

**AGENDA FOR  
STANDARDS COMMITTEE**



Contact: Michael Cunliffe  
Direct Line: 0161 253 5399  
E-mail: m.cunliffe@bury.gov.uk  
Website: www.bury.gov.uk

**To: All Members of Standards Committee**

**Councillors:** S Walmsley (Chair), A Booth, D Green,  
M Hayes, K Hussain, J Mason, T Rafiq, D Vernon and  
M Whitby

Dear Member/Colleague

**Standards Committee**

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

<b>Date:</b>	Thursday, 21 September 2023
<b>Place:</b>	Committee Rooms A & B, Bury Town Hall
<b>Time:</b>	6.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of the Standards Committee are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

### **3 MINUTES OF THE LAST MEETING & ANY MATTERS ARISING (Pages 3 - 6)**

Minutes of the meeting held on 14th March 2023 are attached.

### **4 MEMBER CODE OF CONDUCT (Pages 7 - 26)**

A report from Democratic Services is attached.

### **5 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2022-23 (Pages 27 - 36)**

A report from the Director of Law & Democratic Services is attached.

### **6 URGENT BUSINESS**

To be agreed by the Chair.

**Minutes of:** STANDARDS COMMITTEE

**Date of Meeting:** 14 March 2023

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

**Also in attendance:** Jacqui Dennis, Director of Law and Democratic Services.  
Julie Gallagher, Head of Democratic Services.  
Independent Persons: Craig Ainsworth and Stuart Birtwell

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

**Apologies for Absence:** Councillor D Green

---

**20 ELECTED MEMBER TRAINING**

**21 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**22 MINUTES OF THE LAST MEETING**

The Minutes of the meeting held on 15<sup>th</sup> November 2022 were approved as a correct record.

**23 ELECTED MEMBER COMPLAINTS UPDATE**

The Monitoring Officer presented to Members and overview of the Elected Member complaints received since the Standards Committee met in November 2022.

The number of complaints received by the Monitoring Officer in this period has been low.

The largest number of matters referred to the Monitoring officer for consideration relate to complaints from the public stating that they have not received a response from their Elected Member there were four of these complaints within this year, these matters have been resolved informally.

In addition to the formal matters the Monitoring Officer has received informal complaints by Members regarding the conduct of other Members. On the Complainants request these matters have been resolved informally.

A matter has been determined at stage 1 and the member has been directed to attend a training session with the Monitoring Officer. As a result of this finding the Monitoring Officer will be arranging a training session for all Members on interests and holding a drop in session for Members to be able to receive advice from the Monitoring Officer.

**24 CONSTITUTION OVERVIEW - MEMBER OFFICER PROTOCOL**

The Head of Democratic Services presented proposed updates to the Council Constitution in respect of the Member Officer Protocol.

An accompanying report circulated ahead of the meeting provided context and copies of the existing and the revised protocols were distributed.

The Council's constitution was reviewed and updated during the municipal year 2020/21. In considering the new Constitution, Members agreed that it would be reviewed annually to ensure that the changes proposed as a result of the review were fit for purpose. Following agreement at Standards Committee and Council in November 2021 Members agreed a work programme for future review; this report is an update of that programme of review.

The Protocol on Member and Officer Relations, which ensures strong governance for the partnership necessary for the effective running of a local authority, has been reviewed, and changes are subsequently needed to the constitution to ensure it is up to date.

Members discussed the protocol and the distinct relationship differences between the Officer role and the role of the Elected Member.

It was agreed:

The report be noted and forwarded to Full Council.

## **25 MEMBER TRAINING AND NEW MEMBER INDUCTION**

Members reviewed the prepared Member training guide and plan for Member induction.

It was agreed:

The member training and member induction plan be approved.

## **26 CODE OF CONDUCT REVIEW**

Jacqui Dennis, Monitoring Officer provided Members with an update in respect of the Code of Conduct. The accompanying report sets out details of earlier reports to this Committee in relation to the LGA's revised code of conduct. The report proposes that a working group is established to consider the current code of conduct and consider whether revisions should be made. The working group to then make recommendations for a revised code to be considered by all Members at annual Council

**It was agreed that:**

- a. Establishment of a working group made up of Members of this Committee, the Monitoring Officer and Head of Democratic Services.
  
- b. The Working party is delegated by this Committee to make a recommendation to Council in relation to the code of conduct.

## **27 VOTE OF THANKS**

That Madam Mayor, Councillor Haroon be thanked for her stewardship of the Standards Committee over the last 12 months.

**COUNCILLOR S HAROON**  
Chair

**(Note: The meeting started at 5.00 pm and ended at 6.20 pm)**

This page is intentionally left blank



Classification	Item No.
Open	

<b>Meeting:</b>	<b>Standards Committee</b>
<b>Meeting date:</b>	21 <sup>st</sup> September 2023
<b>Title of report:</b>	Member Code of Conduct- Task and Finish Group Review
<b>Report by:</b>	Democratic Services
<b>Decision Type:</b>	Non Key
<b>Ward(s) to which report relates</b>	All

## 1. Introduction and Purpose of the Report

This note is to –

- Update Members on earlier reports to the Standards Committee in relation to the LGA's revised code of conduct.
- Standards Committee proposed that a working group was established to consider the current code of conduct and consider whether revisions should be made.
- The working group would then make recommendations for any revised code, if applicable to be considered by all Members at Council.

## 2. Background

- Establishment of the working group was made for up of 3 Members of the Standards Committee, the Monitoring Officer and Head of Democratic Services.
- The Working party was delegated by Standards Committee to make a recommendation to Council in relation to the code of conduct.

- The Code of Conduct working Group was agreed by Standards Committee on the 14<sup>th</sup> March 2023, the Group was to include Cllrs Rafiq, Dean and Booth from each of the political parties. Craig Ainsworth, an Independent Person was also invited to the working party.
- A working group meeting was arranged in early May but due to election work had to be postponed and then the summer recess took place.
- Since the annual appointments were made at the Council AGM in May 2023 Cllr Dean is no longer on the Standards Committee. An update on a Conservative change in membership is TBC

### 3. Current position

Consideration was given to review the Council's existing Code of Conduct for Members following the publication of the Local Government Ethical Standards report produced by the Committee on Standards in Public Life (CSPL) and the Local Government Association's (LGA) Model Code of Conduct (LGA's Model Code).

Attached as appendices are:-

- Existing Bury code of conduct
- Proposals to comply with The Local Government Ethical Standards report Best Practice recommendations

Included are the 15 Best Practice recommendations, with an explanation to be completed of how Bury Council already complies or what steps it is taking in order to comply where it considers it appropriate.

In terms of definitions of bullying and harassment outlined in Best Practice 1. The evidence received by the CSPL suggests that most allegations of code breaches relate to bullying and harassment. Bullying and harassment can have a significant impact on the wellbeing of officers and councillors who are subject to it. Individuals who are subject to bullying or harassment may be pressured to make decisions or act in ways which are not in the public interest. As such, it is important that bullying and harassment are dealt with effectively, and that a local authority's code of conduct makes provision to address these matters.

Best Practice 2 recommends an express requirement for members to comply with any investigation in relation to complaints, as complying with standards investigations and not seeking to misuse the standards process is an important aspect of ethical conduct. The CSPL recognises that there is a strong public interest in an effective process that is not subject to disruption or abuse, that councillors should seek to maintain an ethical culture in their authority and show appropriate respect for the process, and that non compliance and misuse wastes public money.

The experience of the CSPL is that whilst transparency does not automatically increase public trust in a process, it is nevertheless essential to enabling public scrutiny and accountability. It considers that the best examples of good practice in how open councils'



standards processes are involve a single, easily accessible page on an authority's website explaining in straightforward terms how a member of the public can make a complaint under the code of conduct, what their complaint needs to include, the process for handling complaints, and the expected timescales for investigations and decisions. That page would also include links to recent decisions on allegations that came before the standards committee.

- Other LA's adaptation

In the course of reviewing the existing Code, and the consideration a Model Code that had been drafted by the Local Government Association following publication of the CSPL's report. The Model Code has received a lukewarm response from local authority Monitoring Officers due to a number of ambiguities contained in it at this moment in time. Feedback from local authority networks is included for information (Exempt from public packs).

#### **4. Options**

The sub-committee can consider and produce a report as to whether it should adopt the Model Code and report back to Standards Committee in the first instance with their findings; or

Resolve not to recommend to Full Council to approve the Model Code at this juncture; or

Defer the decision to adopt the Model Code due to the perceived ambiguities in the LGA's Model Code at this moment in time and review the situation when the position is clearer or the LGA produces an updated Code.

This page is intentionally left blank

# 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.

<b>Notification of Disclosable Pecuniary Interests</b>	
<b>Subject</b>	<b>Description</b>
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)

<b>Notification of Disclosable Pecuniary Interests</b>	
<b>Subject</b>	<b>Description</b>
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

**Proposals to comply with The Local Government Ethical Standards report Best Practice recommendations**

<b>Best Practice Recommendation</b>	<b>Current Position</b>	<b>Proposals</b>
<p>Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>		
<p>Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.</p>		
<p>Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</p>		
<p>Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.</p>		

<p>Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p>		
<p>Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>		
<p>Best practice 7: Local authorities should have access to at least two Independent Persons.</p>	<p>The Council currently has two Independent Persons</p>	
<p>Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.</p>		
<p>Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the</p>		

<p>decision-maker, and any sanction applied.</p>		
<p>Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.</p>		
<p>Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.</p>	<p>Not applicable within the Bury boundary.</p>	<p>N/A</p>
<p>Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</p>		
<p>Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps</p>		

<p>should include asking the Monitoring Officer from a different authority to undertake the investigation.</p>		
<p>Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.</p>		
<p>Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>		

**Reference:-**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777315/6.4896\\_CO\\_CS\\_PL\\_Command\\_Paper\\_on\\_Local\\_Government\\_Standards\\_v4\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CS_PL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF)



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

19 July 2023

*By email*

Ms Ridsdale  
Chief Executive  
Bury Metropolitan Borough Council

Dear Ms Ridsdale

### **Annual Review letter 2022-23**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with

that of similar organisations, rather than previous years, to better understand your organisation's performance.

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

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

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Your organisation's performance**

It is disappointing that your Council failed to provide evidence it had complied with the agreed recommendations we made in one complaint during the year. As a result, we opened a new complaint to investigate the further injustice caused by the Council's failure to comply. Non-compliance with our recommendations reflects poorly on the Council and undermines residents' confidence that it is genuinely willing and committed to putting matters right when it has caused injustice.

In addition, I was concerned to see several cases this year where we received late responses to our investigation enquiries. It is particularly concerning that on three occasions we had to threaten to issue a witness summons to obtain the information we needed. This is unusual action for us to take and reflects poorly on the Council's willingness to cooperate with our investigations. Delayed investigations result in further avoidable distress to complainants, and I ask the Council to reflect on its practices and take the necessary steps to improve its liaison with my office.

I hope to see an improvement in performance during the year; if there is any support my office can provide to help improve the situation, please do let me know.

### **Supporting complaint and service improvement**

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

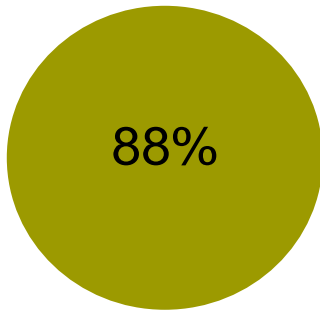
We were pleased to deliver an online complaint handling course to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the course was useful to you.

Yours sincerely,



Paul Najsarek  
Interim Local Government and Social Care Ombudsman  
Interim Chair, Commission for Local Administration in England

### Complaints upheld



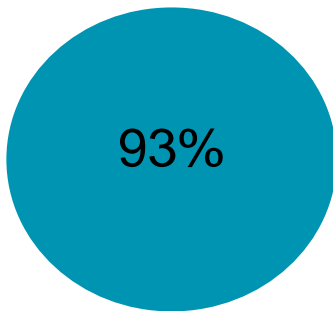
**88%** of complaints we investigated were upheld.

This compares to an average of **77%** in similar organisations.

**22**  
upheld decisions

Statistics are based on a total of **25** investigations for the period between 1 April 2022 to 31 March 2023

### Compliance with Ombudsman recommendations



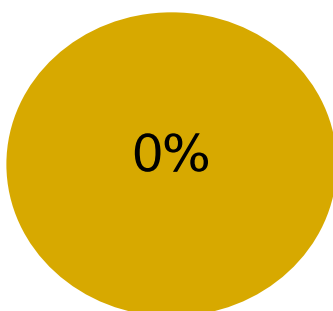
In **93%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **14** compliance outcomes for the period between 1 April 2022 to 31 March 2023

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

### Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **10%** in similar organisations.

**0**  
satisfactory remedy decisions

Statistics are based on a total of **22** upheld decisions for the period between 1 April 2022 to 31 March 2023