

Minutes of: STANDARDS COMMITTEE

Date of Meeting: 15 November 2022

Present: Councillor S Haroon (in the Chair)
Councillors S Arif, A Booth, L Dean, D Green, M Hayes,
G Marsden and M Whitby

Also in attendance: Jacqui Dennis, Council Solicitor
Sam Evans, Section 151 Officer
Julie Gallagher, Head of Democratic Services
Star Procurement Representative
Craig Ainsworth (Independent Person)
John Birtwell (Independent Person)

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

Apologies for Absence: Councillor Rafiq

13 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

14 MINUTES AND ANY MATTERS ARISING

There were no matters arising.

The minutes were approved as a correct record and signed by the Chair.

15 LOCAL GOVERNMENT OMBUDSMAN REPORT

The Monitoring Officer presented a verbal update to members of the Standards Committee providing an overview of the Local Government Ombudsman's Annual Report. An accompanying report had been circulated to Members in advance and included the following information:

The Council receives an Annual Report summarising all complaints dealt with by the Local Government and Social Care Ombudsman ("LGO").

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 number of complaints and enquiries received for 21/22 as compared 20/21 has increased but this is probably a result of a Covid hit year (20/21) with a similar total in comparison to 19/20 pre Covid:

2021/2022- 68
2020/2021 - 38
2019/2020 – 73
2018/2019 – 67

The number of complaints upheld were 11 in 2021/22.

In relation to Childrens Services complaints, the majority of complaints involving the LGO are SEND (Special educational needs and disabilities) related. There had been a high turnover of team managers in the service and this year a Strategic Lead was appointed.

There is also a team manager now in post who fully understands the work and role of the unit having been a senior caseworker previously in Bury. Until recently the service was receiving a high number of complaints regarding SEND but this has now improved with the staffing appointments making a real impact in organising a more cohesive team with better functioning.

In considering the report the following issues and items were raised:

Responding, the Monitoring Officer reported that if a complaint is submitted to the LGO prior to conclusion of Local resolution; the LGO will hold the details, await conclusion of local resolution and if necessary, further instruction from the complainant.

Any complaints referred to the LGO are considered by the Council's Senior Leadership Team to ensure lessons are learnt and any remedies required are communicated.

It was agreed:

The Local Government Ombudsman report be noted.

16 CONTRACT PROCEDURE RULES

Sam Evans, Section 151 Officer and representatives from STAR procurement attended the meeting to provide an overview of the proposed changes to the Contract Procedure Rules; details of which had been circulated in advance of the meeting.

The proposed changes included:

- Focus on rules and requirements, with advice and guidance moved to Procurement Guide
- The level at which 3 quotes are needed is proposed to increase from £1k to £10k and will reduce unnecessary bureaucracy and achieve better value for money overall for the Council. This brings Bury in-line with other Greater Manchester Authorities
- Specific requirements regarding the Contracts Register to reflect the findings of Contracts Register audit report.
- It is proposed that the procurement service will continue their advisory approach for low value tenders and that the work be undertaken by services. Low level tenders are anything with a value of up to £50k.
- Process for tenders up to £50k will be supported by a Procurement Guide that will advise and support services through up to date guidance, standard templates and access to The Chest when needed.
- All tenders above £50k will be coordinated by the procurement service. This ensures professional expertise is targeted at higher risk/value contracts and used to inform the approach to market, including the appropriateness of openly advertising requirements or inviting selected bidders to tender for contracts up to regulation Threshold.

- Specific rules relating to residential care and educational placements to reflect the legal requirement to consider individual choice. The requirement for legal to seal placement contracts is also removed.
- Future proofed the wording and terminology to reflect the proposed new Regulations and changes in Thresholds

Following approval the plan is to develop training as well as guidance for staff.

It considering the proposed changes the following issues and comments were raised by Elected Members:

Members discussed social value procurement and whether ethical procurement would usurp value for money.

Responding, The Section 151 Officer reported, that all tenders are evaluated using a Matrix approach, taking into account factors such as price/speed/social value. There is no political involvement in the weighting process.

Responding to a Member's question the Star Procurement representative reported that there is currently no central contract register. Review work is underway which will include a review of all contracts and potential rationalisation of some contracts across the Council.

In responding to a Member's question the Section 151 Officer reported that there has been delays in undertaking a review of procurement processes and in reviewing the Contract Procedure Rules. Work has been undertaken by Star Procurement, to centralise the service and develop a Management training programme.

Responding to a Member's question the Star Procurement representative reported that due diligence work is undertaken before awarding any contracts, this will include financial standard assessments checks, credit checks and checks with Companies House.

It was agreed:

The Standards Committee support the development of a Social Value Policy and would like to be involved in discussions in conjunction with the Audit Committee as to its detail.

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MEMBER ATTENDANCE STATISTICS

The Head of Democratic Services presented a report that sets out all Councillor attendance at public Committee meetings from the beginning of the municipal year (4th May 2022) until the end of October 2022.

This summary only includes public facing meetings; it does not include attendance at private meetings (i.e. Democratic Arrangements Forum, or Joint Commissioning Committees). Attendance summaries for all meetings (including private meetings) are provided to Groups informally on a monthly basis.

Members discussed the attendance statistics and the application of the 6 month rule.

It was agreed:

Member statistics will continue to be shared with Group Leaders and whips on a regular basis and any issues will be flagged at the earliest opportunity.

18 MEMBER DEVELOPMENT HANDBOOK

The Head of Democratic Services presented to Members a draft Member hand book.

The handbook provides information and support to enable Elected Members to undertake their roles, Democratic Services, supported by the Executive Team want to ensure all Councillors are supported to;

- ☐ represent the views of their communities
- ☐ improve and shape services for the future
- ☐ be outstanding community leaders and,
- ☐ be advocates for the Council.

It was agreed:

The Member Handbook will be shared with new members as part of the Elected Member induction process.

19 BUDGET COUNCIL - DISPENSATION PROCESS

Dispensations - Setting the Budget and Council Tax and Members Allowances

It was agreed:

The Monitoring Officer grant dispensation to all Elected Members pursuant to the authority delegated to the Monitoring Officer by the Council. The effect of the dispensation is to relieve Members of the restrictions in Section 31 (4) of the Localism Act 2011 insofar as such restrictions might otherwise apply to you.

Note: This dispensation applies at meetings of Bury Council ("the Council"), any committee or sub-committee of the Council, the Cabinet, any committee of the Cabinet, and any joint committee or joint sub-committee on which the Council is represented.

COUNCILLOR S HAROON

Chair

(Note: The meeting started at 6.10pm and ended at 7.40pm)