



BURY COUNCIL CONSTITUTION

Approved by Council on 21 November 2001 and subsequently amended.

Revised edition 25 November 2020 - effective from 1 January 2021, except Part 3 Section 3 which is effective from 19 May 2021 (apart from 'Audit Committee Functions' which are effective from 1 January 2021).

Version X.

Contents

Contents *(Pages 9 - 10)*

Part 1 - INTRODUCTION AND SUMMARY *(Pages 11 - 12)*

Part 2 - ARTICLES

Article 1 - The Council and the constitution *(Pages 13 - 16)*

Article 2 - Councillors *(Pages 17 - 20)*

Article 3 - Citizens and the Council *(Pages 21 - 22)*

Article 4 - The Council meeting *(Pages 23 - 24)*

Article 5 - The Leader and the Cabinet *(Pages 25 - 26)*

Article 6 - Council Committee Structure *(Pages 27 - 28)*

Article 7 - Joint Arrangements *(Pages 29 - 32)*

Article 8 - The Chief Executive and other staff *(Pages 33 - 34)*

Article 9 - Decision-making *(Pages 35 - 36)*

Article 10 - Finance, Contracts and Legal Matters *(Pages 37 - 38)*

Part 3 - THE FUNCTIONS SCHEME

Section 1 Council Functions *(Pages 39 - 46)*

Section 2 - Local Choice Functions *(Pages 47 - 50)*

Section 3 - Committee Functions *(Pages 51 - 64)*

Section 4 - Cabinet Functions *(Pages 65 - 68)*

Section 5 - Scrutiny Function *(Pages 69 - 72)*

Section 6 - Additional Arrangements *(Pages 73 - 76)*

Section 7 - Officer Functions *(Pages 77 - 96)*

Part 4 - PROCEDURE RULES

Section 1 - Council Procedure Rules *(Pages 97 - 114)*

Section 2 - Committee Procedure Rules *(Pages 115 - 136)*

Section 3 - Access to Information Rules *(Pages 137 - 148)*

Section 4 - Budget and Policy Framework Rules *(Pages 149 - 156)*

Section 5 - Contract Procedure Rules *(Pages 157 - 168)*

Section 6 - Financial Regulations *(Pages 169 - 198)*

Section 8 - Officer Employment Procedure Rules *(Pages 199 - 208)*

Part 5 - THE CODES AND GUIDANCE

Section 1 - Councillor Code of Conduct *(Pages 209 - 218)*

Section 2 - Employee's Code of Conduct *(Pages 219 - 226)*

Section 3 - Protocol on Member and Officer Relations *(Pages 227 - 242)*

Section 4 - Anti Fraud and Corruption - Whistleblowing Policy *(Pages 243 - 254)*

Section 5 - Monitoring Officer Protocol *(Pages 255 - 260)*

Section 6 - Public Participation Guidance *(Pages 261 - 268)*

Section 7 - Probity in Planning Guidance *(Pages 269 - 284)*

PART 6

Councillors Allowance Scheme *(Pages 285 - 292)*

PART 7

CABINET PORTFOLIOS, MEMBERSHIP OF THE COMMITTEE AND COUNCIL MANAGEMENT STRUCTURE *(Pages 293 - 302)*

TERMS OF REFERENCE

Strategic Commissioning Board Terms of Reference *(Pages 303 - 306)*

Locality Board Draft Terms of Reference *(Pages 307 - 312)*

Health and Wellbeing Board Terms of Reference *(Pages 313 - 318)*

Radcliffe Cabinet Committee Terms of Reference *(Pages 319 - 320)*

Employment Panel Terms of Reference *(Pages 321 - 322)*

Joint Consultative Committee for Teachers Terms of Reference *(Pages 323 - 326)*

Corporate Joint Consultative Committee Terms of Reference *(Pages 327 - 330)*

Health & Safety Joint Consultative Committee Terms of Reference
(Pages 331 - 332)

Corporate Parenting Board Terms of Reference *(Pages 333 - 338)*

Youth Cabinet Terms of Reference *(Pages 339 - 342)*

Overview and Scrutiny Committee Terms of Reference *(Pages 343 - 346)*

Health Scrutiny Committee Terms of Reference *(Pages 347 - 350)*

Children and Young People Scrutiny Committee *(Pages 351 - 356)*

Licensing and Safety Committee Terms of Reference *(Pages 357 - 360)*

Planning Committee Terms of Reference *(Pages 361 - 362)*

STANDARDS COMMITTEE TOR *(Pages 363 - 366)*

PART 8

Constitutional Review Timeline

Schedule for Review 2022.23

Item	Lead Officer
Local Choice Functions	Jacqui Dennis
Contracts procedure rules	Sarah Janusz/Sam Evans
Protocol on member and officer relations	Janet Witkowski
Anti-fraud and corruption - Whistleblowing policy	Sam Evans
Code of Conduct	Jacqui Dennis
Scheme of Delegation	All Executive Directors

This page is intentionally left blank



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

Constitution v3.0

Adopted by Bury Council on 24 November 2021

CONTENTS

PART 1 - INTRODUCTION AND SUMMARY

PART 2 - ARTICLES

- Article 1 - The Council and the Constitution
- Article 2 - Councillors
- Article 3 - Citizens and the Council
- Article 4 - The Council meeting
- Article 5 - The Leader and the Cabinet
- Article 6 – Council Committee Structure
- Article 7 – Joint Arrangements
- Article 8 - The Chief Executive and other staff
- Article 9 – Decision Making
- Article 10 – Finance, Contracts and Legal Matters

PART 3 - THE FUNCTIONS SCHEME

- Section 1 Council Functions
- Section 2 Local Choice Functions
- Section 3 Committee Functions
- Section 4 Cabinet Functions
- Section 5 Scrutiny Functions
- Section 6 Additional Arrangements
- Section 7 Officer Functions

PART 4 - PROCEDURE RULES

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



PART 5 - THE CODES AND GUIDANCE

- Section 1 –Councillor code of conduct
- Section 2 –Employee’s code of conduct
- Section 3-Protocol on member and officer relations
- Section 4- Anti fraud and corruption – whistleblowing policy
- Section 5 – Monitoring officer Protocol
- Section 6 –Public Participation Guide
- Section 7 – Probity in Planning

PART 6 - COUNCILLORS' ALLOWANCE SCHEME

PART 7 - CABINET PORTFOLIOS, MEMBERSHIP OF COMMITTEES AND THE COUNCIL'S
MANAGEMENT STRUCTURE

PART 8 - REVIEW TIMELINE



PART 1 - INTRODUCTION AND SUMMARY

Introduction and summary

1.1. The Constitution

The Council of the Metropolitan Borough of Bury (known as Bury Council) is a metropolitan district authority operating executive arrangements with a Leader and Cabinet. The Council has agreed this Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into several Parts which set out the Rules governing the Council's business.

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

1.2. How the Council operates

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

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

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

1.3 How decisions are made

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

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

For most "key" decisions to be made by the Cabinet or by Cabinet members the Council is required to publish in advance information about the matter to be decided;



who will be making the decision, the date or timescale for the decision, and the place where the decision will be made.

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

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

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

1.4 The Council's employees

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

1.5 Citizens' rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, while others are given at the discretion of the Council, depending on the Council's own processes.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a social care user, they may have additional rights. These are not covered in this Constitution. Details of such rights may be obtained directly from the service concerned or from the Council's customer services.

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

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 grow 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.

This page is intentionally left blank

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.

This page is intentionally left blank

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)

This page is intentionally left blank

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 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

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.

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 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 article 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 set up of the Strategic Commissioning Board as a joint committee of the Council to operate from 1 October 2019. The 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 brings 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 Subgroups: '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.

This page is intentionally left blank

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.

This page is intentionally left blank

Section 1 - Council Functions

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

3.1.1 Table of functions

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

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

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

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

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

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

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

3.1.1 Appendix

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

3.1.1A Table of functions

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

ENDS

Section 2 - Local choice functions

The table below details who has the responsibility for these functions and the delegation arrangements.

3.2.1. Allocation of functions

3.2.2. These are functions which in law may be, but need not be the responsibility of the Cabinet and it is for full Council to decide by whom they shall be exercised. The local choice functions are for convenience listed in the table below and any changes to the local choice functions prescribed from time to time shall be taken to be incorporated below.

Responsibility for functions		
What is the function which may but need not be the responsibility of the executive	Who has responsibility for the function	Who has the function been delegated to?
1. Any function under a local act other than a function specified or referred to in regulation 2 or schedule 1 of the Local authority (functions and responsibilities) (England) Regulations 2000.	Cabinet	-
2. The determination of an appeal against any decision made by or on behalf of the authority.	Council	Chief executive
3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools pursuant to section 52 of the Education Act 2002 and the subordinate legislation made under that section.	Cabinet	Chief executive
4. The making of arrangements pursuant to sections 94(1) (1A) and (4) of the 1998 School Standards and Framework Act (admissions appeals).	Cabinet	Chief executive

Responsibility for functions		
What is the function which may but need not be the responsibility of the executive	Who has responsibility for the function	Who has the function been delegated to?
5. The making of arrangements pursuant to section 95(2) of, and schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Cabinet	Chief executive
6. The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Chief executive
7. The service of an abatement notice in respect of a statutory nuisance.	Cabinet	Chief executive
8. The passing of a resolution that schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Cabinet	Chief executive
9. The inspection of the authority's area to detect any statutory nuisance.	Cabinet	Chief executive
10. The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	Chief executive
11. The obtaining of information under section 330 of the Town and Country Planning Act 1990.	Cabinet	Chief executive
12. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet	Chief executive
13. The making of agreements for the execution of highways works.	Cabinet	Chief executive

Responsibility for functions

What is the function which may but need not be the responsibility of the executive	Who has responsibility for the function	Who has the function been delegated to?
<p>14. The appointment of any individual:</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to anybody other than: (i) the authority; (ii) a joint committee or sub-committee of such a body; or</p> <p>(c) to any committee or sub-committee of such a body and the revocation of any such appointment.</p>	<p>(a) Cabinet</p> <p>(b and c) Council where allocation of seats is politically proportionate</p> <p>(b and c) Cabinet</p>	<p>(a) Chief Executive</p> <p>(b and c) Chief Executive</p>
<p>15. The making of agreements with other local authorities for placing staff at the disposal of those other authorities</p>	<p>Cabinet</p>	<p>Chief executive</p>

This page is intentionally left blank

Section 3 – Committee Functions

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

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

3.3.1. Planning Control Committee

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

3.3.3. The committee functions are:

Planning and Conservation:

All functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, (the Functions Regulations).

Delegations

3.3.4. The committee's delegations are:

a) To deal with any applications for planning permission under the Town and Country Planning Act 1990 and related legislation or for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to the inclusion of adequate detailed information relating to the application which is to the satisfaction of the Director for Business, Growth and Infrastructure as follows:

- (i) Any application recommended for approval where there are three or more objections received from third parties from different households, with the exception of any domestic householder planning application which falls within the approved supplementary planning guidance note 6 or otherwise would be accepted under Prior notification procedures in relation to enhanced permitted development rights; and
- (ii) Any application which has raised a novel planning issue.

b) Any application in respect of which at least one Member of the Planning Control Committee has given prior written notice to the Assistant Director (Localities) / Resource and Regulation that he/she wishes the application to be determined by the Planning Control Committee, which must state clear planning reasons for the call in request and be authorised by the Chair of the Planning Control Committee.

c) Any application relating to a development which would constitute a substantial departure from the provisions of any approved plan or policies, in particular the Unitary Development Plan or subsequent adopted Local Plan, which is recommended for approval and/or is not a repeat or duplicate application of one previously refused.

d) Any application submitted by or on behalf of a Member of the Council or his/her spouse.

e) The application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application

f) Any application over and above the levels defined in (i) and (ii) detailed below, subject to the application not being a repeat or duplicate of an application previously refused:

(i) 50 or more dwellings or, if it is known, where the site is 2.5 hectares or more;

(ii) for all other uses, where the floor space to be created is 5,000 square metres or more or the site is 0.5 hectares or more.

g) (Any other application which, in the opinion of the Director for Business, Growth and Infrastructure merits consideration by the Planning Control Committee.

h) The decision to enter land in Part 2 of the Council's Brownfield Land Register thereby triggering a grant of Permission in Principle where the criteria referred to at (a) to (f) above are met and any application for Technical Details Consent where the criteria at (b) to (f) above are met.

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

Street Naming

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

Tree Preservation Orders

k) To deal with the making or confirmation of tree preservation orders, in accordance with Sections 197 to 214D of the Town and Country Planning Act 1990 (or as subsequently amended) and the Tree Regulations 2012 (or as subsequently amended) where objections have been received to proposals.

Listed Buildings and Conservation Areas

l) To determine applications for grants for repair/maintenance works in respect of listed buildings where the amount of grant requested exceeds £5,000.

m) To designate a conservation area under Section 69 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (or as subsequently amended).

General

n) To give directions restricting permitted development under Article 4 of the Town and Country Planning (Development Procedure) (England) Order 2015 (or as subsequently amended).

o) To deal with any functions relating to town and country planning and development control (development management) referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Commons Registration

p) To deal with any functions relating to the registration of common land or Town and Village Greens and to register the variation of the rights of common as set out in Schedule 1 to the Functions Regulations, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Public Rights of Way

q) To deal with any functions relating to public rights of way referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

3.3.5. The Licensing and Safety Committee Functions

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

3.3.7. Private / Public Hire Vehicles, Gaming, Alcohol, Entertainment, Food, Gambling and miscellaneous Licensing:

Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and licences included in the Licensing Act 2003.

3.3.8. Health and Safety:

Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

3.3.9. Other functions of the Licensing and Safety Committee

3.3.10. The Licensing and Safety Committees other functions are:

- a) To determine all new applications and all renewals for hackney carriage proprietor (vehicle), hackney carriage driver, private hire vehicle, private hire driver and private hire operator licences where the applicants do not comply with the relevant policy, guidelines, criteria or where there are grounds for refusal of the applications under the relevant legislation.
- b) To determine the design of the plates and badges to be displayed in connection with hackney carriage and drivers' licences and private hire vehicles and drivers' licences.
- c) To determine all applications for sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3.
- d) To deal with the approval of premises for the solemnisation of marriages in accordance with Regulation 46A of the Marriage Act 1994 (c.76) and the Marriages (Approved Premises) Regulations 1995 and to set the appropriate fees where the appropriate officer does not wish to exercise his/her delegated powers.
- e) To deal with matters relating to the functions of the Council relating to the Safety of Sports Grounds Act 1975 and the Sporting Events (Control of Alcohol Etc.) Act 1985 and Part III of the Fire Safety and Safety of Places of Sport Act 1987 where the appropriate officer does not wish to exercise his/her delegated powers.
- f) To determine the pre-requisites, minimum standards, terms, conditions and restrictions associated with and/or to be attached to any licence which falls within the purview of the Licensing and Safety Committee.
- g) To authorise the revocation or suspension of any Licence which falls within the purview of the Licensing and Safety Committee except in circumstances involving risk to the public safety in which case authority be delegated to the Head of Service (Public Protection) and/ or the Unit

Manager (Licensing) after consultation with the Chair of the Committee to revoke or suspend a Licence with immediate effect subject to a report to the next Committee meeting.

h) To determine any applications for licences where the appropriate officer does not wish to exercise his/her delegated powers.

i) To deal with any licensing and registration functions referred to in the Local Authorities (Function and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

j) To deal with any health and safety matters under Part 1 of the Health and Safety Act 1974 where the appropriate officer does not wish to exercise his/her delegated powers.

k) To make recommendations to Council in respect of licensing functions covered by the Licensing Act 2003, and to deal with all policy and monitoring matters relating to licensing functions covered by the Act.

l) To determine refusals to grant revocations and variations of licences for Housing in Multiple Occupation under the provisions of the Housing Act 2004.

m) To act as the single review body in respect of drivers working on Council school and college contracts.

3.3.11. Licensing Hearings Sub-Committee functions

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

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

- m) Determination of application to vary premises licence at community premises to include alternative licence condition (if police objection);
- n) Revocations of licences where convictions come to light.

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

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

3.3.14. Audit Committee Functions

3.3.15. The purpose of an audit committee is to provide independent assurance on the adequacy of the risk management framework together with the internal control of the financial reporting and annual governance processes.

3.3.16. Internal audit:

(a) To consider the Head of Internal Audit's annual report and opinion, and a summary of internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements

(b) To consider summaries of specific Internal Audit reports and the main issues arising and seek assurance that action has been taken where necessary

(c) To consider reports dealing with the management and performance of the providers of Internal Audit Services

(d) To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale

(e) To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee

(f) The Committee will not receive detailed information on investigations relating to individuals. The general governance principles and control issues may be discussed, in confidential session if applicable, at an appropriate time, to protect the identity of individuals and so as not to prejudice any action being taken by the Council.

3.3.17. External audit

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

3.3.18. Governance

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

(j) To undertake community governance reviews and to make recommendations to Council.

3.3.19. Accounts

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

3.3.20. Employment Panel Functions

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

(a) Be the appropriate body including acting as the Investigating and Disciplinary Committee, to fulfil the employment functions as set out in part 4, the Officer Employment Procedure Rules in relation to:

- Chief Officers and Deputy Chief Officers
- Including the Head of Paid Service (to include Returning Officer and Electoral Registration Officer functions)
- Deputy Chief Executive;
- Executive Director of Strategic Commissioning, Director of Children and Young People; Director of Public Health, Monitoring officer and Section 151 officer.

(b) Review the annual pay policy statement and make recommendations to Council

(c) Be a consultee on all terms and conditions including policies for all staff

(d) Approve the performance and development framework for annual assessment of the Chief Executive

(e) Appeals against dismissal and grievances by employees of the council and applications for premature retirement.

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

3.3.22. Health and Wellbeing Board Functions

3.3.23. The Health and Wellbeing Board will be a strategic forum to ensure a coordinated commissioning and delivery across the NHS, Social care, public health and other services, directly related to health and wellbeing.

The Health and Wellbeing Board will determine, shape and implement key priorities and integrated strategies to deliver improved health and wellbeing outcomes, for the whole of the population of Bury.

The Health and Well Being Board will undertake its ambition for population health improvement and a reduction in health inequalities, using the Population Health System Model for the Kings Fund (2018). In particular the agenda will reflect the 4 quadrants.

- Wider Determination of Population Health
- Behavioural and Lifestyle determinants of health
- The effect of place and community on health and well being
- the operation of the health and care system, and wider public service reform, in pursuit of population health gain

3.3.24.1. Key responsibilities of the board:

- To provide Strong Leadership and a governance structure for local planning and accountability of Population Health and Care related priorities and services.
- To assess and understand the needs and assets of the local population and lead the statutory integrated strategic needs assessment (JSNA).
- Agree annual strategic priority outcomes for JSNA needs assessments, ensure plans are in place and actions and recommendations are monitored and followed up.
- To promote integration and partnership working and build strong stakeholder relationships across areas through promoting joined up commissioning plans across the NHS, social care and public health.
- To develop a Joint Health and Wellbeing Strategy to provide the overarching framework for commissioning plans for the NHS, social care, public health and other services the Board agrees to consider.
- To review major service redesigns of health and wellbeing related services provided by the NHS and Local Government. Providing critical challenge and strategic steer
- Receive exception reports, manage risks and resolve issues from other strategic groups, challenge performance and provide strategic steer where relevant. To challenge and support joint commissioning and pooled budget arrangements, where all parties agree this makes sense.
- Oversee effective and appropriate community engagement, involvement and consultation with regards to health and wellbeing priorities, to ensure strategies and service redesign reflect the views of local people, users and stakeholders.
- Provide overarching communication for regional and national agendas, co-ordinate responses.
- Ensure overarching actions to reduce health and social inequalities.
- Any other function that may be delegated by the Council under Section 196 (2) of the Health and Social Care Act 2012.

The Health and Wellbeing Board has a direct reporting link to Council.

Although Health and Wellbeing Boards are not committees of a Council's Cabinet, the Council may choose to delegate additional functions to the Board. The Discharge of these functions would fall within the remit of scrutiny but the core functions are not subject to call-in as they are not Cabinet functions.

The Health and Wellbeing Board would consult and involve the Health Scrutiny Committee in the development of the JSNA and the Joint Health and Wellbeing Strategy. The Chair of the Health and Wellbeing Board will attend the Health Scrutiny Committee, as required.

The Health and Wellbeing Board will not exercise scrutiny duties around health and social care, this will remain the role of the Health Scrutiny Committee as defined in the Health and Social Care Act and related regulations.

3.3.25. Corporate Parenting Board

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

3.3.27. The functions of the board are:

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

- h) To ensure Members are regularly updated on issues affecting CYPiC and Care Leavers.
 - i) To meet with looked after children and their carers on a regular basis to consult and celebrate achievements
 - j) To act as the governing body of the Virtual School for CYPiC.
-

3.3.28. Standards Committee

3.3.29. The Standards Committee has the following functions:

3.3.30. Code of conduct

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

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

(j) To determine investigation reports compiled on behalf of the Monitoring Officer, including the power to establish hearing panels, where necessary.

(k) To deal with any reports from the Monitoring Officer on any matter which is referred to it for determination;

(l) To deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Council's Code of Conduct for Members which do not in themselves constitute a breach of that Code;

(m) To report from time to time to Council on ethical governance within the Council.

(o) To maintain an overview of complaints handling and Ombudsman Investigations

(p) To consider and determine applications for exemptions from political restriction

(q) To maintain an overview of the council's Constitution.

3.3.31. Standards Hearing Panel

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

To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council's Complaints Procedure to have failed to comply with the Council's Code of Conduct for Members ("the Subject Member"), such actions to include:

(i) Publication of the findings of the Standards Hearings Panel in respect of the Subject Member's conduct;

(ii) Reporting the findings of the Standards Hearings to Council for information;

(iii) Recommendation to Council that the Subject Member should be censured;

(iv) Recommendation to the Subject Member's Group Leader (or in the case of ungrouped Members to Council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the Council for a recommended period;

(v) Recommendation to the Leader that the Subject Member should be removed from the Executive, or removed from their Portfolio responsibilities;

(vi) Instructing the Monitoring Officer to arrange training for the Subject Member;

(vii) Recommendation to Council that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Council;

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

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

This page is intentionally left blank

Section 4 - Cabinet arrangements

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

3.4.1. The Leader

3.4.2. The Leader of the Council determines:

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

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

3.4.3. Cabinet functions

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

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

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

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

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

3.4.7. Cabinet meeting

3.4.8. A Cabinet meeting will be convened for decisions that are:

(a) key, or

(b) non-key; or

(c) of sufficient public interest that a decision at a public meeting is required, or

(d) reserved to the Cabinet by virtue of the financial procedure rules and associated guidance (see part 4 section 7).

3.4.9. Delegation of Cabinet functions

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

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

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

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

matter is one that should be determined at a Cabinet meeting, an individual Cabinet Member or by the Chief Executive.

3.4.14. Key decisions

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

- Any decision in relation to an executive function which results in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A decision will be considered financially significant if it results in incurring expenditure or making savings of £500,000 or greater; unless the specific expenditure or savings have previously been agreed by full Council.
- Any other executive decision which in the opinion of the Monitoring Officer is likely to be significant having regard to:
 - (a) the number of residents/service users that will be affected in the Wards concerned;
 - (b) whether the impact is short term, long term or permanent;
 - (c) the impact on the community in terms of the economic, social and environmental well-being
- 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).

Section 5 - Scrutiny functions

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

3.4.1 Scrutiny functions

3.4.2 The committees have the power:

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

3.4.3 Scrutiny rules

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

3.4.5 Scrutiny committee remits

Committee	Scrutiny of:
Overview and Scrutiny Committee	<ul style="list-style-type: none"> • To review and scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's functions. • To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and all particular service areas. • To set up, appoint and monitor Overview Project Groups (set up to carry out reviews of policies, services or the impact of decisions). • To make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process. • To review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions. • Oversight of the provision, planning and management of the assets and audit arrangements. • Oversight of the Council's corporate plans and strategies and the monitoring of the corporate plan and departmental plans. • To scrutinise outside bodies and partners relevant to the Council. • To receive all reports from external inspectors. <p>As well as:</p> <ul style="list-style-type: none"> • Budget and policy framework matters • Statutory flood risk management scrutiny powers • Statutory community safety and policing scrutiny powers • Services within the business and regeneration directorate

	<ul style="list-style-type: none"> • Services within the corporate core/Corporate performance
Health Scrutiny committee	<ul style="list-style-type: none"> • Adult social care (including adult safeguarding) • Health and wellbeing board • Housing • Public health • Adults and Communities budget and policy framework • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services for children and young people, including transitional health care services, affecting the area and to make reports and recommendations on these matters
Children and Young People's Scrutiny Committee	<p>To review the policies and performance of the Council and external organisations in relation to the following areas:</p> <ul style="list-style-type: none"> - Education and Schools - Children and Young People Support and Safeguarding Services - Children and Young People Specialist Services <ul style="list-style-type: none"> • To scrutinise individual Cabinet decisions relating to the above areas. • To monitor the Council's performance in the above areas. <p>To scrutinise statutory inspection reports and oversee the implementation of any recommendations arising from such reports</p> <ul style="list-style-type: none"> • Transitional arrangements between children and adult services • Statutory education scrutiny powers

This page is intentionally left blank

Section 6 - Additional arrangements

3.6.1. Establishment of working groups

3.6.2. Council, the cabinet and any committee may from time to time establish working groups which include in their membership councillors and/or officers.

3.6.3. Working groups have no formal decision making responsibilities but may provide advice or recommendations.

3.6.4. Independent Remuneration Panel

3.6.5. Before the council makes or amends a scheme for member's allowances, it shall have regard to the recommendations made in relation to it by an independent remuneration panel. This panel comprises of at least three members none of whom -

- (a) is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority; or

- (b) is disqualified from being or becoming a member of an authority

3.6.6. The independent remuneration panel shall produce a report;

- (a) as to the responsibilities or duties in respect of which the following should be available -

- (i) special responsibility allowance;

- (ii) travelling and subsistence allowance; and

- (iii) co-optees' allowance;

- (b) as to the amount of such allowances and as to the amount of basic allowance;

- (c) as to whether dependents' carers' allowance should be payable to members of an authority, and as to the amount of such an allowance;

- (d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated;

- (e) 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;

- (f) as to which members of an authority are to be entitled to pensions in accordance with a scheme; and

(g) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.

3.6.7. The report will be published and considered at a council meeting when deciding the scheme of allowances.

3.6.8. Political Management

3.6.9. The council comprises councillors who may be members of political or other groups, as referred to in article 2 (2.2.22). Those groups are an important part of the way the council operates and are formally recognised in the appointment of committees. The leader of the council, who is elected by Council, is usually from the political group comprising the majority of councillors and the leader usually appoints members from their political group to be cabinet members.

3.6.10. Each political group appoints a group leader. The group leaders have an important informal role to play in relation to the functions scheme. This role is separate and distinct from any role or function that any councillor who is a leader of a political group has under the functions scheme. Other than those functions allocated to any political group leader under the functions scheme, the political group leaders have no authority to take decisions on behalf of the council but do fulfil important informal political management functions.

3.6.11. In particular, the political group leaders have the following roles:

- (a) to provide leadership to the respective groups on all matters related to council business;
- (b) to act as a link between the political and other groups and to meet regularly with other group leaders and the Mayor as the Democratic Arrangements Forum, chaired by the Mayor, to discuss matters relating to the political management of the council;
- (c) to ensure that the views of his or her group are made known to Council, the cabinet and the chief executive;
- (d) to ensure that members of their group abide by the council's codes of conduct;
- (e) to help identify whether there is any consensus or other ways that the groups can work together on matters related to Council functions;
- (f) to attend Council and other meetings as set out in the constitution as a recognised group leader for the purpose of fulfilling these functions.

3.6.12 Champions

3.6.13. The leader of the council may from time to time appoint individual councillors or other individuals to champion a particular issue within the council, with its partners, in communities, across the council, regionally or nationally.

3.6.14. Such appointments will be made following consultation with political group leaders and the chief executive.

3.6.15. Such champions shall have no formal decision making power and shall not take or purport to take any decisions on behalf of the council.

This page is intentionally left blank



Section 7 - Officer Functions

- 3.7.1 The intention of the Council is that decision taking should be delegated in the interests of speed where that is consistent with the democratic process in terms of accountability and openness.
- 3.7.2 The various levels of decision making are:-
- Council
 - Committee
 - Delegations to officers.
 - Leader - Cabinet (either collectively or by individual Cabinet member)
- 3.7.3 A purpose of this Constitution is to encourage delegation of decision making to individual officers. This constitution delegates decisions to the Chief Executive. Where such decisions have been delegated it remains open to the officer making the delegation to call back for their own decision, issues of significance or sensitivity and for the decision maker to refer matters upwards for determination.
- 3.7.4 The Chief Executive and nominated Chief Officers have the ability to take six types of decision. The Monitoring Officer has issued Guidance [Take in Link] in relation to recording and publishing Officer Decisions.

3.7.5 Operational Decisions

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

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

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

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



3.7.6 Cabinet Decisions

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

3.7.7 Council Decisions

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

3.7.8 Local Choice Decisions

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

3.7.9 All necessary decisions in cases of Emergency.

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

3.7.10 Implementing Decisions

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

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



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

3.7.18 Place Based Leave

- 3.7.19 As part of the implementation of the new Integrated Care System arrangements, there is a requirement that each Greater Manchester locality is required to identify a Place Based Lead, to coordinate and act on behalf of the Local Authority and an additional named Executive Lead in the Place to support the Placed Based Lead.
- 3.7.20 It has been proposed that, in Bury, the Place Based Lead is the current Chief Executive and the Executive Lead in the Place is the current Executive Director of Strategic Commissioning for the Council and CCG. This proposal has been visited and endorsed by the Locality Board.

This page is intentionally left blank

Chief Executive Scheme of Delegation to Officers

1. To support the Council's intention that decision taking should be delegated in the interests of speed, and consistent with democratic accountability and openness, the Constitution delegate's officer decision making to the Chief Executive.
2. The Chief Executive is unable to take all decisions personally and this scheme of delegation sets out: who the chief executive has authorised to take decisions or fulfil specified proper officer functions on his behalf; and the framework in which those delegations may be exercised. Decisions relating to executive/cabinet functions refer to non-key decisions ie under £500,000 only. Decisions relating to council functions are described as non-executive.
3. It remains open to the officer making the delegation to call back a matter for their own determination, and for the decision maker to refer a matter back to the officer who delegated it to them.

General delegations

4. [Appendix 1](#) identifies which chief officer, the chief executive has authorised to take executive (non-key), or non-executive decisions on his behalf, and the service areas their authority extends to.
5. Each chief officer identified in [appendix 1](#) has delegated to them power to act on behalf of the council in relation to any incidental operational matters within the service areas for which they are responsible, including spending decisions, subject to the following overriding provision:
6. Any action taken under delegated powers shall be in accordance with:
 - i. the overall policies approved by full Council, the Cabinet or a committee;
 - ii. the provisions of the Constitution, including the Contract and Financial Procedure Rules;
 - iii. no contracts, of any value, may be approved or authorised below the level of Assistant Director;
 - iv. human resources policies and procedures;
 - v. approved capital and revenue budgets; and
 - vi. the requirements of the relevant legislation.
7. In exercising delegated authority, decision makers will:
 - 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;
 - consult properly and have regard to the professional advice from the council's officers, in particular the Council Solicitor and Monitoring Officer and Section 151 officer;
 - have regard to the public sector equality duty and respect for natural justice and human rights;
 - make the decision public unless there are good reasons for it not to be;

- 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;
- explain what options were considered and give the reasons for the decision; follow proper procedures
- Undertake an equality analysis and ensure that any overriding public interest is maintained.

8. Without prejudice to these delegations, senior managers are expected to have regard to any resolution of full Council, Cabinet, relevant cabinet member or committee, on any matter of principle or policy relating to the power being exercised and shall, as appropriate:

- a) maintain a close liaison with the relevant cabinet member(s), or in their absence the Leader;
- b) ensure that Ward Councillors are consulted on, or advised of the exercise of delegated powers;
- c) ensure that the Monitoring Officer, Chief Finance Officer are consulted and advised of any decisions as necessary; and
- d) ensure that Executive Team is consulted and advised where appropriate in relation to cross service issues

Staff

9. Subject to the provisions of the Council's Employment Rules, each chief officer identified in [appendix 1](#) is authorised to act in relation to the appointment of staff within approved budgets, in accordance with the personnel policies and procedures of the council.

10. Subject to the provisions of the Council's Employment Rules, each chief officer identified in [appendix 1](#) is authorised to act in relation to the dismissal of staff in accordance with the personnel policies and procedures of the council.

11. Subject to the provisions of the Council's Employment Rules, each chief officer identified in [appendix 1](#) is authorised to make variations in establishment using grades approved in accordance with the council's personnel policies and procedures, and to determine all other matters relating to the employment of staff, within approved budgets and in accordance with the personnel policies and procedures of the council.


Urgency provisions

12. Executive functions - Key decisions

12.1. The rules for making 'key decisions' on executive functions either as a general exception or as special urgency if the key decision has not been included in the List of Key Decisions are set out in full in Rules 15 to 18 of the r in the Council Constitution.

12.2. The relevant parts of these Rules which relate to officers making key decisions are set out below.

12.3. Rule 17 - General Exception

12.4. If a matter which is likely to be a key decision has not been included in the List of Key Decisions, then subject to Rule 18 (special urgency) of the  set out in (ii) below, the decision may still be taken if:

- (a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next List of Key Decisions;
- (b) the Head of Paid Service has informed the Chair of the relevant Scrutiny Committee, or if there is no such person, each Member of that Panel/Committee, and a nominated opposition or majority group member of the Committee as appropriate and the leader of the second largest opposition group in writing, by notice, of the matter to which the decision is to be made.
- (c) The Head of Paid Service has made copies of that notice available to the public at the offices of the Council; and
- (d) At least five days have elapsed since the Head of Paid Service complied with (b) and (c).

12.5. Rule 18 - Special Urgency

12.6. If by virtue of the date by which a decision must be taken, Rule 17 cannot be followed, then the decision can only be taken if the decision taker (if an officer then in consultation with the Leader or appropriate Cabinet Member) obtains the agreement of the Chair of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred and has consulted a nominated opposition or majority group member of the Committee as appropriate and the leader of the second largest opposition group. If there is no Chair of the relevant Scrutiny Committee or if the Chair of the relevant Scrutiny Committee is unable to act, then the agreement of the Chair of the Council (Mayor), or in his/her absence the Vice Chair (Deputy Mayor) will suffice.

12.7. In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

12.8. Executive functions - Non-Key decisions

In cases of emergency, a Chief Officer, after consultation with the Leader or appropriate Executive Member shall be empowered to make urgent decisions when necessary on executive functions relevant to their service area, provided that the decision is not a key decision and is in accordance with the Budget and Policy Framework. Such urgent decisions shall be processed through the Chief Executive and be reported in accordance with the provisions for Executive Key Decisions.

12.9. Council functions

In cases of emergency, a Chief Officer after consultation with the Chair of the appropriate Committee or Leader of the Council and with the relevant Opposition Spokesperson and leader of the second largest opposition group, shall be empowered to make urgent decisions when necessary on Council Functions relevant to their service area. Such urgent decisions shall be processed through the Chief Executive and shall be submitted to the appropriate Committee for information.

Emergencies

13. Where the Chief Executive or Chief Officers are operating under the council's emergency management procedures (or silver and gold officers as listed below in the absence of the chief executive and all directors) and believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual, or that the interests of the council may be compromised they are authorised to take 'all necessary decisions' to take such action as is necessary within the law to protect life, health, safety, the economic, social or environmental wellbeing of the borough, its communities and individuals living, working or visiting, and to preserve property belonging to the council or others.

14. Before exercising this delegated authority any officer shall use their best endeavours if, in their opinion, time or circumstances permit, to consult the Leader, or, in their absence, the appropriate cabinet member and in any case, inform them of their actions as soon as practicable.

15. Where the delegated powers in paragraph 12 above are exercised, contract and financial procedure rules are deemed to be waived for that purpose.

16. Any action taken under the powers delegated above will be reported to the chief executive at the earliest opportunity. All emergency decision taken by officers are reported to full Council at the next meeting, including the extent to which it has been necessary to operate outside the contract and financial procedure rules.

Indemnity

17. The Council will provide an indemnity (in accordance with The Local Authorities (Indemnities for Members and Officers) Order 2004 SI 2004/3082) to any of their employees and former employees relating to any neglect, act, error or omission committed by them as they undertook their duties which were authorised by the Council or arose from powers conferred or duties placed on the employee at the request of or with approval of the Council. This indemnity shall include when they are acting for other persons or bodies with the Council's consent. The indemnity will include costs awarded and reasonable costs incurred.

18. The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

- (a) fraud, dishonesty or a criminal offence on the part of the employee; or
- (b) any neglect, error or omission by the employee other than in the course of his duties or;
- (c) liability in respect of losses certified by the auditor caused by wilful misconduct.

19. The Council will not usually itself make claims against its employees for any loss or damage as a result of the officers' actions, unless claims fall within the cover provided to its employees under any policy of insurance taken out by the council or any motor vehicle insurance policy taken out by the employee. In the case of criminal proceedings, if the officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal reimbursement will be sought.

20. The indemnity will not apply if an employee admits liability, negotiates or attempts to negotiate a settlement of any claim that falls within the scope of this indemnity, without the written authority of the Council. The indemnity will also not apply where there is evidence that the employee had acted with reckless disregard for the consequences.

21. The indemnity is without prejudice to the right of the Council to take or start disciplinary action against an employee in respect of any neglect, act, error or omission.

Sub delegation

22. Where a Chief Officer is absent from the workplace for any period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated in writing, the nomination be approved by the chief executive and forwarded to the Monitoring Officer.

23. Each Executive Director shall maintain an up to date directorate scheme of delegation specifying specific delegations relevant to the service.

Statutory and proper officer functions

24. The Council has designated posts as fulfilling the statutory and proper officer functions set out in the [Appendix 2](#).

Appendix 1: Delegations to specific officers

Chief Executive

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

General

To undertake all matters associated with the professional and corporate management of the Council.

The Chief Executive shall be authorised to:

1. discharge any council or executive function not otherwise delegated to a Director or Chief Officer, including civic and ceremonial functions of the Council, and to take any action remitted to him/her under corporate policies or this Officer Delegation Scheme.
2. exercise any power delegated to any officer at any time when that officer is unable or unwilling to act.
3. give a decision on the applicability of any delegated power in any specific case.
4. require any officer of the Council to refer a matter to a Committee or the Cabinet for decision notwithstanding the fact that the officer may have delegated authority to deal with that matter.
5. authorise the taking of any necessary action, including the incurring of expenditure in connection with an emergency or disaster in the Borough (Note - this delegation is also exercisable by all Executive Directors)
6. determine, in conjunction with the Joint Chief Finance Officer whether representation to the relevant Government Department should be made for activation of the "Bellwin" Scheme of Emergency Financial Assistance to Local Authorities for any expenditure relating to major incidents which occur in the Borough
7. deal with matters relating to the development of the Bury 2030 Community Strategy and Corporate Plan
8. give professional advice to all parties in the decision-making process
9. represent the Council on Partnerships and External Bodies
10. implement and initiate change and service delivery across the Council's services
11. carry out record keeping for all the Council's Decisions (together with the Monitoring Officer)

Specific Functions

1. Responsible for ensuring the promotion of child protection and safeguarding of children in the Borough
2. Elections
 - o i) in consultation with the relevant ward councillors and Group Leaders to discharge the function of dividing electoral divisions into polling districts at local government elections and altering such districts and to be responsible for the ongoing review of polling districts, polling places and polling stations between the 4 yearly reviews for parliamentary elections (Sections 18A, 18B and 31 of the Representation of the People Act 1983).

- ii) to determine fees and conditions for the supply of copies of extracts of elections documents. (Rule 48(3) Local Elections (Principal Areas) Rules 1986 and Rule 48(3) Local Elections (Parishes and Communities) Rules 1986).
- 3. Economic Development
- 4. Business Engagement
- 5. Regeneration
- 6. Strategic Planning
- 7. Strategic Housing
- 8. Housing Development (including Affordable Housing)
- 9. Member of Greater Manchester Combined (the CA) Authority Wider Leadership Team with responsibility for specific portfolios allocated by the Chief Executive of the CA.

The Chief Executive also has the role of Accountable Officer for Bury NHS Clinical Commissioning Group (CCG).

Deputy Chief Executive (Corporate Core)

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

General

1. The overall direction of all human resource matters.
2. The administration and implementation of the Council's organisational, employee development and human resource plans

Specific

1. Senior Information Risk Owner
2. Adult Learning
3. Arts and Museums (Culture and Heritage)
4. Archives
5. Business Support
6. Corporate Human Resources (HR) Services
7. Corporate Procurement
8. Communications, Marketing and Engagement
9. Customer Contact (including Patient Liaison Service)
10. Corporate Complaints (including Adults and Children's Complaints)
11. Community Safety (Strategic and Operational), Resilience and Emergency Planning
12. Democratic Services
13. Elections and Electoral Registration
14. Equality and Diversity
15. Health and Safety
16. ICT and Digital Strategy
17. Information Governance (including General Data Protection Regulations, Freedom of Information Act 2000 and Data Protection Officer)
18. Land charges
19. Legal Services
20. Strategic Policy and Service Reform
21. Performance and Intelligence (including Public Health intelligence and Children's data team)
22. Risk Management

23. Strategic Partnerships
24. Registration Services
25. To represent the Council as required by the Chief Executive in CA matters

Section 151 Officer

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

1. Treasury Management - borrowing and investment
2. Financial management, Assurance and Reporting
3. Financial Strategy and planning (including development of the Medium Term Financial Strategy)
4. Section 151 Local Government Act 1972 statutory responsibilities
5. Debt recovery
6. Council tax
7. Council tax support and housing benefit rent allowances and rebates
8. Discretionary welfare assistance
9. National non-domestic rates
10. Pay services (Creditor payments, accounts payable and payroll)
11. Insurance
12. Revenues and Benefits processing and enforcement
13. The writing off of debts from £2,001 to £5,000
14. Internal Audit and Risk
15. Procurement
16. To represent the Council as required by the Chief Executive in CA matters

Executive Director of Children and Young People

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

1. Adoption
2. Corporate Parenting
3. Children and Young People in Care
4. Children's Social Care
5. Children's Safeguarding (including complex safeguarding but other than relating to commissioning)
6. Secure accommodation
7. Early Years and school readiness
8. Emergency Duty Team
9. Youth Offending Team
10. Children's Social Care
11. MASH
12. Emergency Duty Team
13. Caldicott Guardian for Children's Services
14. Children's Centres
15. Early Help
16. Fostering and Adoption Services
17. Inclusion / Vulnerable Pupils
18. Schools, Academies and Colleges

19. Special Educational Needs and Disability
20. Additional Needs
21. Education Welfare and Children's Psychology Team
22. School and College Transport
23. School Crossing Patrols
24. Youth & Connexions
25. To represent the Council as required by the Chief Executive in CA matters

Executive Director of Strategic Commissioning

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

1. Commissioning health and social care, secondary care and community services (with CCG)
2. Continuing Health Care/Complex Care (with CCG)
3. Transforming Care (with CCG)
4. Bury EST
5. Safeguarding Adults
6. Infection control
7. Staying Well Team
8. Mortality Service
9. Strategic Development Unit (Strategic Planning and Development; Provider Relationship, Reviewing Team)
10. Care Homes
11. Homelessness and Asylum
12. Liaison with Persona and Local Care Organisation for social care operations
13. Support at home services
14. Adult Health Care
15. Substance misuse
16. To represent the Council as required by the Chief Executive in CA matters

Executive Director of Operations

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

1. Environment and Climate Change
2. Street Scene (highways, street lighting, grounds maintenance)
3. Parking
4. Cleaning and Catering
5. Parks and Countryside (including bereavement service)
6. Architectural Practice
7. Facilities Management
8. Lettings and public halls
9. Sports and leisure
10. Grounds Maintenance
11. Engineers - Traffic Management & Transportation
12. Asset Management, Infrastructure
13. Markets
14. Public Rights of Way
15. Street Works and Highway Maintenance

16. Street Lighting
17. Winter Maintenance
18. Transport and Workshop
19. Waste Management / Recycling
20. Street Cleansing
21. Depot / Stores
22. Environmental Health and Pest Control
23. Licensing - including Safety at Sports Grounds
24. Trading Standards
25. To represent the Council as required by the Chief Executive in CA matters

Specific Delegations to Specific Officers

Director of Community Commissioning

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

- Social Care operations as the Director of Adult Social Services (DASS)
- Learning Disabilities
- Older People's Mental Health,
- Commissioning and Discharge,
- Carers Liaison
- Disability Services and Personalisation
- "Deprivation of Liberty" Safeguards
- Caldicott Guardian

Director of Public Health

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

- Principal adviser for elected members and senior officers on public health matters
- Delivery of the Council duties as to the improvement of health; reducing health inequalities health protection and healthcare public health including but not limited to:
 - Providing information and advice
 - Providing services or facilities designed to promote healthy living
 - Providing assistance to help individuals minimise any risks to health arising from their accommodation or environment
- Provision of expert, objective advice on public health matters to the Council and the Public; to include the Council's public health response as the responsible authority under the Licensing Act 2003
- Ensure plans are in place to protect the health of the local population from threats to health and prevent, as far as possible, threats to health arising
- Discharge the Council's functions in relation to dental public health
- Discharge any functions of the Council in relation to joint working and work with a range of partners to foster improved health and well-being
- Commission mandatory public health services on behalf of the Secretary of State and other prevention and health improvement services that meet the needs of the Council's citizens; address the public health outcomes framework and tackle local priorities as set out in the Health and Wellbeing Strategy

- Have professional responsibility and accountability for the Council's Public Health service with regards to effectiveness, availability and value for money
- Contribute to and influence the work of partners and in particular NHS Commissioners to ensure a whole system approach across the public sector
- Be an active member of the Health and Wellbeing Board, advising and contributing to the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.
- Prepare an independent Annual Report on the health of the Council's citizens
- Responsibility for any of the Secretary of State's public health protection or health improvement functions that are delegated to the Council, either by arrangement or under regulations
- To discharge the Council's function under the Healthy Start and Welfare Food Regulations 2005 (as amended) in relation to Healthy Start vitamins where the Council provides or commissions a maternity or child health clinic
- Play a full part in the Council's action to meet the needs of vulnerable children

Director of Regeneration and Capital Growth

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

- Building control
- Development management
- Planning for land use and development
- Enforcement of Planning Control and Planning Appeals
- Property and Asset Management
- Urban Renewal
- Enforced Sales

Director - Law and Democratic Services

The Director of Law and Democratic Services shall be authorised to act as Solicitor to the Council and to take any action intended to give effect to a decision of the Council, the Cabinet, Overview and Scrutiny Committees, Regulatory Committees/Sub-Committees, or an Officer to discharge any function of the Council in relation to:

- The duties of the Monitoring Officer
 - The making or issuing of orders and notices
 - Negotiations prior to commencement and the commencement, defence, withdrawal or settlement of legal or other proceedings.
 - The authorisation of Council employees to conduct legal matters in court
 - The contractual element of procurement
 - Electoral matters
 - Land charges
 - The registration of births, deaths and marriages and associated functions
 - The recording of decisions of the Cabinet and all relevant committees
 - Taking any action remitted to him/her under corporate policies and procedures.
-

Appendix 2: Proper and Statutory Officer Delegations

Proper officers

1. Legislation requires the Council to appoint specific officers and to identify officers for particular responsibilities.
2. The Chief Executive shall be authorised to act as the Council's Proper Officer for the purpose of any function not otherwise delegated under these arrangements.

Statutory requirements	
Statutory requirements	Officer appointed
Section 532 Education Act 1996 - Chief Education officer	Director of Education
Section 18 of the Children Act 2004 - Requires every top tier local authority to appoint a Director of Children's Services	Executive Director of Children and Young People
Section 6 Local Authority Social Services Act 1970 - Director of Adult Social Services	Director of Community Commissioning
Section 151 Local Government Act 1972 - Responsibility for financial administration	Interim Director of Financial Transformation (September 2020)
Section 4 Local Government and Housing Act 1989 - Head of Paid Service	Chief Executive
Section 5 Local Government and Housing Act 1989 - Monitoring Officer	Director - Law and Democratic Services (Interim appointment of Head of Legal Services - July 2020)
Director of Public Health	Director of Public Health
General Data Protection Regulations - Data Protection Officer	Head of Legal Services

The officers specified in the following table are appointed Proper Officer for the purpose of the respective functions specified:

Proper officers for the purpose of the respective functions		
Reference	Description	Proper officer
Registration Service Act 1953		
S3, 9,13 & 20	Registration of Births, Deaths and Marriages	Director of Law and Democratic Services
Local Government Act 1972		
S 83	Witness and receipt of declaration and acceptance of office	Chief Executive
S 84	Receipt of written notice of resignation of office	Chief Executive

Proper officers for the purpose of the respective functions

Reference	Description	Proper officer
S 88(2)	Convening of meeting of the Council to fill a casual vacancy in the office of Chair of the Council	Chief Executive
S 89(1)(b)	Receipt of notice of casual vacancy in the office of Councillor from two local government electors	Chief Executive
S 100B	Exclusion of parts from reports open to inspection	Director of Law and Democratic Services
S 100C(2)	Responsibility to prepare a written summary of those parts of the committee proceedings which disclose exempt information	Director of Law and Democratic Services
S 100D	Responsibility for identifying background papers and compiling list of such documents	For each report, the officer named in it as the responsible officer
S 100F(2)	Decision to exclude from production to Members documents disclosing exempt information	Chief Executive
S 115	Responsibility for receipt of money due from officers	S151 Officer
S 146(1)	Authorisation to produce a declarations and certificates with regard to securities	S151 Officer
S 191	Functions with regard to Ordnance Survey	Executive Director Operations
S 210	Officer in whom power in respect of a charity will vest as at 1 April 1974	Director of Law and Democratic Services
S 225(1)	Deposit of documents and giving of acknowledgements or receipts	Director of Law and Democratic Services
S 229	Certification of photographic copies of	Director of Law and Democratic Services
S 234(1)	Authentication of documents	Director of Law and Democratic Services
S 238	Certification of byelaws	Director of Law and Democratic Services
Para 4(2)(b) of Part 1 of Schedule 12	Officer who may sign a summons to council meetings	Chief Executive
Para 4(3) of Part 1 of Schedule 12	Receipt of notices from Members regarding address to which a summons to a meeting is to be sent	Chief Executive

Local Government Act 1974

Proper officers for the purpose of the respective functions

Reference	Description	Proper officer
S 30 (5)	Publication of notice of Local Commissioner's report on investigation of a complaint	Director of Law and Democratic Services
Local Government (Miscellaneous Provisions) Act 1976		
S 41	Certification of copies of resolutions, minutes and other documents	Director of Law and Democratic Services
Rates Act 1984		
S 7	Certification of rate	S151 Officer
Local Government and Housing Act 1989		
S 2	Preparation of list of politically restricted posts	Deputy Chief Executive
S 15, 16, 17	Receipt of notices relating to political groups	Chief Executive
Local Government (Committees and Political Groups) Regulations 1990		
S 8 (1) and (5)	Receipt of notice of constitution of a political group, or the change of name of a political group	Chief Executive
S 9 and 10	Receipt of notice of Councillor's membership of, or cessation of membership of, a political group	Chief Executive
S 13	Officer to whom the wishes of a political group are expressed	Chief Executive
S 14	Responsibility for notifying a political group about allocations and vacancies of seats	Chief Executive
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012		
Reg 5 (2), (3) and (4)	Responsibility to produce a notice giving 28 days' notice of its intention to hold a meeting in private	Director of Law and Democratic Services
Reg 5 (6) and (7)	Responsibility to gain approval from the Chair of Scrutiny Committee to the consideration of an item in private where notice in accordance with Regulation 5 (2) was not practical and the publication of the notice thereafter	Director of Law and Democratic Services
Reg 6	Responsibility for giving notice of the time and place of a public meeting	Director of Law and Democratic Services
Reg 7	Responsibility to ensure that certain copy documents are available for public inspection	Director of Law and Democratic Services
Reg 9 (1), (2) and (3)	Responsibility to produce a notice giving 28 days' notice of its intention to take a key decision	Director of Law and Democratic Services
Reg 10	Responsibility to inform the Chair of Scrutiny Committee of the intention to take a key decision where notice in accordance with Regulation 9 was not practical and the publication of the notice thereafter	Director of Law and Democratic Services

Proper officers for the purpose of the respective functions

Reference	Description	Proper officer
Reg 11	Responsibility for dealing with cases of special urgency	Director of Law and Democratic Services
Reg 12	Responsibility for the recording of executive decisions taken at meetings	Director of Law and Democratic Services
Reg 13 (1), (2) and (3) and Reg 14	Responsibility for the recording of executive decisions taken by individual members	Director of Law and Democratic Services
Reg 13 (4) and Reg 14	Responsibility for the recording of executive decisions taken by Officers	Relevant Corporate Director
Regs 15 and 21	Responsibility for ensuring that background papers are available for inspection	Director of Law and Democratic Services
Reg 20	Officer who may form an opinion as to whether a document contains or is likely to contain information confidential information, exempt information or the advice of a political advisor or assistant	Director of Law and Democratic Services
The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000		
Reg 4	Publication of the number that is equal to 5 per cent of the number of local government electors for the authority's area	Director of Law and Democratic Services
The Local Authorities (Standing Orders) (England) Regulations 2001		
Reg 3 & 4 and Schedule 1	Officer for receiving notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment. The Chief Executive is the Proper Officer unless otherwise determined in the  set out in Part 4 of the Constitution	Chief Executive

Non-Statutory Chief Officers

All posts directly responsible to the Head of Paid Service (except Statutory Chief Officers and support roles).

- Deputy Chief Executive (Corporate Core)
- Director of Business Growth and Infrastructure
- Executive Director of Operations
- Executive Director of Strategic Commissioning and Business Delivery/Deputy Chief Officer - CCG
- Executive Nurse (Director of Nursing and Quality) - CCG

Deputy Chief Officer

All posts reporting directly to or directly accountable to a statutory or non-statutory chief officer.

*Geoff Little,
Chief Executive 1 January 2021*

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;

No	Type of meeting	When
		<ul style="list-style-type: none"> the Mayor of the Council; the Monitoring Officer; or s151 Finance Officer Any five Members of the Council if they have signed a requisition stating the grounds for the extraordinary meeting and the business to be conducted at that meeting; presented it to the Mayor; and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. <p>Any request or requisition for an extraordinary meeting of the Council shall state the purpose of the meeting and give notice of a motion to be debated, unless the purpose is to receive reports or adoption of recommendations of Committees, the Leader, Cabinet members or officers or any resolutions from them.</p> <p>No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting.</p> <p>The Chief Executive will determine whether the stated business can wait until the next ordinary meeting of the Council and, if it cannot, will call an extraordinary meeting.</p>

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

Items of business and types of meeting				
No.	Item of business	Annual meeting	Ordinary meeting	Extra-ordinary meeting
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	-
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 	-	Yes	-

Items of business and types of meeting				
No.	Item of business	Annual meeting	Ordinary meeting	Extra-ordinary meeting
	elections) an Annual report on the priorities of the Cabinet and progress made in meeting those priorities; and <ul style="list-style-type: none"> 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 			
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. A period of up to 20 minutes will be allocated for questions.

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. An amendment to a Notice of Motion 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 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 is it 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 XXXXXXXXX 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

Section 2 - Access to information rules

Summary

The Access to Information Rules which apply to Council meetings and Committees of Council in executive constitutions are set out in sections 100A to H and Schedule 12A to the Local Government Act 1972 as amended.

Further Access to Information Rules also apply to the Executive under section 22 of the Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

In applying the Access to Information Rules, the Council will take account of the principle of open decision making as set out in Article 11 of the Constitution and the Freedom of Information Act 2000.

Part A - General

4.2.1. Scope

The rules under Part A apply to all meetings of the Council, Cabinet, Overview and Scrutiny Committees, Standards Committee, Health and Wellbeing Board, Regulatory and Non-Executive Committees.

4.2.2. Additional rights to information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

4.2.3. Rights to attend meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

4.2.4. Public question time

Most meetings of the Council, Cabinet, Overview and Scrutiny Committees, Regulatory and Non-Executive Committees will feature a public question time which will allow members of the public to ask questions about the performance of the Council.

4.2.5. Notices of meeting

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting on the Council's website.

4.2.6. Access to agenda and reports before the meeting

The Council will make copies of the agenda and reports open to the public available for public inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Head of Paid Service shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda. Agendas, reports and minutes will also be made available on the Council's website.

4.2.7. Supply of copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Head of Paid Service and/or the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

4.2.8. Reporting on the meeting

4.2.8.1. A person attending a local authority meeting for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so.

4.2.8.2. In terms of reporting on the meeting, a person may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities. Publication and dissemination may take place at the time of the meeting or take place after the meeting.

4.2.9. Access to minutes etc. after the meeting

The Council will make available for public inspection copies of the following for six years after a meeting:

- (a) the Minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Leader and Cabinet Members excluding any part of the Minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

4.2.10. Background papers

4.2.10.1 List of Background Papers

The appropriate Director or Chief/Borough Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 1)

4.2.10.2 Public Inspection of Background Papers

The Council will make available for public inspection for six years after the date of the meeting one copy of each of the documents on the list of background papers, and will provide a link to such papers.

4.2.11. Summary of public's rights

The Access to Information Procedure Rules which summarise the public's rights to attend meetings and to inspect and copy documents will be available to the public at the Town Hall, Knowsley Street, Bury.

4.2.12. Exclusion of the public from meetings

4.2.12.1 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

4.2.12.2 Exempt Information - Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

4.2.12.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

4.2.12.4 Meaning of Exempt Information

Exempt information means information falling within the following categories (subject to any condition):

Categories of exemptions		
No.	Category	Condition
1	Information relating to any individual	-
2	Information which is likely to reveal the identity of an individual	-
3	Information relating to the financial or business affairs of any particular person (including the authority)	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. Contemplated, as well as past and current activities are included
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority	"Labour relations matter" are as specified in paragraph (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	-

Categories of exemptions		
No.	Category	Condition
6	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	-
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Additional categories applicable to meetings of the Standards Committee or a Standards Sub Committee: (a) Information which is subject to any obligation of confidentiality; (b) Information which related in any way to matters concerning national security; (c) The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.	-

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

4.2.12.5 Exclusion of the press and public from meetings -Public interest test

In all cases, before the press and public are excluded, the meeting must be satisfied that, in all the circumstances of the case, the public interest in

maintaining the exemption, outweighs the public interest in disclosing the information.

4.2.13. Exclusion of access by the public to reports

4.2.13.1 If the Head of Paid Service and/or the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 12, the meeting is likely not to be open to the public. Such reports will be marked "Not in the public domain" together with the category of information likely to be disclosed.

4.2.13.2 Where the whole or any part of a report is not available for public inspection by virtue of Rule 13.1 -

- (a) every copy of the whole report or part of the report must be marked "Not for Publication" and

- (b) there must be stated on every copy of the report -

- (i) that it contains confidential information; or

- (ii) by reference to Schedule 12A of the Local Government Act 1972, the description of the exempt information by virtue of which the public

Part B - Application of rules to the Cabinet

Rules 13-24 apply to the Cabinet and its Committees. If the Cabinet or its Committees meet to take a key decision then it must also comply with Rules 1-12 unless Rule 17 (general exception) or Rule 18 (special urgency) apply. A key decision is defined in Article 11 of the Constitution.

If the Cabinet or its Committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 1-12 unless Rule 17 (general exception) or Rule 18 (special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

4.2.14. Procedure before taking key decisions

Subject to Rule 17 (general exception) and Rule 18 (special urgency), a key decision may not be taken unless:

- (a) a notice has been published in connection with the matter in question at least 28 days in advance of the decision being taken;

- (b) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

4.2.15. List of key decisions

4.2.15.1 Key Decision documents will be prepared by the Leader or appropriate Cabinet Member, at least 28 clear days before a key decision is made, and made available at Bury Town Hall and on the Council's website.

4.2.15.2 The Key Decision Document will contain matters which the Leader or Cabinet Member has reason to believe will be the subject of a key decision to be taken by the Cabinet, individual members of the Cabinet, officers, District Partnerships or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision taker for consideration in relation to the matter;
- (e) the address from which copies of, or extracts from, any document listed is available

Exempt information need not be included in a Key Decision Document and confidential information cannot be included.

4.2.16. Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 (Access to Minutes etc. after the meeting) and 8 (Background Papers) will also apply to the making of decisions by individual members of the Cabinet.

4.2.17. General exception

If a matter which is likely to be a key decision has not been included in the List of Key Decisions, then subject to Rule 18 (Special Urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next List of Key Decisions;

(b) the Chief Executive has informed the Chair of the relevant Scrutiny Committee, or if there is no such person, each Member of that Committee, and a nominated opposition or majority group member of the Committee as appropriate and the leader of the second largest opposition group in writing, by notice, of the matter to which the decision is to be made;

(c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and

(d) at least five days have elapsed since the Chief Executive complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public.

4.2.18. Special urgency

If by virtue of the date by which a decision must be taken Rule 17 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred and has consulted a nominated opposition or majority group member of the Committee as appropriate and the leader of the second largest opposition group. If there is no Chair of the relevant Scrutiny Committee or if the Chair is unable to act, then the agreement of the Chair of the Council (Mayor), or in his/her absence the Vice Chair (Deputy Mayor) will suffice.

4.2.19. Report to Council where general exception or urgency provisions used

4.2.19.1 When a Scrutiny Committee Can Require a Report

If a Scrutiny Committee thinks that a key decision has been taken which was not:

(a) included in the List of Key Decisions; or

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with the relevant Scrutiny Committee Chair, or the Chair/Vice Chair of the Council under Rule 16 (special urgency procedure); the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Chair or any five

Members of the Committee. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Committee.

4.2.19.2 Executive Report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven clear working days of receipt of the written notice, or the resolution of the Scrutiny Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

4.2.19.3 Quarterly Reports on Special Urgency Decisions

In any event the Cabinet will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 18 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

4.2.20. Record of decisions

After any meeting of the Cabinet or any of its Committees, whether held in public or private, the Head of Paid Service or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

4.2.21. Cabinet meetings relating to matters which are not key decisions

The Cabinet will decide whether meetings relating to matters which are not key decisions will be held in public or private.

4.2.22. Notice of public and private meetings of the Executive

4.2.22.1 The Cabinet will normally meet in public in accordance with the provisions of the Local Government (Access to Information Act 1985)

4.2.22.2 Members of the Cabinet or its Committees will be entitled to receive five clear working days' notice of a public or private meeting to which they are summoned unless the meeting is convened at shorter notice as a matter of urgency.

4.2.22.3 All Members of the Cabinet will be sent notice either by post or electronically of all public or private meetings of Committees of the Cabinet whether or not they are Members of that Committee.

4.2.22.4 Notice of all public meetings of the Cabinet and its Committees will be sent either by post or electronically to all Members of the Council and Education Representatives and Co-opted Members on Scrutiny Committees.

4.2.23. Attendance at public meetings of the Cabinet

4.2.23.1 All Members of the Cabinet will be entitled to attend and speak at any meeting of a Committee of the Cabinet but only Members of the Committee may vote.

4.2.23.2 Any Member of the Council may attend a public meeting of the Cabinet and may be invited to speak only at the discretion of the person presiding at the meeting.

4.2.23.3 Individual Members of the Council who are not members of the Cabinet may not attend a private meeting of the Cabinet or Committee of the Cabinet unless invited to do so by the person presiding at the meeting. An invited Member may be invited to speak at that meeting by the person presiding.

4.2.23.4 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer or their nominees are entitled to attend any meeting of the Cabinet and its Committees.

4.2.24. Decisions by individual members of the Executive and officers

4.2.24.1 Reports Intended to be Taken into Account

Where an individual Member of the Cabinet or officer receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until the report has been available for public inspection for at least five clear days after receipt of that report. The provisions of this Section will not apply to a decision taken under Rule 18 (Special Urgency).

4.2.24.2 Provision of Copies of Reports to Overview and Scrutiny Committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant Overview and Scrutiny Committee, or where there is no Chair to every Member of the Committee, as soon as reasonably practicable, and send it to the Head of Paid Service to ensure it is publicly available at the same time.

4.2.24.3 Record of Individual Decision

As soon as reasonably practicable after an executive decision has been taken by an individual Member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or request the Head of Paid Service to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of rules 8 and 9 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Cabinet or officers. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

4.2.25. Overview and scrutiny committees access to reports and documents

4.2.25.1 Rights to Copies of Reports

Members of Overview and Scrutiny Committees will be supplied with copies of any reports or papers which are to be submitted to public or private meetings of the Cabinet or its Committees for consideration, except that Voting Education Representatives and Co-opted Members of a Committee will not be supplied with exempt or confidential reports unless such reports are relevant to an action or decision being reviewed or scrutinised by the Committee.

4.2.25.2 Rights to Copies of Documents

Subject to Rule 23.3 below, a Scrutiny Committee (including its Sub-Committees) will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Cabinet or its Committees;
- (b) any executive decision taken by an individual Member of the Cabinet
- (c) any key decision taken by an officer

4.2.25.3 Limit of Rights

Scrutiny Committees will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser

4.2.26. Additional rights of access for members

4.2.26.1 Material Relating to Previous Business

Any document which is in the possession or under the control of the Cabinet and contains material relating to any business to be transacted at a meeting of the Cabinet or relates to any key decision shall be open to inspection by any Member of the Council unless it appears to the Chief Executive Cabinet and Monitoring Office that it discloses exempt information.

Notwithstanding paragraph 24.1 the document will remain open to inspection if the information it contains falls within paragraphs 3 or 6 of Schedule 12A to the Local Government Act 1972 (with the exception of information relating to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract).

4.2.26.2 Material Relating to Key Decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph (a) or (b) above applies.

4.2.26.3 Nature of Rights

These rights of a Member of the Council are additional to any other right he/she may have.

Section 3 - Budget and policy framework procedure rules

4.3.1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet.

4.3.2. Process for Developing the Framework

The process by which the budget and policy framework shall be developed is:

- (a) The Cabinet will publicise by including in the List of Key Decisions and publishing at the Council's offices a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation.
- (b) The Cabinet initial proposals shall be referred to the relevant Scrutiny Committee for further advice and consideration. The Overview and Scrutiny Committee shall report to the Cabinet on the outcome of its deliberations. The Overview and Scrutiny Committee shall have six weeks to respond to the initial proposals of the Cabinet unless the Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.
- (c) Having considered the report of the Overview and Scrutiny Committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the Overview and Scrutiny Committee.
- (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- (e) Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the actions set out in sub-paragraph (f).
- (f) Before the Council:-
 - (i) amends the draft plan or strategy;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or

strategy (whether or not in the form of a draft) of which any part is required to be so submitted, or

(iii) adopts (with or without modification) the plan or strategy; it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to consider, in the light of those objections, the draft plan or strategy submitted to it.

(g) Where the Council gives instructions in accordance with Rule 2(f), it must specify a period of five clear working days beginning on the day after the date on which the Cabinet receives the instructions, within which the Cabinet may:-

(i) submit a revision of the draft plan or strategy as amended by the Cabinet ("revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy to the Council, for the Council's consideration; or

(ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

(h) When the period specified by the Council, referred to in Rule 2(g), has expired, the Council must make a final decision and when:-

(i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or

(iii) adopting (with or without modification) the Plan or strategy;

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Cabinet submitted to the Council, or informed the Council of, within the period specified.

(i) The Council shall at that meeting make its final decision on the matter by a simple majority of votes cast at the meeting.

(j) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.

4.3.3. Budget Preparation Process

(a) Subject to Rule 3(e) where, before 8 February in any financial year the Cabinet submits to the Council for its consideration in relation to the following financial year:-

- (i) estimates of the amount to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;
- (ii) estimates of other amounts to be used for the purposes of such a calculation;
- (iii) estimates of such a calculation;
- (iv) amounts required to be stated in a precept under of Part 1 of the Local Government Finance Act 1992 and following consideration of those estimates or amounts the Authority has any objections to them, it must take the action set out in Rule 3(b).

(b) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in Rule 3(a)(i), or issues a precept under Part 1 of the Local Government Finance Act 1992, it must inform the Cabinet of any objections which it has to the Cabinet's estimates or amounts and must give to the Cabinet instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

(c) Where the Council gives instructions in accordance with Rule 3(b), it must specify a period of at least 5 clear working days beginning on the day after the date on which the Cabinet receives the instructions on behalf of the Cabinet within which the Executive may:-

- (i) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
- (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

(d) When the period specified by the Council, referred to in Rule 3(c), has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the Sections referred to in Rule 3(a)(i), or issuing a precept under Part 1 of the Local Government Finance Act 1992 take into account:-

- (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) the Cabinet's reasons for those amendments;
 - (iii) any disagreements that the Cabinet has with any of the Council's objections; and
 - (iv) The Cabinet's reasons for that disagreement, which the Cabinet submitted to the Council, or informed the Council of, within the period specified.
- (e) Rules 3(a) - (d) shall not apply in relation to:-
- (i) calculations or substitute calculations which the Council is required to make in accordance with Section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 and
 - (ii) amounts stated in the precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

4.3.4. Decisions Outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet 's, Committees of the Cabinet and any officers or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, Committees of the Cabinet, and any officers or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4.3.5. Urgent Decisions Outside the Budget or Policy Framework

(a) The Cabinet, a Committee of the Cabinet, or officers or joint arrangements, discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- (i) if it is not practical to convene a quorate meeting of the full Council; and
- (ii) if the Chair of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency, and if a nominated opposition or majority group member of the Committee as appropriate and the leader of the second largest opposition group has been consulted.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the relevant Overview and Scrutiny Committee, the consent of the Mayor and, in the absence of both, the Deputy Mayor will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.3.6. In-Year Changes to Policy Framework and Virement

In approving the policy framework, the Council may also specify the degree of in-year changes to the policy framework which may be undertaken by the Cabinet. The extent of virement within the budget which may be undertaken by the Cabinet is included in the Financial Procedure Rules in Part 4 of this Constitution. Any other changes to the policy and budgetary framework are reserved to the Council.

4.3.7. Call-in of Decisions Contrary to the Budget or Policy Framework

(a) Where the relevant Overview and Scrutiny Committee is of the opinion that an Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

(b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Leader with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Leader must decide what action to take in respect of the Monitoring Officer's report and/or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the relevant Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting the Council will receive a report on the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

(i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way.

Or

(ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

Or

(iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

(e) Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan

or strategy, the Council has any objections to it, the Council must take the actions set out in sub-paragraph (f).

(f) Before the Council:-

- (i) amends the draft plan or strategy;
- (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted, or
- (iii) adopts (with or without modification) the plan or strategy; It must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to consider, in the light of those objections, the draft plan or strategy submitted to it.

(g) Where the Council gives instructions in accordance with Rule 2(f), it must specify a period of five clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-

- (i) submit a revision of the draft plan or strategy as amended by the Cabinet ("revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy to the Council, for the Council's consideration; or
- (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

(h) When the period specified by the Council, referred to in Rule 2(g), has expired, the Council must make a final decision and when:-

- (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or
- (iii) adopting (with or without modification) the Plan or strategy; take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Leader/Cabinet Member's reasons for those amendments, any disagreement that the Leader/Cabinet Member has with any of the Council's objections and the Leader/Cabinet Member's reasons for

that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

Section 6 - Contracts procedure rules

Contract procedure rules 2016

4.6.1. Introduction

4.6.1.1. These are the Council's procedure rules for buying supplies, services and works from outside the Council. They apply to any contract that results in a payment being made by the Council (in cash or kind); as well as to some types of contracts where a service is being provided for the Council which results in some income being generated for the Council.

4.6.1.2. The purpose of these Rules is to ensure that the Council's procurement procedures comply with current UK and EU procurement legislature, EC Treaty principles of fair competition, transparency and equality and have regard to Public Services (Social Value) Act 2012.

4.6.1.3. The Rules are part of the Council's Constitution.

4.6.1.4. All purchases from outside the Council, disposal of surplus goods and concession contracts must comply with the Rules unless exempted under Rule 3.

4.6.1.5. No contract shall be made unless the appropriate Chief Officer is satisfied there is adequate budget provision and the consents to the expenditure have been obtained.

4.6.1.6. All Council employees and third parties employed by the Council to supervise procurement of its contracts shall conform to these Rules and to the Council's Financial Procedure Rules.

4.6.1.7. Schools governing bodies are recommended to follow these Rules as a model of good practice.

4.6.1.8. These Rules do not apply to:

1. the purchase of land and buildings,
2. the purchase of supplies, services and works by the Council from Six Town Housing Limited,
3. the purchase of services from Persona Care and Support Limited,
4. grants which the Council may receive or make (unless the Council apply the grant to buy supplies, services or works from outside the Council).

4.6.1.9. Guidance to these Rules will be issued by the Council. The Procurement Guidance shall be reviewed and varied from time to time.

Although the Procurement Guidance is not part of these Rules it does represent good procurement practice and should therefore be followed.

4.6.1.10. Officers have responsibility to demonstrate best value in all procurement activities and failure to comply with these Rules and to cause the Council to enter into a contract could be a disciplinary offence.

4.6.1.11. In these Rules any reference to any enactment, order, regulation or other similar instrument shall be construed as a reference to the enactment, order, regulation or instrument as amended, replaced, consolidated or re-enacted.

Definitions	
Term	Definition
Best Value	The Council's duty under Part 1 of the Local Government Act 1999 to secure continuous improvement in the way in which functions are carried out, having regard to economy, efficiency and effectiveness
Call-off Contracts	A purchase order with a supplier under a framework arrangement
Chief Officer	Those officers designated by the Council as such (currently the Chief Executive and Executive Directors of Communities and Wellbeing; Children, Young People and Culture and Resources and Regulation)
Conflict of Interests	An actual conflict, or a potential conflict, between the pecuniary or personal interests of an officer and the duties that the officer owes to the Council
Consortium Arrangement	A framework arrangement set up by a consortium which is available to the Council
Contract Value	The total estimated value of a contract for the full contract period (not annual value) including any possible extended period and in case of a Rolling Contract, the period of 48 months
Dynamic Purchasing System	A wholly electronic system set up to procure works, services and goods commonly available

Definitions	
Term	Definition
	on the market which provides for a mechanism for new suppliers to join
EC Treaty	The treaty establishing the European Union signed at Rome on 25 March 1957
EU Tender Procedure	Procedures for the procurement of contracts in accordance with the Public Contracts Regulations 2015
EU Thresholds	The contract values at which the Public Contracts Regulations 2015 apply - see the Procurement Guidance for current EU Threshold values
Framework Arrangement	Agreements with suppliers on agreed terms for a specific period for estimated quantities against which orders may be placed if and when required during the contract period
Most Economically Advantageous Tender (MEAT)	The evaluation or scoring of tenders using objective criteria where the resulting contract is awarded to the tender that achieves the highest score in that assessment
OJEU	The supplement to the official Journal of the European Union
Procurement Guidance	Guidance to these Rule and good procurement practice issued from time to time by the Council and published on the Council's intranet system
Public Contracts Regulations 2015	Regulations that govern public procurement procedures for contracts with a value over the current EU Thresholds
Rolling Contract	A contract that continues until an agreed period of notice is issued to bring it to an end

Definitions	
Term	Definition
Services Contract	The engagement of a person to provide services
Social Value	The concept of seeking to maximize the additional benefit that can be created by procuring or commissioning goods and services, above and beyond the benefit of merely the goods and services themselves
Supplies Contract	The purchase or hire of goods or materials
The Chest	The Council's electronic procurement portal for the advertisement, receipt of tenders and conducting the Council's procurement process

4.6.2. Exemptions from the Rules

4.6.2.1. The procurement of every contract shall comply with these Rules except:

4.6.2.2.4.6.2.2.

1. by direction of the Chief Executive.
2. contracts for emergency construction works at Council premises in accordance with procedures contained in Annex 1 to these Rules.

Grounds for an exemption by the Chief Executive

4.6.2.3. An exemption may be agreed by the Chief Executive if he/she is satisfied after considering a written report by the Head of Strategic Procurement that the exemption is justified because the nature of the market for the works to be carried out or the goods or services to be supplied has been investigated and is demonstrated to be such that:

1. there is only one person who is available or capable of carrying out the works or providing the goods or services, or
2. there are other circumstances which are so genuinely exceptional that the EC Treaty principles of fair competition, transparency and equality are not applicable.

Reporting an exemption

4.6.2.4. A record of the decision by the Chief Executive to approve an exemption and the reasons for it must be kept by the Head of Strategic Procurement.

EU Procedure

4.6.2.5. No exemption can be used for a contract where the EU Procedure applies.

4.6.3. Consortium and Framework Arrangements

4.6.3.1. The Council may be a party to a consortium purchasing arrangement or a framework agreement established by another local authority or a public sector purchasing organisation may be available to the Council.

4.6.3.2. Such a consortium or framework arrangement may be used where:

1. they provide Best Value for the Council compared with other available options.
2. if there is an option to hold a "Mini-competition" with suppliers on the framework the Council has investigated whether a mini - competition may provide better value for the Council.
3. the consortium or framework provider has its own contract procurement rules or standing orders which do not contravene EC Treaty principles and has procured the framework in accordance with those rules or orders.
4. the Council has verified that the framework documentation and terms for Call-off contracts are appropriate for use by the Council.

4.6.3.3. These Rules will not apply to contracts that comply with Rule 4.2 above.

4.6.3.4. If there is no suitable consortium or framework available to use the Council may set up a framework if it would provide better value. Such a framework must be procured in accordance with these Rules and where appropriate in accordance with the Public Contracts Regulations 2015.

4.6.4. Tendering Procedures

4.6.4.1. The table below sets out, for different contract values, the procurement procedure that must be followed to procure contracts, the minimum number of tenders that must be invited and how invitations to tender must be publicised.

Procedures applying to different contract values			
Contract value (from)	Contract value (to)	Competition Procedure	Procurement Procedure
£0	£999	An agreed price	The Chest if appropriate or as described in the Procurement Guidance. No publication of contract notice required
£1,000	£4,999	Minimum of three prices	The Chest if appropriate or as described in the Procurement Guidance. Price to be obtained may be oral, written or via suppliers website. No publication of contract notice required
£5,000	£49,999	Competitive written quotations based upon a request to quote. Minimum of three quotations. At least one Bury supplier to be included in the RFQ	The Chest. No publication of contract notice required
£50,000	Up to EU Threshold	Procedure that is proportionate, appropriate and compliant with these Rules and the Public Contracts Regulations 2015	Publication of contract notice on The Chest, Contract Finder and Specialist publication if appropriate
EU Threshold	above	Appropriate EU Tender Procedure	Publication of contract notice on The Chest, Contract Finder, OJEU , and Specialist publication if appropriate

4.6.5. Dynamic Purchasing System

4.6.5.1. A Dynamic Purchasing System may be set up using appropriate competition procedure.

4.6.6. Minimum number of tenders

4.6.6.1. The minimum number of quotations/tenders that should be invited is shown in the table at Rule 4.1. The number may be reduced where fewer contractors than the minimum have applied and are considered suitable, then all shall be invited to tender.

4.6.7. Tender and Contract Documentation

4.6.7.1. The tender and contract documents that must be issued to each contractor and the documents to be maintained to record the terms of the contract must be in the form set out in the Procurement Guidance.

4.6.8. Framework Call-off orders

4.6.8.1. Call-off contracts must comply with the procedure set out in the Framework Agreement and where appropriate the Public Contracts Regulations 2015.

4.6.9. Tendering Procedures above EU Thresholds

4.6.9.1. Where a contract or a framework that is to be procured by the Council has a value above an EU Threshold the contract and framework must be procured in accordance with the Public Contracts Regulations 2015.

4.6.10. Submission, Receipt and Opening of tenders

4.6.10.1. Tenders or quotations must be procured electronically via the Chest and must be opened by the appropriate Chief Officer where tenders have an estimated value under £75,000 and over that amount by the Assistant Director - Legal and Democratic Services or in each case by their nominated representative with details of each tender received being recorded on the portal.

4.6.10.2. Where the circumstances so warrant, the relevant procurement officer in consultation with the Head of Strategic Procurement may postpone for a reasonable period of time the closing date for the receipt of tenders, provided that all persons from whom tenders have been invited are notified by the same method and that no tenders have been opened.

4.6.11. Evaluating tenders

4.6.11.1. Evaluation criteria must be determined prior to commencing the procurement process and these criteria must form the basis for award of

contract. Weighting of criteria to indicate relative importance should also be identified at this stage and made known to the bidders.

4.6.11.2. Where the only discerning factor between products or solutions will be that of price (e.g. buying standard items) then price will be the most important criteria to award a contract.

4.6.11.3. In all other cases contracts must be awarded on the basis of the Most Economically Advantageous Tender, which balances price and quality considerations.

4.6.12. Alteration to tenders

4.6.12.1. There must be no alterations to a tender received after the specified time and closing date for tenders except:

1. if arithmetical errors are found in an otherwise successful tender, the tenderer should be notified that the error exists and should be requested to confirm or withdraw their tender in writing.
2. if the rates in the tender, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.
3. Post-tender clarifications and negotiations must comply with the Public Contracts Regulations 2015.

4.6.13. Awarding contracts

4.6.13.1. Provided that the appropriate Chief Officer is satisfied there is adequate budget provision and consents to expenditure have been obtained for a contract:

1. the Chief Officer concerned may accept quotations and tenders up to a value of £74,999. The acceptance must be recorded on an Operational Decision form, sent to the Head of Strategic Procurement and Democratic Services (for uploading onto the website);
2. tenders with a value above £75,000 shall only be accepted by the Assistant Director- Legal and Democratic Services or their nominated representative;
3. before any contract is awarded, an Operational Decision form must be completed and signed by the relevant Chief Officer and a copy sent to Legal and Democratic Services. On notification of the award of contract, the procuring officer shall ensure the publication of such award on Contract Finder in accordance with Public Contracts Regulations 2015;
4. the acceptance of quotations and tenders must be in writing;
5. for contracts above £25,000 each tenderer must be notified in writing of the outcome of the tender process

6. proper records of all procurement activity and sufficient documentation to justify decisions made at all stages of the procurement process are to be retained in electronic or hard copy format;
7. where the award of a contract is based upon MEAT the retained records and Operational Decision form must include details of the evaluation criteria used and the scoring of each tender in the objective assessment.

4.6.14. Conditions of contract

4.6.14.1. All written quotations and tenders with an estimated value over £5,000 shall use an appropriate model form of contract determined by the Assistant Director - Legal and Democratic Services.

4.6.14.2. Contracts with a value above £75,000 must be entered into formally in writing and shall either be sealed by the Council and attested by the Assistant Director - Legal and Democratic Services or their nominated representative or shall be signed as a deed by two officers nominated by the Assistant Director - Legal and Democratic Services;

4.6.14.3. The Assistant Director - Legal and Democratic Services shall keep a record of all model sets of conditions of contract to be used under these Rules with a copy on the Council's intranet.

4.6.15. Variations and extensions

4.6.15.1. Where the contract terms specifically allow for a variation or an extension a contract may only be varied or extended in accordance with the contract terms;

4.6.15.2. In any other circumstances a Chief Officer may vary or extend a contract after consulting the Head of Strategic Procurement and complying with the provisions of the Council's Financial Regulations;

4.6.15.3. A contract procured under the Public Contracts Regulations 2015 shall not be extended or varied without consulting the Head of Strategic Procurement.

4.6.16. Sale of land

4.6.16.1. Where land or premises are to be disposed of by competitive tender the procedure for receipt and opening tenders shall be in accordance with these Contract Procedure Rules.

4.6.16.2. Tenders must contain a declaration as to whether the person submitting the tender is a Member or Officer of the Council or whether so related.

4.6.16.3. A tender may be accepted by the appropriate Chief Officer after consulting with the appropriate Cabinet Member subject to the following conditions being met:

1. highest tender to be accepted except where the evaluation criteria are based upon MEAT in which case the tender that achieves the highest score in the assessment must be accepted;
2. where the evaluation criteria is based upon the highest tender the price represents the best price that could be reasonably obtained;
3. the tender accords with the "particulars/conditions of sale"; and
4. where the evaluation criteria are not based upon MEAT the tender does not include any non-financial considerations.

4.6.16.4. If any of the conditions in Rule 13.3 are not met or if the tender to be accepted is from a Member or Officer or a relative of such person the sale shall be determined by the Cabinet.

4.6.17. Sale of surplus goods

4.6.17.1. Surplus goods should be disposed of on a competitive basis as follows;

1. A minimum of 3 competitive bids must be invited if the goods have an estimated value greater than £5,000 and up to £25,000;
2. A minimum of 4 sealed bids must be invited if the goods have an estimated value greater than £25,000 or a sale by auction should be considered after consultation with the Head of Strategic Procurement;
3. The highest value unconditional bid received should be accepted unless in the view of the Head of Strategic Procurement a conditional bid offers better value to the Council.

4.6.18. Conflict of Interests

4.6.18.1. Every officer entitled to take part in the procurement of supplies, services or works who has a conflict of interest with any such procurement shall before the commencement of that procurement process make a written declaration of interests to the Head of Strategic Procurement.

4.6.18.2. The Head of Strategic Procurement may certify that such interests are acceptable otherwise the officer must not take any part in the procurement process and award of contract.

4.6.19. Concession contracts

4.6.19.1. Any procurement of a concession contract should be carried out in accordance with these Rules.

4.6.20. Consultants

4.6.20.1. Contracts for consultancy services shall be procured in accordance with these Rules;

4.6.20.2. Where the consultancy services require a consultant to supervise the procurement of a contract on behalf of the Council the consultant shall be required to comply with these Rules as though they were the appropriate Chief Officer concerned with the matter.

Annex 1

Procedure for arranging construction work of an emergency nature at Council premises

All procurement works are to be implemented in accordance with the Council's Contracts Procedure Rules and Financial Regulations.

Work of an emergency nature at a site up to the value of £2,000 may be awarded directly to a contractor at the discretion of the responsible officer (Surveyor/Engineer or their Line Manager).

Work of an emergency nature at a site, that after investigation, is deemed to be of a value or between £2,000 and £3,000 can also be awarded directly to a contractor at the discretion of the responsible officer (Surveyor/Engineer or their Line Manager) but only following consultation with the Service Manager or equivalent.

Works of an emergency nature include the following:

- Works which if not done pose an immediate risk to Health and Safety Work required to keep the building operational
- Urgent maintenance works (i.e. where further deterioration resulting in additional repair costs would occur if immediate action is not taken)
- Work required immediately following an act of vandalism or arson to make the premises secure

For works with an estimated value between £3,000 and £25,000 written quotations from a minimum of three contractors will be required. In situations where this will result in disruption and further delay, formal approval to award directly to a contractor will be obtained from the appropriate Chief Officer.

Works with an estimated value which exceeds £25,000 will require formal tenders.

All procedures relating to the placing of orders and subsequent payment of works will be in accordance with standard procedures.

All other works requiring formal tenders are to be carried out in accordance with the Contracts Procedure Rules and in accordance with standard procedures.

Section 7 - Financial regulations

4.7.1. Introduction

4.7.1.1. To conduct its business efficiently, Bury Council needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Authority.

4.7.1.2. These financial regulations provide clarity about the financial accountabilities of individuals - Cabinet Members, the Chief Executive, the Monitoring Officer, the Chief Finance Officer, and other Chief Officers. Each of the financial regulations sets out the overarching financial responsibilities.

4.7.1.3 These regulations should be read in conjunction with other internal regulatory documents that form part of the Council's Constitution. For example, the Medium and Long Term Financial Strategy, the Council's Procedure Rules, Schemes of Delegation, Terms of Reference of Overview and Scrutiny Committee and Article 4 of the Constitution which provides the meaning of the Council's budget. Additionally, Appendix A of these regulations sets out the Budget and Policy Framework Procedure Rules that also form part of the Council's Constitution.

4.7.2. Status of financial regulations

4.7.2.1. Financial regulations provide the framework for managing the authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.

4.7.2.2. The regulations identify the financial responsibilities of the full Council, Cabinet, Scrutiny Management and Resource and Performance Members, the Head of Paid Service (the Chief Executive), the Monitoring Officer, the Section 151 Officer and other Chief Officers. Cabinet Members and Chief Officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible Officers, such as school governors, references to the Chief Officer in the regulations should be read as referring to them.

4.7.2.3. All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

4.7.2.4. The Chief Finance Officer is the responsible Officer under S.151 of the Local Government Act 1972 and S.114 of the Local Government Finance Act

1988 for the proper administration of the financial affairs of the Council. The Financial Regulations have been designed to meet these legal requirements.

4.7.2.5. In order to meet these statutory responsibilities, the Chief Finance Officer is Head of Financial Services for the whole of the Authority and as such all staff who provide financial services are accountable to the Chief Finance Officer for the maintenance and promotion of the highest standards of financial management, integrity and administration in line with these Financial Regulations, the Accounts and Audit Regulations, Accounting Standards and Codes of Practice.

4.7.2.6. All accounting and financial systems operated by the Council shall be subject to minimum standards laid down by the Chief Finance Officer and any departure from using corporate financial systems may only be allowed after approval by the Chief Finance Officer.

4.7.2.7. The Chief Finance Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council and/or to the Cabinet Members.

4.7.2.8. For the purposes of these Regulations, "Chief Officer" shall include the holders of positions of Executive Director, Director and Chief Officers.

4.7.2.9. Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the Authority's financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.

4.7.2.10. Chief Officers are responsible for the control of resources within their department and shall exercise that control within the Standing Orders and Financial Regulations and any other decisions of the Council. Within their areas of responsibility they shall consult the Chief Finance Officer with respect to any matter which is liable materially to affect the finances of the Council before any provisional or other commitment is incurred or before reporting thereon to a Committee.

4.7.2.11. The Chief Finance Officer is responsible for issuing advice and guidance to underpin the financial regulations that Members, Officers and others acting on behalf of the Authority are required to follow.

4.7.3. Financial Regulation A: Financial Management

4.7.3.1. Introduction

Financial management covers all financial accountabilities in relation to the running of the Authority, including the Policy Framework and Budget.

4.7.3.2. The Full Council

The full Council is responsible for adopting the Authority's Constitution and Members' Code of Conduct and for approving the Policy Framework and Budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the Authority's overall framework of accountability and control. The framework is set out in its Constitution. The full Council is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions.

The full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those decisions delegated by and decisions taken by the Council and its Committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

The financial functions reserved for discharge by the full Council cover the following matters:

Part 1

- (a) To approve the Council's Revenue Budget and Capital Expenditure Programme
- (b) To set a Council Tax
- (c) To determine any matter involving expenditure not provided for in the Council's approved budget, subject to any agreed virement arrangements.
- (d) To fix Council house rents.
- (e) To approve any plan or strategy for the control of the Authority's borrowing or capital expenditure, including the adoption of a treasury management policy statement.
- (f) To approve policies and practices regarding the granting of a discretionary rate relief or remission of rates in accordance with Section 47 of the Local Government Finance Act 1988.

4.7.3.3. The Cabinet

The Cabinet is responsible for proposing the Policy Framework and Budget to the full Council, and for discharging Executive functions in accordance with the Policy

Framework and Budget. It is responsible for developing and implementing the Budget and for the allocation, management and control of the financial and other resources of the Council, within the Budget and Policy Framework approved by the Council. In it is also responsible for considering and making recommendations to the Council on the Revenue Budget and Capital Programme for each financial year and the setting of virement limits in accordance with Article 4 of the Council Constitution.

It also considers and makes recommendations to the Council on matters relating to the borrowing of money in accordance with Article 4 and the treasury management policy statement.

Executive decisions can be delegated to a Committee of the Cabinet, an individual Cabinet Member, an Officer or a Joint Committee.

The Cabinet is responsible for establishing protocols to ensure that individual Cabinet Members consult with relevant officers before taking a decision within his or her delegated powers. In doing so, the individual Member must take account of legal and financial liabilities and risk management issues that may arise from the decision. Appendix A details the financial implications and risk considerations that need to be taken into account when submitting a report to the Cabinet for a decision to be made.

Decisions on Executive functions are defined as:-

- Key Decisions
- Non-Key Decisions
- Operational Decisions

A 'Key Decision' is an Executive Decision (made by the Cabinet / Cabinet Member / Chief Officer acting in accordance with the responsibility for functions and delegations contained in Part 3 of the Council Constitution) if it comes within one or more of the following categories:-

1. It is likely to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.
2. It is likely to have a major impact on the day to day life of a community living or working in the Borough.
3. It forms part of the development of, or a change to, the Policy Framework or Budget.
4. It involves revenue expenditure or saving that is neither provided for within the Budget, nor virement permitted by the Constitution.
5. It involves capital expenditure that is estimated to exceed £500,000 or is not provided for within the approved Capital Programme.
6. It involves a significant reduction in or significant change to any service or facility provided by the Council, such reduction or change not being within the Policy Framework or Budget.

7. It consists of the declaration of land or property, the estimated value of which exceeds £500,000, as surplus to the Council's requirements.
8. It involves securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed £500,000.
9. It involves securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves, at considerations in excess of £500,000 per annum or a premium of £500,000.
10. Its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of Council employees or in a major restructuring of staffing resources.

4.7.3.4. Committees of the Council

Overview and Scrutiny Committee

The Overview and Scrutiny Committee is responsible for scrutinising Executive decisions before or after they have been implemented and for holding the Cabinet to account. The Committee is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Authority. It is particularly concerned with the Council's budget, the management of its budget, revenue borrowing and assets and its audit arrangements; the management of the Council's land and property portfolio; the provision, management and planning of financial, personnel and training, property, information technology, legal, democratic, corporate policy and research, grants to voluntary organisations, health and safety, emergency planning services/activities; Financial reporting on Competitive Services including Direct Labour Organisations, Building Services and Architectural Practice; Related Best Value Reviews and Communications and Community Development issues.

Audit Committee

The Audit Committee is an advisory body and reports to the full Council. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors. The Committee is responsible for approving, monitoring and reviewing internal and external audit plans and associated issues; receiving and considering on a quarterly basis details of internal audit reports undertaken by the Internal Audit Section; taking appropriate action to ensure the implementation and review of audit recommendations; dealing with any appropriate matter referred to the Committee by other bodies; approving the statement of accounts.

Standards Committee

The Standards Committee is established by the full Council and is responsible for promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising the Council on the adoption and revision of the Members' Code of Conduct and for monitoring the operation of the Code.

4.7.3.5. The Statutory Officers

The Chief Executive

The Head of Paid Service (Chief Executive) is responsible for the corporate and overall strategic management of the Authority as a whole. He or she must report to and provide information for the Cabinet, the full Council, the Scrutiny Management Committee and other Committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the full Council's decisions (see below).

Monitoring Officer

The Monitoring Officer (the Assistant Director of Legal and Democratic Services) is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

The Monitoring Officer must ensure that Cabinet decisions and the reasons for them are made public. He or she must also ensure that Council Members are aware of decisions made by the Cabinet and of those made by Officers who have delegated responsibility.

The Monitoring Officer is responsible for advising all Councillors and Officers about who has delegated authority to take a particular decision.

The Monitoring Officer is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the Policy Framework.

The Monitoring Officer (together with the Chief Finance Officer) is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- Initiating a new policy
- Committing expenditure in future years to above the budget level

- Incurring departmental transfers above virement limits
- Causing the total expenditure financed from council tax, grants and corporately held reserves to increase by more than a specified amount

The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

Chief Finance Officer

The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- Local Government Act 2000
- The Accounts and Audit Regulations 2015
- Local Government Act 2003

The Chief Finance Officer is responsible for:-

- the proper administration of the Authority's financial affairs
- setting and monitoring compliance with financial management standards
- provision of an internal audit service
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme
- treasury management

Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council, Cabinet and external auditor if the Authority or one of its Officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority
- is about to make an unlawful entry in the Authority's accounts

Section 114 of the 1988 Act also requires:

- the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- the Authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources - including legal advice where this is necessary - to carry out the duties under section 114

Section 25 of the Local Government Act 2003 (England and Wales) requires an Authority's Chief Finance Officer to make a report to the Authority when it is considering its budget and Council Tax. The report must deal with the robustness of the estimates and the adequacy of the reserves allowed for in the budget proposals, so Members will have authoritative advice available to them when they make their decisions. The section requires Members to have regard to the report in making their decisions.

The Accounts and Audit Regulations (England) 2015 came into effect on 1 April 2015. Under the Regulations:

- Authorities are responsible for ensuring that financial management is adequate and effective and that there is a sound system of internal control which facilitates the effective exercise of authorities' functions and which includes risk management arrangements
- the Chief Finance Officer must ensure that the accounting control systems determined by him are observed and that the accounting records of the body are maintained in accordance with proper practices and kept up to date
- Authorities must maintain adequate and effective systems of internal audit of their accounting records and systems of internal control in accordance with the proper internal audit practices.

Specifically the Authority's Chief Finance Officer shall be authorised to discharge any of the Council's functions in relation to financial matters including:-

- (a) the duties of the Chief Finance Officer
- (b) the administration of benefits
- (c) the collection of revenue (including debt recovery)
- (d) the administration of Council Tax and national non-domestic rates
- (e) internal audit
- (f) pensions
- (g) creditor payments
- (h) accountancy
- (i) the Council's insurance arrangements and risk management
- (j) the writing-off of debts from £2,001 to £5,000 with the Head of Revenues and Benefits being authorised to write-off debts of less than £2,000
- (k) the administration of payroll function
- (l) grants to the voluntary sector

(m) taking any action remitted to him/her under corporate policies and procedures

The Chief Finance Officer is also responsible for:-

(a) Ensuring lawfulness and financial prudence of decision making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to an Cabinet function and the council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully

(b) Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council

(c) Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice

(d) Providing Advice

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice

(e) Giving Financial Information

The Chief Finance Officer will provide financial information to the media, members of the public and the community

(f) Duty to provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and the Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in accordance with Section 5 of the Local Government and Housing Act 1989 and Section 114 of Local Government Finance Act 1988 respectively.

4.7.3.6. Chief Officers

Chief Officers are responsible for:

- ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer
- signing contracts on behalf of the Authority

It is the responsibility of Chief Officers to consult with the Chief Finance Officer and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred.

The Guidance Note on Reports which form part of the Supporting Guidance to the Consultation document, details the need for the full financial implications of the development/issue to be included separately in the report rather than appear in the main body of the report.

The Head of Finance in each Department will assist the Chief Officer with this work. Appendix A of these Regulations provides further details.

Additionally, a statement by the Chief Finance Officer on the financial and risk implications of the report and whether the proposals in the report ensure financial prudence in decision-making, probity in budgeting, avoid financial impropriety and comply with Policy led budgeting, must be included. The statement can only be completed by the Chief Finance Officer, Head of Financial Management or Service Heads of Finance and, in respect of the latter, subject to clearance by the Director or Head of Financial Management.

Consultations with the Chief Finance Officer must be carried out at the earliest possible stage and well in advance of the date the report is required to be submitted to Democratic Services to be uploaded onto the Committee Management System for inclusion on the appropriate Agenda. Statements requested less than 5 days before the date for receipt of reports may not be completed and the report is then at risk of not being placed on the agenda.

4.7.3.7. General delegations to officers in respect of financial matters

As detailed within the Council's Constitution.

Revenue Expenditure

- (a) To incur expenditure in respect of items included in approved revenue budgets, save to the extent to which the Council or the Cabinet have placed a reservation on any such item. Expenditure on any such reserved items may be incurred only when and to the extent that such reservation has been removed.
- (b) To incur expenditure within the Revenue Budget in accordance with the virement procedures and delegated limits set out in the Financial Procedure Rules in the Council Constitution.
- (c) In an emergency, to incur immediately necessary lawful expenditure which shall be reported to the Chief Finance Officer at the first opportunity.

Capital Expenditure

To incur expenditure on capital schemes in accordance with the arrangements set out in the Financial Procedure Rules in the Council Constitution.

4.7.3.8. Other financial accountabilities

Virement

Please see separate Scheme of Virement

Treatment of year-end balances

The full Council is responsible for agreeing procedures for carrying forward under and overspending on budget headings.

Accounting policies

The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are applied consistently in accordance with the Accounts and Audit Regulations 2015 and the Local Government Housing Act 1989. They will also follow the principles and form recommended by the Code of Practice on Local Authority Accounting issued by CIPFA and conform to CIPFA's Statement of Recommended Practice.

Accounting records and returns

The Chief Finance Officer is responsible for selecting accounting procedures and records for the Authority.

The Annual Statement of Accounts

The Chief Finance Officer is responsible for ensuring that the annual statement of account is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA / LASAAC). The full Council is responsible for approving the annual statement of accounts.

Chief Officers are responsible for the provision of information to the Chief Finance Officer in accordance with timescales and format set by the Chief Finance Officer and the external audit arrangements.

The Chief Finance Officer is responsible for the completion of all statutory financial returns and grant claims.

Advance Accounts and Assets

The Chief Finance Officer is responsible for the establishment and management arrangements of all advance accounts. Such accounts shall be maintained on the imprest system.

Chief Officers are responsible for the operation of advance accounts. On leaving the employment of the Council or otherwise relinquishing control of an advance account or other assets, an Officer shall account to the Chief Officer for the amount of the advance and return of assets.

Banking Arrangements

All arrangements with bankers shall be made by or under arrangements approved by the Chief Finance Officer, who shall be authorised to operate such banking accounts as are considered necessary. Schools operating their own bank accounts must obtain the approval of the Chief Finance Officer to the arrangements made.

All cheques shall be ordered only on the authority of the Chief Finance Officer who shall make proper arrangements for their safe custody. Cheques on the Council's main banking accounts shall bear the facsimile signature of the Chief Finance Officer or be signed by the Chief Finance Officer or other Officer(s) authorised to do so.

All disbursements shall be made through the Council's main banking accounts except where the Chief Finance Officer approves alternative arrangements.

Financial Advice

The Chief Finance Officer is responsible for providing financial advice to the Council on all those issues that are deemed corporate or which arise from the Chief Finance Officer's role as client/client agent for financial services.

The Chief Finance Officer has an overall responsibility to ensure that competent financial advice is provided to Committees and Departments. Chief Officers are responsible for ensuring that arrangements are in place to provide the financial advice and support needed to meet their requirements.

Local Management of Schools

The Chief Finance Officer is responsible for the financial scheme of delegation to schools under LMS. Whilst the Council's Financial Regulations apply to all activities and services variations may be approved by the Chief Finance Officer under the scheme of delegation. The responsibility for delegating budgets to schools by an approved formula rests with the Executive Director of Children's Services who has the power to withdraw such delegation.

Payment of Accounts

Apart from payments from advance accounts, the normal method of payment shall be by cheque drawn on the Council's banking account, or by direct bank transfer.

Chief Officers are responsible for the verification and certification in manuscript of invoices to ensure that:-

- (a) the work, goods or services to which the invoice relates have been received, carried out, examined and approved;
- (b) the prices, calculations, discounts and allowances, credits and tax are correct;
- (c) the relevant expenditure has been properly incurred and is within the relevant budget provision;
- (d) appropriate entries have been made in inventories or other records as required; and
- (e) the invoice has not previously been passed for payment and is a proper liability of the Council

Chief Officers are responsible for processing the approved invoices via the corporate creditors system and within any timetable approved by Council.

Charges for services provided must be processed to recipient budget holders accounts in accordance with approved procedures and with the prior knowledge and approval by the receiving budget holder.

Travelling, Subsistence and Financial Loss Allowances

All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted, duly certified by authorised Officers, to the Chief Finance Officer in accordance with timetables set by the Chief Finance Officer.

Payments to Members and Co-opted Members of the Council and its Committee will be made by the Chief Finance Officer in accordance with approved procedures.

Claims for the payment of car allowances must be submitted no later than six months after the period being claimed, except for teachers.

4.7.4. Financial Regulation B: Financial Planning

4.7.4.1 Introduction

The full Council is responsible for agreeing the Authority's Policy Framework and Budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

- the corporate plan
- the budget
- the capital programme

4.7.4.2 Policy framework

The full Council is responsible for approving the Policy Framework and Budget. The Policy Framework comprises the following statutory plans and strategies:

- (i) Those plans and strategies required by law:
 - Community Safety Plan;
 - Plans and alterations which together comprise the Development Plan documents;
 - Youth Justice Plan
 - Gambling Act 2005 - Policy Statement of Principles
 - Licensing Act Statement of Licensing Policy
- (ii) Those other plans and strategies which the Council has determined should be adopted by the Council as part of the Policy Framework:
 - Bury's Council Vision Purpose and Values 2015-2020
 - Code of Corporate Governance
 - Tenancy Strategy
 - Health and Well Being Strategy
 - Risk Management Annual Report
 - Growth Strategy 2017
 - Plans and Strategies which comprise the Housing Investment Programme;
 - Other plans and strategies determined by the Council

The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full Council by the Monitoring Officer.

The full Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

Preparation of the Corporate Plan

The Chief Executive is responsible for proposing the corporate plan to the Cabinet for consideration before its submission to the full Council for approval.

Preparation of the Best Value Performance Plan

The Deputy Chief Executive is responsible for proposing the Best Value Performance Plan (BVPP) to the Cabinet for consideration before its submission to the full Council for approval.

Preparation of the Medium Term Financial Strategy

The Chief Finance Officer is responsible for proposing the Medium Term Financial Strategy to the Cabinet for consideration before its submission to the full Council for approval.

4.7.4.3. Budgeting

Budget Format

The general format of the budget will be approved by the full Council and proposed by the Cabinet on the advice of the Chief Finance Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget Preparation

The Chief Finance Officer is responsible for ensuring that a Revenue Budget is prepared on an annual basis and a general Revenue Plan on a three-yearly basis for consideration by the Cabinet, before submission to the full Council. The full Council may amend the budget or ask the Cabinet to reconsider it before approving it.

The Cabinet is responsible for issuing guidance on the general content of the budget in consultation with the Chief Finance Officer as soon as possible following approval by the full Council.

It is the responsibility of Chief Officers to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.

Guidelines on Budget Preparation

Guidelines on budget preparation are issued to Members and Chief Officers by the Cabinet following agreement with the Chief Finance Officer. The guidelines will take account of:

- legal requirements
- medium-term and long-term planning prospects
- the corporate plan
- available resources
- spending pressures
- best value and other relevant Government guidelines
- other internal policy documents
- cross-cutting issues (where relevant).

The detailed form of capital and revenue estimates shall be determined by the Chief Finance Officer under the direction of the Cabinet.

Estimates of income and expenditure on revenue services and of receipts and payments on capital schemes shall be prepared by Chief Officers in consultation with the Chief Finance Officer who shall collate the estimates and reports to the appropriate Committees thereon.

The preparation of the corporate budget and advice on the setting of a Council Tax is the responsibility of the Chief Finance Officer.

Budget Monitoring and Control

The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis.

It is the responsibility of Chief Officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance Officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

Chief Officers are responsible for revenue and capital budget monitoring within the totals allocated in the corporate budget. Subject to any specific direction from the Cabinet, Chief Officers may transfer budget allocations within their Services as per the Scheme of Virement.

The Chair of the appropriate Committee or appropriate Member of the Cabinet or appropriate Lead Member shall be informed of any virements on a regular basis and shall be consulted on virement proposals involving key issue/development monies and budgets affecting other services of the Authority.

Chief Officers are responsible for ensuring that any overall overspendings at year end are recovered in the following year. Any overall underspendings at year end may be carried forward to the following year subject to the Cabinet's assessment of the corporate financial provision of the Council but in any case allowing a carry forward of 1% of net budget or £50,000 whichever is the greater.

Resource Allocation

The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full Council's Policy Framework.

Preparation of the Capital Programme

The Chief Finance Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Cabinet before submission to the full Council.

Upon the approval by the Council of a programme of capital expenditure Chief Officers shall be authorised:-

- (a) to take steps to enable land require for the purposes of the programme to be acquired in due time; and
- (b) to prepare a scheme and estimate including associated revenue implications for approval by the Cabinet.

4.7.4.4. Maintenance of Reserves

It is the responsibility of the Chief Finance Officer to advise the Cabinet and/or the full Council on prudent levels of reserves and balances for the authority as per the requirement of the Local Government Act 2003 and following g the CIPFA Guidance Note on Local Authority Reserves and Balances (LAAP Bulletin 55, February 2003).

4.7.5. Financial Regulation C: Risk Management and Control of Resources

4.7.5.1. Introduction

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

4.7.5.2. Risk Management

The Cabinet is responsible for approving the Authority's Risk Management Policy Statement and Strategy and for reviewing the effectiveness of Risk Management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.

The Chief Finance Officer is responsible for preparing the Authority's Risk Management Policy Statement, for promoting it throughout the Authority and for advising the Cabinet on proper insurance cover where appropriate.

Chief Officers are responsible for identifying and managing the risks within their own services.

4.7.5.3. Internal control

Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.

The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

The Chief Executive and Leader of the Council are responsible for producing the Statement of Internal Control each year as part of the Statement of Accounts.

4.7.5.4. Audit requirements

The Accounts and Audit Regulations 2015 issued by the Secretary of State for the Office of the Deputy Prime Minister require every Local Authority to maintain an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with proper internal audit practices.

The Chief Finance Officer shall arrange for an effective and independent internal audit function which operates in accordance with the principles embodied in CIPFA's UK Public Sector Internal Audit Standards, the National Audit Office's Code of Audit Practice, the Financial Reporting Council's Auditing Standards, and with any other statutory obligations and regulations.

The Chief Finance Officer or an authorised representative shall have authority to:

- (a) enter at all times onto any Council premises or land;
- (b) have access to all records, documents and correspondence relating to any financial and other transactions of the Council, including computer held information;
- (c) require and receive such explanations as are necessary concerning any matter under examination; and
- (d) require any employee and member of the Council to produce cash, stores or any other Council property under the employee's control.

The Public Sector Audit Appointments (PSAA) is responsible for appointing external auditors to each Local Authority. The basic duties of the external auditor are governed by Section 15 of the Local Government Finance Act 1982, as amended by Section 5 of the Audit Commission Act 1998.

Revised procedures for 'local audit' in England took full effect in the 2018-19 financial year. They were introduced by the Local Audit and Accountability Act

2014. 'Local audit' relates to the audit procedure which must be followed by local authorities amongst other related bodies.

The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

4.7.5.5. Preventing fraud and corruption

The Chief Finance Officer is responsible for the development and maintenance of an Anti-Fraud and Anti-Corruption Policy.

4.7.5.6. Assets

Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

4.7.5.7. Treasury management and trust funds

The Authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.

The full Council is responsible for approving the Treasury Management Policy Statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities.

The policy statement is proposed to the full Council by the Cabinet. The Chief Finance Officer has delegated responsibility for implementing and monitoring the statement.

All money in the hands of the Authority is controlled by the Officer designated for the purposes of Section 151 of the Local Government Act 1972, referred to in the Code as the Chief Finance Officer.

The Chief Finance Officer is responsible for reporting to the Cabinet a proposed Treasury Management Strategy for the coming financial year at or before the start of each financial year.

All Cabinet decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

The Chief Finance Officer is responsible for reporting to the Cabinet not less than four times in each financial year on the activities of the Treasury Management operation and on the exercise of his or her delegated Treasury Management powers. One such report will comprise an annual report on Treasury Management for presentation by 30 September of the succeeding financial year.

All investments of money under its control shall be in the name of the Council. Wherever possible all trust funds shall also be in the name of the Council.

4.7.5.8. Staffing

The full Council is responsible for determining how officer support for Executive and non-Executive roles within the Authority will be organised.

The Chief Executive is responsible for providing overall management of staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

Chief Officers are responsible for controlling total staff numbers by:

- advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels.
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.
- the proper use of appointment procedures.

4.7.5.9. Insurances

The Chief Finance Officer is responsible for effecting all insurance cover and shall negotiate all claims in consultation with Chief Officers as necessary. This also includes off-site insurance in respect of school trips etc.

Chief Officers shall give prompt notification to the Chief Finance Officer of all new risks, properties or vehicles which require to be insured and of any alternations affecting existing insurances. All Chief Officers shall undertake risk management in accordance with any guidance issued from time to time by the Chief Finance Officer.

Chief Officers shall promptly notify the Chief Finance Officer in writing of any loss, liability or damage or any event likely to lead to a claim.

The Chief Finance Officer shall annually, or at such other periods as may be considered necessary, review all insurances in consultation with other Chief Officers.

Chief Officers shall consult the Chief Finance Officer and the Council Solicitor requesting the terms of any indemnity which the Council is requested to give.

4.7.5.10. Inventories

Inventories shall be maintained by all departments recording furniture, equipment, plant and machinery. The extent to which property is recorded, and the form of inventory used, shall be agreed with the Chief Finance Officer. In addition Chief Officers must seek the approval of the Head of Information

Technology for all new information technology acquisitions, changes to equipment and alternations to maintenance contracts.

Chief Officers are responsible for arranging a complete check, at least annually, of all items recorded, for taking appropriate action in the event of any discrepancies, and for disposing of any surplus or obsolete items, and taking account of the Council's documents retentions policy. It is the responsibility of Chief Officers to ensure that all software used in their departments has a licence.

Council property must not be removed other than in connection with authorised Council business, and any such removal should be properly recorded.

4.7.5.11. Security

Chief Officers are responsible for maintaining proper security at all times for all buildings, contents, cash, computers and computer records under their control. They shall consult the Chief Finance Officer in any case where security is considered to be defective or where special security arrangements may be needed.

Maximum limits for cash holdings shall be agreed with the Chief Finance Officer.

Keys to safes and similar security receptacles are to be managed in accordance with guidance issued by the Chief Finance Officer.

Chief Officers are responsible for adhering to the corporate information Technology Security Policy and Procedures.

4.7.5.12. Stocks and stores

Chief Officers are responsible for the care and custody of all stocks and stores in their departments.

Stock levels shall not be carried in excess of normal requirements except in special circumstances authorised by the appropriate Chief Officer.

Chief Officers shall arrange for periodical test checks of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year.

The Chief Finance Officer shall be entitled to receive from each Chief Officer such information as he requires for accounting insurance and other purposes.

Chief Officers are responsible for the disposal of surplus or obsolete stocks in accordance with guidance issued by the Head of Internal Audit and Risk Management.

4.7.5.13. Contracts

All contracts shall be managed under guidelines issued by the Chief Finance Officer and the Council Solicitor.

All contracts on behalf of the Council shall be let in accordance with Standing Orders and must comply with European and competition legislation.

4.7.5.14. Orders for work, goods and services

Official orders shall be in a form approved by the Chief Finance Officer and the Council Solicitor and are only to be signed by Officers authorised by the appropriate Chief Officer who is responsible for the security of such order books.

Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments such as rents and rates, for petty cash or such other exceptions as approved by the Chief Finance Officer.

Each order shall conform to the directions of the Council with respect to central purchasing and the standardisation of supplies and materials.

Chief Officers shall keep records of authorised Officers and their signatures.

4.7.5.15. Unofficial and voluntary funds

Where an employee of the Council controls, by virtue of office, unofficial or voluntary funds, then the appropriate Chief Officer must ensure that adequate arrangements are made for the audit of those funds.

4.7.5.16. Gifts and hospitality

Chief Officers are responsible for ensuring that all employees, including themselves, follow the corporate guidelines and Code of Conduct on gifts and hospitality and on personal interests. In addition, guidance from professional institutes and other bodies must be followed in appropriate cases.

4.7.6. Financial Regulation D: Systems and Procedures

4.7.6.1. Introduction

Sound systems and procedures are essential to an effective framework of accountability and control.

4.7.6.2. General

The Chief Finance Officer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Corporate financial systems include:

- a) General Ledger, accounting and financial reporting
- b) Accounts Payable (Creditors)

- c) Accounts Receivable (Debtors and periodic income)
- d) Income accounting and recovery, including Council Tax and National Non Domestic Rates
- e) Payroll
- f) Housing Benefits

Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer. However, Chief Officers are responsible for the proper operation of financial processes in their own departments.

Any changes to agreed procedures by Chief Officers to meet their own specific service needs should be agreed with the Chief Finance Officer.

Chief Officers should ensure that their staff receive relevant financial training that has been approved by the Chief Finance Officer.

Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation. Chief Officers must ensure that staff are aware of their responsibility under Freedom of Information legislation.

4.7.6.3. Income and expenditure

It is the responsibility of Chief Officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Chief Officer's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their Authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

4.7.6.4. Income

The collection of all money due to the Council shall be under the supervision of the Chief Finance Officer. Given the statutory requirements in respect of VAT and financial reporting, all income must be recorded promptly in a manner approved by the Chief Finance Officer.

Chief Officers shall furnish the Chief Finance Officer with particulars of all cash income collected, all accounts rendered for the recovery of income due and all contracts, leases or other agreements which involve the receipt of money by the Council.

All money received on behalf of the Council shall, without delay, be paid to the Chief Finance Officer or as the Chief Finance Officer may direct to the Council's or other banking account.

No deduction may be made from such money unless specifically authorised by the Chief Finance Officer.

Every transfer of money from one employee to another shall be evidenced in the records of the department(s) concerned by the signature of the receiving employee.

All receipts, tickets, collection strips and other receipting devices shall be the responsibility of Chief Officers. They should be designed, ordered, printed, numbered and securely stored, registered and issued in a manner approved by the Chief Finance Officer.

The Chief Finance Officer is responsible for the setting aside of provisions for bad debts in accordance with statutory accounting practice. The Chief Finance Officer is responsible for writing off irrecoverable debts from £2,001 to £5,000; with the Head of Revenues and Benefits writing off debts of less than £2,000; and with write-offs above £5,000 being subject to approval by the Cabinet.

The setting of charge levels is a matter for the appropriate Committees, having regard to statutory, VAT and budget requirements, and Standing Order 58.

4.7.6.5. Payments to employees and members

The Chief Finance Officer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

The payments of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council shall be made by the Chief Finance Officer or under arrangements approved and authorised by the Chief Finance Officer.

The maintenance of employee salary, wages etc., records are subject to statutory requirements and shall be subject to minimum standards laid down by the Chief Finance Officer.

Chief Officers shall promptly notify the Chief Finance Officer in the form prescribed, of all matters affecting the payment of salaries, wages etc. All payroll documents shall be certified in manuscript by or on behalf of Chief Officers.

Chief Officers are responsible for ensuring that any termination of employment is in accordance with corporate policy and for the financial consequences so arising.

Chief Officers shall keep records of authorised officers and their signatures.

4.7.6.6. Taxation

The Chief Finance Officer is responsible for advising chief officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

The Chief Finance Officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate, and for all VAT and other taxation accounting arrangements.

4.7.6.7. Trading accounts / Business units

It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units.

4.7.7. Financial Regulation E: External arrangements

4.7.7.1. Introduction

The Local Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

4.7.7.2. Partnerships

The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The Cabinet can delegate functions - including those relating to partnerships - to Officers. These are set out in the scheme of delegation that forms part of the Authority's constitution. Where functions are delegated, the Cabinet remains accountable for them to the full Council.

The Chief Executive represents the Authority on partnership and external bodies, in accordance with the scheme of delegation.

The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority.

The Chief Finance Officer must ensure that the accounting arrangements (including the development of financial rules and regulations) to be adopted relating to partnerships with Greater Manchester Police and Fire Authorities, Six

Town Housing, Persona, Bury Primary Care Trust and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies, including contracts with voluntary organisations. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

4.7.7.3. External funding

The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

4.7.7.4. Work for third parties

The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies.

Appendix A

Financial implications and risk considerations for reports for the Cabinet

You will need to separately identify the revenue and capital costs, where applicable, together with their sources of funding e.g. existing budgetary provision, virement from another budget, bid for resources (budget pressure) etc., for the current financial year and the following 2 financial years. This is in line with the requirements of the Prudential Code. Affordability of the development/issue is critical and for the following 2 years you will also need to consider the possible effect on Council Tax where there are considerable revenue implications, together with highlighting any savings that may arise from the development / issue.

Revenue

You will need to provide a suitable breakdown of the type of expenditure and income, together with a total for both expenditure and income.

For example, standard groupings include:-

- **Employees** - salaries and wages; employers NI and superannuation contribution; agency staff; employee expenses; advertising costs etc.

- **Premises related expenditure** - e.g. energy costs; rents; rates; water services; fixtures and fittings; cleaning and domestic supplies etc.
- **Transport related expenditure** - staff travelling expenses; car allowances; public transport; contract hire and operating leases etc.
- **Supplies and services** - including equipment, furniture and materials; catering; printing, stationery and general office expenses; communications and computing; grants and subscriptions
- **Third Party payments** - payments to external providers or internal service providers. Can include: - payments to health authorities, government departments, other local authorities, joint authorities
- **Capital charges** - this records the revenue impact of capital items in the revenue account of a department.
- **Income** - e.g. government grants; customer and client receipts; contributions from other parties e.g. other local authorities, organisations

Highlight in these amounts those which are one-off costs/sources of funding and those which are ongoing costs/sources of funding.

Capital

For schemes over £250,000 a project brief will need to be completed for approval by the Cabinet.

For expenditure you will need to break down the costs between works costs; fees/ salaries; furniture and equipment; land acquisition costs etc. For the sources of funding you will need to identify whether the source is government grant, capital receipts, loan, revenue reserves, external funding etc.

Risk considerations

You will need to consider and highlight the risks and hazards that the Council/ Department may be faced with in connection with the development/issue.

Such risks and hazards can be:-

- **Legal** - associated with current or potential changes in national or European legislation, or possible breaches of legislation.
- **Competitive** - those affecting the competitiveness of the service.
- **Social** - those relating to the effects of changes in demographic, residential or socioeconomic trends on the organisations ability to deliver its objectives.
- **Financial** - connected with financial planning and adequacy of insurance cover and internal funds.
- **Physical** - those related to fire, security, accident prevention and health and safety.
- **Reputational** - those relating to the Council's reputation and the public's perception of its effectiveness and efficiency.

- **Environmental** - those relating to pollution, noise or energy efficiency.
- **Technological** - those relating to reliance on operational equipment e.g. IT systems or equipment and machinery, plus those associated with the Council's capacity to deal with the pace and scale of technological change.
- **Contractual** - those associated with the failure of contractors to deliver services or products to the agreed cost and specification.
- **Customers/Clients** - those associated with the failure to meet the current and changing needs and expectations of customers and

This page is intentionally left blank

Section 8 - Officer Employment Procedure rules

(Standing Orders relating to Staff)

4.8.1. Recruitment and Appointment

(a) *Declarations*

(i) The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.

(ii) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

(b) *Seeking support for appointment*

(i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(ii) No Councillor will seek support for any person for any appointment with the Council.

4.8.2. Recruitment of Head of Paid Service and Chief Officers

(i) Where the Council proposes to appoint a Chief Officer from amongst its existing officers the Executive Director of the department concerned should:

(a) Consult with the appropriate Cabinet Member(s) and prepare a report to the Employment Panel with the rationale, evidence around existing officers' suitability and why it is not considered necessary to advertise externally.

(b) If agreed, expressions of interest would be sought from relevant existing Officers outlining how the criteria for the role are met and a shortlist will be prepared.

(c) An appointment process will follow as outlined below.

(ii) If it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed.

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a)

above to be sent to any person on request.

(d) follow an appropriate recruitment process as outlined below.

4.8.3. Appointment of Head of Paid Service

(a) The full Council must confirm the appointment of the Head of Paid Service following the recommendation of such an appointment by a sub-group of the Employment Panel with the Leader of the Council as a full member of the Appointment Panel.

(b) An offer of an appointment as Head of Paid Service must not be made by the Council until:

(i) The Council has notified the Director of People and Inclusion of the name of the person to whom the Council wishes to make the offer and of any other particulars which the Council considers are relevant to the appointment;

(ii) The Director of People and Inclusion has notified (for information) every member of Cabinet of:

(a) the name of the person to whom the Council wishes to make the offer;

(b) any other particulars relevant to the appointment which the Council has notified to the Director of People and Inclusion;

(iii) and the Director of People and Inclusion seeks agreement on the appointment from a meeting of Full Council.

4.8.4. Appointment of Chief Officers and Deputy Chief Officers

(a) A sub-group of the Employment Panel of the Council will appoint Chief Officers and Deputy Chief Officers, with the relevant Member(s) of the Cabinet as full member(s) of the Appointment Panel for these purposes.

(b) The Chief Officer and Deputy Chief Officers posts subject to Rule 4 of the Officer Employment Rules are as defined in Section 2 of the Local Government and Housing Act 1989.

4.8.5. Other Appointments

(a) Officers below Deputy Chief Officer

The appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

(b) Assistants to political groups

The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

4.8.6. Disciplinary Action - Head of Paid Service, Monitoring Officer and Chief Finance Officer

(To be considered in conjunction with the Disciplinary Procedure for Head of Paid Service, Section 151 Officer and Monitoring Officer - Appendix A)

(1) The Head of Paid Service, Monitoring Officer and S151-Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will be reviewed after two months.

(2) The Council must approve the dismissal or other disciplinary action in relation to the Head of Paid Service, the Monitoring Officer or the S151-Chief Finance Officer following the recommendation of dismissal or disciplinary action by the Employment Panel (the Investigating and Disciplinary Committee - IDC) and an Independent Panel.

(3) The requirement to set up an Independent Panel is in accordance with the Local Authorities (Standing Orders) England Regulations 2015, the requirements of which are set out in Schedule 3 including who can sit on the Panel.

(d) The IDC will set up an initial meeting to inform the officer of the allegation, hear any representations and evidence from the officer and determine whether or not there is a case to answer. If it is determined that there is a case to answer an independent investigator will be appointed.

(e) Following receipt of the investigation report the IDC will conduct a Hearing to consider the findings/ recommendations, hear the officer's case and question any witnesses.

(f) If a disciplinary sanction/dismissal is proposed the Panel will notify the Director of People and Inclusion who will, through Democratic Services, notify every Member of the Cabinet of the name of the person and relevant details of the sanction or dismissal and give the opportunity for them to object/period of time to do this.

(g) Objections should be made through the Leader on behalf of the Cabinet to the Director of People and Inclusion; and either:-

(i) the Leader has, within the period specified in the notice under Rule 6(d)(ii)(c), notified the Panel that neither he/she nor any other Member of the Cabinet has any objection to the making of the offer;

(ii) the Director of People and Inclusion has notified the Panel that no objection was received within that period from the Leader; or

(iii) the Panel is satisfied that any objection received from the Leader/Cabinet within that period is not material or is not well founded.

(h) The IDC's proposed decision will then be put to an Independent Panel:

(4) The Independent Panel will be established comprising of two or more independent panel members:

- an independent person appointed by the Council who is a local government elector
- any other independent person appointed by the Council
- an independent person who has been appointed by another Council
- The Panel will:
 - hear the evidence of the investigator
 - hear oral representation from the officer
 - hear evidence from any witnesses
 - hear the response/proposals from the IDC

The Panel will consider all of the evidence and review the proposed decision from the IDC. A report will be prepared by the Independent Panel for Council with a clear recommendation as to whether or not they feel the officer should receive a disciplinary sanction or be dismissed. If they disagree with the IDC's proposals to issue a disciplinary sanction or dismiss, the report should include a clear rationale of the reasons why.

If the Panel are in agreement with the IDC's proposals the officer should be informed of this in writing and given the right of appeal.

(5) Under the 2015 regulations any decision to issue a disciplinary sanction or dismiss will be taken by full Council, who will take into account any advice, views or recommendations of the Independent Panel.

A special meeting of Council will be set up by Democratic Services and will take place at least 20 working days after the meeting of the Independent Panel.

At the meeting, which will also act as the officer's appeal if they have appealed, the case will be reviewed (a full re-hearing will not take place).

In addition:

- the officer will make representation first as this will effectively be their opportunity to appeal
- the advice, views and recommendations of the Independent Panel will be taken into consideration
- the conclusions from the investigation will be considered

Council may decide:

- to remove the disciplinary sanction or determine a lesser sanction
- to overturn the dismissal and award a lesser sanction (formal warning or action short of dismissal)
- to confirm the disciplinary sanction or dismissal of the officer

Decisions must be approved by way of a vote.

4.8.7. Disciplinary Action - Chief Officers and Deputy Chief Officers (other than the Head of Paid Service, Monitoring Officer and Chief Finance Officer)

(a) The Employment Panel shall approve the dismissal of or other disciplinary action in relation to Chief Officers and Deputy Chief Officers (other than the Head of Paid Service, Monitoring Officer or the Chief Finance Officer).

(b) Notice of the dismissal of the Chief Officer or Deputy Chief Officer (other than the Head of Paid Service, Monitoring Officer or the Chief Finance Officer) must not be given by the Director of People and Inclusion until:

(i) the Panel has notified the Director of People and Inclusion of the person who the Panel wishes to dismiss and other particulars which the Panel considers are relevant to the dismissal;

(ii) the Director of People and Inclusion has notified every Member of the Cabinet of;

(a) the name of the person who the Panel wishes to dismiss;

(b) any other particulars relevant to the dismissal which the Panel has notified to the Director of People and Inclusion; and

(iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Director of People and Inclusion and; Either:

(i) the Leader has, within the period specified in the notice under Rule 7(b)(ii)(c), notified the Panel that neither he/she nor any other Member of the Cabinet has any objection to the dismissal;

(ii) the Director of People and Inclusion has notified the Panel that no objection was received by him within that period from the Leader; or

(iii) the Panel is satisfied that any objection received from the Leader/Cabinet within that period is not material or is not well founded.

4.8.8. Disciplinary Action - Other Officers

Other than hearing Appeals against dismissal, Councillors shall not be involved in the dismissal of or disciplinary action in relation to any Officer below Deputy Chief Officer except where such involvement is necessary for any investigation or enquiry into alleged misconduct and also through the Council's Disciplinary, Capability and Related Procedures as adopted from time to time, which may allow a right of appeal to Members in respect of such action.

Appendix A

Disciplinary Procedure for Head of Paid Service, Section 151 Officer and Monitoring Officer

Background

The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) provide a degree of protection for chief executives and certain statutory chief officers (section 151 and monitoring officers) against unwarranted political interference in their roles as Head of Paid Service, Section 151 Officer and Monitoring Officer.

These changes have been incorporated into the Council Constitution and new procedures are required to be formalised.

Scope

This procedure sits alongside the Model Disciplinary Procedure and Guidance as outlined in the Joint Negotiating Committee for Local Chief Executives National Salary Framework and Conditions of Service Handbook (updated 13 October 2016) and will be used to manage the disciplinary process for the Head of Paid Service, Section 151 Officer and Monitoring Officer.

Should any cases involving allegations against any of these three officers also implicate other officers and there is one investigation, this higher level procedure will be used for all officers under investigation.

Where the procedure refers to a Hearing, the process will follow the Council's Hearing Procedure.

Democratic Services, in conjunction with HR, will be responsible for arranging all meetings / hearings.

Right to be accompanied

The JNC procedure provides that at all stages, officers have the right to be accompanied by a trade union representative or some other person of their choice at their own cost. The only exception being, if an emergency suspension needs to take place where there is a serious risk identified.

The disciplinary procedure cannot be delayed, however, due to the unavailability of representative although every effort will be made to arrange dates that are mutually convenient.

The statutory right to be accompanied applies in disciplinary hearings where decisions around disciplinary action, a disciplinary sanction or an appeal are

taken. In these cases should the officer's representative be unavailable to attend we will postpone the Hearing for up to a week when the Hearing will go ahead regardless of the representative's availability.

Informal Resolution

If possible, an informal resolution should be sought and the Council will pay full regard to the principles within the ACAS handbook. The advice of the Joint Secretaries may also be sought. Formal action should be a last resort.

Formal Procedure

Suspension

The decision to suspend the Chief Executive, S151 Officer or Monitoring Officer must be considered carefully taking into account the nature of the allegations, the effect on the officer and potential reputational damage to the Council.

The Deputy Chief Executive has delegated authority to suspend in relevant circumstances in conjunction with the Leader of the Council and relevant Cabinet Member. Suspension should be reviewed by the IDC after 2 months.

Investigating and Disciplinary Committee - initial meeting

As part of the procedure, an Investigating and Disciplinary Committee (IDC) is required to be set up. This committee will be politically balanced and will consist of a panel of five members, including at least one cabinet member. Members appointed to the panel should have no prior knowledge or conflicts of interest in the case/officer involved.

Prior to the initial meeting, the Council should shortlist three people (or less if three are not available) from a list of independent investigators held by the Joint Secretaries to conduct an investigation should the IDC decide that this is the appropriate way forward.

The IDC's initial role will be to inform the officer of the allegations in writing, providing any evidence that might require investigation. The officer will be invited to put forward any written representations and evidence to the meeting (this includes any written evidence from witnesses they wish to be considered at this stage). The officer will also be invited to attend the meeting to make oral representations. If they do not attend their written representations will be taken into account.

At the meeting, the IDC will consider any evidence presented by the officer, either in writing or in person, and determine if it is appropriate to call the witnesses at this stage before any decision is taken. The IDC may decide:

- no further formal action is taken, or
- there is a case to answer and an investigation is required, or

- to consider other actions (for example mediation, use of a different procedure, mutual termination etc.)

If the IDC decides that there is a case to answer they will appoint an independent investigator.

They will also consider if it is appropriate to suspend the officer. If the officer has already been suspended under emergency powers, the IDC will review the decision to determine whether or not the suspension stands. Suspension will be further reviewed by the IDC after 2 months.

The officer will be informed of the decision in writing.

Investigation

The Joint Secretaries hold a list of independent investigators. Once the options of independent investigators from the list are determined suitable by the Council, the officer will be invited to select an investigator from the list (if no selection is made within 14 days of the names being supplied the Council should select an investigator from the list).

The role of the investigator will be to establish the facts and collate evidence. The investigation should remain confidential, impartial, and should be speedy and thorough.

The investigator will prepare a report to the IDC outlining:

- the facts of the case
- findings and evidence
- their opinion as to whether or not they believe that the evidence gathered supports the allegation and the need for disciplinary action to be taken
- their recommendations as to what disciplinary action they believe to be appropriate

IDC - Hearing

On receipt of the investigation report, the IDC will conduct a Hearing which will:

- consider the findings, report and recommendations of the independent investigator including any new material evidence material to the allegations
- give the officer the opportunity to state their case
- question any witnesses where relevant The

IDC may decide on the following outcomes:

1. No further action should be taken - the officer should be informed and appropriate communication prepared to ensure no damage to the officer's reputation
2. The issue should be resolved informally or through another procedure

3. The case should be referred back to the investigator for further investigation - this should be only when it is absolutely necessary in order to make a decision (for example to investigate any new evidence)
4. To take action short of dismissal (ie to issue a disciplinary sanction) - the officer should be notified of this and given the right of appeal
5. To recommend to Council to dismiss the officer

Where the IDC proposes to recommend to dismiss the officer, the Leader and all members of the Cabinet should be informed and given the opportunity to object. This part of the process should be carried out by the Deputy Chief Executive in conjunction with Democratic Services and any objections from the Cabinet should be made through the Leader.

The IDC will then reconvene to consider any objections and reaffirm their proposed recommendations to dismiss.

The IDC's proposed recommendations to dismiss should then be put to an Independent Panel.

The IDC will reconvene once the report from the independent panel is received to consider the recommendation to dismiss. If the recommendations to dismiss do not change, the officer will be informed of the decision at this point and given the right to appeal. This will be to full Council.

Should the IDC decide not to dismiss, other options should be considered (see above IDC outcomes).

Independent Panel

If a recommendation to dismiss is made by the IDC an Independent Panel (IP) will be established comprising of three independent panel members (or at least 2) who are:

- an independent person appointed by the Council who is a local government elector in this borough
- an independent person appointed by the Council for the purpose of the Council members conduct regime under the Localism Act 2011
- an independent person appointed by another Council for the purpose of the Council members conduct regime under the Localism Act 2011

The IP will be held in accordance with the Council's Hearing Procedure and will take place at least 20 working days before the meeting of the Council. The IP will offer advice, views or recommendations to the Council at which the recommendation for dismissal will be considered. It will:

- receive the IDC recommendations and reasons - presented by the Chair of the IDC
- receive the report from the independent investigator, who will be invited

to the IP to provide clarification if required

- receive oral/written representations from the officer, who will be invited to attend
- hear evidence from any witnesses
- ask questions of either party

The IP will consider all of the evidence and formulate any advice, views or recommendations it wishes to make to Council on the proposal to dismiss the officer. A report will be prepared for the IDC / Council. If they disagree with the IDC's proposals to dismiss, the report should include a clear rationale of the reasons why.

least one cabinet member and will comprise of five elected members who were not members of the IDC.

Its purpose is to hear the officer's representation and review the case/decision taken by the IDC, IP and consider the investigation report along with any other evidence relating to the case. They will also conduct any further investigations necessary to enable them to reach a decision.

The Panel may decide:

- to confirm the sanction given
- no sanction should be given - communications should be agreed with the officer to ensure as far as possible no damage to their reputation)
- a lesser sanction should be given

The decision of the Appeals Committee is final.

The Code of Conduct

Part 1 General Provisions

1. Introduction and Interpretation

1.1. This Code applies to you as a member of the Council.

1.2. It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and /or disqualification from office for a period of up to 5 years. In this Code - "meeting" means any meeting of:

- (a) the Council;
- (b) any of the Council's committees or sub-committees, joint committees or joint sub-committees;
- (c) the Cabinet or any committee of the Cabinet.

1.3. "Member" includes a co-opted member and an appointed member.

2. Scope

2.1. Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you are acting as a member or co-opted member of the Council or an appointed member of a joint committee, and, references to your official capacity are construed accordingly.

2.2. This Code does not have effect in relation to your conduct other than where it is in your official capacity.

2.3. Where you act as a representative of the Council:

- (a) on another relevant authority, including the Greater Manchester Combined Authority, the Greater Manchester Fire & Rescue Authority and the Greater Manchester Waste Disposal Authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General Obligations

3.1 You must not:

- (a) do anything which may knowingly cause the Council to breach the Equality Act 2010;

- (b) bully or be abusive to any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
- (e) behave in a way that a reasonable person would regard as disrespectful.

4.

You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5.

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

6.

You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with the Council's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7.

- (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
 - (a) The Council's chief finance officer; or
 - (b) The Council's monitoring officer, where that officer is acting pursuant to his or her personal statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Disclosable Pecuniary Interests

8. Notification of Disclosable Pecuniary Interests

8.1 Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

8.2 A 'disclosable pecuniary interest' is an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

8.3 "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Notification of Disclosable Pecuniary Interests	
Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992 (a)

Notification of Disclosable Pecuniary Interests	
Subject	Description
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Council - (a) under which goods or services are to be provided or works are to be executed: and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of Bury Metropolitan Borough Council
Licences	Any licence (alone or jointly with others) to occupy land in the area of Bury Metropolitan Borough Council for a month or longer
Corporate Tenancies	Any tenancy where (to your knowledge) - (a) the landlord is the Council: and (b) the tenant is a body in which you or your partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where - (a) that body (to your knowledge) has a place of business or land in the area of Bury Metropolitan Borough Council; and (b) either - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class

8.3 For the purposes of the above:

- (a) "a body in which you or your partner has a beneficial interest" means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest.

- (b) "director" includes a member of the committee of management of an industrial and provident society.
- (c) "land" excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income, and
- (d) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

9. Non Participation in Case of Disclosable Pecuniary Interest

9.1 If you are present at a meeting [of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, or the executive or committee of the executive] and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

- (a) You must not participate in any discussion of the matter at the meeting.
- (b) You must not participate in any vote taken on the matter at the meeting.
- (c) If the interest is not registered, you must disclose the interest to the meeting.
- (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

9.2 Where a Cabinet member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Cabinet member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

10. Offences

10.1 It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an Cabinet Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest

- As a Cabinet Member discharging a function acting alone, and having a disclosable pecuniary interest in a matter, taking any steps in relation to such a matter.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

10.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Part 3 - Other Interests

11. Notification of Personal Interests

11.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of -

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 11(2) below for inclusion in the register of interests.

11.2 You have a personal interest in any business of your authority where it relates to or is likely to affect -

- (a) any body of which you are in a position of general control or management and to which you are appointed or nominated by your authority;
- (b) any body -
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are in a position of general control or management;
- (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least [£100]

12. Disclosure of Interests

12.1 Subject to paragraphs 12.4 to 12.7, where you have a personal interest described in paragraph 11.2 above or in paragraph 12.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

12.2 You also have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward, affected by the decision.

12.3 In paragraph 12.2, a relevant person is:

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in paragraph 11.2(a) or (b).

12.4 Where you have a personal interest in any business of the Council which relates to or is likely to affect a body described in paragraph 11.2(a) or 11.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

12.5 Where you have a personal interest in any business of the Council of the type mentioned in paragraph 11.2(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

12.6 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

12.7 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

13. Non Participation in Case of Prejudicial Interest

13.1 Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

- (a) affects your financial position or the financial position of a person or body described in paragraph 12.3 ;or

- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12.3.

13.2 Subject to paragraphs 13.3 and 13.4, where you have a prejudicial interest in any business of your authority:

- a) You must not participate in any discussion of the matter at the meeting.
- b) You must not participate in any vote taken on the matter at the meeting.
- c) If the interest is not registered, you must disclose the interest to the meeting.
- d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days

13.3 Where you have a prejudicial interest in any business of the Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

13.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of:

- (a) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and
- (c) any ceremonial honour given to members.
- (d) housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
- (e) an allowance, payment or indemnity given to members;
- (f) setting council tax or a precept under the Local Government Finance Act 1992

13.5 Where, as a Cabinet Member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

14. Interests Arising in Relation to Overview and Scrutiny Committees

In any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive/Cabinet or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the Executive/Cabinet, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken

You may attend the meeting of the overview and scrutiny committee for the purpose of explaining the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

Part 4 - General Matters Relating to Parts 2 and 3

15. Register of Interests

Subject to paragraph 16 any disclosable pecuniary interests or personal interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

16. Sensitive interests

This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. In these circumstances, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

17. Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

This page is intentionally left blank

Section 2 - Employees' code of conduct

Local Employees/Officers' Code of conduct, consistent with a model code yet to be issued by the Secretary of State, will be inserted here in due course.

1.0 Standards

1.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of their immediate supervisor any deficiency in the provision of service. Employees must report to their immediate supervisor or the Director of Personnel any impropriety or breach of procedure.

2.0 Disclosure of Information

2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public.

2.2 Committee agendas and most reports and background papers are required by law to be available for public inspection. Detailed guidance is available from the Director of Legal and Democratic Services. Obstruction of a Member of the public who wishes to exercise these rights is a criminal offence.

2.3 No employee shall communicate to the public the proceedings of any 'closed' Committee or meeting associated with the business of any Committee, nor the content of any document relating to the authority, unless required by law or expressly authorised by the Chief Executive to do so. Employees making unauthorised communications shall render themselves liable to disciplinary action.

2.4 Employees should follow any specific ground rules adopted by the authority in relation to commercially sensitive information, particularly with regard to Compulsory Competitive Tendering (CCT).

2.5 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority such as details of her/his marital/domestic arrangements, should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3.0 Political Neutrality

3.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

3.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

3.4 Should the authority decide to appoint political assistants in accordance with the Local Government and Housing Act 1989 these employees would be exempt from the standards set in paragraphs 3.1 to 3.3.

4.0 Relationships

4.1 **Councillors** - Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

4.2 **The Local Community and Service Users** - Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

4.3 **Contractors** - All relationships of a business or private nature with external contractors or potential contractors, should be made known to your immediate supervisor and shall be recorded in a book to be kept for that purpose by the Chief Executive which shall be available for inspection by Members of the Council. Orders and contracts must be awarded on merit by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their immediate supervisor and this should be recorded in the book kept for that purpose by the Chief Executive.

5 Appointment and Other Employment Matters

5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her. Where a Senior Officer has power to engage an employee he or she shall not appoint any relative to such a position without first referring the proposed appointment to the Committee concerned.

5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6.0 Outside Commitments

6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests. Employees are advised to discuss any such issues with their immediate supervisor. Apart from those employees whose conditions of service require them to obtain written consent to take any outside employment, it is not intended that employees be prevented from taking outside employment except where such employment would conflict with the authority's interests.

6.2 Employees should have regard to the ownership of intellectual property or copyright arising out of and during the course of their employment and act in accordance with any rules of the authority which may be in force.

7.0 Personal Interests

7.1 Employees must declare to their immediate supervisor any non-financial interests that they consider could bring about conflict with the authority's interests.

7.2 Employees must declare to their immediate supervisor any financial interests which could conflict with the authority's interests.

7.3 In the case of any matter under consideration by the Council or any other application to the Council where employees or any close relative have a personal interest, whether pecuniary or otherwise, they should, if such matter or application falls to be dealt with by the Department in which they are employed, inform their immediate supervisor of their interest as soon as they become aware of the matter or application concerned. The immediate supervisor must

then ensure that all aspects of the matter or application are conducted or supervised by an employee more senior to the individual who has declared the personal interest. On no account must employees be directly involved in the processing of any matter or application in which they or any close relative have a personal interest.

7.4 The definition of a close relative shall be as set out in the Supplemental Conditions of Service for APT & C Staff (Appendix H). A copy of the Supplemental Conditions is available for inspection in your Department.

7.5 Employees should declare to their immediate supervisor membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

7.6 Any declarations referred to in Section 7 shall be recorded in a register kept for that purpose by the employees Chief Officer for inspection by Members of the Council.

8.0 Equality Issues

All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

9.0 Separation of Roles During Tendering

9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness and at time discretion and confidentiality.

9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors, in accordance with any policies and rules determined by the Council, particularly in relation to Compulsory Competitive Tendering.

9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform their immediate supervisor and withdraw from the contract awarding processes.

9.5 Employees should ensure that no special favour is shown to current

or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10.0 Use of Financial Resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money for the Council and to the local community and to avoid legal challenge to the authority.

11.0 Corruption

11.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If charged with this offence it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11.2 Rewards corruptly obtained will put your job at risk and are punishable by up to seven years' imprisonment.

12.0 Gifts and Hospitality

12.1 There can be little doubt that the acceptance of gifts by employees from persons who have, or may seek to have, dealings with their authority would be viewed by the public with grave suspicion and would make the employee concerned and the Council extremely vulnerable to criticism. An employee should, therefore, tactfully refuse any personal gift which is offered to him/her or a close relative by, or indirectly attributable to any person or body who has, or may have, dealings of any kind whatsoever with the Council or, who has applied, or may apply, to the Council for any planning or other kind of decision.

12.2 The only exceptions to this rule are:

- (a) small gifts of only token value often given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, tape measures and similar articles of use in the workplace; or
- (b) small gifts of only token value given on the conclusion of a courtesy visit, e.g. to a factory or other premises

12.3 If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.

12.4 Employees are reminded that under provisions of Section 117 of the Local Government Act 1972, they are forbidden under the colour of their office and employment to accept any fee or reward other than their proper remuneration and any person who contravenes this provision would be liable,

on summary conviction, to a fine not exceeding £2,500. (Subject to review).

12.5 In the event of an employee receiving a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to a Chief Officer who will be responsible for deciding whether the gift should be returned.

12.6 If any employee becomes aware that he/she has been included as the beneficiary in the Will of a client, for whom the Council offers or used to offer a service where there is a connection with the employee's work, the above rules apply.

12.7 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded in a register kept for that purpose by the employee's Chief Officer.

12.8 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.

12.9 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.

12.10 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, employees should ensure that the authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

12.11 Employees must refuse offers of hospitality where any suggestion of improper influence would be inferred. Special caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from the authority, particularly where the offer is to an individual employee.

12.12 Concerning offers of hospitality there should be no cause for concern if the offer is made by another non-commercial public body but in all other cases offers of hospitality must be treated with caution.

12.13 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for

adverse criticism about the acceptance of hospitality.

13.0 Sponsorship - Giving and Receiving

13.1 Where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their immediate supervisor of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

13.3 Any declaration of an interest will be recorded in a register kept for that purpose by the employee's Chief Officer. The register will be available for inspection by Members.

14.0 Interpretation

Any interpretation of this Code should be determined by the Director of Personnel after consultation with the Executive Member for Resource, Lead Member for Human Resources and Opposition spokespersons.

15.0 Disciplinary Action

Any serious contravention of this Code may result in disciplinary proceedings.

16.0 Grievance Procedure

16.1 An employee who has a grievance arising from the interpretation of the Code shall have access to the Council's Grievance Procedure.

16.2 Any officer or Member who has been involved in an interpretation of the Code which results in a grievance arising should not be involved in the consideration of that grievance.

17.0 Application of Code

The Code embodies general guidance for all employees of the Council. It is recognised, however, that specific arrangements may be made at Departmental level to address circumstances/situations encountered by certain employees

This page is intentionally left blank

Section 3 - Protocol on member and officer relations

1.1 Preamble

1.1 Mutual trust and respect between members and officers is at the heart of a council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

1.2. This may seem obvious. But what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?

1.3. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers - a protocol:

- to promote trust, openness, fairness and honesty by establishing some ground rules;
- to define roles so as:
 - to clarify responsibilities (i.e. who does what),
 - to avoid conflict, and
 - to prevent duplication or omission
- to secure compliance with the law, codes of conduct and a council's own practices; and
- to lay down procedures for dealing with concerns by members or officers.

1.4. This protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

2. Definitions

2.1. Unless the context indicates otherwise, references to the term Council include the Leader, the Executive, overview and scrutiny bodies, and other committees and sub-committees.

2.2. For the purposes of this protocol, the term Executive refers to the Leader and Cabinet.

2.3 Unless the context indicates otherwise, the terms member and members include non-elected (i.e. co-opted) members as well as elected councillors.

2.4. Officers and staff mean all persons employed by the Council.

2.5. Designated Finance Officer means the officer exercising the duties prescribed by law for the financial administration of the Council.

3. Principles

3.1 Members and officers must at all times observe this protocol.

3.2. The protocol has been approved by the Council's Standards Committee who will monitor its operation.

3.3. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.

3.4. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.

3.5. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.

3.6. The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law:

- Selflessness - serving only the public interest.
- Honesty and integrity - not allowing these to be questioned; not behaving improperly.
- Objectivity - taking decisions on merit.
- Accountability - to the public; being open to scrutiny.
- Openness - giving reasons for decisions.
- Personal judgement - reaching one's own conclusions and acting accordingly.
- Respect for others - promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
- Duty to uphold the law - not acting unlawfully.
- Stewardship - ensuring the prudent use of a council's resources.
- Leadership - acting in a way which has public confidence.

3.7. These principles underpin this protocol. They will also be reflected in a new national code of conduct for employees due in the near future.

3.8. Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations.

3.9. Breaches of this protocol by a member may result in a complaint to the Standards Board for England if it appears the Members' code has also been breached. Breaches by an officer may lead to disciplinary action.

4.1. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant chief officer(s), and/or the Monitoring Officer.

4.2. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.

4.3. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

4.4. Every elected-member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.

4.5. Some members have roles relating to their position as members of the Executive, Overview and Scrutiny Committees of the Council.

4.6. Members serving on Overview and Scrutiny Committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.

4.7. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.

4.8. Some members may be appointed to represent the Council on local, regional or national bodies.

4.9. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.

4.10. Members are not authorised to instruct officers other than:

- through the formal decision-making process;
- to request the provision of consumable resources provided by the Council for members' use;
- where staff have been specifically allocated to give support to a member or group of members; and
- in the case of political assistants.

4.11. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

4.12. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.

4.13. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.

4.14. Members have a duty under their code of conduct:

- to promote equality by not discriminating unlawfully against any person, and
- to treat others with respect.

4.15. Under the code, a member must not when acting as a member or in any other capacity:

- bring the Council or his/her position as a member into disrepute, or
- use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

5. The Role of Officers

5.1. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.

5.2. Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

5.3. Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.

5.4. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

5.4. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.

5.5. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.

5.6. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

6. The Relationship between Members and Officers: General

6.1. The conduct of members and officers should be such as to instil mutual confidence and trust.

6.2. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

6.3. Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.

6.4. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

6.5. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

6.6. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.

6.7. With the exception of political assistants, officers work to the instructions of their Chief Officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.

6.8 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them.

Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.

6.9. Members will endeavour to give timely responses to enquiries from officers.

6.10. An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.

6.11. Members and officers should respect each other's free (i.e. non-Council) time.

7. The Council as Employer

7.1. Officers are employed by the Council as a whole.

7.2. Members' roles are limited to:

- the appointment of specified senior posts,
- determining human resources policies and conditions of employment,
- the appointment of political assistants, and
- hearing and determining appeals.

7.3. Members shall not act outside these roles.

7.4. If participating in the appointment of officers, members should:

- remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply),
- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

7.5. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

8. Mayor and Officers

8.1. Officers will respect the position of Mayor and provide appropriate support.

9. Cabinet Members and Officers

9.1. Cabinet members will take decisions in accordance with the constitution and will not otherwise direct staff. Chief Officers will be responsible for instructing staff to implement the Cabinet Members decisions.

9.2. In addition to individual members of the Cabinet, Chief Officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit papers to the Executive as a whole or to individual Cabinet members for consideration.

9.3. Chief Officers and Cabinet members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive

will seek appropriate professional advice including, without exception, the Monitoring Officer and designated Finance Officer, and will not direct officers in the framing of recommendations.

9.4. Before any formal decisions with a financial implication are taken by the Leader, the Finance Officer and the Chief Officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

9.5. An individual Cabinet member who is minded to write or commission a report on a matter within his/her portfolio must ensure that those other members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Cabinet members on cross-cutting issues.

9.6. Cabinet members when making decisions must state the reasons for those decisions. The written record of the decisions must include the reasons.

9.7. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Cabinet Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

10. Overview and Scrutiny Members and Officers

10.1. Chairs and other leading overview and scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairs, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.

10.2. An Overview and Scrutiny Committee or its Chair acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to Chief Officers in the first instance.

10.3. When making requests for officer attendance, overview and scrutiny members all have regard to the workload of officers.

10.4. It is recognised that officers required to appear before an Overview and Scrutiny Committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and

officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere.

10.5. Subject to 10.4 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.

10.6. Officers must also be prepared to justify decisions they have taken under delegated powers.

10.7. In giving evidence, officers must not be asked to give political views.

10.8. Officers should respect members in the way they respond to members' questions.

10.9. Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.

10.10. Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairs and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.

10.11. In exercising the right to call-in a decision of the Leader/Cabinet, overview and scrutiny members must seek officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

11. Members of Other Committees or Sub-Committees and Officers

11.1. The appropriate Chief Officers will offer to arrange regular informal meetings with chairs, vice-chairs, and spokespersons of committees and sub-committees.

11.2. Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.

11.3. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.

11.4. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chair. In these circumstances it is the officer, not the chair, who takes the action and is responsible for it. A chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

12. Party Groups and Officers (excluding Political Assistants)

12.1. Chief Officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.

12.2. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.

12.3. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

12.4. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

12.5. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.

12.6. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.

12.7. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

12.8. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.

12.9. Members must not do anything which compromises or is likely to compromise officers' impartiality.

12.10 .The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.

12.11 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.

12.12. An officer who is not a Chief Officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.

12.13. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

12.14. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.

12.15. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the Members' Code of Conduct. They do not have the same rights to Council information as members.

12.16. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive [or similar] and the relevant party group leader.

13. Local Members and Officers

13.1. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Chief Officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.

13.2. This requirement is particularly important:

- during the formative stages of policy development, where practicable,
- in relation to significant or sensitive operational matters,
- whenever any form of public consultation exercise is undertaken, and
- during an overview and scrutiny investigation.

13.3. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.

13.4. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.

13.5. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:

- an officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

13.6. No such meetings should be arranged or held in the immediate run-up to Council elections.

13.7. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:

- the surgeries must be open to the general public, and
- officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.

13.8. Officers must never be asked to attend ward or constituency political party meetings.

13.9. It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

13.10. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

14. Members' access to documents and information

14.1. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution (Page 119).

14.2. Members may request Chief Officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- it is in the public domain, and
- it is not barred by the Data Protection Act from being given.

14.3. Every member of the Executive, an Overview and Scrutiny Committee and/or any other committee or sub-committee has a right to inspect documents about the business of that Overview and Scrutiny Committee, other committee or sub-committee or the Executive.

14.4. A member who is not a member of a specific Overview and Scrutiny Committee, other committee or sub-committee, or the Executive may have access to any document of that specific part of the Council provided:

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
- the documents do not contain "confidential" or "exempt" information as defined by the law.

14.5. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.

14.6. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or
- where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members' Code of Conduct.

14.7. Information given to a member must only be used for the purpose for which it was requested.

14.8. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.

14.9. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

14.10. When requested to do so, officers will keep confidential from other members advice requested by a member.

14.11. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

15. Media relations

15.1. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.

15.2. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

15.3. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

15.4. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.

15.5. Likewise, officers will inform the Council's press office of issues likely to be of media interest, since that office is often the media's first point of contact.

15.6. If a member is contacted by, or contacts, the media on an issue, he/she should:

- indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as a Cabinet member, on behalf of the Council, or on behalf of a party group);
- be sure of what he/she wants to say or not to say;
- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant Chief Officer, except in relation to a statement which is party political in nature;
- consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

16. Correspondence

16.1. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.

16.2. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive member or the chair of an Overview and Scrutiny Commission.

16.3. The Mayor may initiate correspondence in his/her own name.

16.4. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.

16.5. When writing in an individual capacity as a ward member, a member must make clear that fact.

17. Access to premises

17.1. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

17.2. Members have a right of access to Council land and premises to fulfil their duties.

17.3. When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward, notify the ward member(s) beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

18. Use of Council Resources

18.1. The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

18.2. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- where facilities are provided in members' homes at the Council's expense;
- in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
- regarding ICT security.

18.3. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in his/her capacity as a councillor of another local authority.

19. Interpretation, Complaints and Allegations of Breaches

19.1. This part of the protocol should be read in conjunction with any "whistle-blowing" policy the Council may have.

19.2 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

19.3. A member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
- ensure that any criticism is well founded and constructive,
- never make a criticism in public, and
- take up the concern with the officer privately.

19.4. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.

19.5. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.

19.6. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Standards Board for England.

This page is intentionally left blank

Section 4 - Anti-fraud and corruption - Whistleblowing policy

Anti-fraud and corruption strategy

Part 2 - Confidential reporting (Whistleblowing) policy

Updated June 2018.

1.0 Introduction

1.1 Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing or illegality which affects others. This can include:

- A criminal offence (e.g. fraud, corruption etc.) may have or has been committed;
- A miscarriage of justice has been or is likely to occur;
- Abuse / harassment of a service recipient or council employee is taking place. Note where a child or vulnerable adult is the recipient of such treatment "Safeguarding" procedures could apply, please note these alternate procedures also adhere to the principles of this strategy.
 - For adult safeguarding contact 0161 253 5151
 - For child safeguarding (aged under 18), please contact 0161 253 5678
- Unethical conduct and actions deemed unprofessional or inappropriate; This could include for example, Officers or Councillors attempting to use their position to influence political or professional practices or decisions, or could include breaches of regulations requiring School Governors to 'act with integrity, objectivity and honesty and in the best interests of the school' and breaches of the 'Nolan Principles' which are the basis of ethical standards expected of public office holders. (Appendix A);
- public funds are being used in an unauthorised manner;
- the environment has been or is likely to be damaged;
- the council's own rules have been or are being breached;
- abuse (e.g. physical or verbal) of a service recipient or council employee is taking place;
- discrimination towards a service recipient, (e.g. disability, race, gender).

1.2 The Nolan Committee on Standards in Public Life made clear recommendations that local authorities should adopt 'whistleblowing' procedures, and the Public Interest Disclosure Act (PIDA) 1998 (and subsequent Enterprise and Regulatory Reform Act 2013) gave protection to 'whistleblowers' who are treated unfairly.

1.3 Additionally, the Whistleblowing Commission, established in 2013 by whistleblowing charity Public Concern at Work, has developed a Code of Practice

for effective whistleblowing arrangements. Bury Council's Whistleblowing Policy complies with this Code of Practice.

1.4 Employees are often the first to realise that there may be something seriously wrong within their workplace or within a Department of the Council itself. However, they may choose not to express their concerns if they feel that by speaking out it would be disloyal to their line manager(s), colleagues or to the Council, or if they fear harassment or victimisation. In such circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.5 The Council's Whistleblowing Policy is a vital element of our governance arrangements. The Council is committed to the highest possible standards of honesty, openness, probity and accountability and will not tolerate malpractice or wrongdoing. In line with that commitment, employees and others with serious concerns about any aspect of the Council's work (including activities within schools or by voluntary staff, and Members), are encouraged to voice them. In so doing it is recognised that in certain cases they will have to proceed on a confidential basis.

1.6 This policy applies to all staff working for the Council, both full and part-time, temporary and casual including those that are based within the Council's schools and within aided and foundation schools. It also covers Council Members, School Governors and agency and contractors' staff. References to 'employees' within the Policy covers all of these categories.

1.7 This policy makes it clear that employees should be encouraged and enabled to raise serious concerns within the Council without fear of reprisal, rather than overlooking a problem or blowing the whistle outside. It is intended to help build an environment of openness within the Council.

1.8 If you are not a Council employee you can still contact the Council to report any concerns or disclosures over wrongdoing and these will be treated in the same way. Unlike disclosures made by employees, protection under PIDA law does not extend to disclosures made by members of the public. Please see separate document "Whistleblowing Arrangements for the General Public" on the Bury Council website.

1.9 The policy has been subject to local consultation with appropriate trades unions and professional associations and has their support.

2.0 Aims and scope of this policy

2.1 The policy aims to:

- provide an avenue for all those to whom the policy applies to raise concerns and receive feedback on any action taken;

- allow them to take the matter further if they are dissatisfied with the response received;
- Reassure them that they will be protected from reprisals or victimisation for confidential reporting an incident where the employee has a reasonable belief that the matter is in the public interest. Such an act will be covered by "protected disclosure".

(Definition of protected disclosure - a source of information that the worker reasonably believes tends to show malpractice. It does not have to be true, as long as the worker reasonably believes it to be true).

The Enterprise and Regulatory Reform Act 2013 goes on to state that the disclosure must "in the reasonable belief of the worker making the disclosure" be "made in the public interest".

2.2 There are existing procedures in place for employees to legitimately complain about harassment, violence and aggression, discrimination and instances where they feel that they have a grievance. The Confidential Reporting Policy is intended to cover concerns that fall outside the scope of other procedures.

2.3 Part IV of the Employment Rights Act 1996 - The Public Interest Disclosure Act - sets out a framework for staff to make disclosures about various categories of wrongdoing, provided they reasonably **believe it to be in the public interest** to do so:

- a criminal offence
- failure to comply with statutory or legal obligations
- improper or unauthorised use of public or other funds
- a miscarriage of justice
- endangering health and safety
- damage to the environment
- maladministration, misconduct or malpractice
- deliberate concealment of any of the above

2.4 The disclosure will be protected if the member of staff discloses:

- a) in course of obtaining legal advice;
- b) to the employer;
- c) in certain circumstances, to a Minister of the Crown;
- d) to a 'prescribed person', reasonably believing that the information and any allegation contained within it is substantially true. The Secretary of State (for Business, Innovation and Skills) prescribes by list both the identity of the prescribed person (usually regulatory body) and its remit;
- e) to any person or body provided that a number of detailed conditions are satisfied. Those conditions include a requirement that the worker does not make the disclosure for purposes of personal gain and a requirement that it is reasonable to make the disclosure in the circumstances. A further section makes provision for a disclosure of an exceptionally serious failure to any person or body.

2.5 The Public Interest Disclosure Act makes it unlawful for an employer to dismiss or subject a worker to a detriment for having made a 'protected disclosure' of information. The protection provided by the Act is not subject to any qualifying period of employment and so is referred to as a 'day one' right in employment law. By contrast under ordinary unfair dismissal, there is a two year qualifying period.

2.6 Alternatively, the disclosure may be related to any breach of the Council's Standing Orders, Financial Regulations, policies or agreed procedures, including those relating to Governing Bodies.

2.7 The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

3.0 How to raise a concern

3.1 As a first step, you should normally raise concerns with your immediate manager or their line manager. This may include Head Teachers, Chairs of Governing Bodies or other senior Officers of the Council. However, much depends on the seriousness and sensitivity of the issues involved, and who you think is involved in the malpractice. If, for example, you believe that your own line manager or supervisor is involved, then you may prefer to approach a manager or supervisor from another unrelated service. You may also contact your trade union, departmental HR team or corporate HR.

3.2 In any event you may also approach one of the following Officers, in confidence, to raise a specific concern or to obtain advice and guidance on how matters of concern may be pursued:

- **Chief Executive -**
Geoff Little, Telephone: 0161-253 5102
- **Section 151 Officer -**
Mike Woodhead, Telephone: 0161- 253 7864
- **Interim Council Solicitor and Monitoring Officer -**
Janet Witkowski, Telephone: 0161-253 5219
- **Head of Financial Management / Chief Internal Auditor -**
Andrew Baldwin, Telephone: 0161-253 5034
- **Assistant Director of Resources and Regulation (HR and OD) -**
Tracy Murphy, Telephone: 0161 253 7775

3.3 Alternatively, you can call the dedicated Whistleblowing telephone number on 0161 253 6446 or email: whistleblowing@bury.gov.uk.

3.4 You may also take the matter outside the Council to one of the bodies referred to in section 6.

3.5 Whilst concerns are best raised in writing they can also be expressed verbally through a telephone call. Where a concern is expressed verbally an employee can also ask for a meeting with an appropriate person.

3.6 In any event, as much information as possible should be given and this should include:

- the background to the concern;
- names of individuals, dates and places where applicable;
- the reasons why there are concerns.

3.7 The earlier you express the concern, the easier it is for action to be taken.

3.8 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

3.9 An employee making a complaint about their contract of employment should not use this policy but refer to the grievance procedures.

3.10 We aim to encourage openness and will support anyone who raises a genuine concern under this policy. Support can be through various means, for example counselling, coaching and mentoring.

4.0 How the Council will respond

4.1 Any Officer that receives a concern must make a full written note of the points raised and then pass on the concern to one of the Officers listed in paragraph 3.2.

4.2 Careful consideration will then be given to the matter and to the action to be taken depending upon the nature of the concern. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

4.3 The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally (see paragraph 4.4 below)
- be referred to the Police
- be referred to KPMG (external auditor)
- form the subject of an independent inquiry.

4.4 Because of the specific responsibilities of Governing bodies, concerns relating to schools will be the subject of separate investigatory procedures. These may involve the Head Teacher of the relevant school, the Chair of the Governing Body (in conjunction with the Director of Learning), and one of the Officers referred to in paragraph 3.2.

4.5 Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures. Allegations relating to child abuse for example will be dealt with in accordance with the Bury Safeguarding Children's Board Confidential Reporting (Whistle-blowing) policy.

4.6 Some concerns may be resolved by agreed action without the need for investigation.

4.7 Within ten working days of a concern being received, the Council will write to you:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made, and telling you whether further investigations will take place, and if not, why not.

4.8 The amount of contact you have with the Officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from you in a discreet manner.

4.9 When any meeting is arranged you can be accompanied by a trade union representative, an official employed by a trade union, or by a companion who is a fellow worker, if you wish. It is your responsibility to make these arrangements.

4.10 The meeting can be off site if requested.

4.11 The persons investigating the concerns will produce a written report that:

- outlines the complaint;
- details the investigation process;
- gives the outcome of the investigation;
- details recommendations where appropriate.

4.11 The Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints and confidentiality issues, you will receive information about the outcomes of any investigations.

4.12 If the person who expressed the concern is not satisfied with the outcome they have a right to take matters further as explained in section 6 of this policy.

4.13 The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

5.0 Safeguards

Harassment or Victimisation

5.1 The Council recognises that the decision to report a concern is not an easy one to make, not least because of the fear of reprisal from those reported for the malpractice. The Council will not tolerate harassment, bullying or victimisation

based upon race, religion or belief, gender, gender reassignment, sexual orientation, disability and age from employees, managers or governors, and will take appropriate action, including the application of the Disciplinary Procedure, to protect an employee who raises a concern that they reasonably believe to be "in the public interest".

5.2 In accordance with Part IV of the Employment Rights Act 1996 - The Public Interest Disclosure Act - an employee cannot be dismissed or selected for redundancy as a result of making a disclosure that they reasonably believe to be "in the public interest". In addition, an employer cannot withhold a pay rise, object to a promotion or not give training. Other examples that will not be tolerated where a member of staff is disadvantaged because they blew the whistle could include (but is not limited to) ostracism, closer monitoring, blocking access to resources, unrequested re-assignment or re-location, demotion, suspension, failure to provide an appropriate reference and failure to investigate subsequent concern.

5.3 This does not mean that if an employee is already the subject of disciplinary or redundancy procedures that those procedures will be halted as a result of confidential reporting.

Confidentiality

5.4 The Council will respect confidentiality and all steps will be taken to ensure that confidentiality is maintained throughout the process. However, it must be appreciated that the investigation process may reveal the source of the information. Any statement made by you may be required as part of the evidence.

Anonymous Allegations

5.5 The Council would encourage employees to put their name to allegations because concerns expressed anonymously are much less powerful. However, the Council also recognises that some employees would not wish to do this. Where a concern is expressed anonymously it will be considered at the discretion of the Council and in exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue(s) raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

5.6 If an employee makes an allegation that they reasonably believe to be "in the public interest" but it is not confirmed by the investigation, no action will be taken. If however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken.

6.0 How the matter can be taken further

6.1 This policy is intended to provide you with an avenue to raise concerns within the Council, and the Council hopes you will be satisfied with the response to your concern. If you are not satisfied with the response, please indicate this to the Chief Executive.

If you feel it is right to take the matter outside the Council, the list below shows possible contact points:

- any Member of the Council
- any Member of the Governing Body (in the case of any issue relating to a school)
- external auditor (KPMG) (telephone 0161-246 4000)
- relevant trade unions, professional bodies or regulatory organisations e.g. UNISON, Ofsted, Care Quality Commission
- your solicitor
- the Police

6.2 If, at any stage, you are unsure whether to use this procedure, or decide that you need independent advice, you may seek advice from the independent charitable body 'Public Concern at Work'. This organisation operates a help-line and a mediation service and can be contacted on 0207 404 6609. They can give you free, confidential advice at any stage of the process. For further information visit Protect - Speak up, stop harm (<https://www.pcaw.org.uk/>).

6.3 If you do take the matter outside the Council, then you need to ensure that you do not disclose confidential information, or that disclosure would be privileged. You can check this with one of the contact points listed in section 3.2.

6.4 If concerns are raised through professional bodies, or trade unions, then it is expected that the professional body/trade union representatives will act in accordance with this policy, and with the Public Interest Disclosure Act, with regard to the information disclosed. Such a disclosure made by an employee will not be treated as grounds for disciplinary proceedings.

7.0 Data protection and FOI

7.1 The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by Public Authorities. As such the Council often receives requests for information under the Freedom Of Information Act.

7.2 The Council has a legal obligation to provide the information unless it falls under one of the exemptions of the Act.

7.3 The Freedom of Information Act contains exemptions which may be applicable to permit the withholding of information identifying the whistleblower, including:

- Section 40 Personal Data
- Section 41 Information which, if disclosed, would give rise to an actionable breach of confidence.

7.4 Many people making a disclosure to the Council will wish to protect their identity and the Council will always seek to protect the identity of individuals during the course of progressing an investigation. If the Council receives a request for information identifying a whistleblower, the Council will contact the whistleblower to seek their views beforehand and will, wherever possible, seek to comply with those views.

7.5 The principle of maintaining confidentiality should also be applied to the identity of any individual who may be the subject of a disclosure.

7.6 The Council will ensure that our handling of concerns meets the requirement of the Data Protection Act 1998 and the Freedom of Information Act 2000.

8.0 The Responsible Officer

8.1 Internal Audit will maintain a central record of all whistleblowing referrals made under this policy and monitor the outcome of these cases. All records will be held securely and confidentially.

8.2 As such, details of any allegation should be reported to Internal Audit by the receiving manager on receipt. Internal Audit will log and allocate each case a reference number whether or not Internal Audit are involved in the investigation work. The outcome of the investigation should be notified to Internal Audit by the Investigating Officer.

8.3 The records held by Internal Audit will be used to analyse the impact and effectiveness of the arrangements in place in statistical terms and records held in HR sections may be subject to review. The detailed case records form part of the process of reporting back to Members on the effectiveness and outcomes of the Policy and form the record of actions taken in the case of any matters raised under the Public Interest Disclosure Act. The information will be referred to for monitoring purposes and periodic assurance reports provided to the Audit Committee by the Head of Financial Management as part of this process.

8.4 A whistleblowing record sheet (Appendix B) should be used to record a summary for each case. A copy should be sent to Internal Audit and one retained with the investigation paperwork on completion.

8.5 The Chief Executive has overall responsibility for the maintenance and operation of this policy, and monitoring the effectiveness of the Council's Whistleblowing Policy and Process. The Standards Committee has an overview of the Whistleblowing Policy.

9.0 Training and awareness

9.1 Chief Officers and Heads of Service are responsible for ensuring that their employees are aware of the whistleblowing policy and process and that any training needs are addressed which may arise from the application of the policy. Raising awareness of the Council's Whistleblowing Policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.

9.2 Employees have a responsibility to ensure that they are aware of and understand the Council's policy in relation to Whistleblowing.

10.0 Review

10.1 This policy will be subject to annual review in consultation with the appropriate trades unions. A summary of concerns raised under this policy will be prepared on an annual basis and shared with the trades unions during the review.

Appendix A

Seven Nolan principles

The following are the Seven Nolan Principles underpinning standards for Public Life.

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public services. The principles also have application to all those in other sectors delivering public services:

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must admit themselves to the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Source: Gov.uk - The Seven Principles of Public Life
(<https://www.gov.uk/government/publications/the-7-principles-of-public-life>).

This page is intentionally left blank

Part 5: Section 5 - Monitoring officer protocol

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Bury Council.

The current responsibilities of the Monitoring Officer role rest with the Council Solicitor (Director of Law and Governance) who undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so he/she will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions. The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of corporate decision making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards.

The main functions of the Monitoring Officer at Bury Council are:

- a) To report to the Council and to the Cabinet in any case where he/she is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
- b) To investigate any matter which he/she has reason to believe may constitute, or where he/she has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
- c) To act as the principal adviser to the authority's Standards Committee;
- d) To maintain the register of members' interests;
- e) To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
- f) To have responsibility for responding to complaints to the Local Government Ombudsman
- g) To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures

In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, on Members and Officers; complying with the law (including any relevant Codes of Conduct) complying with any General Guidance issued making lawful and proportionate decisions; and complying with the Council's Constitution and standing orders; generally, not taking action that would bring the Council, their offices or professions into disrepute. It is essential that Members and Officers communicate effectively with the Monitoring Officer and seek advice when required on any issues relating to constitutional or ethical matters.

Working arrangements

Having excellent working relations with Members and officers will assist in the discharge of the statutory responsibilities by the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities. The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers are designed to ensure the effective discharge of the Council's business and functions.

The Monitoring Officer will:
<p>Resources:</p> <p>(a) report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions,</p> <p>(b) have sufficient resources to enable him/her to address any matters concerning his/her Monitoring Officer functions;</p> <p>(c) have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions.</p> <p>d) appoint a deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.</p>
<p>Access to information/meetings:</p> <p>a) be alerted by Members and officers to any issue(s) that may become of concern to the authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise:</p>

(b) have advance notice, (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);

(c) have the right to attend (including the right to be heard) any meeting of the authority (including meetings at which officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken).

(d) be a member of the Executive Management Team and will have advance notice of those meetings, agenda and reports and the right to attend and speak.

(e) in carrying out any investigation(s), have unqualified access to any information held by the Council and to any officer who can assist in the discharge of his/her functions.

Relationships:

a) ensure the other Statutory Officers (Head of Paid Service and the Section 151 Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

b) meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

report to the Council, annually, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Leader, the Head of Paid Service and Section 151 Officer;

c) in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources he/she requires to discharge his statutory functions;

d) have an appropriate relationship with the Leader, Deputy Leader, Opposition Group Leaders and the Chairs of, Full Council, Standards Committee and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;

e) develop effective working liaison and relationship with the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant

information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Chief Executive and the appropriate Head of Service;

f) maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;

Standards and Governance Matters:

a) promote and maintain high standards of conduct under the Localism Act 2011 and the Council's adopted procedures for all matters relating to the Code of Conduct; which will include giving informal advice and undertaking relevant enquiries into allegations of misconduct and, if appropriate, making a written report to the Standards Committee (unless the Chair of the Standards Committee agrees a report is not necessary);

b) in consultation, as necessary, with the Leader of the Council, Cabinet and the Standards Committee defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;

c) subject to the approval of the Standards Committee, be responsible for preparing any training programme for members on ethical standards, the Constitution and Code of Conduct issues;

d) advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator provide information in response to a contact from a member of the public about an elected member(s) provided that it would not compromise the Monitoring Officer should a formal complaint be made subsequently by the member of the public.

f) Complaints about any breach of Bury Council's Code of Conduct for Members must be referred in the first instance to the Monitoring Officer, who will make determinations in consultation with the Independent Person. In exceptional circumstances, the Monitoring Officer will refer a complaint for assessment by the Standards Assessment Sub-Committee

g) The Monitoring Officer will provide an annual report to the Council's Standards Committee on Member Complaints.

To ensure the effective and efficient discharge of the arrangements set out above, Members and officers will report any breaches of statutory duty procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable

The Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Section 151 Officer, he/she is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

Monitoring the Protocol Annually

The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.

Sanctions for Breach of Protocol

Complaints of a breach of this Protocol by an Officer will be referred to the relevant Strategic Director and/or the Chief Executive for appropriate action to be considered, including disciplinary investigation if appropriate.

This page is intentionally left blank

Part 5: Section 6 - Public participation guide

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

- Attending meetings

We encourage the public to attend all meetings of the Council and its committees, that are held in person or remotely in some circumstances and anyone attending is able to record or film what takes place at them provided that doesn't disrupt the meeting. Details of what meetings are coming up are published on the Council's website.

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

- Why are some meetings private?

On some occasions an agenda item includes information which may be personal to an individual, which would compromise the commercial position of the council or another individual or organisation or which there are other particular legal or employment reasons for considering asking the public to leave the meeting for discussion of that item. When this is the case we will explain the reasons why and, as far as is legally possible, will afterwards provide a public summary of the decision taken.

- Asking questions at meetings of the Council

Which meetings can the public ask questions at?

Questions can be asked at public meetings of:

- The Full Council
- Cabinet
- Health and wellbeing board
- Licensing and Safety Committee
- Scrutiny committees

Who can ask questions?

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

What notice is required for questions?

A question must be delivered by email (democraticservices@Bury.gov.uk) by no later than Midday two working days before the date of the meeting. Each question must provide the name and residential/business address of the questioner.

How many questions can be asked?

A member of the public may ask one* question at any public meeting of the Council as listed above. (*=See below for supplementary questions)

What is the scope for questions?

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

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

What happens at the meeting?

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

The Chair will invite the questioner to put a supplementary question to the Councillor named in the notice.

A questioner who has put a question in person can also ask one supplementary question, without notice, in response to the reply to their question. A supplementary question must arise directly out of the original question or the reply given. The chair can reject a supplementary question on any of the grounds detailed in the section above.

What form will the reply take?

The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the questioner or the member to whom the question is put is absent, or the time

allowed for public questions has expired, a written answer will normally be provided within ten working days.

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

- Petitions

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

What is the scope for petitions?

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

How can a petition be submitted?

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

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish us to take;
- the name and address and signature of any person supporting the petition, which must be not fewer than 50 people; (the Council will use its discretion where there are fewer than 50 signatories in cases where there is clear local support for action)
- contact details, including an address, for the petition organiser who will be the person we will contact to explain how we will respond.

What happens once a petition has been submitted?

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

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

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

- What do Councillors and officers do?

What Councillors do

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

Your Councillors are responsible for making sure that the services that the council provides meet the needs of residents and those who work in Bury. They do this by setting the overall policies and strategies for the Council monitoring the way in which these are implemented. Councillors have a complex role and act in a number of capacities: as committee member, constituency representative and party activist. The full Council of 51 members is responsible for agreeing the main policies and priorities for all services, including the Council's budget. The Cabinet have responsibility for all decisions which the law, or the Council, does not require to be taken by others and agrees policies and actions to implement the budget and policies set by full Council. Councillors who are Cabinet portfolio holders have more specialised roles in agreeing particular policies, representing the Council while at the same time working with other agencies to tackle issues such as improving overall health and wellbeing, social care and safeguarding, education, housing, transport, and promoting economic growth within the borough.

What Council officers do

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

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

What can my Councillor do for me?

Your Councillor can:

- be contacted to discuss your problem or ideas to improve the ward or borough
 - help you if you need information or are dissatisfied with a Council service by advising or directing you to someone who can help sort out your problem, and can sometimes progress the case on your behalf
 - as a community leader, put forward proposals to improve the ward they represent which may include bringing together different community groups to develop a case for change
 - campaign on local issues
 - represent your community within the Council and to other organisations
 - speak at Planning Control and Licensing and Safety Committees on matters affecting the ward they represent
 - ask questions or put forward views on your behalf at public meetings of the Council
 - present petitions on your behalf (See 5.8.33)
 - get an issue (either within the remit of the Council or on a matter affecting the borough) debated at the full Council by submitting a motion.
-
- Decisions

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

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

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

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

Are all decisions recorded and published?

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

Why is some information kept confidential?

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

How long is information about decisions kept?

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

How do I find out about decisions taken by partnerships?

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

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

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

- Other ways of getting involved

Planning

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

If you have provided comments on a particular planning application which is considered by the Planning and Control committee you will be asked whether you wish to register to speak at the committee to present your views. Three minutes is generally set aside for public speaking in objection/support to an application and registration is on a first come first served basis.

Consultations

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

Scrutiny reviews

You may request that a matter or concern be considered for inclusion in the future work programme of a scrutiny committee. The committees cannot include every suggestion but prioritise items taking into account: the significance and impact of the issue; the ability of scrutiny input to add value; the need to avoid any duplication; the timeliness of scrutiny involvement and the resources available to undertake the work. The committee may invite members of the public to submit their views or evidence to inform its work; when they do this the call for evidence will be publicised.

Vote

Elections take place for Bury Council every year as well as national elections and GM Mayoral elections. Your vote in all these elections and any other referendums that take place is important, but in order to vote you must be on the electoral register. Information about how to register is available on the Council's website.

Volunteer

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

Find out more...

The Council's website provides lots of advice and information as well as access to online services and you can sign up to receive updates on particular matters of interest.

Section 7 - Probity in planning code of conduct

1. Purpose of the code

1.1 The purpose of this Code of Conduct is to regulate the performance of the Council's planning function principally as it applies to applications for planning permission, but also to the other areas within the terms of reference of the Committee pertaining to development control (viz enforcement, UDP, listed buildings, conservation areas, tree preservation orders, planning obligations, advertisement control, building regulations).

The Code has the following objectives:

- to guide Members and Officers in dealing with Planning related matters.
- to inform potential developers, and members of the public generally, of the standards adopted by the Local Planning Authority in the performance of its Planning function.

1.2 This Code of Conduct is intended to be supplementary to the Code of Conduct for Councillors, Independent and other voting representatives adopted by the Council on 10 April 2002 in accordance with the provisions of the Local Government Act 2000.

1.3 The purpose of this Code is to provide more detailed guidance on the standards to be applied in relation to Planning related issues.

1.4 The Code seeks to ensure that decision-making is governed by an open and transparent process. The Code does not seek to extend or alter the requirements of legislation or planning policies or guidance; it stands as a statement of intended practice as to conduct. The Code supports and follows the nine principles which underline the Council's Code of Conduct. These are:

- **1.4.1 Selflessness:** Members and co-opted members should serve only the public interest and should never improperly confer an advantage or disadvantage on each other or any person.
- **1.4.2 Honesty and integrity:** Members and co-opted members should not place themselves in official situations where their honesty and integrity may be questioned. They should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **1.4.3 Objectivity:** Members and co-opted members should make decisions on merit including making appointments, awarding contracts or recommending individuals for rewards or benefits.
- **1.4.4 Accountability:** Members and co-opted members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

- **1.4.5 Openness:** Members and co-opted members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.
- **1.4.6 Respect for others:** Members and co-opted members should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. Members should also respect the impartiality and integrity of the Authority's statutory officers and its other employees.
- **1.4.7 Duty to uphold the law:** Members and co-opted members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them.
- **1.4.8 Stewardship:** Members and co-opted members should do whatever they are able to do to ensure that their Authority has used its resources prudently and in accordance with the law.
- **1.4.9 Leadership:** Members and co-opted members should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

1.5 The Town and Country Planning Act 1990 requires Members of Local Planning Authorities to determine all planning applications in accordance with the approved statutory development plan (in Bury's case, the Unitary Development Plan or UDP) unless material considerations indicate otherwise. Material Considerations in this context relates to land use planning matters on which Members will receive specific advice in the report to Committee. This responsibility for deciding must be performed without undue influence or personal interest.

1.6 Members of Local Planning Authorities also have a duty to take into account any representations made to the Council as a result of consultation with interested bodies, including Local Area Partnerships, or as a result of public notices or neighbour notification. In doing so it is necessary to decide which representations are material to the decision to be made, and if so, what weight to attach to them. This conclusion should not be reached until all the facts have been presented in the Assistant Director's (Localities) report considered at the Planning Control Committee.

1.7 It is essential that Members of the Planning Control Committee do not give any commitment in relation to any planning matter prior to its consideration at the Committee meeting.

1.8 However, it is recognised, that Members will from time to time be approached individually by developers and objectors in relation to planning proposals. This Code is intended to assist Members in dealing with these situations and is designed to maintain the integrity and fairness of the decision-making process.

2. The general role and conduct of Councillors and Officers

2.1 Members and Officers have separate and distinct, but complementary roles in dealing with planning matters. In general, it is the role of Members to make decisions and for Officers to ensure that the Planning Control Committee Members are advised as to relevant material planning considerations.

2.2 In making decisions about planning matters, Members are required to balance all the material considerations which apply in each case. These considerations will include but will not be dependent upon the views expressed by local residents. Applicants must have their proposals judged in the light of all relevant matters including planning policies.

2.3 Both Councillors and Officers are guided by Codes of Conduct.

2.4 The Council's Code of Conduct provides guidance and standards for Councillors and is contained in the Council's Constitution.

2.5 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Officers must always act impartially. In order to ensure that Senior Officers do so the Local Government and Housing Act 1989 restricts the political activities of senior officers. It also enables restrictions to be set on outside activities, such as membership of political parties and serving on another Council. Councils should carefully consider when officers are required to be subject to such restrictions and review this regularly.

All relationships of a private or business nature that planning officers may have with applicants applying for planning permission should be disclosed to the Assistant Director (Localities).

In addition, under the Employees Code of Conduct, all officers should declare any interests and have them recorded in the Council's Register of Officers Interests kept by their Department.

3. Compiling the Unitary Development Plan

3.1 The Unitary Development Plan (UDP) is vital to the development control process because it sets the criteria by which planning applications are endorsed. Therefore great care is needed to ensure that any procedures in respect of the development plan are robust and transparent.

3.2 The arrangement for reviewing the UDP must be agreed by the Executive and set out details of any working groups etc. that will be adopted to help the project.

3.3 Any representations received from current (or ex) officers and members should be copied to the Monitoring Officer by the Assistant Director (Localities) /

Resource and Regulation. This will ensure an objective evaluation of the comments before they are included in any formal reports for Members.

3.4 Finally, Members and officers must remember the requirements for disclosing interests and hospitality if working groups etc. are set up as set out in Section 4 of this Code.

4. Declaration and registration of interests

4.1 The Local Government Act 2000 requires any Councillor who has a prejudicial interest in any matter, including a planning application to declare the interest and withdraw from any meeting during the consideration and determination of that matter. It is the duty of each Member to declare an interest and also to advise the Monitoring Officer of any new interest which will be added to the Register of Members interests.

4.2 The Code of Conduct sets down Councillors' responsibilities in declaring personal interests and when they can speak and vote on a matter, including the determination of planning applications.

4.3 A prejudicial interest is one which a member of the public with knowledge of its relevant facts would reasonably regard as so significant that it is likely to prejudice the members judgement of the public interest.

4.4 Any interest including a personal interest would include any relationship a Councillor or his/her family or close friends may have, for example as an employee or as a member of a club or voluntary organisation. A relationship to someone acting as an advisor or providing services to an organisation would also constitute an interest which should be declared. Membership of pressure groups, or expressions of view for or against an application before it went to Committee, would also be 'interests' in this context. Where the interest is personal but not prejudicial, a Member should declare the interest but can stay and take part and vote in the meeting.

4.5 The Code of Conduct states that a member with a prejudicial interest in a matter must:

- (a) Withdraw from a meeting unless a dispensation has been granted.
- (b) Not exercise functions in relation to that matter.
- (c) Not seek improperly to influence a decision about the matter (NOTE: the Code of Conduct sets out exceptions to this at paragraph 4.14).

5. Hospitality

5.1 During the course of carrying out their duties, Councillors and Officers may be offered hospitality from people with an interest in a planning proposal.

5.2 If possible such offers of hospitality should be politely refused. If it is felt necessary to accept hospitality the Members should comply with the Code of

Conduct whereby a member must within 28 days of receiving any gift or hospitality over the value of £25.00 provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.

5.3 The Registers will be reviewed by the Monitoring Officer at regular intervals. For further details Members and Officers should contact the Democratic Services Section on 0161 253 5399.

6. Lobbying of and by Councillors

6.1 The integrity of the decision-making process must not be impaired, either in reality or in perception through the lobbying of Members of the Planning Control Committee. It is important that any approaches by lobbyists are recorded and that any representations made to Members of the Planning Control Committee form part of the public information leading to any decision. This applies equally to submissions made by or on behalf of applicants for planning permission and to other interested parties objecting to or concerned about proposals.

6.2 It is quite common for applicants or other interested parties to wish to discuss a proposed development with Elected Members before a planning application is determined. However, unless care is exercised by all parties it can undermine impartiality and call into question the integrity of Councillors.

Therefore to ensure that lobbying is seen in a positive way:

- (a) Members of the Planning Control Committee should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments at the relevant meeting of the Planning Control Committee.
- (b) Members of the Planning Control Committee should restrict themselves to giving procedural advice and suggest to those who are lobbying that they should speak or write to the relevant officer, in order that their opinions can be included in the officer's report to the Committee.
- (c) Any political group meetings prior to the Planning Control Committee will not be used to decide how Councillors should vote.
- (d) Councillors on the Planning Control Committee should not organise support for, or opposition to, a planning application, and avoid lobbying other Councillors.
- (e) Members of the Council should not put pressure on officers for a particular recommendation.
- (f) All documents received by Councillors from applicants or objectors must be notified to the Assistant Director (Localities)/Resource and Regulation.
- (g) Councillors who are not Members of the Planning Control Committee must not lobby Members of the Planning Control Committee. This is particularly significant given the likelihood of being approached by residents and constituents seeking support for or against applications. Any views may be expressed by Members at the Planning Control Committee

(see Paragraph 7) but no attempt should be made to make contact with Members of the Committee before the meeting. In addition, Councillors who are not members of the Planning Control Committee may express an opinion but must do so to the Assistant Director (Localities)/Resource and Regulation in writing. They can also suggest how constituents can support or oppose an application (Appendix 2).

- (h) Councillors who are unsure whether an interest should be declared should seek the advice of the Council's Monitoring Officer although, as indicated in Section 4, the decision ultimately rests with the Councillor.

6.3 In addition to the above the circulation of unofficial papers (i.e. those not previously considered by Officers) is prohibited at Committee Meetings. Planning applications must be determined on the basis of the documents and information formally submitted and on which interested parties have had the opportunity to comment.

6.4 Only submissions from applicants, agents or objectors, which are formally received by the Chief Planning and Economic Development Officer can properly be taken into account when making a decision.

7. Ward Councillors

Ward Councillors may speak on applications affecting their Ward at meetings of the Planning Control Committee.

8. Disclosure of information

The large increases in land value that are generated by planning permission means that site development can sometimes involve an element of speculation. Any unofficial indication that planning permission is likely to be granted can lead to significant outlay by developers.

Unofficial disclosure of information can lead to accusations of bias from others because information has been divulged to a developer. This could lead to complaints by the Developer if the information revealed is incorrect.

It is therefore essential that information is not disclosed by officers or members prior to the determination of the application.

9. Development proposals submitted by Councillors and Officers and the Council's own development

9.1 Planning applications submitted by Councillors and officers and their close friends and relatives, can easily give rise to suspicions of impropriety, as can proposals for the Council's own development even though it is perfectly legitimate for such proposals to be submitted. Proposals can take the form of

either planning applications or development plan proposals. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of bias.

9.2 The following should apply:

- Serving Councillors who act as agents for people pursuing a planning matter within their Authority should play no part in the decision-making process for that proposal. Similarly, should they submit their own proposal to the Authority they serve, they should take no part in its processing.
- The Council's Monitoring Officer should be informed of such proposals.
- Proposals should be reported to the Planning Control Committee as main items and not dealt with by officers under delegated powers.
- Proposals for a Council's own development should be treated in the same way as those by private developers in accordance with Circular 19/92.

10. Pre-application discussions

10.1 Discussions between a potential applicant for planning permission and the Council prior to the submission of an application can be of considerable benefit to both parties and is generally encouraged as assisting the planning process. However, it would be easy for such discussions to become, or be seen to become, part of a lobbying process.

10.2 In order to avoid such problems, pre-application discussions should take place within the following guidelines:

- It will be made clear at the outset that discussions will not bind a Council to making a particular decision and that only personal and provisional views based upon the development plan can be given.
- A written note of the discussion will be taken and placed on file. A note should also be taken of similarly potentially contentious telephone discussions.
- Advice should be consistent and based upon the development plan and material considerations with no significant difference of interpretation of planning policies between planning officers.
- All meetings with applicants will be arranged by officers who will ensure that the Council's guidance is followed.
- For high profile or contentious meetings not involving Members, more than one officer should attend.
- Wherever possible meetings should be held in the Council Offices rather than in the developer's premises
- A follow-up letter re-emphasising the non-binding nature of discussions should be sent for major or contentious applications.
- Once a planning application has been lodged and before it has been determined by the Council, any meetings between Members of the Planning Committee and the applicant are prohibited.

10.3 To maintain impartiality, it is preferable for Members not to take part in pre-application discussions. However, should there be occasions where Members

are involved, they should always be advised by the appropriate officers and the discussions recorded in the officer's file. If Members do give their initial reaction, they should qualify it by indicating that they will only be in a position to take a final decision once the Planning Control Committee has sat.

11. Views of consultees

The Assistant Director (Localities)/Resource and Regulation must ensure that:

- All requests for comments from consultees should be logged with the responses.
- Responses from individuals should also be logged.
- Consultees' comments and objections are set out in reports submitted to the Committee.

12. Officer reports to the Planning Control Committee

12.1 Members are required to arrive at a decision on granting or refusing permission by using planning criteria and by excluding non-planning considerations. To this end, the reports of officers to Members must be accurate and cover all relevant points. These reports should:

- (a) contain a section on the relevance of the development plan, a description of the site and any related planning history and all other identified material considerations
- (b) cover, amongst other things, the substance of any objections received and the views of people who have been consulted or notified
- (c) incorporate a written recommendation for Members' consideration. Oral reporting (except to update a report) should be extremely rare and carefully minuted where it does occur
- (d) should contain a technical appraisal which clearly justifies the recommendation
- (e) if the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.
- (f) outline any related planning obligations offered by or discussed with the applicant.

13. Public speaking at Committee

13.1 As part of the Council's initiative to encourage more involvement in its work, the Planning Control Committee has a policy of listening to views about planning proposals and has produced the "Planning for Bury Have Your Say" leaflet which explains public speaking at Committee.

13.2 Members of the public only are invited to attend and take part by speaking, explaining their concerns, either for or against, a proposal, or simply listening to the Committee debate.

13.3 Each item is introduced by the Chair who then invites comments from the public. The standard practice should be that one person is allowed to speak for, and one person against, a proposal. If more people are interested they will be asked to agree who the single spokesperson should be; exceptionally more than one person may be able to speak at the discretion of the Chair, the Chair should say at the end of each presentation that another speaker for or against is permissible only where items have not been covered by the earlier speaker. (NB. Ward Councillors not on the Committee may speak on applications affecting their Ward at meetings of the Planning Control Committee for no more than three minutes and may attend site visits).

13.4 Each speaker should aim to speak for a maximum of three minutes.

14. Decisions contrary to Officer Recommendations and/or the Development Plan

14.1 The Town and Country Planning Act 1990 requires that where the development plan is relevant decisions should be taken in accordance with it, unless material considerations indicate otherwise (Section 54A).

14.2 Applications which the Committee intend to approve as departures from the Unitary Development Plan will have been advertised, will be identified in the officer's report to the Committee and where necessary will be the subject of referral to the Secretary of State for the Environment, Transport and the Regions.

14.3 Where the Committee makes a decision contrary to the officer's recommendation (whether for approval or refusal), a detailed minute of the Committee's reasons will be made and copy placed on the application file. The officer should also be given the opportunity to explain the implications of the contrary decision.

14.4 Members may also wish to consider referring the application back to the Assistant Director (Localities)/Resource and Regulation for further information or advice.

15. Committee Site Visits

15.1 Site visits can be useful to identify features of a proposal which may be difficult to convey in a written report, but site visits can cause delay and additional costs and should only be used where the expected benefit is substantial.

15.2 Site visits should:

- be used sparingly and where the expected benefit could be substantial - this does not mean there should be no site visits (but they should meet the criteria in this paragraph 16.2);
- be made only for planning reasons;
- focus on factors exclusively relevant to the application and subsequent planning decision;
- not be an opportunity for further engagement of the applicant or members of the public; i.e. it should not be an opportunity for lobbying, public address, debate, submission of new information and hearing representation from members of the public or the applicant (this being a matter for when Committee formally sits);
- not be used an opportunity to defer consideration or determination of an application;
- should involve the whole Committee, though it is obviously realised this may not always be possible;
- always involve officer representation;
- be carefully conducted in order that there can be no accusation of bias, re-determination or other impropriety against Members of the Committee;
- be monitored in terms of costs and impact on planning decisions;
- be led by the Chairman and with advice from appropriate officers and the said officers should be present at all times during the arranged visit.

15.3 It is important to remember that site visits are 'visits' and not meetings with applicants and other members of the public. Site visits are an opportunity for Members of the PCC to see the site and have the proposal explained by the appropriate planning officer(s), with an opportunity to ask questions of the officer about the proposal. The site visit is not an opportunity to engage directly with members of the public, Ward Councillors not on the Planning Control Committee, the applicant or any consultees, landowners, supporters or objectors to a planning application.

15.4 A protocol for the site visits is attached at Appendix 1.

16. Regular review of decisions

16.1 At least on an annual basis, arrangements will be made for Members of the Planning Control Committee to visit a sample of implemented planning permissions in order to assess the quality of the decisions. This should include examples from a broad range of categories such as major and minor development, permitted departures, upheld appeals, listed building works and enforcement cases.

16.2 The Planning Control Committee should formally consider this review and decide whether it gives rise to the need to review any existing policies or practices.

17. Complaints and record keeping

17.1 The Council has an approved Complaints Procedure which will be followed in relation to public complaints about the handling of planning applications and planning matters generally.

17.2 Details of the Complaints Procedure and copies of complaint forms are available from the Main Reception, Town Hall, Knowsley Street, Bury and Bury Council's Main Council Offices/Area Offices.

18. Sanctions

18.1 The purpose of this Code is to provide guidance to Members, and Members of the Planning Control Committee in particular, in relation to the performance of a Council's planning function. The application of and adherence to the Code is intended to build public confidence in the Council's planning system and to produce a strong platform for planning decision making. The Code does not remove the responsibility of Members to exercise their statutory discretion to determine the merits of individual applications or proposals.

18.2 A failure to adhere to the code may give rise to a range of potential consequences to a Council, and individual Members, especially if this results in a pattern of inconsistency. The normal sanction of the democratic process is through the ballot box. Councillors may make a reputation in their community not only for their beliefs but also for their general conduct. Consistency and fairness are important qualities in the public eye and they are vital to the conduct of a Planning Control Committee. Beyond the normal democratic process, a number of specific consequences can be identified.

19. The Local Government Ombudsman

Although the Local Government Ombudsman will not investigate the balance or argument in any planning decision, she/he may agree to investigate a planning complaint if it concerns the manner in which a decision was taken. If it is found that injustice has been caused by maladministration in the light of statutory or established Council procedures, she/he will recommend redress which may take the form of compensation. Where the Local Government Ombudsman makes a finding of maladministration on the basis of a breach of the National Code of Local Government Conduct, then the report may name the individual Member and give particulars of the breach.

20. Appeals to the Secretary of State

An applicant who has been refused planning permission has a right of appeal to the Secretary of State. If an appeal is successful and it is shown that the

Council's conduct in dealing with the matter was unreasonable, the appellant's costs may be awarded against the Council.

21. Judicial Review

If objectors are convinced that the Council, in determining to grant an application, did not observe their statutory obligations to carry out all necessary procedures, base their decision on the Development Plan and take into account all representations, they may apply for judicial review of the decision, which might result in it being quashed. In such circumstances it would be normal for the costs to be awarded against the Council.

22. Powers of the Secretary of State

The Secretary of State possesses a range of powers which could be exercised where a local planning authority appears to be making inconsistent decisions, or decisions which are seriously in conflict with national and development plan policies. This could involve a greater use of the power to "call in" applications, whereby an application would be determined by the Secretary of State following a public inquiry. Where permission has already been granted by the Council, powers exist to revoke or modify permissions, or to require discontinuance of a land use, which if exercised would give rise to a liability to compensate on the part of the Council.

Appendix 1

Protocol for Site Visits

In order to ensure that all official Member Site Visits relating to planning matters are dealt with consistently and fairly, the following protocol and code of practice will apply (it should be noted that reference to titles of Council officers shall include successors in title and/or general functions):

1. Site visits shall, in accordance with its usual protocols, only be held following either:

- 1.1 a majority resolution of the Planning Control Committee whom, on hearing the application and representations thereto, by majority consider such a visit will for planning reasons be of substantial benefit to the decision making process; or
- 1.2 as may otherwise be authorised by the Chair in consultation with a Development Manager or other appropriate planning officer, where for example, a planning application is a major development, has received a significant number of objections, or is unusual in its nature to warrant a visit by Members of the PCC in the opinion of the said officers.

In the case of 1.2, a site visit may be arranged, but should not take place until the Agenda of the Planning Control Committee and the reports therein have been published. Following publication of the Agenda, the site visit may take place at any reasonable time during any working day (including the day of Committee) before the Committee formally convenes to decide upon the related application.

2. A written record of the decision to attend or not attend a site visit, whether in accordance with 1.1 or 1.2 above, should be formally recorded by Democratic Services.

3. Site visits shall only be attended by appointed Members of the Planning Control Committee along with the appropriate Council officers.

4. For the purpose of making logistical arrangements such as access to the site, the applicant shall be notified in writing of the proposed date and time of the site visit, but shall be informed that they, or any landowner or other interested person(s) should not approach or attempt to speak to or engage with any Member or officer of the Council about the application immediately before, during or immediately following the site visit. Where it is not possible to access the site for any reason, Members will be directed by officers to appropriate vantage points. No other person is required to be notified of the date and time of the site visit.

5. Site visits are an integral part of the committee decision-making procedure.

Therefore, all Members of the Planning Control Committee should, where possible, attend the site visit together with appropriate officers and not individually, or in small or separate groups.

Procedure at the Site Visit

The site visit will be conducted in the following manner:

- a) officers on the site visit should explain to any person present that they should not approach or attempt to engage with the Members on the site visit.
- b) The Development Manager and/or other appropriate planning officers shall be invited by the Chairman to explain the proposal to the Members, which shall include a summary of the relevant objections to the proposal.
- c) Members shall then be invited by the Chairman to ask any questions concerning the proposal to the respective officer(s)
- d) The Development Manager or other appropriate planning officer(s) shall then where they consider, in the context of the particular planning application, that it is necessary, reasonable, appropriate and practicable, guide Members to various parts of the site or vantage points to view the site.
- e) Members should remain together at all times during the site visit and should not attend separately on their own or in small or separate groups.

- f) Members shall during any site visit respect and adhere to any health and safety and other on-site requirements of the landowners or operators of facilities on the land where applicable (for example, when viewing an operative industrial facility or active building site)
 - g) A record shall be made by the Democratic Services officer of the site visit, including viewing points and all questions to the appropriate officers. Such a record shall form part of the Committee Minutes.
 - h) No decision on any application shall be taken at a site visit and Members should be mindful at all times that they should not provide any indication of the likely outcome of the application.
 - i) Members shall be mindful at all times of the need to avoid allegations of predetermination and bias, as well as avoiding the fettering of discretion in relation to a planning application; the need to uphold probity in planning decisions is of paramount importance for Members of the Committee, both individually and collectively.
 - j) Members should not allow themselves to be approached or addressed by any persons other than appropriate officers. It is accepted that this can be difficult and even unavoidable at times. Where an attempt is made by any such other person, including the applicant and if applicable any Councillors not on the Planning Committee, Members should politely, but firmly and immediately, discourage and curtail any such dialogue or any other form of engagement and react in accordance with the guidance on lobbying in part 6 to this Protocol, above. This should then be reported to the Democratic Services officer in attendance. Remaining together on the site visit at all times in accordance with e) above will minimise the risk of being approached.
 - k) In order to ensure that, as far as possible, all Members of the Planning Committee have the same information before them, the Development Manager or other appropriate planning officers shall provide a brief summary update to Members of any significant additional information or issues raised at the site visit prior to formal deliberation by the Members on the related planning application.
 - l) Members of the Planning Control Committee that are not able to attend the arranged site visit should, following the update by the Development Manager, or other appropriate planning officers in accordance with k), above, consider whether they feel capable of making a decision in relation to the application, having not had the benefit of the site visit themselves. The non-attendance of Members at the arranged site visit shall not of itself mean that Members should not be able to decide on the related application, simply that they themselves should consider whether probity in planning is being upheld and whether in the circumstances they feel they are able make an informed, objective and appropriate decision on the basis of the information before them.
-

Appendix 2

Helping Constituents to oppose or support Planning Applications

1. All Members of the Council will be approached by their constituents about planning applications. With the exception of Members of the Planning Control Committee most Councillors may consider leading their support or opposition to a planning application.

2. Any Member who does support or oppose an application cannot then take part in or vote on this matter should it be considered by a Council Committee including Area Boards at a later date.

3. In any event Members may find the following tips and information useful in helping to advise and work with constituents on planning applications.

1. Anyone can comment on an application.
2. Plans can be inspected at Knowsley Place.
3. Technical Officer advice is available.
4. All written comments must be made to the Chief Planning and Economic Development Officer in order that he can report to Committee.
5. Examples of the types of matters which cannot be taken into account by the Planning and Control Committee are:
 - Disputes about encroachment across boundaries
 - Worries about disturbance whilst construction work is underway.
 - Concern about competition from other traders
 - Impact on the value of property
6. Examples of the types of matters which can be taken into account by the Planning Control Committee are:
 - Issues affecting individual amenity and amenities of the wider area
 - Affect an outlook and privacy
 - Design and appearance
 - Traffic and parking

Noise and pollution

This page is intentionally left blank

MEMBERS' ALLOWANCES

SCHEME

2021/2022

The current scheme has been amended by Council on 14 September 2011. A copy of the current rates following this decision by Council is attached to this Scheme.

MEMBERS' ALLOWANCES SCHEME

The current Members' Allowances Scheme for Bury Council is set out below: -

MEMBER'S ALLOWANCES SCHEME

The Bury Metropolitan Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, as amended, hereby makes the following scheme:

1. This scheme shall have effect for the year commencing on 19th May 2021 and subsequent years.
2. In this scheme,

"councillor" means a Member of the Bury Metropolitan Borough Council who is a councillor;

"year" means any period of 12 months ending on 31 March in any year.

Basic Allowance

3. Subject to paragraph 6, for each year a basic allowance of **£8,947.67** shall be paid to each councillor.

Special Responsibility Allowance

4. (1) For each year a special responsibility allowance (SRA) shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme. In the event that a councillor receives more than one SRA only the highest allowance will be paid.

(2) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

(3) A Councillor who is a Member of the Greater Manchester Waste Disposal Authority or the Committee for Greater Manchester Transport may receive two Special Responsibility Allowances under this Scheme.

Renunciation

5. A councillor may by notice in writing given to the Chief Executive elect to forego any part of any entitlement to an allowance under this scheme.

Part-year Entitlements

6. (1) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- (2) If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then payment shall be made from the date of the change to the scheme.
- (3) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance, and if applicable a special allowance, shall be based on the number of days in office expressed as a proportion of the total number of days in a year.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2) and the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of the councillor to a basic allowance, and if applicable a special responsibility allowance, shall be based on the number of days in office expressed as a proportion of the total number of days in a year which will be calculated in two parts. Firstly, on the scheme before change and secondly on the scheme after the change.
- (5) Where a Councillor relinquishes or accepts a special responsibility for which an allowance is payable, the entitlement shall be calculated in accordance with sub section (3) above.

Payments

7. (1) Payments shall be made in respect of basic and special responsibility allowances, subject to sub-paragraph (2), in instalments of one-twelfth of the amount specified in this scheme on the twenty second day of each month or thereabouts (or as otherwise requested in exceptional circumstances);
- (2) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 6, the councillor is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which the councillor is entitled.

Amendment of the Scheme

8. (1) 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.
- (2) That the level of allowances payable under this scheme be increased annually at the same rate as the pay award agreed by the Joint Council for Local Government Services.

Child Care and Dependant Carers Allowance

9. This Allowance may be claimed in respect of children aged 16 years or under or in respect of other dependants where there is medical or social evidence that care is required. Payments will not be payable to a member of the Elected Member's household. Payments will be made at either an hourly rate to be determined by Council or based on receipted actual expenditure incurred.

The total amount of allowance which an individual Member may claim in any one year will be limited to £1,200.

An hourly rate of £6 per hour will be paid.

Standards Hearing Panels

10. (1) Provision is made for the payment of out of pocket expenses and loss of earnings allowance, up to a maximum of £250, to an Independent Member who sits on a Hearing Panel.

(2) An Independent Person shall receive £500 per annum plus £30 per hour for each Hearing Panel attended.

Attendance at meetings of the Licensing Hearing Panel

11. (1) Allowances for attending meetings of the Licensing Hearing Panel will only be paid to those Members who do not already receive a Special Responsibility Allowance.

(2) Where a Member qualifies for payment of such an allowance, the Member would be expected to attend 10 Hearings with no allowance paid so that the allowance only becomes operative for meetings attended by a Member in excess of 10.

(3) That where an allowance is paid, it be done on the following basis:-
£25.00 per full day
£12.50 – 2 to 4 hours
£6.00 up to 2 hours.

Other Allowances

12. (1) Travelling expenses should be paid at the appropriate mileage rate for journeys on approved duties outside the Borough (See Schedule 2)

(2) Telephone allowances will be paid at a fixed level per month of rental to take advantage of inclusive charge to cover free local (and national) calls in the evenings and at weekends.

(3) Subsistence Allowances will be paid in accordance with the provisions set out in Schedule 3.

SCHEDULE 1**SPECIAL RESPONSIBILITY ALLOWANCES**

The following are specified as special responsibilities in respect of which special responsibility allowances are payable in the amounts stated, subject to any Member who qualifies for a payment of such allowance in respect of more than one being only entitled to one (i.e. the highest) payment with the exception of GMWDA/Greater Manchester Transport (See Paragraph 4(3))

LEADERS/DEPUTY LEADERS**Actual £ £**

Leader Finance and Growth	25,503.21	28,053.53
Deputy Leader, Children, Young People and Skills	15,307.27	16,838.00
Leader – Second Largest Group	8,418.99	9,259.9
Deputy Leader - Second Largest Group	3,364.26	3,700.69
Leader – Third Largest Group	4,210.42	4,631.46
Deputy Leader - Third Largest Group	1,515.42	1,666.96

CABINET MEMBERS (WITH PORTFOLIO)

First Deputy, Health and Wellbeing	10,202.61	11,222.87
Communities	10,202.61	11,222.87
Environment, Climate Change and Operations	10,202.61	11,222.87
Corporate Affairs and HR	10,202.61	11,222.87
Culture and the Economy	10,202.61	11,222.87
Housing Services	10,202.61	11,222.87

DEPUTY CABINET MEMBERS

Finance and Growth (Ramsbottom Town Plan)	1,338.34	1,472.17
Children Services	1,338.34	1,472.17
Communities	1,338.34	1,472.17
Health & Wellbeing	1,338.34	1,472.17
Environment, Climate Change and Operations (x2)	1,338.34	1,472.17
Corporate Affairs and HR	1,338.34	1,472.17

CHAIRS OF SCRUTINY COMMITTEES AND REGULATORY COMMITTEES

Chair of Planning Control Committee	6,379.14	7,017.05
Chair of Licensing and Safety Panel	6,379.14	7,017.05
Chair of Audit Committee	6,379.14	7,017.05
Chair of Overview and Scrutiny Committee	6,379.14	7,017.05
Chair of Health Scrutiny Committee	6,379.14	7,017.05
Chair of Children's and Young People's Scrutiny Committee	6,379.14	7,017.05

REPRESENTATIVES ON OUTSIDE BODIES

Greater Manchester Waste Disposal Authority (X2)		£2,363.82
Transport for GM Committee (X2)		£4,272.11

MAYOR'S ALLOWANCE

Mayor	£16,471.95
Deputy Mayor	£4,118.03

This page is intentionally left blank

Section 2 - Membership of committees

Mayor of Council - Councillor Shaheena Haroon

Deputy Mayor of Council - Councillor Sandra Walmsley

Cabinet Post	Cabinet Member	Deputy Cabinet Support Members
Leader, Strategic Growth and Skills	Councillor Eamonn O'Brien	N/A
Deputy Leader, Adult Care, Health, and Wellbeing	Councillor Tamoor Tariq	Health and Wellbeing - Councillor Tom Pilkington and Councillor Nathan Boroda
Children and Young People	Councillor Lucy Smith	Children and Young People - Councillor Debbie Quinn and Councillor Sean Thorpe
Finance and Communities	Councillor Richard Gold	Communities - Councillor Ummrana Farooq
Environment, Climate Change and Operations	Councillor Alan Quinn	Environment, Climate Change and Operations - Councillor Kevin Peel
Corporate Affairs and HR	Councillor Tahir Rafiq	Corporate Affairs and HR - Councillor Joan Grimshaw and Councillor Elliot Moss
Culture and The Economy	Councillor Charlotte Morris	N/A
Housing Services	Councillor Clare Cummins	N/A

Overview and scrutiny committee (11)

Councillor Dean Vernon (Chair)
 Councillor Kevin Peel
 Councillor Nathan Boroda
 Councillor Noel Bayley
 Councillor Ayesha Arif
 Councillor Tom Pilkington
 Councillor Debra Green
 Councillor Russell Bernstein
 Councillor Nick Jones
 Councillor Mary Walsh
 Councillor Carol Birchmore

Health scrutiny committee (11)

Councillor Elizabeth FitzGerald (Chair)
 Councillor Joan Grimshaw
 Councillor Martin Hayes

Councillor Imran Rizvi
Councillor Elliot Moss
Councillor Noel Bayley
Councillor Khalid Hussain
Councillor Roger Brown
Councillor Jackie Harris
Councillor Mary Walsh
Councillor Carol Birchmore

Children and Young People's Scrutiny Committee (11)

Councillor Ciaron Boles (Chair)
Councillor Mary Whitby
Councillor Tom Pilkington
Councillor Ummrana Farooq
Councillor Nikki Frith
Councillor Spencer Donnelly
Councillor Jack Rydeheard
Councillor Jo Lancaster
Councillor Luis McBriar
Councillor Andrea Booth
Councillor Donald Berry

Licensing and Safety Committee (11)

Councillor Sandra Walmsley (Chair)
Councillor Roger Brown
Councillor Nathan Boroda
Councillor Spencer Donnelly
Councillor Joan Grimshaw
Councillor Khalid Hussain
Councillor Glyn Marsden
Councillor Gavin McGill
Councillor Imran Rizvi
Councillor Jack Rydeheard
Councillor Mary Walsh

Planning control committee (11)

Councillor Gavin McGill (Chair)
Councillor Shahbaz Arif
Councillor Ciaran Boles
Councillor Des Duncalfe
Councillor Debra Green
Councillor Jackie Harris
Councillor Martin Hayes
Councillor Debbie Quinn
Councillor Sean Thorpe
Councillor Dene Vernon
Councillor Mary Walsh

Audit committee (9)

Councillor Mary Whitby (Chair)
Councillor Ayesha Arif
Councillor Donald Berry
Councillor Desmond Duncalfe
Councillor Elizabeth FitzGerald
Councillor Iain Gartside
Councillor Martin Hayes
Councillor Nicholas Jones
Councillor Elliot Moss

Co-opted - Independent Member

Employment Panel (9)

Councillor Tahir Rafiq (Chair)
Councillor Joan Grimshaw
Councillor Elliot Moss
Councillor Tamoor Tariq
Councillor Clare Cummins
Councillor Russell Bernstein
Councillor Liam James Dean
Councillor Donald Berry
Councillor Mary Walsh

Standards committee (9)

Cllr Martin Hayes (Lab)
Cllr Mary Whitby (Lab)
Cllr Tahir Rafiq (Lab)
Cllr Debra Green (Lab)
Cllr Imran Rizvi (Lab)
Cllr Shahbaz Arif (Con)
Cllr Liam James Dean (Con)
Cllr Andrea Booth (RF)
Cllr Glyn Marsden (RF)

Independent Person(s)
Craig Ainsworth
Stuart Birtwell

Health and wellbeing board (4)

Councillor Tamoor Tariq
Councillor Lucy Smith
Councillor Eamonn O'Brien
Councillor Tom Pilkington
Councillor Nathan Boroda

Councillor Roger Brown
Core Voting Members:

A nominated representative from the Voluntary Sector – Helen Tomlinson
Executive Director of Children Young People and Culture – Jeanette Richards
Executive Director for Strategic Commissioning – Will Blandamer
Director of Community Commissioning and Director of Adult Social Services – Adrian Crook
Director of Public Health – Lesley Jones
Two nominated representatives from the GP Clinical Commissioning Group – Dr Cathy Fines and Geoff Little
A nominated representative from the Local Healthwatch – Ruth Passman
A nominated representative from Greater Manchester Police – Arif Narwaz
A nominated representative of Greater Manchester Fire Service – James Willmott
A nominated representative from Northern Care Alliance – Penny Martin
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 Lucy Smith (Chair)
Councillor Deborah Quinn
Councillor Sean Thorpe
Councillor Eamonn O'Brien
Councillor Clare Cummins
Councillor Kevin Peel
Councillor Luis McBriar
Councillor Khalid Hussain
Councillor Jo Lancaster
Councillor Andrea Booth
Councillor Donald Berry

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 Glyn Marsden

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

Locality Board – (in shadow form)

The Locality Board will have 15 voting members, 3 non-voting members and a number of officers will attend to advise as required. The voting members reflect senior clinical, political, managerial, and NHS non-executive leadership from across the Bury Health, Care, and Well Being partnership.

Voting Members:

Political Representation (3)
 Leader of the Council
 Executive Member of the Council Health and Wellbeing
 Executive Member of the Council for Children and Young People
Non-Executive NHS Leadership (3)
Clinical Representation (4)
Managerial Leadership (5)

Non-Voting Members:

Routinely attending (6)
In attendance as required (4)

Youth Cabinet (9)

Councillor Lucy Smith
Councillor Charlotte Morris
Councillor Martin Hayes
Councillor Spencer Donnelly
Councillor Liam James Dean
Councillor Luis McBriar
Councillor Glyn Marsden
Councillor Des Duncalfe

Joint Consultative Committee – Teachers (8)

Councillor Tamoor Tariq

Councillor Gavin McGill
Councillor Sean Thorpe
Councillor Lucy Smith
Councillor Russell Bernstein
Councillor Luis McBriar
Councillor Carol Birchmore
Councillor Donald Berry

Appointment of Shadow Cabinet for 2022/2023

Position	Appointees
Leader, Finance, Strategic Growth, Corporate Core and HR	Councillor Russell Bernstein
Deputy Leader, Environment, Highways and Operations	Councillor Jo Lancaster
Health and Wellbeing	Councillor Roger Brown
Culture and the Economy	Councillor Liam James Dean
Children, Young People and Skills	Councillor Luis McBriar
Communities	Councillor Dene Vernon
Housing	Councillor Khalid Hussain

Cabinet Structure 2022-23				
Leader and Cabinet Member for Strategic Growth and Skills Cllr E O'Brien	Deputy Leader and Cabinet Member for Adult Care, Health, and Wellbeing Cllr T Tariq		Cabinet Member for Children and Young People Cllr L Smith	Cabinet Member for Environment, Climate Change and Operations Cllr A Quinn
Business Growth and Infrastructure (Paul Lakin)	OCO (Will Blandamer)	Operations (Donna Ball)	Children and Young People (Janette Richards)	Operations (Donna Ball)
<p>Economic development</p> <p>Regeneration</p> <p>Strategic planning for land use and development</p> <p>Housing development inc Affordable Housing</p> <p>Strategic Transport</p> <p>Development management</p> <p>Skills Strategy</p>	<p>Commissioning health and social care</p> <p>Commissioning secondary care and community services inc emergency and planned care, cancer and mental health</p> <p>Support at home Quality: patient safety, clinical effectiveness, patient experience</p> <p>Infection control</p> <p>Commissioning of primary care (GP) services</p> <p>Referral and booking services</p> <p>Medicines optimisation</p> <p>Adult safeguarding</p> <p>Public health</p> <p>Mortality inc LeDer</p> <p>Strategic development unit (strategic planning and development, provider relationships, reviewing team)</p> <p>Care homes</p> <p>CHC/complex care</p> <p>Transforming care</p> <p>Bury EST</p> <p>Adults Caldicott Guardian Service</p> <p>Liaison with LCO and Persona</p> <p>Social Care operations through the DASS</p> <p>Health and Care Integrated Neighbourhood Teams</p>	<p>Wellness operation (sport, physical activity, lifestyle, nutrition, BEATS)</p> <p>Leisure Facilities</p>	<p>Corporate Parenting</p> <p>Youth and connexions</p> <p>Early help</p> <p>Children's social care</p> <p>MASH</p> <p>Children's safeguarding</p> <p>Fostering and adoption</p> <p>Early years and school readiness</p> <p>Emergency Duty team (EDT)</p> <p>Youth offending team</p> <p>Complex safeguarding</p> <p>Children's Caldicott Guardian Service</p> <p>Children and Young people in care</p> <p>SEN team</p> <p>Education welfare and Children's psychology</p> <p>School academies and colleges</p> <p>School crossing patrols</p> <p>Supporting Families</p>	<p>Waste inc Recycling</p> <p>Street cleansing</p> <p>Depot/Stores</p> <p>Enforcement</p> <p>Parks and countryside</p> <p>Environmental Health and Pest Control</p> <p>Climate Emergency</p> <p>Flooding</p> <p>Street Scene (Highways, Street Lighting and Grounds Maintenance)</p> <p>Parking</p> <p>Engineers</p> <p>Transport and workshop</p> <p>TfGM</p> <p>Clean Air</p> <p>Walking and Cycling</p>

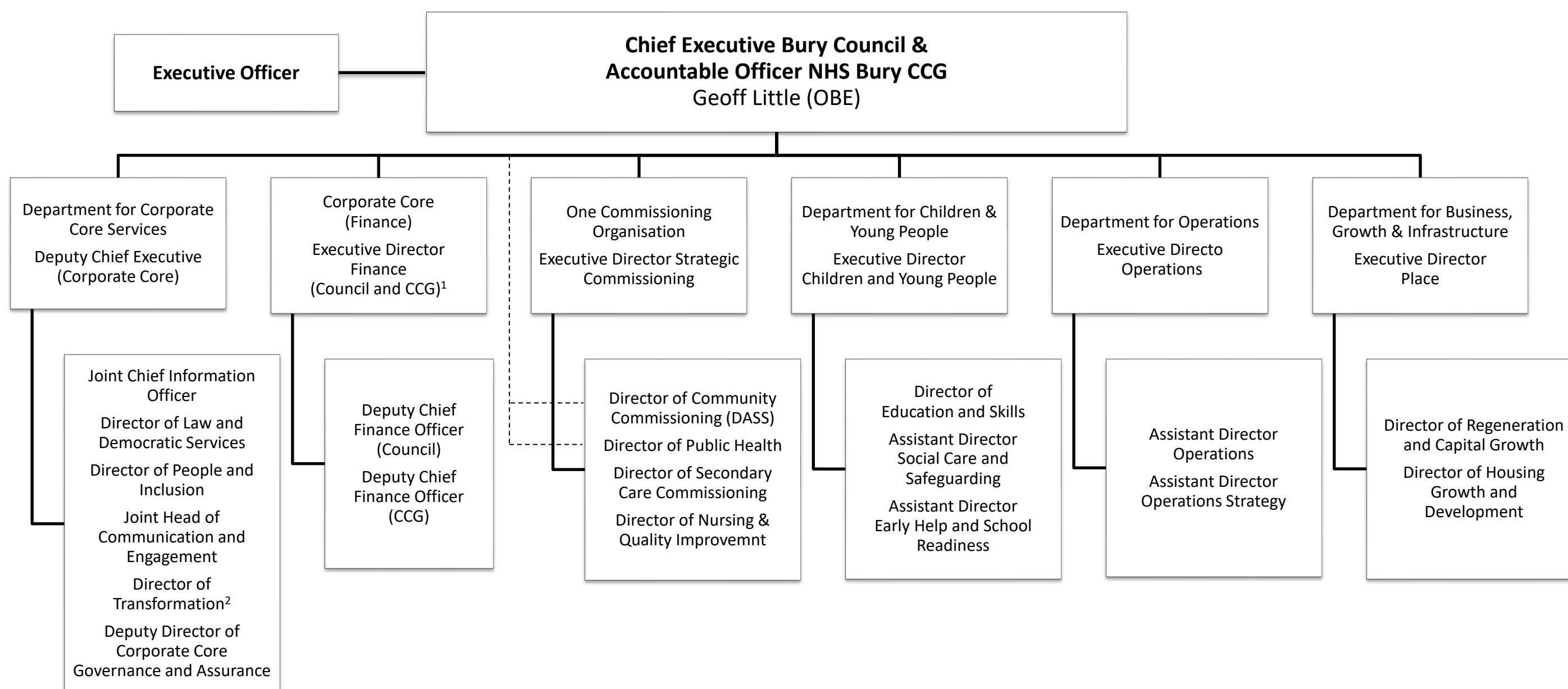
Cabinet Member for Corporate Affairs and HR Cllr T Rafiq		Cabinet Member for Finance and Communities Cllr R Gold			Cabinet Member for Culture and The Economy Cllr C Morris		Cabinet Member for Housing Services Cllr C Cummins
Corporate Core Services (Lynne Ridsdale)	Operations (Donna Ball)	Corporate Core Services (Lynne Ridsdale)	Operations (Donna Ball)	Finance (Sam Evans)	Corporate Core Services (Lynne Ridsdale)	Business Growth and Infrastructure (Paul Lakin)	Business Growth and Infrastructure (Paul Beardmore)
ICT 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 Policy and Reform inc. neighbourhood model 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 Neighbourhood engagement including community hubs & community grants, interfaith, veterans, cohesion and VCFA Integrated Neighbourhood Teams Community Hubs/Covid Response Community Grants	Civic Venues Libraries and Archives	Financial Strategy and planning inc MTFS Budget Board governance, saving tracker Financial management, assurance and reporting DSG Accounting inc Treasury Management, Pay Services (Creditor Payments/Accounts Receivable /Payroll) Audit Revenues and benefits processing Anti-Poverty Strategy Council Tax and Business Rates Insurance Counter Fraud Procurement Risk Management	Culture and Tourism Arts and Museums Cultural Strategy	Town Centre Recovery Boards Business engagement, support and recovery Economic Development Strategy Bury FC/Gigg Lane Bury BID	Liaison with Six Town Housing and Tenant Management Organisations (eg Springs) Estates, property and asset management Building control Urban renewal Homelessness, rough sleeping and Asylum Housing Strategy
					Operations (Donna Ball)		Operations (Donna Ball)
					Market Operations Licensing Trading standards		Private Rented Sector Enforcement Team

Bury Council Senior Leadership Structure

The structure chart below includes members of the Bury Council and Bury CCG Joint Executive Team (the Chief Executive and their direct reports) and the Council & CCG Senior Leadership Group (direct reports to the Executive Team). The data reflects the Council structure as of 1 July 2021.

The Chief Executive of the Council and Accountable Officer of the CCG leads an integrated leadership team. Those posts in grey are CCG posts included for information and completeness.

All posts can be contacted via the Council main switchboard on 0161 253 5000 and at Bury Town Hall, Knowsley Street, Bury BL9 0SW.



¹ This post is filled by an employee of Bury CCG. Information on their salary is therefore not included within the detailed information on employee salaries.

² This post holder is working with Bury Council on secondment from another Local Authority for a time limited period. Information on their salary is therefore not included within the detailed information on employee salaries.

This page is intentionally left blank

Strategic Commissioning Board Terms of Reference

Context

1. As part of the Bury Locality Plan for Health and Social Care Transformation 2017 to 2021 and to progressing the wider public service reform agenda there is a commitment to full alignment and integration between the Council and the Clinical Commissioning Group to form Bury Health and Social Care One Commissioning Organisation.
2. As part of this commitment the statutory bodies have agreed to form a single "Strategic Commissioning Board" in Bury to bring together the integrated governance of health and social care commissioning in its widest sense.
3. The following document sets out the terms of reference for the Strategic Commissioning Board (SCB).
4. Any changes to these Terms of Reference must be approved by the Council Cabinet and the CCG Governing Body

Statutory Framework

5. The SCB is not a statutory body. It is not intended to replace any of the existing statutory bodies in the locality; instead it is a joint committee of the two statutory organisations, Bury Metropolitan Borough Council ("the Council") and NHS Bury Clinical Commissioning Group ("the CCG"). The SCB will have overarching responsibility for all powers as have been delegated to it by the two statutory organisations (subject to any reserved matters) and set out in the associated Scheme of Delegation.

Role of the Strategic Commissioning Board

6. The SCB will be responsible for setting the principles and high-level strategic direction across the full responsibilities of health and care commissioning that is the responsibility of the two partners and will align wider Council, CCG and public services by inclusion so far as possible.
7. The SCB has been established to make decisions on the objectives, priorities, strategic design, commissioning and overall delivery of health and care services, including the oversight of their effectiveness, quality and performance.
8. In performing its role, the SCB will exercise its functions in accordance with duties delegated to it to support the delivery of the Bury Locality Plan for Health and Social Care Transformation 2017 to 2021, and its successor strategies and plans; including the Bury Strategy.
9. Members of the SCB have a collective responsibility for its operation. In undertaking its role, clinical and democratic accountability will be implicit within all decisions, as will respect for all professional areas of knowledge and expertise. Decisions will be based on achieving better outcomes and experience for the residents of Bury and those that use services within the Borough, better quality and better value.
10. The ethos of partnership working will underpin the programme of work, recognising that on occasion, difficult decisions may be required to benefit the population of Bury.

11. The SCB will have responsibility for providing a Bury response to Greater Manchester commissioning matters.

Core Business

12. As the SCB will operate as a “place based”, strategic, outcomes-based commissioner, the items of business for the SCB are likely to be:
 - a) Understanding the aspirations, strengths and needs of Bury communities
 - b) Leading collaboratively agreement of priorities for improvement
 - c) Leading collaboratively the agreement of commissioning and enabling strategies and associated use of financial and other resources
 - d) Enabling and supporting others to fulfil their roles within the system
 - e) Providing oversight and gaining assurance in respect of outcomes, quality, performance and finance
 - f) Providing leadership, oversight and assurance in respect of the development of an effective “One Commissioning Organisation”
13. The items of business for the SCB are unlikely to include detailed plans for operational service design and re-design.

Membership

14. The Strategic Commissioning Board shall consist of the following members:
 - Councillors – Cabinet Members of the Council to include no more than 8 voting Cabinet Members;
 - CCG Governing Body Members – no more than 8 voting, of which the majority will be clinicians;
 - The joint Chief Executive and Accountable Officer;
 - The joint Chief Finance Officer (including S151 responsibilities); and
 - The joint Executive Director of Strategic Commissioning.
15. In addition, other Officers and representatives will be invited to the SCB, and will be recognised as in attendance, enabled to participate fully in discussions to inform the decisions of the SCB, but will not hold voting rights. This will include, but is not limited to:
 - 3 opposition party representatives;
 - additional members of the CCG Governing Body (who are not members of the SCB)
 - additional members of the CCG/Council Joint Executive Team or any such equivalent successor team (who are not members of the SCB)

Chair

16. The SCB will be jointly chaired by the Council’s Leader on behalf of the Council and the CCG Chair on behalf of the CCG, with chairing responsibility rotated between meetings.
17. In the event of the Chair of the SCB being unavailable for all or part of the meeting, the following deputising arrangements will apply:
 - The Deputy Council Leader will deputise for the Council Leader; and
 - The CCG Chair will nominate a deputy drawn from the CCG members of the SCB.

Quorum

18.The meeting will achieve quoracy if the following requirements are satisfied:

- A minimum of 4 elected members (voting), of which 1 must be the Leader or Deputy Leader of the Council;
- A minimum of 4 Governing Body (voting) members, of which 2 must be practicing clinicians; and
- At least one joint Executive Officer.

Voting

19.It is anticipated that decisions will be made by consensus, however in the event that this cannot be achieved, a vote will be undertaken. Each voting member of the SCB will have one vote and a simple majority vote will be sufficient to carry the decision.

20.In the event that the vote is tied, and a deadlock position is reached, the item of business will be referred back, with the minuted views of the Strategic Commissioning Board members, to the respective decision-making body from which the item of business is delegated.

Deputies

21.Deputies are only permitted in respect to the Chairing of the SCB or Officer members.

22.With the exception of deputising arrangements for the Chair of the SCB, nominated deputies will not hold a vote nor will they count towards quoracy.

Frequency of meetings

23.The SCB will routinely meet at monthly times; a schedule of pre-arranged meeting dates will be distributed on an annual basis with a proposed annual calendar of business.

24.The meetings of the SCB shall be held in public:

- a) subject to any exemption provided by law
- b) the SCB may resolve to exclude the public from a meeting that is open to the public (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings or for any other reason permitted by both the Public Bodies (Admission to Meetings) Act 1960 (as amended or succeeded from time to time) and the Local Government Act 1972.

Attendance

25.Members are expected to attend every meeting.

26.Where a member is unable to attend a meeting, apologies should be notified in advance to the Chair of the meeting.

Conduct of Meetings

27. The SCB will give no less than five clear working days' notice of its meetings.
28. The agenda and supporting papers will be published at least 5 clear working days in advance of the meeting, not including the publication day and the day of the meeting. Authors of papers presented must use the required template. Papers must be received by the committee secretary in line with the published deadlines unless, in exceptional circumstances, explicit agreement has been reached with the SCB Chair.
29. The SCB will be appropriately resourced to ensure the timely distribution of papers, production of minutes, action and decision tracking, and the maintenance of the formal record and documentation of the business of the SCB.
30. Presenters of papers can expect all SCB members to have read the papers and should keep to a summary that outlines the purpose of their paper/report and key issues arising since the time of publication which may materially influence the decision or actions of the SCB. SCB members and others in attendance may question the presenter.

Conflict Of Interest

31. As a statutory Joint Committee formed by the two statutory organisations, the SCB must comply with the standards set by the Local Government Act 2000 as set out in Part 5(a) of the Council's Constitution and Section 140 of the National Health Service Act 2006 (as amended) as set out in Section 6 of the CCG Constitution.
32. In addition, the Register of Interests will be maintained for the members of the SCB and published on the Council and CCG websites.

Reporting

33. A highlight report from the SCB will be submitted to the Governing Body and Cabinet meetings, drawing the attention of the respective Statutory Committee to any items where further action is required. The SCB minutes will be included as an appendix to this report.

Monitoring Compliance

34. Meetings of the SCB shall be conducted in accordance with the provisions of both bodies Constitutions, Standing Orders, Scheme of Reservation and delegation of the respective partners and the duties delegated.
35. The SCB shall submit an annual report to the Governing Body and Council, incorporating progress, reporting arrangements, frequency of meetings and membership attendance. A summary of which will be included within the respective Governance Statements.
36. A review of effectiveness of the SCB will be undertaken at the end of the first year of operation and at further intervals as agreed appropriate.
37. The Terms of Reference of the SCB will be reviewed at least annually and submitted through the appropriate Governance arrangements for approval.

The Bury Health, Care and Well Being Partnership
Bury Locality (System) Board
Terms of reference

1 Purpose

- 1.1 The Bury Locality System Board ("Locality Board") has been established to provide strategic direction to the Bury Health, Care and Well-being Partnership, to manage risk and to support the Bury Integrated Delivery Collaborative for the performance of the Bury health and care system. The Bury Locality Board will undertake its duties in the context of the agreed Strategic Plan for Health, Care and Well-being for the Borough – the Locality Plan. The primary purpose of the Locality Board is to set the Strategic Direction for the reform and transformation of the operation of the health, care and wellbeing system in Bury, and to manage an integrated budget for the place (including a pooled fund) between Bury Council and the NHS.

2 Status and authority

- 2.1 The Bury Health, Care and Well-being Partnership is formed of the parties, who remain sovereign organisations, to provide strategic coherence, shared ambition, and operational delivery of the health and care system in Bury, in pursuit of better outcomes for residents and a financially sustainable system. The Bury Health, Care and Well-being Partnership is not a separate legal entity, and as such is unable to take decisions separately from the parties or bind its parties; nor can one or more party 'override' any other party on any matter (although all parties will be obliged to act in accordance with the ambition of the Strategic Plan for Health and Care in the Borough).
- 2.2 The Bury Health, Care and Well-being Partnership establishes the Bury Locality Board to lead the Bury Health, Care and Well-being Partnership on behalf of the parties. As a result of the status of the Bury Health, Care and Well-being Partnership, the Locality Board is unable in law to bind any party so it will function as a forum for discussion of issues with the aim of reaching consensus among the parties. However the Locality Board will have responsibility via the Section 75 agreement for the operation of the Integrated Budget for the borough, the scope of which is to be determined but will not be less than the scope of the Integrated Care Fund held by the Strategic Commissioning Board for the period 2021/22.
- 2.3 The Locality Board will function through engagement between its members so that each party makes a decision in respect of, and expresses its views about, each matter considered by the Locality Board. The decisions of the Locality Board will, therefore, be the decisions of the parties, the mechanism for which will be authority delegated by the parties to their representatives on the Locality Board.
- 2.4 Each party will delegate to its representative on the Locality Board such authority as is agreed to be necessary in order for the Locality Board to function effectively in discharging the duties within these terms of reference. The parties will ensure that each of their representatives has equivalent delegated authority. Authority delegated by the parties will be defined in writing and agreed by the parties and will be recognised to the extent necessary in the parties' own schemes of delegation (or similar).
- 2.5 The parties will ensure that the Locality Board members understand the status of the Locality Board and the limits of the authority delegated to them.

3 Responsibilities

3.1 The Locality Board will:

- 3.1.1 Ensure alignment of all organisations to the Bury Health, Care and Wellbeing Partnership vision and objectives, as described in the Locality Plan for Health, Care and Well Being , ensuring the delivery of the triple aim of improved population health, improved experience, and financial sustainability.
- 3.1.2 Jointly manage the Bury Health, Care and Well Being Locality Integrated fund – established to reflect the scope of services agreed to be managed at a locality level between the Council and NHS and in accordance with the GM ICS accountability agreements and doing so on the basis of ‘formally pooled, aligned and in view’.
- 3.1.3 Ensure the Bury Health, Care and Well Being Partnership delivers on the NHS obligations under the terms of the GM ICS Accountability Agreement with Bury.
- 3.1.4 Secure the delivery of the portfolio of transformation programmes reported through the Integrated Delivery Collaborative Board and as described in the Locality Plan.
- 3.1.5 Ensure the Bury Health, Care and Well Being Partnership works as part of the Wider Team Bury approach and in the context of the Let’s Do It Strategy for the borough and secures support of all partners including other public services, the business community, and the voluntary sector in addressing health inequalities and population health.
- 3.1.6 Ensure that all partners are actively working to promote the capacity and capability of integrated neighbourhood team working in each of the 5 neighbourhood teams in Bury and doing so in a way consistent with the principles and values of the Locality Plan – a persona and community asset based approach.
- 3.1.7 Promote and encourage commitment to the integration principles and integration objectives amongst all parties.
- 3.1.8 Formulate, agree and ensure that implementation of strategies for achieving the integration objectives and the management of the Bury Health, Care and Well Being System partnership.
- 3.1.9 Discuss strategic issues and resolve challenges such that the integration objectives can be achieved.
- 3.1.10 Ensuring the work of the health, care and wellbeing partnership in Bury has the voices of patients and residents, and the learning from lived experience, at the heart of the transformation programmes and service delivery.
- 3.1.11 Respond to changes in the operating environment, including in respect of national policy or regulatory requirements, which impact upon the Bury Health, Care and Well-being Partnership or any parties to the extent that they affect the parties' involvement in the Bury System Partnership.

- 3.1.12 Agree policy as required.
- 3.1.13 Agree performance outcomes/targets for the Bury Health, Care and Wellbeing Partnership such that it achieves the integration objectives.
- 3.1.14 Take collective responsibility for achievement of the objectives of the locality plan with regard to the performance/outcomes, financial position and contribution to population health gain. Working with the Integrated Delivery Collaborative to determine strategies to improve performance, recognise and address unwarranted variation, and work together as a system to address poor performance and outcomes.
- 3.1.15 Ensure that the Bury Integrated Delivery Collaborative identifies and manages the risks associated with the Bury System Partnership, integrating where necessary with the parties' own risk and governance management arrangements.
- 3.1.16 Generally, ensure the continued effectiveness of the Bury System Partnership, including by creating a partnership of trust and common purpose between the parties and between the Bury Health, Care and Well-being Partnership and its stakeholders.
- 3.1.17 Ensure that the Bury Health, Care and Well-being Partnership support partners to deliver their regulatory requirements through whatever means are required by such regulators or are determined by the Locality Board, including, to the extent relevant, integration with communications and accountability arrangements in place within the parties
- 3.1.18 Address any actual or potential conflicts of interests which arise for members of the Locality Board or within the Bury Health, Care and Wellbeing Partnership generally, in accordance with a protocol to be agreed between the parties (such protocol to be consistent with the parties' own arrangements in respect of declaration and conflicts of interests, and compliant with relevant statutory duties).
- 3.1.19 Oversee the implementation of, and ensure the parties' compliance with, this agreement and all other services contracts.
- 3.1.20 Review the governance arrangements for the Bury Health, Care and Wellbeing Partnership at least annually and ensuring compliance and alignment with the governance of legal entity partners.
- 3.1.21 Ensure consistent representation to the decision making arrangements of the ICS such that the GM ICS creates the conditions for rapid delivery of the system transformation described in the refreshed locality plan.

4 Accountability

- 4.1 The Locality Board is accountable to the each of the parties to the Locality Board. The Locality Board is also accountable to the GM Integrated Care System (GM ICS), through an accountability agreement, for the delivery of NHS standards and for the GM ICS budget that is part of the Integrated Fund. The Bury Locality Board is therefore accountable to the GM ICS Board, and there will be Bury System representation on the GM ICS Board.

- 4.2 The minutes of the Locality Board will be sent to the parties within 10 working days.
- 4.3 The minutes will be accompanied by a report on any matters which the chair considers to be material. It will also address any minimum content for such reports agreed by the parties.

5 Membership and Quoracy

- 5.1 The Locality Board will have 15 voting members; 3 non-voting members and a number of officers will attend to advise as required. The voting members reflect senior clinical, political, managerial, and NHS non-executive leadership from across the Bury Health, Care, and Well Being partnership.

Voting Members

Political Representation (3)

- Leader of the Council
- Executive Member of the Council Health and Wellbeing
- Executive Member of the Council for Children and Young People

Non-Executive NHS Leadership (3)

- Independent Chair of the Integrated Delivery Collaborative Board
- Non-Executive Director from an NHS provider (tbc)
- Non-Executive Director of GM ICS (a representative CCG Non Executive in the interim)

Clinical Representation (4)

- TBC

Managerial Leadership (5)

- The Chief Executive of the Local Authority/Place Based Lead for the GM ICS (subject to agreement that these roles are one and the same).
- Strategic Finance Group Chair – Joint Exec Director of Finance (S151 officer of the Council)
- Chief Officer NCA -Bury Care Org.
- Representative (tbc) Pennine Care NHS Foundation Trust
- Representative (tbc) Manchester Foundation Trust

Non-Voting Members

Routinely attending (6)

- Chair of Bury VCFA
- Chair of Bury Healthwatch
- Executive Director of Health and Care – Bury Council
- Chief Operating Officer – IDCB
- NCA group wide Executive
- Representative NHS provider finance rep

In attendance as required (4)

- Director of Childrens Services
- Director of Adult services

- Director of Public Health
- 5.2 Other Persons may attend the Locality Board as agreed by the Board. This will include the Chair of each of the System Enabling Groups – the Strategic Estates Group, the Workforce Group, and Digital Transformation Group, and others.
- 5.3 The Locality Board will be quorate if two thirds of its voting members (10) are present, subject to the members present being able to represent the views and decisions of the parties who are not present at any meeting. Where a member cannot attend a meeting, the member can nominate a named deputy to attend. Deputies must be able to contribute and make decisions on behalf of the party that they are representing. Deputising arrangements must be agreed with the chair prior to the relevant meeting.
- 5.4 The Locality Board will be chaired by the Leader of the Council, the Senior Clinical Leader from the Clinical Senate, Chairing of meetings will be on an alternate basis and/or in the absence of one of the named chairs.

6. Representation of the Bury Locality Board on the GM ICS Board

- 6.1 To be confirmed

7. Conduct of business

- 7.1 Meetings will be held ***on a Monthly Basis.***
- 7.2 The agenda will be developed in discussion with the Chair. Circulation of the meeting agenda and papers via email will take place 5 working days before the meeting is scheduled to take place. In the event members wish to add an item to the agenda they need to notify the meeting administrators who will confirm this with the chair accordingly.
- 7.3 In line with statutory requirements and the discretion of the chair, business may be transacted through a teleconference or videoconference provided that all members present are able to hear all other parties and where an agenda has been issued in advance.
- 7.4 At the discretion of the chair a decision may be made on any matter within these terms of reference through the written approval of every member, following circulation to every member of appropriate papers and a written resolution. Such a decision will be as valid as any taken at a quorate meeting but will be reported for information to, and will be recorded in the minutes of, the next meeting.

8. Decision making and voting

- 8.1 The Locality Board will aim to achieve consensus for all decisions of the parties. It is not intended that the Locality Board will seek to 'outvote' one partner to the board. Any decision of the board needs to be supported by the governance of each organisation. In the event of one or more partners disagreeing with a decision following consideration within the organisation it is expected further dialogue and discussion will take place at the Locality Board.
- 8.2 To promote efficient decision making at meetings of the Locality Board it will develop and approve detailed arrangements through which proposals on any matter will be

developed and considered by the parties with the aim of reaching a consensus. These arrangements will address circumstances in which one or more parties decide not to adopt a decision reached by the other parties.

9. Conflicts of interests

- 9.1 The members of the Locality Board must refrain from actions that are likely to create any actual or perceived conflicts of interests.
- 9.2 The Locality Board will develop and approve a protocol for addressing actual or potential conflicts of interests among its members (and those of the Bury Integrated Delivery Collaborative). The protocol will at least include arrangements in respect of declaration of interests and the means by which they will be addressed. It will be consistent with the parties' own arrangements in respect of conflicts of interests, and any relevant statutory duties.

10. Confidentiality

- 10.1 Information obtained during the business of the Locality Board must only be used for the purpose it is intended. Particular sensitivity should be applied when considering financial, activity and performance data associated with individual services and institutions. The main purpose of sharing such information will be to inform new service models and such information should not be used for other purposes (e.g., Performance management, securing competitive advantage in procurement).
- 10.2 Members of the Locality Board are expected to protect and maintain as confidential any privileged or sensitive information divulged during the work of the Bury System Partnership. Where items are deemed to be privileged or particularly sensitive in nature, these should be identified and agreed by the chair. Such items should not be disclosed until such time as it has been agreed that this information can be released.
- 10.3 Given that some LA decision making will go through the Board the provisions of the Local Government Access to Information legislation will apply.

11. Support

- 11.1 Governance/administrative support to the Locality Board will be provided as agreed by the Partnership.
- 11.2 The programme structure and supporting work groups will be developed and agreed as part of the Locality Board work plan.

12. Review

- 12.1 These Locality Board terms of reference will be formally reviewed annually and in the first instance in January 2022 and again in April 2022.

HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

1. VISION

The Health and Wellbeing Board will work with partners and communities and residents to galvanise all effort to improve health and wellbeing, and reduce health inequalities to ensure that all people have a good start and enjoy a healthy, safe and fulfilling life.

The Health and Well Being Board recognises the Bury 2030 ambition to significant reduce internal health inequality (measured by life expectancy and healthy life expectancy) in the borough, and between the borough and the England average, by 2026.

2. MEMBERSHIP

Membership of the Health and Wellbeing Board will be made up of leaders across the NHS, Social Care, Public Health, Wide Public Services and other services directly related to Bury operating as a Population Health System

Core voting members:

- Cabinet Member, Adult Services, Health and Wellbeing (Chair)
- A nominated representative from the voluntary sector
- Cabinet Member, Children and Young People
- Additional Labour Cabinet Member
- Deputy Cabinet Member, Health and Wellbeing
- Shadow Cabinet Member, Health and Wellbeing
- Executive Director of Children and Young People
- Executive Director for Strategic Commissioning
- Director of Adult Social Services and Community Commissioning
- Director of Public Health
- Two nominated representatives from the NHS GM (Bury)
- A nominated representative from Bury Healthwatch
- A nominated representative from Greater Manchester Police
- A nominated representative from Greater Manchester Fire and Rescue.
- A nominated representative from Northern Care Alliance
- A nominated representative from the Local Care Organisation
- A nominated representative from Pennine Care NHS Foundation Trust.

- A nominated representative from Six Town Housing

The Board may also decide to co-opt/invite by invitation additional members to advise in respect of particular issues. These may include representatives from:

- Lead Member for Public Health
- Six Town Housing
- NHS England;
- North West Ambulance Service;
- GM Police;
- Clinicians;
- Coroner;
- other provider organisations/government agency/representatives from the Charity sector.

The Health and Wellbeing Board can, once the board is established, in agreement with full Council, appoint additional members to the Health and Wellbeing Board (Section 194, Health and Social Care Act).

3. FUNCTION

The Health and Wellbeing Board will be a strategic forum to ensure a coordinated commissioning and delivery across the NHS, Social care, public health and other services, directly related to health and wellbeing.

The Health and Wellbeing Board will determine, shape and implement key priorities and integrated strategies to deliver improved health and wellbeing outcomes, for the whole of the population of Bury.

The Health and Wellbeing Board will undertake its ambition for population health improvement and a reduction in health inequalities, using the Population Health System Model for the Kings Fund (2018). In particular the agenda will reflect the 4 quadrants.

- Wider Determination of Population Health
- Behavioural and Lifestyle determinants of health
- The effect of place and community on health and well being
- the operation of the health and care system, and wider public service reform, in pursuit of population health gain

4. KEY RESPONSIBILITIES OF THE BOARD

- To provide Strong Leadership and a governance structure for local planning and accountability of Population Health and Care related priorities and services.
- To assess and understand the needs and assets of the local population and lead the statutory integrated strategic needs assessment (JSNA).
- Agree annual strategic priority outcomes for JSNA needs assessments, ensure plans are in place and actions and recommendations are monitored and followed up.
- To promote integration and partnership working and build strong stakeholder relationships across areas through promoting joined up commissioning plans across the NHS, social care and public health.
- To develop a Joint Health and Wellbeing Strategy to provide the overarching framework for commissioning plans for the NHS, social care, public health and other services the Board agrees to consider.
- To review major service redesigns of health and wellbeing related services provided by the NHS and Local Government. Providing critical challenge and strategic steer
- Receive exception reports, manage risks and resolve issues from other strategic groups, challenge performance and provide strategic steer where relevant. To challenge and support joint commissioning and pooled budget arrangements, where all parties agree this makes sense.
- Oversee effective and appropriate community engagement, involvement and consultation with regards to health and wellbeing priorities, to ensure strategies and service redesign reflect the views of local people, users and stakeholders.
- Provide overarching communication for regional and national agendas, co-ordinate responses.
- Ensure overarching actions to reduce health and social inequalities.

- Any other function that may be delegated by the Council under Section 196 (2) of the Health and Social Care Act 2012.

5. MEETINGS

The Health and Wellbeing Board is a Committee of the Local Authority.

The Health and Wellbeing Board will meet every six weeks.

The **date and timings** of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by a Member of the Health and Wellbeing Board duly appointed by the Council. The Vice Chair will be the Deputy Cabinet Member, Health and Wellbeing. The Chair and Vice Chair would be appointed annually; the appointments would be ratified by Council. **In the absence of the Chair or Deputy Chair** - A replacement Chair will be elected for the duration of the meeting from the Core Membership. This will normally be the Lead Member for Public Health

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 NHS GM (Bury) or a nominated substitute.

Members will adhere to the agreed principles of the Council's Code of Conduct. It is expected that members of the Board will have delegated authority from their organisations to take decisions within their terms of reference.

Declarations of Interest – Any personal, prejudicial or pecuniary interests held by members should be declared in accordance with the Council's Code of Conduct on any item of business at a meeting, either before it is discussed or as soon as it becomes apparent. Interests which appear in the Council Register of Interests should still be declared at meetings, where appropriate.

Decisions are to be taken by **consensus**. Where it is not possible to reach consensus, a decision will be reached by a simple majority of those present at the meeting. Where there are equal votes the Chair

of the meeting will have the casting vote, there will be no restriction on how the Chair chooses to exercise his/her casting vote.

The Executive Director of Strategic Commissioning, Communities and Wellbeing will act as the **lead officer**. Lead officer responsibilities will include ensuring that agendas are appropriate to the work programme of the Health and Wellbeing Board.

Workload – Work Programme to be determined annually by the Board. The Board must also have regard to any issue referred to it by the Health Scrutiny Committee, Council and its leadership, or the Executive Director of Strategic Commissioning.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at the meeting will be kept and circulated to partner organisations as soon as possible. Minutes will be published on the Council web site.

Access to Information – It is important to ensure that all councillors are kept aware of the work of the Board and a copy of the minutes will be circulated to all Bury Councillors. The Board shall be regarded as a Council Committee for Access to Information Act purposes. Freedom of Information Act provisions shall apply to all business.

All meetings will be held in **public** with specific time allocated for public question time.

The Board will retain the ability to **exclude representatives** of the press and other members of the public from a defined section of the meeting having regard to the confidential nature of the business to be transacted, publically on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

Non members of the Health and Wellbeing Board may be co-opted onto the Board as a non voting member, with speaking rights, with the agreement of the Chair.

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

The Board will oversee and receive reports from a set of sub groups which will focus on the delivery of key targeted areas of work. The sub groups will report directly to the Health and Wellbeing Board.

Provisions that apply to the HWB would also apply to any sub groups of the HWB.

The HWB must be mindful of their duties as prescribed in the Equality Act 2010 and the Data Protection Act 1998:

The Equality Act 2010, requires specified public bodies, when exercising functions to have due regard to eliminating conduct prohibited by the Act and advancing equality of opportunity.

The Data Protection Act 1998 makes provision for the regulation of the processing of information relating to individuals.

REPORTING STRUCTURES

The Health and Wellbeing Board has a direct reporting link to Council.

Although Health and Wellbeing Boards are not committees of a Council's Cabinet, the Council may choose to delegate additional functions to the Board. The Discharge of these functions would fall within the remit of scrutiny but the core functions are not subject to call-in as they are not Cabinet functions.

The Health and Wellbeing Board would consult and involve the Health Scrutiny Committee in the development of the JSNA and the Joint Health and Wellbeing Strategy. The Chair of the Health and Wellbeing Board will attend the Health Scrutiny Committee, as required.

The Health and Wellbeing Board will not exercise scrutiny duties around health and social care, this will remain the role of the Health Scrutiny Committee as defined in the Health and Social Care Act and related regulations.

Radcliffe Cabinet Committee Terms of Reference

Purpose

The Strategic Regeneration Framework (SRF) for Radcliffe was approved in September 2020. The SRF sets out a comprehensive plan to direct the future growth and development of the town in a coherent and joined-up manner.

The purpose of this Committee is to provide executive political leadership for the delivery of the SRF. It also will provide a forum for cross-party engagement.

Membership

Voting Members

- The Leader
- Two other Cabinet Members

Non-voting Members

- Four Ward Councillors (appointed on the basis of political balance)

Chair

The Committee will be Chaired by the Leader of the Council.

Quorum

At least three voting Members.

Frequency of meetings

To meet every two months and as necessary when requested by the Chair.

Aims and Objectives

The Radcliffe Cabinet Committee will:

- Give feedback and support to the implementation programme as set out in the SRF for Radcliffe;
- Make recommendations to Cabinet in relation to investment decisions, acquisitions and an advisory role on public services integration; and
- Enable Cabinet to monitor progress in delivering the SRF.

This page is intentionally left blank

EMPLOYMENT PANEL TERMS OF REFERENCE

1. FUNCTION

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 for statutory officers of the Council
- Appeals against dismissal and grievances by employees of the Council
- applications for premature retirement and
- Appointment Panel for Chief and Deputy Chief Officers.

2. MEMBERSHIP

2.1 The Employment Panel will be Chaired by the Cabinet Member with responsibility for human resources. The Committee will be a politically balanced committee of the Council with nine members.

2.2 A politically balanced 3 member panel will be convened to fulfil the appeals functions.

2.3 A politically balanced 6 member panel will be convened to fulfil the employment functions, the 5th/and if necessary 6th member will be the Cabinet Member(s) with responsibility for the portfolio area under consideration or their appointed deputy.

2.4 Any panels convened must comprise of the 9 members appointed to the Employment Panel except in instances when a Cabinet Member is required to fulfil an employment function as detailed in point 2.3.

3. KEY RESPONSIBILITIES OF THE BOARD

1. Be the appropriate body including acting as the Investigating and Disciplinary Committee.
2. To fulfil the employment functions as set out in part 4 section 8, the Officer Employment Procedure Rules in relation to: Chief Officers and Deputy Chief Officers including the Head of Paid Service (to include Returning Officer and Electoral Registration Officer functions), Deputy Chief Executive; Director for Adults and Communities, Director of Children and Families; Director of Public Health, Monitoring Officer and S151 Officer.
3. Review the annual pay policy statement and make recommendations to Council.

4. Be a consultee on all terms and conditions including policies for all staff.
5. Approve the performance and development framework for annual assessment of the Chief Executive.
6. Appeals against dismissal and grievances by employees of the council and applications for premature retirement.
7. The Chair of the Employment Panel has delegated authority to suspend the Head of Paid Service.

5. MEETINGS

The Employment Panel is a Committee of the Local Authority and so as such the Access to Information provisions will apply. The Panel will meet four times a year.

The **date and timings** of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by the Cabinet Member with responsibility for the human resources function. The Chair will be appointed annually and the appointment would be ratified by Council. **In the absence of the Chair** - a replacement Chair will be elected for the duration of the meeting.

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

The Director of People & Inclusion or their representative will act as the **lead officer**.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings.

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

Public Engagement

Agendas will be available to view by members of the public in line with Access to Information Requirements on the Councils website at <https://www.bury.gov.uk/index.aspx?articleid=10465>

CONSTITUTION AND FUNCTIONS

1. Title

The Committee shall be called the "Bury Council Joint Consultative Committee for Teachers"

2. Representation

(a) (i) eight members of Bury Council and shall constitute the Employer's Side

(ii) representatives appointed by the following organisations: -

four representatives of the National Education Union;

four representatives to be appointed by the National Association of Schoolmasters Union of Women Teachers;

one representative of the Association of School and College Leaders;

one representative of the National Association of Head Teachers;

(Any other Teachers' Associations which become represented on National Employers' Organisation for School Teachers will be eligible for representation on this Joint Consultative Committee)

(iii) the Chair for the time being of the Teachers' Panel.

(b) If any of the bodies referred to in (a)(i) to (iii) fail to appoint the number of representatives provided for, such failure shall not invalidate the decisions of the Committee.

(c) The representatives referred to in paragraphs (a)(ii) and (iii) above shall constitute the Teachers' Side of the Joint Consultative Committee.

(d) If a member referred to in paragraph (a) (i) ceases to be a member of the Council he/she shall also cease to be a member of the Joint Consultative Committee.

(e) If a representative of any of the organisations referred to in paragraph (a) (ii) above is unable to attend any meeting of the Joint Consultative Committee that representative may appoint a deputy to attend in his/her place, subject to the name of the deputy being submitted to the Secretary prior to the meeting which the representative is unable to attend.

(f) If a casual vacancy occurs, a new member shall be appointed by the representative body.

3. **Chair and Deputy Chair**

The Committee shall have a Chair and Deputy Chair, one to be a nominee of the Employers and one to be a nominee of the Teachers. The Chairship shall alternate annually between the two sides, and the Chair and Deputy Chair shall be appointed by the Joint Consultative Committee at their first meeting in each Municipal Year and shall hold office until the first meeting in the following Municipal Year.

4. **Officers**

The Chief Executive of the Council shall act as Secretary to the Joint Consultative Committee.

5. **Sub-Committees**

The Committee may appoint from its membership such Sub-Committees as it thinks fit. Both the Committee and any Sub-Committee may co-opt persons of special knowledge for special purposes, provided that such persons shall serve only in a consultative capacity.

6. **Functions**

The functions of the Committee shall be to :-

- (a) provide a regular basis for representatives of the recognised Teachers' Associations to meet with members of the Local Education Authority;
- (b) contribute to the efficient operation of the Authority by promoting harmonious relations between the Authority and the teaching staff;
- (c) to negotiate on all matters for which the unions recognised by the Authority are regarded as having collective bargaining rights, including: -
 - (i) the local application of agreements reached nationally between the Local Authorities' Associations and the recognised Teachers' Associations;
 - (ii) other agreements reached locally between the Authority and the recognised Teachers' Associations;
 - (iii) Conditions of Service of the teaching staff of the Authority;
 - (iv) any other matter proposed by either Side of the Committee

7. **Frequency of Ordinary Meetings**

The Joint Consultative Committee shall ordinarily meet as and when required, but not less than once per term.

The matters to be discussed at an ordinary meeting of the Joint Consultative Committee shall be stated in the notice summoning the meeting, provided that any other business may be considered if agreed by a majority vote of those present at a meeting.

8. Notice of Meetings

Agenda items for ordinary meetings shall normally be submitted to the Secretary by either Side not later than fourteen days before the date of the meeting. Notices, including the Agenda and Minutes of the Meetings, shall be sent to each member of the Committee not less than seven days before the date of the meeting.

9. Special Meetings

The Chair shall call a special meeting of the Committee if requested by either Side. The notice of such a meeting shall state the nature of the business to be presented, and no other matters shall be discussed unless otherwise agreed by the two Sides. A special meeting shall take place within seven days following the receipt of the request by the Chair.

10. Quorum

The quorum of the Joint Consultative Committee shall be three representatives of the Employer's Side and representatives of three of the Teachers' organisations represented on the Committee.

11. Voting

- (a) No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each Side of the Committee or Sub-Committee.
- (b) If, after consultation, the two Sides cannot agree on a decision, the matter shall be referred to a special panel which shall discuss the matter within fourteen days and report back to the full Joint Consultative Committee. The Panel shall consist of a nominee of the Chair of the Overview and Scrutiny Committee (who shall not be a member of the J.C.C.), a nominee of the Chair of the Teachers' Panel (who shall not be a member of the J.C.C.), and one person of local standing, acceptable to both Sides (who shall not be a member of the Local Authority nor a teacher in the service of the Authority and agreed by both the Chair of the Scrutiny Committee and the Chair of the Teachers' Panel).

12. The recommendations of the Joint Consultative Committee, where appropriate, shall be submitted to the Executive or Overview and Scrutiny Committee of the Council and the proceedings of the Joint Consultative Committee shall be signed by the Chair and the Deputy Chair of the Joint Consultative Committee.

13. The Joint Consultative Committee shall not arrive at any agreement which conflicts with the policy or recommendations of the appropriate negotiating bodies which determine the salaries and Conditions of Service of Teachers.

14. Attendance of Observers at Meetings

A representative of those organisations which are allocated one seat in accordance with Paragraph 2 above shall be permitted to appoint an observer to attend meetings in order to provide an element of continuity where any individual nominated representative is unable to attend meetings.

This page is intentionally left blank



BURY COUNCIL CORPORATE JOINT CONSULTATIVE COMMITTEE

CONSTITUTION AND FUNCTIONS

1. TITLE

The committee shall be called the "Bury Council Corporate Joint Consultative Committee".

2. REPRESENTATIVES

- a) This Joint Consultative Committee shall consist of 10 Councillors appointed and an equal number of members to be appointed from the recognised Trade Unions.
- b) If a member of the Corporate Joint Consultative Committee ceases to be a Councillor or an employee of the Council he/she shall immediately cease to be a member of the Joint Consultative Committee. Any member vacancy shall be filled by the Council and any employee vacancy by the Trade Union or the combination of the Trade Unions concerned.
- c) If any member of the Joint Consultative Committee is unable to attend a meeting of the Committee, a Deputy may attend in their place. The Deputy must be a Councillor or member of the recognised Trade Union.
- d) With the approval of the Chair and the Deputy Chair, either Side may invite to a meeting of the Joint Consultative Committee additional representatives by reason of expert knowledge of the matters to be discussed, or to provide support and guidance but any additional representatives shall not have power to vote.

3. CHAIR AND VICE CHAIR

The Chair and Deputy Chair shall be appointed by the Joint Consultative Committee at its first meeting in each Municipal Year and shall hold office until the first meeting in the following Municipal Year. If the Chair appointed is a member of the Council, the Deputy Chair shall be appointed from the employees' side and vice versa. This arrangement will usually

alternate annually between the two sides. The Chair of a meeting shall not have the casting vote.

4. OFFICER SUPPORT

Meeting of the Corporate Joint Consultative Corporate will be supported by a member of staff from Democratic Services.

5. FUNCTIONS

The functions of the Joint Consultative Committee shall be

- a) 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.
- b) To consider any relevant matter referred to it by the Council or the Trade Unions.
- c) To seek to prevent differences and to resolve them should they arise
- d) To make recommendations to the Council/Cabinet as to the application of the terms of appointment and conditions of service and the education and training of employees of the Council.
- e) To discharge any other functions specifically assigned to the Joint Consultative Committee.

6. RULES AND REGULATIONS

- 1. The Joint Consultative Committee shall meet not less than four times per municipal year. These meetings are to be scheduled within the Council's cycle of meetings.
- 2. The Chair or Deputy Chair may call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by no less than one-third of the members of either Side.

3. The matters to be discussed at any meeting of the Joint Consultative Committee shall be stated in the notice summoning the meeting, provided that any other business may be considered if submitted by a majority vote of those present at the meeting.
4. A quorum of the Joint Consultative Committee shall be 3 representatives of each Side. The absence of any recognised Trade Union will not invalidate the proceedings of the Corporate Joint Consultative Committee, always providing that a quorum of each side is in attendance.
5. No resolution shall be regarded as carried unless it has been approved by a majority of each Side present at the meeting and in the event of:
 - a) The Joint Consultative Committee being unable to arrive at an agreement; or
 - b) The Council disagreeing with the recommendations of the Corporate Joint Consultative Committee the matters in dispute shall, if required by either side of the Corporate Joint Consultative Committee, be referred to the Joint Secretaries of the Employers Organisation, with a view to seeking their assistance to resolve the issues in question.
6. The minutes of meetings of the Joint Consultative Committee shall be submitted to the Assistant Director of Human Resources of the Council and shall be signed by the Chair and Deputy Chair of the Joint Consultative Committee before being submitted to the Human Resources and Appeals Panel.

7. STATEMENT OF INTENT

The Corporate Joint Consultative Committee consists of Elected Members and recognised Trade Unions who are representatives of the Council's employees.

The primary role of the Corporate Joint Consultative Committee is to provide the means of seeking to secure, by agreement, stable employee relations through negotiation and consultation on local Conditions of Employment, for application throughout all the Council's Departments, in accordance with the National Agreements of the National Joint Council for Local Government Services.

This page is intentionally left blank

BURY METROPOLITAN BOROUGH**HEALTH AND SAFETY JOINT CONSULTATIVE COMMITTEE****A. CONSTITUTION AND FUNCTIONS****1. Title**

The Committee shall be called The Health and Safety Joint Consultative Committee.

2. Representation

- (a) The Health and Safety Joint Consultative Committee shall consist of Elected Members of the Bury Metropolitan Borough Council appointed by the Council and an equal number of members to be appointed from the recognised Staff Organisations.
- (b) If a member of the Health and Safety Joint Consultative Committee ceases to be a member or an officer of the Council he/she shall there upon cease to be a member of the Health and Safety Joint Consultative Committee. Any member vacancy shall be filled by the Council and any employee vacancy by the organisation.
- (c) If any member of the Health and Safety Joint Consultative Committee is unable to attend a meeting of the Committee he/she shall be permitted to appoint a Deputy to attend in his/her place. The Deputy must be a Member or employee of the Council as the case may be.
- (d) With the approval of the Chair and the Deputy Chair either side may invite to a meeting of the Health and Safety Joint Consultative Committee one additional representative by reason of his expert knowledge of the matters to be discussed but such additional representation shall not have power to vote.

3. Chair and Deputy Chair

The Chair and Deputy Chair shall be appointed by the Health and Safety Joint Consultative Committee at their first meeting in each municipal year, and shall hold office until the first meeting in the following municipal year. If the Chair appointed be a Member of the Council, the Deputy Chair shall be appointed from the Staff Organisations side and vice versa. The Chair of a meeting shall not have a casting vote. The Chair will alternate between the Member side and Staff Organisations side on an annual basis.

4. Employees

Bury MBC will facilitate meetings of the Health and Safety Joint Consultative Committee and shall appoint a secretary and other officers as necessary to service and advise the Committee.

5. Functions

The functions of the Health and Safety Joint Consultative Committee shall be:

- (a) to establish a regular method of keeping under review the measures taken to ensure health and safety at work of the Councils employees, contractors and members of the public.
No question relating to any particular officer shall be within the scope of the Committee.
- (b) to consider any relevant matter referred to it by the Council, Joint Consultative Committees or by any of the staff organisations.
- (c) to make recommendations to the Employment Panel/Council on Occupational Health and Safety and Welfare matters.
- (d) to discharge any other functions specifically assigned to the Health and Safety Joint Consultative Committee.

B. RULES AND REGULATIONS

- 1. The Health and Safety Joint Consultative Committee shall meet as and when required.
- 2. The Chair or Deputy Chair may direct the Secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by not less than one-third of the members of either side.
- 3. The matters to be discussed at any meeting of the Health and Safety Joint Consultative Committee shall be stated upon the notice summoning the meeting, provided that any other business may be considered if submitted by a majority vote of those present at such meeting.
- 4. A quorum of the Health and Safety Joint Consultative Committee shall be two representatives of each side.
- 5. No resolution shall be regarded as carried unless it has been approved by a majority of each side present at the meeting.
- 6. The minutes of the Health and Safety Joint Consultative Committee shall be signed by the Chair and the Deputy Chair. Any recommendation of the Committee shall be submitted to the appropriate Council/Committee/Panel or officer.

December 2021



CORPORATE PARENTING BOARD – Terms of Reference

1. Purpose

1. To ensure that the Council acts as a good corporate parent to Children & Young People in Care (CYPiC) and Care Leavers, and fulfils its duties corporately and in partnership with other statutory agencies.
2. To consider matters referred to the Board within its terms of reference and to drive forward improvements for CYPiC and Care Leavers.

2. Responsibilities of the Board

1. To take an overview of the Council's and partner agencies responsibilities towards all CYPiC and Care Leavers and examine ways in which the Council as a whole and partner agencies can improve their life chances.
2. To ensure there are good joint working arrangements between Council departments and partner agencies, including working arrangements with the Children and Young People's Strategic Partnership Board, Bury Integrated Safeguarding Partnership Board, Bury Community Safety Board, Bury Suicide Prevention Board and the Health & Wellbeing Board.
3. To monitor and scrutinise the performance of services for CYPiC and Care Leavers, supporting good practice and challenging and holding to account for poor practice.
4. To provide a forum for CYPiC and Care Leavers to participate and influence policy and to have an opportunity to talk about issues relating to their own direct experiences of services they have received.
5. To ensure that positive experiences are maintained, lessons are learnt and changes made in the areas that require improvements.
6. To maintain a strategic overview of all developments, plans, policies, and strategies for CYPiC and Care Leavers and to make appropriate recommendations for action.
7. To monitor and scrutinise the plans/needs of children in secure accommodation.
8. To ensure Members are regularly updated on issues affecting CYPiC and Care Leavers.
9. To meet with Children and Young People in Care and their carers on a regular basis to consult and celebrate achievements.

3. Principles for effective Corporate Parenting



Ofsted has identified that where looked after services are good, Corporate Parenting Boards:

- Demonstrate strong cross-party commitment to looked after children, by championing their rights, having high aspirations for their achievement, monitoring children's progress and challenging outcomes
- Clearly understand its role and the responsibilities of the local authority towards looked after children, and plan for and prioritise their needs, resulting in a greater focus for improving outcomes
- Actively engage with young people, for example through children in care councils that are well-established and have effective and regular links with senior management and elected members

4. Membership

The Corporate Parenting Board will comprise.

Voting Members

- The Cabinet Member for Children and Families
- Ten other elected Members (appointed on the basis of political balance)

Non-voting Members

- Service user representative
- Representatives from Bury Children's Rights
- Representatives from the Children in Care Council
- Virtual Head Teacher
- Designated teacher for looked after children (Primary and Secondary)
- A representative from Bury College
- A voluntary sector representative
- A foster carer
- Representative from the Clinical Commissioning Group
- Representative from Housing

Also in Attendance

- Executive Director of Children's Services
- Director of Social Care Practice
- Strategic Lead – Corporate Parenting
- Service Manager – Corporate Parenting
- Corporate Parenting Board Development Officer
- Senior officers (as advisors to the Panel – to attend as appropriate to the work of the Panel).

The panel may also decide to co-opt additional members to advise in respect of other areas which fall within the remit of the Board (health, housing, adult care, leisure etc).



Any elected member or officer from Bury Council or a partner agency can ask to attend the Board to observe its activity.

Expectation of Members

Board members are also expected outside of Board meetings to:

- Champion corporate parenting in other forums
- Participate in development workshops
- Meet with children and young people at formal and informal Children in Care Council (CICC) network events.

5. Operational Arrangements

- **Chair** – The Cabinet Member for Children and Families will be appointed to the Chair. A representative of the CiCC or Care Leavers Forum can act as co-chair for the duration of the meeting.
- **Deputy Chair** – To be agreed by a majority of Core Members.
- **Absence of the Chair or Deputy Chair** – A replacement Chair will be elected for the duration of the meeting from the Core Membership by a majority of those eligible to vote.
- **Quorum** – At least three councillors.
- **Support** – The Assistant Director of Social Care and Safeguarding will act as the lead officer with assistance from other officers within Children Services. Lead officer responsibility will include ensuring that agendas are appropriate to the work programme of Corporate Parenting Board.
- **Workload** – Work Programme to be determined annually by the Board. The Board must also have regard to any issue referred to it by the Overview and Scrutiny Committee, Council and its leadership, or Executive Director Children and Families.
- **Frequency of Meetings** – 6 times per year, in accordance with a timetable determined at the first meeting of the Municipal Year. Ad hoc meetings may be called by a decision of the Board, or by the Chair after consultation with the officers
- **Clerk to the Committee** – Meetings will be clerked by a representative of Democratic Services
- **Reporting** – The Board may make reports and recommendations on the work of the Board directly to any relevant Council body, officer, partnership or partner body and will report to the full Council on an annual basis.
- **Access to Information** – It is important to ensure that all Councillors are kept aware of the work of the Board and a copy of the minutes will be



circulated to all Bury Councillors. In general, papers being considered by Corporate Parenting Board are not confidential, unless this is clearly stated.

- **Notice of Meetings** – Agendas and papers for the meetings will normally be circulated by Democratic Services five clear working days before the meeting.

6. Accountability

- The CPP is accountable for reporting on an annual basis to Full Council.
- Political accountability is also through leadership of discussions with Cabinet and other Members for the effectiveness, availability and value for money of all Councils children's services by the Cabinet Member.
- The Cabinet Member will ensure that services delivered within the local area are planned, designed, delivered and quality assured with the involvement of children, young people and their families.
- The Cabinet Member will ensure that the Council maintain a clear focus on effective safeguarding arrangements and promotes, health, safety and welfare across the Borough.

WORKING PRINCIPLES

The Corporate Parenting Board may appoint task and finish groups to review any activity within the committee's agreed work programme.

Agenda-setting Group

Meets to set the agendas

Includes:

- Chair of CPB
- Director of Social Care Practice Strategic Lead Corporate Parenting
- Support Officer Children's Services (CP Development Officer)
- Support Officer Democratic Services

CPB will work to a Forward Plan:

- Identifies themes for meetings
- Sets out timetable for reports, to include:
 - Fostering & Adoption (invest to save fostering/adoption scorecard)
 - 1/4ly fostering reports
 - 6-monthly adoption reports
 - Annual IRO reports
 - Annual Children's Complaints Report
 - CYP Compliments, Complaints & Grumbles quarterly reports
 - Termly education reports
 - CiCC have option to provide written/verbal report to every meeting
 - CiCC annual action plan/report



CPB will set an Annual Action Plan

- Sets out priority actions for CPB
- Picks up actions from CiCC Action Plan, where this is necessary to make progress
- Is monitored at CPP meeting

Involvement of wider Council

Corporate Parenting is the statutory responsibility of the whole council. This will be supported by the provision of:

- Newsletter 2 x per year
- Training opportunities
- Opportunity to be involved in sub groups
- Opportunity to be a Council named contact for CYPiC

Updated and agreed at Board on 07.06.2022

This page is intentionally left blank

Youth Cabinet: Terms of Reference for the youth members

Background

The Youth Cabinet ensure that young people of Bury are given a voice on any issue that affects them and as laid out in The UN Convention on the Rights of the Child in Article 12 (Respect for the views of the child): "When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account".

Positive for Youth was published in Feb 2012. This document highlights the statutory obligation for Local Authorities to have young people involved in influencing decisions, having a pivotal role in the offer of high quality services.

The Children's Trust is committed to a culture of participation, so that listening and responding to children and young people becomes an integral part of everyday practice.

Who are the youth members of the Bury Youth Cabinet?

The youth representatives in the Youth Cabinet include the three members of Youth Parliament. All the young people have expressed a willingness and commitment to be involved in Youth Cabinet's activities in representing the voice of young people in Bury. Some of the young people represent their school or student councils or specific groups e.g. Children in Care Council, Young Carers, Streetwise. All young people are aged between 11 and 25 years, and live or study in Bury.

What does the Youth Cabinet do?

Their role is to represent young people's interests, views and concerns at meetings and events with councillors and representatives from the Bury Children's Trust Board. As well as this, they work on projects which aim to improve situations and solve problems that affect young people

The Youth Cabinet acts as a voice for the views and opinions of young people across Bury. It does this by:

- Identifying what young people think about various issues, what they feel is important and what they would like to see done.
- Informing young people of the different services, groups and opportunities available to them.
- Involving young people in decisions that affect them and in the development of services and activities that exist for them
- Influencing others to encourage them to listen to young people and respond to their needs and wishes.
- Campaigning on important issues to try to bring about change or improvements for the benefit of young people.
- Promoting positive images of young people and highlighting the contribution they make to the community.

- Supporting young people to be happy, healthy and safe and help them to achieve their full potential and have fun.

Principles

Youth Cabinet members have the responsibility to uphold the following ethos and principles:

- Bury Youth Cabinet does not represent any party political view.
- The members have a duty towards the young people they represent.
- Every young person has the right to have his/her view heard and listened to by Youth Cabinet.
- Youth members should respect and listen to the views of others, challenging discrimination and promoting equal opportunities.
- Bury Youth Cabinet is a safe zone where young people feel free to be able to express their own opinions.

Expectations

- It is important that Youth Cabinet members take their role and duty seriously when representing the Youth Cabinet.
- They must attend cabinet meetings and support as many other meetings and events as possible.
- They must maintain contact with other Youth Cabinet members and the Youth Participation Worker via Youth Cabinet Facebook and responding to emails, texts, telephone calls and letters.

Roles within Youth Cabinet

- Chair and Deputy Chair: Annual elections are carried out to decide upon these roles. The Chair is in control of the meeting, facilitating discussions, enabling all young people and adults to have an opportunity to give their view. The Chair ensures that all agenda items are fully discussed, keeping an eye on time constraints, with the Chair remaining impartial in all round table discussions.
- UK Youth Member of Parliament and Deputies: Borough wide elections take place every second year where the UK Youth MP and 2 Deputies are chosen. The Youth MP and Deputies are the link between Youthforia, the North West Youth Forum and the Youth Cabinet. This representation ensures that Bury are fully informed about campaigns, activities and events across the region for the promotion of positive change to improve the life experiences of young people.
- Leadership Committee: Membership is made up of the Chair, UKYMP and Deputies and approximately 5 other young people who are interested and committed in taking a leading role. Meetings take place in between the Youth Cabinet dates and focus on agenda items, specific projects and consultations and overall plans for the Youth Cabinet.
- Young people representing specific groups, namely; School / Student Councils, youth organisations, Children in Care Council, Young Carers,

Youth Disability Group. The expectation would be that these young people would be the communication link between the group they represent and the Youth Cabinet.

Youth Cabinet: 2013-2014 Specific role, purpose and responsibilities

This was agreed by Youth Cabinet on 17 April 2013 and reviewed by the Leadership Committee on 15 May 2013

What is the purpose of the Youth Cabinet?

- To discuss issues and put forward young people's views to councillors.
- To be used as a consultation forum on decisions affecting young people.
- To create a network for young people to voice and share their ideas.
- To campaign - making Bury better.
- To address issues, debate and take action e.g. The Walking Rainbow.
- To provide a voice for young people, improve representation and a new perspective on ideas.
- Improving lives of young people.
- To have a relationship with the Children's Trust Board
- To have wide representation of young people across Bury, including all schools and youth organisations

What is the role of the young person participating?

- To campaign
- Get involved
- To decide on practical solutions for change
- To tackle issues
- To feedback discussions and ideas to other organisations, including school and student councils
- To be involved in consultations
- To contribute ideas and use their own voice
- To represent others' views
- To have a relationship with the Children's Trust
- To have one or more young people dedicated to specific areas of work / projects

Who should decide on what is discussed and how it should run?

- The Chair
- Members of Youth Cabinet
- Leadership/ planning committee.
- Young people who are very committed to Youth Cabinet

What should happen in the meetings?

- Discussions and debates.
- Organising events

- Promotions
- Training for young people

Other ideas...

- Link with other Youth Cabinets from other areas
- Have a yearly social event
- Debating teams
- Have a Youth Cabinet bank account – apply for funding
- Fund raising
- Link with Township Forum young people

OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE

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.

Scrutiny plays an essential role in promoting accountability in local authorities' decision-making process. One of the key roles for non-Cabinet Councillors is to undertake an overview and scrutiny role for the Council. The overview and scrutiny role involves reviewing policies of the Council, helping to develop policies for the Council, scrutinising organisations external to the Council and holding the Leader / Cabinet Members to account.

1. MEMBERSHIP

The meeting will be Chaired by a Member of the Overview and Scrutiny Committee duly appointed by the Council. 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.

Members of Cabinet cannot be a member of the 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

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.

2. FUNCTION

To initiate public inquiries into matters of local concern. These can lead to reports and recommendations which advise the Leader / Cabinet Members and the Council as a whole on its policies, budget and service delivery.

Monitor the decisions of the Leader/Cabinet members. A decision that has been made by the Leader / Cabinet Member and not yet implemented can be 'called in'. This enables the Committee to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Leader / Cabinet Member reconsider the decision considering findings and comments made.

Be consulted by the Leader / Cabinet Member or the Council on forthcoming decisions and the development of policy.

3. KEY RESPONSIBILITIES OF THE COMMITTEE

- To review and scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's functions.
- To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and all particular service areas.
- To set up, appoint and monitor Overview Project Groups (set up to carry out reviews of policies, services or the impact of decisions).
- To make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process.
- To review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions.
- Oversight of the provision, planning and management of the assets and audit arrangements.
- Oversight of the Council's corporate plans and strategies and the monitoring of the corporate plan and departmental plans.
- To scrutinise outside bodies and partners relevant to the Council.
- To receive all reports from external inspectors.

4. MEETINGS

The Overview and Scrutiny Committee is a Committee of the Local Authority. The Committee will meet six times per year. The date and timings of the meetings will be fixed as part of the agreed schedule of meetings. Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

A **quorum** of three will apply for meetings of the Overview and Scrutiny Committee.

Members will adhere to the agreed principles of the Council's Code of Conduct.

Decisions are to be taken by **consensus**. Where it is not possible to reach consensus, a decision will be reached by a simple majority of those present at the meeting. Where there are equal votes the Chair of the meeting will have the casting vote, there will be no restriction on how the Chair chooses to exercise his/her casting vote.

The Head of Democratic Services; Department of Legal and Democratic Services will act as the **lead officer**. Lead officer responsibilities will include ensuring that agendas are appropriate to the work programme of the Overview and Scrutiny Committee.

A Work Programme to be determined annually by the Committee.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at the meeting will be kept and circulated to members as soon as possible. Minutes will be published on the Council web site.

It is important to ensure that all councillors are kept aware of the work of the Committee and a copy of the minutes will be circulated to all Bury Councillors. The Committee is regarded as a Council Committee for Access to Information Act purposes. Freedom of Information Act provisions shall apply to all business.

All meetings will be held in **public** with specific time allocated for public and member question time.

Any personal, prejudicial or pecuniary interests held by members should be declared in accordance with the Councils Code of Conduct on any item of business at a meeting, either before it is discussed or as soon as it becomes apparent. Interests which appear in the Council Register of Interests should still be declared at meetings, where appropriate.

The Committee will retain the ability to **exclude representatives** of the press and other members of the public from a defined section of the meeting having regard to the confidential nature of the business to be transacted, publicly on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

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

The Board will oversee and receive reports from a set of subgroups which will focus on the delivery of key targeted areas of work.

6. POST-DECISION SCRUTINY AND CALL-IN

Post-decision scrutiny takes place in response to decisions that have already been made. For decisions that have been made but not implemented, scrutiny has the power to call-in the executive to revisit a decision and delay its implementation. This applies only to 'key decisions', which are predominantly decisions made by the executive, either as individuals or as a whole.

These terms of reference should be read in conjunction with Section 2 - Committee Procedure Rules of the Council Constitution.

This page is intentionally left blank

HEALTH SCRUTINY COMMITTEE TERMS OF REFERENCE

1. INTRODUCTION

The Local Government Act 2000 introduced a new political management system for local councils in England and Wales, requiring them to have a separate 'executive' in the form of a leader, or elected mayor, and cabinet. To provide a counterweight for this, the Act also introduced the concept of 'overview and scrutiny', whereby every council with an executive management structure is required to have an overview and scrutiny committee. This enables the rest of the council to scrutinise the executive by investigating their decisions, policies and issuing reports and recommendations where any shortcomings are identified.

2. THE ROLE OF HEALTH SCRUTINY

Scrutiny is a statutory role fulfilled by Councillors who are not members of the cabinet. The role of the overview and scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

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. MEMBERSHIP

The Health Scrutiny Committee will comprise of eleven members of the council. The membership is politically balanced, which means the number of places given to a political group is proportionate to the number of councillors the group has on the Council. Cabinet Members are not to be members of the Committee. Deputy Cabinet Members are not to be a Member of a Committee dealing with an area in which they have an involvement or an interest. All councillors will have full voting rights.

The Chair of each committee is also a councillor. The council will appoint the Chair of the Committee. The Chair has the job of managing the meeting, in the event that the number of votes for and against a proposal are the same, the Chair can take a second vote or deciding vote.

The Health Scrutiny Committee may appoint Overview Project Groups to undertake reviews.

4. FUNCTION

To initiate public inquiries into matters of local concern. These can lead to reports and recommendations which advise the Leader / Cabinet Members and the Council as a whole on its policies, budget and service delivery.

Monitor the decisions of the Leader/Cabinet members. A decision that has been made by the Leader / Cabinet Member and not yet implemented can be 'called in'. This enables the Committee to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Leader / Cabinet Member reconsider the decision considering findings and comments made.

Be consulted by the Leader / Cabinet Member or the Council on forthcoming decisions and the development of policy.

5. KEY RESPONSIBILITIES OF THE COMMITTEE

- To carry out the Council's statutory obligations in relation to reviewing and scrutinising any matters relating to the planning, provision and operation of health services in the area of the Council.
- To oversee the health and well-being of the borough's population
- To scrutinise the provision, planning and management of Adult Care Services
- To monitor the implementation of any scrutiny recommendations accepted by the Cabinet.

6. MEETINGS

The Health Committee is a Committee of the Local Authority. The Committee will meet six times per municipal year. The date and timings of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by a Member of the Overview and Scrutiny Committee duly appointed by the Council. The Chair would be appointed annually; the appointments would be ratified by Council. In the absence of the Chair - A replacement Chair will be elected for the duration of the meeting from the Core Membership.

7. POST-DECISION SCRUTINY AND CALL-IN

Post-decision scrutiny takes place in response to decisions that have already been made. This is particularly useful for influencing policy changes in the medium to long term. For decisions that have been made but not implemented, scrutiny has the power to call-in the executive to revisit a decision and delay its implementation. This applies only to 'key decisions', which are predominantly decisions made by the executive, either as individuals or as a whole.

A **quorum** of three will apply for meetings of the Health Scrutiny Committee.

Members will adhere to the agreed principles of the Council's Code of Conduct.

8. DECLARATIONS OF INTEREST

Any personal, prejudicial or pecuniary interests held by members should be declared in accordance with the Council's Code of Conduct on any item of business at a meeting, either before it is discussed or as soon as it becomes apparent. Interests which appear in the Council Register of Interests should still be declared at meetings, where appropriate.

Decisions are to be taken by **consensus**. Where it is not possible to reach consensus, a decision will be reached by a simple majority of those present at the meeting. Where there are equal votes the Chair of the meeting will have the casting vote, there will be no restriction on how the Chair chooses to exercise his/her casting vote.

The Executive Director of Strategic Commissioning, One commissioning Organisation will act as the **lead officer**. Lead officer responsibilities will include ensuring that agendas are appropriate to the work programme of the Health Scrutiny Committee

9. WORKLOAD

Work Programme to be determined annually by the Committee.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at the meeting will be kept and circulated to members as soon as possible. Minutes will be published on the Council web site.

10. ACCESS TO INFORMATION

It is important to ensure that all councillors are kept aware of the work of the Committee and a copy of the minutes will be circulated to all Bury Councillors. The Committee is regarded as a Council Committee for Access to Information Act purposes. Freedom of Information Act provisions shall apply to all business.

All meetings will be held in **public** with specific time allocated for public and member question time.

The Committee will retain the ability to **exclude representatives** of the press and other members of the public from a defined section of the meeting having regard to the confidential nature of the business to be transacted, publicly on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

Non members of the Health Scrutiny Committee may be co-opted onto the Board as a non-voting member, with speaking rights, with the agreement of the Chair.

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

The Board will oversee and receive reports from a set of subgroups which will focus on the delivery of key targeted areas of work.

CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE TERMS OF REFERENCE

1. INTRODUCTION

The Local Government Act 2000 introduced a new political management system for local councils in England and Wales, requiring them to have a separate 'executive' in the form of a leader, or elected mayor, and cabinet. To provide a counterweight for this, the Act also introduced the concept of 'overview and scrutiny', whereby every council with an executive management structure is required to have an overview and scrutiny committee. This enables the rest of the council to scrutinise the executive by investigating their decisions, policies and issuing reports and recommendations where any shortcomings are identified.

2. THE ROLE OF CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

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 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. MEMBERSHIP

The Children and Young People Scrutiny Committee will comprise of eleven members of the council. The membership is politically balanced, which means the number of places given to a political group is proportionate to the number of councillors the group has on the Council. Cabinet Members are not to be members of the Committee. Deputy Cabinet Members are not to be a Member of a Committee dealing with an area in which they have an involvement or an interest. All councillors will have full voting rights.

The Chair of each committee is also a councillor. The council will appoint the Chair of the Committee. The Chair has the job of managing the meeting, in the event that the number of votes for and against a proposal are the same, the Chair can take a second vote or deciding vote.

The Health Scrutiny Committee may appoint Overview Project Groups to undertake reviews.

4. FUNCTION

To initiate public inquiries into matters of local concern. These can lead to reports and recommendations which advise the Leader / Cabinet Members and the Council as a whole on its policies, budget and service delivery.

Monitor the decisions of the Leader/Cabinet members. A decision that has been made by the Leader / Cabinet Member and not yet implemented can be 'called in'. This enables the Committee to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Leader / Cabinet Member reconsider the decision considering findings and comments made.

Be consulted by the Leader / Cabinet Member or the Council on forthcoming decisions and the development of policy.

5. KEY RESPONSIBILITIES OF THE COMMITTEE

To review the general policies and performance of the Council and external organisations in relation to the following areas:

- Education and Schools
- Children and Young People Support and Safeguarding Services
- Children and Young People Specialist Services
- To scrutinise individual Cabinet decisions relating to the above areas.
- To monitor the Council's performance in the above areas.

To scrutinise statutory inspection reports and oversee the implementation of any recommendations arising from such reports

6. MEETINGS

The Children and Young People Scrutiny Committee is a Committee of the Local Authority. The Committee will meet six times per municipal year. The date and timings of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by a Member of the Children and Young People Scrutiny Committee duly appointed by the Council. The Chair would be appointed annually; the appointments would be ratified by Council. In the absence of the Chair - A replacement Chair will be elected for the duration of the meeting from the Core Membership.

7. POST-DECISION SCRUTINY AND CALL-IN

Post-decision scrutiny takes place in response to decisions that have already been made. This is particularly useful for influencing policy changes in the medium to long term. For decisions that have been made but not implemented, scrutiny has the power to call-in the executive to revisit a decision and delay its implementation. This applies only to 'key decisions', which are predominantly decisions made by the executive, either as individuals or as a whole.

A **quorum** of three will apply for meetings of the Overview and Scrutiny Committee.

Members will adhere to the agreed principles of the Council's Code of Conduct.

8. DECLARATIONS OF INTEREST

Any personal, prejudicial or pecuniary interests held by members should be declared in accordance with the Council's Code of Conduct on any item of business at a meeting, either before it is discussed or as soon as it becomes apparent. Interests which appear in the Council Register of Interests should still be declared at meetings, where appropriate.

Decisions are to be taken by **consensus**. Where it is not possible to reach consensus, a decision will be reached by a simple majority of those present at the meeting. Where there are equal votes the Chair of the meeting will have the casting vote, there will be no restriction on how the Chair chooses to exercise his/her casting vote.

The Executive Director of Children's Services will act as the **lead officer**. Lead officer responsibilities will include ensuring that agendas are appropriate to the work programme of the Children and Young People Scrutiny Committee.

9. WORKLOAD

Work Programme to be determined annually by the Committee.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at the meeting will be kept and circulated to members as soon as possible. Minutes will be published on the Council web site.

10. ACCESS TO INFORMATION

It is important to ensure that all councillors are kept aware of the work of the Committee and a copy of the minutes will be circulated to all Bury Councillors. The Committee is regarded as a Council Committee for Access to Information Act purposes. Freedom of Information Act provisions shall apply to all business.

All meetings will be held in **public** with specific time allocated for public and member question time.

The Committee will retain the ability to **exclude representatives** of the press and other members of the public from a defined section of the meeting having regard to the confidential nature of the business to be transacted, publicly on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

Non members of the Children and Young People Scrutiny Committee may be co-opted onto the Board as a non-voting member, with speaking rights, with the agreement of the Chair.

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

The Board will oversee and receive reports from a set of subgroups which will focus on the delivery of key targeted areas of work.

This page is intentionally left blank

Licensing & Safety Committee Terms of Reference

The committee comprises 11 councillors

The frequency of meetings is around every five weeks.

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 of the Council's Constitution.

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.

The committee functions are:

All other licensing and related functions not within the remit of the committee are delegated to the Chief Executive, who will maintain the Officer Scheme of Delegation detailing all relevant delegations to officers.

Private / Public Hire Vehicles, Gaming, Alcohol, Entertainment, Food, Gambling and miscellaneous Licensing

Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and licences included in the Licensing Act 2003.

Health and Safety:

Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

Other functions of the Licensing and Safety Committee

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

To determine the design of the plates and badges to be displayed in connection with hackney carriage and drivers' licences and private hire vehicles and drivers' licences.

To determine all applications for sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3. d) To deal with the approval of premises for the solemnisation of marriages in accordance with Regulation 46A of the Marriage Act 1994 (c.76) and the Marriages (Approved Premises) Regulations 1995 and to set the appropriate fees where the appropriate officer does not wish to exercise his/her delegated powers.

To deal with matters relating to the functions of the Council relating to the Safety of Sports Grounds Act 1975 and the Sporting Events (Control of Alcohol Etc.) Act 1985 and Part III of the Fire Safety and Safety of Places of Sport Act 1987 where the appropriate officer does not wish to exercise his/her delegated powers.

To determine the pre-requisites, minimum standards, terms, conditions and restrictions associated with and/or to be attached to any licence which falls within the purview of the Licensing and Safety Committee.

To authorise the revocation or suspension of any Licence which falls within the purview of the Licensing and Safety Committee except in circumstances involving risk to the public safety in which case authority be delegated to the Head of Service (Public Protection) and/or the Unit Manager (Licensing) after consultation with the Chair of the Committee to revoke or suspend a Licence with immediate effect subject to a report to the next Committee meeting.

To determine any applications for licences where the appropriate officer does not wish to exercise his/her delegated powers.

To deal with any licensing and registration functions referred to in the Local Authorities (Function and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

To deal with any health and safety matters under Part 1 of the Health and Safety Act 1974 where the appropriate officer does not wish to exercise his/her delegated powers.

To make recommendations to Council in respect of licensing functions covered by the Licensing Act 2003, and to deal with all policy and monitoring matters relating to licensing functions covered by the Act.

To determine refusals to grant revocations and variations of licences for Housing in Multiple Occupation under the provisions of the Housing Act 2004.

To act as the single review body in respect of drivers working on Council school and college contracts.

Licensing Hearings Panel

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

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 of the Council's Constitution

Licensing Hearings Sub-Committee functions

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

Applications for personal licences (if police objection)

Applications for personal licences with unspent convictions;

Applications for premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003)

Applications for provisional statements (if relevant representation are made as specified in the Licensing Act 2003)

Applications to vary premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003)

Applications to vary designated premises supervisor (if police objection)

Requests to be removed as a designated premises supervisor

Applications for transfer of premises licence (if police objection)

Applications for interim authorities (if police objection)

Applications to review premises licences/club premises certificate;

Deciding whether to object when the authority is a consultee and not the relevant authority considering an application

Determination of objections to temporary event notices

Determination of application to vary premises licence at community premises to include alternative licence condition (if police objection)

Revocations of licences where convictions come to light.

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

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

This page is intentionally left blank

Planning Control Committee Terms of Reference

The committee comprises 11 councillors

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

When the committee carries out the planning functions it will follow the Probity in Planning Code of Conduct (part 5 section 6 of the Council's constitution).

The frequency of meetings is around every four weeks.

The committee functions are:

Planning and Conservation: All functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, (the Functions Regulations).

Delegations

The committee's delegations are:

To deal with any applications for planning permission under the Town and Country Planning Act 1990 and related legislation or for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to the inclusion of adequate detailed information relating to the application which is to the satisfaction of the Director for Business, Growth and Infrastructure as follows: (i) Any application recommended for approval where there are three or more objections received from third parties from different households, with the exception of any domestic householder planning application which falls within the approved supplementary planning guidance note 6 or otherwise would be accepted under Prior notification procedures in relation to enhanced permitted development rights; and (ii) Any application which has raised a novel planning issue.

Any application in respect of which at least one Member of the Planning Control Committee has given prior written notice to the Assistant Director (Localities) / Resource and Regulation that he/she wishes the application to be determined by the Planning Control Committee, which must state clear planning reasons for the call in request and be authorised by the Chair of the Planning Control Committee.

Any application relating to a development which would constitute a substantial departure from the provisions of any approved plan or policies, in particular the Unitary Development Plan or subsequent adopted Local Plan, which is recommended for approval and/or is not a repeat or duplicate application of one previously refused.

Any application submitted by or on behalf of a Member of the Council or his/her spouse.

The application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application f

Any application over and above the levels defined in (i) and (ii) detailed below, subject to the application not being a repeat or duplicate of an application previously refused: (i) 50 or more dwellings or, if it is known, where the site is 2.5 hectares or more; (ii) for all other uses, where

the floor space to be created is 5,000 square metres or more or the site is 0.5 hectares or more.

(Any other application which, in the opinion of the Director for Business, Growth and Infrastructure merits consideration by the Planning Control Committee.

The decision to enter land in Part 2 of the Council's Brownfield Land Register thereby triggering a grant of Permission in Principle where the criteria above are met and any application for Technical Details Consent where the criteria above are met.

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

Street Naming

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

Tree Preservation Orders

To deal with the making or confirmation of tree preservation orders, in accordance with Sections 197 to 214D of the Town and Country Planning Act 1990 (or as subsequently amended) and the Tree Regulations 2012 (or as subsequently amended) where objections have been received to proposals.

Listed Buildings and Conservation Areas

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

General

To give directions restricting permitted development under Article 4 of the Town and Country Planning (Development Procedure) (England) Order 2015 (or as subsequently amended). o) To deal with any functions relating to town and country planning and development control (development management) referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Commons Registration

To deal with any functions relating to the registration of common land or Town and Village Greens and to register the variation of the rights of common as set out in Schedule 1 to the Functions Regulations, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Public Rights of Way

To deal with any functions relating to public rights of way referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Standards Committee (including Standards Sub Committee) Terms of Reference

The Standards Committee is responsible for promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives. 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.

Functions:

Code of conduct

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

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

Standards Hearing Panel

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

The following functions have been delegated to it:

To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council's Complaints Procedure to have failed to comply with the Council's Code of Conduct for Members ("the Subject Member"), such actions to include:

- (i) Publication of the findings of the Standards Hearings Panel in respect of the Subject Member's conduct;
- (ii) Reporting the findings of the Standards Hearings to Council for information;
- (iii) Recommendation to Council that the Subject Member should be censured;
- (iv) Recommendation to the Subject Member's Group Leader (or in the case of ungrouped Members to Council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the Council for a recommended period;
- (v) Recommendation to the Leader that the Subject Member should be removed from the Executive, or removed from their Portfolio responsibilities;²
- (vi) Instructing the Monitoring Officer to arrange training for the Subject Member;
- (vii) Recommendation to Council that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Council;
- (viii) Withdrawal of facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access; or
- (ix) Placing such restrictions on the Subject Member's access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances

Membership:

The Mayor will chair the Committee. In the absence of the Chair, the Committee will elect a Chair for the duration of the meeting.

The Leader of the Council cannot be a Member of the Standards Committee

One Member may be appointed from the Cabinet but they cannot Chair the Committee.

The Committee will appoint up to three Independent Person(s), for a period of two years and will receive remuneration in line with the Member Allowance Scheme – Co-optees' Allowance.

5. MEETINGS

The Standards Committee will meet 4 times a year.

The **date and timings** of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

A **quorum** of three will apply for meetings of the Standards Committee.

Declarations of Interest – Any personal, prejudicial or pecuniary interests held by members should be declared in accordance with the Councils Code of Conduct on any item of business at a meeting, either before it is discussed or as soon as it becomes apparent. Interests which appear in the Council Register of Interests should still be declared at meetings, where appropriate.

Decisions are to be taken by **consensus**. Where it is not possible to reach consensus, a decision will be reached by a simple majority of those present at the meeting. Where there are equal votes the Chair of the meeting will have the casting vote, there will be no restriction on how the Chair chooses to exercise his/her casting vote.

The Councils Monitoring Officer will act as the **lead officer**. Lead officer responsibilities will include ensuring that agendas are appropriate to the work programme of the Standards Committee.

Workload – Work Programme to be determined annually by the Standards Committee.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at the meeting will be kept and circulated to partner organisations as soon as possible. Minutes will be published on the Council web site.

Access to Information – It is important to ensure that all councillors are kept aware of the work of the Standards Committee and a copy of the minutes will be uploaded on to the Councils website as soon as practicable following the meeting. The Standards Committee shall be regarded as a Council Committee for Access to

Information Act purposes. Freedom of Information Act provisions shall apply to all business.

All meetings will be held in **public**.

The Standards Committee will retain the ability to **exclude representatives** of the press and other members of the public from a defined section of the meeting having regard to the confidential nature of the business to be transacted, publicly on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

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