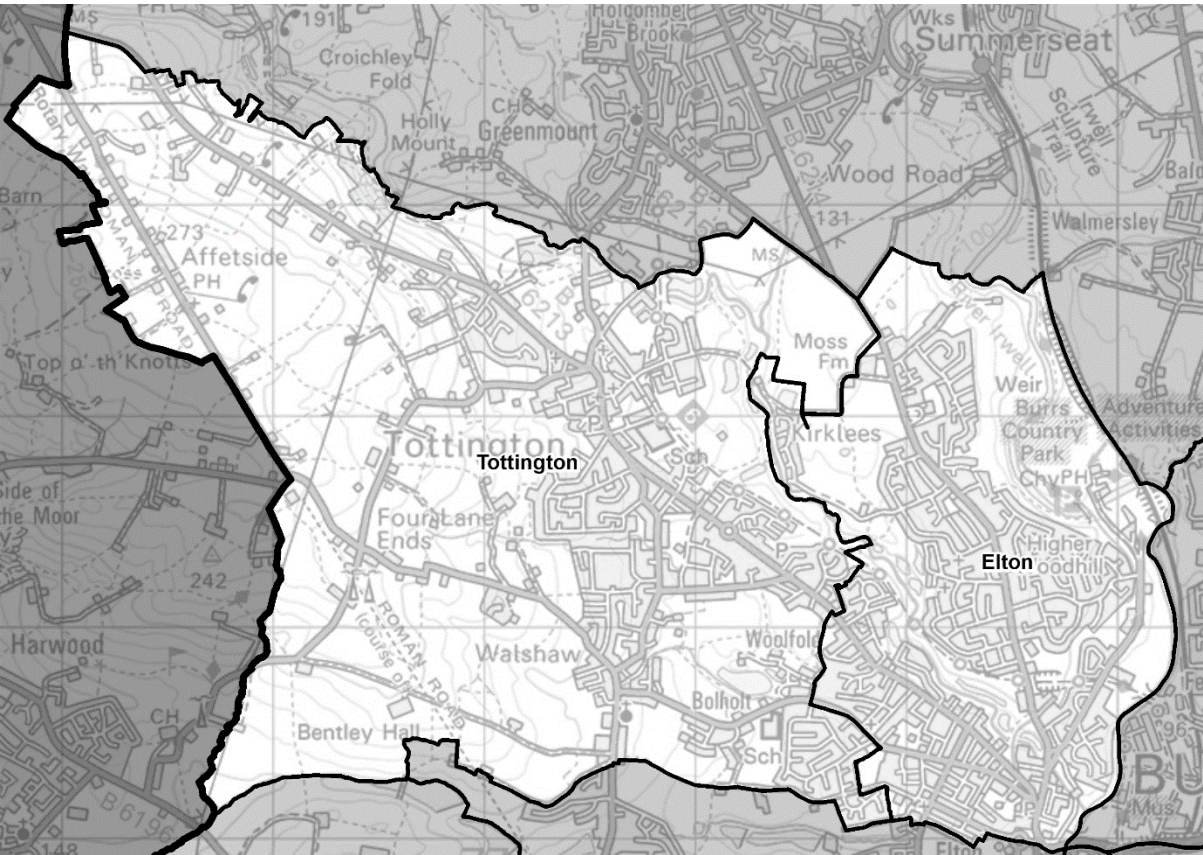
39 Bury Labour Party argued that the Council's proposals at a previous stage of consultation, which would have included Shuttleworth in North Manor ward, would provide improved levels of electoral equality and should therefore be adopted. While we acknowledge this potential improvement in electoral equality, we are of the view that our proposals provide for the best balance of our three statutory criteria based on the strong community evidence received during the first stage of consultation.

40 The local resident suggested that the ward be renamed 'Greenmount & Summerseat'. However, in our view this proposal was not supported by

persuasive evidence.

41 We therefore confirm our draft recommendations for North Manor and Ramsbottom wards as final. Our final recommendation Ramsbottom and North Manor wards will have electoral variances of 7% more and 8% fewer electors than the borough average by 2026, respectively.

Elton and Tottington

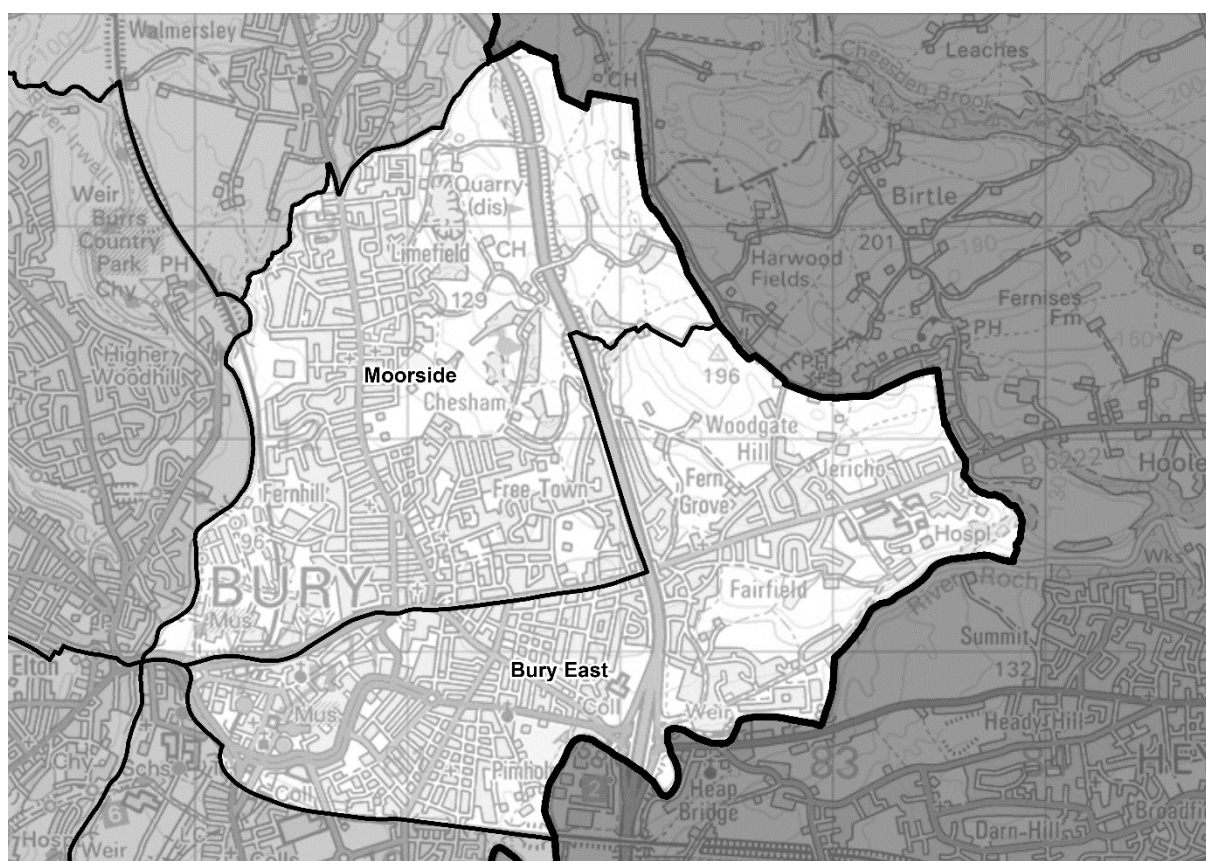


Ward name	Number of councillors	Variance 2026
Elton	3	4%
Tottington	3	0%

Elton and Tottington

- 42 Our draft recommendations for this area adopted a combination of the submissions we received. Our proposals extended the existing boundary of Elton ward south to include properties from Scholes Street and Melrose Avenue, and included all properties from Kingsbury Close in Elton ward. We did not receive any responses to our draft proposals for this area during consultation.
- 43 We therefore confirm our draft recommendations for Tottington and Elton wards as final. Our proposed Elton ward will have an electoral variance of 4% more electors than the borough average by 2026. Our proposed Tottington ward will have an electoral variance equal to the average (0%) for the borough by 2026.

Bury East and Moorside



Ward name	Number of councillors	Variance 2026
Bury East	3	2%
Moorside	3	-1%

Bury East and Moorside

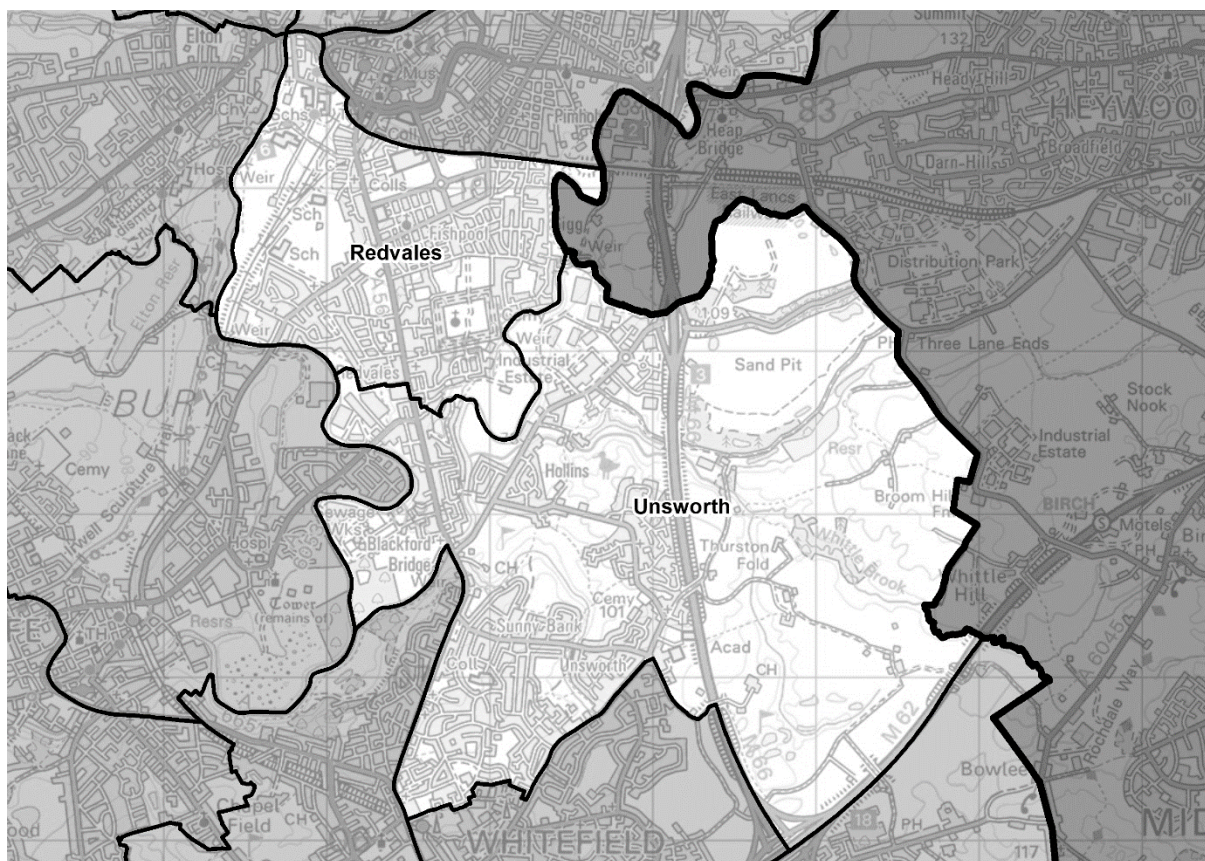
44 Our draft recommendations for this area were based on the Council's proposal for the M66 to form the boundary between East and Moorside wards. In response to our draft recommendations we received two responses to our proposals, from local residents.

45 Both submissions offered alternative ward names for East ward. One proposed renaming the ward to 'Bury Central'. However, in our view this proposal was not supported by persuasive evidence. The other submission recommended the ward be renamed 'Bury East' as 'East alone is ambiguous'. We agree that the existing ward name does not fully reflect the geography of the area and therefore have adopted this proposal as part of our final recommendations.

46 We therefore confirm our draft recommendations for Bury East and Moorside as final, with the exception of the name change described above. Our proposed Bury

East and Moorside wards will have electoral variances of 2% more and 1% fewer electors than the borough average by 2026, respectively.

Redvales and Unsworth



Ward name	Number of councillors	Variance 2026
Redvales	3	0%
Unsworth	3	0%

Redvales and Unsworth

47 Our draft recommendations for this area were based on the Council's proposal to include all electors from Barlow Fold and Blackford Bridge in Unsworth ward. In response to our draft recommendations we received two responses to our proposals, from Bury Conservative Group and a local resident.

48 Bury Conservative Group contended that the area surrounding Unsworth Cricket Club should be moved into Unsworth ward. However, they did not propose an alternative boundary. Furthermore, we believe that our proposals here provide for a clear and identifiable boundary which reflects the access points and facilities within the area.

49 The resident's submission argued that Unsworth ward be renamed 'Unsworth & Hollins'. We have not been persuaded that this name would better reflect the geographical spread of communities in the area.

50 We therefore confirm our draft recommendations for Redvales and Unsworth wards as final. Our proposed Redvales and Unsworth wards will both have electoral variances equal to the average (0%) for the borough by 2026.

Bury West, Radcliffe North & Ainsworth and Radcliffe East



Ward name	Number of councillors	Variance 2026
Bury West	3	-1%
Radcliffe East	3	-2%
Radcliffe North & Ainsworth	3	10%

Bury West

51 Our draft recommendations for this area were based on a combination of proposals from the Council and the Conservative Group. As part of our draft recommendations we proposed including the properties on the western side of Lowercroft Road at Starling in a Church ward, as well as the recent Tudor Grange development at Spen Moor. We received five submissions in response to our draft recommendations, from the Council, the Conservative Group and three local residents.

52 Bury Council supported our draft recommendation proposals for this area. However, the Council also stated that, if responses to consultation were in agreement, Church ward should be renamed to 'Seddons Farm'.

53 The Conservative Group disagreed with our proposal to include properties on the western side of Lowercroft Road at Starling in Church ward, arguing for the

retention of the existing boundary in the area. While we acknowledge this proposal, we were not persuaded that we received compelling evidence to adopt this as part of our final recommendations.

54 Two local residents offered alternative ward names for Church ward. Both argued that this name is 'ambiguous' and therefore does not accurately reflect communities in the area. The submissions each proposed the name of 'Bury West', which mirrors the existing Bury East ward. One submission also proposed a second alternative of 'Elton Vale'.

55 Having carefully considered the evidence provided, we agree that the existing ward name is no longer representative of communities in the area. We therefore propose that the ward is renamed Bury West as part of our final recommendations.

56 We therefore confirm our draft recommendations for Bury West as final, with the exception of the name change described above. Our proposed Bury West ward will have an electoral variance of 1% fewer electors than the borough average by 2026.

Radcliffe East and Radcliffe North & Ainsworth

57 Our draft recommendations for this area were based on a combination of the Council's proposals and the existing boundaries in this area. This included adopting the Council's proposals for Lowercroft Road (as described in paragraph 51), the inclusion of Starling Road and Grindsbrook Road in Radcliffe North ward, and our decision to retain the existing southern boundary between Radcliffe North and Pilkington Park wards. In response to our draft recommendations we received three responses to our proposals, from Bury Conservative Group and two local residents.

58 The Conservative Group proposed that Radcliffe North ward be renamed 'Radcliffe North & Ainsworth', as this more accurately reflects the geographical makeup of the ward.

59 A resident's submission argued that Starling Road and Grindsbrook Road should remain in Radcliffe East, as communities here do not share an identity with those in Ainsworth, who 'don't fully support the community of the town [Radcliffe]'. They also suggested that the area should be represented by four two-councillor wards, rather than the current three three-councillor wards. While we acknowledge these proposals, we are of the view that it is preferable to place distinct communities together in the same ward rather than to split either of the communities between wards, in order to provide for the best balance of our criteria. Furthermore, Bury Council elects by thirds (meaning it has elections in three out of every four years) and there is a presumption in legislation that the Council should have a uniform pattern of three-councillor wards. We have not been persuaded that our statutory criteria would be compromised by a uniform pattern and will therefore not be

adopting these proposals as part of our final recommendations.

60 A further resident's submission stressed that Ainsworth is not recognised as being part of Radcliffe and 'as such Radcliffe North is biased towards the Conservatives whilst the remaining constituents are not'. The resident argued that Ainsworth should be removed from the ward in order to 'give a fair representation'. While we recognise that our recommendations may have local political implications, we are an independent organisation and do not consider the political consequences of our proposals.

61 Having carefully considered the evidence provided, we recommend that Radcliffe North should be renamed Radcliffe North & Ainsworth. Given the evidence received from both the Conservative Group and local residents, we agree that this ward name will better represent the distinct communities which exist in the ward.

62 During the formulation of our final recommendations, we noted a small discrepancy in our draft recommendation electoral figures for Radcliffe North & Ainsworth. Consequentially, this has altered the projected electoral variance for the ward by 1%.

63 We therefore confirm our draft recommendations for Radcliffe East and Radcliffe North & Ainsworth wards as final, with the exception of the name change described above. Our proposed Radcliffe East and Radcliffe North & Ainsworth wards will have electoral variances of 2% fewer and 10% more electors than the borough average by 2026, respectively.

Besses, Pilkington Park and Radcliffe West



Ward name	Number of councillors	Variance 2026
Besses	3	-3%
Pilkington Park	3	-11%
Radcliffe West	3	-2%

Besses, Pilkington Park and Radcliffe West

64 Our draft recommendations for this area were based on the existing warding arrangements in all three wards, with the exception of some minor amendments to follow ground details. In response to our draft recommendations we received six responses to our proposals, from Bury Labour Party and five local residents.

65 Bury Labour Party argued that the Council's proposals at a previous stage of consultation, which would have included Outwood in Pilkington Park ward, provide improved levels of electoral equality and should therefore be adopted. While we acknowledge that our proposals will lead to Pilkington Park ward having 11% fewer electors than the borough average by 2026, we have been persuaded by the strength of community evidence from local residents and are of the view that this proposal provides for the best balance of our statutory criteria.

66 A local resident suggested that Pilkington Park and Besses wards should be renamed 'Whitefield East' and 'Whitefield West', or 'Whitefield Stand' and 'Whitefield Besses'. They argued that 'there is no such thing as a Pilkington Park and the Pilkington family have long gone'. However, we have not been persuaded that these names would better reflect the geographical spread of communities in the area or that they are locally recognised.

67 Four submissions were supportive of our draft recommendation proposals.

68 We therefore confirm our draft recommendations for Besses, Pilkington Park and Radcliffe West wards as final. Our proposed Besses, Pilkington Park and Radcliffe West wards will have electoral variances of 3% fewer, 11% fewer and 2% fewer electors than the borough average by 2026, respectively.

Holyrood, Sedgley and St Mary's



Ward name	Number of councillors	Variance 2026
Holyrood	3	1%
Sedgley	3	3%
St. Mary's	3	3%

Holyrood, Sedgley and St. Mary's

69 Our draft recommendations for this area were based on the Liberal Democrat Group's proposals for all three wards. In response to our draft recommendations we received one response to our proposals, from a local resident.

70 The local resident suggested that the wards be renamed 'Prestwich St. Mary's', 'Prestwich Sedgley' and 'Prestwich Heys and Simister'. However, in our view, this proposal was not supported by persuasive evidence.

71 We therefore confirm our draft recommendations for Holyrood, Sedgley and St. Mary's wards as final. Our proposed Holyrood, Sedgley and St. Mary's wards will have electoral variances of 1% more, 3% more and 3% more electors than the borough average by 2026, respectively.

Conclusions

72 The table below provides a summary as to the impact of our final recommendations on electoral equality in Bury, referencing the 2020 and 2026 electorate figures against the proposed number of councillors and wards. A full list of wards, names and their corresponding electoral variances can be found at Appendix A to the back of this report. An outline map of the wards is provided at Appendix B.

Summary of electoral arrangements

	Final recommendations	
	2020	2026
Number of councillors	51	51
Number of electoral wards	17	17
Average number of electors per councillor	2,914	2,907
Number of wards with a variance more than 10% from the average	2	1
Number of wards with a variance more than 20% from the average	0	0

Final recommendations

Bury Council should be made up of 51 councillors serving 17 three-councillor wards. The details and names are shown in Appendix A and illustrated on the large maps accompanying this report.

Mapping

Sheet 1, Map 1 shows the proposed wards for Bury.

You can also view our final recommendations for Bury on our interactive maps at www.consultation.lgbce.org.uk

What happens next?

73 We have now completed our review of Bury Council. The recommendations must now be approved by Parliament. A draft Order – the legal document which brings into force our recommendations – will be laid in Parliament. Subject to parliamentary scrutiny, the new electoral arrangements will come into force at the local elections in 2022.

Equalities

74 The Commission has looked at how it carries out reviews under the guidelines set out in Section 149 of the Equality Act 2010. It has made best endeavours to ensure that people with protected characteristics can participate in the review process and is sufficiently satisfied that no adverse equality impacts will arise as a result of the outcome of the review.

Appendices

Appendix A

Final recommendations for Bury Council

	Ward name	Number of councillors	Electorate (2020)	Number of electors per councillor	Variance from average %	Electorate (2026)	Number of electors per councillor	Variance from average %
1	Besses	3	8,503	2,834	-3%	8,420	2,807	-3%
2	Bury East	3	8,981	2,994	3%	8,923	2,974	2%
3	Bury West	3	8,691	2,897	-1%	8,635	2,878	-1%
4	Elton	3	9,181	3,060	5%	9,102	3,034	4%
5	Holyrood	3	8,919	2,973	2%	8,808	2,936	1%
6	Moorside	3	8,722	2,907	0%	8,593	2,864	-1%
7	North Manor	3	7,709	2,570	-12%	8,009	2,670	-8%
8	Pilkington Park	3	7,828	2,609	-10%	7,722	2,574	-11%
9	Radcliffe East	3	8,366	2,789	-4%	8,520	2,840	-2%
10	Radcliffe North & Ainsworth	3	9,696	3,232	11%	9,620	3,207	10%
11	Radcliffe West	3	8,624	2,875	-1%	8,525	2,842	-2%
12	Ramsbottom	3	9,310	3,103	7%	9,329	3,110	7%

	Ward name	Number of councillors	Electorate (2020)	Number of electors per councillor	Variance from average %	Electorate (2026)	Number of electors per councillor	Variance from average %
13	Redvales	3	8,700	2,900	0%	8,690	2,897	0%
14	Sedgley	3	8,874	2,958	2%	8,942	2,981	3%
15	St Mary's	3	8,887	2,962	2%	9,009	3,003	3%
16	Tottington	3	8,788	2,929	1%	8,731	2,910	0%
17	Unsworth	3	8,816	2,939	1%	8,692	2,897	0%
	Totals	51	148,595	–	–	148,270	–	–
	Averages	–	–	2,914	–	–	2,907	–

Source: Electorate figures are based on information provided by Bury Council.

Note: The 'variance from average' column shows by how far, in percentage terms, the number of electors per councillor in each electoral ward varies from the average for the borough. The minus symbol (-) denotes a lower than average number of electors. Figures have been rounded to the nearest whole number.

Appendix B

Outline map



A more detailed version of this map can be seen on the large map accompanying this report, or on our website: www.lgbce.org.uk/all-reviews/north-west/greater-manchester/bury

Appendix C

Submissions received

All submissions received can also be viewed on our website at:
www.lgbce.org.uk/all-reviews/north-west/greater-manchester/bury

Local Authority

- Bury Council

Political Groups

- Bury Conservative Group
- Bury Labour Party

Local Residents

- 17 local residents

Appendix D

Glossary and abbreviations

Council size	The number of councillors elected to serve on a council
Electoral Change Order (or Order)	A legal document which implements changes to the electoral arrangements of a local authority
Division	A specific area of a county, defined for electoral, administrative and representational purposes. Eligible electors can vote in whichever division they are registered for the candidate or candidates they wish to represent them on the county council
Electoral fairness	When one elector's vote is worth the same as another's
Electoral inequality	Where there is a difference between the number of electors represented by a councillor and the average for the local authority
Electorate	People in the authority who are registered to vote in elections. For the purposes of this report, we refer specifically to the electorate for local government elections
Number of electors per councillor	The total number of electors in a local authority divided by the number of councillors
Over-represented	Where there are fewer electors per councillor in a ward or division than the average
Parish	A specific and defined area of land within a single local authority enclosed within a parish boundary. There are over 10,000 parishes in England, which provide the first tier of representation to their local residents

Parish council	A body elected by electors in the parish which serves and represents the area defined by the parish boundaries. See also 'Town council'
Parish (or town) council electoral arrangements	The total number of councillors on any one parish or town council; the number, names and boundaries of parish wards; and the number of councillors for each ward
Parish ward	A particular area of a parish, defined for electoral, administrative and representational purposes. Eligible electors vote in whichever parish ward they live for candidate or candidates they wish to represent them on the parish council
Town council	A parish council which has been given ceremonial 'town' status. More information on achieving such status can be found at www.nalc.gov.uk
Under-represented	Where there are more electors per councillor in a ward or division than the average
Variance (or electoral variance)	How far the number of electors per councillor in a ward or division varies in percentage terms from the average
Ward	A specific area of a district or borough, defined for electoral, administrative and representational purposes. Eligible electors can vote in whichever ward they are registered for the candidate or candidates they wish to represent them on the district or borough council

The Local Government Boundary Commission for England (LGBCE) was set up by Parliament, independent of Government and political parties. It is directly accountable to Parliament through a committee chaired by the Speaker of the House of Commons. It is responsible for conducting boundary, electoral and structural reviews of local government.

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Classification	Item No.
Open	

Meeting:	Democratic Arrangements Forum Standards Committee Council
Meeting date:	15 th November 2021 24 th November 2021
Title of report:	Bury Council Constitution Update Report
Report by:	The Monitoring Officer
Decision Type:	Council
Ward(s) to which report relates	All

EXECUTIVE SUMMARY:

The Council's constitution was reviewed and updated during the municipal year 2020/21. In considering the new Constitution, Members agreed that it would be reviewed annually to ensure that the changes proposed as a result of the review were fit for purpose. The Council has subsequently appointed a new Monitoring Officer with responsibility for oversight of the Constitution. Following discussions, with the Mayor, Group Leaders and Members of the Standards Committee, the Monitoring Officer has recommended a series of amendments as well as a schedule for future review. The proposed changes include;

- Reduction in the number of Articles (Appendix A)
- Amendments to the Council and Committee Procedure Rules (Appendix B& C)
- Amendments to the Cabinet Portfolios (Appendix D)
- Amendments to the Committee Membership (Appendix E)
- Schedule for review (Appendix F)
- Terms of reference (Appendix G)

INTRODUCTION

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 review regularly.

BACKGROUND

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

A Constitution Direction was issued by the Secretary of State in December 2000 requiring 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.

Bury's Council Constitution is organised into 9 Parts (many divided into a number of sections). The existing Council's Constitution is available on the Council's external website <https://www.bury.gov.uk/index.aspx?articleid=15900>

It should be noted that under the Leader and Cabinet form of executive governance, responsibility for the delegation of executive functions, including those local choice functions which the Council has designated as executive functions, does not rest with the Council, but is the responsibility of the Leader. The Leader may determine to exercise executive functions personally or to delegate their discharge to the Executive, a Committee of the Executive, an Executive Member, an area committee or an officer of the Council (without prejudice to the Leader's ability to exercise such functions personally).

The areas reviewed were informed by Elected Member feedback and conversations with the Mayor and issues raised by group leaders following meetings of Full Council.

Proposed changes

The report therefore seeks Council's approval to amend the Constitution to incorporate the following changes:

1. Reduction in the number of Articles (Appendix A)

The number of Articles has been reduced making them more concise and to avoid duplication.

2. Proposed Updates to the Council Procedure Rules (Appendix B)

It is proposed to separate Council procedure rules to Committee procedure rules, this change will allow the rules to be more clearly set out within the constitution and aid accessibility. In addition the following changes are proposed.

- Separation of the rules for meetings of Full Council and Council Committee meetings
- Changes to the items of business which may be carried out at Council
- Notice of written questions
- Time Extended for oral questions
- Questions to the Combined Authority and updates
- Emergency Motions, when a motion can be withdrawn and exceptions
- Clarification of interests under the code of conduct
- State of the Borough debate

The proposed changes are marked bold in Appendix B

3. Proposed Updates to the Committee Procedure Rules (Appendix C)

These Committee rules will apply to all meetings of the Cabinet, Scrutiny, Regulatory Committees, the Health and Wellbeing Board and the Corporate Parenting Board.

In addition this report seeks Council's approval to amend the Constitution to incorporate the following agreed changes:

- Time of meetings – amendment to allow the ability to hold additional meetings
- Member question time – Meetings of cabinet and scrutiny
- Voting on appointments
- Suspension and amendment of rules
- Clarification regarding interests under the Code of conduct
- Programme of work
- Members and Officers giving account – clarified wording in relation to scrutiny work
- Post call in
- Inclusion of the call in procedure

The proposed changes are marked bold in Appendix C

4. Amendments to the Cabinet Portfolios – Details at Appendix D

This report seeks Council's approval to amend the Constitution to incorporate the changes in the Cabinet portfolios following Annual Council, the full details at Appendix D.

5. Details of the updated Committee membership are attached at Appendix E

This report seeks Council's approval to amend the Constitution to incorporate the changes in the Committee membership, the full details at Appendix D.

6. Details of constitution review schedule Appendix F

Schedule F set out proposals for the forward plan setting out when constitutional reviews will be brought forward

Recommendations

Members of council are asked to -

1. Adopt the revised sections of the constitution as highlighted in the sections appended.
 - Reduction in the number of Articles (Appendix A)
 - Updates to the Council Procedure Rules (Appendix B)
 - Updates to the Committee Procedure Rules (Appendix C)
 - Amendments to the Cabinet Portfolios and Committee Membership – Details at Appendix D
 - Details of the updated Committee membership are attached at Appendix E
2. Readopt the remainder of the constitution
3. Note the annual review of the constitution and review schedule as set out in Appendix F
4. Note the terms of reference as set out in Appendix G

Community impact/links with Community Strategy

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

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>
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	

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.

Consultation:

Group Leaders and the Mayor at the Democratic Arrangements Forum and Members of the Standards Committee.

Legal Implications:

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

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

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

A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours. A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine. The Bury constitution is made available on our public website.




It is for the Monitoring Officer to monitor and review the operation of the constitution on an ongoing basis and where necessary bring forward amendments to Council.

Financial Implications:



There are no financial implications arising from this Report.

Report Author and Contact Details:



Jacqui Dennis, Monitoring Officer and Council Solicitor



Section of the Constitution	Current	Amend to
Article 1	Bury 2030 Information	 Article 1.docx
Article 2		
2.2.10	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	<p>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.</p> <p>Similarly the political group should not direct its members how to decide matters for consideration at any of the Council's three scrutiny committees</p>  Article 2.docx
Article 3		 Article 3 .docx
Article 4		

2.4.4 (election)	<p>The Mayor and the Deputy Mayor are elected by Council annually.</p> <p>The Mayor and Deputy Mayor cannot be members of the Cabinet or Deputy Members of the Cabinet.</p>	<p>The Mayor and the Deputy Mayor are elected by Council annually. The Deputy Mayor following their term of office will assume the role of Mayor, subject to agreement at Annual Council.</p> <p>Without prejudice to above, the Leaders of the political groups represented on the Council agree that the determination of the Mayor and Deputy Mayor in future years, will be agreed by the Majority group in consultation with the Democratic Arrangements Forum. Being mindful of the agreed rotation of 2 ruling group terms of mayoral office to every one term for the opposition groups.</p> <p>The Mayor and Deputy Mayor cannot be members of the Cabinet or a Deputy Cabinet Member.</p> <div data-bbox="1317 778 1377 842" data-label="Image"> </div> <p>Article 4.docx</p>
2.4.4 (functions)	<p>g) to approve, as urgent, decisions which will not be subject to call in, when no chair of a Scrutiny Committee is available.</p>	<p>g) to approve, as urgent, special urgency decisions (part 4 section 2) which will not be subject to call in, when no chair of a Scrutiny Committee is available.</p> <p>h) to Chair meetings of the Standards Committee</p>
Article 5		<p>Minor amends to reflect the changes in the Articles below.</p>

		 Article 5 .docx
Article 6-8	Article 6 – Overview and Scrutiny Article 7 – Audit Committee Article 7a – Standards Committee Article 8 – Planning Licensing and other Functions	Condense into one article – rename Committee structure (functions are already included in Part 3 section 5&6, add in committee composition). Include the Radcliffe Cabinet Committee and also Corporate JCCs and JCC Teachers.  Article 6.docx
Article 7 (was Article 9) 2.7.2	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, 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.	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 (the local Authority and the Clinical Commissioning Group), 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.

<p>2.7.3</p>	<p>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.</p> <p>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.</p>	<p>b) Councillors who are not members of the Cabinet may be appointed to a joint committee in line with the rules governing political proportionality.</p> <p>Access to information rules (Part 4 Section 2) will apply to Members of Joint Committees in the same way as they do to Members of the Council</p>
<p>2.7.4</p>	<p>2.9.4. Greater Manchester Combined Authority and Joint Committees</p> <p>Joint arrangements include the Council's participation in the following Joint Committees:</p> <ul style="list-style-type: none"> • Association of Greater Manchester Authorities (AGMA) Cabinet Board, and its Commissions and sub-committees • (Including the Statutory Functions Committee) • Transport for Greater Manchester Committee 	<p>2.7.4. Greater Manchester Combined Authority and Joint Committees</p> <p>Joint arrangements include the Council's participation in the following Joint Committees:</p> <p>GM Combined Authority GM Waste & Recycling Committee GMCA Audit Committee GM Transport Cttee (formerly TfGMC) GM Culture & Social Impact Fund Cttee GM Work & Skills Executive Health & Social Care Partnership Board Health & Social Care - Joint Commissioning Board GMCA & AGMA Scrutiny Committees Clean Air Charging Authorities Committee</p>

<p>2.7.7</p> <p>2.7.8</p>	<ul style="list-style-type: none"> • 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 <p>SACRE</p> <p>Safeguarding Board</p> <p>Other Partnerships</p>	<p>Air Quality Administration Committee</p> <p>AGMA Executive Board</p> <p>Draft Joint Development Plan – Places for Everyone Committee</p> <p>Statutory Functions Committee</p> <p>Police and Crime Panel</p> <p>Police & Crime Steering Group</p> <p>GM Health Scrutiny Committee</p> <p>Planning and Housing Commission</p> <p>GM Pensions Fund Management Panel</p> <p>Awaiting a response from Children’s services</p> <p>Updated narrative to Bury Integrated Safeguarding Partnership</p> <p> Article 7 .docx</p>
<p>Article 8 (was Article 10)</p>		<p> Article 8.docx</p>
<p>Article 9 (was Article 11)</p>		

<p>2.9.1</p> <p>2.9.2</p>	<p>g) follow proper procedures.</p> <p>How the council and cabinet discharge those functions are set out in the functions scheme</p>	<p>g) follow the proper procedures as set out in the Constitution.</p> <p>How the council and cabinet discharge those functions are set out in the functions scheme. Decisions may be delegated to Officers and this will be set out in the Officer Scheme of Delegation. (Part 3).</p> <p></p> <p>Article 9.docx</p>
<p>Article 10 (was Article 12)</p> <p>2.10.11</p>	<p>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.</p>	<p>The affixing of the Common Seal shall be attested by the Chief Executive or Council Solicitor or some other person authorised by him/her.</p> <p></p> <p>Article 10.docx</p>

Section 1 – Council procedure rules

These rules set out how meetings of full Council, will be conducted * denotes rules which cannot be suspended.

4.1.1 Application

* All of these rules apply to the meetings of the full Council.

4.1.2 Interpretation

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

4.1.3 Appointment of mayor

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.

4.1.4. Council meetings

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

No	Type of meeting	When
1	The annual meeting	In each year following an election by thirds in May. In a year when there have been all out ordinary elections, within 21 days of the retirement of outgoing Councillors
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 below.
3	Extraordinary meetings	The Chief Executive may be requested to call a meeting by: <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

No	Type of meeting	When
		<p>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> <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>

4.1.5. Business to be carried out

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.

Items of business and types of meeting				
No.	Item of business	Annual meeting	Ordinary meeting	Extra-ordinary meeting
1	Elect a person to preside if the Mayor and Deputy-mayor of the council are not present	Yes **	Yes **	Yes **
2	Elect the Mayor of the Council	Yes **	-	-
3	Appoint the Deputy Mayor of council	Yes **	-	-
4	Receive any apologies for absence	Yes **	Yes **	Yes **
5	Receive any declarations of interest	Yes **	Yes **	Yes **
6	Approve the minutes of the previous meeting(s)	Yes **	Yes **	-
7	Receive any announcements from the Mayor and/or Chief Executive	Yes	Yes	-
8	Elect the Leader of the Council	Yes **	-Yes	-Yes
9	Appoint the Chair of Committees and other bodies	Yes **	-Yes	
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	Yes **	-Yes	-
11	Decide the size and terms of reference of those Committees	Yes **	Yes	-

Items of business and types of meeting				
No.	Item of business	Annual meeting	Ordinary meeting	Extra-ordinary meeting
12	Decide the allocation of seats on Committees and other bodies to political or other groups in accordance with the political balance rules	Yes **	-Yes	-
13	Make such appointments to Committees or outside bodies as are reserved to the Council	Yes **	-Yes	-
14	Approve a programme of ordinary meetings of the Council for the year	Yes	Yes	
15	Consider any other business specified in the summons to the meeting	Yes	Yes	Yes
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	-	Yes	Yes
17	Receive recommendations on statutory plans or other matters that are reserved to the Council	-	Yes	-
18	Consider and debate any petitions which have reached the threshold for Council consideration	-	Yes	-Yes
19	<p>Receive the following reports from the Leader of the Council (on which they may be questioned and if so, answer written questions for a period of 30 minutes and verbal questions for a period of 20 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 report on the work of the Combined Authority of which there will be questions for 20 minutes 	-	Yes	-
20	Consider motions and debate those motions in an order which alternates between the political groups represented on the Council. At the budget meeting motions must relate to the agenda or be time critical.		Yes	

4.1.6. Time of meetings

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.

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
- (4)** (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.

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

4.1.7. Notice of meetings

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).

4.1.8. Conduct of the meeting

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.

4.1.9. Quorum

Subject to any specific statutory requirement, the quorum of a Full Council meeting will be one quarter of the whole number of voting members.

4.1.9.1 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.

4.1.9.2 * 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.

4.1.9.3 * Subject to 4.8.4 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.

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

4.1.10 Variations in order of business

The mayor has discretion to vary the order of business in setting the agenda.

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.

4.1.11. Petitions

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. (Public Participation guide Part 5).

4.1.12. Questions by the public

Questions may be asked by members of the public who live or work in Bury.

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. Members of the public may ask questions of Members of the Cabinet and any chair of a Committee of the Council.

4.1.13. Notice of public questions

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 (democratic.services@bury.gov.uk) no later than midday two days before the day of the meeting (e.g. midday 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 after the meeting and shall be made available to the public attending the meeting.

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.

4.1.14. Order and number of public questions

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.

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

4.1.15. Scope of public questions

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) it is defamatory, frivolous or offensive;
- (d) it is substantially the same as or similar to a question which has been put at a meeting of the Council, in the past six months;
- (e) 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.

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.

Where a question is accepted but it is directed at the incorrect meeting The Monitoring Officer is authorised to direct the question to the correct meeting.

4.1.16. Answers to public questions

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 and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.17. Restrictions on asking public questions

No questions may be asked at the Annual Meeting of the Council.

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

4.1.18. Written Questions from Councillors

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.

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.

4.1.19. Notice of written questions

A member may ask a question only if either:

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

b) Questions will alternate between the political groups represented on the Council and will be ordered politically proportionally; each Member will be able to submit two question with a maximum of eight questions per group.

4.1.20. Oral Questions from Councillors

Oral Questions may be asked by members of the council at Full Council. A period of up to 20 minutes will be allocated for questions. This period may be varied at the discretion of the mayor.

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.

Leaders of each of the opposition groups will be invited to put their questions first. Questions will alternate between the political groups and will be ordered politically proportionally.

4.1.21. Scope of questions – See 4.1.15 above

4.1.22. Asking the Question at the meeting

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

4.1.23 Asking a supplementary question

A member who has submitted a written question 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 4.1.15 above, or if the question takes the form of a statement or more than a minute to ask.

4.1.24. Answers to Councillors' questions – See 4.16 above

4.1.25. Combined Authority Update

At ordinary meetings of the Council there will be a report for information from the Combined Authority and questions to their representatives.

A question must relate to the functions of Joint Authorities or the work of outside bodies or partnerships. A member may ask a question only if notice has been given by delivering it in writing or by email to democratic.services@bury.gov.uk or to the Monitoring Officer no later than midday six clear working days before the day of the meeting (e.g. midday 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 9.30am.

A member who has submitted a written question may also ask one supplementary question. A supplementary question must arise directly out of the original question or the reply.

Joint Authority representatives in receipt of a Special Responsibility Allowance will be required to attend Overview and scrutiny Committee meetings at the request of the Chair.

No questions to the Combined authority may be asked at meetings of Annual Council, the budget meeting or at an extraordinary meeting of the Council

Members may submit no more than one written question (and no more than 3 per group) at any one meeting. Questions will rotate between the political groups and will be ordered politically proportionally.

4.1.26. Motions

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.

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.

4.1.27. Motions set out in the agenda

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.

4.1.28. Scope

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, 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.

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.

4.1.29. Withdrawal of a Motion

A member may withdraw a motion which they have moved without the consent of either the meeting and/or the seconder.

4.30. Exceptions

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. **The motion must be delivered to the Monitoring Officer by 9.30 am on the day of the meeting.**

4.31. Motions without notice

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
- (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.

4.1.32 Rules of debate

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

No member may speak unless called upon by the Mayor. Speeches must be directed to the matter being debated.

4.1.33 When a member may speak

Members may speak as detailed in the table below.

Purpose of speech	Who can make the speech	Length of speech
Present a report	Leader (or their nominee), Cabinet member, Committee chair	5 minutes
Propose original motion	Proposer	5 minutes
Second the motion	Seconder (may reserve their right to speak until the end of the debate)	3 minutes
Propose an amended motion	Any member other than proposer/seconder of original motion	3 minutes
Second an amended motion	Any member other than proposer/seconder of original motion	3 minutes
Speak during debate	Any member other than proposer and seconder 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 (or their nominee)	10 minutes
Second the budget	Deputy Leader (or their nominee)	5 minutes
Respond to budget proposals	Group leaders (or their nominee)	5 minutes
Right to reply to budget debate	Leader (or their nominee)	5 minutes
Moving a Budget Amendment	Opposition Leader (or their nominee)	5 minutes
Point of order	Any member	2 minutes
Personal explanation	Any member	2 minutes
State of the Borough Debate	Leader or Deputy Leader	10 minutes

4.1.34 Amendments to motions

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

4.1.34.1 Amendments will be considered in the order in which they are received. The amendment must be delivered to the Monitoring Officer by 9.30 am on the day of the meeting. Following consideration by the Monitoring Officer the content of the amendment will be shared, other than amendments made in advance of Budget Council; unless the Group Leader or their representative provides express permission to do so.

No further amendment may be moved until the amendment under discussion has been debated and voted on.

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

4.1.34.3 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. 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.

4.1.34.4 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.

4.1.34.5 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.

4.1.35 Alteration of motion

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.

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.

Only alterations which could be made as an amendment may be made.

4.1.36 Right of reply

The proposer of an original motion has a right to reply at the close of the debate on the motion.

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.

The proposer of an amended motion shall have no right of reply to the debate on the amendment.

4.1.37 Motions which may be moved during debate

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.

4.1.38 Closure motions

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.

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.

4.1.39 Point of order

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.

4.1.40 Personal explanation

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.

4.1.41 Motion to rescind a previous decision

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

4.1.42 Motion similar to one previously rejected

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.

* 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.

4.1.43 Voting majority

* 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.

4.1.44 Mayor's casting vote

* 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.

4.1.45 On the voices and show of hands

* 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/ask members to stand.

4.1.46 Recorded vote

* If at least eight members 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.

* 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.

4.1.47 Right to require individual vote to be recorded

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

4.1.48 Voting on appointments

* 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.

4.1.49 Keeping and Signing of the minutes

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

* 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.

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

* 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.

4.1.51 Record of Attendance

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

4.1.52 Exclusion of the public

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

4.1.53 Members' conduct

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

4.1.53.1* 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.

4.1.53.2* 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.

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

4.1.53.4* 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.

4.1.54 Disturbance by the public

* 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.

* 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

4.1.55 Suspension and amendment of council rules

* 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 For ease of reference the rules which cannot be suspended are identified by the symbol *

* 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.

4.1.56 Recording, filming and reporting of meetings

Where meetings of Full 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.

4.1.57 * Interests under the Councillors' Code of Conduct

* Members must abide by the Councillors' Code of Conduct (part 5) 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.

4.1.58 * Confidentiality

* 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). 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.

4.1.59 State of the Borough Debate

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 a report on the state of the Borough will be brought to Full Council by the Leader of the Council or in the absence the Deputy Leader.

Committee Procedure Rules

These Committee rules will apply to all meetings of the Cabinet, Scrutiny, Regulatory Committees, the Health and Wellbeing Board and the Corporate Parenting Board.

The ruling of the 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.

4.1.60 Notice of meetings

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).

4.1.61 Time of meetings

Meetings will be held in accordance with the programme of ordinary meetings agreed by the Council any change in start time must be agreed by the Chair in consultation with the Leader.

The Chair 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.

The meeting will continue for a maximum of three hours, excluding the period taken up by public question time.

At the expiry of three hours, excluding the period taken up by public questions, the Chair 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 Chair; or
 - (iv) some business be put to the vote immediately and other business deferred in accordance with rules (i) and (iii) above; or

- (4) (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.

The Chair 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 approval

4.1.62 Conduct of the meeting

The Chair'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 Chair on the meaning of the Constitution cannot be challenged at a meeting.

4.1.63 Appointment of Chair

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

4.1.64 Quorum

Subject to any specific statutory requirement, the quorum of a meeting will be three voting members, or for a sub committee two voting members.

A **quorum** of four will apply for meetings of the Health and Wellbeing Board including at least one elected member from the Council or one representative of the Clinical Commissioning Group or a nominated substitute.

4.1.64.1 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.

4.1.64.2 * 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.

4.1.64.3 * Subject to 4.1.64.4 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.

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

4.1.65 Variations in order of business

The Chair has discretion to vary the order of business.

4.1.66 Questions by the public

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

- Cabinet
- Health and Wellbeing Board
- Scrutiny committees
- Licensing and Safety Committee
- Strategic Commissioning Board

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 Chair.

4.1.67 Notice of public questions

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 (democratic.services@bury.gov.uk) no later than midday two days before the day of the meeting (e.g. midday 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 after the meeting and shall be made available to the public attending the meeting.

A questioner who is present at the meeting and who has submitted a written question may, at the discretion of the Chair, ask one supplementary question. A supplementary question must arise directly out of the original question or the reply. **A question must relate to an item included on the agenda or referenced in the Minutes, or an area to which the committee has responsibility.**

4.1.68 Order and number of public questions

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.

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

4.1.69 Scope of public questions

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) it is defamatory, frivolous or offensive;
- (d) it is substantially the same as or similar to a question which has been put at a meeting of the Council, in the past six months;
- (e) 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.

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.

Where a question is accepted but it is directed at the incorrect meeting The Monitoring Officer is authorised to direct the question to the correct meeting.

4.1.70. Answers to public questions

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 and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.71 Member Question Time – Meetings of Cabinet and Scrutiny

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.

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 (democratic.services@bury.gov.uk) no later than midday three days before the day of the meeting (e.g. midday on a Friday where the meeting is on a Wednesday).

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

Members may submit no more than one written question (and no more than 5 per group) at any one meeting and must relate to an item included on the agenda or referenced in the Minutes. Questions will rotate between the political groups and will be ordered politically proportionally.

4.1.72 Point of order

A member may raise a point of order at any time and the Chair 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 Chair on the matter will be final and there will be no debate on the matter.

4.1.73 Conduct of the debate

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

4.1.74 Motion to rescind a previous decision

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

4.1.75 Voting majority

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.

4.1.76 Chair's casting vote

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

4.1.77 Right to require individual vote to be recorded

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

4.1.78 Voting on appointments

* 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.

4.1.79 Keeping and Signing the minutes

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

The Chair will sign the minutes at the next available meeting. The Chair 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.

4.1.80 Record of Attendance

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

4.1.81 Exclusion of the public

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

4.1.82 Members' conduct

If a member is guilty of misconduct by persistently disregarding the ruling of the Chair, 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.

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.

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

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

4.1.83 Disturbance by the public

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

If there is a general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared and the Chair 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

4.1.84 Suspension and amendment of Committee rules

* Any of the Committee rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, for ease of reference the rules which cannot be suspended are identified by the symbol *

* Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the Committee 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.

4.1.85 Recording, filming and reporting of meetings

Where meetings of Full 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.

4.1.86 Interests under the Councillors' Code of Conduct

* Members must abide by the Councillors' Code of Conduct (part 5) 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.

4.1.87 Confidentiality

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). Any alleged breaches shall be referred by the Chair of the to the Monitoring Officer for consideration and report if not previously referred by

some other person. The Chair may require the surrender of such material at the end of discussion of the relevant item.

4.1.88 Substitution

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.

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.

Other members may be invited to attend and speak at the discretion of the chair of the meeting.

4.1.89 Programme of work

Each Committee will be responsible for setting their own work programmes. In setting their work programme each committee shall have regard to the resources (including officer time) available. Officer support will be provided to each Committee, the level of which will be dependent on the matter being considered. Lead Officer will be identified for each Committee.

A Committee may appoint a task and finish group for any activity within the committee's agreed work programme.

4.1.90 Withdrawal of an agenda item

Following publication of the agenda, the Chair, in consultation with the Council's Monitoring Officer may agree that an item may be removed from the agenda.

4.1.91 Urgent Business

Following publication of the agenda the Chair, in consultation with the Council's Monitoring Officer, can agree the consideration of any other business which by reason of special circumstances may be considered as a matter of urgency.

Additional rules for Cabinet

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.

4.1.92 Who may attend and speak at Cabinet?

1. Members of the public and elected members who have submitted a question for Cabinet
2. Where relevant to the agenda, the chairs of the scrutiny committees have the right to attend Cabinet meetings for the purpose of presenting any recommendations from their committee
3. Group leaders have the right to attend Cabinet meetings (as non voting Members) 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

4. 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
5. Other members may be invited to attend and speak at the discretion of the chair of the meeting.

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.

4.1.93. Decision taking

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.

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.

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.

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.

4.1.94. Form of business

In addition to the standard agenda items, the Cabinet will conduct the following business at its meetings:

1. Consideration of matters referred to the cabinet or reports from a scrutiny committee or the Council
2. Consideration of reports from the statutory officers
3. Any other matters set out in the agenda for the meeting

4.1.95. Leader's report

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:

1. 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;
2. Any recommendations of the Cabinet in respect of the budget and policy framework;
3. Any report to the Council required by a scrutiny committee; and

4. A summary and particulars of any urgent decision made under paragraphs (urgent decisions).

4.1.96. Decisions subject to call in by scrutiny committees

Other than decisions taken under the urgency provisions of the access to information rules (part 4) 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.

4.1.97. Individual Cabinet Member or Officer Decisions

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).

4.1.98. Urgent decisions

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

Additional rules for Overview and Scrutiny

The Council has decided that it will have three overview and scrutiny committees (an Overview and Scrutiny Committee, a Health Scrutiny Committee and a Children and Young People Scrutiny Committee) which will have responsibility for all the overview and scrutiny functions on behalf of the Council as set out in part 3.

4.1.99 Who may sit on an overview and scrutiny committee?

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.

4.1.100 Co-option

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.

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.

4.1.101 Task and Finish Groups

An Overview and Scrutiny Committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. 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.

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. No co-opted members of task and finish groups will have voting powers (unless they are the education co-optees). Matters put to the vote will be determined on a simple majority with the task and finish group chair having a casting vote.

Task and finish groups, as working groups of the committee, are not subject to the requirements of political proportionality.

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.

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).

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.

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.

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.

4.1.102. Overview and scrutiny committee agendas

In addition to the standard agenda items, At each of its ordinary meetings an overview and scrutiny committee shall consider the following business, where appropriate:

- (1) any matter called-in
- (2) 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
- (3) consideration of any budget and policy framework items
- (4) any response to reports of the overview and scrutiny committee
- (5) any item requested to be placed on the agenda by a member of the committee
- (6) any Councillor call for action
- (7) any report from a task and finish group;
- (8) any business otherwise set out on the agenda for the meeting including items as identified in the work programme.

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.

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. 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.

4.1.103. Councillor Call for action

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 discussion at the next available meeting of the relevant overview and scrutiny committee. (subject to it falling within the statutory definition) (Further guidance in respect of the Councillor call for action is contained in Part 5).

4.1.104. Policy review and development

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). 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.

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.

4.1.105. Reports from the overview and scrutiny committees

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. If any review is in response to a request from Council, the overview and scrutiny committee shall report its findings to the Council.

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), the Chief Executive shall arrange for that Cabinet member to consider the report.

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.

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.

4.1.106. Making sure that overview and scrutiny reports are considered by the Executive

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.

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.

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.

4.1.107. Rights and powers of overview and scrutiny committee members

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.

4.1.108. Members and officers giving account

An overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Executive functions, or as provided by statute certain other bodies. The Scrutiny Committee can also help develop the Councils policies, review the effectiveness of current policies and scrutinise the work of the Executive and its decision making. 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.

It is the duty of those persons to attend if so required:

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.

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.

Unless in exceptional circumstances, any witnesses required to attend any meetings 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.

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

4.1.109. Call in

"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.

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.

- 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.
- 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.

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

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

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 five working days after the date of publication, unless it is called in under these call in rules.

To call the decision in a call in notice must be received by 5.00pm and must:

- (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 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.

4.1.111 Limitations of call in

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.

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), that decision will not be subject to call in.

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.

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.

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.

The consent to the decision being taken as a matter of urgency will be recorded on the published notice of the decision and must be reported to the next available meeting of the Council, together with the reasons for urgency.

4.1.112. Post call in

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.

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.

If accepted as valid, the Monitoring Officer will then advise the original decision maker of the call in.

- 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 five working days of the Monitoring Officer accepting the validity of the call in notice.
- Having considered the decision in light of the grounds and evidence for the call in, the options available to the Scrutiny Committee are as follows:
 1. The Scrutiny Committee decides not to offer any comments on the Notice. In this situation the decision of the Cabinet will stand.
 2. The Scrutiny Committee decides to offer comments or objections, which will be referred back to the next Cabinet meeting.
 3. The Scrutiny Committee may refer the Notice, without comment, to the Council. The matter will then be considered by the Council (a standard item appears on all Council summons to consider referrals from Scrutiny Committees). Any comments or objections from Council will be referred back to the Cabinet at the earliest opportunity. (Call in protocol is detailed below).

The Cabinet will be required to consider any objections and comments but will not be bound by them unless it is contrary to the Policy Framework or contrary to or not wholly consistent with the Budget.

- 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.
- 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.

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 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.

4.1.113. Extension of time limit

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.

4.1.114. Pre decision call in and the forward plan

The overview and scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions and in doing so, may identify a forthcoming decision on the forward plan relevant to the remit of the committee and examine the issues around it.

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.

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.

4.1.114. Party whip

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 consideration.

Call in Procedure:

Date: Meeting to be 'called 'within 5 working days of the receipt of Call-in Notice. The Statutory Scrutiny Officer to consult with Chair and Cabinet Member (and Leader).

Agenda:

Will include:

- Original decision report and all paperwork considered by the Cabinet / Call in Notice / Cabinet Minute.
- PQT item will refer only to "questions in relation to the called in item."
- No minutes of the last meeting to be included.
- Wording to be set out under the main agenda item as follows:

"Following the receipt of a Notice of Call-in within the required deadline, from Councillors XXXXXXXXXX calling in the decision of the Cabinet set out in Minute CA.XXX of the meeting held on XXX, a meeting of the Committee has been convened in order to consider the matter in accordance with the reasons set out on the Notice of Call-In.

In considering the matter, the options available to the Scrutiny Committee are as follows:

1. The Scrutiny Committee decides not to offer any comments on the Notice. In this situation the decision of the Cabinet will stand.
2. The Scrutiny Committee decides to offer comments or objections, which will be referred back to the Cabinet at the meeting arranged for XXX.
3. The Scrutiny Committee may refer the Notice, without comment, to the Council. The matter will then be considered by the Council on XXX (a standard item appears on all Council summons to consider referrals from Scrutiny Committees). Any comments or objections from Council will be referred back to the Cabinet at the earliest opportunity, in accordance with the Council Constitution.

The Cabinet will be required to consider any objections and comments but will not be bound by them unless..."it is contrary to the Policy Framework or contrary to or not wholly consistent with the Budget"

Procedure at meeting:

- Public Questions (limited to 30 minutes)
- Call-in Members to present their reasons for the Call-in of the decision.

- Cabinet Member to respond to the issues raised
- Further questions/comments from Committee Members
- Summary by the Chair and move to consideration of the options available to the Committee (as listed on the agenda).
- Vote if necessary

APPENDIX D

Cabinet members each have a portfolio of responsibility which is allocated by the Leader.

The Leader may also determine the extent, if any, of the decision making responsibility delegated to individual Cabinet members.

The Leader will be the principal spokesperson for the Council; Provide political leadership and direction to the style, priorities, strategic policy and strategic management initiatives of the Council and will lead the reform agenda within Bury through effective policy, performance and governance measures to meet the challenges and pressures arising from reducing resources, an ageing population and continued resident expectations.

The Deputy Leader will support the Leader of the Council in discharging the responsibilities set out in the Leader's role specification and will be his statutory deputy. The Deputy Leader will also discharge the specific responsibilities as set out in the role specification for the Leader of the Council during periods when the Leader of the Council is absent.

Role and Responsibilities of a Cabinet Member

The duties of a cabinet member are:

- (1) To have the responsibility for, and provide a lead on, the initiation of policy.
- (2) To decide the executive action to be taken in implementing those matters of Council policy allocated to them within their portfolio, seeking advice from the Executive Management Team where appropriate.
- (3) To take personal responsibility, and to be held accountable, for any decisions taken, and to share with the appropriate service managers responsibility for the performance of services within their portfolio.
- (4) To respond to or deal with any issues arising at council meetings relating to their portfolio.
- (5) To act as spokesperson within and outside the authority on those services and functions within their portfolio.
- (6) To be a member of, and attend, Cabinet Committees and to share the collective responsibility for decisions taken by the Cabinet.
- (7) To act as an advocate for the council within the Authority and outside.
- (8) To provide regular reports on progress and to undertake consultation on decisions as required.
- (9) To attend Overview and Scrutiny Committee and Scrutiny Panels to discuss decisions taken or support the policy formulation process.

(11) To develop partnership working with other agencies and contribute as a key player to delivering a partnership agenda.

(12) To represent the council on outside bodies.

(13) To represent the council and contribute the Bury perspective on national, regional and sub-regional bodies.

(14) To consult interested parties, ward councillors and citizens as part of the development and review of policy.

(15) As part of the Cabinet to be involved in:

- providing support to all councillors to help them develop constructive roles as Ward Members
- leading the community planning process for the council
- the consultation on, and drawing up of, the revenue and capital budgets
- leading the search for continuous improvement
- taking decisions on resources and priorities to deliver the strategies and budget approved by full council – promoting and participating in Member development

Cabinet Structure 2021-22

Leader and Cabinet Member for Finance and Growth Cllr E O'Brien		Deputy Leader and Cabinet Member for Children, Young People and Skills Cllr T Tariq	Cabinet Member for Health and Wellbeing Cllr A Simpson		Cabinet Member for Environment, Climate Change and Operations Cllr A Quinn
Finance	Business Growth and Infrastructure	Children and Young People	Operations	OCO	Operations
Financial Strategy and planning inc MTFS Budget Board governance, saving tracker and QIPP Financial management, assurance and reporting DSG Accounting inc Treasury Management, Cashiers, Pay Services (Creditor Payments/Accounts Payable/Payroll) Audit Revenues and benefits processing Insurance	Economic development Regeneration Strategic planning for land use and development Housing development inc Affordable Housing Development management Covid Recovery Plan	Lead member for the purposes of s 19 of Children Act 2004. Corporate Parenting Youth and connexions Children's social care MASH Children's & Complex safeguarding Fostering and adoption Early Help, Early years and school readiness Emergency Duty team (EDT) Youth offending team Children's Caldicott Guardian Service Children and Young people in care SEN team Education welfare and Children's psychology School academies and colleges School crossing patrols	Wellness operation (sport, physical activity, lifestyle, nutrition, BEATS) Leisure Facilities	Commissioning health and social care Commissioning secondary care and community services inc emergency and planned care, cancer and mental health Support at home Quality: patient safety, clinical effectiveness, patient experience Infection control Commissioning of primary care (GP) services Referral and booking services Medicines optimisation Adult safeguarding Public health Mortality inc LeDer Strategic development unit (strategic planning and development, provider relationships, reviewing team) Care homes CHC/complex care Transforming care	Waste inc Recycling Street cleansing Parks and countryside Environmental Health and Pest Control Climate Emergency Flooding Street Scene (Highways, Street Lighting and Grounds Maintenance) Parking Engineers Transport and workshop TfGM Clean Air Implementation Walking and Cycling

		Troubled Families		Bury EST Adults Caldicott Guardian Service Liaison with LCO and Persona Social Care operations through the DASS Integrated Neighbourhood Teams	Strategic Transport
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Cabinet Member for Corporate Affairs and HR Cllr Tahir Rafiq		Cabinet Member for Communities Cllr Richard Gold	Cabinet Member for Culture and The Economy Cllr Charlotte Morris			Cabinet Member for Housing Services Cllr Clare Cummins
Corporate Core Services	Operations	Corporate Core Services	Corporate Core Services	Operations	Business Growth and Infrastructure	Business Growth and Infrastructure

ICT Procurement Corporate Complaints, FOI's, EIAs Information Governance inc GDPR and Data Protection Legal and Democratic Services inc Monitoring, Registrars, Elections HR/OD inc HR Traded Services and Bury ACES Customer Contact inc PALS Equality and Diversity Risk Management Policy and Reform Adult learning Performance and Business Intelligence (inc Public Health intelligence) Transformation	Cleaning and catering School and college transport Depot/stores Facilities Management Architectural practice Enforcement	Health and Safety Resilience and Emergency Planning Community Safety (Strategic and Operational) Communications Marketing and Engagement including Neighbourhood engagement, interfaith, veterans, cohesion and VCFA Community Hubs/Covid Response Community Grants Civic Venues Libraries and Archives	Culture and Tourism Arts and Museums Town of Culture	Market Operations Licensing Trading standards	Town Centre Recovery Boards Business engagement, support and recovery	Liaison with Six Town Housing and Tenant Management Organisations (eg Springs) Estates, property and asset management Building control Urban renewal Homelessness and Asylum Housing Strategy
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Membership of committees

Mayor of Council - Councillor Tim Pickstone

Deputy Mayor of Council - Councillor Shaheena Haroon

Cabinet Post	Cabinet Member	Deputy Cabinet Support Members
Leader, Finance and Growth	Councillor Eamonn O'Brien	Finance and Growth (Ramsbottom Town Plan) - Councillor Kevin Thomas
Deputy Leader, Children, Young People and Skills	Councillor Tamoor Tariq	Children Services - Councillor Clare Walsh
First Deputy, Health and Wellbeing	Councillor Andrea Simpson	Health & Wellbeing - Councillor Debbie Quinn
Communities	Councillor Richard Gold	Communities - Councillor Ummrana Farooq
Environment, Climate Change and Operations	Councillor Alan Quinn	Environment, Climate Change and Operations - Councillor Kevin Peel and Councillor Nathan Boroda
Corporate Affairs and HR	Councillor Tahir Rafiq	Corporate Affairs and HR - Councillor Joan Grimshaw
Culture and The Economy	Councillor Charlotte Morris	N/A
Housing Services	Councillor Clare Cummins	N/A

Overview and scrutiny committee (11)

Councillor Russell Bernstein (Chair)

Councillor Clare Walsh

Councillor Kevin Peel

Councillor Lucy Smith

Councillor Nathan Boroda

Councillor Gavin McGill

Councillor Ummrana Farooq

Councillor Liam-James Dean

Councillor Dene Vernon

Councillor Michael Powell

Councillor Carol Birchmore

Health scrutiny committee (11)

Councillor Trevor Holt (Chair)

Councillor Joan Grimshaw

Councillor Shaheena Haroon

Councillor Martin Hayes

Councillor Sandra Walmsley

Councillor Tom Pilkington

Councillor Khalid Hussain

Councillor Roger Brown

Councillor Jordan Lewis

Councillor Cristina Tegolo

Councillor Carol Birchmore

Children and Young People's Scrutiny Committee (11)

Councillor Steve Wright (Chair)

Councillor Mary Whitby

Councillor Tom Pilkington

Councillor Sam Butler

Councillor Debbie Quinn

Councillor Ciaran Boles

Councillor Kevin Thomas

Councillor Paul Cropper

Councillor Jo Lancaster

Councillor Luis McBriar

Councillor Gareth Staple Jones

Licensing and safety Committee (11)

Councillor Sandra Walmsley (Chair)

Councillor Trevor Holt

Councillor Joan Grimshaw

Councillor Karen Leach

Councillor Clare Walsh

Councillor Yvonne Wright

Councillor Jack Rydeheard

Councillor Jordan Lewis

Councillor S Wright

Councillor Mike Smith

Councillor Gavin McGill

Planning control committee (11)

Councillor Gavin McGill (Chair)

Councillor Martin Hayes

Councillor Kevin Thomas

Councillor Ciaran Boles

Councillor Debbie Quinn

Councillor Nathan Boroda

Councillor Jackie Harris

Councillor Dene Vernon

Councillor Jo Lancaster

Councillor Cristina Tegolo

Councillor James Mason

Audit committee (9)

Councillor Mary Whitby (Chair)

Councillor Martin Hayes

Councillor Beth Mortensen

Councillor Sam Butler

Councillor Ummrana Farooq

Councillor Iain Gartside

Councillor Jack Rydeheard

Councillor Steve Wright

Councillor Mike Smith

Co-opted - Independent Member

Employment Panel (9)

Councillor Tahir Rafiq (Chair)

Councillor Joan Grimshaw

Councillor Trevor Holt

Councillor Sam Butler

Councillor Richard Gold

Councillor Russell Bernstein

Councillor Roger Brown

Councillor Tim Pickstone

Councillor James Mason

Standards committee (9)

Councillor Tim Pickstone (Chair)

Councillor Martin Hayes

Councillor Mary Whitby

Councillor Tahir Rafiq

Councillor Sam Butler

Councillor Lucy Smith

Councillor Yvonne Wright

Councillor Russell Bernstein

Councillor Gareth Staple Jones

Independent Person(s)

Health and wellbeing board (4)

Councillor Andrea Simpson

Councillor Eamon O'Brien

Councillor Tamoor Tariq

Councillor Debbie Quinn

Core Voting Members:

A nominated representative from the Voluntary Sector – Sajid Hashmi

Executive Director of Children Young People and Culture – Isobel Booler

Executive Director for Strategic Commissioning – Will Blandamer

Director of Community Commissioning across the Council and CCG and Director of Adult Social Services – Adrian Crook

Director of Public Health – Lesley Jones

Two nominated representatives from the GP Clinical Commissioning Group –Dr Schryer and Geoff Little

A nominated representative from the Local Healthwatch – Ruth Passman

A nominated representative from Greater Manchester Police – Suzanne Downey

A nominated representative of Greater Manchester Fire Service – Val Hussain

A nominated representative from Northern Care Alliance – Tyrone Roberts

A representative of the LCO – Kath Wynne Jones

A nominated representative from Pennine Acute NHS Trust – Steven Taylor

A nominated representative from Pennine Care Foundation Trust – Keith Walker

A nominated representative from Six Town Housing – Sharon McCambridge

Corporate parenting board (11)

Councillor Tamoor Tariq (Chair)

Councillor Eamonn O'Brien

Councillor Clare Walsh

Councillor Clare Cummins

Councillor Kevin Peel

Councillor Tim Pickstone

Councillor Liam-James Dean

Councillor Jo Lancaster

Councillor Luis McBriar

Radcliffe cabinet committee (7)

Voting members:

Councillor Eamonn O'Brien (Chair)

Councillor Clare Cummins

Councillor Charlotte Morris

Non-voting members:

Councillor Mike Smith

Councillor Carol Birchmore

Councillor Jo Lancaster

Councillor Beth Mortenson

Strategic commissioning Board (8)

All members of Cabinet to attend

Opposition Leaders of the three Largest parties to attend also in a non-voting capacity

Other voting members:

Clinical Director x 4 Voting

Lay Member – Quality

Lay Member - PPI

Lay Member – Finance and Audit

Governing Body Registered Nurse

Chief Executive and Accountable Officer

Joint Chief Finance Officer (S151 responsibilities)

Joint Executive Director of Strategic Commissioning

Appointment of Shadow Cabinet for 2021/2022

Position	Appointees
Leader, Finance, Housing and Regeneration	Councillor Nick Jones
Deputy Leader, Environment and Climate Change	Councillor Paul Cropper
Public Health and Adult Social Care	Councillor Roger Brown
Children, Young People and Skills	Councillor Jo Lancaster
Communities, Leisure and Culture	Councillor Luis McBriar
Corporate Affairs, Transformation and HR	Councillor Russell Bernstein
Transport and Highways	Councillor Jackie Harris

Appendix F				
Schedule for Review New Article 9				
Section	Update	Comments	Initial Review Date	Subsequent Review Date
Part 1 - Introduction and summary	No amends		May 2022	
Part 2 - Articles of the constitution	Number of changes required including a reduction in the number of Articles		Nov 2021	May 2023
Part 3 - The functions scheme	Light touch review in conjunction with the review of the procedure rules.	Include Committee Terms of Reference	May 2022	May 2024
Part 4 - Procedure rules				
	Review and updated the Council and Committee rules		Nov 2021	May 2023
	Section 2 - Access to information rules		May 2023	May 2025
	Section 3 - Budget and policy framework procedure rules		May 2023	May 2025
	Section 4 - Cabinet procedure rules		Nov 2021	May 2023
	Section 5 - Overview and scrutiny rules		Nov 2021	May 2023

	Section 6 - Contracts procedure rules		May 2022	May 2024
	Section 7 - Financial regulations		May 2023	May 2025
	Section 8 – Officer Employment Procedure Rules		May 2022	May 2023
Part 5 - The codes and guidance				
	Section 1 - Councillor code of conduct	Review as per agreement at Standards	Nov 2021	May 2023
	Section 2 - Employee's code of conduct		May 2022	May 2024
	Section 3 - Protocol on member and officer relations		Nov 2021	May 2023
	Section 4 - Anti-fraud and corruption - Whistleblowing policy	Review as per agreement at Audit	May 2022	May 2024
	Section 5 - Monitoring officer protocol		Nov 2021	May 2023
	Section 6 - Public participation guide		May 2022	May 2024
Part 6 - Councillors allowance scheme		Awaiting outcome of IRP	Nov 2021	Update Annually – IRP every 4 years

Part 7 - Cabinet portfolios, membership of committees and the Council's management structure	Section 1 - Cabinet member portfolios Section 2 - Membership of committees Section 3 - Organisational structure	Need to amend and update	Nov 2021	Annually
Part 8 - Covid-19 interim arrangements		To Be Removed		
Part 9 – Version History and schedule for review				Update Annually

Committee Terms of Reference (to be appended to the Constitution)
Audit Committee
Corporate Parenting Board
JCC Corporate
JCC Teachers
JCC Health and Safety
Cabinet
Employment Panel
Health and Wellbeing Board
Licensing and Safety Committee
Overview and Scrutiny
Strategic Commissioning Board (to be replaced by the Locality Board)
Planning Control Committee
Youth Cabinet
East Lancashire Railway Trust Board
Democratic Arrangements Forum
Standards Committee
Joint Health Overview and Scrutiny Committee

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

1.1 Priorities

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. The Let's Do It strategy has forged the following LETS principles that will guide the Council's work:

Local neighbourhoods

We know that is relationships, not services, which truly make the difference to people's lives. We want to build on this through empowered local communities where individuals, families and communities are in control and at the heart of decision making. We will bring our collective talent, energies and community power together for the greater good by:

- Engaging people where and how they live
- Hearing all voices and learning from them
- Trusting and helping each other, always working together
- Listening when others talk, helping and enabling
- Supporting development and growth and removing barriers to collaboration

An **Enterprising** spirit

We are known for our spirit of enterprise and innovation and we will harness that spirit to raise aspirations to grown and develop our people and businesses. We will remove the barriers that prevent people from getting on and connect local people to opportunities through their skills, confidence and relationships by:

- 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
- Opening doors at every opportunity

Delivering **Together**

A new relationship between public services, communities and businesses which is based on co-design and accountability for shared decision making; it is about doing 'with' not 'to' by bringing a greater focus on wellbeing, prevention and early intervention. We will take responsibility for making a difference by:

- Committing to making a positive, practical difference in addressing and tackling our challenges
- Valuing and developing the role and voices of people and communities to share and deliver, wherever we can
- Empowering residents and groups to take decisions and harness resources
- Strength through cultural diversity
- Growing relationships and new connections across boundaries
- Demonstrating dignity, kindness and respect in everything we do.

A **Strengths-based** approach

Our vision is for a place in which people are helped to make the best of themselves, by recognising and building on strengths not deficits of all our children, families and our communities, and taking an evidence-led understanding of risk and impact to ensure the right intervention at the right time. We will do this by:

- Really listening to understand each other and our shared potential
- Being flexible and putting our energies into where we can make the most positive difference asking 'what matters to you?'
- Being open to trying new things and doing things differently
- Valuing the skills, strengths and successes of individuals and communities.

1.2 Powers of the Council

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.

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.

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

1.3 The constitution

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

1.4 Purpose of the Constitution

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

1.5. Meaning of the Constitution

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.

1.6 Review and changes to the Constitution

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

1.7 Suspension of the constitution

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

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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

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?

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

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

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

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.

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

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

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

Councillors have rights of access to council information in accordance with the access to information rules (part 4).

2.2.7. Responsibilities

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

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

2.2.9. Ceasing being a Councillor

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

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.

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.

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.

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. Similarly the political group should not direct its members how to decide matters for consideration at any of the Council's three scrutiny committees.

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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.

2.3.1. Citizens' rights

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 receive information in accordance with the access to information rules
- f) to attend any public meeting

2.3.2. Citizens' responsibilities

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)

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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.

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

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

2.4.3. Functions of the council meeting and functions scheme

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

2.4.4. The Mayor

Election

The Mayor and the Deputy Mayor are elected by Council annually. The Deputy Mayor following their term of office will assume the role of Mayor, subject to agreement at Annual Council.

Without prejudice to above, the Leaders of the political groups represented on the Council agree that the determination of the Mayor and Deputy Mayor in future years, will be agreed by the Majority group in consultation with the Democratic Arrangements Forum.

Being mindful of the agreed rotation of 2 ruling group terms of mayoral office to every one term for the opposition groups.

The Mayor and Deputy Mayor cannot be members of the Cabinet or a Deputy Cabinet Member.

Functions

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.
- h) to Chair meetings of the Standards Committee.

Roles

The Mayor fulfils several roles:

- a) Ceremonial role - The Mayor is the ceremonial head of the whole Council and its district wide 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 3 of the Constitution.

2.5.1. Leader of the council

Election

At the Annual Meeting, Council will elect a Councillor to be the leader of the council ("the Leader")

Role

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

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 Executive on the carrying out of policies by the Council.

Ceasing being leader of the Council

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

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 4, the responsibility of another part of the Council.

Membership

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

Functions of individual members of the Cabinet

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

Meetings and other activities of the cabinet must comply with the cabinet rules (part 4 section 4).

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

2.5.3. Description of Cabinet arrangements

The following parts of the constitution comprise the Cabinet arrangements:

- the Cabinet rules (part 4 section 4)
- Article 7 - Joint Arrangements
- 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 – Council Committee Structure

Scrutiny committees

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.

The Council has established three scrutiny committees:

- The Overview and Scrutiny Committee
- The Children and Young People's Scrutiny Committee
- The Health Scrutiny Committee

The Council is also a member of several joint scrutiny committees. Their remit is set out in Part 3 of the Constitution.

The Audit Committee

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. The Audit Committee will appoint an Independent Person.

The Standards Committee

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. The Standards Committee will appoint up to three independent persons.

- **Standards Hearings Panel - Sub Committee**

The Standards Committee will set up a sub-committee called the Standards Hearings Panel. The Independent Person is invited to attend all meetings of the Hearing Panel. The Panel will consider complaints under the code of conduct that cannot be resolved informally.

The Radcliffe Cabinet Committee

The purpose of this proposed Committee is to provide executive political leadership for the delivery of the Strategic Regeneration Framework. It also will provide a forum for crossparty engagement.

Planning, Licensing and other functions

Planning Control Committee

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

The Licensing and Safety Committee

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.

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.

- **Licensing Hearings Panel**

2.8.3.2. 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.

Health and Wellbeing Board

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.

Employment Panel

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 and grievances by employees of the Council and applications for premature retirement.

Corporate Parenting Board

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.

Corporate Joint Consultative Committee

To establish a regular method of consultation and negotiation between the Council and the Trade Unions regarding Conditions of Employment and their application, always providing that no questions relating to an individual employee or to discipline shall be within the scope of the Committee

Joint Consultative Committee Teachers

To provide a regular basis for representatives of the recognised Teachers' Associations to meet with members of the Local Education Authority.

The membership and composition off the Committees is set out in Parts 3 and Part 7 of the Constitution.

Article 7 - Joint Arrangements

This articles explains how the council works with other bodies.

2.7.1. Joint arrangements generally

Joint arrangements for Council functions

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

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.

2.7.2. Joint arrangements with the NHS Clinical Commissioning group

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 (the local Authority and the Clinical Commissioning Group), 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.

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).

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. (see Part 3 Section 6 Functions).

2.7.3. Appointments to joint committees

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 be appointed to a joint committee in line with the rules governing political proportionality.

Access to information rules (Part 4 Section 2) will apply to Members of Joint Committees in the same way as they do to Members of the Council.

2.7.4. Greater Manchester Combined Authority and Joint Committees

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

GM Combined Authority
GM Waste & Recycling Committee
GMCA Audit Committee
GM Transport Cttee (formerly TfGMC)
GM Culture & Social Impact Fund Cttee
GM Work & Skills Executive
Health & Social Care Partnership Board
Health & Social Care - Joint Commissioning Board
GMCA & AGMA Scrutiny Committees
Clean Air Charging Authorities Committee
Air Quality Administration Committee
AGMA Executive Board
Draft Joint Development Plan – Places for Everyone Committee
Statutory Functions Committee
Police and Crime Panel
Police & Crime Steering Group
GM Health Scrutiny Committee
Planning and Housing Commission
GM Pensions Fund Management Panel

2.7.5. Delegation to and from other local authorities

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

The decision whether or not to accept such delegation from another Local Authority will be taken by full Council or the Cabinet as appropriate.

2.7.6. Contracting out

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.

2.7.7. Consultative committees

Standing Advisory Council on Religious Education (SACRE)

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.

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

2.7.8. Other bodies

Bury Integrated Safeguarding Partnership

The Bury Integrated Safeguarding Partnership was formed on the 29th September 2019 following the integration of the former Local Safeguarding Children's Board and the Adult Safeguarding Board. **The arrangement bring together a number of partners the Local Authority, Clinical Commissioning Group and Greater Manchester Police** as well as other partners to work together and ensure those in need have services that help and enable them to lead a safe and happy life. The Board is chaired by an independent person.

Bury Integrated Safeguarding Partnership consists of:

- The BISP Strategic Partnership
- A Children's Business Group and an Adults Business Group
- Five Sub Groups: 'Case Review', 'Learning and Development', 'Quality Assurance', 'Complex Safeguarding' and 'Schools, Colleges and Adult Learning'
- Working Groups, as required

Community Safety Partnership Board

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

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 8 - 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.

2.8.1. Chief Executive

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.

2.8.2. Senior officers

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.

2.8.3 Designation of statutory officers

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 S151 Officer cannot also be the Monitoring Officer; the Head of Paid Service, S151 Officer and Monitoring Officer cannot also be the Statutory Scrutiny Officer.

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. (See Officer functions Part 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 Standards Committee (See Officer functions Part 3).

The Executive Director of Finance 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. (See Officer functions Part 3).

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.

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.

2.8.4. Conduct

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

2.8.5. Employment

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

Article 9 - Decision-making

This Article sets out how the Council takes decisions.

2.9.1. Principles of decision making

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 the proper procedures as set out in the Constitution.

2.9.2. Responsibility for decision making

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. Decisions may be delegated to Officers and this will be set out in the Officer Scheme of Delegation. (Part 3).

2.9.3. Decision rules

The decision making procedures for all Council, Cabinet and Committee meeting decision making is set out in part 4.

2.9.4. Codes

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.

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Article 10 - 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.

2.10.1. Financial management

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.

2.10.2. Contracts

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

2.10.3. Legal proceedings

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.

2.10.4. Authentication of documents

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.

2.10.5. Signing of Contracts

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.

2.10.6. Common Seal of the Council

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 or Council Solicitor or some other person authorised by him/her.

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

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REPORT FOR DECISION



DECISION OF:	The Council
DATE:	24th November 2021
SUBJECT:	Leaders' Report
REPORT FROM:	Leader of the Council
TYPE OF DECISION:	Non key decision
FREEDOM OF INFORMATION/STATUS	This paper is within the public domain.
SUMMARY:	This report provides an update on the activity of the Council against the Corporate Plan.
OPTIONS & RECOMMENDED OPTION	That Council notes the report and agrees that further updates are provided to future Council meetings.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Equality/Diversity implications:	Equality Impact considerations included on the individual Council reports.
Wards Affected:	All Wards.
Scrutiny Interest:	Overview and Scrutiny

1 Leader's note

- 1.1 I am pleased to provide Council with my report covering the period from 25th August 2021 to 16th November 2021.
- 1.2 It has been a busy few months since our last Council meeting. In that time, we have been successful in obtaining over £100 million from Government. We've won two £20 million grants from the Levelling Up

Fund, which will go towards our ambitious plans to regenerate Radcliffe town centre and the area around Bury Market, and we are expecting at least a further £60 million from the Greater Manchester Combined Authority bid to improve our public transport infrastructure. Make no mistake, this is fantastic news. But it didn't happen by accident, or through an atypical act of kindness. This was a highly competitive process, and the result of years of hard work by the Council.

- 1.3 However, these grants cannot overshadow the fact that the Government has stripped £100 million from our budgets over the last decade. This is £100m every year we no longer have to pay for essential services, from social care to the bins. One-off investment for flagship schemes is very welcome, but it is no substitute for being properly funded for the day-to-day services that local residents and taxpayers expect and rely on. It's an odd coincidence that the money taken from us is practically the same as the money we're getting now - again, only on a one-off basis. This, in my view, will not level us up.
- 1.4 Our manifesto pledge to become a Real Living Wage accredited employer became a reality this month. On the 15th of November I attended and spoke at a ceremony organised by the Living Wage Foundation at the People's History Museum in Manchester to mark 'Living Wage Week'. At this event we were awarded Living Wage accreditation by the Foundation, after demonstrating that we are paying all our directly employed staff £9.50 per hour and have a plan to pay our indirectly employed staff the Real Living Wage. I believe this will play a huge part in our anti-poverty work, by increasing the pay of thousands of the lowest paid in our Borough.
- 1.5 This month we commemorated Remembrance Day with a respectful ceremony and procession from the Town Hall to the Market Place where we observed a two-minute silence and a Wreath Laying Ceremony. It has always been of upmost importance from this Council to honour the sacrifices made by our armed forces. I recently attended the Bury Veterans Breakfast and spoke with some of our veterans about the work we are doing to support them, including the signing of our Armed Forces Covenant on 10 November, which will help give veterans and their families the support they need and deserve.
- 1.6 This month world leaders and policymakers united in Glasgow at COP26 to attempt to make a plan to tackle climate change. At Bury Council we are doing all we can to reduce our own emissions in line with line with the goal to keep global warming down to a 1.5 degree increase. We recently launched a new £100k community fund to back local climate action projects and help Bury on its journey to becoming carbon neutral by

2038. Grants of up to £15,000 are on offer for community-led projects that will engage local people, inspire behaviour change, and prompt action. We launched this fund to coincide with COP26 and hope we receive strong interest before bids close on the 30th November.

- 1.7 The past two Cabinet meetings since our last full Council meeting have been packed with positive developments in delivering our 'Brownfield First' ambitions for housebuilding in the Borough. In October our sites included the former Wheatfields day centre in Whitefield - to be developed by Onward Homes to provide 30 affordable homes, Prestwich town centre - through the formation of a Joint Venture with Muse Developments, bring about 240 homes as part of the Prestwich Urban Village regeneration programme, School Street in Radcliffe - to be developed by Hive Homes to deliver 89 new family homes, Green Street in Radcliffe - to be developed by Watson Homes to deliver 133 new apartments, and The former East Lancashire Paper Mill - working with Homes England to create an initial 25 affordable homes (delivered by Great Places) followed by 400 homes.
- 1.8 We have many more disposals and redevelopment opportunities coming up in future cabinet meetings too. The 17 November 2021 Cabinet will include the disposal of the former Seedfield Centre in Bury, in which Hive Homes will deliver 81 family orientated houses, the former Williams Kemp School site in Bury where Great Places Housing Group look at delivering a bespoke intergenerational affordable housing scheme which includes affordable family homes, accessible bungalows and specialist supported living apartments for people with learning disabilities. It has been designed to complement and utilise the existing facilities in Peachment Place. Once developed, the two sites have the potential to deliver 118 new homes, including 57 of an affordable tenure (48% - nearly twice planning policy compliance) of which 15 will be much needed bespoke supported homes for disabled tenants. At this Cabinet we will consider the acquisition of the Millgate Shopping Centre and Estate. This presents significant development opportunities to deliver once in a generation investment into housing, employment, civic infrastructure along with unlocking opportunities for new wellness, health, and education facilities. The approval of this item would mean a joint-venture with Bruntwood, who have an award-winning track record of regenerating urban centres.
- 1.9 In October we learnt of the news of the death of the former Leader of the Council and Mayor of Bury Mike Connolly. Mike was an outstanding Ward Councillor, Cabinet Member, Leader and Mayor. Mike lived in Bury all his life, always in the East Ward area. He taught in Primary Schools in Radcliffe, Whitefield and Ramsbottom and was a Headteacher in Blackburn before taking early retirement. He was elected to Bury Council as a Labour

Councillor for East Ward in 1994, until 2018. I was grateful to have been invited to pay my respects to Mike at his funeral and wake on the 11th November.

Reporting progress against stated commitments in Corporate Plan

The following table provides a brief summary of the Council's progress against the priorities set out in our Corporate Plan since the last report.

Department	Priority	Deliverables
Business, Growth and Infrastructure	Approval of Accelerated disposal programme	<ul style="list-style-type: none"> 2 assets sold at auction September 21 from Phase 1 – capital receipts expected of £327k and £61k. 1 asset confirmed for November's auction with a guide price of £50k. Summerseat House site sold for £1.1 million. Phase 3 Cabinet report approved 13/10/21.
	Bury Flexihall	<ul style="list-style-type: none"> Stage One procurement completed, construction partner selected. £20m Levelling Up Fund award confirmed to support delivery Flexihall and Bury market regeneration.
	Radcliffe Strategic Regeneration Framework	<ul style="list-style-type: none"> Hub Project - Stage One procurement completed, preferred construction partner selected. £20m Levelling Up Fund award confirmed to support delivery of Hub project.
	One Public Estate Programme	<ul style="list-style-type: none"> Approval of the Bury Campus options for Humphrey House approved at Cabinet 01/09/21 and work now underway to prepare a project plan for the next stages. Work is underway to consider the decant of St Mary's Place into 6KP.

	Places for Everyone (PfE)	<ul style="list-style-type: none"> • Consultation on Publication PfE ended 3 October. • Currently analysing representations to identify key issues raised.
	Bury Interchange	<ul style="list-style-type: none"> • Bury Interchange forms part of the £1.07 Billion award of monies through the City Region Sustainable Transport Settlement (CRSTS). Phase 1 of the proposal has been awarded £45m with a further circa £36m to be funded in the next round of CRSTS.
	Full Fibre Rollout (5G network will follow)	<ul style="list-style-type: none"> • VMB replan remaining sites. Handover to IT ongoing. Bury will be the first in north GM to complete.
Children and Young People	Education	<ul style="list-style-type: none"> • School Improvement Tool Kit co-produced and shared with revised meeting and governance structure • Education Business Plan drafted • Pupil place planning – development of strategies in response to falling pupil numbers- paper presented to scrutiny • Education assurance protocol – a finalised autumn term assurance visit for all schools and an updated Bury school's toolkit - well received with good take up • Universal Quality Assurance Visits rolled out to schools with reports quality assured • Improvements recognised in Virtual school Personal Education Plans
	Special Educational Needs	<ul style="list-style-type: none"> • Consultation with schools on mainstream top-started • Project Safety Valve report produced for School Forum • Co-production workshop with Bury2gether

		<ul style="list-style-type: none"> Local area SEND strategic action plan being developed Agreement for new Social, Emotional and mental Health needs Resource Provision at Tottington Primary Safeguarding visits to alternative provision taken place – positive results
	Children's Social Care	<ul style="list-style-type: none"> Local Government Association Peer Review progress scrutiny paper presented Local Authority Ofsted inspection during October Children in Need (CIN) managed service commissioned, with a focus on managing child in need cases, currently in safeguarding and move to locality-based approach (significant increase in CIN numbers) Sampling of Multi Agency Safeguarding Hub (MASH) cases which have closed was completed Revised MASH protocols around community domestic abuse
	Early Help	<ul style="list-style-type: none"> Continued focus on children Electively Home Educated (EHE) or missing education Moved forward on integrated locality team (pilot) in Bury East, as well as moving some of the resource across EH (education welfare officer/Youth Service) to locality footprint Early Help response to MASH decision making reviewed and strengthened the preventative approach Early Help strategy developed
Operations	Climate Change Strategy	<ul style="list-style-type: none"> Climate Strategy and Action Plan approved by October Cabinet. The report also approved the

		establishment of Climate Action Forums, a Climate Action Board and the distribution of the £100k Climate Action Fund.
	Environmental Quality: Strategy in respect of community ownership – keeping the Borough clean and tidy	<ul style="list-style-type: none"> • Issued 9 Fixed Penalty Notices in October 7 for littering and 2 for fly tipping. • Prepared 2 prosecution files for 3 offences
	Green Spaces: Implement the playing pitch strategy, including 3G pitch plan	<ul style="list-style-type: none"> • Opening of Goshen 3G on 28/9/21.
	Waste and Transport: Waste collection review including optimisation and balancing	<ul style="list-style-type: none"> • Remaining vehicles have been delivered. Waste collection has settled. Review of rounds underway. Head of Service recruited to.
	Strategic Transport Capacity and Transport plan	<ul style="list-style-type: none"> • Consultants appointed to write a Borough-wide Transport Strategy.
	Increased taxi testing capability	<ul style="list-style-type: none"> • Tender documents issued to interested parties in October and reminders sent out to all garages. • Tender documents to be returned early November for evaluation.
One Commissioning Organisation	COVID Response: Vaccination Management	<ul style="list-style-type: none"> • Booster Programme and 12-15 vaccine programme initiated and being monitored weekly through Vaccine Assurance Group.
	COVID response: Outbreak	<ul style="list-style-type: none"> • Outbreak Management Plan refresh completed to reflect Govt Autumn Winter Plan. Monitored through

	Management Plan	weekly Health Protection Board and fortnightly Gold.
	Urgent Care System	<ul style="list-style-type: none"> Single system Urgent Care plan developed across Transformation/Resilience and business as usual New Bury urgent and emergency care Integrated System Board commenced on Wednesday 8th September 2021.
	Neighbourhood Team Working in Health and Care	<ul style="list-style-type: none"> Operating model for INT working approved at Integrated Delivery Collaborative Board.
	Population Health: Starting Well	<ul style="list-style-type: none"> Secured £40K for 2 years funding for the '50 things to do before you're 5 app'.
Corporate Core	Domestic Abuse Strategy	<ul style="list-style-type: none"> Draft strategy produced with Safe Accommodation Plan published for consultation on the Bury Directory.
	Community recovery "Pitch" participatory budget scheme	<ul style="list-style-type: none"> Pitch funding launched via Bury Directory and advertised through social media and the community hub network.
	Agile working	<ul style="list-style-type: none"> Interim evaluation complete. Overall positive. Areas for action identified.
	Inclusion strategy	<ul style="list-style-type: none"> National Inclusion Week Celebration well received. Race Action Plan progressing and Equality Diversity and Inclusion Manager recruitment underway.
	Culture strategy	<ul style="list-style-type: none"> Culture Strategy workshop held with the Bury Strategic Leadership Group to further develop thinking.
	Real Living Wage in Bury Council	<ul style="list-style-type: none"> Payments to staff in place and contractor process well underway. Working towards accreditation by 15 November

List of Background Papers:-

None identified

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GENERAL REPORT OF THE MEETING HELD ON 1 SEPTEMBER 2021

ITEMS CALLED-IN BY OVERVIEW AND SCRUTINY - ACCELERATED LAND AND PROPERTY DISPOSALS PROGRAMME - PHASE 2:

1. Councillor Russell Bernstein introduced the minutes and recommendation of the Overview and Scrutiny Committee meeting held on 29 July 2021 which considered the call-in of the Accelerated Land and Property Disposals Programme – Phase 2. He thanked Cabinet for their co-operation, advising that it had been a healthy debate at the meeting with a focus on community asset transfers and ensuring resources would be made available for residents and community groups.
2. In response, Councillor Eamonn O'Brien, Leader and Cabinet Member for Finance and Growth, reported that Cabinet welcomed this recommendation. He advised that the council was committed to support residents through the community asset transfer procedure.
3. Cabinet agreed that the following recommendation from the Overview and Scrutiny Committee be accepted: "The Overview and Scrutiny Committee strongly support Community Asset Transfers and recommend to Cabinet that policies are reviewed and strengthened to incorporate earlier communication with residents."

THE COUNCIL'S FINANCIAL POSITION AS AT JUNE 30 2021

4. Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which outlined the forecast financial position of the Council at the end of 2021/22 based on the information known at the end of the first quarter, 30 June 2021. The report set out the position for both revenue and capital and provided an analysis of the variances, both under and overspending. In response to Members' questions, it was noted that the issues with waste collections, including the redesign, staff absences, and HGV driver shortages, were not accounted for in this period. Spend would be affected but savings would still be achieved in the long-term. In terms of the transformation plan, the realisation of those savings was delayed as changes couldn't be made as quickly as expected, but progress was being made with a report later in the agenda.
5. Cabinet approved the recommendations as set out in the report.

TREASURY MANAGEMENT OUTTURN 2020/21

6. Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which outlined the financial position and provided an update on the Council's capital expenditure and financing, the treasury position as 31st March 2021, the investment and borrowing strategy, and borrowing and investment Outturn throughout 2020/21. In response to Members' questions, it was noted that no new loans to the airport were proposed and dividend pay-out from existing loans had been affected from Covid and were expected to not return to normal until after air travel picked up again.
7. Cabinet approved the recommendations as set out in the report.

ESTATES TRANSFORMATION: BURY HUB PROPOSALS - PHASE 1 HUMPHREY HOUSE - PART A

8. Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which proposed to close and sell Humphrey House, moving existing tenants to 3 Knowsley Place, and make adjustments to those facilities accordingly. In response to Member's questions, it was noted that the £500k investment in agile working was sufficient and was supported by wider pieces of work. Members welcomed the

Brownfield suitability of the site and were hopeful it could be utilised for town centre housing.

9. Cabinet approved the recommendations as set out in the report.

LUF PROJECTS - PROCUREMENT UPDATE - PART A

10. Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report regarding the procurement of the main contractors for the Radcliffe Civic Hub and Bury Market Flexi Hall projects, having now been subject to a competitive tendering process which culminated in the receipt of multiple submissions, the details of which were set out in the Part B paper later in the agenda.
11. Cabinet approved the recommendations as set out in the report.

BURY CORPORATE PLAN PERFORMANCE AND DELIVERY REPORT QUARTER ONE 2021-22 DELIVERY UPDATE

12. Councillor Tahir Rafiq, the Cabinet Member for Corporate Affairs and HR, presented the report which provided a summary of key performance and delivery in each department during quarter 1 2021-22. In response to Members' questions, it was noted that sickness rates had decreased but were still high owing to the impact of Covid related issues. Staff turnover was above target and was being looked into via exit interviews. Figures could be provided regarding where rates were highest and it was noted that initiatives like the Real Living Wage later on in the agenda would help improve staff morale and hopefully reduce staff turnover. With regards to collection rates of Council Tax and Business Rates, these were expected to improve over the course of the year, though would continue to be impacted from the effects of Covid.
13. Cabinet approved the recommendations as set out in the report.

ESTABLISHING THE BUSINESS AND EXECUTIVE SUPPORT SERVICE

14. Councillor Tahir Rafiq, the Cabinet Member for Corporate Affairs and HR, presented the report which detailed proposals to establish a single Business and Executive Support Service as part of the Corporate Core Department. This would be a fundamental change to how administrative services are provided in Bury, seeking to achieve consistency and improved performance, through a review of resources across the Council and a modernisation of processes and ways of working.
15. In response to Members' questions, it was noted that although making changes to people's jobs was always difficult, vacancies were being deleted and the use of agency workers reduced to secure savings without impacting permanent staff. Holding clear, consistent roles within the Council would secure good quality employment with clear prospects and longevity, serving both the organisation and its staff. With regards to sickness absence, it was noted that sicknesses were being reported but holding figures in a centralised system would be a more efficient reporting method.
16. Cabinet approved the recommendations as set out in the report.

REAL LIVING WAGE IMPLEMENTATION

17. Councillor Tahir Rafiq, the Cabinet Member for Corporate Affairs and HR, presented the report which sought Cabinet's approval to implement the necessary steps to pay the living wage and progress formal accreditation via the Living Wage Foundation. It included a

detailed analysis of projected costs over future years and set-out the proposed approach to meeting these costs.

18. Members were supportive of the report, noting in particular the uplift this would give to carers and their families, giving them the recognition, support and thanks they deserve. In response to Members' questions, it was noted that when contracts were being procured or renewed this would be part of those discussions. The Council was setting a standard it would hold to during commissioning negotiations, it would take an appropriate view dependent on the individual circumstances.
19. Cabinet approved the recommendations as set out in the report.

GENERAL REPORT OF THE MEETING HELD ON 13 OCTOBER 2021

MEDIUM TERM FINANCIAL STRATEGY REFRESH 2022/23 - 2025/26:

20. Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report regarding the refresh of the Medium Term Financial Strategy (MTFS), a 4 year plan which aligns the Council's spending decisions and priorities with its corporate plan and those identified through the Boroughs Let's Do It! Strategy.
21. In response to Members' questions it was noted the transformation and reform agendas maintained a system of checks and balances to monitor and measure cost pressures and ensure early signs of non-delivery or additional pressures were picked up and addressed. In most cases these would be absorbed internally, with directorates tasked with tackling emerging pressures in existing budget envelopes. With regards to Council Tax growth, an assumption had been made in the figures that this would increase by 0.5% each year which was based on the pipeline of work coming through planning. With regards to the Real Living Wage, these were set out in the report but included an assumed national increase year on year.
22. In response to a question about use of reserves, it was noted that there was an assumption that reserves would not be used as a long term solution but using them now would allow space for the reform and transformation savings to be realised. This strategic use allowed for reserves to be built back in later. Finally, it was noted that the terminology of Labour/Council amendments in the report were all the same and should all read 'Council'.
23. Cabinet approved the recommendations as set out in the report.

DISPOSAL OF LAND AT WHEATFIELDS IN WHITEFIELD TO ENABLE AFFORDABLE HOUSING DEVELOPMENT - PART A:

24. Councillor Clare Cummins, the Cabinet Member for Housing Services, presented the report which sought approval to dispose of Wheatfields, a Council owned brownfield site in Whitefield, to Onward Homes, a registered provider, for the delivery of a 100% affordable housing scheme on Council owned brownfield land. This would enable the construction of 30 new affordable homes, generate a capital receipt and also take over liability for the grant repayment. Councillor Cummins advised that the Regenda / STH supported living accommodation would not be affected by the proposed land disposal and that the Council had worked with Onward to develop the plans which included bungalows to be designed to meet the needs of those with mobility issues. It was noted that full details of the commercial terms were set out in the Part B paper later in the agenda.
25. Cabinet approved the recommendations as set out in the report.

PRESTWICH REGENERATION – JOINT VENTURE - PART A:

26. Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report regarding the proposed 50:50 Joint Venture vehicle between Bury Council and Muse Developments in the regeneration programme in Prestwich. It was noted that full financial and legal details were set out in the Part B paper later in the agenda.
27. In response to Members' questions it was noted that liaison with existing tenants had taken place early on to inform them of the changes and how it would affect them. Relationships were being developed so tenants knew who to contact and were kept informed and the management office in Prestwich would ensure face-to-face contact was available. With regards to site being left empty, details and phasing were still to be developed but efforts would be made to minimise the inevitable disruption.
28. In terms of environmental standards, it was noted that anything the Council built would be as modern and eco-friendly as was reasonable. The Council's involvement would ensure this type of added value above the market itself, costing more at the outset but driving high standards and securing lower running costs long-term.
29. Cabinet approved the recommendations as set out in the report.

ACCELERATED LAND AND PROPERTY DISPOSALS PROGRAMME - PHASE 3 LIST OF ASSETS:

30. Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which identified the Phase 3 list of sites surplus to the requirements of the Council and sought approval for their disposal to help meet urgent savings targets and rationalise the estate. It also set out how the recommendation accepted by the Overview and Scrutiny Committee would be taken forward in relation to Community Asset Transfers (CATs).
31. In response to Members' questions, it was noted that phases 1 and 2 would be revisited to develop deadlines for community groups to engage with the Council with regards to CATs, and members of the public were encouraged to speak with local Councillors and engage with officers. With regards to the projected c£8m to be generated in capital receipts, this was based on market testing but needed further monitoring and updating to be a reliable estimate. It was further noted that some investment was sometimes needed up-front to get sites ready for development and achieve a higher value.
32. It was noted that engagement with communities would be carried out before any transfer, but also support would be provided afterwards to mitigate issues of capacity and access to funding. Cabinet approved the recommendations as set out in the report.

RADCLIFFE STRATEGIC REGENERATION FRAMEWORK – DISPOSAL OF LAND FOR HOUSING DEVELOPMENT AT SCHOOL STREET AND GREEN STREET - PART A:

33. Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which outlined proposals to dispose of Council owned land at School Street and Green Street. This would allow the construction of 225 new homes (of which 125 will be of affordable tenures) and would generate a significant capital receipt along with unlocking in excess of £30million of private investment and driving economic growth. It was noted that this report had been received and endorsed by the Radcliffe Cabinet Committee, and that full details of the proposal commercial terms were set out in the Part B report later in the agenda.
34. Cabinet approved the recommendations as set out in the report.

REQUEST FROM TELECOMS OPERATORS TO SITE TELECOMMUNICATIONS ON COUNCIL OWNED LAND (PUBLIC OPEN SPACE) AT PEEL BROW, RAMSBOTTOM:

35. Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report regarding a request from WHP Telecom Ltd that an area of land next to the temporary mast on an area of open space on Peel Brow, Ramsbottom be considered as a permanent location for the telecommunications equipment.
36. Councillor Clare Cummins advised that she was sympathetic to the Council's position but owing to the concerns in her community she would not be voting in favour of this report.
37. Cabinet approved the recommendations as set out in the report.

FUNDING BURY ART MUSEUM ROOF:

38. Councillor Charlotte Morris, the Cabinet Member for Culture and the Economy, presented the report advised that a funding application had been made to the Museum Estate and Development (MEND) fund to support the work on the gallery roof in order to preserve the building and the collections within, and sought approval for the release of funds to match-fund the cost of the required works. In response to Members' questions it was noted that a breakdown of how many people used the building each year could be provided after the meeting, and that if the application was not successful a Council decision would be needed to fund the works.
39. Cabinet approved the recommendations as set out in the report.

LGA CORPORATE PEER CHALLENGE FEEDBACK:

40. Councillor Tahir Rafiq, the Cabinet Member for Corporate Affairs and HR, presented the report which summarised feedback received from the LGA team's Corporate Peer Challenge Revisit received in summer 2021, and the Council's proposed action plan in response. In response to Members' questions it was noted that there was a focus on developing and upskilling existing staff and ensuring core systems, such as member casework and complaints, and processes like corporate planning were working efficiently.
41. Cabinet approved the recommendations as set out in the report.

CLIMATE ACTION STRATEGY AND ACTION PLAN:

42. Councillor Alan Quinn, the Cabinet Member for Environment, Climate Change and Operations, presented the report which outlined the proposed arrangements to oversee the implementation and governance of the Climate Action Strategy and Action Plan developed in response to the Council's declaration of a Climate Emergency in 2019.
43. Cabinet approved the recommendations as set out in the report.

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**(i) Urgent Cabinet Decision – 25 October 2021
Re. Winter Grants**

Decision taken:

The Council received an allocation of £1,534,200.05 from the Government's 2021/22 Household Support Fund (HSF); a grant intended to protect the most vulnerable from hardship this winter. This decision set out how the HSF will be utilised in Bury, consistent with the Council's wider anti-poverty work, through:

- The ongoing provision of Free School Meals until Easter 2022
- Targeted support for Council Tax Support Claimants
- Targeted support for people at risk of in-work poverty
- Investment and support to local community groups who provide anti-poverty support
- Maintenance of crisis hardship provision

The reason why this decision was urgent and could not be reasonably deferred was:

The Council is required to return proposals for spend to government by 28 October 2021. This timeframe does not align with Cabinet dates nor allow sufficient time for publication on the forward plan.

**(i) Urgent Cabinet Decision – 28 October 2021
Re. Liquid Fuel Contract**

Decision taken:

To extend the final two years of the existing contract for the supply and delivery of liquid fuels until 21st November 2023.

The reason why this decision was urgent and could not be reasonably deferred was:

The Yorkshire Purchasing Organisation (YPO) require that YPO that the signed access agreement and the call off order be in place prior to 22nd November 2021. If these documents are not returned by that date then the procurement is not valid via the YPO framework and we would have to commence our own exercise. Documents are therefore required by 15th November at the latest so as to allow time for suppliers to confirm acceptance.

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	Party	Question / Questioner / Supplementary
1	Conservative	<p>The Government has provided an allocation of £1,534,200.05 to the Council from the 2021/22 Household Support Fund (HSF); a grant intended to protect the most vulnerable from hardship this winter. This will be utilised for:</p> <ul style="list-style-type: none"> • The ongoing provision of Free School Meals until Easter 2022 • Targeted support for Council Tax Support Claimants • Targeted support for people at risk of in-work poverty • Investment and support to local community groups who provide anti-poverty support • Maintenance of crisis hardship provision <p>How will the Council ensure as many people as possible are made aware of and contacted regarding the availability of this Government provided funding? Cllr. Dene Vernon</p>
	Cllr Gold	<p>Extensive engagement has taken place through Public Service Leadership Team colleagues in each neighbourhood, [including Early Help Leads, Fire and Rescue Colleagues, Staying Well Team and Beacon Service Social Prescribing Link Workers] who are proactively identifying individuals and families who would benefit from winter hardship support and wraparound advice. This provides a focus on the areas of greatest deprivation and to seek to address in-work poverty. We are also working with the Bury Community Support Network, which is a collection of food banks and pantries in the Borough, who [along with other community leads such as Eagle Wings and Bury People First], are also identifying individuals and families with whom to provide immediate support and link into local advice and information, eg CAB debt advice; support through the Bury Directory.</p> <p>The Council is working closely with our boroughs schools to deliver the free school meal vouchers during the holidays. Schools are best placed to know and communicate with the parents that we are helping, and this continues to work well.</p> <p>We are also targeting those individuals and families in receipt of Council Tax Support, so that we can get this much needed support directly out to them before Christmas.</p> <p>A payment has been made to support the valuable work carried out by the members of the VCFA who work so closely with so many groups of residents across the Borough.</p> <p>In addition to these targeted approaches, we have added to our existing support services that work with many of our residents during the year to provide a safety net for those who find themselves in need of short-term support and advice.</p>

	Party	Question / Questioner / Supplementary
2	Labour	<p>Could the Cabinet Member give an update on the landslip at Springwater Park? Cllr Whitby</p> <p>Supplementary: What representations have been made to the Government about this and have they agreed to provide the necessary funding?</p>
	Cllr Quinn	<p>At Springwater Park, all immediate health and safety concerns were made safe soon after the initial floods in February 2020. The slopes adjacent nearby properties have not deteriorated significantly since observations in spring 2020. 100 survey probes have been installed which continue to be monitored. A number of specialised geometric surveys are ongoing, and the site has been divided into a number of segments. A design programme is in place and each segment has been surveyed to determine the most appropriate 'risk based' design solution which could range from longer term monitoring to physical repairs and remedial works. Specific design solutions and detailed cost estimates should be ready early in 2022.</p> <p>Supplementary Response</p> <p>At this stage, no external funding or Government funding has been agreed. Council officers and the Cabinet Member Cllr Quinn are still endeavouring to get meetings set up through the Bury South MP with appropriate Government Minister. This is currently without success. Cllr Quinn is in the process of setting up a visit to Springwater with Andy Burnham in January 2022 in order to raise the profile of the issue as well as continue to gain support from the Government.</p>
3	Labour	<p>Does the Leader of the Council agree with me that post offices are crucial community assets and that Post Office should re-open their post offices in Unsworth promptly? Cllr Boroda</p>
	Cllr O'Brien	<p>Thank you Cllr Boroda and yes I completely agree that Post Offices are a vital provision within our community. The Chief Executive has written to the Post Office to express the Council's disappointment that the two branches in Unsworth have not yet re-opened and he has encouraged them to restore provision as quickly as possible.</p> <p>With more and more reliance on digital means for services, this can often still exclude residents who are not able to get access online and we need to work with partners like the Post Office to support these residents. We will continue to support the Unsworth Councillors and community on this important issue.</p>

	Party	Question / Questioner / Supplementary
4	Conservative	<p>Thank you to Cllr. Quinn for visiting Tottington recently and seemingly understanding the urgent need for a crossing/refuge on Market Street. Sadly after over a decade of asking, lobbying and putting forward petitions we are no nearer but we have made it on a "list". However, there is still no funding available for Tottington. As one resident said to me "why is it that areas represented by Labour Councillors are those which receive funding for crossings? Cllr. Yvonne Wright</p>
	Cllr Quinn	<p>Around 2010, the government stopped Local Safety Scheme funding. This had provided around £600k per annum for the Council to introduce road safety measures. Without a funding source, it is necessary for proposed crossing locations to evidence an existing road safety issue by demonstrating a poor injury collision histories as well as meeting minimum criteria for vehicle and pedestrian numbers. Otherwise, controlled crossings (which cost around £65k) have only been provided when external funding has become available (usually through developers or GMCA initiatives). External funding comes with criteria and scheme selection does not wholly sit with the Council as sites need to fit with, say, cycle route locations, for example.</p> <p>Recent crossings installed: Walshaw Road (developer funded) 2 Toucan crossings Ainsworth RD, Radcliffe (GMCA - Growth Deal funded) East Ward area – TfGM Walking & Cycling initiative (GMCA - MCF funded) 2 Toucan crossings on A56 (DfT - Emergency Active Travel Fund 1 funded)</p> <p>Crossings due to be installed (GMCA Funding). Ainsworth Village (Radcliffe North Ward) Sheepfoot Lane (Sedgley Ward) Thatch Leach Lane (Besses Ward) Croft Lane (Unsworth Ward) Heys Road (Holyrood Ward)</p>
5	Labour	<p>What is the Council doing to ensure we provide accommodation for rough sleepers this winter and give them the wider support they need to stop them going back out on the streets? Cllr Farooq</p> <p>Supplementary: Can the Cabinet Member also update us on the support we have in place to house Afghan refugees?</p>
	Cllr Cummins	<p>Since last winter we have increased our rough sleeper accommodation provision by over 30% from 30 to 40 units through maximising funding opportunities via 'A Bed Everything Night' initiative (ABEN) and the Roughs Sleeper Initiative funding (RSi). In anticipation of the potential increase in rough sleepers during the cold weather we will facilitate a sit</p>

	Party	Question / Questioner / Supplementary
		<p>up provision if our existing emergency accommodation becomes full. Based on current intelligence we will be able to accommodate all rough sleepers and keep them safe and secure and supported and off the streets all year round and during winter.</p> <p>During the last 12 months we have also been successful in supporting 55 rough sleepers with positive 'move on' into accommodation with support and this will continue during winter to maximise accommodation and space.</p> <p>Over the past 2 years we have managed to introduce our own rough sleeper outreach service to quickly identify new rough sleepers in the Borough but then appropriately and quickly support into accommodation and keep them off the streets which will especially important during the winter months.</p> <p>We will continue to work proactively and in collaboration with the faith and voluntary communities across Bury to provide provision such as food, clothing and toiletries for our rough sleepers.</p> <p>Supplementary:</p> <p>In terms of the Afghan refugee crisis, we are working to meet our pledge to provide 10 properties to support families affected by the crisis into Bury, this will achieve 30 to 40 spaces for refugees. We have quickly commissioned and worked in partnership with Stepping Stones charity. Stepping Stones will have two designated officers to support these families to join up the dots and link with other services across the Borough both in the private and voluntary sectors but working closely with public sector colleagues and services. The first family has arrived and has received a warm welcomed with positive feedback from the family.</p>
6	Labour	<p>Could the leader give an update on the impact that the cut to Universal Credit has had on residents of Bury? Cllr Peel</p> <p>Supplementary: What plans has the Council put in place to support those impacted by this cut and the other pressures on household budgets currently being felt by many in our borough?</p>
	Cllr O'Brien	<p>We have contacted DWP liaison and their response is as yet they "do not have any facts or figures relating to the Universal Credit £20 Uplift." However, data from the Joseph Rowntree Foundation estimates that 18,140 families in our borough are impacted by the cut.</p>

	Party	Question / Questioner / Supplementary
		<p>This is 18,140 families with less money in their pocket for rent, food, energy bills, fuel, school uniforms, local businesses and much more. All at a time when the cost of living is skyrocketing.</p> <p>Our Jobcentre work coaches are supporting all claimants impacted by this decision – advising regarding debt, housing rent arrears, mental health issues and overcoming barriers into work.</p> <p>Supplementary:</p> <p>The Councils own Crisis Support scheme has also seen a near doubling in requests for help since the time of the withdrawal</p> <p>The Council has provided £200k additional money to its local crisis support fund that can support those most in difficulty within the borough.</p> <p>6,470 young people in 3,346 families will continue to receive Free School Meal vouchers worth £15 per week through the Christmas, February and Easter holidays - you'll get these directly through your child's school.</p> <p>5,232 households receiving Council Tax Support will receive a £100 voucher to help with the cost of energy bills.</p> <p>£255,000 has been allocated to support those in work who don't qualify for benefits but may still be facing poverty.</p> <p>£50,000 will be distributed to foodbanks across the borough, who are seeing a rise in referrals.</p> <p>£100,000 will be added to our Crisis Hardship Fund for emergency financial provision, which can cover urgent payments to those most in need.</p> <p>Separate funding is available to help people at risk of homelessness, in particular low income private renters.</p>
7	Conservative	What plans do Bury Council have to name a road, street or other civic location or building in honour of George Stanley Peachment VC? Cllr LJ Dean
	Cllr Gold	Whilst there are no existing plans in place specifically in relation to George Stanley Peachment we would welcome the opportunity to discuss possible means of recognition in the Borough, including those linked into future developments in Bury close to George's home in Fishpool. George studied engineering at Bury Technical School and became an apprentice steam engine fitter engineer and such

	Party	Question / Questioner / Supplementary
		<p>discussions would look to include local further education provision and partners at East Lancashire Railway.</p> <p>More generally, street naming guidance can be found at: https://www.bury.gov.uk/index.aspx?articleid=10664</p>
8	Lib Dem	<p>Previously this Council agreed to a Governance Review, to consider whether Councils at the Town/Parish tier might be appropriate for the towns that make up Bury, to take place after the ward Boundary review, which concluded earlier this month. Could the Leader please inform members when this review will start and what form the process will take? Councillor Powell</p>
	Cllr O'Brien	<p>Now that the Boundary Commission review is complete we can go on to consider this matter. We will need to bear in mind that things have moved on considerably since the matter with last discussed at full Council.</p> <p>We now have five Community Hubs - one for each of our towns, with Ramsbottom and Tottington being served by the same hub. The Hubs are an excellent legacy of our work as a Council supporting our communities through the Covid pandemic.</p> <p>The hubs will support all of us in our Ward representative role. They will also engage and involve local people and communities in the development of the places where they live and the public services they receive. The Hubs have only just begun so we need to give them time to develop into their role and then evaluate them.</p> <p>We've also put in place new governance for Radcliffe as part of the SRF - the Strategic Regeneration Framework. We now have the Radcliffe Advisory Group which works engages local community groups, local businesses and local public service managers. The Advisory Group feeds into a Delivery Board which brings together the major stakeholders with a role to play in the regeneration process and which coordinates the delivery of all the major projects we are bringing to Radcliffe.</p> <p>We've also created the Radcliffe Cabinet Committee providing cross party political leadership for the delivery of the SRF. The next stage is to connect all of this more directly to better lives for Radcliffe residents through a People and Communities Plan.</p>

	Party	Question / Questioner / Supplementary
		<p>So, major innovations in the governance of place are being tested in Radcliffe and so far it seems to be working.</p> <p>We are now looking at the governance of the Bury town centre Masterplan and how we connect this to the people and communities of the surrounding neighbourhoods - some of the most deprived in the Borough. The Chief Executive is working on this and will use the lessons we have learnt from Radcliffe.</p> <p>So, yes we will return to the question of parish and town councils but only when these new developments - the Community Hubs plus what we've done in Radcliffe and are about to do in Bury - have had a chance to bed in.</p>
9	Labour	<p>Recent media reports suggest that the Secretary of State for Housing, Michael Gove, is considering a new planning formula that would see more homes built in the north of England, including in places like Bury, to save the Tory shires from development. Can the leader confirm what impact this would have on our borough? Cllr Peel</p> <p>Supplementary: I believe the leader wrote to Michael Gove recently to ask him to reconsider the housing targets his government is continuing to impose on places like Bury. Did he get a response to that letter? And if the Secretary of State has refused to support our case for a lower housing target, as these reports would suggest, what more can we do to get the balance right on the need for housing and the need to protect our green spaces?</p>
	Cllr O'Brien	<p>It has been reported that Michael Gove has welcomed a new formula proposed by the Building Back Britain Commission – an independent group made up of the leading housebuilders.</p> <p>The Building Back Britain commission report proposes a new “levelling up” approach, with scenarios for Bury ranging from 640 to 1,203 homes per year – significantly higher than the current local housing need of 591 homes per year using the Government’s standard method, or the proposed Places for Everyone target of an average of 452 homes per year.</p> <p>If this approach is taken forward, it is likely to result in the need to identify additional green belt land for housing.</p> <p>If a new formula is introduced by the Government, we would expect to see transitional arrangements put in place to allow plans that are already at an advanced stage to proceed. Given the advanced stage that the Places for Everyone plan is at, remaining part of the PFE should therefore offer a degree of protection from the type of uplift proposed by the Britain Back Britain commission. This only reinforces our point that withdrawing from this plan without an</p>

	Party	Question / Questioner / Supplementary
		<p>alternative – as is proposed by the opposition parties – would leave us even more exposed to developers seeking green belt land and be a huge step backwards from the progress we've made in reducing the numbers by working together across Greater Manchester.</p> <p>Response to supplementary:</p> <p>I wrote to Michael Gove on 12 October but have not had a response.</p> <p>We are continuing to focus our efforts on delivering housing on our brownfield sites – recent examples at Cabinet, but we simply do not have enough brownfield land to meet local housing needs.</p> <p>It is a difficult balance to strike but failing to build enough of the homes our communities need will result in worsening housing affordability and increased inequality.</p> <p>By working together with the other districts to progress the Places for Everyone plan, we have been able to reduce our housing target and protect more of our valued open spaces. The plan will also ensure that the necessary infrastructure to support development is put in place, high environmental standards are met and affordable housing is delivered.</p>
10	Labour	<p>It was very welcome to see Bury once again receive the Purple Flag Award for our town centre. Can I ask for an update on what more we are doing to support Bury Town Centre stay a safe and vibrant place? Cllr Walmsley</p>
	Cllr Morris	<p>Areas awarded the Purple Flag are recognised for providing a vibrant and diverse mix of dining, entertainment and culture while promoting the safety and wellbeing of visitors and local residents. Bury town centre has won this award for the 6th year running which reflects not only what the town has to offer but also the effective partnership working that takes place to ensure a positive and welcoming experience.</p> <p>The council is working on a masterplan which will guide the development of the town over the next 10 to 15 years and which will deliver new development opportunities, such as bringing a hotel to the former fire station site, a new transport interchange and the Bury Market Flexi Hall project, which has just been awarded Levelling Up funds.</p> <p>This strategic developments, along with the ongoing partnership working with town centre stakeholder will support the town's ongoing success and ensure it remains a place people will want to live, work and visit.</p> <p>Discussions are continuing around the potential to create a Business Improvement District for Bury town centre, which could bring additional resources to help improve the safety and vibrancy of the centre.</p>

	Party	Question / Questioner / Supplementary
		The proposals to acquire the Millgate will help maintain the centre as a mixed-use area with a stronger night time economy, with the safety improving because of higher levels of footfall. The proposals for a new Interchange will remove the remote-stands which don't contribute to a feeling of safety and should be replaced with a modern facility with a safer waiting area. The recent 'full-fibre' project roll-out across the Borough also gives the potential to upgrade the CCTV cameras to a much higher definition, improving the ability to identify trouble-makers.
11	Conservative	Can the Leader of the Council update Members on how the Council is measuring the public/business awareness of the business support measures and what are the awareness levels? Cllr Rydeheard
	Cllr O'Brien	<p>Bury Council has at its heart a policy to engage with businesses. This has been established since the last recession when it was clear that businesses and entrepreneurs would lead the way to post recession recovery. The same stands now, not only Covid recovery but our ambitions to grow an inclusive economy that attracts good quality employers to our borough.</p> <p>Our brand Bury Means Business has engaged across sectors from the self-employed, micros businesses, SME's, larger organisations, and start-ups. We do this in partnership with funded organisations such as the Greater Manchester Growth Company, MIDAS, Marketing Manchester, GM Chamber and Enterprising You.</p> <p>We use a E newsletter as a vehicle for disseminating all avenues of business support, access to webinars, training, skills, and grants. Since the start of the Covid pandemic the number of businesses that we have engaged with has grown significantly. Council Officers have used this wider engagement to signpost further support in addition to financial grants. For example, Bury over achieved its target of referrals of self-employed and gig economy workers to Enterprising You.</p> <p>Visits to businesses have started again in earnest as we try to understand what the barriers are to growth but also to engage with those hidden gems across our townships. Over the Covid period we have witnessed innovation and determination as businesses did all they could to survive. We must support and celebrate our business community.</p> <p>The Bury Business Leadership has supported Bury Council on a weekly basis through Covid acting as our check and measure and supporting the dissemination of business-related information amongst their networks. This group continues to expand with new members and is one of longest established groups in GM.</p>

	Party	Question / Questioner / Supplementary
		<p>To measure our engagement and make recommendation we have used our membership of the Centre of Local Economic Strategies to measure our engagement during Covid and assess the economic impact of the grants. This report will be available in January 2022. This will include referral across partnerships.</p> <p>As we move from grant allocation, Council Officers will turn their endeavours to ensuring our business engagement increases and KPI's can be agreed to measure success.</p>
12	Labour	Does the Leader of the Council agree with me that Joseph Holt's Brewery should suspend parking charges at the Bay Horse Pub, at least on a temporary basis? Cllr Boroda
	Cllr O'Brien	<p>I fully agree with this campaign and want to congratulate Cllrs Boroda, Rafiq and Grimshaw for their efforts in sticking by this proposal, despite a lack of movement so far from Joseph Holts.</p> <p>Anyone who has spoken with residents in Unsworth and especially those around Unsworth Pole, know that parking is a major issue and one that requires a degree of cooperation and compromise from all those in the area. Clearly, the under-used car park at the Bay Horse is an ideal location to help residents and other businesses bounce back from the impact of Covid.</p> <p>If there is anything more that the Council can be doing to assist, we will do so.</p>
13	Labour	Can the Leader provide an update on the progress made with the Barnfield Park project in Prestwich? Cllr Butler
	Cllr Quinn	<p>The Council is currently working in partnership with City of Trees (CoT) to develop the Council depot based in Barnfield Park. CoT are already making use of the site for storage and an interim nursery. The joint venture is actively exploring the possibility of developing the site into the CoT Head Quarters as well as a hive of community activity. The Council and CoT aim to secure funding for a project manager for 3 years to develop the vision and secure external funding for a range of projects. An example is to use the site as a training facility for those struggling to get into/back into work and create career pathways into urban forestry.</p> <p>The Council continues to work in partnership with CoT regarding a wide range of tree planting project through the ongoing £250k of Council tree planting investment which is being supported through volunteers and additional external funding secured by CoT in partnership with the Council. Since May of this year 275 semi mature trees have been planted across Bury.</p>

	Party	Question / Questioner / Supplementary
14	Conservative	On the 6th of October 2021 the Manchester Evening News reported that life expectancy at birth fell by 1.3 years for men and 0.9 years for women in 2020. This was from a new report published by a panel including an expert from The University of Manchester and highlighted links to the excess mortality caused by the coronavirus pandemic. What action will the Cabinet Member for Health and Wellbeing be taking through the Councils health inequalities work to address the reduction in life expectancy due to the COVID-19 pandemic? Cllr. Roger Brown
	Cllr Simpson Cllr Debbie Quinn	<p>As we all know, CoVID-19 has shone a light on pre-existing poor health and widening health inequalities and exacerbated this even further.</p> <p>The drivers of this are a complex mix of social, economic and environmental factors alongside access to quality service and social norms and behaviours.</p> <p>The Health and Wellbeing Board is ensuring that work to address all of these factors is co-ordinated and being driven forward with an explicit objective to reduce inequalities linked to measures to evidence improvements.</p> <p>These range from interventions that will begin to have an impact on life expectancy and healthy life expectancy in the shorter term such as good quality management of long-term conditions in primary care, to those that will have an impact over the medium-term such as implementation of the Physical Activity and Food and Health strategies and those that will take longer to have an impact such as making sure every child in Bury gets a good start in life.</p>
15	Lib Dem	Could the Leader inform members on the amount paid out by the authority, and the amount spent on legal costs, for compensation claims as a result of poor road and pavement surfaces, for the last five financial years? Councillor S Wright
	Cllr O'Brien	<p>Thanks for your question, Cllr Wright.</p> <p>Firstly, I would like to point out to the member that the number of claims received within the policy years does not correlate to the amounts paid within financials years. For example, the payments made within the last financial years could and will relate to claims that may have occurred within the last ten years. Payments are still being made on claims that occurred in 2015 and before, but just being paid now. Third party costs are always the last payments which are settled, in particular the cases which have been to court.</p> <p>It is also difficult to relate damages and costs to number of claims, as it depends on the severity of injuries.</p>

	Party	Question / Questioner / Supplementary
		<p>Thankfully, following our investments to improve our roads and pavement surfaces, the number of claims has decreased from 623 in 2017/18 to 234 in 2020/21, and as a result, we may see a decrease in these costs in the coming years.</p> <p>I will send over the exact figures to you following this meeting.</p>
16	Labour	<p>What is the latest position regarding winter pressures in our hospitals and care homes and how are we preparing to deal with them? Cllr Holt</p>
	Cllr Simpson Cllr Debbie Quinn	<p>The Bury Integrated Urgent and Emergency Care System is currently proactively in Winter Planning mode. The following headlines point are by means of assurance:</p> <ol style="list-style-type: none"> 1. System wide Winter Planning Group established in August 2021, this group is meeting every 2 weeks as required. We submitted a Winter Plan to GM in a prescribed GM template format which has been approved. 2. We have also completed a review of its system partner OPEL (Operational Pressures Escalation Level) cards and cards have been updated. If the system comes under serious pressures partners are asked to ensure all OPEL card actions have been completed and hold a system wide Winter Planning Event during in which a, 'worst case' scenario session was held to inform learning. 3. We have refreshed our system list of Alternative To Admission Schemes and are due to share this widely across the system and is currently concluding its Winter plans for Primary Care through utilisation of the National Winter Access Fund. Schemes being proposed include, increased staffing and access to GP practices and enhanced levels of EWHs. 4. We have a well-established integrated system wide Bronze meeting which takes place Monday-Friday at 8.30am. This whole system meeting takes a stocktake of the previous day and considers the immediate system pressures and the day ahead. Where required Bury has a well-established Silver escalation meeting process which can be mobilised quickly on a daily basis Monday-Friday. 5. We also have a well-established Weekend Planning meeting, every Friday at 3pm. System wide weekend on call managers are available to come together if required over the weekend. As well as the GM Winter Plan, submitted, the Bury system is working on local 'Operational Arrangements' Plan over the Christmas period. This plan will document service opening, plans for pressure point days, detail on call arrangements, etc.

	Party	Question / Questioner / Supplementary
		<p>6. We have a well established Community Commissioning Team that maintain regular contact with our care providers and a dedicated urgent email address and phone number for care providers to access in an emergency. Provider capacity is also regularly reviewed with proactive support offered where issues are identified.</p> <p>7. We have a recently re-tendered care at home service that provides access to greater number of providers ensuring care needs can be met and care packages picked up rapidly.</p> <p>8. We have weekly System Flow meetings that support the resolution of strategic issues and make key organisational decision to support patient flow through the system.</p>
17	Labour	Could the Cabinet Member update the Council on the request from GM to Defra for £360m to deal with the impact of Ash Die Back severely damaging our trees? Cllr Hayes
	Cllr Quinn	A letter to DEFRA was sent at the end of June by Cllr Neil Emmott, the Green City Lead Portfolio Holder for GM, to the Environment Minister requesting funding to support an Ash Die Back Action plan for GM. The response received at the end of July from the Under Secretary, Lord Benyon, did not offer any financial support for this piece of work. The Under Secretary suggested that we write to the Ministry of Housing, Communities and Local Government for assistance. CoT is currently in discussion with the GMCA about drafting a letter to HCLG requesting support.
18	Conservative	<p>It was reported Bury2Gether are working with the Council to co-produce a pilot looking at the assessment process which will be used when inducting new staff that are joining the team going forward. This was expected to be in place by October half term.</p> <p>Can the Cabinet Member for Education confirm these members of staff have commenced employment, remained in employment, and has the backlog of cases reduced significantly? Cllr. Jo Lancaster</p>
	Cllr Tariq	<p>As part of the DfE's sponsored SEN Transformation Project (Project Safety Valve), the Council has been working with parents, carers and their families, through Bury2gether, to co-produce policies, procedures and arrangements in respect of SEND. This has included measures to strengthen the role of the Education, Health and Care Plan assessment Team, including support with the development of job descriptions for caseworkers to ensure that they meet the aspirations of families whilst meeting the statutory requirements of the Council.</p> <p>To date, four additional permanent EHCP Assessment Caseworkers have been recruited, three of whom are now in post, with the fourth due to join the team in the coming weeks.</p>

	Party	Question / Questioner / Supplementary
		<p>All new staff are following a carefully planned induction programme that covers the statutory requirements of the role, but also on focussing on improving relationships with families through better, regular communication at all levels. New staff are taking part in Q&A sessions with parents and carers to develop a better understanding of the issues families face if their child has special educational needs or disabilities.</p> <p>Additional temporary staffing capacity has been retained at senior caseworker and caseworker levels to ensure progress in addressing the backlog of cases.</p> <p>Alongside this, work is ongoing to review and improve the EHCP assessment process, and to improve timeliness in completing assessments.</p>
19	Conservative	<p>It is estimated that 22% of UK adults do not have the essential digital skills needed for day-to-day life. Can the Cabinet Member responsible for Digital update members on what the figure is for Bury and what are the Councils targets for reducing this figure?</p> <p>Cllr. Russell Bernstein</p>
	Cllr Tariq	<p>Bury' Council's Digital Inclusion Group was established, in 2018, to promote digital equality across the borough. The Economic Development Team within BGI facilitate this group and drive activity. The group's key priorities include:</p> <ul style="list-style-type: none"> • Addressing skills and talent gaps within the digital sector. • Reducing digital exclusion linked to low skills, no access to equipment and poor/no online connectivity. • Promoting and supporting residents to benefit from opportunities linked to being digitally proficient. • Identifying and implementing public service reform opportunities presented via the digital agenda. <p>The group has multiagency representation from Bury Council departments, Bury Adult Learning, Persona, Six Town Housing, DWP and the third sector.</p> <p>All workstreams that fall under the group are branded as 'Bury Works: Digital for All'.</p> <p>In addition, external funded (200K) was secured to create a digital inclusion eco-system.</p> <p>In 2021 this fund created a Digital Inclusion Project Manager, A Digital Inclusion Officer and 3 Digital Inclusion Ambassadors.</p> <p>Key outcomes to date are:</p>

	Party	Question / Questioner / Supplementary
		<ul style="list-style-type: none"> Engaged over 450 residents during community digital drop-in activity and 214 learners via an adult learning digital course (since February 2021). The project aims to engage 1,500 residents by June 2022. Established a multiagency presence on Bury Market, fortnightly on Wednesdays, to proactively engage residents including those aged 50+. Echo device demonstrations are being delivered within Peachment Place (Bury) and Red Bank (Radcliffe). This is a test and learn initiative, including the loan of these devices direct to residents, which has the potential to be scaled up across Bury Council care facilities. Bury Council was awarded over 300 refurbished Samsung tablet devices via the GM Tech Fund. Over 50% were distributed to Bury schools. The Digital Inclusion Project Team also retained 125 devices for a Digital Loan Scheme. The Project Team has supported the rollout of 43 Wi-Fi hotspot devices, alongside unlimited 4G sim cards, for children in care. This is the first activity of this kind in GM, recognising and supporting a cohort that needs WI-FI connectivity to stay in touch, avoiding social isolation and enhance job search and learning. Other activity includes building a team of digital volunteers, working with local cafés to deliver bespoke training and connecting any interactions with residents through digital activity to wider learning. The activity undertaken in partnership is seen as best practice with colleagues across GM districts. There is more to be done to reach all corners of the borough to ensure all ages can use digital technology confidently, enhancing their career prospects, accessing online services and keeping in touch with family and friends.
20	Conservative	Can the Cabinet Member for Transformation outline what the Council is doing to empower residents of the Borough to tackle digital exclusion? Cllr. Jordan Lewis
	Cllr Tariq	As above.
21	Conservative	Can the Cabinet Member for the Cultural Economy outline what they have spent the culture budget on since the start of the pandemic? Please provide a breakdown of schemes, programmes and initiatives funded by the culture budget since March 2020 Cllr. Luis McBriar
	Cllr Morris	<p><u>Core budget</u></p> <p>From March 2020 up to November 2021 there has been a total expenditure of £810,687 from the core culture budget, on the delivery of cultural activity at, and co-ordinated from Bury Art Museum. A total of 22 exhibitions or programmes have taken place during this period including Spirit of a Place;</p>

	Party	Question / Questioner / Supplementary
		<p>Sketchbook STILL Social and Bury Art Mail; Black Art BAM; Drawn Into The Now; Thank Art Winters Drawing In; and ongoing work with Bury Creatives</p> <p><u>Town of Culture specific</u></p> <p>In December 2019 Bury was named the inaugural Greater Manchester Town of Culture. £245,000 of Council funding was matched by the Victoria Wood Foundation, Greater Manchester Combined Authority and Arts Council England. This funding allowed the delivery of:</p> <p>Happy Festival – a celebration of life and influence of Victoria Wood, including online songwriting and comedy workshops in May 2020, performances by the Halle Choir at residential care homes and sheltered accommodation in the Borough in May 2021 and weekend of celebrations in September 2021</p> <p>Burrs Live - outdoor entertainment at the end of August, early September including the Head for the Hills Festival including launch of the Bury Culture Opportunity Pass .</p> <p>Cultural activity to celebrate Bury's military heritage including streamed activity to mark VE75 and VJ75 in 2020 and the Remembrance '21. Community culture funding for Bury Pride's Rainbow Train and the first ever Bury Macfest (festival of Muslim Art and Culture) took place virtually in February.</p> <p>26 organisations across the Borough were successful with Town of Culture Community Grants which built on an earlier set of cultural micro-commissions</p> <p>To develop a lasting legacy from Bury's time as Town of Culture work is underway to develop a new Cultural Strategy for the Borough</p>
22	Lib Dem	<p>Research from the Rivers Trust has shown that untreated sewage was emptied into our rivers and seas on 400,000 occasions in 2020, including in at least 40 locations in Bury. On how many occasions did this take place in the borough in the most recent year that there are figures for? Councillor Powell</p>
	Cllr Quinn	<p>The Environment Agency will be responsible for recording, investigating and enforcing any pollution to our rivers. The underground sewage network falls under UU. Data regarding occasions sewage may have entered our rivers will not be kept by the Council.</p>
23	Conservative	<p>With the bosses of BT & BP leading the acceleration to electric vehicles with a fleet of green vans, will the Cabinet Member for the Environment</p>

	Party	Question / Questioner / Supplementary	
		state on what date all Bury Council vehicle fleet will be zero emission? Cllr. Paul Cropper	
	Cllr Quinn	<p>We are not able to procure a complete fleet of fully zero emission vehicles at this point due to the limited options and price for larger sized vehicles. We will be looking to procure:</p> <ul style="list-style-type: none">• Up to 20 fully electric zero emission vehicles• 114 diesel hybrids <p>The vehicles will be due to be replaced 5-6 years after purchase, at this time we aim to be able to procure a fully zero emission fleet.</p> <p>The Council has just released the tender for the Electrical Vehicle Charging Infrastructure (EVCI) at our depots, to ensure we have the infrastructure to charge any electric vehicles that are purchased. In the meantime, we are looking at other ways to reduce the emissions from vehicles. We are looking to trial the use of Hydrotreated Vegetable Oil (HVO), which is Renewable, sustainable, 100% biodegradable and synthesised from waste fats and vegetable oils. HVO has a significantly smaller (90% less) carbon impact and could fuel the majority of our fleet.</p>	
24	Conservative	Bury MBC received over £100 million in grants throughout the COVID pandemic support packages. Has the Council returned any unspent government grant monies to Central Government? Cllr Jackie Harris	
	Cllr O'Brien	All the schemes for local restrictions grants have closed for applications, there were dates set by central government for applications to be taken and for payments to be made. Those dates have passed and we are in a period of verification and reconciliation now with BEIS before returning any unallocated money. We have no option but to give the money back when we are informed by BEIS of the exact amount following the reconciliation and verification work we are doing now.	
25	Conservative	Can the Cabinet Member for HR provide details on how many departing Bury Council employees have received payments/settlements in lieu of notice over the last 3 years and what is the value of said payments/settlements in lieu of notice to Bury Council employees over the last 3 years? Please provide a breakdown by directorate. Cllr. Bob Caserta	
	Cllr O'Brien	<p>Across the financial years 2018/19 to 2020/21 a total of 50 employees received a payment in lieu of notice with a total value of £585K. A breakdown by Department is provided below. There have been changes in the structures of departments over this period so similar functions have been grouped together.</p> <table><tr><td>Pay in lieu of notice 2018/19 - 2020/21</td></tr></table>	Pay in lieu of notice 2018/19 - 2020/21
Pay in lieu of notice 2018/19 - 2020/21			

	Party	Question / Questioner / Supplementary			
			Number of Payments	Total value	
		Corporate Core (formerly Resources & Regulation)	8	£71K	
		One Commissioning Organisation and Operations (formerly Communities & Wellbeing)	11	£134K	
		Children & Young People (excluding schools)	31	£381K	
26	Conservative	Can the Leader of the Council update members on what plans the Council has to ensure Bury's Council Tax is kept as low as possible this year? Cllr. Khalid Hussain			
	Cllr O'Brien	Officers are working hard on identifying savings, efficiencies and transformation programmes in order to allow the S151 officer to produce a balanced budget unfortunately we are reliant upon a realistic settlement from Government in December to meet the rising needs of our vulnerable members of society who are reliant upon council services such as adult and childrens social care.			
27	Lib Dem	Following research from the National Residential Landlords Association that showed that 67% of Councils had not successfully prosecuted a landlord for offences related to standards in or the management of private rented housing between 2018 and 2021, could the Leader inform members on how many successful prosecutions in the same period there were for Bury? Councillor Tegolo			
	Cllr Cummins	<p>Between 2018 and 2021, we have not formally prosecuted any Landlords for housing and management offences. However, the Council has committed to increasing resources of the team, within the remit of the recent BGI restructure. The full time EHO post is currently out for to advert, and once in post the technical support officer can then be advertised. By increasing capacity, it is the aim of the Council to increase enforcement activities in the private rented sector (PRS) and issue civil penalties up to £30,000 for failing landlords. The legislation allows for the Council to retain any monies generated from issuing penalties and ring fence any income directly back to the team to continue its activities within the PRS.</p> <p>We have also worked with a number of landlords to increase standards and have exercised our formal powers to ensure works have been completed.</p>			

	Party	Question / Questioner / Supplementary
28	Conservative	Does the Leader of the Council feel that the Council's current procedures are sufficiently robust enough to once again achieve pre-COVID levels of business rate collections, in percentage terms? Cllr. Iain Gartside
	Cllr O'Brien	Yes, officers of the Council are working hard to support businesses by distributing all of the COVID grants that have been made available to businesses and collecting business rates where these are due.
29	Conservative	Following COP26, how are the Council planning to engage the local community on improving the environment across the Borough? Cllr. Sam Hurst
	Cllr Quinn	<p>COP26 brought climate change to the forefront of peoples' minds and there is now a collective drive across society to reduce our emissions and our impact on the planet.</p> <p>Capitalising on this momentum is important for the Council and we launched a Climate Action Fund to coincide with COP26. We have been reaching out to local action groups within Bury encouraging them to apply for funding. This fund will be disseminated in Q1 of 2022, and we hope it will spur continuing action.</p> <p>We've been working with the newly implemented Community Hubs and attending their Let's Do It Together Meetings to promote the Fund as well as utilising the usual social media channels.</p> <p>We plan to launch our own community meetings in January 2022 to engage with our local people and groups around climate action. We look forward to using these spaces to encourage local action, while making people aware of the global and local issues and creating a common space we can all work together in.</p> <p>On the 9 November we held a Bury Means Green Business event which saw a large number of local businesses come together to find out more about how they can respond to the opportunities of a carbon neutral future and share thoughts and ideas.</p> <p>On 12 November we held a Bury Youth Climate Conversation where local school children could let us know their thoughts and concerns on the climate agenda and tell us what actions they would like to see. This prompted a good exchange of thoughts and ideas from our youth community which will help us to develop our Schools Climate Conference in 2022.</p> <p>We have recently updated the website to reflect new information and will be launching a mailing list so we can provide residents, businesses and groups with a monthly update on local events, calls to action and again</p>

	Party	Question / Questioner / Supplementary
		<p>promote awareness of the issues. We are always looking at new ways we can encourage and improve our communication with the public.</p> <p>As we now look towards 2022, we begin to set out what we hope to achieve in the new year and community engagement will be a big focus. We have several events planned to include a second Bury Means Green Business event as well as a Schools Climate Conference. With so many events already planned across Bury, we also plan to work with organisers to ensure sustainability is at the heart of these.</p>
30	Conservative	<p>Can the Cabinet Member responsible outline the long-term strategy for the community hubs and how these will be used to work more closely with out third sector to support the communities of the Borough Cllr. Nick Jones</p>
	Cllr Gold	<p>Building on the success of COVID-19 community response we have developed the Community Hubs in each of the five neighbourhood to be the place where we corral collective oversight of community activity as set out in the Let's Do It! strategy.</p> <p>Based on substantial engagement with the local system and communities as part of Bury 2030 design, and the Covid-19 response, the Hub model enables a small team of council officers to have a stronger, targeted presence in each neighbourhood and, through this, to develop relationships with residents and community sector partners to encourage people to collaborate and engage on collective community action.</p> <p>Fulfilling this vision within the voluntary and community sector is one of the central objectives of the council's new two-year partnership with the VCFA (Voluntary, Community and Faith Alliance). The performance framework underpinning Council funding for the VCFA was refreshed as part of a new two-year funding arrangement last year and a new set of key performance measures defined. One of the key outcomes agreed with the VCFA is to: "Drive the VCFSE contribution and community voice in shaping the design, development and implementation of Bury Neighbourhood Model, including prevention and early intervention activity with the community hubs". This emphasises our approach of working together, in a strengths-based way, rather than 'doing to' local groups or communities – this is a key focus for daily engagement and collaboration between the Community Hub Managers, VCFA colleagues and the broader ecosystem of VCFSE organisations across the Borough.</p> <p>The Hubs are currently funded until the end of 2022/23 financial year. The success of the model will be evaluated next year to determine the longer-term strategy in the context of continuing to deliver Let's Do It</p>

	Party	Question / Questioner / Supplementary
31	Lib Dem	Can the leader tell us what s106 money is outstanding from developers, with dates and what amount of s106 is held by the council per township? Councillor S Wright
	Cllr O'Brien	<p>Details of received and outstanding s106 contributions are reported to the Planning Control Committee, together with information on expenditure. The next update, setting out the figures for 2020/21 is due to be taken to Planning Control Committee in the New Year.</p> <p>S106 contributions are held on trust by the Council and can only be spent in accordance with the terms of each individual legal agreement. All contributions are received for a specific purpose, such as improvements to recreation facilities, delivery of affordable housing or employment land development, and the majority are committed to specific projects.</p> <p>It is not possible to break down the amount held by township, as some contributions are not tied to a particular location, for example in the case of employment or affordable housing contributions. It is worth noting that £1m of affordable housing contributions has recently been committed to bringing empty properties back into use as affordable housing, with the specific properties to be targeted to be confirmed.</p>
32	Lib Dem	Could the Leader please inform members how many school crossing patrols are currently not operational, and how many others currently don't have permanent allocated members of staff in place? Councillor Tegolo
	Cllr Tariq	<p>The School Crossing Service has been managed by the School and College Transport Team since April 2014, prior to this the service was within the Highways Department.</p> <p>Week commencing 15th November 2021 a total of 10 crossing points were not operational for the full week and 5 crossing points were not operational for part of the week.</p> <p>Due to ongoing difficulties with recruiting to the role of school crossing patrol there are a number of vacant sites that have been left vacant.</p> <p>In September 2015 there were 78 dedicated school crossing sites. An ongoing review of all crossing points was commenced in September 2016 to determine the continued eligibility of each crossing site. All school crossing sites should be reviewed by undertaking a classified count of the site every 2 years to ensure they continue to meet the criteria for a school crossing point to be in place.</p>

	Party	Question / Questioner / Supplementary
		<p>The classified count identifies the busiest thirty minute period, recording child pedestrians and vehicles (cars, light goods vehicles, motor cycles, large goods vehicles, buses, coaches and cycles). These values are then entered into a calculation determined by the national school crossing patrol service guidelines to calculate a PV2 value. In order for a site to meet criteria for a school crossing to be in place it must achieve a score of 4 million, be classified as an unassisted crossing and have at least 15 children crossing at the facility.</p> <p>As a result of the ongoing reviews dedicated crossing points that no longer meet criteria have been disestablished. It is not necessary or recommended for school crossing patrols to work on pelican, puffin or toucan crossings as they are by definition, safer crossing facilities.</p> <p>Since 2017 19 crossing points have been disestablished and a further 12 sites are due to be disestablished as they do not meet criteria (8 x assisted pelican or puffin crossings, 1 x less than 15 children crossing and 3 x do not achieve a PV2 value of 4 million).</p> <p>Where crossing points no longer meet the criteria and have been disestablished staff have been relocated to an alternative point requiring cover.</p> <p>When allocating relief cover for vacant points the team prioritises the crossing points based on the number of children crossing with the patrol, volume of traffic and the type of crossing facility that is in place. The team aim to cover all unassisted crossing points but this has not been possible at all locations due to staffing.</p> <p>In order to meet service requirements several permanent staff have been relocated to busier/high priority points wherever it is possible to do so. This arrangement is on a temporary basis and subject to weekly review.</p> <p>Since the start of the school year in September seven staff have resign/retired and several other staff remain absent due to sickness putting additional pressure on a small pool of relief staff.</p> <p>As a result of the coronavirus pandemic and the closure of schools in the past year the classified were placed on hold as they would not provide a true reflection of the number of children using the crossing or vehicles travelling past the crossing point.</p> <p>A consultation with school crossing patrols is due to commence in January/February to realign staff to the crossing points, update the job</p>

	Party	Question / Questioner / Supplementary
		<p>description and disestablish the remaining points that no longer meet criteria. A recruitment exercise will also commence to appoint staff to crossing points that remain vacant following the realignment of staff.</p> <p>The team continue to prioritise recruitment to the role of relief school crossing patrol and are scheduled to interview three candidates week commencing 22 November 2021.</p>

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REPORT FOR DECISION



DECISION OF:	The Council
DATE:	24th November 2021
SUBJECT:	Update on Greater Manchester Combined Authority Activity
REPORT FROM:	Leader of the Council
CONTACT OFFICER:	Leader of the Council
TYPE OF DECISION:	Non key decision
FREEDOM OF INFORMATION/STATUS	This paper is within the public domain.
SUMMARY:	This report provides an update on the activity of the Greater Manchester Combined Authority.
OPTIONS & RECOMMENDED OPTION	That Council notes the report and agrees that further updates on the Combined Authority are provided to future Council meetings
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Equality/Diversity implications:	Equality Impact considerations included on the individual Combined Authority reports.
Wards Affected:	All Wards.
Scrutiny Interest:	Overview and Scrutiny

1 Background

- 1.1 This report provides an update on work of the Greater Manchester Combined Authority (GMCA) following an update to Council in September 2021.

- 1.2 Since the last update there have been three meetings of the Greater Manchester Combined Authority. The most recent of these taking place in Bury on 29th October.
- 1.3 It was a pleasure to welcome Leaders and Chief Executives from across Greater Manchester to our Borough. I spoke to those attending the meeting about our term as GM Town of Culture and the legacy we hope to achieve from the past 2 years.

2 Greater Manchester Armed Forces Covenant Delivery

- 2.1 In June 2017, GMCA Members re-signed the Armed Forces Covenant and made a strong commitment to transforming the offer for the Armed Forces Community in Greater Manchester. The report presented a third update on the work that has subsequently taken place. The report also presented information about future initiatives and campaigns that have been developed using the expertise of the GM Armed Forces Leads across the localities and partners.
- 2.2 The report also proposed that GMCA seeks to maintain delivery and its national position in the lead of developing a coherent regional approach to provide a Gold Standard Offer to the Armed Forces Community.
- 2.3 The report noted that Bury's Armed Forces Covenant Steering Group had made significant progress in reviewing Bury's Armed Forces Covenant, which is now a joint covenant across the Council and NHS Bury Clinical Commissioning Group (CCG) signed on 10 November, to complement the Greater Manchester Armed Forces Covenant.
- 2.4 At the [10 September 2021 meeting](#) of GMCA, members approved the proposal to resign the Greater Manchester's Armed Forces Covenant. Members also noted the update on progress made to deliver the Covenant and the forthcoming developments with regards to forthcoming legislation.

3 Greater Manchester Equality Panels

- 3.1 The [GM Equality Panels](#) have been established to help tackle the structural and organisational prejudice and discrimination that causes inequality and injustice in society, through the advancement of equity and fairness in decisions, policies and services across all sectors and communities.
- 3.2 The role of the Panels is to:
 - Champion Greater Manchester's cultural heritage and history of community inclusion and social justice.
 - Advise the Mayor of Greater Manchester and the Greater Manchester Lead for Ageing and Equalities of the challenges and opportunities faced by people linked to their identity.

- Provide constructive challenge to political and organisational leaders to tackle prejudice and discrimination within their organisations and structures.
- Proactively support and constructively challenge the GMCA and its public, private and voluntary sector partners to develop effective solutions that tackle inequality and increase equity.

3.3 At the 10th September 2021 meeting of GMCA members were presented with annual reports provided by the Disabled People's Panel, LGBTQ+ Panel and Youth Combined Authority, and updates from the Race Equality Panel, Women and Girls Panel, and Faith and Belief Panel. Members also noted that recurrent funding of £350,000 will be required from the Mayoral Budget from 2022/23 to continue the work of the Equality Panels.

4 Greater Manchester Homelessness Prevention Strategy

4.1 The Greater Manchester Homelessness Prevention Strategy has been through extensive co-production and public consultation and was brought for approval to the Greater Manchester Combined Authority on the 10th September 2021.

4.2 GMCA members:

- Recognised and approved the missions that the strategy sets for homelessness prevention in Greater Manchester.
- Recognised and approved the principles that are set to guide homelessness prevention activity in Greater Manchester.
- Recognised and approved the commitment to the development of an accompanying Greater Manchester Homelessness Prevention Action Plan by October 2021 that sets out regional commitments, deliverables and indicators.
- Noted that Greater Manchester's target for 50,000 affordable homes will be at the heart of the forthcoming Comprehensive Spending Review bid.

5 GM Minimum Licensing Standards for Taxi and Private Hire

5.1 In 2018, Greater Manchester's ten local authorities agreed to collectively develop, approve and implement a common set of minimum licensing standards (MLS) for taxi and private hire services. At that time, the primary driver for this work was to ensure public safety and protection, but vehicle age and emission standards in the context of the Clean Air and the decarbonisation agendas are now also major considerations.

5.2 At the 10th September 2021 meeting of GMCA, members were presented with the final recommendations for the 17 standards included at Stage 1 for Drivers, Operators and Local Authorities. The recommendations were finalised following GM Licensing Managers considering all the consultation feedback both at a GM and district level and further to additional discussions held during consultation summary briefings presented at district level to Members and trade representatives at the end of June 2021. Additional detailed discussions also

took place with Members of District Licensing Committees to help officers finalise a set of recommended Standards at Stage 1.

- 5.3 Of the 17 Standards in total proposed at Stage 1; all but 5 of the standards are recommended to be confirmed as proposed. The following 5 standards have been amended in response to the consultation and further discussions as follows:

5.4

Standard Proposal	Amendment
Driver Proposed Standard 1: DBS checks and certificates of good conduct	The DBS certificate and checks requirement remains as proposed. However, it was considered that with regards to overseas certificates of good conduct, there are serious concerns with regards to the lengthy bureaucratic processes involved and the ability to determine the veracity of such documents using current systems. As the burden of the substantial costs of such a requirement would be reflected in the licence fees and the wider risk this presents, it is proposed at this stage that we reflect and engage with government further on this requirement.
Driver Proposed Standard 5: Driving Proficiency Tests (for new drivers only)	It is proposed that this standard is introduced as an outcome where applicable for licence reviews, and that it is introduced both for new and existing drivers in 2022 (in acknowledgement of the significant financial impacts on the trade during the pandemic - allowing time to adjust and recover and reducing the risk of licence holders going elsewhere)
Driver Proposed Standard 7: Dress Code	The appended Dress Code was tweaked in response to the consultation and Members to provide further clarity on what would be deemed acceptable.
Operator Proposed Standard 1: Operator Licence Conditions	Various minor amends to the wording of 7 of the operator conditions.
Local Authority Proposed Standard 6: Excellence in Licensing Award	Not to be introduced at this time to allow time to reflect on how the scheme would be operated and funded, with further direction from Members.

- 5.5 Members endorsed the Stage 1 recommendations at the 10 September 2021 meeting of GMCA. The recommendations at Stage 1 have now concluded their journey through district governance processes and have been formally approved (without alteration) by all 10 districts. The Stage 1 standards will take effect from 1 December 2021. The GM Licensing Network is already working on the CCTV and Drug and Alcohol Testing policies, as well as establishing a common framework for calculating fees and conducting compliance and enforcement activity.
- 5.6 At the [29 October 2021 meeting](#) of GMCA, an update was brought on the progress made on the development of a set of minimum licensing standards To

outline the recommendations officers will be making for Stage 2 (vehicles) of the standard proposals.

- 5.7 Whilst ultimately decisions will be made within individual districts on each individual policy standard, the set of final recommendations reflect the aspirations of the GM Licensing Network following months of discussions subsequent to the public consultation. GM Licensing Managers considered all the consultation feedback both at a GM and district level and held further discussions at district level with Members and trade representatives. Detailed discussions also took place with Members of District Licensing Committees to help officers finalise a set of recommended Standards at Stage 2.
- 5.8 As a result of the consultation and additional discussions, a number of amendments have been made to the 10 vehicle standards as proposed at Stage 2. Most notably are the following:
- 5.9 Not to recommend a date at this stage by which licensing authorities will require vehicles to be Zero Emissions Capable (ZEC) in recognition of the significant risk this poses to licensing authority business models in the absence of national standards to this effect, or legislative reform preventing 'out of area' working. However, a clear intention to move fleets to ZEC has been expressed to trades.
- 5.10 In recognition of the feedback from the trade with regards to the impacts of the pandemic, the significant cost to invest in Wheelchair Accessible Vehicles (WAV's) and the challenges within the vehicle market itself at present; the age limit 5 requirements for WAVs has been extended from a maximum 'coming onto the fleet' age of 5 years - to 7 years; and maximum age limit of 10 years extended to 15 years with a commitment to review air quality metrics and impacts over the next 2- 3 years and review the policy if necessary.
- 5.11 Not to recommend a specific colour requirement for Private Hire vehicles at this stage. A piece of research is to be commissioned to further consider the risks/benefits of this policy. However, single colour for private hire vehicles remains an aspiration of the MLS programme. Most major cities across the world have a private hire fleet that is uniform in colour and readily identifiable and, while the deregulated nature of the private sector in the UK makes achieving that more difficult there is a clear commitment to move in that direction as soon as is practicable.
- 5.12 At the 29 October 2021 meeting of GMCA, members noted the progress of the Minimum Licensing Standards workstream and endorsed the proposals at Stage 2 of the recommendations.

6 Cricket in Greater Manchester

- 6.1 In September 2019, following an approach from the England & Wales Cricket Board (ECB), Lancashire Cricket Club, Chance to Shine (a cricketing charity), Cheshire Cricket Board and GreaterSport, the Combined Authority agreed a

partnership and action plan that would use cricket to improve young people's lives and create stronger, healthier communities in Greater Manchester.

- 6.2 As part of this partnership, Leaders agreed a contribution of £600,000 (over three years) from the GMCA, with an additional financial contribution from host districts towards three Urban Cricket Centres, a new concept in sporting and leisure provision. Together, this funding commitment would unlock over £3 million investment from the cricketing organisations.
- 6.3 At the 10th September 2021 meeting of GMCA, members were provided with an update on the progress of the Cricket Strategy for Greater Manchester and their views were sought on a variation to the GMCA's original agreement for providing funding for the action plan that sits beneath it.
- 6.4 Members agreed at this meeting that this arrangement is varied, instead requiring that one urban centre is agreed with a constituent authority for the first year's funding (£200,000), another for the second year (£200,000) and a third centre for the final year's funding (£200,000). As one centre has already been agreed in principle, this would allow activities to commence from Autumn 2021 with the release of one third of the overall funding, with opportunity for the remaining centres to be agreed before 2022/23 and 2023/24 respectively.

7 Response to Flood Risk Management Issues

- 7.1 Leaders received an update last April on issues in relation to flood risk and water management in Greater Manchester. The report covered three areas: Governance, funding/investment, capacity /resources. It was noted that in recent years there have been several major flooding incidents across Greater Manchester. Through climate change this risk is increasing and resources are limited. Often risk coalesces in urban areas, within our strategic development locations and where communities live. Whilst 12% of flood defences in Greater Manchester are in a state of disrepair, given funding constraints there is a balance to be struck between increasing the resilience of existing assets, building new defences and addressing risk from surface water.
- 7.2 Addressing the flood risk challenge is a long-term investment and commitment. The risks will have to be managed and lived with. It was agreed that the following short-term actions are progressed by the GMCA to support the local authorities in Greater Manchester:
- Actively lobby for resources into Greater Manchester and communicating our challenges to national Government with a view to influencing national policy direction.
 - Work with utilities to identify opportunities for partnership contributions.
 - Work with UU / EA to assess the catchment areas that impact Greater Manchester and identify projects that will benefit multiple downstream Local Authorities.
 - Review projects that have funding awarded and confirm the position on partnership contributions and opportunities for third party contributions to those projects.

- Identify a pipeline of strategic projects that could be brought forward to bid for future funding opportunities.

7.3 Existing pipeline of Bury Council led flood projects:

Project Name	Project Type	Present Value Whole Life Costs (£)	Start of construction	OM2 (Households) moved to lower flood risk category)
Mill Brook, Hollymount, Bury	Defence	80,000	01/02/2023	40
Harwood Road Culvert	Defence	125,000	01/02/2023	40
Lumb Carr Culvert	Defence	140,000	01/02/2023	60
New Street Culvert	Capital Maintenance	415,000	01/02/2023	100
Ramsbottom Flood Mitigation	Defence	650,000	01/02/2023	80

8 Hydrogen and Fuel Cell Strategy 2021-2025

8.1 In 2020, at the GM Green Summit, the Hydrogen and Fuel Cell strategy 2021-25 was launched as a report written by Manchester Metropolitan University on behalf of the region. The strategy sets out to inform how hydrogen and fuel cells may support GM to achieve our goals, both environmentally and economically.

8.2 The GM Strategy focusses on delivery in 3 phases:

- Phase 1: 2020–2025: Establish Transport Supply Chain and Build Confidence in Wider Hydrogen
- Phase 2: 2026–2030: Prepare for the availability of large volume hydrogen supply
- Phase 3: 2028–2031: Establishment of a CO2 free hydrogen supply system.

8.3 At the 10th September 2021 meeting of GMCA, members agreed to adopt the GM Hydrogen and Fuel Cell Strategy.

9 Greater Manchester Electric Vehicle Charging Infrastructure (ECVI) Strategy

9.1 The ECVI Strategy is a sub-strategy of the GM 2040 Transport Strategy, and is the first of a range of sub-strategies due to be produced this calendar year and brought to GMCA for approval. This strategy has been written with guidance

from District officers. Comments have also been sought during drafting from both the Energy Saving Trust and Electricity North West.

9.2 The three main themes within the strategy are that:

- There is need to ensure that an under provision of EVCI is not prohibiting the transition to EVs and the need to encourage and accelerate the transition to EVs to meet net-zero carbon targets especially in light of the November 2020 Government announcement of the ban of the sale of new petrol and diesel cars by 2030 and hybrids by 2035.
- There is also a need for public sector intervention in the short term to encourage and accelerate the transition to EVs, demonstrate commitment to EV technologies and encourage investment from the private sector. Longer term, there is a need for the development of a mature, commercial EVCI network in GM that allows public sector intervention to be scaled back.
- EVs and EVCI are emerging technologies that create uncertainties around accurately projecting demand for EVCI beyond 2025 and therefore there is a need for flexibility to change investment priorities and a need for regular review and monitoring of market developments to ensure that the EVCI network continues to meet with demand.

9.3 In terms of deployment of publicly funded EVCI, the priority will be projects which support the Greater Manchester Clean Air Plan and the 2038 carbon neutrality ambitions by aiding the accelerated transition to EVs for the most polluting vehicles; providing opportunities for those businesses most affected by the CAZ to transition to EVs and supporting those who would find it most difficult to transition to EVs due to home charging constraints.

9.4 For those unable to charge at home, proposed alternatives include:

- Developing and expanding EV car club offer (aligned to the E-Hubs trial project);
- Developing community charging hubs;
- Engaging with employers to encourage more workplace charging; and
- Destination charging including park and ride sites.

9.5 At the 10th September 2021 meeting of GMCA, members deferred the decision to 24th September, where the Greater Manchester Electric Vehicle Charging Infrastructure Strategy was approved.

10 GMCA Culture Fund Investment 2022-2023

10.1 In February 2020, GMCA agreed the two-year GM Culture Fund budget at £3,840m p.a., which included £3.5m a year support to 35 cultural organisations from across Greater Manchester.

10.2 In March 2020, cultural organisations in Greater Manchester closed their doors because of the COVID-19 national lockdown. While many organisations delivered some activity, the culture sector nationally and across Greater Manchester continues to be in a precarious position. Many organisations have received financial support from local authorities, the furlough scheme and

through DCMS's £1.57 billion Culture Recovery Fund. The majority of cultural organisations are a long way from pre-pandemic levels of income, and it continues to be a very challenging time for the sector and that challenge is expected to last through 2022 as long-term impacts of the pandemic become clear.

- 10.3 In March 2021, GMCA approved the one-year GM Culture recovery plan, 'Protect, Restore, Heal, Grow'. The plan outlined how GMCA would draw on all available resources to support the sector over the next twelve months, taking forward some of the learnings of the past year, including significant digital advances to widen access to culture, and a greater love and pride in our local places and cultural and heritage assets.
- 10.4 The plan outlined how GMCA would continue to invest in the 35 organisations in the GM Culture Portfolio for the second year of the 2020-2021 funding round, asking organisations in return to prioritise delivery in the following areas; providing paid employment for artists and freelancers; providing cultural activity for GM residents, especially in relation to mental health, education, physical health and reducing inequality; working with and in our high streets, towns and city centre.
- 10.5 Given the huge difficulties already faced by the cultural sector and the challenges likely to arise throughout 2022 as recovery starts to build, the sector needs surety. While it would be possible to go out for a new GMCA Culture funding round in Autumn 2020, bidding into the fund would place significant pressure on cultural organisations who will hopefully be fully focussed on their initial few months of 'normal' trading for more than 18 months. With this in mind, GMCA is asked to agree to rolling over existing cultural investment for one year (April 2022-March 2023). This would support the current portfolio of organisations and strategic activity at the same financial level as 2020/21 and 2021/22. Many funders (including Arts Council England) are doing similar with their portfolio investment by rolling forward funding for their portfolio organisations for the financial year 2022/3, before introducing a new investment approach in 2023/4.
- 10.6 In 2021/22 the GMCA strategic budget will support the delivery of the GM Culture Recovery Plan, agreed by GMCA in March 2021. This includes investment into StreamGM, the legacy of United We Stream, providing a global platform for GM talent. There is also further investment into Creative Improvement Districts and the development of a resource to match artists, performers and musicians with opportunities and spaces across Greater Manchester. The strategic budget will also be invested into creative ageing and in arts and health activity, building on the recommendations of A Social Glue. The 2021/22 budget will also be invested in the establishment of a Music Commission for Greater Manchester and the continuation of the GM Town of Culture programme
- 10.7 At the [24th September 2021 meeting](#) of GMCA, members agreed a one year rollover of investment of the GMCA Culture budget at current levels to support the continuation of many of these strategic interventions that will help the

cultural sector in Greater Manchester return stronger. £3.84m (£2.84million district contributions + £1million retained business rates) was agreed to create the GMCA Culture Fund Programme 2022/23.

- 10.8 Officers will work with the existing portfolio on an organisational health check in Autumn 2021 before co-developing one year delivery plans, aligned to the delivery of the Greater Manchester Culture Strategy. New grant funding agreements will be signed in February 2022 and delivery will start in April 2022. Officers will also work with colleagues across GM and with national partners to develop new investment proposals from 2023 onwards, aligning where possible with Arts Council England's funding round.

11 Greater Manchester Gender-Based Violence Strategy

- 11.1 The development of this strategy commenced in late 2018. The length of time it has taken to develop the strategy demonstrates the complexities of the issues that must be tackled. In this period several drafts of a strategy have been prepared, which following dialogue with stakeholders led to further work being required. The outbreak of COVID-19, as has been common across all sectors, meant that resources had to be diverted to deal with immediate and ongoing implications.
- 11.2 In October 2020 intense work was able to recommence. This work was supported and enhanced by a small team from the University of Manchester led by Professor David Gadd.
- 11.3 The strategy is informed by ten key principles:
1. Working to tackle the attitudes and underlying inequalities that foster gender-based violence, while mobilising the public, employers, health service, Voluntary, Community and Social Enterprise (VCSE) sector and educational institutions to work alongside the police and criminal justice system to protect victims and prevent violence and harassment.
 2. Making it as easy as possible for victims and survivors to access the support and guidance they need, and providing high quality, joined-up victim-focused services across health care, criminal justice, and the VCSE sector.
 3. Maximising accountability to victims and survivors, especially with regard to police and justice outcomes. Working with the public, especially young people to tackle the norms, attitudes and inequalities that enable, justify and excuse gender-based violence, whilst protecting those at risk of harm and working effectively with those at risk of perpetrating it.
 4. Ensuring all frontline staff understand both that anyone can become a victim of gender-based violence and that poverty economic insecurity, and other inequalities compound people's vulnerability to victimisation. These other inequalities arise from discrimination in response to sex, gender, ethnicity,

age, sexual orientation, gender identity, immigration status, physical and intellectual abilities, and physical and mental health.

5. Anticipating how the threats posed to victims are intensified by online forms of abuse, while building on investment in new technologies to increase reporting, open up access to services, and provide evidence in criminal cases.
 6. Taking a Whole Housing Approach to reducing the risk of homelessness that forces many victims and their children to endure domestic abuse and increase the options for rehousing perpetrators to minimise the harm caused to victims.
 7. Developing a culture of reflective learning that builds on the valuable work provided by specialist 'by and for' providers; enabling all frontline professionals to redress shortcomings in service provision at a system level and access the very best international research and evidence, so as to continuously develop best practice.
 8. Providing risk assessment tools for all those working with victims and perpetrators, which anticipate the diverse and complex needs of many service users, and state of the art training in their application.
 9. Working with employers, professional bodies and government inspectorates to set new professional standards and internal policies for tackling gender-based violence and harassment that respond to reports of it in the workplace, including abuse perpetrated by or against professionals working in the sector.
 10. Measuring the effectiveness of our interventions and public engagement campaigns, to ensure they increase safety for victims, change attitudes and behaviour, and reduce the prevalence of gender-based violence and the gendered inequalities underpinning it
- 11.4 At the 24th September 2021 meeting of GMCA, members approved the strategy for publication and delivery, and approved the establishment of a public campaign to promote the Gender Based Violence Strategy be endorsed and that all boys and men be urged to take responsibility for their actions and to take a stand against gender-based violence.

12 Tackling Inequality in Greater Manchester – response to the reports of Independent Inequalities Commission and Marmot 'Build Back Fairer'

- 12.1 This report was brought to the 24th September 2021 meeting of GMCA, with the purpose of describing the response to the recommendations of the Greater Manchester Independent Inequalities Commission and the Marmot 'Build Back Fairer' Report as a key part of a comprehensive and integrated Greater Manchester approach to tackling inequality and enabling equity.

12.2 Bury Council's contribution to this report is as follows:

12.3 Our Bury 'Let's Do It' strategy has tackling inequalities at its heart with a clear vision to stand out as a place that is achieving faster economic growth than the national average and lower than national average levels of deprivation by focusing on seven core outcomes:

- Improved quality of life
- Improved early years development
- Improved educational attainment for our children and young people
- Increased adult skill levels and employability
- Inclusive economic growth
- Carbon neutrality by 2038
- Improved digital connectivity

12.4 This vision is underpinned by a clear set of outcome measures benchmarked against comparable boroughs, other GM boroughs and national averages as well as measuring progress in reducing internal borough inequalities. We are also aiming to ensure that key issues around vulnerability, disadvantage and poverty are at the heart of our decisions through high-quality equality analysis of every change / opportunity.

12.5 To deliver this vision a number of key programmes of work are already underway and will be progressed further through the lifetime of the strategy for example:

Through our Inclusion Strategy we are working with the local voluntary and community sector to develop inclusive community engagement structures - empowering local communities to set their own agendas and participate in solutions building on our participatory budgeting work; we are taking an equity-based approach to targeting public resources through our neighbourhood teams, to give every person access to the conditions to achieve their full potential. We are also working to develop an inclusive and representative workforce across all public service partners who understand unconscious bias and will use our culture strategy to celebrate and value the diversity of our borough

12.6 Our Health and Well Being Board has recently been established and re-focused as a 'standing commission' on health inequalities. Using the GM Model of Population Health system as a framework, the board works to ensure strategies and programmes of work are actively working to understand and address inequalities, promote inclusion and are developed in co-production with individuals and communities. This has already led to improvements in inequalities monitoring within services, a radically new approach to recovery and transformation of elective care and increasing application of the concept of 'implementation decay' (where inequalities are perpetuated across service pathways) in analysis and to inform action to reduce inequalities.

12.7 We already have in place a local network of anchor institutions but now taking this further with a framework for Community Wealth Building based on the

work of CLES with identified leadership for each element by senior leaders from across the public sector. The Council has also committed to ensuring that the Real Living Wage is paid to all staff who are directly employed or who work within services commissioned by the Council. We also have a number of ambitious regeneration programmes focused on a number of townships in the borough which bring significant improvement to the quality of the local environment, access to good quality jobs, housing and services but will also ensure these developments are connected and informed by the ambitions and needs of local residents who will have a strong voice in shaping the plans.

- 12.8 Our approach to Public Service Reform and our neighbourhood working model has at its heart the drive to transform and realise new relationships across services and with local communities with a strong emphasis on co-production, strengths based approaches and community led decision-making. In addition to targeting timely and appropriate levels of wrap around support to those with or at risk of higher level needs we have a strong emphasis in ensuring good quality universal services with an emphasis on good quality education and health services and getting basics right for our residents.

13 Refresh of Greater Manchester VCSE Accord

- 13.1 In November 2017 and on behalf of the GMCA, an Accord was signed by the Mayor of Greater Manchester with the Voluntary, Community and Social Enterprise (VCSE) sector, which set out new, improved standards of working with VCSE organisations. The GM VCSE sector also entered into a Memorandum of Understanding (MOU) with the Health and Social Care Partnership. Since that time, a huge amount of collaborative work has taken place and the relationship between the public and VCSE sectors has increased in strength, particularly during the Coronavirus pandemic.
- 13.2 In September 2020, GMCA Members agreed to extend the scope of the Accord to embrace health and social care, replacing the previous MOU, and to work collaboratively with the GM Health and Social Care Partnership to co-produce this new agreement with the GM VCSE Leadership Group. At the same time, the GMCA also approved a proposal for investment in VCSE leadership and infrastructure in the Sector at a GM footprint.
- 13.3 The development of this new Accord is the product of a series of structured conversations held in July and early August with stakeholders including GM VCSE networks, local VCSE infrastructure organisations, local VCSE leaders and a range of GMCA and GM Health and Social Care commissioners, local authority policy leads and other statutory sector stakeholders.
- 13.4 The Accord is a three-way collaboration agreement between the Greater Manchester Combined Authority and the Greater Manchester Health and Social Care Partnership and the GMVCSE Sector⁴ represented by the GM VCSE Leadership Group, based in a relationship of mutual trust, working together, and sharing responsibility. It will act as a framework for collaboration involving VCSE leaders and organisations in the delivery of the GMS and in the thematic strategies and delivery plans that will exist to deliver the GMS vision, including

the strategic plan of the new GM Integrated Care System. The purpose of this Accord is to further develop how we work together to improve outcomes for Greater Manchester's communities and citizens. The agreement is intended to work in a number of ways:

- Through a shared understanding of the contribution that VCSE organisations make towards tackling inequality in society, creating a more inclusive economy and addressing the climate crisis.
- Through the building of effective partnerships and relationships between the statutory sector with VCSE organisations across different geographies (for example GM-wide, district-wide, or in neighbourhoods and communities)
- Through a shared vision, ways of working principles and set of commitments which underpin these partnerships and relationships
- Through a 5-year iterative programme of enabling and developmental activities driven at a GM-wide footprint, which aims to maximise the ability of VCSE organisations to deliver beneficial outcomes in communities and localities.

13.5 At the 24th September 2021 meeting of GMCA, members approved the GM VCSE Accord and authorised the Mayor of Greater Manchester, the GM Portfolio Lead for Community, Co-operatives, Voluntary Sector and Inclusion and the Chief Executive of the Combined Authority to sign the Accord Agreement on their behalf.

14 GMCA, Environment Agency and United Utilities Memorandum of Understanding

14.1 There are demonstrable benefits in having a single joined up conversation with individual infrastructure providers to overcome barriers to integrated planning and delivery. The GMCA received a report last July outlining issues and proposed response to flood risk and water management in Greater Manchester. The report highlighted that GMCA officers are working with United Utilities (UU), the Environment Agency (EA) and other infrastructure providers to identify shared outcomes and ways to strengthen day to day working.

14.2 The aim is to:

- Ensure all parties have a common understanding of what we are trying to achieve together and can see the value in doing so.
- Agree governance arrangements.
- Create the structures to drive action planning and delivery and most importantly.
- Align a complex system of legislation, funding arrangements and organisations to achieve tangible and measurable outcomes within Greater Manchester.

14.3 The approach is more than a change to operational governance. The outcomes the partnership is aiming to achieve are a reduction flood risk, improvements in

water quality and efficiency, more resilient and liveable places and developments, enhancement to natural capital, reduction in carbon emissions and an increase in investment into Greater Manchester.

- 14.4 The partnership will inform business and investment planning, for example (UU's) next price review and investment cycle. It will help partners to allocate resources and monitor progress to make this a success, leverage funding to deliver agreed outcomes, including integration of funding within priority places/strategic growth locations.
- 14.5 At the 24th September 2021 meeting of GMCA, members agreed that the GMCA will enter into a memorandum of understanding with the Environment Agency and United Utilities and that the GMCA will receive an annual report on progress, success and any issues/barriers to delivery.

15 Sustainable Warmth Competition

- 15.1 Sustainable Warmth Fund is a competition being launched to bring together two fuel poverty schemes (Local Authority Delivery Phase 3 and Home Upgrade Grant Phase 1) into a single funding opportunity for Local Authorities (LAs). The two schemes that make up the Sustainable Warmth competition have a shared goal to contribute to the aims set out in the Sustainable Warmth: protecting vulnerable households in England strategy.
- 15.2 Through funding made available under the Sustainable Warmth competition, the Government aims to save households money, reduce fuel poverty, cut carbon and support the aims of the Prime Minister's 10 Point plan for a Green Industrial Revolution. Funding is available to upgrade homes both on and off-gas grid, and is comprised of:
- Local Authority Delivery (LAD) Phase 3: a third phase of LAD with £200m available. LAD3 has a refined scope to support low-income households heated by mains gas.
 - Home Upgrade Grant (HUG) Phase 1: £150m for low-income households with homes off-gas grid through the Home Upgrade Grant (HUG) scheme.
- 15.3 Both schemes aim to support low-income households in England, living in energy inefficient homes, by installing energy efficiency and low carbon heating upgrades with a delivery timeframe of January 2022 to March 2023.
- 15.4 The funds aim to raise the energy efficiency of low-income and low EPC rated homes (those with Band E, F or G) including those living in the worst quality off-gas grid homes, delivering progress towards reducing fuel poverty, the phasing out the installation of high carbon fossil fuel heating and the UK's commitment to net zero by 2050. BEIS have confirmed that EPC 'D' rated properties can also be included, up to and not exceeding 30% of any proposed programme.
- 15.5 Funding to owner occupied eligible households will cover the full cost of upgrading a home and the expected average cost of upgrades should not

exceed £10,000 per property. The scheme expects landlords eligible for funding (private and social) to provide at least 33% contribution towards the cost of the upgrades and the subsidy should not exceed £5,000 on average per household. A cap of 10% for social landlords has been applied by BEIS, limiting the numbers of eligible social housing that may be considered.

- 15.6 Following successful bids by GMCA to the Green Homes Grant Local Authority Delivery (LAD) Scheme Phase 1a, 1b and 2, it is now proposed that GMCA bid for an additional c£15m Government funding from the 'Sustainable Warmth Competition' from BEIS, on behalf of Greater Manchester Local Authorities and Registered Providers.
- 15.7 At the 24th September 2021 meeting of GMCA, members agreed that GM Local Authorities should collectively bid for c£15m of Sustainable Warmth Competition funding, to continue the existing Green Homes Grant funded retrofit programme from December 2021 to March 2023. It was also agreed that the GMCA should be the accountable body for the bid on behalf of GM Local Authorities and Registered Providers.

16 The Mayor's Cycling and Walking Challenge Fund (MCF) and Active Travel Fund

- 16.1 At the 24th September 2021 meeting of GMCA, members agreed the release of up to £1.3 million of development cost funding for the 2 MCF schemes, Rochdale Castleton (Phase 2) and Trafford North Altrincham Bee Network. At this meeting members also agreed the release of up to £7.24 million MCF funding for the 6 schemes, Metrolink (Bury Line) Cycle Parking, Wigan Leigh-Atherton-Tyldesley: Leigh to Pennington, Manchester Northern Quarter Areas 1 and 3, Salford Trinity Way / Springfield Lane and Salford Gore Street Connection.
- 16.2 The Bury Metrolink Cycling Parking scheme will provide a series of improvements at a number of Metrolink stops on the Bury Line. The scheme targets improvements at the older stops on the network, and will provide sheltered, illuminated Sheffield stands to a consistent standard, with improved signage. The scheme will ensure that a combination of natural visibility and CCTV camera installation will provide a secure environment for cycle storage. In total these improvements and upgrades will be applied to 103 cycle parking spaces. The scheme has an MCF funding ask for delivery of £1,200,000 and following a full business case review, it is forecast that this scheme will return a 'medium' value for money.

17 Streets for All Strategy

- 17.1 The Streets for All Strategy is well-aligned with national policy documents, including 'Gear Change: A bold vision for Cycling and Walking' (2020) in which Government outlines its ambition to create better streets for people walking and cycling, and 'Bus Back Better: A National Bus Strategy for England' (2021) in which Government asks all Local Transport Authorities to 'commit to

significant improvements in traffic management, including bus priority measures and active travel measures’.

- 17.2 The Streets for All Strategy enables us to deliver our ambitions for walking, cycling and bus in a holistic way. The approach set out in Streets for All will also support our pathway to net zero transport, which is vital to the Government’s ‘Decarbonising Transport’ plan, alongside our local plans to reduce carbon and improve air quality.
- 17.3 Streets for All is a new approach for everything we do on streets in Greater Manchester. Streets for All supports our place-based agenda as well as achieving our ambition for more travel by walking, cycling and public transport, which will help us to tackle our most pressing economic, environmental, quality of life and innovation challenges.
- 17.4 The ambition is to design more welcoming and greener streets which enable people to incorporate more physical activity into their daily lives; which have clean air; which are safe and secure for everyone; which provide good access to public transport; and which are accessible for those with mobility impairments.
- 17.5 Streets for All offers a long-term approach - rather than an overnight ‘quick fix’ - which will require changes over time to how streets are designed and managed. It will also involve changes to the role of some existing streets where, for example, place-making may be given greater emphasis than the movement of private vehicles.
- 17.6 Streets for All will be guided by 7 ‘Essentials’ which are for us – GMCA, 10 Greater Manchester Local Authorities and TfGM - to deliver in partnership with residents, businesses, transport operators, the NHS, emergency services - all working together and doing our bit.



- 17.7 The Streets for All approach is about working at three levels (1. Spatial Planning; 2. Network Planning; and 3. Street Design & Management) to ensure that Greater Manchester’s roads can transition to Streets for All.

- 17.8 Central to the approach is reducing the distances people need to travel to reach everyday destinations such as work, healthcare, education, green spaces and leisure facilities. Shorter distances mean more trips that can easily be walked or cycled and new developments can be designed to be easy and safe to access on foot, by cycle and using public transport. The 15-minute neighbourhood concept, whereby in urban areas residents can meet most of their needs within a short walk, cycle or public transport journey, is an example of this.



- 17.9 A major benefit of this Streets for All approach is that it avoids pitting different transport users against one another (e.g. drivers vs. cyclists; bus users vs. pedestrians) and instead starts with a consideration of all people and places and then considers what sorts of movement need to be facilitated within a broad corridor or across a local area.

- 17.10 At the 24th September 2021 meeting of GMCA, members approved and adopted the strategy.

18 Social Housing Decarbonisation Fund

- 18.1 The Social Housing Decarbonisation Fund (SHDF) is a competition being launched by Government as the delivery phase from a previous demonstration funding round. Registered providers of social housing (including private and local authority providers) can apply to Wave 1 of the Social Housing Decarbonisation Fund (SHDF) to support the installation of energy performance measures in social homes in England. Up to £160 million is available.
- 18.2 GM Housing providers have been working together, via the GM Housing Providers Group, to co-ordinate a submission of cr£15m, including the required match funding of cr£7m.
- 18.3 At the 29 October 2021 meeting of GMCA members approved the GMCA bid.

19 Public Sector Decarbonisation Scheme (Phase 3)

- 19.1 As part of the Summer Fiscal stimulus of 2020, Government announced an initial £1bn funding for the Public Sector Decarbonisation Scheme (PSDS). This funding was released as 100% grants, via Salix Finance (NDPB), between October 2020 and January 2021. The region was successful in obtaining cr£1m in revenue and £78m of capital.
- 19.2 The PSDS fund aims to halve carbon emissions from the Public Estate by 2032 through the deployment of energy efficiency and heating measures, excluding gas powered boilers and Combined Heat and Power (CHP). All buildings, where the end beneficiary is confirmed as being a public body, are eligible for this scheme including Local Authority estate, Leisure sites (if the savings can be recouped by the LA), Schools and Health facilities.
- 19.3 Further phases of funding were subsequently released, with GMCA and partners choosing not to bid for Phase 2 due to limited availability of funds for that round. Phase 3 has now been released for applications on the basis that a formal funding allocation will be announced after the Spending Review in November 21.
- 19.4 The Phase 3 funding window will open on October 6th and close again on November 6th, 2021. This phase is very 'heat' focused and no longer provides 100% grant funding, requiring match equivalent to the replacement costs of a proposed 'like for like' heating system. Applicants have the option to apply for funding to complete projects over either 1 year or 3 year delivery periods. However, 85% of any awarded funding from BEIS to Salix will focus on delivery over the first 12 months of the programme.
- 19.5 At the 29 October 2021 meeting of GMCA, members noted the opportunity to bid for circa £20-40m of Public Sector Decarbonisation Scheme funding from Salix (NDPB). Members also agreed that a top slice from the capital grant would underpin the GMCA's cost of coordinating and project managing the scheme. The scale of the top slice will be confirmed on receipt of the grant.

20 Greater Manchester Town of Culture 2022

- 20.1 In 2019 GMCA ran its first ever Town of Culture in which Bury was awarded the role. Bury was awarded £50,000 investment from GMCA, which brought in more than £150,000 in additional funds for the programme from Bury Council, Arts Council England and the Victoria Wood Foundation, bringing the total budget to £200,000. There is strong legacy for the programme in Bury with the town in the process of developing a Culture Strategy, with a focus on placing culture at the heart of economic regeneration of towns in the borough.
- 20.2 To establish the 2022 GM Town of Culture, it was proposed that local authorities will be invited to put forward a single proposal for Town of Culture within their borough. This short proposal should set out the proposed programme, ambition and impact of securing Town of Culture for their

nominated town. To ensure a focus on the town when the very best activity is happening, LAs will be able to nominate the length of their programme (min. 3 months, max. 6 months), providing flexibility if a place has a particularly strong summer, autumn, or winter programme.

- 20.3 An independent panel made up of non-LA members or representatives from the GM Culture and Heritage Steering Group will select the winning bid, based upon the bids ambition, impact and additionality. As previously, it is intended this group will be cochaired by Lisa Nandy MP (Chair - Centre for Towns) and a member of GM Local Economic Partnership.
- 20.4 The successful 2022 Town of Culture borough would be awarded up to £50k programming budget, allocated from the Strategic Projects element of the GM Culture Fund 2022/3. It is expected that this amount would be matched either in cash or kind with the support of the relevant local authority. Places will be encouraged to approach local businesses and organisations to support activity.
- 20.5 At the 29 October 2021 meeting of GMCA, members approved the proposal for a second GM Town of Culture to be delivered in 2022.

21 Greater Manchester's Bus Service Improvement Plan

- 21.1 At the 29 October 2021 meeting of GMCA a report was presented with an update on how, in the context of the development of the "Bee Network": a London-style transport network that enables seamless, safe and sustainable journeys for all, Greater Manchester is planning to develop and deliver improvements for bus passengers across Greater Manchester.
- 21.2 In particular, the report provided a summary of the strategic context within which the vision for bus is being developed and delivered; and sought approval to publish and submit to Government by the end of October, Greater Manchester's proposed Bus Service Improvement Plan (BSIP), which is required by Central Government in response to their National Bus Strategy – Bus Back Better.
- 21.3 The approach adopted has been to present a positive Levelling Up deal to Government which will deliver a London-style transport network with affordable London-level fares, which will help accelerate plans for a net zero future with better, greener homes and communities and better jobs and skills.
- 21.4 In summary the ambition contained within the BSIP is – "to develop a modern low emission accessible bus system, fully integrated with the wider Greater Manchester transport network on which everyone will be willing to travel regardless of their background or mobility level."
- 21.5 In order to achieve the ambition for bus, significant improvement to the quality of the bus offer will need to be brought about, by delivering what people say they want. Based on research with bus users, journeys by bus will be made quicker, cheaper, greener, more reliable and more attractive, with the aim of improving the whole journey – including pre-trip information, the journey from

home to bus stop and bus stop to destination, in-journey information, customer care, the integration with other services, and the waiting experience.

21.6 The ambitions for bus are summarised around the following seven thematic areas:

21.7 **Customer Experience:** This is the golden thread that runs throughout BSIP with all the improvements targeted at providing customers with a safe and seamless travel experience, supported by a “Mobility as a Service” platform to provide a digital one-stop-shop for all travel needs. The Customer Charter will set out the standards that customers can expect when using bus services in Greater Manchester;

- **Services:** Stabilising and then strengthening services and routes to a minimum ‘turn up and go’ frequency (at least every 10 minutes per hour on Monday to Saturday daytimes) on major routes to form a ‘London-style network’ to ensure that all of Greater Manchester’s diverse populations and geographies are able to access our bus network;
- **Infrastructure:** Significant increase in bus priority including Quality Bus Transit on main corridors, and the removal of congestion ‘hotspots’ for buses, plus investment in bus passenger facilities and multi-modal mobility hubs. All of this investment is set out in Greater Manchester’s City Region Sustainable Transport Settlement (CRSTS) Prospectus approved by GMCA on the 10 September 2021;
- **Information:** Readily available; live and up-to-date; multi-modal information that is integrated with the purchase of travel and is provided in a variety of ways to reflect the needs of all customers ensuring its use is captured and used to inform service design;
- **Fares and ticketing:** More affordable journeys, with attractively priced and simply structured London-style fares for ‘hoppers’, travelcards, daily and weekly capping for all bus travel, and for trips interchanging between bus, Metrolink and other modes including some elements of Active Travel
- **Fleet:** Introducing a fleet of zero emission high quality buses within Greater Manchester alongside associated support infrastructure by 2032. New vehicles will also meet improved accessibility standards. The target will be to make 50% (circa 800 vehicles) of the fleet zero emission in the next 5 years (by 2027). In addition, it is envisaged that the Ring and Ride fleet will be electrified by 2027 and a further 330 zero emission vehicles will be required to meet the passenger demand generated from the service enhancements (270) and fares reduction initiatives (60); and
- **Network Management:** Prioritising bus passenger journey times and reliability consistently across Greater Manchester.

21.8 In order to deliver GMCA’s ambition for bus, the overall ask of Government from a capital perspective is expected to be over £600 million (largely zero

emission fleet and systems up until March 2027) which is in addition to our £322 million capital ask from CRSTS to fund bus priority infrastructure and improvements to passenger waiting facilities. The required additional annual revenue subsidy is between approximately £60 million and approximately £140 million across 2022/23, 2023/24 and 2024/25, which are the three years covered by the BSIP funding. This range reflects the incremental and phased introduction of service and fares improvements. Beyond this time period and in order to maintain the benefits which would be delivered through BSIP there would be a requirement for an ongoing annual revenue subsidy of approximately £175 million.

21.9 This funding will help build upon the significant local investment that has already been made over recent years and continues to be made within the bus network and associated infrastructure. This includes revenue funding as follows: £134.5 million committed funding up until 2025/26 towards the establishment of a franchised bus network; over £30 million per annum (based on 2021/22) in the provision of subsidised and Ring and Ride services; and c£16 million per annum to support the ongoing Our Pass pilot.

21.10 At the 29 October 2021 meeting of GMCA, members approved the publication of the plan and the submission to Government.

22 GMCA Update on Waste and Resources Contract

22.1 Van and Twin Axle Trailer

22.2 From 1st December, residents using any of the household waste recycling centres or transfer loading stations to dispose of household waste will need a free permit for their van, pick-up or twin axle trailer.

22.3 The permit scheme is part of the access restriction policy introduced last year to deter traders from illegally using the HWRCs to dispose of trade waste. The sites are for household waste only, all waste from traders and businesses are chargeable and should be disposed of at the appropriate licenced facility.

22.4 The permit will help the SUEZ operatives to identify genuine residents disposing of household waste. The permit allows up to 18 visits per year (April 21 to March 22) for residents using a van, pick-up or twin axle trailer.

22.5 Residents using a car, single axle trailer or vehicle adapted to carry a wheelchair do not need to apply for a permit.

22.6 Recycle for Greater Manchester (R4GM) Food Waste Campaign – Buy, Keep, Eat, Repeat.

22.7 The Buy, Keep, Eat, Repeat, campaign continues to run across Greater Manchester, providing tips on how to reduce food waste and how to use the

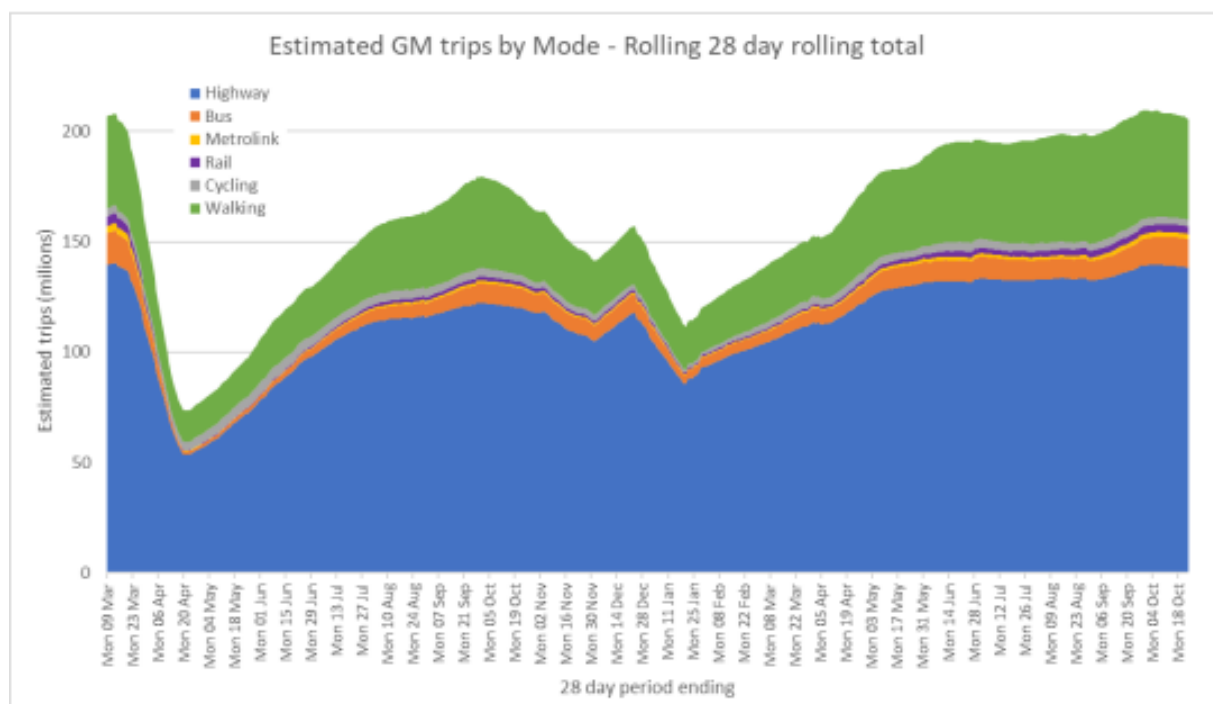
council food waste recycling service for any unavoidable food waste. It aims to raise awareness about the economic and environmental impacts of wasted food and encourages residents to take easy and actionable steps to reduce food waste in their homes.

- 22.8 In November across Greater Manchester there will be an advertising campaign including, digital adverts, newspaper ads, in partnership with TFGM there will be adverts across the tram and bus network. A radio campaign will also run across GM DAB stations including Hits radio station and partners. A social media toolkit will be sent to Bury's Communication team and partners this can be used on channels to engage further with residents.
- 22.9 Going forward R4GM are calculating the value and carbon impact of wasting food and producing relatable messaging, this will be use during the festive campaign. Again, this campaign will be a multimedia approach with adverts displayed across GM papers, TFGM trams and digital advertising. The radio ad will be amended from November to suit the festive period. A toolkit will be sent to districts and partners to promote the campaign.

23 Transport for Greater Manchester (TfGM) update

23.1 Network Patronage and Facemask Compliance

- 23.2 During the seven-day period ending Sunday 31 October there were an estimated 50.7million trips on the Greater Manchester transport network, with a slight decrease compared to the previous week.

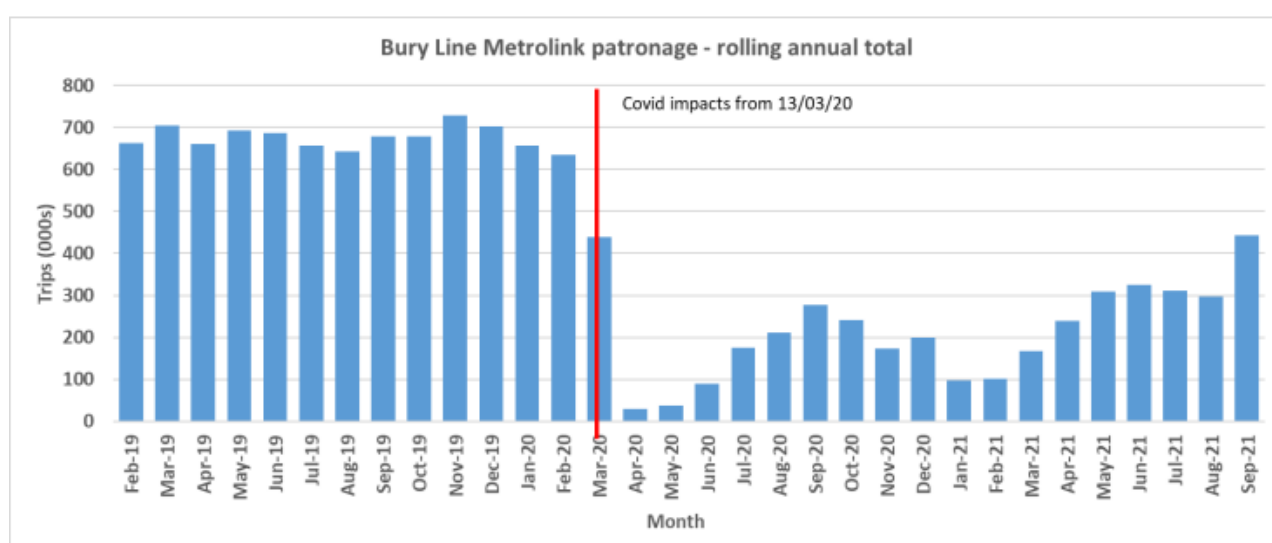


- 23.3 Traffic volumes across GM were 0.5% down compared to the previous week. T With fewer large scale events taking place, the number of regional centre trips were at approximately 82% of pre-pandemic levels last week (compared to a high of 85% in late September / early October).

23.4 Face covering compliance has seen a significant network wide decrease since Stage 4 reopening. Compliance is now estimated to be at 27%. TfGM are developing campaign activity to step up focus to try and help stop the spread of Covid-19 and to encourage people to wear face coverings when using public transport.

23.5 Bury Metrolink Line Performance and Patronage

23.6 Rolling annual patronage for the Bury line is shown below. Following a slight decline in rolling patronage due to the summer holiday period, the Bury Line has seen a significant increase in ridership, in line with the rest of the network. This is due to an increase in the return to the workplace, especially within the regional centre, and the return to school/education. However, patronage is still significantly below pre-Covid-19 levels (42%).



23.7 Punctuality

23.8 Punctuality is measured at every stop on each line. The chart below shows the on-time punctuality (within 2 mins of schedule) for the Bury line. Punctuality has remained consistently above 90% over the time frame shown. Despite a network wide drop to 91%, the Bury Line is still consistent with the last 11 reporting periods.

23.9 Face covering compliance

23.10 Face covering observations at stops along the Bury line in the peak periods each week show that 23% of passengers along the line have been complying with face covering requirements since Stage 4 reopening. This remains slightly below the network wide average compliance rate over the period, which is at 29% and stabilising.

23.11 City Regions Sustainable Transport Settlement

23.12 October's Spending Review contained confirmation of GM's £1.07bn allocation under the City Region Sustainable Transport Settlement (CRSTS). This will be

invested in supporting the delivery of transport infrastructure as laid out in the Five Year Transport Delivery Plan (2021-2026) and required to deliver the Bee Network, the vision for a fully-integrated 'London-style' public transport network. The CRSTS Prospectus, produced in partnership with each GM local authority, can be read [here](#).

23.13 Elsewhere, there was no specific funding to support the recovery of light rail after March 2022, although the treasury stated that they continue to monitor the position and DfT confirmed there is the potential to consider a 'business case' for further recovery funding for bus and potentially other local transport modes.

23.14 Other GM transport headlines included £50,000 to develop early-stage proposals for an orbital rail link between Ashton and Stockport, and £50,000 for early-stage proposals for a restored link between Buckley Wells and Rawtenstall, following a successful bid under the Restoring Your Railway Fund. Meanwhile, there was confirmation of existing A66 and Simister Island funding.

23.15 **Destination: Bee Network public conversation**

23.16 The Destination: Bee Network online survey has now amassed over 2600 responses following its launch earlier this month. In total over 450 in-person conversations have taken place at these events, the ranking of values for a future integrated network as collected at the events are currently in order of Reliability, Affordability, Accessibility, Safety, Sustainability, and Inclusivity. The majority of people who have engaged in the activity have indicated that an integrated, multi-modal ticket would change the way they travel. The Bee Network Bus will be visiting Bury on Wednesday 10 November, between 10am and 4pm, at Stand C Bury Interchange.

23.17 Meanwhile, in order to ensure the views of all of GM's diverse communities are heard in this activity, TfGM are hosting a series of virtual, targeted engagement workshops throughout November. Each workshop is themed around key development areas and will be delivered twice; one day time slot and one evening slot.

23.18 **Clean Air vehicle checker launch**

23.19 A new online checker has been launched at cleanairgm.com/prepare, to enable vehicle owners to find out if their vehicle would be subject to a charge to drive in the GM Clean Air Zone and, if so, whether they would be eligible for an exemption, discount or financial support to upgrade to cleaner vehicle.

23.20 Applications are now open for financial support to upgrade or retrofit HGVs. Applications for all other impacted vehicle types opens late January 2022. Early application is encouraged to ensure applicants are well-placed to access the available funding. To help promote this new tool and the support available, TfGM have been liaising with business-facing contacts at each local authority. Ongoing meetings are happening to understand routes to local businesses, and

what opportunities there are to share information ahead of the introduction of the Clean Air Zone in May 2022.

24 Recommendation

- 24.1 That Council note the updates from the Greater Manchester Combined Authority, Transport for Greater Manchester, and Recycle for Greater Manchester, with further updates to be presented to future Council meetings.

List of Background Papers:-

None identified

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Combined Authority Questions and Answers November Council		
1.	<p>The Bus Service Improvement Plan relies heavily on significant continuing revenue funding from Government to succeed. It also needs a favourable outcome of the Judicial Review currently awaiting a decision from the Court, in respect of bus franchising. An announcement from the recent budget has allocated £1 billion for GM which is most welcome. What percentage of this money will be available for TfGM to continue with its BSIP.</p> <p>What risk management provisions are in place in the event of a shortfall or an unfavourable outcome of the Judicial Review in respect of bus franchising.Cllr. Jackie Harris</p>	Cllr Peel
	<p><i>The Bus Service Improvement Plan sets out an ambitious plan to improve bus travel in Greater Manchester as part of the delivery of the wider transport network – the Bee Network. Within this plan we have been very clear about the capital and revenue funding requirements in order to deliver this ambition over the short, medium and longer term. The funding requirements identified within the BSIP are proposed to facilitate improvements in services; a reduction in fares and simplified ticketing; the introduction of zero emission buses as well as enhancements to the overall customer experience, customer information and management of the highway and bus network. All of these improvements and therefore funding requirements are in addition to the recently announced £1.07 billion for Greater Manchester which is wholly associated with our bid to Central Government from the City Region Sustainable Transport Settlement and which will help deliver many transport schemes across Greater Manchester over the next 5 years.</i></p> <p><i>Whilst some of this money will be used to support bus (£322 million) through the provision of Quality Bus Transit corridors, bus priority infrastructure, improvements to bus interchange at Bury and through wider highway and bus infrastructure improvements across the network it is not currently allocated to deliver the improvements put forward in our Bus Service Improvement Plan (outside of Infrastructure). We are currently awaiting a decision from Government about how much money will be allocated to us to deliver our Bus Service Improvement Plan.</i></p> <p><i>In terms of the risk management provisions which are in place should we get an unfavourable outcome of the Judicial Review related to bus franchising – this would not necessarily see a change to the overall ambition for bus travel in Greater Manchester, however it would require a review of how we deliver our ambition and may impact on timescales for delivery.</i></p>	
2.	<p>The opportunity to develop a cycle network through the Haweswater tunnel is one that would benefit the safety and well-being of the people of Besses. What progress has been made to date to develop the scheme? Cllr Lucy Smith</p>	Cllr Peel

	<p>We assume the question relates to the subway below the M60 at Parrenthorn in Whitefield, which is used as an informal pedestrian route between Heybrook Close and Parrenthorn Road. Much of the land the route crosses is in private ownership and the Council has approached the Highways Agency, United Utilities and Onward Homes to seek agreement to improving it. We do not yet have the agreement of UU and Onward, but the Council has submitted a bid for funding to design a proposal as part of TfGM's Active Travel Fund 3 submission to the Department for Transport.</p>	
3.	<p>It was great to see Bury benefit so much from the City Region Sustainable Transport Settlement. Can we have an update on the specifics on what this investment will mean for our borough? Cllr Butler</p>	Cllr Peel
	<p><i>The Autumn Budget confirmed that Greater Manchester has been allocated £1.07bn in capital funding from Government through the City Region Sustainable Transport Settlement (CRSTS) process for the five years to 2026/27. GM is also currently awaiting the outcome of the Bus Services Improvement Plan (BSIP) process and the amount of funding to be provided by Government for GM to invest in its bus system over a three-year funding period. Until Government has announced the outcome of the BSIP process and has also issued guidance on its requirements for the use of CRSTS funding, GM will not be able to determine how funding secured through CRSTS will be invested, a decision that will need deliberation and determination with all 10 Local Authorities and GMCA. Currently, it is anticipated that Government guidance will be received in the early new year.</i></p>	
4.	<p>What steps are the Police and Crime Panel taking to hold the Mayor and Deputy Mayor of Greater Manchester responsible for Greater Manchester Police yet again failing to make significant improvements as outlined recently by Her Majesty's Inspector of Constabulary, Andy Cooke? Cllr. Russell Bernstein</p>	Cllr Gold
	<p>The HMICFRS accelerated cause of concern is very serious and highlights issues that the Chief Constable recognised and included in his improvement plan prior to the cause of concern being issued. The last police and crime panel meeting received an update on this. That improvement plan has been presented to HMICFRS and GMCA and we are already seeing improvements in performance with 999 waiting times now at 13 seconds on average down from over 2 minutes in July and the number of open crimes is reducing. Myself and other members of the panel pose questions at the Panel meetings to challenge about progress and will do so with regard to this accelerated concern.</p>	
5.	<p>With the success of the City Region Sustainable Transport Settlement now confirmed, what plans are in place through the Bus Service Improvement Plan to give Bury and Greater Manchester the public transport network it needs and deserves? Cllr Boles</p>	Cllr Peel

	<i>The Bus Service Improvement Plan sets out an ambitious plan to deliver improvements in bus travel for the whole of Greater Manchester, as part of the delivery of the wider transport network – the Bee Network. These improvements, subject to the receipt of funding from Central Government, include proposed additional services; a reduction in fares and a simplified ticketing system; the introduction of zero emission buses as well as enhancements to the overall customer experience when travelling by bus, customer information and management of the highway and bus network. Once the level of funding that is made available to Greater Manchester is known, further work will be done to consider each of the improvement areas in more detail.</i>	
6.	What is TfGM doing to support the increase in cycling, particularly within BAME communities? Cllr Farooq	Cllr Peel
	<p><i>The Active Travel Team are supporting Bury Council in the development of activation plans which will include a number of initiatives that will look to improve the health and wellbeing of residents by increasing the levels of cycling and walking. Activation plans are designed around new infrastructure to ensure that local residents and commuters are aware of and able to use new routes. Activities will look to educate people on the benefits of Active Travel, increase access and the opportunities to travel actively and upskill local residents. Particular target audiences for this work include young people and the BAME communities that surround the infrastructure schemes.</i></p> <p><i>Cycle and Stride for Active Lives is a Greater Manchester based project aiming to increase inclusivity for minority groups and those who experience increased barriers when accessing physical activities and is funded by the London Marathon Charitable Trust. In year one, we are supporting community groups and schools from across GM. Three of the 25 groups are operating in the Bury area and are working to reach out to people from diverse backgrounds and from areas of social deprivation to support them to become more active through cycling and walking. These groups include Barnardo's, The Booth Centre and The Sunnywood Project. TfGM are providing grants as well as providing led rides and walks and cycle training. The project lasts for three years and will take on further groups and schools up until 2024.</i></p> <p><i>We are also supporting the BAME Project in the development of a bike library in Openshaw Park, which will link with 2 other proposed libraries in Bury and Radcliffe. This will help in achieving the group's aim of integrating the diverse community of Bury, focusing on health and wellbeing, both mentally and physically. Additionally the BAME Project hope to reduce isolation, especially within the BAME community who may face challenges such as having a language barrier.</i></p>	
7.	West Midlands Police has been trialling the use of Naloxone - carried in a nasal spray form by its officers since 2019. Has the Mayor of Greater Manchester considered equipping frontline responders with naloxone, a drug which can reverse opiate overdose and save lives? Cllr. Nick Jones	Cllr Gold

	<p>A government consultation ran over the summer on the roll out of Naloxone to front line staff including police officers, paramedics, pharmacists, homelessness outreach workers and others.</p> <p>At that time the GM Deputy Mayor for Policing & Crime wrote to the Association of Police and Crime Commissioners offering support for widening access to Naloxone by expanding the list of services and individuals that can distribute it without a prescription. Legislation should enable this life saving drug to be made available as widely as possible to at-risk people inclusive of criminal justice professionals and settings. Several pilots are being undertaken in the West Midlands and elsewhere in the UK. In Greater Manchester a drug and alcohol review which led by Mike Trace who sat on Dame Carol Black's national review body was recently commissioned. The roll out of Naloxone is included in a number of options to be considered and we await the outcome of the Government consultation with interest.</p>	
8.	<p>What proportion of buses will not be compliant with the GM Clean Air Zone when it launches? What is the estimated annual charge for these non-compliant buses in Year 1 of the Zone and what impact will these charges have on ticket prices? Councillor Powell</p>	Cllr Peel
	<p><i>All operators have been able to benefit from funding for retrofitting where it can be fitted to specific vehicles to bring them up to Euro VI standards. Smaller operators have also been able to take advantage of a small contribution towards replacement vehicle funding. In order to understand likely compliance with the CAZ implementation, individual meetings have been held with bus operators so that their proposals can be fully understood and it appears from these discussions that – without being able to quantify it exactly at this stage – compliance is likely to be very high subject to the exemptions provided for within the policy.</i></p>	
9.	<p>It is encouraging to see the new direction of GMP under the new Chief Constable, with a clear focus on getting the basics right when it comes to policing. One of these key issues is dealing with the rise in anti-social behaviour. What is being done to tackle this in Bury and Greater Manchester? Cllr Boroda</p>	Cllr Gold
	<p>Operation Saturn is a high-visibility police-led initiative aimed at reducing ASB and crime across the Bury district in conjunction with partners and community stakeholders. These partners include Transport for Greater Manchester, the youth service and local authority. The operation launched at the beginning of November and sees specialist officers working closely with partners and community members to target specific ASB hotspots. To date there has been an operation in each of the Police Neighbourhoods in Bury.</p> <p>In terms of the force response, GMP are tackling ASB by improving neighbourhood policing and the relationship with communities to ensure that neighbourhood officers have the requisite local knowledge and resources required to prevent and reduce harm and ASB. In addition, there will be a greater focus on evidence-based problem solving. All of which are central themes of the Chief Constable's 'Plan on a Page'.</p>	

	https://www.gmp.police.uk/news/greater-manchester/news/news/2021/november/crackdown-onanti-social-behaviour-across-bury-with-operation-saturn-launch	
10.	What is being done across Greater Manchester to promote the re-using of goods, rather than just recycling them? Cllr Pilkington	Cllr Quinn
	<p>The attached briefing document regarding the 3 Renew shops and the Renew Hub in Greater Manchester explains how pre-loved items are diverted from waste and sold from the shops. Every year the money raised in the 3 shops goes towards two good causes: £100,000 for the GM Mayors fund and a minimum of £220,000 for the Recycle for Greater Manchester (R4GM) Community fund. This social value model forms part of the GMCA waste contract with SUEZ to reduce the environmental impact of residents' waste by recycling and extracting the value from it and demonstrates how goods/items are reused as well as recycled.</p> <p>We would also like to invite Councillor Pilkington to visit the Renew Hub in Trafford Park where he can see how the Hub is developing reuse and repair on an industrial scale. What this will allow us to do is create work and training opportunities to upskill local residents in repairing bikes, electricals, wood work etc. Please ask him to get in touch with me to book a convenient date to visit.</p>	
11.	When is Greater Manchester Police likely to come out of special measures? Cllr. Bob Caserta	Cllr Gold
	HMICFRS Engagement process provides additional support to police forces to address causes of concern. For Greater Manchester Police concerns centred on the service being provided to victims of crime, HMICFRS determine when this engagement ends. GMCA, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU The Mayor and the Deputy Mayor, together with the Chief Constable are focussed on improving the service provided to victims and are grateful to HMICFRS and the other agencies involved in the Police Performance Oversight Group for their support.	
12.	How is it intended to provide elected members in Bury an opportunity to contribute to the refresh of the Police and Crime Panel? Cllr. Jo Lancaster	Cllr Gold
	<p>Working closely with GMP, Community Safety Lead Councillors and Officers and Partnership Chairs, consultation events have been held in each of the districts between June and July 2021. The consultation events included a broad range of local organisations from the public and private sector. In addition, consultation has taken place with the GMCA Youth Combined Authority, the Chamber of Commerce and the Retail Crime Steering group. Community safety partnerships have supported the continuation of the three high level priorities, and these are currently subject to a public consultation exercise, which closes on the 30th November 2021. The consultation can be accessed through the link below:</p> <p>https://www.gmconsult.org/police-and-crime-team/greater-manchester-police-and-crime-planrefresh-2/</p>	

	The GMCA has been promoting the consultation through all of its networks and have asked Heads of comms in each of the districts and Community Safety lead officers to also promote locally.	
13.	How many operational police officers are working in Backoffice roles? Cllr. Jordan Lewis	Cllr Gold
	The Chief Constable has committed to review the number of senior officers in HQ roles which could be delivered by members of police staff. This work is underway and will return senior officers to operational roles. There will always be a number of police officers working in roles which could be undertaken by members of police staff, for instance where officers are unwell or injured. The Chief Constable and his senior team are working to ensure that these officers are given the opportunity to use their skills to support members of the public by introducing desk based investigation teams and teams that support the police contact centre to ensure that we are using all our resources effectively	
14.	There has been a worrying trend emerging of 'injection spikings' in some night-time venues across the country. Have any investigations taken place by GMP to see how widespread the problem is in our boroughs, and what is being done to address it? Councillor Tegolo	Cllr Gold
	<p>In response to increasing numbers of reported incidents of drinks and drugs spiking/suspected spiking in Greater Manchester and nationally. GMP have looked into this further and found that:</p> <ul style="list-style-type: none"> • There has been an increase in reported incidents to GMP from September 2021 with a peak in incidents over the Halloween weekend. • The majority of victims are female and aged between 18 and 25 (though we suspect that some underage victims are not reporting). <p>GMCA, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU</p> <ul style="list-style-type: none"> • Most reported cases are coming from the City of Manchester (nearly 9 in 10 cases are in Manchester). GMP have set up an Anti-Spiking Partnership to address the problem. The work of the partnership includes: - • Making testing kits available in premises • Making testing kits available for home testing (via the Student Union) • Ensuring usage of anti-spiking devices • Develop and agree a Night-time Information Guide/Charter with agreed protocols for licensed premises/venues on what they are required to do as well as for other key agencies (using the Save Night-Life procedures as a start) • Agreeing training/awareness raising and other key messages for staff • Developing an information guide so people know what to do if they suspect they have been spiked or who feel vulnerable when out including safe places to go and get help • Increase ways to safe report and keep people safe • Develop wider key messages on anti-spiking including deterrence for perpetrators <p>GMP have also taken a proactive approach to promoting awareness of this behaviour, recognising that everyone has a role to play in keeping each other safe.</p>	

	<p><i>If you suspect you have been spiked, seek medical advice, and report it to the police ASAP</i></p> <p><i>Any reports we have of drink spiking will be taken seriously by GMP and the more information we have about these kinds of incidents the more we can build a bigger picture and target those responsible.</i></p> <p><i>We hope everyone in Manchester enjoys their time here, and it's our job to help make sure that happens.</i></p>	
15.	What is the Metrolink's average cost of staff by grade including Director level? Cllr. Luis McBriar	Cllr Peel
	<p><i>Metrolink is operated by a private company under contract, Keolis Amey Metrolink or "KAM". Staff salaries are specified as "commercially sensitive information", which we are prohibited in sharing or publishing.</i></p>	
16.	How will the new Artificial Intelligence guidance from the College of Policing impact its use by Greater Manchester Police? Cllr. Jack Rydeheard	Cllr Gold
	<p>The College of Policing has just ended a public consultation in relation to the use of facial recognition technology with a view to developing Approved Professional Practice guidelines. As it is in the early stages we cannot say how this will impact on GMP yet as it has not been developed yet.</p>	
17.	The banks recently launched a hotline to protect customers from fraud. How will Greater Manchester Police work with the banks to help customers who call this helpline? Cllr. Yvonne Wright	Cllr Gold
	<p>Fraud can have a devastating impact on victims, not only any financial loss, but the feeling that they have been targeted and duped by these scams. For this reason, providing access to advice and support is a fundamental tactic in the fight against fraud.</p> <p>For a number of years, a Cyber and Economic Crime Awareness Service (CECAS) has been funded in Greater Manchester. Led by GMP, this service has provided direct support and intervention to over 8,000 vulnerable victims. As part of the CECAS approach, Scambuster volunteers provide the peer to peer support required to cope, recover and prevent them from GMCA, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU being a repeat victim. Through the service, victims can be assisted in a variety of ways, including the investigation of the crime, exploring avenues of recovery with their banks and the provision of advice regarding other agencies who may be able to provide advice. There also established links through to the main victims' services should further support be required. Further supporting activities to enhance this approach to provide a focus on education and prevention within local communities are also underway.</p> <p>The banking hotline (159) encourages customers to make contact should they become suspicious regarding any contact received requesting the transfer of funds. They will then be put in touch with their banks fraud prevention team to query this contact and take appropriate action.</p>	

	<p>Whilst GMP is aware of the launch of the banking hotline, this was done separately to policing fraud campaigns. As such, GMP has not yet received any formal advice from the City of London Police, who are the national lead for Fraud, as to how to support this initiative locally. We will continue to monitor the 159 pilot and will support GMP with any activity to promote preventative tactics such as this.</p> <p>Victims who contact GMP directly regarding an incident of fraud that is occurring at that time will continue to receive a response and support from GMP.</p>	
18.	Can you provide a breakdown of how income received by the sale of Greater Manchester Police Service buildings, land and property has been spent? If so, please provide this to cover the last five years. Cllr. Roger Brown	Cllr Gold
	Since 2016/17 11 Police Properties have been disposed of and this raised a combined capital receipt of £3,102, 250 over this period. The receipts have been reinvested back into the delivery of local policing in the areas of technology, vehicle fleet and equipment.	

POLICE PROPERTIES DISPOSED OF / CAPITAL RECEIPTS REC'D FROM PREVIOUS DISPOSALS* SINCE START 2016/17

2A DAVENFIELD GROVE DIDSBUY	12/05/16	£133,000.00	
MOSSLEY POLICE STATION 20 ARGYLE STREET MOSSLEY	12/05/16	£165,000.00	
RADCLIFFE POLICE STATION RAILWAY STREET RADCLIFFE	17/08/16	£150,000.00	
LITTLEBOROUGH POLICE STATION FEATHERSTALL ROAD LITTLEBOROUGH	15/11/16	£505,000.00	
COLLYHURST OVERAGE (FROM GMPA)*	12/01/18	£775,000.00	
330 NEWTON ROAD LOWTON WA3 1HE - POLICE HOUSE	27/04/18	£210,000.00	
PLANT HILL POLICE STATION PLANT HILL ROAD M9 8UL	11/09/19	£72,500.00	
HOUGH END LAND	12/02/20	£233,750.00	
8 HAZEL ROAD CHEADLE SK3 7BN - POLICE HOUSE	30/05/20	£220,000.00	
BREDBURY POLICE STATION GEORGE LANE BREDBURY STOCKPORT SK6 1AU	16/11/20	£367,000.00	
DROYLSDEN POLICE STATION 101 MANCHESTER ROAD DROYLSDEN M43 6EJ	16/11/21	£271,000.00	
		£3,102,250.00	

Amendment to Notice of motion

Supporting our wonderful high streets over the festive period

The Council recognises:

Bury Council notes the impact of the COVID-19 pandemic has had on residents and businesses across the borough over the last two years. The Borough owes a debt of gratitude to our key workers, residents, businesses and organisations for all that they have done through the pandemic.

As the festive period approaches the Council must do all it can to support our fantastic independent businesses across the borough and our high streets

The Council notes:

The Government provided over £100 million to Bury MBC to support residents and businesses whether the COVID-19 storm across the borough

In the October Budget our borough was awarded two levelling up bids totalling £40 million to regenerate Bury Market and Radcliffe Town Centre. Now we must celebrate this success and support our high streets, encouraging residents and visitors to shop local this festive period.

There are 4 Saturdays in December, including Small Business Saturday on the 4th, and as a Council we must do all we can to support business

This motion aims to support the boroughs high streets and independent retailers across Ramsbottom, Tottington, Bury, Radcliffe, Whitefield, and Prestwich and promote shopping locally throughout the month of December

The Council resolves to:

- ~~• All Council-owned car parks to be free every Saturday in December 2021 across Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich including Christmas Day~~

- Call on officers and the Combined Authority to explore options to fund free or discounted bus travel for the first three weekends in December

- Actively support and promote 'Small Business Saturday' in December by spreading the word across the Borough via locally via the Council website and all digital media channels
- Promote 'Shop Local' throughout the month of December across all the Councils digital media channels and share press releases with local media to drum up support for our wonderful towns this festive period

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Children's Catch-up Funding

A motion had been received and set out in the Summons in the names of:

Councillors M Powell, C Tegolo and S Wright

This Council recognises that:

- There has been an enormous impact from Covid-19 on schoolchildren in Bury
- The staff, pupils and Governors in our schools in Bury have worked incredibly hard to make sure the impact of Covid is mitigated
- For months at a time, most children have not been able to attend school, been isolated from their friends, and missed out on valuable experiences such as playing sports or learning a musical instrument
- The Government's former Education Commissioner Sir Kevan Collins recommended that £15 billion is required to help school children catch up on the learning and experiences they have lost during the pandemic

[ADD] – The Labour Party launched its £15 billion “Children’s Recovery Plan” in June, in line with Sir Kevan Collins’ recommendations. This plan includes Breakfast clubs and new activities for every child, Quality mental health support in every school, Small group tutoring for all who need it, not just 1%, Continued development for teachers, An Education Recovery Premium and Ensure no child goes hungry.

~~[REMOVE] - The Liberal Democrats announced a policy at their Party Conference in September 2021 calling for the full £15 billion to be made available as a ‘Catch-Up Fund’ for schoolchildren~~

~~– £5 billion of this fund would go directly to parents in the form of vouchers to be spent in the best way they see fit. This would mean each school child in Bury would receive £200 worth of vouchers a year for each of the next three years (these vouchers would increase to £400-£600 a year for those from the most disadvantaged backgrounds or those in need of additional support)~~

This Council resolves to:

~~[REMOVE] - Welcome these proposals and acknowledge they would result in parents and carers being able to give their children new opportunities and experiences that they have sorely missed out on over the past 18 months~~

[ADD] – Welcome the Labour Party’s proposals and support the provision of the necessary resources for a strong recovery for our children and their education.

~~[REMOVE] - Instruct the Chief Executive to write to the Secretary of State for Education to demand that the recommendations of the Liberal Democrat’s Children’s Catch-Up Policy are implemented in full. In particular, that the full £15 billion is made available as a Catch-Up Fund for schoolchildren, and that £5 billion of this goes directly to parents in the form of vouchers that can be spent on their choice of approved courses and experiences~~

[ADD] - Instruct the Chief Executive to write to the Secretary of State for Education to demand that the recommendations of the Labour Party’s “Children’s Recovery Plan” are implemented in full.

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	<p>housing of refugees and care for refugee children</p> <p>- Reverse immediately the cut to International Development Aid and restore the 0.7% of GDP minimum</p>		
STOP THE CUT TO UNIVERSAL CREDIT	<p>Write to the Prime Minister and Chancellor of the Exchequer calling on them to stop the £20 a week cut to Universal Credit</p> <p>Write to the Members of Parliament for Bury North and Bury South calling on them to oppose the cut and vote against it in Parliament.</p>	<p>Chief Executives Office</p> <p>Chief Executives Office</p>	<p>Letter Appended</p> <p>Letter Appended</p>
FUTURE OF CARE HOMES AND HOUSING PROVISION FOR OVER 60S AND THE STRENGTHENING OF THE BOROUGH'S MENTAL AND PHYSICAL HEALTH OFFER	<p>To produce a baseline report that assesses our current housing stock: focusing on capacity, quality and adaptability.</p> <p>to produce a baseline report that identifies current services and facilities which are available</p> <p>To consult with residents of all ages and produce a report outlining future demand for housing, mental and physical health provision for residents over 60 years old or those requiring care.</p>	<p>Adrian Crook/Jacqueline Summerscales</p>	<p>Report appended</p>

	To set out plans for delivering any new identified housing, mental and physical health provision		
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Our Ref GL/JM/Council
Date 29 September 2021
Please ask for Geoff Little
Direct Line 0161 253 5103
E-mail g.little@bury.gov.uk

Rt Hon Priti Patel MP
Home Secretary
2 Marsham Street
London
SW1P 4DF

Letter sent via email to public.enquiries@homeoffice.gov.uk

Dear Home Secretary,

Bury Council at its Full Council meeting on 09 September 2021 approved a notice of motion in relation to welcoming refugees.

The full Council motion is set out below:

The Council recognises:

- The deeply concerning developments in Afghanistan along with recent political unrest and war in places such as Syria, Yemen and Hong Kong.
- The responsibility the UK has to many citizens in countries like Afghanistan and Hong Kong.
- That these developments are driving men, women and children in these locations to seek safety in the West, often willing to make perilous journeys, including by boat, to seek asylum in the UK.
- The longstanding tradition the UK has had to welcoming refugees dating back to the Second World War and before, and that this commitment should remain now and going forwards.
- The strong tradition the UK has in international aid, recently put in jeopardy by the cruel cut to International Aid.
- The strong track record Bury has in welcoming refugees over many decades.

- That Local Authorities have a vitally important role to play in housing refugee families, and that this crisis can be managed successfully if all Councils welcome their fair share of refugees over the coming months.

The Council resolved to:

- Reaffirm our commitment that refugees are very welcome in Bury.
- Pledge a commitment to take at least our fair share of refugees and encourage other Local Authorities to do the same.
- Work with our public and voluntary sector and partners, and across Greater Manchester, to make that welcome a day to day reality.

Accordingly, the Council asked me to write to you asking you to:

- Provide the necessary support and funding to Councils to facilitate the housing of refugees and care for refugee children.
- Reverse immediately the cut to International Development Aid and restore the 0.7% of GDP minimum.

I look forward to your response so that an update can be provided to Members of Bury Council.

Yours sincerely

A handwritten signature in blue ink that reads "G Little".

G Little
Chief Executive

cc: Andy Burnham (Greater Manchester Mayor), James Daly, MP for Bury North and Christian Wakeford, MP for Bury South.

Our Ref GL/JM/Council
Date 29 September 2021
Please ask for Geoff Little
Direct Line 0161 253 5103
E-mail g.little@bury.gov.uk

Rt Hon Rishi Sunak MP
Chancellor of the Exchequer
Her Majesty's Treasury
1 Horse Guards Road
London
SW1A 2HQ

Letter sent via email to CEU.enquiries@hmtreasury.gov.uk

Dear Chancellor,

Bury Council at its Full Council meeting on 9 September 2021 debated a notice of motion in relation reductions in Universal Credit.

I am aware that since this Council meeting, a vote on the matter has been taken in Parliament. Notwithstanding this, please find below the Council motion and resolution.

The Council noted:

- 1) This autumn the Government plans to cut Universal Credit by £20 a week.
- 2) This cut would affect 15,300 people in the borough Bury.
- 3) The Child Poverty Action Group have stated that the £20 uplift is essential to ensure "low-income families with children receive the support they need".
- 4) The Joseph Rowntree Foundation has warned that the cut could see another 200,000 children pushed into poverty.

The Council resolved to:

- 1) Write to the Prime Minister and Chancellor of the Exchequer calling on them to stop the £20 a week cut to Universal Credit.
- 2) Write to the Members of Parliament for Bury North and Bury South calling on them to oppose the cut and vote against it in Parliament.

Accordingly, I am writing to you in relation to this matter. I have written in similar terms to the Prime Minister and the MPs for Bury North and Bury South.

I look forward to your response so that an update can be provided to Members of Bury Council.

Yours sincerely

A handwritten signature in blue ink that reads "G Little".

G Little
Chief Executive

Our Ref GL/JM/Council
Date 29 September 2021
Please ask for Geoff Little
Direct Line 0161 253 5103
E-mail g.little@bury.gov.uk

Rt Hon Boris Johnson MP
Prime Minister
10 Downing Street
London
SW1A 2AA

Letter sent via email privateoffice@no10.x.gsi.gov.uk

Dear Prime Minister,

Bury Council at its Full Council meeting on 9 September 2021 debated a notice of motion in relation reductions in Universal Credit.

I am aware that since this Council meeting, a vote on the matter has been taken in Parliament. Notwithstanding this, please find below the Council motion and resolution.

The Council noted:

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- 4) The Joseph Rowntree Foundation has warned that the cut could see another 200,000 children pushed into poverty.

The Council resolved to:

- 1) Write to the Prime Minister and Chancellor of the Exchequer calling on them to stop the £20 a week cut to Universal Credit.
- 2) Write to the Members of Parliament for Bury North and Bury South calling on them to oppose the cut and vote against it in Parliament.

Accordingly, I am writing to you in relation to this matter. I have written in similar terms to the Chancellor of the Exchequer and the MPs for Bury North and Bury South.

I look forward to your response so that an update can be provided to Members of Bury Council.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Little'.

G Little
Chief Executive

Our Ref GL/JM/Council
Date 29 September 2021
Please ask for Geoff Little
Direct Line 0161 253 5103
E-mail g.little@bury.gov.uk

Christian Wakeford
MP for Bury South

Letter sent via email

Dear Christian,

Bury Council at its Full Council meeting on 9 September 2021 debated a notice of motion in relation reductions in Universal Credit.

I am aware that since this Council meeting, a vote on the matter has been taken in Parliament. Notwithstanding this, please find below the Council motion and resolution.

The Council noted:

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- 2) This cut would affect 15,300 people in the borough Bury.
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- 4) The Joseph Rowntree Foundation has warned that the cut could see another 200,000 children pushed into poverty.

The Council resolved to:

- 1) Write to the Prime Minister and Chancellor of the Exchequer calling on them to stop the £20 a week cut to Universal Credit.
- 2) Write to the Members of Parliament for Bury North and Bury South calling on them to oppose the cut and vote against it in Parliament.

Accordingly, I am writing to you in relation to this matter.

I have written in similar terms to the Prime Minister, the Chancellor of the Exchequer and the MP for Bury North.

I look forward to your response so that an update can be provided to Members of Bury Council.

Yours sincerely

A handwritten signature in blue ink that reads "G Little". The signature is written in a cursive style with a period at the end.

G Little
Chief Executive

Our Ref GL/JM/Council
Date 29 September 2021
Please ask for Geoff Little
Direct Line 0161 253 5103
E-mail g.little@bury.gov.uk

James Daly MP
MP for Bury North
Sent via email

Dear James,

Bury Council at its Full Council meeting on 9 September 2021 debated a notice of motion in relation reductions in Universal Credit.

I am aware that since this Council meeting, a vote on the matter has been taken in Parliament. Notwithstanding this, please find below the Council motion and resolution.

The Council noted:

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The Council resolved to:

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I look forward to your response so that an update can be provided to Members of Bury Council.

Yours sincerely

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G Little
Chief Executive

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REPORT TO SUPPORT THE COUCIL MOTION TRACKER (NOV 2021) - FUTURE OF CARE HOMES AND HOUSING PROVISION FOR OVER 60S AND THE STRENGTHENING OF THE BOROUGH'S MENTAL AND PHYSICAL HEALTH OFFER

1. To produce a baseline report that assesses our current housing stock: focusing on capacity, quality and adaptability.

A stock condition survey is currently underway, results expected Jan 2022 (STH are leading this work). The survey will establish the condition/quality of the housing stock to help identify and programme future works. It will also provide an eco-assessment for zero carbon requirements. The findings will confirm Decent Homes Standard compliance, reveal any health and safety concerns, and enable asset management/financial records and energy performance/EPC ratings to be updated.

The Council/STH hold information/intelligence on capacity and quality of the housing stock including adapted properties. For example the number of properties that have already been adapted (adaptations vary from level access showers, ceiling hoists, stairlifts, door widening through to extensions). The Council/STH are also able to report on properties suitable for full adaptation, these are primarily ground floor properties and bungalows.

A review of the Disabled Adaptations Policy is underway to speed up processes and help improve the customer journey.

A review of four sheltered housing schemes is currently underway to help raise standards for older residents – options appraisals to be developed:

- Clarkshill, Prestwich
- Harwood House, Tottington
- Mosses House, Bury
- Taylor House, Brandlesholme

The review will include an evaluation of housing related support for older people and specialist groups.

2. To consult with residents of all ages and produce a report outlining future demand for housing, mental and physical health provision for residents over 60 years old or those requiring care.

In 2020, Campbell Tickell were appointed by the Council to undertake a Housing Need and Demand Assessment in the Borough. Residents of all ages were consulted and a report outlining future needs and demand for housing was produced in August 2020. A copy of this report (Housing Need & Demand Assessment 2020) can be found by clicking the following link
<https://www.bury.gov.uk/index.aspx?articleid=15866>

The Housing Need and Demand Assessment offers an up-to-date analysis of the social, economic, housing and demographic characteristics of the Borough. It provides an estimate of housing need and anticipated future demand for housing

across the Borough. It identifies the type and size of housing needed by tenure and household type and includes an assessment of the current and future needs of older people and specialist groups to support housing/planning policies.

In addition, Adult Social Care have commissioned the Housing LIN to determine the future needs of older people and people with long-term health conditions, mental health and autism. This information will enhance knowledge and supplement the data in the Housing Need and Demand Assessment. Market Position Statements are being developed for older people and those with specialist needs which will feed into a Strategy.

3. To produce a baseline report that identifies current services and facilities which are available

Listed below are details of the facilities and services available at Peachment Place and Red Bank extra care schemes:

- bistro
- beauty salon (Peachment Place)
- landscaped gardens
- communal lounges/activities for residents
- adapted kitchens
- level access bathrooms with walk-in showers
- assisted bathing/bath hoists
- scooter storage and charging facilities
- powered doors opening/closing
- warden call/24-hour emergency call systems - Tunstall monitoring systems
- on site care packages
- laundry facilities
- free parking for residents and visitors
- lifts
- guest rooms

Listed below are details of the facilities and services available at the Council's sheltered housing schemes:

- warden call/24-hour emergency call systems and repair services - Tunstall monitoring systems
- on site care packages
- adaptations where required to meet needs
- fitted kitchens
- wet rooms
- communal gardens
- laundry facilities
- free parking for residents and visitors
- communal lounges/activities for residents
- lifts
- guest rooms

4. To set out plans for delivering any new identified housing, mental and physical health provision

Joint commissioning and delivery of specialist housing schemes in partnership with registered providers, including the former William Kemp Heaton site which will have provision for people with a disability and/or learning disability.

5. Adult Social Care (ASC) housing vision, strategy, and market position statement for those with additional needs

Community Commissioning in collaboration with the Housing LIN (industry leads in housing issues, knowledge and data) are compiling a Bury ASC housing vision, strategy, and market position statement for those with additional needs. This will highlight current and future demand/requirements for specialist housing in Bury. The detail will be across three cohorts, those who have a learning disability or autism, those who have a mental health illness and our older population who have additional needs. Alongside utilising and assessing the data and to help build the picture for housing in Bury, the Housing LIN have drawn on previous engagement activity whilst also liaising with people with lived experience, staff, and partners to gain an important insight.

The documents created from this work will help to develop projections for the coming years ensuring we have not only enough housing stock in Bury but at the right time, location, scale, quality, and type to meet the varied requirements in Bury. Once completed these documents will become the backbone of our ASC housing agenda and be the blueprint for housing developers, providers, and care providers to plan their business and deliver future schemes.

We anticipate the work should be completed this year and will be shared widely at the earliest opportunity.

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Our ref: MC2021/80946

15 November 2021

Dear Mr Little,

As you may know, your letter of 29 September to the Chancellor of the Exchequer has been passed to this Department for a response. You wrote about the Universal Credit uplift. I am replying as the Minister for Welfare Delivery.

Since the start of the pandemic, the Government's priority has been to protect lives and people's livelihoods. This includes continually supporting individuals and businesses. Universal Credit has provided a vital safety net for six million people during the pandemic, and we announced the temporary uplift as part of a COVID support package worth a total of £407 billion in 2020/21 and 2021/22. As part of the Spring Budget, the Chancellor announced that the temporary £20 a week increase in Universal Credit was to be extended for a further six months, until October. Eligible Working Tax Credit claimants received an equivalent one-off payment of £500.

The Government has always been clear that the £20 increase was a temporary measure to support households affected by the economic shock of Covid-19. As a result, Universal Credit Claimants Assessment Periods that ended on or after 6 October 2021 have not included the additional £20 per week.

There have been significant positive developments in the public health situation since the uplift was first introduced with the success of the vaccine roll-out. Now the economy is reopening and as we continue to progress with our recovery, our focus is on helping people to prepare for, get into and progress in work.

I would like to reassure you that food insecurity is an issue we take seriously, which is why we added food security questions to the Family Resources Survey. This will include questions specifically on foodbanks use in subsequent editions of the survey. With this information, we will have a better understanding of the lived experiences of families.

We have made important changes to the Healthy Start Scheme, such as increasing the value of Healthy Start Vouchers from £3.10 to £4.25 in April and digitalising the scheme to make it more accessible. These vouchers are available to parents with young children who are in receipt of eligible benefits, to help them buy basic foods like milk or fruit.

We understand that school holidays can be particular pressure points for some families because of increased costs. The Holiday Activities and Food programme will continue to run over the Christmas holidays, having already provided enriching activities and healthy meals to children across the country over Easter and the summer. From 2022 we are investing over £200 million a year to continue our Holiday Activities and Food programme, providing free school holiday club places with enriching activities and healthy meals for children who receive benefits-related free school meals. All 151 local authorities in England are delivering this programme.

This Government is wholly committed to supporting those on low incomes, and continues to do so through many measures, including by increasing the living wage, and by spending an estimated £111 billion on welfare support for people of working age in 2020/21. Additionally, through our Plan for Jobs, the Government is investing over £33 billion in measures to create, support and protect jobs. This included over £2 billion investment in the Kickstart programme and an additional 13,500 Work Coaches in our Jobcentres, as well as other measures focused on boosting work search, skills and apprenticeships.

The Department recognises that work is the best route to prosperity. Alongside the comprehensive Plan for Jobs, the Government is now taking further action to make work pay for low income households on Universal Credit. New measures introduced at the Autumn Budget show we are taking decisive action to make work pay. Cutting the taper rate from 63 per cent to 55 per cent and increasing the work allowance by £504 per year means that 1.9 million working households will be able to keep substantially more of what they earn. These measures effectively represent a tax cut, worth around £2.2 billion a year in 2022/23, for the lowest paid in society. This is in contrast to the legacy system which applied marginal effective tax rates of over 90 per cent to lower earners in some cases. The lowest paid will also be better off in April, when the Living Wage rises to £9.50 an hour.

However, we recognise that some people may require extra support over the winter as we enter the final stages of recovery, which is why vulnerable households across the country will now be able to access a new £500 million support fund to help them with essentials. The Household Support Fund will provide £421 million to help vulnerable people in England and allocations to individual local authorities are set out below. The Barnett Formula will apply in the usual way, with devolved administrations receiving almost £80 million (£41 million for the Scottish Government, £25 million for the Welsh Government and £14 million for the NI Executive), for a total of £500 million.

Local authorities in England will use their ties and knowledge to design schemes which best meet the needs of local people. The fund is principally intended to be used to support households with food, energy and water costs, although support with wider essentials can also be considered under the scope of the scheme. Indicative allocations for each Upper Tier/Unitary Authority can be found at: www.gov.uk/government/news/government-launches-500m-support-for-vulnerable-households-over-winter.

I hope you will find this reply helpful.

Kind regards,

A handwritten signature in black ink, appearing to read 'David Rutley', with a horizontal line underneath.

David Rutley MP

Minister for Welfare Delivery

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