

AGENDA FOR

STANDARDS COMMITTEE

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To: All Members of Standards Committee

Councillor : T Pickstone (Chair), R Bernstein, S Butler,
M Hayes, T Rafiq, Y Wright, L Smith, G Staples-Jones
and M Whitby

Dear Member/Colleague

Standards Committee

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

Date:	Monday, 13 September 2021
Place:	Council Chamber, Bury Town Hall
Time:	6.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

3 MINUTES *(Pages 3 - 6)*

Minutes are attached.

4 MATTERS ARISING

- CODE OF CONDUCT UPDATE

Jacqui Dennis, Council Solicitor and Monitoring Officer will provide members with a verbal update.

- FEEDBACK FROM STANDARDS HEARINGS PANELS

Members to provide feedback from the recently held assessment hearings.

5 LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW *(Pages 7 - 22)*

Report and Appendices Attached.

6 ESTABLISHMENT OF THE INDEPENDENT RENUMERATION COMMITTEE *(Pages 23 - 40)*

Terms of reference attached.

Draft itinerary for review attached.

Elected Member Questionnaire

7 SUGGESTED ITEMS FOR CONSIDERATION AT FUTURE MEETINGS OF THE STANDARDS COMMITTEE

Date of Meeting	Agenda Publication Date	Items for the Meeting	Officers
13.9.2021	03.9.2021	Code of conduct LGO Annual Report IRP	Jacqui Dennis
15.11.2021	3.11.2021	Constitution update Councillor Complaints	Jacqui Dennis
17.1.2022	7.1.2022	Ethical Governance within the Council Member training	Jacqui Dennis
15.3.2022	07.3.2022		

8 URGENT BUSINESS

Minutes of: **STANDARDS COMMITTEE**

Date of Meeting: 13 January 2021

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

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

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor J Harris.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES

It was agreed:

That the minutes of the meeting held on the 12th October 2021 be approved.

4 CODE OF CONDUCT

Janet Witkowski, Interim Council Solicitor and Monitoring Officer presented a draft updated Member Code of Conduct for discussion. At the July meeting of the Standards Committee Members considered a new draft national model code of conduct to be introduced and agreed responses to the consultation. That code has now been published and this report provides information regarding the new code and other codes and protocol within the remit of the Committee that require review.

The Interim Council Solicitor and Monitoring Officer in presenting the report referred Members to specific areas of code including:

- Purpose of the code of conduct
- General principles of the code
- Application of the code of conduct
- Minimum standards of conduct required
- Confidentiality and access to information
- Gifts and hospitality

In considering the report the following comments/issues were raised:

Members discussed the timeline for implementation and agreement of the Code, the Interim Council Solicitor and Monitoring Officer reported that it would be

useful to review a final draft at the next meeting of the Standards Committee and then brief Group Leaders in advance of consideration at Full Council.

Councillor Hayes referred to the section in the report in relation to the LGA undertaking this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code. The Interim Council Solicitor and Monitoring Officer agreed to undertake to contact the LGA to seek further clarification in regards to this matter.

Members requested that in order to support the implementation of any new code of conduct Member training session be arranged by the Council's Monitoring Officer.

It was agreed, that

1. Note the contents of the report
2. Note that a further report with a version of the proposed Code for Bury will be brought to the next meeting, scheduled to take place on 11th March 2021 for comment and will include reference to the other ethical codes and protocols set out within recommendations 3 as appropriate
3. Agree that the following codes and protocols contained within the Constitution be reviewed during the remainder of the municipal year and any proposed new drafts submitted to the Committee for consideration and recommendation onto Council:
 - a. Employees Code of Conduct
 - b. Protocol on Member and Officer Relations
 - c. Monitoring Officer protocol
 - d. Probity in Planning Code of Conduct
 - e. Complaints against Members
 - f. Hearings Procedure

5 HEARINGS PANEL APPROVAL

Janet Witkowski, Interim Council Solicitor and Monitoring Officer presented a report providing details of the procedure for establishing two standards hearings panels. By way of context the Interim Council Solicitor and Monitoring Officer informed Elected Members that the role of the Council's Standards Committee includes promoting and maintaining high standards of conduct by Councillors as well as monitoring the operation of the Members Code of Conduct. The Committee can determine how to deal with complaints against elected members, investigation reports compiled on behalf of the Monitoring Officer and establish hearing panels where necessary.

The Interim Council Solicitor and Monitoring Officer's report requested that the Committee approve, in line with the Council's Arrangements for dealing with complaints that Council members have breached the Code, the arrangement of two hearing panels and delegate authority to receive the investigation reports, determine if the elected members concerned have breached the Code of Conduct

and if having found breaches, permits it to take a decision as to how the members are dealt with.

In considering the report the following comments/issues were raised:

The interim Council Solicitor and Monitoring Officer reported that the procedural arrangements were agreed unanimously at Council in 2012. Cllr Whitby suggested that following the proposed Hearings, Elected Members involved provide feedback to the Standards Committee as to whether the process is fit for purpose.

Members discussed the role of the Independent Person. The Interim Monitoring Officer reported that following a thorough recruitment process in 2016 the Council were only able to recruit to one Independent Person, the recruitment process is due to commence again in February 2021. The Council where appropriate will approach a neighbouring authority and use their Independent Person.

Members discussed the process. The Interim Council Solicitor and Monitoring Officer reported that the initial assessment of a complaint is undertaken with the Monitoring Officer and the Independent Person and that if an investigation is required that a person outside the authority will be instructed and in doing so, produce a report. The make up of the hearings panel is politically balanced and the Monitoring Officer will ensure that the Panel is fair and the proposed Chair is briefed in advance of the meeting. The Hearings Panel will receive the Investigators report, can also receive representations from the complainant and subject member and witnesses may attend. The Hearings must adhere to principles of natural justice and any sanctions must be lawful.

It was agreed, that

1. The report be noted
2. Approve the setting up of two sub-committees by way of hearings panels in line with the Council's Arrangements for dealing with complaints attached at Appendix 1
3. Approve the attached Hearings Procedure at Appendix 2 as the process to be followed by the said panels
4. Delegate to the said panels power to determine whether the elected members in question have breached the Member Code of Conduct
5. Delegate to the said panels the power to determine how the elected member is dealt with, such actions to include;
 - i. Publish its findings in respect of the Subject Member's conduct;
 - ii. Recommend to Council that the Member be censured;
 - iii. Recommend to the Subject Member's group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council;
 - iv. Recommend to the Leader of the Council that the Subject Member be removed from the Executive, or removed from their portfolio responsibilities;
 - v. Instruct the Monitoring Officer to arrange training for the Member;
 - vi. Recommend to Council that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the Council;

- vii. Withdraw facilities provided to the Subject Member by the Council such as a computer, website and/or e-mail and internet access;
or
- viii. Place such restrictions on the Subject Member's access to staff, buildings or parts of buildings which may be reasonable in the circumstances.

COUNCILLOR T PICKSTONE

Chair

(Note: The meeting started at 6.00 pm and ended at 6.45 pm)

REPORT FOR DECISION



	STANDARDS COMMITTEE
DATE:	13th September 2021
SUBJECT:	LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS AND OMBUDSMAN'S ANNUAL REVIEW LETTER
REPORT FROM:	DIRECTOR OF LAW & GOVERNANCE
TYPE OF DECISION:	REPORT FOR INFORMATION
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report sets out findings and recommendations of the Local Government and Social Care Ombudsman
OPTIONS & RECOMMENDED OPTION	(a) That the content of the Ombudsman's Annual Review Letter to the Council be noted (b) That the complaints made to the Local Government Ombudsman referred to the Council during 2020/21 and their outcomes be noted
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework but will need approval of Full Council. Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	
Health and Safety Implications	<i>None</i>
Equality/Diversity implications:	There is no impact on equality matters as the report contains options for a discussion.
Considered by Monitoring Officer:	Yes The legal implications are set out in the report. (There is a statutory duty for the Monitoring Officer to prepare a formal report to the Council where there has been an act which constitutes maladministration or service failure; and where the Ombudsman

	has conducted an investigation into the matter).
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Committee

TRACKING/PROCESS**DIRECTOR: Deputy Chief Executive**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
6 th September 2021			
Scrutiny Committee	Cabinet/Committee	Council	
18 th November 2021			

1. INTRODUCTION

- 1.1. The Council receives an Annual Report summarising all complaints dealt with by the Local Government and Social Care Ombudsman ("LGO"). This Report provides a brief commentary on the Ombudsman's Annual Review letter. (Attached for information).

2. Ombudsman's Jurisdiction

- 2.1. The Local Government Act 1974 established the then Local Government Ombudsman for England and for Wales. The Act defines the main statutory functions:

- to investigate complaints against councils and some other authorities
- to investigate complaints about adult social care providers from people who arrange or fund their own adult social care
- to provide advice and guidance on good administrative practice

The main activity under Part III of the 1974 Act is the investigation of complaints, which it states is limited to complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure. The LGO jurisdiction under Part III covers all local authorities (excluding town and parish councils). The LGO changed its name to the Local Government and Social Care Ombudsman in 2017 to reflect the full scope of their jurisdiction

2.2 Complaints and Enquiries Received by the Ombudsman in 2020/21

- 2.2.1 The Ombudsman provided, statistics on how complaints upheld against the Council were remedied and those not pursued. This year's letter again includes a breakdown, showing the complaints and enquiries received and decisions made. The letter and data is attached as Appendix A. **The number of complaints and enquiries received for this year as compared to last has decreased. To allow local authorities to respond to the Covid-19 pandemic, the LGO did not accept new complaints and stopped**

investigating existing cases between March and June 2020. This reduced the number of complaints received and decided in the 20-21 year.

2020/2021 - 38
2019/2020 - 73
2018/2019 - 67

- 2.2.2 In addition, it is clearly stated by the Ombudsman in the Annual Review Letter that these figures may not be reflective of the number of complaints made to the Council.
- 2.2.3 The complaints received by the Ombudsman about the Council in 2020/21 were split across services as follows (note these are LGO designated service categories, see Appendix B). These are compared with last year's figures:

Service Number of Complaints	2019/20	2020/21
Adult Care Services	12	6
Corporate & Other Services	7	1
Education & Children's Services	25	9
Environmental Services-PP&R	11	6
Highways & Transport	8	6
Planning & Development	2	0
Housing	6	2
Benefits and Tax	2	4
Other	0	1

2.3 Ombudsman Complaint Decisions

2.3.1 Decision of Ombudsman in	2018/19	2019/20	2020/21
Investigated – Upheld	5	6	7
Investigated – Not Upheld	1	10	4

- 2.3.2 Appendix C to this report provides details of 4 decisions upheld and the required actions by the Council to remedy these. The decision of "Upheld" is applied when the Ombudsman finds there is some fault in the way the Council acted – even if it has agreed to put things right during the course of the Ombudsman investigation; or had already accepted it needed to remedy the situation before the complaint was apparent to the Ombudsman.
- 2.3.4 The actions required of the Council by the Ombudsman are included within Appendix C. Of the complaints upheld the remedies entailed apologies, financial redress (in 3 of the decisions) and a reassessment in one case.

3. OMBUDSMAN'S ANNUAL REVIEW LETTER

- 3.1 The Annual Review letter provides an annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about this Council to the year ending 31 March 2021.
- 3.2 The LGO has an interactive map of performance. The map shows annual performance data for all Councils in England, with links to published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each Council. The intention of this tool is to place a focus on the authority's compliance with the recommendations. The interactive map can be accessed via the following link:

- 3.3 It is intended that the information provided by the Ombudsman, set alongside the data the Council records about local complaints, will assist in assessing the Council's performance.

4. FUTURE DEVELOPMENTS

- 4.1 Members will be acutely aware of the continuing financial constraints being faced by the Council and the tough decisions around service provision that are being taken. The expectation of customers does not reduce in line with the challenges the Council faces. Indeed customers feel more empowered to hold the Council to account; and therefore it is envisaged that more customers will escalate their dissatisfaction beyond the Council's own complaint procedure, to the Ombudsman. Even as the Council becomes more of an enabling authority and commissioning many services, it remains entirely accountable for those services
- 4.2 It should also be acknowledged that complaints to the Ombudsman do not always involve the Council or its appeals processes or any wrongdoing; but that they come from people who would have liked something more, or better, or a different outcome. It is unlikely that public expectations of services will diminish in the short term and therefore there is no reason to suppose that complaints will fall significantly. Despite these challenges, employees are making every effort to ensure that capacity to respond to the Ombudsman is maintained.
- 4.3 It remains the case that the Council does not receive significant criticism from the Ombudsman and therefore we should continue to deliver services within our policy and procedural guidelines, as well as within statutory requirements.
- 4.4 It is important that the Council takes even greater measures to ensure that it is able to evidence that it learns from complaints and uses this learning to improve and maintain the quality of the services it commissions and provides.
- 4.5 In comparison to other GM local authorities, data patterns are very similar.

Authority	Bury	Rochdale	Bolton	Oldham
Complaints Upheld	7	6	7	10
Implemented recommendations	100%	100%	100%	100%
Satisfactory remedy	14%	17%	29%	0%

Contact Details:

Democraticservices@bury.gov.uk

Local Government & Social Care OMBUDSMAN

21 July 2021

By email

Mr Little
Chief Executive
Bury Metropolitan Borough Council

Dear Mr Little

Annual Review letter 2021

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

Complaint statistics

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

I am aware of several cases this year where there has been significant delay in your Council responding to our enquiries, which, in one case, led to a witness summons being threatened to elicit the information we had requested. In addition to the impact of COVID-19, I understand the Council experienced significant staffing issues, as well as structural damage to a municipal building, which created additional pressures. I am encouraged to note there were no further reports of delay in the final quarter of the year. However, if the Council is – on occasion – unable to respond to our enquiries in a timely fashion, I ask you communicate any difficulties promptly, so we can plan our work accordingly.

Supporting complaint and service improvement

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit www.lgo.org.uk/training.

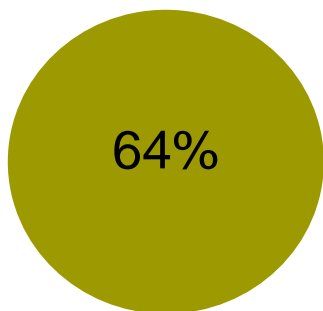
We were pleased to deliver two online complaint handling courses to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the courses were useful to you.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'M King', with a stylized flourish at the end.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



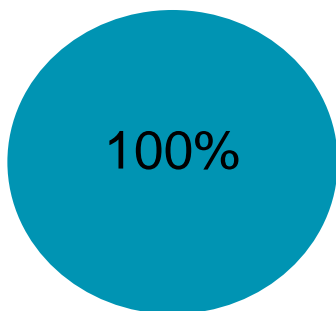
64% of complaints we investigated were upheld.

This compares to an average of **72%** in similar authorities.

7
upheld decisions

Statistics are based on a total of 11 detailed investigations for the period between 1 April 2020 to 31 March 2021

Compliance with Ombudsman recommendations



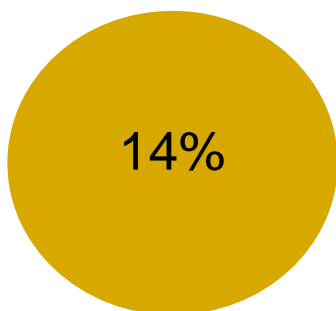
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **100%** in similar authorities.

Statistics are based on a total of 4 compliance outcomes for the period between 1 April 2020 to 31 March 2021

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the authority



In **14%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **11%** in similar authorities.

1
satisfactory remedy decision

Statistics are based on a total of 11 detailed investigations for the period between 1 April 2020 to 31 March 2021

NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

Reference	Category	Received
20009072	Highways & Transport	10 Dec 2020
20000418	Adult Care Services	11 Jun 2020
20000892	Education & Childrens Services	02 Jul 2020
20000927	Benefits & Tax	06 Jul 2020
20001367	Adult Care Services	09 Jul 2020
20001390	Environmental Services & Public Protection & Regulation	13 Jul 2020
20001480	Education & Childrens Services	13 Jul 2020
20001525	Benefits & Tax	13 Jul 2020
20001684	Housing	15 Jul 2020
20001738	Highways & Transport	27 Jul 2020
20002248	Environmental Services & Public Protection & Regulation	13 Oct 2020
20002647	Highways & Transport	31 Jul 2020
20003044	Education & Childrens Services	07 Aug 2020
20003212	Benefits & Tax	12 Aug 2020
20004503	Education & Childrens Services	07 Sep 2020
20004985	Other	17 Sep 2020
20005296	Adult Care Services	23 Sep 2020
20006561	Corporate & Other Services	04 Dec 2020
20007271	Environmental Services & Public Protection & Regulation	30 Oct 2020
20009516	Education & Childrens Services	16 Dec 2020
20010496	Education & Childrens Services	12 Jan 2021
20010599	Highways & Transport	19 Jan 2021
20010762	Adult Care Services	02 Feb 2021
20010850	Education & Childrens Services	19 Jan 2021
20013370	Highways & Transport	08 Mar 2021
20012297	Environmental Services & Public Protection & Regulation	16 Feb 2021
20004180	Housing	11 Nov 2020
20004454	Benefits & Tax	05 Nov 2020
20004487	Education & Childrens Services	11 Sep 2020
20005072	Environmental Services & Public Protection & Regulation	18 Mar 2021
20008104	Education & Childrens Services	17 Nov 2020
20009047	Education & Childrens Services	18 Dec 2020
20012308	Education & Childrens Services	16 Feb 2021
20012770	Housing	03 Mar 2021
20013512	Education & Childrens Services	09 Mar 2021
20013637	Adult Care Services	30 Mar 2021
20013962	Education & Childrens Services	22 Mar 2021
20014101	Planning & Development	23 Mar 2021

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Category	Decided	Decision	Decision Reason
Adult Care Services	15 Jan 2021	Upheld	mal & inj
Housing	05 Oct 2020	Not Upheld	no mal
Highways & Transport	25 Aug 2020	Upheld	mal & inj
Highways & Transport	10 Dec 2020	Referred back for local resolu	Premature Decision - advice given
Environmental Services & Public Protection & Regula	18 Dec 2020	Upheld	mal no inj
Education & Childrens Services	23 Jul 2020	Not Upheld	no mal
Environmental Services & Public Protection & Regula	29 Sep 2020	Upheld	mal & inj - no further action, BinJ already remedied
Adult Care Services	08 Oct 2020	Not Upheld	no mal
Benefits & Tax	04 Aug 2020	Closed after initial enquiries	26(6)(a) tribunal HB
Education & Childrens Services	14 Aug 2020	Referred back for local resolu	Premature Decision - referred to BinJ
Environmental Services & Public Protection & Regula	15 May 2020	Closed after initial enquiries	Not warranted by alleged injustice
Adult Care Services	11 Jun 2020	Incomplete/Invalid	Insufficient information to proceed and PA advised
Education & Childrens Services	18 Aug 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure
Benefits & Tax	15 Feb 2021	Upheld	mal & inj
Adult Care Services	16 Feb 2021	Not Upheld	no mal
Environmental Services & Public Protection & Regula	26 Aug 2020	Closed after initial enquiries	26(6)(c) Court remedy
Education & Childrens Services	11 Sep 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure
Benefits & Tax	21 Oct 2020	Upheld	Injustice remedied during LGO consideration
Housing	15 Jul 2020	Referred back for local resolu	Premature Decision - advice given
Highways & Transport	06 Aug 2020	Referred back for local resolu	Premature Decision - advised
Environmental Services & Public Protection & Regula	18 Nov 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure
Highways & Transport	04 Sep 2020	Closed after initial enquiries	26(6)(a) tribunal TPT/PATAS
Education & Childrens Services	08 Sep 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure
Benefits & Tax	23 Nov 2020	Referred back for local resolu	Premature Decision - referred to BinJ
Education & Childrens Services	13 Jan 2021	Upheld	mal & inj
Other	17 Sep 2020	Advice given	Signpost - go to complaint handling
Adult Care Services	23 Sep 2020	Incomplete/Invalid	Insufficient information to proceed and PA advised
Corporate & Other Services	20 Jan 2021	Closed after initial enquiries	26(6)(c) Court remedy
Environmental Services & Public Protection & Regula	30 Oct 2020	Referred back for local resolu	Premature Decision - advice given

Education & Childrens Services	16 Dec 2020	Referred back for local resolu	Premature Decision - advice given
Education & Childrens Services	12 Jan 2021	Referred back for local resolu	Premature Decision - advice given
Highways & Transport	19 Jan 2021	Referred back for local resolu	Premature Decision - advice given
Adult Care Services	02 Feb 2021	Referred back for local resolu	Premature Decision - advice given
Education & Childrens Services	19 Jan 2021	Incomplete/Invalid	Insufficient information to proceed and PA advised
Highways & Transport	08 Mar 2021	Referred back for local resolu	Premature Decision - advice given

Remedy	Service improvement recommendations
Apology,Financial redress: Avoidable distress/time	The Council has agreed to work with Pennine Care to identify the action they need to take to ensure more joined up working over matters relating to financial assessments, so legitimate concerns do not go unanswered.
Apology,Financial redress:	
Apology,Procedure or policy change/review	The Council will review its approach to complaints about discretionary grants to ensure that if someone complains, it reviews the decision to ensure there was no fault in the way the decision was made and, if the original decision is upheld, explains its reasons.
Reassessment	
Financial redress: Avoidable distress/time	

Category	Decided	Remedy
Adult Care Services	15-Jan-21	ApologyFinancial redress: Avoidable distress/time and troubleReassessmentProcedure or policy change
Highways & Transport	24-Aug-20	ApologyFinancial redress: Avoidable distress/time and trouble
Benefits & Tax	11-Aug-20	Reassessment
Education & Childrens Services	13-Jan-21	Financial redress: Avoidable distress/time and troubleFinancial redress: Loss of serviceApology

Remedy Tar	Remedy Ac	Satisfaction with Compliance
09-Apr-21	17-Mar-21	Remedy complete and satisfied
24-Sep-20	22-Sep-20	Remedy complete and satisfied
04-Sep-20	04-Sep-20	Remedy complete and satisfied
12-Feb-21	18-Jan-21	Remedy complete and satisfied



Meeting:	Standards Committee
Meeting date:	13th September 2021
Title of report:	Independent Remuneration Panel
Report by:	Council's Monitoring Officer
Decision Type:	Council
Ward(s) to which report relates	All

Following discussions at the March Council meeting in which the Council agreed to establish an Independent Remuneration Panel, this report provides an update on proposals to recruit new members of the Panel to advise on a Scheme of Allowances for 2022/23 ahead of the all-out May 2022 Local Elections.

1. 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. 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. 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 will be Chaired by Dr Declan Hall who has extensive experience in Chairing IRPs across the country and in Greater Manchester. There will be two other independent members, Dr Andrew Hall Managing Director of Avoira Limited and a Trade Union representative, to be confirmed.

2.4 It was agreed that the Panel be asked to consider the following specific issues:-

- To make recommendations to the Council as to the amount of Basic Allowance that should be payable to its elected members.
- To make recommendations to the Council about the responsibilities or duties which should lead to the payment of a Special Responsibility Allowance and the amount of such an allowance.
- To make recommendations to the Council about other allowances including care of children and other dependents, travel and phone.
- To make recommendations to the Council about the level of allowance paid to co-opted members of the Council's Audit Committee and independent members of the Standards Committee.
- To make recommendations on the level of allowance paid to the Mayor and Deputy Mayor for the purpose of meeting the expenses of those offices (ie the Mayoral Allowance).
- To make recommendations on 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).
- To consider the level of Travelling, utility and Subsistence Allowances for members of Independent Education Appeals Panels.

METHODOLOGY

- 3.1 The Panel seeks the views of Members both written and oral, with an opportunities for selected Members to meet the Panel
- 3.2 Factual Briefings from Officers
- 3.3 The Statutory Guidance on Regulation for Local Authority Allowances 2006.

- 3.4 The 2003 Members' Allowances Regulations
- 3.5 Roles and Responsibilities as contained within the Council's Constitution
- 3.6 That recommendations should conform to existing legislation and anticipate likely future legislation so far as possible.
- 3.7 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 it is suggested that the Panel be provided with comparative information from other GM authorities.

SUGGESTED TIMELINE

Terms of Reference shared with DAF	June 2021
Review work Panel will spend two days on site interviewing members & relevant officer. Questionnaire will be sent to all Councillors in advance of the Panel commencing work on site.	October 2021
Consideration at Council	24 th November 2021
Implementation date	Annual Council 2022

RECOMMENDATIONS

The members of Standards Committee review the arrangements and provide comments on the terms of reference for the Independent Remuneration Panel, draft itinerary and questionnaire for all Councillors (Aide memoire for interviews and written submissions).

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INDEPENDENT RENUMERATION PANEL TERMS OF REFERENCE

1. FUNCTION

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.

2. MEMBERSHIP

The Regulations require that Independent Remuneration Panels should have at least three members. 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.

It is proposed that the Director of Law and Democratic Services will shortlist suitably qualified candidates with the Head of Democratic Services and as a result will appoint three candidates in consultation with the Mayor (as Chair of Standards Committee).

3. KEY RESPONSIBILITIES OF THE BOARD

- To make recommendations to the Council as to the amount of Basic Allowance that should be payable to its elected members.
- To make recommendations to the Council about the responsibilities or duties which should lead to the payment of a Special Responsibility Allowance and the amount of such an allowance.
- To make recommendations to the Council about other allowances including care of children and other dependents, travel and phone.
- To make recommendations to the Council about the level of allowance paid to co-opted members of the Council's Audit

Committee and independent members of the Standards Committee.

- To make recommendations on the level of allowance paid to the Mayor and Deputy Mayor for the purpose of meeting the expenses of those offices (ie the Mayoral Allowance).
- To make recommendations on 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)).
- To consider the level of Travelling, utility and Subsistence Allowances for members of Independent Education Appeals Panels.

5. MEETINGS

The Independent Remuneration Panel will commence in July 2021.

The **date and timings** of the meetings will be fixed in advance following consultation with the Chair and Monitoring Officer.

The meeting will be Chaired by XXX. **In the absence of the Chair** - a replacement Chair will be elected for the duration of the meeting.

A **quorum** of two will apply for meetings.

The Monitor Officer will act as the **lead officer**.

The agenda and supporting **papers** shall be in a standard format and circulated in advance of meetings.

Meetings will be **clerked** by a representative of Democratic Services.

The Panel will use the following methodology in undertaking its review:

3.1 The Panel seeks the views of Members both written and oral, with an opportunities for selected Members to meet the Panel

3.1 Factual Briefings from Officers

- 3.2 The Statutory Guidance on Regulation for Local Authority Allowances 2006.
- 3.3 The 2003 Members' Allowances Regulations
- 3.4 Roles and Responsibilities as contained within the Council's Constitution
- 3.5 That recommendations should conform to existing legislation and anticipate likely future legislation so far as possible.
- 3.6 The requirement for their report and recommended changes to the scheme of allowances to be easy to understand and adequately justifiable to the electorate.

The IRP will report back to the Democratic Arrangements Panel in October 2021 for consideration at Full Council at 24th November 2021 and a proposed implementation date of Annual Council 2022.

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Bury Council

2021 REVIEW OF MEMBER ALLOWANCES:

Independent Remuneration Panel

ITINERARY

DAY ONE: **DATE TBC 2021**

Contextual and background information on Bury Council & issues to consider

IRP Assembles

IRP Convenes:

- Introductions
- Review and confirm of Terms of Reference
- Go through Schedule to agree outline of review
- Check on information pack

Briefing/Training Presentation to IRP issues arising and benchmarking Dr Declan Hall (IRP Chair)

- Reviewing Members Allowances – requirements, issues, options and the Bury model of remuneration
- Recap on how were current allowances and framework arrived at (if known)
 - Including recalibration of the Basic Allowance & SRAs
- Also including
 - Members appointed to Greater Manchester Combined Authority and its Committees
 - Benchmarking - Other Greater Manchester Authorities
- With opportunity for questions and answers

Refreshment Break

Consideration of written submissions

- Receive and consider any written submissions from Members

Officer Briefing I – The big picture/key message(s)**Geoff Little OBE - Invite Chief Executive to meet with IRP**

- To give big picture/key message(s)
- Any other issues IRP needs to consider

Officer Briefing II - Review of current structures**Jacqui Denis, Director of Law & Governance & Monitoring Officer**

- An overview of Bury Council and how the Council operates
- What are the main committees and roles
- What have been changes to structures and roles since previous review that may have impacted on all or some Members' roles and responsibilities with particular reference to:
 - Members appointed to Greater Manchester Transport Committee - roles
- Issues arising/everything the IRP needs to know about Bury Council and how it operates, its Members, their roles and responsibilities

Officer Briefing III - Wider Financial Context**Sam Evans – Section 151 (Treasurer) Officer**

- Discuss broader financial issues
- Any other financial related issues IRP needs to consider

Lunch**Officer Briefing IV – Clarifications on operation of allowances scheme****Julie Gallagher – Head of Democratic Services**

- Issues arising out of the current allowances scheme
- Further information on how Members/Committees operate

Member Interviews I

(Interviewees indicative at this stage and subject to Member availability and demand – a relatively representative range preferred) to include;-

Cllr T. Tariq Deputy Leader (Labour) & Portfolio Holder for Children, Young People & Skills**Representative sample of backbench Councillors (4) – 15 minutes a piece**

- Backbench Members put forward by respective Group Leaders
- **Councillor XX (Labour)** (14:25 – 14:40)
- **Councillor XXXX (Conservative)** (14:40 – 14:55)
- **Councillor XXX (Liberal Democrat)** (14.55 – 15:10)
- **Councillor XXX (Radcliffe First)** (15.10 - 15.25)

Refreshment Break

Cllr A. Quinn - (Labour) & Portfolio Holder for Environment, Climate Changes & Operations + representative on GMCA Recycling & Waste Committee

Cllr M. Whitby - (Labour) - Chair of Audit Committee

Cllr G. McGill - (Labour) Chair of Planning Development Committee

Cllr S. Walmsley - Labour) Chair of Licensing Committee & Licensing Hearing Sub Committee

Plenary Session

- What further information (if any) does the IRP require?
- Further clarifications
- Reflections on the day

Close of Day

DAY TWO: DATE TBC 2021

**Main Interviews with Members
Arriving at Recommendations**

Reassemble IRP

Reconvene IRP

- Review of further info that may have been called for
- Check interview schedule and confirm questions/interviewing process

Member Interviews II

Cllr N. Jones – Leader Main (Conservative) Opposition Group

Cllr M. Powell – Leader Other (Liberal Democrat) Opposition Group

Cllr J. Mason – Leader Other (Radcliffe First) Opposition Group

Cllr T. Holt – Labour Group Whip, Deputy Mayor & Chair Health Scrutiny

Cllr R. Bernstein – (Conservative) Chair Overview & Scrutiny Committee

Refreshment Break

Cllr LJ Dean - Conservative Group Whip

Cllr T. Pickstone - (Liberal Democrat) Mayor & Chair Standards Committee

Cllr K. Peel - (Labour) Deputy Cabinet Member Environment, Climate Change & Operations + representative on GMCA Transport Committee

Lunch Break

Cllr E. O'Brien - Leader of Council and Labour Group & Portfolio Holder for Finance & Growth, Member Greater Manchester Combined Authority

Arriving at recommendations

Refreshment Break

Arriving at recommendations (continued)

Close of IRP

Post IRP **Chair to write up draft report based on agreed recommendations for IRP to agree either in further meeting (via MS Teams?) or via email by a date to be confirmed 2021.**

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Bury Council
2021 Review of Members' Allowances
By the
Independent Remuneration Panel

Aide Memoire for Interviews and Written Submissions

The Council's statutory Independent Remuneration Panel (IRP) will be meeting **DATES TBC** 2021 to review the Members' Allowances Scheme.

It is important to the IRP that all Members have the opportunity to raise any issues they wish to be considered during this review. Consequently, this aide memoire is being sent to all Members seeking your opinion on the current scheme and possible areas for revision, if at all.

Representations made by Members will be treated in confidence. In the report no one will be identified as making a specific point.

There are no right or wrong answers to the questions. The IRP is asking for individual Members' views. You may not have a view on all issues raised or simply consider there is no need for change.

Please return written submissions via Julie Gallagher, Head of Democratic Services, at Julie.Gallagher@bury.gov.uk by **XXX DATE TBC 2021**

Please insert your name:

Position(s) you hold as a Councillor:

1. Basic Allowance (£)

(a) The Basic Allowance is primarily a time based allowance to enable most people to be a Councillor - does the current BA fulfil this function?

(b) Is there case to revise the Basic Allowance?

(c) What should the Basic Allowance be?

2. Special Responsibility Allowances (SRAs) and Civic Allowances

SRAs are paid to Members for the additional work & responsibility associated with particular roles to which they are appointed. The current SRA/Civic Allowance schedule is:

Remunerated Post	SRA	Comments
Leader of the Council (1)	£25,503	
Deputy Leader of Council (1)	£15,307	
Other Cabinet Members (6)	£10,203	
Deputy Cabinet Members (6)	£1,338	
Chair Planning Committee (1)	£6,379	
Chairs Overview & Scrutiny Committees (3)	£6,379	
Chair Audit Committee (1)	£6,379	
Chair Licensing Committee (1)	£6,379	
Members on Licensing Panels – when attending over 10 meetings per year	£25 p/day £12.50 – 2-4 hours £6 up to 2 hours	
Main Opposition Group Leader (1)	£8,419	
Main Opposition Deputy Group Leader (1)	£3,364	
Other Opposition Group Leaders (2)	£4,210	
Other Opposition Deputy Group Leaders (2)	£1,515	
SRAs paid under GMCA 2011 Order		
Members GMCA Waste & Recycling Committee (2)	£2,364	
Members GMCA Transport Committee (2)	£4,272	
Civic Allowances (paid under 1972 Act		
Mayor Civic Allowance	£16,472	
Deputy Mayor Civic Allowance	£4,118	

- (a) Would you change any of the SRAs/Civic Allowances currently payable either
- (i) Relative to other SRAs currently payable or

(ii) In monetary terms

- (b) Are any particular issues you wish to raise in regard to SRAs currently payable e.g., should any SRAs be discontinued?

3. Other Posts not currently remunerated

(a) Are there any other posts which should be paid a SRA?

(b) If so, why and/or at what level?

4. Other Allowances

(a) Do you consider any changes are needed to any other allowances namely:

(i) Travel & mileage allowances

(ii) Subsistence allowances

(iii) Dependants' Carers' Allowance (DCA)

(iv) Telephone Allowance (£14.99 p/month)

(b) Are there other costs the Panel needs to take into account?

5. Indexation of Allowances

- (a) Should allowances continue to be indexed – main allowances currently indexed to annual per cent age salary rise as applied to Officers (the NJC index)

6. Any Other Issues

- (a) Are there any other issues which you consider the Panel should take into account when reviewing the Members' Allowances Scheme?

7. Priority for this Review

- (a) What is the main issue for this review to address? What is the most pressing change that is required, if any?

Thank you for your assistance.