BURY COUNCIL CONSTITUTION

Approved by Council on 21 November 2001 and subsequently amended.

Version 9.

Contents

Contents *(Pages 7 - 8)*

Part 1 - INTRODUCTION AND SUMMARY *(Pages 9 - 10)*

Part 2 - ARTICLES

Article 1 - The Council and the constitution *(Pages 11 - 14)*

Article 2 - Councillors *(Pages 15 - 18)*

Article 3 - Citizens and the Council *(Pages 19 - 20)*

Article 4 - The Council meeting *(Pages 21 - 22)*

Article 5 - The Leader and the Cabinet *(Pages 23 - 24)*

Article 6 - Council Committee Structure *(Pages 25 - 26)*

Article 7 - Joint Arrangements *(Pages 27 - 30)*

Article 8 - The Chief Executive and other staff *(Pages 31 - 32)*

Article 9 - Decision-making *(Pages 33 - 34)*

Article 10 - Finance, Contracts and Legal Matters *(Pages 35 - 36)*

Part 3 - THE FUNCTIONS SCHEME

Section 1 Council Functions *(Pages 37 - 44)*

Section 2 - Local Choice Functions *(Pages 45 - 46)*

Section 3 - Committee Functions *(Pages 47 - 60)*

Section 4 - Cabinet Functions *(Pages 61 - 64)*

Section 5 - Scrutiny Function *(Pages 65 - 68)*

Section 6 - Additional Arrangements *(Pages 69 - 72)*

Section 7 - Officer Functions *(Pages 73 - 198)*

Part 4 - PROCEDURE RULES

Section 1 - Council Procedure Rules *(Pages 199 - 216)*

Section 2 - Committee Procedure Rules *(Pages 217 - 238)*

Section 3 - Access to Information Rules *(Pages 239 - 250)*

Section 4 - Budget and Policy Framework Rules *(Pages 251 - 258)*

Section 5 - Contract Procedure Rules *(Pages 259 - 268)*

Section 6 - Financial Regulations *(Pages 269 - 298)*

Section 7 - Officer Employment Procedure Rules *(Pages 299 - 314)*

Part 5 - THE CODES AND GUIDANCE

Section 1 - Councillor Code of Conduct *(Pages 315 - 328)*

Section 2 - Employee's Code of Conduct *(Pages 329 - 336)*

Section 3 - Protocol on Member and Officer Relations *(Pages 337 - 350)*

Section 4 - Anti Fraud and Corruption - Whistleblowing Policy *(Pages 351 - 396)*

Section 5 - Monitoring Officer Protocol *(Pages 397 - 402)*

Section 6 - Public Participation Guidance *(Pages 403 - 410)*

Section 7 - Probity in Planning Guidance *(Pages 411 - 428)*

PART 6

Councillors Allowance Scheme *(Pages 429 - 436)*

PART 7

CABINET PORTFOLIOS, MEMBERSHIP OF THE COMMITTEE AND COUNCIL MANAGEMENT STRUCTURE *(Pages 437 - 446)*

TERMS OF REFERENCE

Locality Board Terms of Reference *(Pages 447 - 458)*

Health and Wellbeing Board Terms of Reference *(Pages 459 - 464)*

Employment Panel Terms of Reference *(Pages 465 - 468)*

Joint Consultative Committee for Teachers Terms of Reference *(Pages 469 - 472)*

Corporate Joint Consultative Committee Terms of Reference *(Pages 473 - 476)*

Health & Safety Joint Consultative Committee Terms of Reference *(Pages 477 - 478)*

Corporate Parenting Board Terms of Reference *(Pages 479 - 484)*

Youth Cabinet Terms of Reference *(Pages 485 - 488)*

Overview and Scrutiny Committee Terms of Reference *(Pages 489 - 492)*

Health Scrutiny Committee Terms of Reference *(Pages 493 - 496)*

Children and Young People Scrutiny Committee *(Pages 497 - 502)*

Licensing and Safety Committee Terms of Reference *(Pages 503 - 506)*

Planning Committee Terms of Reference *(Pages 507 - 508)*

Northern Gateway Joint Committee Terms of Reference *(Pages 509 - 516)*

Standards Committee Terms of Reference *(Pages 517 - 520)*

Housing Advisory Board Terms of Reference *(Pages 521 - 524)*

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

Bury Council

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
- Section7 – 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

Bury Council

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.

Bury Council

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

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.

Candidates are not allowed to use Bury Town Hall as their address on their imprints on electronic campaigning material.

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 up to two of the Cabinet members as Deputy Leaders.

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).

The Strategic Commissioning Board was formally superseded by the Locality Board in April 2023 and existing delegations now rest with this Board.

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

	Local Transport Plan under s108(3) of the Transport Act 2000 Youth Justice Plan under s40 of the Crime and Disorder Act 1998 And additionally: Corporate Plan Bury 2030 – Community Strategy Code of Corporate Governance Tenancy Strategy Risk Management Annual Report Economic Development and Growth Strategy Housing Investment Programme	
2b	**Budget** Approve a balanced Revenue Budget and specifically : • 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) And in doing so adopt the following plans or strategies to support the delivery of Council budget – • Revenue Budget for the next financial year • Capital Investment Budget for the next financial year • Medium Term Financial Strategy • Reserves Strategy	Council meeting only, recommended from cabinet

	• 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	Amending the budget and policy framework Note : can be Cabinet if Council agree under 2000/2853 Reg 4 a (ii) which requires a specific delegation per adoption	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	Other polices Licensing Authority Policy statements under s5 Licensing Act 2003 Taxi and Private Hire policy Pay Policy Statement under s38 of the Localism Act 2011	Council meeting only Pay policy statement - Council meeting only, recommended from Employment Panel 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
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	Chief Executive Employment panel for appointment of Returning Officer and Electoral Registration Officer If a polling station cannot be used the Returning Officer has delegated powers to use another polling station as a temporary solution.
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 the Council can decide whether the responsibility is to be of the Executive ("an executive function") or the responsibility of the Council (a "non-executive" function). This section sets these functions out and designates them as executive or non-executive and details who is authorised to discharge them.

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 any 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).	Council	Solicitor to the Council
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	Solicitor to the Council
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
14. The appointment of any individual: (a) to any office other than an office in which he is employed by the authority; (b) to anybody other than: (i) the authority; (ii) a joint committee or sub-committee of such a body; or (c) to any committee or sub-committee of such a body and the revocation of any such appointment.	(a) Cabinet (b and c) Council where allocation of seats is politically proportionate (b and c) Cabinet	(a) Chief Executive (b and c) Chief Executive
15. The making of agreements with other local authorities for placing staff at the disposal of those other authorities	Cabinet	Chief executive
16. Any function relating to contaminated land	Cabinet	Chief executive

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 to 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	• 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. As well as: • 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

	• Services within the corporate core/Corporate performance
Health Scrutiny committee	• 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	To review the 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 • 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

Bury Council

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 make r 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)

Bury Council

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.

Bury Council

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 Lead

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

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to compliance with the Constitution and overall budget provision the holder of the post of Chief Executive is responsible for:

General functions

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

The Chief Executive shall be authorised to:

1) Have overarching responsibility for the Council's paid service, with direct management responsibility for the executive management team, and without prejudice to the foregoing shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations, and any legal requirements, to:

2) Discharge any function of the Council or the Executive which has not been specifically delegated to another officer, committee or otherwise reserved by full Council or the Executive and may direct any officer not to exercise a delegated function in special circumstances except where that officer is required to do so by law.

3) Discharge any function that has been delegated to a Chief Officer where that Chief Officer is unable to act, through absence or otherwise, or where the Chief Officer post with the delegated function is vacant or has been disestablished.

4) Authorise officers to enter premises in exercise of specific statutory powers.

5) Take preliminary steps to protect the rights and interests of the Council subject to consultation with the Leader in relation to any Bill or Statutory Instrument or Order in Parliament.

6) Nominate, appoint and remove, in consultation with the Leader, Council representatives on the board of companies, trusts and other bodies (including those companies, trusts and other bodies on which the Council has representatives who have been nominated by other bodies) and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within relevant constitutions.

7) Take any action which is required as a matter of urgency in the interests of the Council, in consultation with the Leader if time permits.

Non-executive functions

8) Discharge the following functions of the council relating to elections:

   a) Duty to appoint an electoral registration officer. Section 8(2) of the Representation of the People Act 1983 (c. 2)
   b) Power to assign officers in relation to requisitions of the registration officer.
   c) Section 11 of the Local Government Act 1972 Duty to appoint returning officer for local government elections.
   d) Duty to divide constituency into polling districts. Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983 Power to divide electoral divisions into polling districts at local government elections.
   e) Section 31 of the Representation of the People Act 1983 Powers in respect of holding of elections. Section 39(4) of the Representation of the People Act 1983
   f) Power to pay expenses properly incurred by electoral registration officers.
   g) Section 54 of the Representation of the People Act 1983 Power to fill vacancies in the event of insufficient nominations.
   h) Section 21 of the Representation of the People Act 1985 Duty to declare vacancy in office in certain cases. Section 86 of the Local Government Act 1972 Duty to give public notice of a casual vacancy. Power to make temporary appointments to parish councils.

i) Section 87 of the Local Government Act 1972 Section 91 of the Local Government Act 1972 Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.
j) Section 10 of the Representation of the People Act 2000 (c. 2) Duty to consult on change of scheme for elections.
k) Sections 33(2), 38 (2) and 40(2) of the 2007 Act Duties relating to publicity. Sections 35, 41 and 52 of the 2007 Act Duties relating to notice to Electoral Commission
l) Section 53 of the 2007 Act Functions relating to change of name of electoral area. Section 59 of the 2007 Act

9) To discharge the Council's functions relating to the registration of common land and town or village greens pursuant to Part 1 of the Commons Act 2006 and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007.

10) In consultation with the Monitoring Officer and S151 Officer to administer the scheme of Members' allowances and to uprate such allowances annually in accordance with the formula agreed by the Council.

11) Agree in consultation with the Leader, starting salaries (within the range determined by the Council) on appointment of Chief Officers and for any assimilations into revised grades if the Chief Officer's post is re-graded.

12) The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.

13) Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands effected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981.

14) Power to register variation of rights of common.

Executive functions

Financial

15) Determine, in conjunction with the 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.

16) The taking of any action necessary, 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).

17) Make all decisions relating to the reclaim of capital grants, cessation of revenue grants and variation to any legal agreement (including financial returns to the Council) in relation to the above expenditure.

18) To adjust the amounts included in the relocation package for officers.

Human Resources

19) Authoirse the appointment of consultants and professional advisors

Miscellaneous

20) Determine attendance at conferences where more than one service is involved in consultation with appropriate Executive Members, Chairs and Chief Officers.

21) Attend and vote on behalf of the Council at meetings of any other company or organisation of which the Council is a member, and to nominate a member of staff to attend and vote where the Chief Executive is unable to do so.

22) Responsible in consultation with the Council's monitoring officer for considering and determining applications for exemptions from political restriction.

23) Carry out the following specific functions -

    a) Responsible for ensuring the promotion of child protection and safeguarding of children in the Borough
    b) Economic Development
    c) Business Engagement
    d) Regeneration
    e) Strategic Planning
    f) Strategic Housing
    g) Housing Development (including Affordable Housing)
    h) Member of Greater Manchester Combined (the CA) Authority Wider Leadership Team with responsibility for specific portfolios allocated by the Chief Executive of the CA.

24) All matters associated with the professional management of the Council.

25) The implementation of the Council's corporate strategies, including but not limited to the Let's Do It strategy and corporate plan.

26) The co-ordination of all official publicity, press statements and official publications (subject to any other delegation).

27) Give professional advice to all parties in the decision-making process.

28) Represent the Council on Partnerships and External Bodies.

29) Implement and initiate change and service delivery across the Council's services .

30) Carry out record keeping for all the Council's Decisions (together with the Monitoring Officer).

31) The exercise, following consultation with the Cabinet Leader, of the Council powers under s.13 Public Order Act 1986 in relation to public processions.

32) To make in-year amendments to the Council Risk Register, in consultation with the Leader of the Council.

33) To deal with matters concerned with civic and ceremonial occasions together with civic hospitality, and to determine requests for permission to reproduce the Council's Coat of Arms and symbol.

34) To agree indemnity payments to officers acting as directors on behalf of the Council or otherwise covered by the policy on indemnification of officers.

This page is intentionally left blank

Directorate: Operations

Executive Director

- Assistant Director Operations
  - Head of Commercial
    - Cleaning & Catering
    - Lettings & Public Halls
    - Markets
  - Head of Engineering Services
    - Asset Management
    - Bridges and Structures
    - Major Projects design and delivery
    - Network Management
    - Parking
    - Public Rights of Way
    - Street Works
    - Road safety
    - Transportation
  - Head of Streetscene
    - Grounds Maintenance – Parks & Countryside Infrastructure
    - Pest Control
    - Highway Maintenance
    - Street Lighting
    - Winter Maintenance
    - Depot
  - Head of Waste Management & Transport
    - Stores
    - Street Cleansing
    - Transport & Workshop
    - Waste Management & Recycling
  - Head of Wellness
    - Bereavement Services
    - Libraries
    - Parks and Countryside Strategy
    - Sports and Leisure
- Assistant Director Operations Strategy
  - Head of FM
    - Architectural Practice
    - Facilities Management
    - Energy Management
  - Head of Public Protection
    - Climate Change
    - Environment
    - Environmental Health
    - Licensing – including Safety at Sports Grounds
    - Private Rented Sector Enforcement
    - Trading Standards

-

The scheme of delegation is to be read in conjunction with relevant sections of the Constitution including:

Part 3 – Functions Scheme

Part 4 – Section 6 – Contract Procedure Rules

Part 4 – Section 7 – Financial Procedure Rules

COMMERCIAL SERVICES

Markets

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
1.	– Exercise the council's powers under section 50 of the Food Act 1984 and the Bury Market Charter 1444 to establish and operate street markets in the county. – Setting up or the relocating of any market.	• Assistant Director (Operations) • Head of Commercial Services	– The Bury Market Charter and the Food Act 1984 enables the council to operate markets in the town of Bury, namely the livestock market, the general markets held on Murray Road. – All other markets held in the market towns of Radcliffe and Ramsbottom also enabled. – Both of the above state that market shall not be established in pursuance of this act so as to interfere with any rights, powers or privileges enjoyed within the district in respect of a market by any person, without that person's consent and in consultation with traders.	
2.	– Operation and regulation of markets under the section 50 of the Food Act 1984 and the Bury Market Charter 1444.	• Assistant Director (Operations) • Head of Commercial Services		

[1] Say what the activity is that is being delegated and the source of the power e.g. decision to instigate care proceedings under s 31 of the Children's Act 1989

[2] Say all the posts to which the activity has been delegated; please refer only to post names and not post holders unless there is a personal delegation

[3] Include any specific conditions or constraints which apply to the delegation e.g. requirement to first consult with xxx

[4] Identify decision type as follows: E = executive function; C = Council function (includes most planning and regulatory activity); O = operational

3.	– The collection of charges made in relation to any market.	• Assistant Director (Operations) • Head of Commercial Services • Bury Market Manager		
4.	– To negotiate and agree terms regarding the acquisition (including compulsory purchase) and disposal of property assets and legal interests. – Sign Notices to Quit/Terminate Lease.	• Assistant Director (Operations) • Head of Commercial Services • Bury Market Manager	In liaison with Legal Services	O
5.	– To negotiate and agree terms for the grant of leases, licences, tenancies, agreement for lease, development agreements and legal consents.	• Assistant Director (Operations) • Head of Commercial Services	In liaison with Legal Services	O
6.	– To instruct Legal Services to serve legal notices. – Sign Notices to Quit/Terminate Lease.	• Assistant Director (Operations) • Head of Commercial Services	In liaison with Legal Services	O
7.	– To grant a wayleave easement or deed of access over Council owned land to a third party.	• Assistant Director (Operations) • Head of Commercial Services	In liaison with Legal Services	O

STREETSCENE

Highways, Street Lighting & Grounds Maintenance

1.	To act on behalf of the council in respect of the legislation specified in the foregoing: – Highways Act 1980 – National Parks and Access to the Countryside Act 1948	• Assistant Director (Operations) • Head of Streetscene	Duty to maintain the Highway as Highway Authority	O

	– New Roads and Street Works Act 1991 Wildlife and Countryside Act 1981	All officers within Streetscene		
2.	To act on behalf of the council in respect of the legislation specified in: – The Local Authorities' Cemeteries Order 1977 – The Council is defined as a burial authority for the provision and maintenance of cemeteries.	• Assistant Director (Operations) • Head of Streetscene • Grounds Maintenance Manager Area Supervisor	The council may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery. Where burials take place the order regulates the process including regulation of memorials.	

Pest Control

1.	- Dogs (Fouling of Land) Act 1996 – Prevention of Damage by Pests Act 1949	• Assistant Director (Operations) • Head of Streetscene • Pest Control Operations Manager • Pest Control Officers		

ENGINEERING SERVICES

Highways and Transport

1.	To act on behalf of the council in respect of the legislation specified in the foregoing: – Traffic Management Act 2004 – Road Traffic Act 1988 – Cycle Tracks Act 1984 – Highways Act 1980 – National Parks and Access to the Countryside Act 1948 – New Roads and Street Works Act 1991 – Road Traffic Regulation Act 1984	• Assistant Director (Operations) • Head of Engineering Services • Designated Traffic Manager • All officers within Engineering Services	– The Traffic Manager may, in making arrangements to ensure that the authority has: a) determined specific policies or objectives in relation to different roads or classes of road in their road network; b) monitored the effectiveness of – (i) the authority's organisation	O

	– Town and Country Planning Act 1990 – Town Police Clauses Act 1847 – Traffic Calming Act 1992 – Wildlife and Countryside Act 1981		and decision-making processes; and (ii) the implementation of their decisions; and c) assessed their performance in managing their road network. – Delivery of actions under these functions shall be carried out where appropriate by the council's Public Realm provider in accordance with the contract in place for the service.	
2.	– To enter into agreements pursuant to Section 38 and Section 278 of the Highways Act 1980, issue permissions under Section 184 and display notices under Section 228, including the Power to determine the terms and conditions of the above	• Assistant Director (Operations) • Head of Engineering Services • All officers within Engineering Services		O
3.	– To manage the council's functions in relation to flooding and drainage in compliance with current legislation and policies of the council (including without limitation the Land Drainage Act 1991, Flood Risk Regulations 2009 and the Flood and Water Management Act 2010).	• Assistant Director (Operations) • Head of Engineering Services • Lead Local Flood Officer • All officers within Engineering Services & Streetscene	– Delivery of actions under these functions shall be carried out where appropriate by the council's Public Realm provider in accordance with the contract in place for the service.	O

Parking

1.	– Road Traffic Regulation Act 1984 – gives the power to local authorities to make traffic regulation orders which prohibit or restrict the use of a road; and which provide parking places on the highway, and in off-street car parks and set out the term on which such parking places may be used. Permission is also granted to park in contravention by way of a dispensation permit.	• Assistant Director (Operations) • Head of Engineering Service		O

		• All officers with Parking Services Team		
2.	– Civil Enforcement of Parking Contraventions (England) General Regulations – provides for the issue of a Charge Certificate in order to recover debt from unpaid Parking Penalty Charge Notices.	• Assistant Director (Operations) • Head of Engineering Service • All officers with Parking Services Team	This document is served in accordance with Regulation 21.	O
3.	– Civil Enforcement of Parking Contraventions (England) General Regulations – provides for the enforcement of a Charge Certificate if unpaid, by the issue of an Order for Recovery from a County Court.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team	This is enforced in accordance with Regulation 22.	O
4.	– Taking Control of Good Regulations 2013 (as amended) – provides for the execution of a County Court Order to instruct Enforcement Agents to recovery unpaid Parking Penalty Charge Notice debt.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team	Bury Council contracts an approved and certified Bailiff company in order to recover debt, including taking control of any goods in accordance with the regulations.	O
5.	– Road Traffic Regulation Act 1984 and associated Off-street Car Park Orders – provides for charges and restrictions to apply at off street car parks. Permission to be granted to use car park for another purpose, hire or to waive the parking fee payable for an event or other use.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team		O

6.	– Road Traffic Regulation Act 1984 and associated Traffic Regulation Orders – provides for charges to apply at on street parking locations. Permission to be granted to use parking spaces for another purpose, hire or to waive the parking fee payable for an event or other use.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team		O
7.	– The Traffic Management Act 2004 (Part 6) – provides for contraventions of the terms of a traffic regulation order relating to parking places on the highway and off-street, which were made offences in the RTRA (1984), to be subject to civil enforcement.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team • The Council's nominated enforcement contractor	– These functions/powers are exercised in accordance with the council's single enforcement policy. – The parking offences which we enforce are by way of a PCN and are decriminalised (Civil Parking Enforcement). – NSL employees carry out first stage challenges to penalty charge notices under the management of the council.	O

Street Trading

1.	– Section 115E of the Highways Act 1980 – Control of pavement cafes with Highways Amenity Licences	• Assistant Director (Operations) • Head of Engineering Services • All officers within Engineering Services & Streetscene	– New applications suspended until 30 September 2021 and replaced with the Business & Planning Act 2020.	
2.	– Section 3 of the Business and Planning Act 2020 – Pavement Licences	• Assistant Director (Operations) • Head of Engineering Services	– Licences are issued to permit tables and chairs to be placed on the highway in relation to consumption of food and drink	

		• All officers within Engineering Services & Streetscene	(both alcoholic and non-alcoholic). – Applications for premises without alcohol are dealt with by the Licensing Officer (Street Trading). – Applications for premises with alcohol are dealt with by the Principal Licensing Officer. – Appeals are dealt with by the Licensing Subcommittee.	

WASTE MANAGEMENT & TRANSPORT

Waste and Recycling

1.	– Environmental Protection Act 1990 Section 45 – Environmental Protection Act 1990 Section 46 – The Controlled Waste (England and Wales) Regulations 2012	• Assistant Director (Operations) • Head of Waste Management • All Officers within Waste Management	– Places a duty on the Council to arrange for the collection of household waste in Bury. – Permits the Council to specify the type of receptacle to be used by the householder for the disposal of their waste. – The Council can require separate receptacles to be used for waste which is to be recycled and waste that is not. – The Council may also specify the size, construction, and maintenance of the receptacles. – The Council may determine the position that Householders place their waste collection receptacles for emptying by the Council and steps to be taken by Householders	

			to facilitate the collection of waste from the receptacles. – A Householder who fails without reasonable excuse to comply with the Council's requirements under this legislation shall be liable on summary conviction to a fine; and ○ The Council can make a charge to Householders for the provision of waste receptacles. ○ Definition of waste to be treated as household, industrial and commercial waste. – Household waste for which collection and disposal charges may be made.	

Transport

1.	– Road Traffic Act 1988 – Road vehicle construction and use Regulation Working time Directive 2003	• Assistant Director (Operations) • Head of Waste Management & Transport Services • Transport Manager	– An act of Parliament of the United Kingdom, concerning vehicles, insurance, and road regulation. – European Union law Directive and a key part of European labour law.	

Street Cleansing

1.	– The Environmental Protection Act 1990 Section 89 – Litter and refuse: code of practice	• Assistant Director (Operations) • Head of Waste Management • All Officers within Street Cleansing	– Imposes duties on certain landowners and occupiers to keep specified land clear of litter and refuse, and on local authorities and the Secretary of State to keep	

			clean public highways for which they are responsible. – Standards of graffiti and fly posting.	

WELLNESS

Bereavement Services

1.	– To act on behalf of the council in respect of the legislation specified in The Local Authorities' Cemeteries Order 1977 – The Council is defined as a burial authority for the provision and maintenance of cemeteries.	• Assistant Director (Operations) • Parks & Countryside Manager • Cemetery Registrar • Area Supervisor	– The council may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery. Where burials take place the order regulates the process including regulation of memorials.	
2.	– To act on behalf of the council in respect of the legislation specified in The Cremation (England and Wales) Regulations 2008 (amendment 2016).	• Assistant Director (Operations) • Parks & Countryside Manager	– The Cremation (England and Wales) Regulations 2008 ('the 2008 Regulations') make provision about the operation of crematorium in England and Wales, including in relation to the disposal of ashes, and the keeping of records relating to cremations.	

Libraries

1.	– To meet the requirements of the Public Libraries and Museums Act 1964; in doing so the Council should consider a number of legal obligations, including the Equality Act 2010, Best Value Duty 2011 guidance, Localism Act 2011, the Human Rights Act 1998 (I have taken this from the front page of https://www.gov.uk/government/publications/guidance-on-libraries-as-a-statutory-service/libraries-as-a-statutory-service)	• All officers of the Libraries & Archives team, Head of Wellness Operations		

REGULATORY, ENVIRONMENT AND WASTE SERVICES

Public Protection Service

1.	To act on behalf of the council in respect of the legislation specified in the foregoing: – Activity Centres (Young Persons Safety) Act 1995 – Administration of Justice Act 1970 (Section 40) & 1985 – African Swine Fever (England) Order 2003 – Agricultural Produce (Grading and Marking) Amendment Act 1931 – Agriculture (Miscellaneous Provisions) Act 1968 – Agriculture Act 1970 – Agriculture Produce (Grading & Marking) Acts 1928 & 1931 – Animal Gatherings (England) Order 2010 – Animal Health (Divisional Veterinary Managers) Order 2009 – Animal Health Act 1981 & 2002 – Animal Health and Welfare Act 1984 – Animal Welfare Act 2006 – Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018 – Animals (Miscellaneous Provisions) Order 1927 as amended & 1938 – Animals (Post-Import Control) Order 1995 – Anthrax Order 1991 as amended – Anti-Social Behaviour Act 2003 – Anti-Social Behaviour, Crime and Policing Act 2014 – Aujeszky's Disease Order 1983 – Avian Influenza & Influenza of Avian Origin in Mammals (England) (No.2) Order 2006 – Avian Influenza (H5N1 in Poultry) (England) Order 2006 – Avian Influenza (H5N1 in Wild Birds) (England) Order 2006 – Avian Influenza (H5N1) (Miscellaneous Amendments) Order 2007	• Assistant Director (Operations Strategy) • Head of Public Protection • Chief Inspector of Weights & Measures • Licensing Unit Manager • Unit Managers • Environmental Health Officers • Graduate Environmental Health Officers • Public Protection Officers • HMO and Enforcement Officers • Principal Technical Officer • Senior Technical Officers • Principal Trading Standards Officers • Principal Community Protection Officer • Trading Standards Officers • Trading Standards Practitioners • Senior Enforcement Officers • Enforcement Officers • Fly Tipping Enforcement Officers	– To act as necessary in accordance with the officers' legislative authorisation to ensure compliance with the adjacent listed legislation and, in particular to exercise any statutory powers vested in the council but not exclusively of entry, inspection, to break open any container, examination, investigation, taking of measurements and photographs, taking of samples, seizure and detention of goods articles and documents, requiring the production of books and documents requiring the provision of information, giving of notices and requiring other facilities and assistance necessary to enable the council to perform its statutory powers and duties in relation to the enforcement of legislation. – Also, all officers are authorised to administer a caution when investigating any possible criminal offences and to appear in any proceedings before a Court. – All officers can also issue verbal warnings, penalty warning notices,	C

	– Avian Influenza and Newcastle Disease (Biosecurity Guidance and Disease Control) (Slaughter) Protocol (England & Wales) Order 2003 – Avian Influenza and Newcastle Disease (Contingency Planning) (England) Order 2003 – Avian Influenza and Newcastle Disease (England & Wales) Order 2003 – Bluetongue (No. 2) Order 2007 (Revoked except for Article 17) Bluetongue Order 2003 (Revoked except for Article 18) – Brucellosis (England) Order 2000 as amended – Building Act 1984 – Business and Planning Act 2020 – Cancer Act 1939 – Caravan Sites and Control of Development Act 1960 – Cattle Plague Order 1928 as amended – Charities Act 1992 – Children and Young Persons (Protection from Tobacco) Act 1991 – Children and Young Persons Act 1933 (Section 7) – Children and Young Persons Act 1963 (Section 37) – Cigarette Lighter Refill (Safety) Regulations 1999 – Civic Amenities Act 1967 – Classical Swine Fever (England) Order 2003 – Clean Air Act 1993 – Clean Neighbourhoods and Environment Act 2005 – Companies Act 1985 & 2006 – Company Directors Disqualification Act 1986 – Consumer Credit Act 1974 & 2006 – Consumer Protection Act 1987 – Consumers, Estate Agents and Redress Act 2007 – Control of Pesticides Regulations 1986 – Control of Pollution (Amendment) Act 1989 – Control of Pollution Act 1974 – Control of Salmonella in Broiler Flocks Order 2009 – Control of Salmonella in Poultry Order 2007 – Control of Salmonella in Turkey Flocks Order 2009	• Apprentice Enforcement Officers • Senior Animal Health & Welfare Officer • Animal Health & Welfare Officers • Licensing Officers • Licensing Advisors •	fixed penalty notices, infringement advice notices and officer written warnings. – Animal Health and Welfare Officers can serve statutory enforcement notices, orders, and community protection notices. – The Assistant Director (Operations Strategy), Head of Public Protection, Unit Managers, Principal Trading Standards Officers, Principal Environment Health Officers, Licensing Officers and the Enforcement Officers can: i) issue formal written warnings; ii) authorise entry search warrants; and iii) sign any licence/registration documents or tenancy/pitch agreement on behalf of the council. – The Assistant Director (Operations Strategy) and the Deputy Solicitor for the council can authorise any RIPA application on behalf of the council for any regulatory legislation, as listed in the left hand column. – The Assistant Director (Operations Strategy) can act as the informant on behalf of the council, with the exception of weights and measures legislation where only the Head of Public	

	– Copyright, Designs and Patents Act 1988 – Copyright, etc and Trade Marks (Offences and Enforcement) Act 2002 – Coronavirus Act 2020 – Criminal Attempts Act 1981 – Criminal Justice and Police Act 2001 – Criminal Justice and Public Order Act 1994 – Criminal Law Act 1977 – Dangerous Dogs Act 1991 – Dangerous Wild Animals Act 1976 – Deer Act 1991 – Deregulation and Contracting Out Act 1994 – Development of Tourism Act 1969 (Section 18) – Disease Control (England) Order 2003 as amended – Diseases of Animals (Approved Disinfectants) (England) Order 2007 – Diseases of Poultry (England) Order 2003 – Dogs (Fouling of Land) Act 1996 – Dogs Act 1906 (Section 3) – Education Reform Act 1988 – Energy Act 1976 (Section 18) – Energy Act 2013 – Energy Conservation Act 1981 (Section 20) – Enterprise Act 2002 – Environment Act 1995 – Environment and Safety Information Act 1988 – Environmental Protection (Non-Refillable Refrigerant Containers) Regs 1994 – Environmental Protection Act 1990 – Enzootic Bovine Leukosis (England) Order 2000 – Equine Infectious Anaemia (Compensation) (England) Order 2006 – Equine Viral Arteritis Order 1995 – Estate Agents Act 1979 – European Communities Act 1972 (EC Tab) – Explosives Act 1875 – Export of Horses (Excepted Cases) Order 1969		Protection/Chief Inspector of Weights & Measures can act as the informant. – The Head of Public Protection/Licensing Unit Manager can also suspend or revoke any hackney carriage or private hire drivers licence with immediate effect under the Road Safety Act 2006.	

	– Export of Horses (Protection) Order 1969 – Export of Horses (Veterinary Examination) Order 1966 – Export of Horses and Ponies (Increase in Minimum Values) Order 1978 – Export Quarantine Stations (Regulation) Order 1973 – Factories Act 1961 – Fair Trading Act 1973 – Farm and Garden Chemicals Act 1967 – Feed (Hygiene and Enforcement) (England) Regulations 2005 – Fire Safety and Safety of Places of Sport Act 1987 – Fireworks Act 2003 – Food Act 1984 – Food and Environment Protection Act 1985 (FEPA Tab) – Food Safety Act 1990 (as amended) – Food Safety and Hygiene (England) Regulations 2013 – Foot and Mouth Disease (England) Order 2006 – Foot and Mouth Disease (Packing Materials) Order 1925 as amended – Forgery and Counterfeiting Act 1981 (Part I) – Fraud Act 2006 – Game Act 1831 – Game Licences Act 1860 – Gambling Act 2015 – Hallmarking Act 1973 – Hares (Control of Importation) Order 1965 – Health Act 2006 – Health and Safety at Work etc. Act 1974 (HSWA Tab) – Housing Act 1985 (EHH Tab) – Housing Act 2004 (EHH Tab) – Housing and Planning Act 2016 (EHH Tab) – Housing Grants, Construction and Regeneration Act 1996 (EHH Tab) – Hypnotism Act 1952 – Importation of Animal Products and Poultry Products Order 1980 as amended			

	– Importation of Animals Order 1977 as amended (Articles 4(1), 5(6), 5(7), 6 & 15 Do Not Apply to England and Scotland) – Importation of Animals Pathogens Order 1980 – Importation of Birds, Poultry and Hatching Eggs Order 1979 – Importation of Embryos, Ova and Semen Order 1980 as amended – Importation of Hay and Straw Order 1979 – Importation of Processed Animal Protein Order 1981 as amended – Importation of Salmonoid Viscera Order 1986 – Individual Ascertainment of Value (England) Order 2005 – Infectious Diseases of Horses Order 1987 – Intoxicating Substances (Supply) Act 1985 – Knives Act 1997 – Land Drainage Act 1991 – Late Night Refreshment Houses Act 1969 – Legislative Reform (Local Government) (Animal Health Functions) Order 2009 – Licensing Act 2003 – Litter Act 1983 – Local Government (Miscellaneous Provisions) Act 1976 – Local Government (Miscellaneous Provisions) Act 1982 – Local Government Act 1972 – Local Government and Housing Act 1989 – Lotteries and Amusements Act 1976 – Manufacture and Storage of Explosives Regulations 2005 – Medicines Act 1968 – Mobile Homes Act 1983 – Motor Cycle Noise Act 1987 – Motor Vehicles (Safety Equipment for Children) Act 1991 – Movement of Animals (Records) Order 1960 as amended – Movement of Animals (Restrictions) (England) Order – 2002 as amended – National Assistance (Amendment) Act 1951 – National Assistance Act 1948 – National Lottery Act 1993			

	– Noise Act 1996 – Noise and Statutory Nuisance Act 1993 – Offensive Weapons Act 1996 – Office Shops and Railway Premises Act 1963 – Olympic Symbol etc. (Protection) Act 1995 – Open Spaces Act 1906 – Pesticides (Fees and Enforcement) Act 1989 – Petroleum (Consolidation) Act 1928 – Petroleum (Transfer of Licences) Act 1936 – Petroleum Consolidation Act 1928 – Pigs (Records, Identification and – Movement) Order 2007 – Pleuro-Pneumonia (Amendment) Order of 1938 (5666) – Pleuro-Pneumonia Order 1928 (4605) – Poisons Act 1972 – Pollution Prevention Control Act 1999 – Poultry (Seizure of Hatching Eggs) Order 1990 – Prevention of Damage by Pests Act 1949 – Prices Act 1974 & 1975 – Private Places of Entertainment (Licensing) Act 1967 – Proceeds of Crime Act 2002 – Property Misdescriptions Act 1991 – Protection From Eviction Act 1977 – Protection of Animals Act 1911 – Protection of Children (Tobacco) Act 1986 – Psittacosis or Ornithosis Order 1953 – Public Entertainments Licences (Drug Misuse) Act 1997 – The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 – The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 – The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020			

	– The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) (Amendment) Regulations 2020 – The Health Protection (Coronavirus, Restrictions) (Self Isolation) (England) Regulations 2020 – The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 – The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 – The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 – The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 – The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 – Public Health (Control of Diseases) Act 1984 – Public Health Act 1875 – Public Health Act 1936 – Public Health Act 1961 – Public Health Acts Amendment Act 1907 – Rabies (Control) Order 1974 Rabies Importation of Dogs, Cats and Other Mammals) Order 1974 as amended – Radioactive Substances Act 1960 – Rag, Flock and Other Filling Materials Act 1951 – Refuse Disposal (Amenity) Act 1978 – Regulation of Investigatory Powers Act 2000 (RIPA) – Regulatory Reform (Fire Safety) Order 2005 – Riding Establishments Act 1970 – Road Traffic (Consequential Provisions) Act 1988 – Road Traffic (Foreign Vehicles) Act 1972 – Road Traffic Acts 1988 & 1991 – Road Traffic Offenders Act 1988 – Road Traffic Regulation Act 1984			

	– Safety of Sports Ground Act 1975 – Scotch Whisky Act 1988 – Scrap Metal Dealers Act 1964 – Sheep & Goats (Records, Identification & Movement) (England) Order 2009 – Sheep Scab Order 1997 – Shellfish and Specified Fish (Third Country Imports) Order 1992 – Solicitors Act 1974 – Specified Diseases (Notification & Slaughter) Order 1992 (Revoked insofar as they apply to – Bluetongue) – Specified Diseases (Notification & Slaughter) Order 2006 – Specified Diseases (Notification) Order 1996 (Revoked insofar as they apply to Bluetongue) Spring Traps Approval Order 1995 as amended – Sunbeds (Regulation) Act 2010 – Sunday Trading Act 1994 – Telecommunications Act 1984 – The Children (Performances) Regulations 1968 (as amended) – The Dogs (Fouling of Land) Act 1996 – The Health Protection (Local Authority Powers) Regulations 2010 – The Health Protection (Notification) Regulations 2010 – The Health Protection (Part 2A Orders) Regulations 2010 – The Hedgerow Regulations 1997 – The Private Water Supplies (England) Regulations 2016 – Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 – Theft (Amendment) Act 1996 – Theft Acts 1968 & 1978 – Timeshare Act 1992 – Tobacco Advertising and Promotion Act 2002 – Tobacco Products Duty Act 1979 – Town and Country Planning Act 1990 – Town Police Clauses Act 1847 – Trade Descriptions Act 1968			

	– Trade Marks Act 1994 – Transport of Animals (Cleansing & Disinfection) (England) (No.3) Order 2003 as amended – Tuberculosis (Deer) Order 1989 as amended – Tuberculosis (England) Order 2007 – Unsolicited Goods and Services Acts 1971 & 1975 – Value Added Tax Act 1994 – Vehicle (Crimes) Act 2001 – Veterinary Surgery (Wing & Web Tagging) Order 2009 – Video Recordings Acts 1984 & 1993 & 2010 – Warble Fly (Ascertainment of Infestation) (England & Wales) Order 1985 – Warble Fly (England & Wales) (Infected Areas) Order 1985 – Warble Fly (England & Wales) Order 1982 – Water Act 1989 – Water Act 2003 – Water Industry Act 1991 – Weights and Measures Act 1985 (and all Regulations made under it) – Welfare of Animals (Transport) (England) Order 2006 – Welfare of Animals at Markets Order 1990 as amended – Wildlife and Countryside Act 1982 – Working Time Regulations 1998 (HSWA Tab) – Zoo Licensing Act 1981 – Zoonoses Order 1988 & 1989 – EU Legislation: – The Aerosol Dispensers (EEC Requirements) Regs 1977 – The Animal and Animal Products (Examination for Residues and Maximum Limits) Regs 1997 – The Animal By Products (Enforcement) (England) Regulations 2013 – The Animal By-Products Regulations 2005* as amended – The Animal Health & Welfare (Scotland) Act 2006 (Consequential Provisions) (England & Wales) Order 2006* – The Animals (Divisional Veterinary Managers) – Regulations 2009*			

	– The Animals and Animal Products (Import & Export) (England) Regulations 2006* as amended – The Avian Influenza (Fees for the Licensed Vaccination of Birds) (England) Regulations 2007* – The Avian Influenza (Preventative Measures) (England) Regs 2006 – The Avian Influenza (Vaccination) (England) Regulations 2006* – The Beef Labelling (Enforcement) (England) Regulations 2000 – The Biofuel (Labelling) Regulations 2004 – The Bluetongue Regs 2008 – The Boiler (Efficiency) Regs 1993 – The Bovines & Bovine Products (Despatch Prohibition & Production Restriction) Regs 1997 – The Bovines & Bovine Products (Trade) Regs 1999 – The BSE (Feeding Stuffs & Surveillance) Regs 1999 – The BSE Offspring Slaughter Regulations 1998 – The Business Protection from Misleading Marketing Regulations 2008 – The Cancellation of Contracts made in a Consumer's Home or Place of Work etc Regulations 2008 – The Cat and Dog Fur (Control of Import, Export and Placing on Market) Regs 2008 – The Cattle (Identification of Older Animals) Regs 2000 – The Cattle Database Regulations 1998 – The Cattle Identification Regulations 2007* as amended – The Common Agricultural Policy (Wine) (England and Northern Ireland) Regs 2001 – The Common Agricultural Policy (Wine) Regs 1996 – The Companies (Trading Disclosures) Regulations 2008 – The Construction Products Regs 1991 – The Consumer Protection (Distance Selling) Regulations 2000 – The Consumer Protection from Unfair Trading Practices Regulations 2008 – The Crystal Glass (Descriptions) Regs 1973 – The Docking of Working Dogs' Tails (England) Regulations 2007* – The Eco-design for Energy-Using Product Regulations 2007			

	– The Eggs & Chicks (England) Regulations 2009* – The Electromagnetic Compatibility Regs 1992 – The Electro-medical Equipment (EEC Requirements) Regs 1988 – The Electronic Commerce (EC Directive) Regulations 2002 – The Energy Efficiency (Refrigerators and Freezers) Regs 1997 – The Energy Information (Combined Washer-driers) Regs 1997 – The Energy Information (Dishwashers) Regs 1999 – The Energy Information (Household Air Conditioners) (no 2) Regs 2005 – The Energy Information (Household Electric Ovens) Regs 2003 – The Energy Information (Household Refrigerators and Freezers) Regulations 2004 – The Energy Information (Lamps) Regs 1999 – The Energy Information (Refrigerators and Freezers) Regs 1994 – The Energy Information (Tumble Driers) Regs 1996 – The Energy Information (Washing Machines) Regs 1996 – The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regs 2007 – The Environmental Protection (Controls on Substances that Deplete the Ozone Layer) Regs 1996 – The Feed (Hygiene and Enforcement) (England) Regs 2005 as amended – The Feeding Stuffs (Enforcement) Regs 1999 – The Feeding Stuffs (England) Regs 2005 as amended – The Feeding Stuffs (Establishment & Intermediaries) Regs 1999 – The Feeding Stuffs (Safety Requirements for Feed for Food Producing Animals) Regulations 2004 – The Feeding Stuffs (Sampling and Analysis) Regs 1999 as amended – The Feeding Stuffs Regs 2000 – The Firework Regs 2004 – The Food (Suspension of the use of E128 Red 2G as a food colour) (England) Regs 2007 The Food Hygiene (England) Regulations 2006 – The Foot and Mouth –) Regulations 2006			

	– The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006 – The Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006 – The Measuring Instruments (Beltweighers) Regulations 2006 – The Measuring Instruments (Capacity Serving Measures) Regulations 2006 – The Measuring Instruments (Cold-water Meters) Regulations 2006 – The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006 – The Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006 – The Measuring Instruments (Material Measures of Length) Regulations 2006 – The Measuring Instruments (Non-prescribed Instruments) Regulations 2006 – The Meat (Enhanced Enforcement Powers) (England) Regulations 2000 – The Mutilations (Permitted Procedures) (England) Regulations 2007* as amended – The Natural Mineral Water, Spring Water & Bottled Water Regs 1999 – The Non-Commercial Movement of Pet Animals (England) Regulations 2004* – The Non-Automatic Weighing Instruments Regs 2000 – The Official Controls (Animal Feed and Food) (England) Regs 2006 – The Official Feed and Food Controls (England) Regs 2009 – The Olive Oil (Marketing Standards) Regs 2003 – The Organic Products Regulations 2009* – The Package Travel, Package Holidays & Package Tours Regs 1992 – The Packaging (Essential Requirements) Regs 2003 – The Personal Protective Equipment (EC Directive) Regs 2002 – The Plastic Materials and Articles in Contact with Food (England) Regulations 2006 and 2009 as amended – The Plastic Materials and Articles in Contact with Food Regs 1998 – The Poultry Meat (Water Content) Regs 1984 – The Products of Animal Origin (Disease Control) (England) Regulations 2008* as amended – The Products of Animal Origin (Import and Export) Regulations 1996* as amended			

	– The Products of Animal Origin (Third Country Imports) (England) Regulations 2006 – The Quick-Frozen Food Stuffs (England) Regs 2007 – The Radio Equipment and Telecommunications Terminal Equipment (Amendment) Regulations 2000 as amended – The REACH Enforcement Regs 2008 – The Registration of Establishments (Laying Hens) (England) Regulations 2003* – The Rice Products (Restrictions on First Packaging on the Market) (England) Regs 2006 – The Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006* – The Sheep and Goats (Records, Identification & Movement) (England) Order 2007 – The Simple Pressure Vessels (Safety) Regs 1991 – The Supply of Machinery (Safety) Regs 1992 – The Swine Vesicular Disease Regulations 2009* – The Telecommunications Terminal Equipment Regs 1992 – The Textile Products (Indications of Fibre Content) Regs 1986 – The Trade in Animals and Related Products Regulations 2011 – The Transmissible Spongiform Encephalopathies (England) Regs 2008 – The TSE (England) Regulations 2002 (as amended) – The Unfair Terms in Consumer Contracts Regulations 1999 – The Wine Regulations 2009 – The Working Time Regulations 1998 – Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2008* – Veterinary Medicines Regulations 2008* (Revoked Except Regulation 45(2)) – Veterinary Medicines Regulations 2009* – Welfare of Animals (Miscellaneous Revocations) (England) Regulations 2007* – Welfare of Farmed Animals (England) Regulations 2007* – Zoonoses (Monitoring) (England) Regulations 2007* – Zootechnical Standards Regulations 1992* as amended			

	In addition: Trading Standards and Consumer Protection Legislation is regularly updated and circulated by TSNW.			

Street Trading

1.	– Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – Enabling street trading to be regulated within the county and adopted by the council in 1998	• Assistant Director (Operations Strategy) • Head of Public Protection • Licensing Unit Manager	– Applications are assessed by the Licensing Service and undergo a consultation period, with various interested parties. Should the Licensing Unit Manager not wish to exercise their delegated powers, the matter will be referred to the Licensing & Safety Committee for the decision.	

This page is intentionally left blank

CHILDREN & YOUNG PEOPLE

Delegated Powers - Scheme of Delegation

Revised March 2023

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
Children & Young People	Multi-Agency Safeguarding Hub	Team Manager MASH	Step a contact down to Early help or to sign post.
Children & Young People	MASH IRT SG	Team Manager MASH (EDT manager or worker in their absence)	Progress a referral
Children & Young People	MASH IRT SG CASS CWD	Team Manager (EDT manager or worker in their absence)	Hold a multi-agency Strategy meeting. (The police, health professionals, teachers and other relevant professionals should be engaged).
Children & Young People	MASH IRT SG CASS CWD	Team Manager (EDT manager or worker in their absence)	Initiate a S47 enquiry when a child may be suffering, or likely to suffer, significant harm.
Children & Young People	MASH IRT SG CASS CWD	Head of Service (On-call senior manager EDT - child must be presented to next available Legal Gateway)	Apply for an Emergency Protection Order
Children & Young People	IRT SG CASS CWD	Team Manager	Progress a child to Initial Child Protection Conference (ICPC). *Threshold decision is subject of Safeguarding Children Unit scrutiny.

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
Children & Young People	IRT SG CASS CWD	Head of Service	Progress a child to Legal Gateway Panel.
Children & Young People	IRT SG CWD	Head of Service as chair of Legal Gateway PT 2	Enter pre-proceedings.
Children & Young People	IRT SG CASS CWD	Director of Social Care Practice PT1, save where alternatively specified	Initiate proceedings
Children & Young People	IRT SG CASS CWD Fostering	Head of Service	Approval of a Care plan
Children & Young People	IRT SG CASS CWD Fostering	Team Manager	Approval of Court Reports
Children & Young People	All services	Team Manager	Notification of death of serious injury to a child (Director of Children's Services should be immediately notified in the event of death or serious injury to a child via the Director of Social Care Practice or Head of Service in their absence).
Children & Young People	Multi-Agency Safeguarding Hub IRT SG CASS CWD CST	Team Manager	Change of child's allocated social worker (There is an expectation that the relationship between the child and their social worker is supported and only made in unavoidable circumstances).

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
	Fostering		
Children & Young People	IRT SG CWD	Team Manager Head of Service if stepped down from Child In Need within last three months	Step down a case via case transfer or decide to close a Child in Need case.
Children & Young People	IRT SG CASS CWD CST	Team Manager	Extend Child and Family Assessment timescale beyond 15 working days.
Children & Young People	IRT SG CASS CWD CST	Director of Social Care Practice as Agency Decision Maker	Should be placed for adoption (SHOBPA) - whether a child should be placed for adoption or not.
Children & Young People	SG CASS CWD	Director of Social Care Practice as Agency Decision Maker	SHOBPA reconfirm that a child should be placed for adoption (SHOBPA) in circumstances were there has been new assessments or a change in circumstances since the original SHOBPA decision.
Children & Young People	SG CASS CWD	Director of Social Care Practice as Agency Decision Maker	Rescind a SHOBPA decision.
Children & Young People	SG CASS Adoption	Service Manager, Regional Adoption Agency or Director of Social Care Practice as Agency Decision Maker	Approving whether individual(s) should be approved as adoptive parents
Children & Young People	SG CASS Adoption	Director of Social Care Practice as Agency Decision Maker via adoption panel.	Adoption Match - whether approved adoptive parents should be matched with a particular child.
Children & Young People	SG CASS Adoption	Director of Social Care Practice as Agency Decision Maker	Concurrent placement or Foster for Adoption.

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
	Fostering		
Children & Young People	IRT SG CASS CWD	Director of Social Care Practice as Agency Decision Maker with parental/holder of PR consent and IRO views	Change of Name of a looked after child.
Children & Young People	SG CASS Adoption	Principal Manager for the Regional Adoption Agency/Head of Service	Adoption allowance and support (the level of adoption support to be provided to children, adopters (including financial support) and their family or birth family members).
Children & Young People	IRT SG CASS Fostering	Head of Service My Home as Agency Decision Maker for looked after children	Approval of foster carer (Assessments undertaken by Fostering Social worker, approval recommended by Children's social work manager).
Children & Young People	SG CASS Fostering	Head of Service Looked My Home as Agency Decision Maker for looked after children	Re-approval of foster carer (Home reviews carried out by fostering social workers. Must be reviewed at panel if: 1st review; after an allegation or complaint; following a significant change in circumstances; any other circumstances at the discretion of the local authority.)
Children & Young People	Fostering	Fostering Team Manager	Fostering Panel appointments (appointments to the Central List of Fostering Panel members).
Children & Young People	IRT SG CASS CWD Fostering	Head of Service	Approval of a Regulation 24 assessment (assessment undertaken by Fostering Social worker, approval recommended by Children's social work manager. Responsible Head of service must recommend approval.
Children & Young People	IRT SG CASS CWD Fostering	Head of Service	Placement of a Child under Reg 24 with a connected person

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
Children & Young People	Fostering	Executive Director (Fostering Panel recommendation to Fostering Agency Decision Maker) following fostering Childrens social work manager recommendation	Exemptions and Extensions from Fostering Limit for foster carers living in local authority area.
Children & Young People	SG CASS Fostering	Head of Service and Panel Chair	Long-term match of a child with foster carers
Children & Young People	SG CASS Fostering	Head of Service	Staying Put arrangements
Children & Young People	IRT SG CASS CWD Fostering	Head of Service	Suspension of Contact between a Looked after Child and their parent (maximum of 7 days, beyond which court approval is necessary).
Children & Young People	IRT SG CASS CWD	Director of Social Care Practice	To bring a child into the care of the local authority.
Children & Young People	IRT SG CASS Fostering	Head of Service looked after children on recommendation of placement team following internal search.	Search for independent fostering agencies and residential providers
Children & Young People	IRT SG CASS CWD Fostering	Executive Director	Placement of a child outside England or Wales following receipt of legal advice
Children & Young People	IRT SG CASS CWD	Head of Service	Placement of a child with external providers of residential care or foster carers from an independent fostering agency within Bury or a neighbouring local authority within 20 miles.

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
	Fostering		
Children & Young People	IRT SG CASS CWD Fostering	Executive Director, based on endorsement of Director of Practice	Placement of a child in an unregulated placement
Children & Young People	IRT SG CASS CWD	Executive Director (with SofS approval if required) based on endorsement of Director of Practice	Placement of a child in Secure accommodation for up to 72 hours (under 13 years)
Children & Young People	IRT SG CASS CWD	Executive Director	Application for a Secure accommodation order (under 13 years)
Children & Young People	IRT SG CASS CWD	Executive Director	Placement of a child in Secure accommodation for up to 72 hours (over 13 years)
Children & Young People	IRT SG CASS CWD	Executive Director	Application for a Secure accommodation order
Children & Young People	IRT SG CASS CWD Leaving Care	Team Manager	Approval of Pathway plan
Children & Young People	Multi-Agency Safeguarding Hub IRT SG CASS	Head of Service (Safeguarding Children Unit)	Notifications in relation to Looked After Children from another local authority placed in Bury (who should receive notification and make a decision about whether challenge to the placing LA should be made).

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
	CWD		
Children & Young People	IRT SG CASS CWD	Team Manager	Passport application (an application for a passport is standard practice for all children upon making of a final care order or where local authority care is their plan of performance).
Children & Young People	IRT SG CASS CWD Fostering	Head of Service	Signature for Passport application
Children & Young People	IRT SG CASS CWD	Head of Service	Approval of assessments of private foster carers, impose requirements of private foster carers or decide to prohibit someone from acting as a private foster carer.
Children & Young People	IRT SG CASS CWD Fostering	Head of Service	Special Guardianship Order as a permanence plan for a looked after child
Children & Young People	IRT SG CASS CWD Fostering	Head of Service My Home Clear evidence must be provided re exceptional circumstances. Special Guardianship Allowances within the remit of the financial policy should be set out in the Special Guardianship Order support plan and approved by the Fostering Childrens social work manager	Special Guardianship support including allowance
Children & Young People	IRT SG CASS CWD Fostering	Head of Service My Home	Child Arrangement Order support

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
Children & Young People	IRT SG CASS CWD Virtual school	Head of Service	Disruption of education - Change of School place for a looked after child in Key Stage 4 (year 10 & 11) (Decision to be made in consultation with the Head teacher Virtual School).
Children & Young People	IRT SG CASS CWD	Head of Service	Placement with Parents (following completion of Parents Assessment and approval at LAC review and IRO agreement) request for legal advice to discharge Care Order should be sought.
Children & Young People	IRT SG CASS CWD	Head of Service	Discharge from section 20
Children & Young People	IRT SG CASS CWD	Executive Director	Discharge from section 20 where child is 16/17
Children & Young People	IRT SG CASS CWD Fostering	Executive Director (Review and advice will be provided by Director of Social Care & Practice and the decision will be subject of a Delegated Executive Decision).	Adaptations to a Carers Home
Children & Young People	IRT SG CASS CWD Fostering	Director of Social Care Practice in consultation with the Head of Virtual School	Approval for a looked after child to have time off school for a holiday in school term
Children & Young People	IRT SG CASS CWD Fostering	Head of Service	Approval for looked after child to go on holiday in UK

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
Children & Young People	IRT SG CASS CWD Fostering	Director of Social Care Practice	Approval for looked after child to go on holiday abroad
Children & Young People	IRT SG CASS CWD	Executive Director	Approval for a child we look after to enter the Armed Services
Children & Young People	IRT SG CASS CWD Fostering CST Leaving Care Adoption	Director of Social Care Practice	Expenditure over £1,000
Children & Young People	IRT SG CASS CWD Fostering CST Leaving Care Adoption	Head of Service	Instruction of experts
Children & Young People	IRT SG CASS CWD Fostering	Foster Carer/Head of Service	Approval of overnight stays of a looked after child

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
Children & Young People	IRT SG CASS CWD Fostering	Team Manager (For all types of placements patterns of overnight stays should be monitored to ensure they do not become a regular respite arrangement by default. If an arrangement becomes part of the Care Plan then a formal assessment of the respite carers should take place. The respite carers should then become subject to review and monitoring as for any approved foster carer.)	Respite care with foster carers friends or relatives
Children & Young People	IRT SG CASS CWD Fostering	Head of Service	Short breaks to provide respite for parents/carers and to enable moves towards independence for children and young people with disabilities.
Children & Young People	IRT SG CASS CWD Fostering	Foster Carer/Head of Service	Approval for Looked after Child to have routine medical treatment including contraceptive provision
Children & Young People	IRT SG CASS CWD Fostering	Head of Service	Approval for a Looked after Child to have non-routine medical treatment
Children & Young People	IRT SG CASS CWD Fostering	Head of Service Legal advice to be sought in advance of decision.	Approval for looked after child to have emergency medical treatment and or surgery
Children & Young People	IRT SG CASS CWD Fostering	Executive Director in consultation with treating physician and parents and holders of PR, Director of Social Care Practice in their absence. written consent to be obtained Legal advice must be sought	Decision to withhold or withdraw life preserving medical treatment

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
	CST Leaving Care Adoption		
Children & Young People	IRT SG CASS CWD Fostering Leaving Care Adoption	Executive Director in consultation with treating physician and parents and holders of PR, Director of Social Care Practice in their absence. written consent to be obtained Legal advice must be sought	Gender reassignment
Children & Young People	IRT SG CASS CWD Fostering Leaving Care Adoption	Team Manger with parental/holder of PR approval and IRO views	Looked after child change of appearance e.g. ear piercing
Children & Young People	SG CASS CWD Fostering	Team Manager	Enhanced foster allowance
Children & Young People	IRT SG CASS CWD Fostering	Foster Care in accordance with delegated responsibility/Team Manager	For a looked after child to take part in sporting activities or group social
Children & Young People	IRT SG CASS CWD Fostering	Team Manager with parental/holder of PR written consent and risk assessment undertaken.	For a looked after child to take part in activities with an element of risk e.g. climbing/skiing

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
Children & Young People	IRT SG CASS CWD Fostering	Team Manager with written request and evidence including means test	Approval of section 34 Children Act contact expenses
Children & Young People	All	Team Manager (completed by Information Access Team with any withheld material agreed by allocated Team manager)	Subject Access Request
Children & Young People	All	Head of Service	Disclosure of information to other agencies not for safeguarding purposes (e.g. to assist in criminal investigation)
Children & Young People	CASS / SG	Head of Service	Discharge of Care Order
Children & Young People	ALL	Head of Service	Apply for Domestic Abuse Protection Orders pursuant to Domestic Abuse Act 2021 Legal advice must be obtained
Children & Young People	ALL	Executive Director	All activity relating to the Regional Care Cooperative and pathfinder responsibilities.
Children & Young People	Education		To apply for education Supervision Order

Children & Young People	Education		To prosecute parents under Education Act 1996 s.436A
Children & Young People	Education		Decision to intervene in schools casuing concern under the Education and Inspections Act 2006 s.60 and in particualr to issue a warning notice. Having regard to DfE Guidance Schools Causing Concern where there are concerns over performance, poor management and governance or where the safety of pupils and staff are threatened

Service	Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
Children & Young People	Education		To suspend and replace the existing Governing body and secure a specially appointed Governing Body for a temporary period under the Eduation and Inspections Act 2006 s.65. Used where the governing body is providing insufficient challenge to the Head, proving an obstacle to progress or where relations are having an adverse impact on standards

PLACE

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

Document Baseline Date:	May 2025		
Executive Director:	Paul Lakin – Executive Director of Place		
Assistant Director(s):	Crispian Logue – Assistant Director of Strategy, Planning & Development Sarah Porru – Assistant Director of Regeneration Delivery Robert Summerfield – Assistant Director of Regeneration Delivery		
Specific Functions:	**Function**	**Chief Officer:**	
	Strategic Transport	Crispian Logue	
	Building Control	Crispian Logue	
	Strategic Planning & Infrastructure	Crispian Logue	
	Development Management	Crispian Logue	
	Land & Property	Robert Summerfield	
	Major Projects Delivery [various]	Robert Summerfield	
	Housing Development [new]	Robert Summerfield	
	Housing Strategy, Policy & Performance	Robert Summerfield	
	Schools Capital	Robert Summerfield	
	Economic Development	Sarah Porru	
	Business & Investment	Sarah Porru	
Financial Approval (limit)	**Name**	**Status/Level**	**Approval Limit**
	Paul Lakin	Executive Director	£250,000
	Crispian Logue	Assistant Director	£100,000
	Sarah Porru	Assistant Director	£100,000
	Robert Summerfield	Assistant Director	£100,000
	Roger Frith	Head of Service	£50,000
	Jacqueline Summerscales	Strategic Lead	£25,000
	Roz Catlow Patterson	Major Projects Manager	£50,000
	Richard Spensley	Major Projects Manager	£50,000
	Steven Manifold	Major Projects Manager	£50,000
	Peter Dentith	Major Projects Manager	£50,000
	Elizabeth Gudgeon	Major Projects Manager	£50,000

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

	Hollie Good	Major Projects Manager	£50,000
	David Marno	Head of Service	£25,000
	Mark Smith	Head of Service	£25,000
	David Wiggins	Head of Service	£25,000
	Joanne Betts	Strategic Lead	£25,000
	Kausar Thorpe	Service Manager	£25,000
	Rebecca Channings	Service Manager	£25,000
	Fiona Kenyon	Service Manager	£25,000
	Sinead Gracey	Major Projects Manager	£50,000

Delegated Powers:

Land & Property

Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
Roger Frith	Head of Land & Property	Acquisition, appropriation & holding of land.	No	Yes
		Compulsory Acquisition of Land	No	Yes
		Property Valuation	No	No
		Office Moves	No	No
		Property Lettings	No	No
		Revenue & Capital Expenditure under Contract Procedure Rules	No	No
		Authorised to order purchasing cards from the issuing bank following request approved by cardholder's line manager	No	No
		Granting of Leases	No	Yes
		Freehold or leasehold disposal in Community Transfer	No	Yes

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

Major Projects Delivery[Bury Market & Flexi Hall]				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
Richard Spensley	Major Projects Manager	Capital Expenditure under Contract Procedure Rules	No	No
Major Projects Delivery[Radcliffe Hub & Market Chambers]				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
Peter Dentith	Major Projects Manager	Capital Expenditure under Contract Procedure Rules	No	No
Major Projects Delivery[Bury Mill Gate Joint Venture]				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
Steven Manifold	Major Projects Manager	Revenue and Capital Expenditure under Contract Procedure Rules	No	No
Major Projects Delivery[Prestwich Village Joint Venture]				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
Elizabeth Gudgeon	Major Projects Manager	Revenue and Capital Expenditure under Contract Procedure Rules	No	No
Major Projects Delivery [Northern Gateway]				

PLACE

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
Hollie Good	Major Projects Manager	Revenue and Capital Expenditure under Contract Procedure Rules	No	No
Major Projects Delivery– Schools Capital				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
TBC	Major Projects Manager	Revenue and Capital Expenditure under Contract Procedure Rules	No	No
Strategic Transport				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
Joanne Betts	Strategic Transport Lead		No	
Strategic Planning & Infrastructure				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
David Wiggins	Service Manager (Strategic Planning & Infrastructure)			

PLACE

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

Building Control				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
Mark Smith	Head of Building Control	Legislation: Building Act 1984 Safety at Sports Ground Act Party Wall Act	No	
		Legislation: Building Act 1984	No	

Development Management				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
David Marno	Head of Development Management	Delegated decisions on applications as per Council Scheme of Delegation (no time limit see extract below)	Yes – Note: warrant card expiry date.	

Housing Development				
Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
TBC	TBC	Revenue and Capital Expenditure under Contract Procedure Rules	No	No

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

	Housing Strategy, Policy & Performance				
	Head of Service	Title	Nature of Delegation	Delegation Time Limited? (yes/no)	Authorisation – verified by Chief Officer
	Jacqueline Summerscales	Unit Manager	Revenue and Capital Expenditure under Contract Procedure Rules		
	Economic Development				
	Sinead Gracey	Head of Economic Development & Projects	Revenue and Capital Expenditure under Contract Procedure Rules		
Notes in relation to Building Control:	• All staff listed are authorised under the following sections Building Act 1984: ○ Section 35, 36, 37, 40, 91(2) and 95 power to enforce the provisions of the Building Regulations 2010 ○ Section 77, 78, 79 powers to deal with dangerous and ruinous and dilapidated buildings. • In addition to the above the Head of Building Control and Team Leader are authorised under the following legislation: ○ Safety at Sport Ground Act 1975 ○ Fire Safety and Safety of Places of Sport Act 1987 ○ Party Wall Act 1996				
Notes in relation to Development Control:	**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). 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.

PLACE

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

Notes in Relation to Land & Property (Property Protocols)	**TBC**

- Assistant Director Operations
  - Head of Commercial
    - Cleaning & Catering
    - Lettings & Public Halls
    - Markets
  - Head of Engineering Services
    - Asset Management
    - Bridges and Structures
    - Major Projects design and delivery
    - Network Management
    - Parking
    - Public Rights of Way
    - Street Works
    - Road safety
    - Transportation
  - Head of Streetscene
    - Grounds Maintenance – Parks & Countryside Infrastructure
    - Pest Control
    - Highway Maintenance
    - Street Lighting
    - Winter Maintenance
    - Depot
  - Head of Waste Management & Transport
    - Stores
    - Street Cleansing
    - Transport & Workshop
    - Waste Management & Recycling
  - Head of Wellness
    - Bereavement Services
    - Libraries
    - Parks and Countryside Strategy
    - Sports and Leisure
- Assistant Director Operations Strategy
  - Head of FM
    - Architectural Practice
    - Facilities Management
    - Energy Management
  - Head of Public Protection
    - Climate Change
    - Environment
    - Environmental Health
    - Licensing – including Safety at Sports Grounds
    - Private Rented Sector Enforcement
    - Trading Standards

PLACE

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

The scheme of delegation is to be read in conjunction with relevant sections of the Constitution

including: Part 3 – Functions Scheme
Part 4 – Section 6 – Contract Procedure
Rules Part 4 – Section 7 – Financial
Procedure Rules

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

Markets

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
1.	– Exercise the council's powers under section 50 of the Food Act 1984 and the Bury Market Charter 1444 to establish and operate street markets in the county. – Setting up or the relocating of any market.	• Assistant Director (Operations) • Head of Commercial Services	– The Bury Market Charter and the Food Act 1984 enables the council to operate markets in the town of Bury, namely the livestock market, the general markets held on Murray Road. – All other markets held in the market towns of Radcliffe and Ramsbottom also enabled. – Both of the above state that market shall not be established in pursuance of this act so as to interfere with any rights, powers or privileges enjoyed within the district in respect of a market by any person, without that person's consent and in consultation with traders.	
2.	– Operation and regulation of markets under the section 50 of the Food Act 1984 and the Bury Market Charter 1444.	• Assistant Director (Operations) • Head of Commercial Services		

[1] Say what the activity is that is being delegated and the source of the power e.g. decision to instigate care proceedings under s 31 of the Children's Act 1989

[2] Say all the posts to which the activity has been delegated; please refer only to post names a nd not post holders unless there is a personal delegation

[3] Include any specific conditions or constraints which apply to the delegation e.g. requirement to first consult with xxx

[4] Identify decision type as follows: E = executive function; C = Council function (includes most planning and regulatory activi ty); O = operational

3.	– The collection of charges made in relation to any market.	• Assistant Director (Operations) • Head of Commercial Services • Bury Market Manager		
4.	– To negotiate and agree terms regarding the acquisition (including compulsory purchase) and disposal of property assets and legal interests. – Sign Notices to Quit/Terminate Lease.	• Assistant Director (Operations) • Head of Commercial Services • Bury Market Manager	In liaison with Legal Services	O
5.	– To negotiate and agree terms for the grant of leases, licences, tenancies, agreement for lease, development agreements and legal consents.	• Assistant Director (Operations) • Head of Commercial Services	In liaison with Legal Services	O
6.	– To instruct Legal Services to serve legal notices. – Sign Notices to Quit/Terminate Lease.	• Assistant Director (Operations) • Head of Commercial Services	In liaison with Legal Services	O
7.	– To grant a wayleave easement or deed of access over Council owned land to a third party.	• Assistant Director (Operations) • Head of Commercial Services	In liaison with Legal Services	O

STREETSCENE

Highways, Street Lighting & Grounds Maintenance

Bury Council

1.	To act on behalf of the Council in respect of the legislation specified in the foregoing: – Highways Act 1980 – National Parks and Access to the Countryside Act 1948	• Assistant Director (Operations) • Head of Streetscene	Duty to maintain the Highway as Highway Authority	O
	– New Roads and Street Works Act 1991 Wildlife and Countryside Act 1981	All officers within Streetscene		
2.	To act on behalf of the council in respect of the legislation specified in: – The Local Authorities' Cemeteries Order 1977 – The Council is defined as a burial authority for the provision and maintenance of cemeteries.	• Assistant Director (Operations) • Head of Streetscene • Grounds Maintenance Manager Area Supervisor	The council may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery. Where burials take place the order regulates the process including regulation of memorials.	

Pest Control

1.	- Dogs (Fouling of Land) Act 1996 – Prevention of Damage by Pests Act 1949	• Assistant Director (Operations) • Head of Streetscene • Pest Control Operations Manager • Pest Control Officers		

ENGINEERING SERVICES

Highways and Transport

Bury Council

	DELEGATED POWER – CHIEF OFFICER DELEGATIONS			
1.	To act on behalf of the Council in respect of the legislation specified in the foregoing: – Traffic Management Act 2004 – Road Traffic Act 1988 – Cycle Tracks Act 1984 – Highways Act 1980 – National Parks and Access to the Countryside Act 1948 – New Roads and Street Works Act 1991 – Road Traffic Regulation Act 1984	• Assistant Director (Operations) • Head of Engineering Services • Designated Traffic Manager • All officers within Engineering Services	– The Traffic Manager may, in making arrangements to ensure that the authority has: a) determined specific policies or objectives in relation to different roads or classes of road in their road network; b) monitored the effectiveness of – (i) the authority's organisation	O
	– Town and Country Planning Act 1990 – Town Police Clauses Act 1847 – Traffic Calming Act 1992 – Wildlife and Countryside Act 1981		and decision-making processes; and (ii) the implementation of their decisions; and c) assessed their performance in managing their road network. – Delivery of actions under these functions shall be carried out where appropriate by the council's Public Realm provider in accordance with the contract in place for the service.	
2.	– To enter into agreements pursuant to Section 38 and Section 278 of the Highways Act 1980, issue permissions under Section 184 and display notices under Section 228, including the Power to determine the terms and conditions of the above	• Assistant Director (Operations) • Head of Engineering Services • All officers within Engineering Services		O

Bury Council

3.	– To manage the council's functions in relation to flooding and to manage in compliance with current legislation and policies of the council (including without limitation the Land Drainage Act 1991, Flood Risk Regulations 2009 and the Flood and Water Management Act 2010).	• Assistant Director (Operations) • Head of Engineering Services • Lead Local Flood Officer • All officers within Engineering Services & Streetscene	– Delivery of actions under these functions shall be carried out where appropriate by the council's Public Realm provider in accordance with the contract in place for the service.	O

Parking

1.	– Road Traffic Regulation Act 1984 – gives the power to local authorities to make traffic regulation orders which prohibit or restrict the use of a road; and which provide parking places on the highway, and in off-street car parks and set out the term on which such parking places may be used. Permission is also granted to park in contravention by way of a dispensation permit.	• Assistant Director (Operations) • Head of Engineering Service		O
		• All officers with Parking Services Team		
2.	– Civil Enforcement of Parking Contraventions (England) General Regulations – provides for the issue of a Charge Certificate in order to recover debt from unpaid Parking Penalty Charge Notices.	• Assistant Director (Operations) • Head of Engineering Service • All officers with Parking Services Team	This document is served in accordance with Regulation 21.	O

Bury Council

3.	– Civil Enforcement of Parking Contraventions (England) General Regulations – provides for the enforcement of a Charge Certificate if unpaid, by the issue of an Order for Recovery from a County Court.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team	This is enforced in accordance with Regulation 22.	O
4.	– Taking Control of Good Regulations 2013 (as amended) – provides for the execution of a County Court Order to instruct Enforcement Agents to recovery unpaid Parking Penalty Charge Notice debt.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team	Bury Council contracts an approved and certified Bailiff company in order to recover debt, including taking control of any goods in accordance with the regulations.	O
5.	– Road Traffic Regulation Act 1984 and associated Off-street Car Park Orders – provides for charges and restrictions to apply at off street car parks. Permission to be granted to use car park for another purpose, hire or to waive the parking fee payable for an event or other use.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team		O

6.	– Road Traffic Regulation Act 1984 and Traffic Regulation Orders – provides for charges to apply at on street parking locations. Permission to be granted to use parking spaces for another purpose, hire or to waive the parking fee payable for an event or other use.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team		O
7.	– The Traffic Management Act 2004 (Part 6) – provides for contraventions of the terms of a traffic regulation order relating to parking places on the highway and off-street, which were made offences in the RTRA (1984), to be subject to civil enforcement.	• Assistant Director (Operations) • Head of Engineering Service • All officers within Parking Services Team • The Council's nominated enforcement contractor	– These functions/powers are exercised in accordance with the council's single enforcement policy. – The parking offences which we enforce are by way of a PCN and are decriminalised (Civil Parking Enforcement). – NSL employees carry out first stage challenges to penalty charge notices under the management of the council.	O

Street Trading

1.	– Section 115E of the Highways Act 1980 – Control of pavement cafes with Highways Amenity Licences	• Assistant Director (Operations) • Head of Engineering Services • All officers within Engineering Services & Streetscene	– New applications suspended until 30 September 2021 and replaced with the Business & Planning Act 2020.	
2.	– Section 3 of the Business and Planning Act 2020 – Pavement Licences	• Assistant Director (Operations) • Head of Engineering Services	– Licences are issued to permit tables and chairs to be placed on the highway in relation to consumption of food and drink	

	DELEGATED POWER – CHIEF OFFICER DELEGATIONS	• All officers within Engineering Services & Streetscene	(both alcoholic and non-alcoholic). – Applications for premises without alcohol are dealt with by the Licensing Officer (Street Trading). – Applications for premises with alcohol are dealt with by the Principal Licensing Officer. – Appeals are dealt with by the Licensing Subcommittee.	

WASTE MANAGEMENT & TRANSPORT

Waste and Recycling

1.	– Environmental Protection Act 1990 Section 45 – Environmental Protection Act 1990 Section 46 – The Controlled Waste (England and Wales) Regulations 2012	• Assistant Director (Operations) • Head of Waste Management • All Officers within Waste Management	– Places a duty on the Council to arrange for the collection of household waste in Bury. – Permits the Council to specify the type of receptacle to be used by the householder for the disposal of their waste. – The Council can require separate receptacles to be used for waste which is to be recycled and waste that is not. – The Council may also specify the size, construction, and maintenance of the receptacles. – The Council may determine the position that Householders place their waste collection receptacles for emptying by the Council and steps to be taken by Householders	

			to facilitate the collection of waste from the receptacles. – A Householder who fails without reasonable excuse to comply with the Council's requirements under this legislation shall be liable on summary conviction to a fine; and ○ The Council can make a charge to Householders for the provision of waste receptacles. ○ Definition of waste to be treated as household, industrial and commercial waste. – Household waste for which collection and disposal charges may be made.	

Transport

1.	– Road Traffic Act 1988 – Road vehicle construction and use Regulation Working time Directive 2003	• Assistant Director (Operations) • Head of Waste Management & Transport Services • Transport Manager	– An act of Parliament of the United Kingdom, concerning vehicles, insurance, and road regulation. – European Union law Directive and a key part of European labour law.	

Street Cleansing

1.	– The Environmental Protection Act 1990 Section 89 – Litter and refuse: code of practice	• Assistant Director (Operations) • Head of Waste Management	– Imposes duties on certain landowners and occupiers to keep specified land clear of litter and refuse, and on local authorities and the Secretary of State to keep clean public highways for which	

PLACE

DELEGATED POWER – CHIEF OFFICER DELEGATIONS

		• All Officers within Street Cleansing	they are responsible. - Standards of graffiti and fly posting.	

Libraries

1.	– To meet the requirements of the Public Libraries and Museums Act 1964; in doing so the Council should consider a number of legal obligations, including the Equality Act 2010, Best Value Duty 2011 guidance, Localism Act 2011, the Human Rights Act 1998 (I have taken this from the front page of https://www.gov.uk/government/publications/guidance-on-libraries-as-a-statutory-service/libraries-as-a-statutory-service)	• All officers of the Libraries & Archives team, Head of Wellness Operations		

Executive Director (Health and Adult Care).

Contribute to the corporate leadership of the Council, as a member of the Executive Leadership Team, providing strategic leadership, direction and service expertise.

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, the Executive Director Health and Adult Care will provide strategic leadership, direction, and where applicable, line management across:

1. Adult Care Services in conjunction with the Statutory DASS role
2. Public Health function in conjunction with the statutory DPH role, including the commissioning of a range of services as part public health duty of the council and to ensure the delivery of the Joint Strategic Needs Assessment pursuant to the Council's responsibilities set out in Section 116 Local Government and Public Involvement in Health Act 2007 for Health and Social Care needs.
3. The development of the Joint Health and Wellbeing Strategy for the Council's area.
4. The implementation of the Public Service Reform Strategy, including the Neighbourhood Model

The Executive Director will represent the Council as required by the Chief Executive in GM CA matters.

As a consequence of the role as Deputy Place Based Lead for NHS Greater Manchester (Bury), and in accordance with the provisions of the National Health Service Act 2006, to undertake joint collaborative action, as appropriate, with the National Hea lth Service and other partner organisations for the planning and provision of jointly operated services within the Council's area, including.

1. Commissioning health and social care, secondary care mental health, and community services and primary care services (with NHS GM)
2. Continuing Health Care/Complex Care (with NHS GM)
3. Transforming Care (with NHS GM)

4. The development of Cooperation Agreements and Partnership Agreements for joint working arrangements -described as the Bury Integrated Care Partnership
5. To approve, amend or terminate contracts with providers whose services are commissioned by ICB or jointly with partners, including the Locality Board.

In conjunction with the Director for Children and Young People, to be responsible for functions in respect of:

1. co-operation to improve well-being with partner agencies.
2. multi agency arrangements to safeguard and promote welfare.
3. information databases
4. Ensuring the contribution of NHS partners through the Greater Manchester Integrated Care System to the delivery of council services and objectives for improvement of outcomes for children, young people and families.

To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 as amended or re-enacted, and any Regulations thereunder.

To take any decision and/or develop approaches that commit Council resources that are within budget and policy to deliver better outcomes for local people to meet the requirements of the Care Act, Children's Act and allied legislation and Public Health responsibilities, after consultation with the Cabinet member Health, Adult care, and Wellbeing

To enter into partnership arrangements with Health bodies and approve future variations to the arrangements under Section 75 of the National Health Services Act 2006 after consultation with the relevant Cabinet Members and Statutory Officers. 5.12 Following consultation with the Council's Statutory Officer, to extend, re-negotiate or enter into any further agreements with health bodies in relation to any funding streams allocated to the what was the CCG, or, or exercised within the Terms of Reference of the Locality Board with the specific purpose of being transferred to or from the local authority under a Section 256 or Section 7 6 of the NHS Act 2006 arrangement and add any such sums to the budget.

To be responsible for such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.

ADULT SOCIAL CARE

Delegated Powers - Scheme of Delegation

Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
s9-12, S13 and s58-66 of the Care Act 2014.	Social Worker, Social Care Officer or Reviewing Officer	Carry out an assessment of an adult's, carer's, child's (where it appears the child is likely to have needs for care and support after becoming 18) or young carer's needs for care and support Apply the national eligibility criteria
s67 and s68 of the Care Act 2014.	Social Worker, Social Care Officer or Reviewing Officer	Decision to appoint an independent advocate
s17 of the Care Act 2014.	Personal Budget Support Team Officer	Carry out a financial assessment
s25 of the Care Act 2014	Operational Team Manager	Authorise the care and support plan of an adult
s 26, s31 and 33 of the Care Act 2014	Personal Budget Support Team Officer/Operational Team Manager	Decision to make a direct payment to an adult or a nominated person
s 25, s32-33 of the Care Act 2014	Finance/ Direct Payments team officer/Operational Team Manager	Decision to make a direct payment to an authorised (suitable) person.

s 19 Housing Grants, Construction and Regeneration Act 1986	Housing Adaptations officer and Occupational Therapist	Decision to award disabled facilities grant to fund a property adaptation following an assessment
s34 of the Care Act 2014	**Personal Budget and Support Team Manager**	To enter into a deferred payment agreement.
s27 of the Care Act 2014	Social Worker, Social Care Officer or Reviewing Officer	Carry out a review of a care and support plan or support plan
s3 of the Mental Capacity Act 2005	Social Worker	Carry out a mental capacity assessment
s4 of the Mental Capacity Act 2005	Social Worker, Social Care Officer, Reviewing Officer, Best interest Assessor	Make best interest decisions under the Mental Capacity Act 2005
s39 of the Mental Capacity Act 2005 (and associated regulations)	Social Worker, Social Care Officer, Reviewing Officer, Best interest Assessor	Instruct an Independent Mental Capacity Advocate under s39 of the Mental Capacity Act 2005 (and associated regulations).
s4A and Schedule A1 of the Mental Capacity Act 2005	Dols team Manager	In accordance with the provisions of s4A and Schedule A1 of the Mental Capacity Act 2005, decision to authorise a named Senior Manager or other officer to carry out specific functions under the Deprivation of Liberty Safeguards provisions of the Mental Capacity Act, including: • Approve Best Interest Assessors • Grant an extension of an Urgent Authorisation to a Managing Authority • Appoint Assessors • Review authorisations

		• Appoint a Relevant Persons Representative • Authorise a Managing Authority to deprive a person of their liberty Make conditions in respect of an authorisation.
Section 15 and 16 Mental Capacity 2005	Team Manager supported by Allocated ASC Legal officer	Decision to make an application to the Court of Protection for a declaration
s114 of the Mental Health Act 1983	Principal Social Worker	To approve appointments of individuals to act as Approved Mental Health Professionals under s114 of the Mental Health Act 1983 or to suspend or end such approvals.
s117 of the Mental Health Act 1983.	Jointly held responsibility: - Complex Care Panel	Decision to accept that the Council is the responsible local authority for an individual under s117 of the Mental Health Act 1983.
s7 or s37 of the Mental Health Act 1983	DASS With support from Mental Health Team Manager	Decision to accept a person to guardianship under s7 or s37 of the Mental Health Act 1983
s19 of the Mental Health Act 1983	Mental Health Team Manager	Decision to agree a transfer of a person from hospital to guardianship under Mental Health Act 1983

s19 of the Mental Health Act 1983	Mental Health Team Manager	Decision to authorise or agree a transfer of a person from the guardianship of one guardian to another under s19 of the Mental Health Act 1983
s29 of the Mental Health Act 1983	Director of ASC or Assistant Director Operations	Decision to designate a named officer/s to fulfil the day-to-day functions and responsibilities of a guardian on behalf of the Council
s29 of the Mental Health Act 1983	Director of ASC or Assistant Director Operations	Decision to propose a named person to fulfil the day-to-day functions and responsibilities of a nearest relative on behalf of the Council
Section 42 Care Act 2014 (Safeguarding)	Head of Adult Safeguarding, and Safeguarding Operational Manager	Decision to make and terminate enquiries (statutory and non-statutory)
Section 48 Care Act 2014, The Care and Support (Business Failure) regulations 2015	Director, deputy or strategic lead for provider development	Decision to initiate the Provider Failure Protocol
The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009	Complaints Officer/ Complaints operational manager	Decision to agree a response to a complaint.

Civil Contingencies Act 2004	Director on Call	Decisions relating to adult social care staff deployment during a civil emergency between 9am and 5pm Monday to Friday.
Section 75 and Section 256 NHS Act 2006 and associated regulations **Section 195 of the Health and Social Care Act 2012**	Director of ASC / Deputy Place based lead, Borough Treasurer	In consultation with the Cabinet Member for Adult Social Care, Wellbeing and Independence, decision to approve pooled budget agreements for the integration of health and social care.
Section 79 Care Act 2014: councils' ability to delegate all of their functions under the Act (except for safeguarding and charging)	Director of ASC/ CEO / Leader of the Council	Decision, where appropriate in compliance with Procurement Standing Orders, to authorise a person to exercise a function on behalf of the Adult Social Care Directorate under the Care Act 2014

PUBLIC HEALTH

Delegated Powers - Scheme of Delegation

Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
DIRECTOR OF PUBLIC HEALTH (DPH) shall be responsible for the discharge of the statutory responsibilities of the Director of Public Health under Section 73A(1) of the National Health Service Act 2006, and without prejudice to the foregoing, shall have power subject to compliance with the	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.

Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to: Provide the public, elected Members of the Council and officers of the Council with expert, objective advice on health matters.		
Discharge the Council's duty under Section 2B of the National Health Act 2006 and the Health and Social Care Act 2012 to take such steps as the Council considers appropriate for improving the health of the people in its area	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.
Discharge any of the Secretary of State's public health protection or health improvement functions that s/he delegates to the Council, either by arrangement or under regulations, including those services mandated by regulations made under Section 6C of the Health and the National Health Service Act 2006.	Director of Public Health (DPH)	Primarily provided with and through Consultant in Public Health who leads on health care public health.
Ensure that 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. Exercise the Council's functions in planning for and responding to emergencies that present a risk to public health.	Director of Public Health (DPH)	Duty provided and delivered through the health protection board in collaboration with the Consultant in Public Health.
Discharge the Council's functions in	Director of Public Health	Assured and delivered primarily through

relation to dental public health under Section 111 of the National Health Service Act 2006. Part 3 Section F (adopted May 2019)	(DPH)	Start Well Partnership – lead by the Public Health Specialist - Start Well.
Discharge any functions imposed on the Council in relation to joint working with the prison service under Section 249 of the National Health Service Act 2006		Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.
Prepare an annual report on the health of the population of Bury under Section 73(B) (5) of the Health Service Act 2006	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.
DsPH must have a place on their local health and wellbeing board (section 194(2)(d) of the 2012 Act)	Director of Public Health (DPH)	Agreed member of the HWB when DPH unavailable Consultant in Public Health will deputise.
To discharge the Council's function under the Healthy Start and Welfare Food Regulations 2005 (as amended) in relation to providing Healthy Start vitamins where the Council provides or commissions a maternity or child health clinic	Director of Public Health (DPH)	Assured and delivered primarily through Start Well Partnership – lead by the Public Health Specialist - Start Well.
To act on behalf of the Council as proper officer for the purposes of Section 47 of the National Assistance Act 1948, as amended	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.
To discharge the functions of the Council under the Public Health (Control of Disease) Act 1984 and Regulations made under that Act, in consultation with the Chief Operating Officer – Neighbourhoods where	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.

appropriate		
Through regulations made under section 73A(1) of the 2006 Act, responsibility for their local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act 2003, as amended by Schedule 5 of the 2012 Act)	Director of Public Health (DPH)	Assured and delivered through the Public Health Specialist – Healthy Place.

WELLNESS

Bereavement Services

– To act on behalf of the council in respect of the legislation specified in The Local Authorities' Cemeteries Order 1977 – The Council is defined as a burial authority for the provision and maintenance of cemeteries.	• Assistant Director (Operations) • Parks & Countryside Manager • Cemetery Registrar • Area Supervisor	– The council may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery. Where burials take place the order regulates the process including regulation of memorials.	

– To act on behalf of the council in respect of the legislation specified in The Cremation (England and Wales) Regulations 2008 (amendment 2016).	• Assistant Director (Operations) • Parks & Countryside Manager	- The Cremation (England and Wales) Regulations 2008 ('the 2008 Regulations') make provision about the operation of crematorium in England and Wales, including in relation to the disposal of ashes, and the keeping of records relating to cremations.	

Libraries

– To meet the requirements of the Public Libraries and Museums Act 1964; in doing so the Council should consider a number of legal obligations, including the Equality Act 2010, Best Value Duty 2011 guidance, Localism Act 2011, the Human Rights Act 1998 (I have taken this from the front page of https://www.gov.uk/government/publications/guidance-on-libraries-as-a-statutory-service/libraries-as-a-statutory-service)	• All officers of the Libraries & Archives team, Head of Wellness Operations		

This page is intentionally left blank

Directorate: Corporate Core

- **Executive Director (Strategy & Transformation)**
- **Director of Law & Governance, Monitoring Officer**
- **Head of HR**
- **Assistant Director Digital, Data and Technology**
-
- **Director of Finance**
- **Assistant Director (Public Protection and Resilience)**

The scheme of delegation is to be read in conjunction with relevant sections of the constitution including:

Part 3 – The Functions scheme Part 4 – Section 6 – Contract Procedure Rules Part 4 – Section 7 – Financial Procedure Rules

Contents

1. **Communication and Engagement (5)**
2. **Information Governance (14)**
3. **Information Technology (4)**
4. **Elections and Civic Duties (7)**
5. **Democratic Services (2)**
6. **Legal (21)**
7. **Registrars (2)**
8. **Human Resources (39)**
9. **Public Protection including Emergency Response and Resilience (2)**
10. **Communities – VCFA contracts and other Community Grants and Funding (1)**
11. **Arts & Culture (1)**
12. **Housing – please refer to the housing scheme of delegation as detailed at Appendix A.**
13. **Finance**

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
1.Communication and Engagement				
1.	To act on behalf of the council to brief the media, issue media releases and respond to media enquiries and any other related activities as outlined in the Media Policy.	Executive Director (Strategy & Transformation) Press and Media Liaison Manager	Designated spokesperson roles set out in the media policy of Cabinet Members, Exec Directors and Statutory Officers	O
2.	To monitor and manage corporate social media accounts and support staff with management of service accounts, in accordance with the Social Media Policy.	Head of Communications and Engagement. Executive Director (Strategy & Transformation) Communications manager(s)		O

[1] Say what the activity is that is being delegated and the source of the power eg decision to instigate care proceedings under s 31 of the Children's Act 1989

[2] Say all the posts to which the activity has been delegated; please refer only to post names and not post holders unless there is a personal delegation

[3] Include any specific conditions or constraints which apply to the delegation eg requirement to first consult with xxx

[4] Identify decision type as follows: E = executive function; C = Council function (includes most planning and regulatory activity); O = operational

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
3.	To implement and lead on actions to support the Communications Strategy	Executive Director (Strategy & Transformation) Communications manager(s)		O
4.	To provide media spokesperson representation on individual issues, for both reactive and proactive media issues.	Executive Director (Strategy & Transformation) Communications manager(s)	Designated spokesperson roles set out in the media policy of Cabinet Members, Exec Directors and Statutory Officers Executive, Directors (including acting), Assistant Directors (including acting); Monitoring Officer, 151 Officer or if operational appointed service lead, with direct delegation in an emergency situation.	O
5.	Authorise changes or create suitable alternative content for the council corporate website, in both proactive and reactive situations.	Assistant Director Digital, Data and Technology	Designated website pages to individual leads.	O
2. Information Governance				
6.	A senior information risk owner who will take overall ownership of the local authority's Information Risk Policy.	Director of Law & Governance, Monitoring Officer (SIRO)		C

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
7.	Approving local settlements as suggested by and agreed with the Ombudsman under section 92 Local Government Act 2000.	Director of Law & Governance, Monitoring Officer	With agreement of relevant Directors.	C
8.	Respond to ombudsman complaints through coordinating response from responsible services.	Head of Governance	With agreement of relevant Officers/ Directors	O
9.	Act on behalf of the council to where unreasonable behaviour is felt to have occurred.	Director of Law & Governance, Monitoring Officer	With agreement of relevant Assistant Directors or Directors (including acting)	C
10.	Review of information governance policies and implement proactive approach across the council.	Director of Law & Governance, Monitoring Officer	With support of the Governance Assurance Board, Information Asset Owners and managers	C
11.	Authorised to conduct searches for subject access requests.	Departmental Head of services (Information Asset Owner)	With support from the Data Protection Officer	O

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
12.	To act on behalf of the council in respect of Freedom of Information Act 2000 to co-ordinate and issue responses.	Data Protection Officer (FOI/EIR Officer) Information Asset Owners and Managers	In liaison with Contact Centre who provide central co-ordination and service leads as (IAO and IAMs) in providing responses.	O
13.	Investigate data breaches and prepare reports for sharing with Information Governance Steering Group.	Data Protection Officer (Head of Governance) , Information Asset Owners and Managers	In line with agreed policy	O
14.	Report to the Information Commissioner's Office on data breaches where decided.	Data Protection Officer (Head of Governance)	Notified to SIRO	C
15.	To commission investigation into suspected misuse of IT in accordance with the Employee Code of Conduct.	Executive Director (Strategy & Transformation) and relevant Head of service (Information asset Owner or Manager)	In agreement with SIRO and other relevant heads of departments as needed (eg HR, Audit)	O
16.	Respond to requests from police and partners for information and data requirements within the sharing protocol.	Director of Law & Governance, Monitoring Officer	In accordance with information provided by relevant Executive Director	O

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
17.	On behalf of the council collate, produce and submit Information Governance Toolkit.	Data Protection Officer (collate and produce) SIRO (approval to submit)	Agreed by the Governance and Assurance Board	C
18.	Dispose of expired records in line with records retention policy	Data Protection Officer;	In line with records retention policy and consultation with Information Asset Owner	O
19.	Produce annual equality statement in accordance with Equality Act 2010.	Executive Director (Strategy & Transformation)		C
3. Information Technology				
20.	On behalf of the council to manage and issue orders and payment for supplies with agreed contracts.	Assistant Director Digital, Data and Technology	In accordance with Finance Procedure rules and Contract Procedure Rules.	O
21.	Monitor, assess and modify the Service Level Agreement for IT and the IT strategy.	Assistant Director Digital, Data and Technology		O

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
22.	Delivery of the agreed Service Level Agreement for IT activity.	Assistant Director Digital, Data and Technology		O
23.	Delivery of the IT strategy for the council.	Assistant Director Digital, Data and Technology	Working across Directorate with project leads.	O
4. Elections and Civic Duties				
24.	Discharge of Registration Duties Section 52(2), Representation of the People Act 1983, Section 52(3), Representation of the People Act 1983	Elections and Land Charges Manager; Director of Law & Democratic Services Executive Director (Strategy & Transformation)	Council appointment – Functions of ERO S52/53 Representation of the People Act 1982	O
25.	Discharge of returning officer's functions Section 28(5), of Representation of the People Act 1983	Elections and Land Charges Manager; Director of Law & Democratic Services Executive Director (Strategy & Transformation)	Director of Law & Democratic Servies and Executive Director (Strategy and Transformation) appointed as Deputy Returning Officer through their job description and contracts. Elections Manager appointed at each election for specific responsibilities.	O

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
26.	**Returning officers: local elections in England and Wales.** Section 35(4), Representation of the People Act 1983	Elections and Land Charges Manager; Director of Law & Governance, Monitoring Officer Executive Director (Strategy & Transformation)	Director of Law & Democratic Servies and Executive Director (Strategy and Transformation) appointed as Deputy Returning Officer through their job description and contracts. Elections Manager appointed at each election for specific responsibilities.	O
27.	Section 5(1), The Police and Crime Commissioners Elections (Functions of Returning Officers) Regulations 2012 Section 7(1), European Parliamentary Elections Act 2001	Elections and Land Charges Manager; Director of Law & Democratic Services		O
28.	Provide contact and duties on behalf of the Lord-Lieutenant of Greater Manchester and Deputy Lieutenants	Head of Governance		O
29.	-All matters relating to the support of the Council's Mayor and Deputy Mayor during the course of his / her Civic Year	Head of Governance		
5. Democratic Services				

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
30.	Ensuring that all published decision reports conform/adhere to constitutional rules and procedures.	Director of Law & Governance, Monitoring Officer		
31.	All matters relating to the operational management and support of the Council's governance and decision making events in accordance with legislation and the Council's constitution	Head of Governance		
32.	All operational and administrative matters in relation to the remuneration of Elected Councillors	Head of Governance	In accordance with Finance Procedure rules and Contract Procedure Rules.	
6. Legal Services				
33.	To issue, defend, settle or take part in any legal proceedings on the council's behalf	Director of Law & Governance, Monitoring Officer	**(delegated to solicitor to the council in constitution Article 10 paragraph 2.10.3.3)** authorised to issue, defend, settle or take part in any legal proceedings on the council's behalf where such action is necessary to give effect to decisions of the council or where they consider that such action is necessary to protect the council's interests	

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
34.	1. Affixing the council seal	Director of Law & Governance, Monitoring Officer	This is in addition to the Chief Executive, Executive Director and includes any other person so authorised by him/her	
35	Make arrangements for reviews of the permanent exclusion of pupils.	Director of Law & Governance, Monitoring Officer		
36	Make arrangements for school admission appeals.	Director of Law & Governance, Monitoring Officer		
37	Make arrangements for appeals by governing bodies.	Director of Law & Governance, Monitoring Officer		
38	To recover debts due to the Council by way of legal proceedings and the levying of distress on goods and chattels.	Director of Law & Governance, Monitoring Officer		

39	Under Section 223 of the Local Government Act 1972 to authorise officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the Council. Under Section 60 of the County Courts Act 1984, to authorise officers of the Council to conduct actions on behalf of the Council in the County Court before a district judge in respect of: the recovery of possession of houses and other property belonging to the Council; the recovery of any rent, mesne profits, damages or other sum claimed by the Council in respect of the occupation by any person of such a house.	Director of Law & Governance, Monitoring Officer		
40	To complete all property transactions and contractual arrangements where terms have been agreed by the Council or Committees or officers acting under the scheme of delegation.	Director of Law & Governance, Monitoring Officer		
41	To serve Notices to Quit in respect of Council land and properties and other notices required to terminate tenancies or otherwise secure recovery of possession.	Director of Law & Governance, Monitoring Officer		

42	To determine procedural arrangements for the issue of all consents, refusals, decisions and notices on behalf of the Council under statutory powers.	Director of Law & Governance, Monitoring Officer		
43	To give undertakings on behalf of the Council.	Director of Law & Governance, Monitoring Officer		
44	To give indemnities on behalf of the Council to organisations for the use of their facilities or to persons or bodies to whose land access is required by the Council to carry out any development or works.	Director of Law & Governance, Monitoring Officer		
45	To instruct Counsel and professional advisers, where appropriate.	Director of Law & Governance, Monitoring Officer		
46	Power to apply for an enforcement order against unlawful works on common land pursuant to Section 41 of the Commons Act 2006.	Director of Law & Governance, Monitoring Officer		

47	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference pursuant to Section 45(2)(a) of the Commons Act 2006.	Director of Law & Governance, Monitoring Officer		
48	Power to initiate proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens pursuant to Section 45(2)(b) of the Commons Act 2006.	Director of Law & Governance, Monitoring Officer		
49	To appoint, members of the independent remuneration panel established under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003.	Director of Law & Governance, Monitoring Officer		
50	To act as the Council's proper officer to receive complaints that Council members have failed to comply with the Council's Code of Conduct for Members.	Director of Law & Governance, Monitoring Officer	In accordance with the Member Complaint arrangements	
51	Independent Persons and Co-opted Independent Members a. To make arrangements, to advertise a vacancy for the appointment of i. Independent Persons and ii. Co-Opted Independent Members. b. To make arrangements, in consultation with the Chair of the Council's Standards Committee	Director of Law & Governance, Monitoring Officer		

	for short-listing and interviewing candidates for appointment as Independent Persons and Co-opted Independent Members and to make recommendations to Council for appointment.			
52	To prepare and maintain a Council Register of Member's Interests to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct for Members	Director of Law & Governance, Monitoring Officer		
53	To grant dispensations from Section 31(4) of the Localism Act 2011	Director of Law & Governance, Monitoring Officer	Subject to agreement of the Standards Committee (matter is within the remit of the Standards Committee)	
54	To serve notices and enter into agreements with respect to the making-up of new streets.	Director of Law & Governance, Monitoring Officer		
55	To apply for forfeiture on behalf of the Council under the provisions of the Consumer Protection Act 1987.	Director of Law & Governance, Monitoring Officer		

56	To arrange for the discharge of the Council's functions relating to Local Land Charges.	Director of Law & Governance, Monitoring Officer		
7. Registration of Birth Deaths and Marriages				
57	Conduct civil marriage ceremonies Issue authorisations for marriages and civil partnerships to take place Advice on how to marry or form a civil partnership Take notices of intention to marry or form a civil partnership Issue authorisations for marriages and civil partnerships to take place Have local involvement in certification and registration of buildings for religious worship and marriage/civil partnership ceremonies Have custody of completed birth, death and marriage registers for the district Issue certificates from registers in their custody	Registration Service Manager (Superintendent Registrar) Deputy Registration Manager		
58	Register births, still births, deaths and marriages Issue certificates of births, still-births, deaths, marriages form current registers Issue documents to allow burials or cremations	Registration Service Manager (Superintendent Registrar) Deputy Registration Manager		
	What the function/power is[1]	**Who may carry it out[2]**	**Any constraints/comments[3]**	**Decision (E/C/O[4])**
8. Human Resources				

59	Approval of HR policies	Chief Executive and Executive Director (Strategy & Transformation) and Head of Human Resources	Employment Panel to be a Consultee on all terms and condition changes including staff policies in line with the Panel's Terms of Reference. Following Employment Panel approval policies to be ratified jointly through the Joint Consultative Committee (JCC)	
60	Approval of Health & Safety policies	Chief Executive and Executive Director (Strategy & Transformation) and Head of Human Resources	Employment Panel to be a Consultee on all terms and condition changes including staff policies in line with the Panel's Terms of Reference. Following Employment Panel approval policies to be ratified jointly through the Joint Consultative Committee (JCC)	
61	Approval of HR and health and safety emergency planning and business continuity procedures and guidance	Executive Director (Strategy & Transformation) and Head of Human Resources		
62	Application of HR and Health & Safety policies and procedures	Relevant line manager	With guidance and support from relevant HR or Health and Safety advisors as required	

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
63	Approval of the carryover of annual leave in excess of 5 days	All Executive Directors	The carry forward of upto 5 days, pro rata, will be applied automatically without approval. See: Local Conditions: Section 4 - Hours and Leave.	
64	Approval of expenses and travel claims	Relevant line manager	See: Local Conditions: Section 6 – Traveling, Subsistence and Housing	
65	Approval of time off for trade union duties	Head of Human Resources in consultation with relevant line manager	See: Local Conditions: Appendix K – Facilities and Time Off for Trade Union Duties and Responsibilities	
66	Approval of special leave	Relevant line manager	Details are described within the published Special Leave Guidance	
67	Suspension of an employee	Executive Director (Strategy & Transformation) or Head of Human Resources	In consultation with the relevant line manager and Assistant Director	
68	Approval of additional leave with or without pay	All Executive Directors	In consultation with the Head of Human Resources and Trade Union. See: Local Conditions: Section 4 - Hours and Leave)	
69	Appointment of consultant / interim manager	Relevant line manager	In accordance with all internal processes for the approval of resources which will depend on the detail of the engagement, including value. This includes the Council's contract procedure rules, financial regulations and guidance on the engagement of external expertise	

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
70	Approval of new post	The Cabinet Member for HR & Corporate Affairs following a recommendation from the Head of Human Resources Chief Officer and Deputy Chief Officer posts to be approved by Employment Panel Posts with remuneration packages of £100,000 or greater to be approved by Council	Approvals to follow agreement with the relevant Executive Director and Executive Director of Finance	
71	Approval of the evaluation and re-evaluation of posts	All Executive Directors	In accordance with agreed JE processes	
72	Job Evaluation Appeals	Job evaluation appeal panel	See the Job Evaluation Procedure	
73	Approval of extension of fixed term contract or conversion of fixed term to permanent contract	Relevant line manager	In accordance with all internal processes for the approval of resources which will depend on the detail of the engagement, including value.	

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
74	Recruitment to existing and new posts (whether permanent, fixed term), including cover arrangements where substantive postholder is on long-term leave e.g., due to career break, adoption / maternity, parental leave)	Relevant line manager	In accordance with all internal processes for the approval of resources which will depend on the detail of the engagement, including value.	
75	Approval of additional increments within the current pay scale	Head of Human Resources	Upon presentation of a satisfactory business case, and in very exceptional circumstances	
76	Approval of increased working hours	Relevant line manager	In accordance with all internal processes for the approval of resources which will depend on the detail of the engagement, including value. See: Work Life Balance Policies.	
77	Grade evaluation	Job evaluation and moderation panels in line with the NJC JE Scheme	See the Job Evaluation Procedure	
78	Grading for jobs subject to other national agreements (e.g., Agenda for Change, Soulbury, Youth and Community)	Job evaluation panel or trained job evaluator in line with job evaluation scheme	Refer to LGA for support when required	
79	Grading Chief Officer roles	Job evaluation panel in line with LGA JE Scheme		

	What the function/power is[1]	Who may carry it out[2]	Any constraints/comments[3]	Decision (E/C/O[4])
80	Approval of market pay supplements (including extensions)	The Cabinet Member for HR & Corporate Affairs following a recommendation from the Executive Director (Strategy & Transformation) and Head of Human Resources	Approvals to follow agreement with the relevant Executive Director and Executive Director of Finance. See: Market Supplement Policy	
81	Approval of honorarium payments	The Cabinet Member for HR & Corporate Affairs following a recommendation from the Executive Director (Strategy & Transformation) and Head of Human Resources	Approvals to follow agreement with the relevant Executive Director and Executive Director of Finance. See: Honoraria Guidance	
82	Approval of revised staffing structures	The Cabinet Member for HR & Corporate Affairs following a recommendation from the Executive Director (Strategy & Transformation) and Head of Human Resources Major restructures which meet the threshold for Key Decision to be approved by Cabinet.	Approvals to follow agreement with the relevant Executive Director and Executive Director of Finance. Local Conditions: Appendix A – Consultation Procedure for Employees	
83	Approval of relocation expenses	All Executive Directors	See: Local Conditions: Section 6 – Traveling, Subsistence and Housing	

84	Approval of career breaks	All Executive Directors	In consultation with the Head of HR. See: Career Break Policy	
85	Determination of employee grievances	Informal – Relevant line manager Formal – Senior officer nominated by the relevant Executive Director Appeal - Employment Panel	In consultation with the Head of HR. See: Grievance Procedure	
86	Dismissal on grounds of capability / conduct / some other substantial reason	Dismissal: Senior officer (Chair of Hearing) Appeal - Employment Panel	With support from HR Advisor See: Disciplinary, Capability and Hearing procedures	
87	Dismissal on grounds of redundancy	The Cabinet Member for HR & Corporate Affairs following a recommendation from the Executive Director (Strategy & Transformation) and Head of Human Resources Appeal - Employment Panel	Approvals to follow agreement with the relevant Executive Director and Executive Director of Finance See: Procedure for Selection of Staff for Redundancy	
88	Approval of Voluntary Early Retirement/Voluntary Severance/Flexible Retirement	The Cabinet Member for HR & Corporate Affairs following a recommendation from the Executive Director (Strategy & Transformation) and Head of Human	Approvals to follow agreement with the relevant Executive Director and Executive Director of Finance See: Voluntary Exits Policy	

		Resources		
		Costs exceeding £100,000 are subject to approval by full Council.		
89	Ensure the effective discharge the functions for health, safety and welfare in connection with work and control of dangerous substances within the meaning of the Health and Safety at Work Act 1974	Chief Executive	In consultation with the Executive Director (Strategy & Transformation) as the designated Director for Occupational Health and Safety	
90	Approval of spend and the allocation of funds to providers from the council's apprenticeship levy fund.	Executive Director (Strategy & Transformation) and Head of Human Resources	Spend must be within available funds and subject to contract procedure rules	
91	Approval of Salary Loans in accordance with our Financial Wellbeing Offer	Executive Director (Strategy & Transformation) and Head of Human Resources and Head of Organisational Development & Culture	See: Financial Support Offer for Employees	
92	Ill health early retirement	Head of HR		

93	Approval of DBS risk assessments	HR Operations Manager (Lead Counter-Signatory)		
94	Approval to award an immigration licence and sponsor individuals	Licence: Head of HR and HR Operations Manager Sponsorship: HR Operations Manager		
95	Approval of special severance payments	Payments under £20,000 – Director of Law & Governance on the recommendation of the Executive Director (Strategy & Transformation) and Head of Human Resources Payments between £20,00 and £100,000 – Leader of the Council and Chief Executive on the recommendation of the Executive Director (Strategy & Transformation) and Head of Human Resources, Director of Law & Governance and Director of Finance Payments over £100,000 – Council	In line with agreed guidance See: Special severance payments guidelines	
9. Emergency Response and Resilience				

96	Emergency Response and Resilience	Executive Director (Strategy & Transformation) Assistant Director (Public Protection & Resilience	Community Safety Partnership – responsibility for CSP Grant from GMCA Emergency Response & Resilience i.e. Civil Contingencies Responsibilities, plus	
			statutory community safety functions re. CCTV and Security; Events Safety Advisory Group	
97	Ensure appropriate arrangements are in place to carry out the council's emergency planning functions in accordance with the Civil Contingences Act 2004	Chief Executive Assistant Director (Public Protection & Resilience	In accordance with Finance Procedure rules and Contract Procedure Rules.	
10. Communities				
98	Communities	Executive Director (Strategy & Transformation)	VCFA contracts and other Community Grants and Funding	

Public Protection Service

99	To act on behalf of the council in respect of the legislation specified in the foregoing: Public Protection Legislation.docx	• Assistant Director (Public Protection & Resilience) • Head of Public Protection • Chief Inspector of Weights & Measures • Licensing Unit Manager • Unit Managers • Environmental Health Officers • Graduate Environmental Health Officers • Public Protection Officers • HMO and Enforcement Officers • Principal Technical Officer • Senior Technical Officers • Principal Trading Standards Officers	– To act as necessary in accordance with the officers' legislative authorisation to ensure compliance with the adjacent listed legislation and, in particular to exercise any statutory powers vested in the council but not exclusively of entry, inspection, to break open any container, examination, investigation, taking of measurements and photographs, taking of samples, seizure and detention of goods articles and documents, requiring the production of books and documents requiring the provision of information, giving of notices and requiring other facilities and	C

		• Trading Standards Officers • Principal Community Protection Officer • Trading Standards Officers • Trading Standards Practitioners • Senior Enforcement Officers • Enforcement Officers • Fly Tipping Enforcement Officers • Apprentice Enforcement Officers • ASB Officer • Apprentice Enforcement Officers • Senior Animal Health & Welfare Officer • Animal Health & Welfare Officers • Licensing Officers • Licensing Advisors	assistance necessary to enable the council to perform its statutory powers and duties in relation to the enforcement of legislation. – Also, all officers are authorised to administer a caution when investigating any possible criminal offences and to appear in any proceedings before a Court. All officers can also issue verbal warnings, penalty warning notices, fixed penalty notices, infringement advice notices and officer written warnings. – Animal Health and Welfare Officers can serve statutory enforcement notices, orders, and community protection notices. • Assistant Director (Public Protection & Resilience) – Head of Public Protection, Unit Managers, Principal Trading Standards Officers, ~~Principal~~ Environment Health Officers, Licensing Officers and the Enforcement Officers can: i) issue formal written warnings; ii) authorise entry search warrants; and iii) sign any licence/registration documents or tenancy/pitch agreement on behalf of the council. – The Assistant Director Assistant Director (Public Protection & Resilience)and the Deputy Solicitor for the council can authorise any RIPA application on behalf of the council for any regulatory legislation, as listed in the left hand column. – The Assistant Director Assistant Director (Public Protection & Resilience)can act as the informant on behalf of the council, with the exception of weights and	

			measures legislation where only the Head of Public Protection/Chief Inspector of Weights & Measures can act as the informant. – Assistant Director (Public Protection & Resilience)/The Head of Public Protection/Licensing Unit Manager can also suspend or revoke any hackney carriage or private hire drivers licence with immediate effect under the Road Safety Act 2006.	
100	**In addition:** Trading Standards and Consumer Protection Legislation is regularly updated and circulated by TSNW.  List of Legislation for Authorisations ls  Authorisation%20Legislation.docx			

Street Trading

101	– Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – Enabling street trading to be regulated within the county and adopted by the council in 1998	• Assistant Director (Public Protection & Resilience) • Head of Public Protection • Licensing Unit Manager	– Applications are assessed by the Licensing Service and undergo a consultation period, with various interested parties. Should the Licensing Unit Manager not wish to exercise their delegated powers, the matter will be referred to the Licensing & Safety Committee for the decision.	

Housing

Service	Section	Officer's Job Title	List Nature of Delegation/Authorisation (General or Specific)

Housing Operations	ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014		
	Housing & Neighbourhoods	**Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager**	Part 1: The power to authorise legal services to obtain a civil injunction.
			Part 4, Chapter 1: The power to issue and enforce Community Protection Notices.
			Part 4, Chapter 2: The power to make and enforce Public Spaces Protection Orders.
			Part 4, Chapter 3: The power to close premises associated with nuisance or disorder etc.
			Part 5: The power to recover possession of dwelling house under grounds of anti-social behaviour.
	CARE ACT 2014/CHILDREN AND FAMILIES ACT 2014/CHILDREN ACT 2004		
	Assets	**Director of Housing Operations; Head of Assets; Head of Homelessness & Housing Options**	The requirement to undertake an assessment that may identify needs that can be met by adaptations or equipment to a property.
	ENVIRONMENTAL PROTECTION ACT 1990		
	Housing & Neighbourhoods	**Director of Housing Operations; Head of Housing & Neighbourhoods**	Schedule 3: Entry of Premises.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager	Schedule 3: Relating to authorisation of legal proceedings for an offence of obstruction.

		Director of Housing Operations; Head of Housing & Neighbourhoods	S.80: Relating to the existence of a statutory nuisance and to the service of an abatement notice and instigation of legal proceedings.
		Director of Housing Operations; Head of Housing & Neighbourhoods	S.81: Relating to the power to do works in default and recovery of costs.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager	S.81A: Relating to recovery of costs and authorisations of notices following works in default carried out under Section 80 of the Environmental Protection Act.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager	S.81B: Relating to recovery of costs as above.
	HOUSING ACT 1985		
	Housing & Neighbourhoods	**Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;**	S.79 granting secure tenancies Housing Act 1985.

		Director of Housing Operations; Head of Housing & Neighbourhoods	S.54. S.260, S.340: Entry of Premises.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;	S.83 and 83ZA Housing Act 1985- to serve Notice of Seeking Possession or Notice of seeking Demotion of a tenancy.

		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;	S.327: Relating to the institution of legal proceedings in relation to occupier causing or permitting overcrowding.
		Director of Housing Operations; Head of Housing & Neighbourhoods	S.330: Relating to the grant of a licence authorising a number in excess of the permitted number to sleep in a dwelling.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager;	S.339: Relating to the enforcement of Part X of the act (overcrowding)
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager;	S.341: Relating to the authorisation of instigation of legal proceedings for the offence of obstruction
	HOUSING ACT 1996 As Amended by HOMELESSNESS ACT 2002 and HOMELESSNESS REDUCTION ACT 2017 and DOMESTIC ABUSE ACT 2021		
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;	S124 Housing act 1996 - granting Introductory Tenancies.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;	S.125A Housing Act 1996 - Notice to extend the term of Introductory Tenancy.

		Director of Housing Operations; Head of Housing & Neighbourhoods; Income Collection Manager; Housing & Neighbourhoods Manager; Housing Officer;	S.128 Housing Act 1996 - Notice of Possession Proceedings
		Director of Housing Operations; Head of Housing & Neighbourhoods; Income Collection Manager; Housing & Neighbourhoods Manager; Housing Officer;	S.143E Housing Act 1996 - Notice of Possession Proceedings for demoted tenancies.
	Homelessness & Housing Options; Head of Housing & Neighbourhoods	**Director of Housing Operations; Head of Homelessness & Housing Options; Homelessness and Housing Options Managers Housing & Neighbourhoods Manager**	To instruct the Head of Legal Services to take all necessary legal proceedings to obtain possession of properties which are being occupied without authority.

	Housing & Neighbourhoods	**Director of Housing Operations; Head of Housing & Neighbourhoods; Income Collection Manager; Housing & Neighbourhoods Manager; Housing Officer;**	To issue Notices to Quit as necessary, in order to commence proceedings for possession of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes and to take such further action as is necessary to obtain possession thereof.
	Housing & Neighbourhoods /Assets	**Director of Housing Operations; Head of Housing & Neighbourhoods; Head of Repairs; Head of Property Income Collection Manager**	To authorise proceedings for pursuit and recover of rent arrears, former tenants' arrears, and any miscellaneous claim in respect of damage suffered to property held or managed for housing purposes.
	Housing & Neighbourhoods /Assets	**Director of Housing Operations; Head of Housing & Neighbourhoods; Head of Repairs; Head of Property; Head of Building Safety**	To take all necessary steps to ensure that the terms of the Council's Tenancy Agreement are complied with.
	Homelessness & Housing Options; Housing & Neighbourhoods /Assets	**Director of Housing Operations; Head of Homelessness & Housing Options; Head of Housing & Neighbourhoods; Head of Repairs; Head of Property; Head of Building Safety**	To authorise and implement the general maintenance of Council dwellings and communal areas including any property, land or buildings held or managed for temporary accommodation purposes.
	All	**Director of Housing Operations; Head of Homelessness & Housing Options; Head of Repairs; Head of Property; Head of Building Safety; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager**	To recharge tenants (or others) with the costs of repairs replacements and to permit exemption in proved cases of hardship from this requirement

	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options Homelessness and Housing Options Manager**	Part VII (Homelessness): To determine the allocation of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes in accordance with relevant policies
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options Homelessness and Housing Options Manager**	Part VII (Homelessness): To provide a service to fulfil the Council's obligations to deal with homelessness and threatened homelessness in accordance with the Housing Act 1996 and Homelessness Act 2002 and/or any subsequent legislation.
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options Homelessness and Housing Options Manager**	Part VII (Homelessness): To authorise temporary accommodation for persons ordinarily resident in private sector housing in appropriate cases where their homes are undergoing major works of improvement and/or repair
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options Homelessness and Housing Options Manager**	Part VII (Homelessness): To make determinations under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017 including: S195 Prevention of Homelessness Duty S198B Relief of Homelessness Duty S189A Duty to produce a Personal Housing Plan

	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options Homelessness and Housing Options Manager**	Part VII (Homelessness) and The Homelessness (Review Procedure etc.) Regulations 2018 S202 to make decisions on review requests
	All	**Director of Housing Operations; Head of Homelessness & Housing Options; Head of Repairs; Head of Proeprty Head of Housing & Neighbourhoods; Homelessness and Housing Options Manager**	Part VII (Homelessness): To authorise: (a) Provision of furnishing, fittings, board, and laundry facilities. (b) Financial assistance towards tenants/resident's removal expenses. (c) The exercise of powers of entry to premises held or managed by Cabinet for the purpose of survey and/or examination of works. The storage and/or disposal of property coming into the Council's possession as a result of its housing function.
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options Homelessness and Housing Options Manager**	Part VII (Homelessness): To procure and allocate temporary accommodation to homeless persons to whom the council owes a duty under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options Homelessness and Housing Options Manager**	Part VII (Homelessness): To agree terms and conclude agreements with hoteliers for bed and breakfast accommodation for homeless people when other temporary accommodation is not available.

	LOCALISM ACT 2011		
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options Homelessness and Housing Options Manager**	S148 Power to Discharge the Homelessness Duty into the private Rented Sector.
	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976		
	All	**Director of Housing Operations; Head of Homelessness & Housing Options; Head of Property; Head of Repairs; Head of Building Safety; Head of Housing & Neighbourhoods**	S.16: Relating to the issue and service of a notice requiring particulars of persons interested in land.
			S.29: Relating to the securing of a residential premises to prevent unauthorised access.
			S.33: Relating to the re-instatement of essential services and the authorisation of the recovery.
	GENERAL		
	All	**Director of Housing Operations**	Write off rent former tenants rent arrears which are irrecoverable.
		Director of Housing Operations ;	Re-appropriate properties acquired under the Housing Act 1985

HOUSING OPERATIONS

Delegated Powers- Scheme of Delegation
May 2024

Summary:

Each Director or Monitoring Officer has the authority to make amendments to this Scheme of Delegation necessitated by legislative changes as and when appropriate.

Officers may only exercise the powers delegated to them in accordance with all relevant statutory requirements, the provisions of the Council's Constitution, the revenue and capital budgets of the Council, its Contract Procedure Rules, Financial Procedure Rules and other relevant polices and procedures.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganization, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

In exercising the power delegated to them officers must observe any additional procedural requirements that apply within their services, eg, any requirement to consult local ward Councillors, Cabinet Members and/or the Leader. It is also good practice to keep local ward councillors informed of decisions made and implemented under delegated powers that significantly affect members of the community in their ward.

This scheme of delegations will apply to all permanent, contract and temporary officers working for the Council.

The scheme of delegation is to be read in conjunction with relevant sections of the Constitution, including:

Part 3- Functions Scheme
Part 4 – Section 6 – Contract Procedure Rules
Part 4 – Section 7 – Financial Procedure Rules

Directorate Structure.
Directorate: Strategy & Transformation

Executive Director.

Director of Housing Operations

Head of Housing & Neighbourhoods Service

- Neighbourhood management, including Anti-social behaviour
- Tenancy support
- Safeguarding
- Rents
- Customer satisfaction

Head of Assets

- Asset Management (including repairs)
- Disrepair

Head of Compliance

- Property Compliance
- Property Health & Safety

Head of Homelessness & Housing Options

- Homelessness assessment
- Allocation
- Emergency accommodation
- Temporary accommodation

Service	Section	Officer's Job Title	List Nature of Delegation/Authorisation (General or Specific)
Housing Operations			ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014
	Housing & Neighbourhoods	**Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager**	Part 1: The power to authorise legal services to obtain a civil injunction.
			Part 4, Chapter 1: The power to issue and enforce Community Protection Notices.
			Part 4, Chapter 2: The power to make and enforce Public Spaces Protection Orders.
			Part 4, Chapter 3: The power to close premises associated with nuisance or disorder etc.
			Part 5: The power to recover possession of dwelling house under grounds of anti-social behaviour.
			CARE ACT 2014/CHILDREN AND FAMILIES ACT 2014/CHILDREN ACT 2004
	Assets	**Director of Housing Operations; Head of Assets; Head of Homelessness & Housing Options**	The requirement to undertake an assessment that may identify needs that can be met by adaptations or equipment to a property.
			ENVIRONMENTAL PROTECTION ACT 1990
	Housing & Neighbourhoods	**Director of Housing Operations; Head of Housing & Neighbourhoods**	Schedule 3: Entry of Premises.

		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager	Schedule 3: Relating to authorisation of legal proceedings for an offence of obstruction.
		Director of Housing Operations; Head of Housing & Neighbourhoods	S.80: Relating to the existence of a statutory nuisance and to the service of an abatement notice and instigation of legal proceedings.
		Director of Housing Operations; Head of Housing & Neighbourhoods	S.81: Relating to the power to do works in default and recovery of costs.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager	S.81A: Relating to recovery of costs and authorisations of notices following works in default carried out under Section 80 of the Environmental Protection Act.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager	S.81B: Relating to recovery of costs as above.
			HOUSING ACT 1985
	Housing & Neighbourhoods	**Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;**	S.79 granting secure tenancies Housing Act 1985.

		Director of Housing Operations; Head of Housing & Neighbourhoods	S.54. S.260, S.340: Entry of Premises.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;	S.83 and 83ZA Housing Act 1985- to serve Notice of Seeking Possession or Notice of seeking Demotion of a tenancy.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;	S.327: Relating to the institution of legal proceedings in relation to occupier causing or permitting overcrowding.
		Director of Housing Operations; Head of Housing & Neighbourhoods	S.330: Relating to the grant of a licence authorising a number in excess of the permitted number to sleep in a dwelling.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager;	S.339: Relating to the enforcement of Part X of the act (overcrowding)
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager;	S.341: Relating to the authorisation of instigation of legal proceedings for the offence of obstruction
			HOUSING ACT 1996 As Amended by HOMELESSNESS ACT 2002 and HOMELESSNESS REDUCTION ACT 2017 and DOMESTIC ABUSE ACT 2021

		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;	S124 Housing act 1996 - granting Introductory Tenancies.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager; Housing Officer;	S.125A Housing Act 1996 - Notice to extend the term of Introductory Tenancy.
		Director of Housing Operations; Head of Housing & Neighbourhoods; Income Collection Manager; Housing & Neighbourhoods Manager; Housing Officer;	S.128 Housing Act 1996 - Notice of Possession Proceedings
		Director of Housing Operations; Head of Housing & Neighbourhoods; Income Collection Manager; Housing & Neighbourhoods Manager; Housing Officer;	S.143E Housing Act 1996 - Notice of Possession Proceedings for demoted tenancies.
	Homelessness & Housing Options; Head of Housing & Neighbourhoods	**Director of Housing Operations; Head of Homelessness & Housing Options; Housing & Neighbourhoods Manager**	To instruct the Head of Legal Services to take all necessary legal proceedings to obtain possession of properties which are being occupied without authority.

	Housing & Neighbourhoods	**Director of Housing Operations; Head of Housing & Neighbourhoods; Income Collection Manager; Housing & Neighbourhoods Manager; Housing Officer;**	To issue Notices to Quit as necessary, in order to commence proceedings for possession of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes and to take such further action as is necessary to obtain possession thereof.
	Housing & Neighbourhoods /Assets	**Director of Housing Operations; Head of Housing & Neighbourhoods; Head of Assets; Income Collection Manager**	To authorise proceedings for pursuit and recover of rent arrears, former tenants' arrears, and any miscellaneous claim in respect of damage suffered to property held or managed for housing purposes.
	Housing & Neighbourhoods /Assets	**Director of Housing Operations; Head of Housing & Neighbourhoods; Head of Assets**	To take all necessary steps to ensure that the terms of the Council's Tenancy Agreement are complied with.
	Homelessness & Housing Options; Housing & Neighbourhoods /Assets	**Director of Housing Operations; Head of Homelessness & Housing Options; Head of Housing & Neighbourhoods; Head of Assets**	To authorise and implement the general maintenance of Council dwellings and communal areas including any property, land or buildings held or managed for temporary accommodation purposes.
	All	**Director of Housing Operations; Head of Homelessness & Housing Options; Head of Assets; Head of Housing & Neighbourhoods; Housing & Neighbourhoods Manager**	To recharge tenants (or others) with the costs of repairs replacements and to permit exemption in proved cases of hardship from this requirement

	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options**	Part VII (Homelessness): To determine the allocation of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes in accordance with relevant policies
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options**	Part VII (Homelessness): To provide a service to fulfil the Council's obligations to deal with homelessness and threatened homelessness in accordance with the Housing Act 1996 and Homelessness Act 2002 and/or any subsequent legislation.
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options**	Part VII (Homelessness): To authorise temporary accommodation for persons ordinarily resident in private sector housing in appropriate cases where their homes are undergoing major works of improvement and/or repair
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options**	Part VII (Homelessness): To make determinations under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017 including: S195 Prevention of Homelessness Duty S198B Relief of Homelessness Duty S189A Duty to produce a Personal Housing Plan

	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options**	Part VII (Homelessness) and The Homelessness (Review Procedure etc.) Regulations 2018 S202 to make decisions on review requests
	All	**Director of Housing Operations; Head of Homelessness & Housing Options; Head of Assets; Head of Housing & Neighbourhoods**	Part VII (Homelessness): To authorise: (a) Provision of furnishing, fittings, board, and laundry facilities. (b) Financial assistance towards tenants/resident's removal expenses. (c) The exercise of powers of entry to premises held or managed by Cabinet for the purpose of survey and/or examination of works. The storage and/or disposal of property coming into the Council's possession as a result of its housing function.
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options**	Part VII (Homelessness): To procure and allocate temporary accommodation to homeless persons to whom the council owes a duty under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options**	Part VII (Homelessness): To agree terms and conclude agreements with hoteliers for bed and breakfast accommodation for homeless people when other temporary accommodation is not available.

			LOCALISM ACT 2011
	Homelessness & Housing Options	**Director of Housing Operations; Head of Homelessness & Housing Options**	S148 Power to Discharge the Homelessness Duty into the private Rented Sector.
			LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
	All	**Director of Housing Operations; Head of Homelessness & Housing Options; Head of Assets; Head of Housing & Neighbourhoods**	S.16: Relating to the issue and service of a notice requiring particulars of persons interested in land.
			S.29: Relating to the securing of a residential premises to prevent unauthorised access.
			S.33: Relating to the re-instatement of essential services and the authorisation of the recovery.
			GENERAL
	All	**Director of Housing Operations**	Write off rent former tenants rent arrears which are irrecoverable.
		Director of Housing Operations ;	Re-appropriate properties acquired under the Housing Act 1985

Financial Approvals (Limit)	Name/Role	Approval Limit
	Kate Waterhouse (Executive Director)	£250,000
	John Holman (Director of Housing Operations)	£100,000
	Philip Cole (Head of Homelessness & Housing Options)	£50,000
	Kimberly Partridge (Head of Housing & Neighbourhoods Service)	£50,000
	Colin Somerville (Head of Assets)	£50,000

	Gareth Basterfield (Head of Compliance)	£50,000
	Claire Rogan (Business Manager)	£50,000
	Michelle Venn (Business Manager)	£50,000

This page is intentionally left blank

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: • Council, by resolution;

No	Type of meeting	When
		• 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. 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. No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting. 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.

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	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): • 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 • any report to the Council required by a scrutiny committee • report on the work of the Combined Authority (appointed representatives to present on a rotational basis) of which there will be presentation for 5 minutes, verbal questions for 5 minutes, and 10 minutes for all other questions to the Combined Authority.			
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 on any matter relevant to the Council or its services to the community.

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.

The GM Mayor will attend once a year a meeting of Full Council.

Combined Authority appointed representatives will be invited on a rotational basis to present an update on their area of responsibility. 5 minutes will be allowed to present and 5 minutes for verbal questions. 10 minutes for all other questions to the Combined Authority.

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.

Youth Cabinet to submit, once a year, a Notice of Motion. This notice of motion will be the first item on the agenda following public question time.

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
State of the Borough Debate – right of reply	Opposition Group Leaders	5 minutes
Leader's Statement – right of reply	Opposition Group Leaders	2 minutes (and a question)

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

midday on the day prior to 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. This is for 3 minutes.

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 (3 minutes) 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 their absence a 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
- Locality 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, a 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 me 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 andcontains 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 Memberof 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 ifthe information it contains falls within paragraphs 3 or 6 of Schedule 12A to thelocal 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 theCabinet 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/shemay have.

Section3 - 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, orinformed the Council of, within the period specified.

BURY MBC CONTRACT PROCEDURE RULES 2024

A. WHY WE HAVE PROCUREMENT RULES

1.Section 135 of the Local Government Act 1972 requires all local authorities to have them.

2.They are part of our Constitution and must be followed by all employees of the Council, its suppliers, contractors and consultants

3.They ensure that there is fair competition and value for money when we buy goods and equipment or commission services or works. They set out the procedure to be followed.

4.They apply to a wide range of contracts we award as a local authority, including our schools. They don't apply to staff contracts, purchases of land or financial investments by the Council.

B. LEGISLATION AND REGULATION

1.The Procurement Act 2023 and Regulations made under it, the Local Government Act 1999 and the Public Services (Social Value) Act 2012 govern how the award of our contracts must be conducted.

2.The Local Government Transparency Code 2015 requires us to make available to the public details of our contracts and expenditure on them. We are required to maintain a publicly accessible Contracts Register with details of all contracts over £5K and publish monthly details of all payments made over £500.

C. WHAT WE GAIN THROUGH HAVING THESE RULES

1.They make sure that we get the benefits of competition and act in a proper manner.

2.They help us get best value. That is a statutory obligation under the Local Government Act 1999. We must ensure economy, efficiency and effectiveness in all our transactions,

3.They require us to show fairness, transparency, equality and integrity in all our dealings. These are not nice to haves - they are enforceable legal obligations. If bidders are not happy with how they are treated they can take legal action against us.

D.SOCIAL VALUE

1.We must follow the Public Services (Social Value) Act 2012.

2.That means that when we embark on a procurement exercise the procurement lead must consider how it might improve the economic, social and environmental well-being of the inhabitants of Bury.

3.We have a Social Value Strategy which those undertaking procurement and managing contracts must adhere to.

E. WHAT WE MUST AVOID

1.Whilst it is desirable to have productive relationships with suppliers, contractors or consultants, it is important to be fair and objective. We can't appoint them just because they are recommended to us or because we have used them before.

2.We can't re-appoint them simply because we think they have "done a good job." We must test the market. The incumbent provider will obviously have a major advantage. If they don't win a re-appointment, there must be a quality or cost concern.

F.THE INITIAL STAGES OF PROCUREMENT

1.Pipeline programme

-Under the Procurement Act 2023, but also as best practice, we must have an ongoing programme of identified contract activity.

-We must publish an 18-month forward plan of all contracts over £2M on our website at the start of each financial year. It is good practice to publish those over £10K.

2.Authority to Procure

-The lead officer's first step for all procurements is to obtain authority under our Scheme of Delegations. This will be at officer level unless the estimated value is over £500K. In that case Cabinet approval is needed.

-The expenditure approvals thresholds are set out in Table 1.

3.Estimating Value

-The lead officer must make an informed estimate of the value of the contract and be aware of the threshold values under the Procurement Act. These dictate which rules apply.

-This must be genuine and not a way to get round the prescribed thresholds. For example we cannot divide up contracts or orders without a valid reason.

- They must calculate the value that the person winning the contract will get over the expected life of the contract, including any extensions provided for. This must also include any sums we get from third parties such as Central Government.

4.Getting Best Value

-Everything we do has to be designed to ensure best value for the Council. The definition we use is the combination of whole life costs and benefits to meet the Council's needs.

-Before starting any procurement or awarding any contract the lead officer must understand those needs and check whether they could be met instead from an existing contract.

-The lead officer also must check that there is finance available from a Council revenue or capital budget.

5.Proper Briefs and Specifications

-Every procurement must have a brief or specification setting out clearly and precisely what the Council needs.

-Without one there is no legal comeback if things go wrong and we don't get what we expected and have paid for.

- We do not allow the tender to be advertised until the brief or specification is ready.

-The brief or specification cannot include material that is discriminatory, distorts competition or is non-commercial. This applies to any quality standards we specify.

-We only name specific products, sources or process if these are essential for our needs. When we do so we also allow equivalent items to be used.

-All our briefs and specifications must include conditions requiring compliance with our statutory obligations and Council policies. We also require minimum levels of insurance cover.

G. UNDERTAKING A COMPETITIVE PROCESS

1.We Use Public Sector Portals

-All procurements over £30K must be advertised on the Government Central Digital Platform.

-Lead officers must use the Chest, the North West's Local Authority Procurement Portal for all competitive procurements over £10K.

2. We Use Frameworks

- We support the use of national, regional and local frameworks as they produce significant savings in time, effort and cost for the Council.

- Frameworks can only last 4 years.

-Call-off contracts are awarded in most cases through a mini-competition between pre-qualified suppliers on the framework agreement.

-In certain limited circumstances direct awards can be made under frameworks. For example where suppliers are ranked. Advice from Corporate Procurement must always be obtained in such cases.

3. Market Engagement

-Lead officers must seek to obtain an understanding of the supply market to increase the likelihood of a successful procurement.

-Seeking expressions of interest and running market engagement events are appropriate steps to take in this connection.

H. THRESHOLDS FOR COMPETITION

1. Adherence to the Thresholds

-The thresholds are critically important and must be adhered to.

- They are summarised in Table 1.

2. UNDER £10K

-Competition is not required. The lead officer should obtain one quotation. Although for more technical requirements it is considered good practice to obtain more than one to ensure that the Council is achieving best value.

-There must be a written brief and a written proposal received from the supplier, contractor or consultant in all cases.

3.£10K TO £50K

- A Request for Quotation (RFQ) must be issued through the Chest portal.

-There must be a minimum of three quotations, five or six if possible. In certain circumstances there may not be that number in the market. If so, advice must be sought from Corporate Procurement before proceeding.

-If the lead officer knows of suitable local suppliers or contractors, it is permissible to invite them to quote.

-There must be a written specification in all cases with a minimum of three appropriate key performance indicators.

4.ABOVE £50K

-A detailed Invitation to Tender (ITT) must be issued through the Chest portal.

-This must follow the standardised format prescribed by Corporate Procurement with clear criteria and weightings set out.

-There must be a written specification in all cases with a minimum of three appropriate key performance indicators.

-Advice should always be sought from Corporate Procurement. They will arrange for the Invitation to Tender to be issued on the Chest when the documentation is finalised.

I. CHOOSING THE RIGHT PROCUREMENT PROCEDURE

1.The Procurement Act 2023 Procedures

-The procedures have been reduced to two. These are:

= Open Procedure

= Competitive Flexible Procedure

2.The Open Procedure

-As its name implies, there can be no restriction on the number of bidders who can apply. It is a single stage process.

-The tender documentation must set out the criteria and weightings that will used in decision making.

-All compliant bids must be considered at the selection stage

3.The Competitive Flexible Procedure

- This new procedure provides the Council with considerable flexibility.

-It allows the procurement exercise to be carried out in the manner we consider most appropriate. For example with a multi-stage process.

- We must make clear in the procurement documents how the process will work and how selection will operate, particularly if it is to be multi-stage.

-We must also set out the criteria and weightings that will used in decision making.

4.Core Principles of Public Procurement

-These must be followed in all cases:

= Transparency: absolute clarity on what is required and what will happen.

= Equal Treatment: all interested parties and bidders must be treated the same.

= Proportionality: we must act fairly and proportionately throughout the process

J. BID RECEIPT

1. Use of the Chest portal

-Competitive bids can only be submitted through the Chest portal. Bids submitted by any other means such as by post or email cannot be accepted in any circumstances.

2. Late Bids

-Bid deadlines must be adhered to by bidders. Late bids cannot be accepted save in wholly exceptional circumstances.

-Wholly exceptional circumstances are restricted to situations entirely outside the control of the bidder where the bidder attempted to submit the bid in good time but was prevented by problems relating to the Chest portal itself. In such a case the Council has a discretion as to whether to accept a late bid. Advice should always be taken from Corporate Procurement before accepting a late bid.

K. EVALUATION OF BIDS

1.The Panel

-Lead officers should use a panel made up of staff from their department (ideally three but no more than five).

-Where necessary a moderator can be supplied by Corporate Procurement.

2.The Test

-The test applied is called MAT - Most Advantageous Tender. That means an assessment of price and quality to ensure we ger proper value. The ratio of price to quality will depend on the subject matter of the contract.

3.Price-Only

-We don’t ever use a price-only test, as there is always a quality need even if it’s for something basic like pencils.

4 Quality Criteria

-These must be set out in the tender documentation in all cases.

-They should cover technical merit, functionality, competence and organisation of staffing, key milestones and social value

-They must be accompanied with appropriate percentage weightings.

5. Alterations

- Bids cannot be altered during the evaluation, except where there are obvious arithmetical errors that would affect the value of the bid. If that happens the lead officer can make an appropriate correction. A record must be kept of any corrections.

-Substantive amendments or submission of additional documents of any kind cannot be accepted in any circumstances.

6.Clarifications

-In extremely restricted circumstances requests for clarification can made to resolve any obvious ambiguity. However the opportunity cannot be used by the bidder to amend the wording of the bid or re-negotiate any aspect of it.

L. MAKING THE CONTRACT AWARD

1.Evauation Report

-Once the preferred bidder has been identified an evaluation report must be prepared and sent to Corporate Procurement.

2. Expenditure Approval

-The lead officer must obtain a written expenditure approval for the proposed award. This will be at officer level in accordance with the thresholds in Table 1, provided the contract sum is under £500K. A written record must be retained.

-Any proposed award above £100K must be published on the internet by Democratic Services in accordance with the Local Government Transparency Code 2015.

-If the contract sum is above £500K a report must be submitted to Cabinet for approval as an executive decision in accordance with our Constitution.

- If there is exceptional need for an early decision in the best interests of the Council the Urgent Decision route can be employed.

3.Standstill Letters

-Where required for certain high value transactions, these will be issued by Corporate Procurement.

-Contract award cannot take place until the prescribed time-period for objections has elapsed.

4.Issue of Contracts

- If the value is over £75K the contract will be drafted by Legal Services.

- If below £75K, it can be drafted in the lead officer's department with help from Corporate Procurement as required.

5. Contracts Register

-All contracts of value over £5K must be published on the publicly accessible Council Contracts Register.

-The Contracts Register to be regularly updated and is a mandatory requirement under the Local Government Transparency Code 2015.

M. EXEMPTIONS TO PERMIT DIRECT AWARDS

1.Approvals

-The written approval of the Head of Corporate Procurement and the Director of Law and Democratic Services is required to establish the availability of a permitted exemption.

-Financial approval must then be obtained by the lead officer from the appropriate officer in accordance with the thresholds set out in Table 1.

-If the sum involved exceeds £500K Cabinet approval must be obtained.

2.Publication

-Direct awards over £5M must be published by the Council in accordance with the Procurement Act 2023. This affords suppliers or contractors the opportunity to object.

3.Permitted Grounds

(a) Direct award to protect life -to protect human, animal or plant life or health, or protect public order or safety.

(b) Prototypes and Development - to research the suitability of novel goods or services

(c) Single Supplier - in the absence of competition and no reasonable alternative

(d) Additional goods, works or services - where change in supplier would result in disproportionate technical difficulties in operation or maintenance

(e) Commodities - purchase of goods on a commodity market

(f) Insolvency – where advantageous terms for the Council for a contractor to take over the obligations of the insolvent provider

(g) Extreme and Unavoidable Urgency - if unforeseeable and not the fault of the Council. Act of God situations such as Covid, RAAC, fire or flood.

(h) User Choice Contracts -social care field where the view of the individual or their carer is paramount

N. PERMITTED VARIATIONS

1.Approvals

-The written approval of the Head of Corporate Procurement and the Director of Law and Democratic Services is required to establish the availability of a permitted variation.

-Financial approval must then be obtained by the lead officer from the appropriate officer in accordance with the thresholds as set out in Table 1.

-If the sum involved exceeds £500K Cabinet approval must be obtained.

2.Publication

-Substantial variations must be published by the Council in accordance with the Procurement Act 2023. This affords suppliers or contractors the opportunity to object.

3. Permitted Grounds

(a) The variation is provided for in the original contract.

(b) A minor variation:

-not increasing or/decreasing the contract value by more than 10% for goods and services or 15% for works:

-not increasing or decreasing the duration of the contract by more than 10%

(c) Protection of life - to protect human, animal or plant life or health or protect public order or safety

(d) Extreme and Unavoidable urgency - if unforeseeable and not the fault of the Council, provided doesn't increase the costs of the contract by more than 50%

(e) Materialisation of Known Risk - provided doesn't increase the costs of the contract by more than 50%

(f) Additional goods, works or services - change in supplier would result in disproportionate technical difficulties in operation or maintenance and substantial duplication of costs for the authority, provided doesn't increase the costs of the contract by more than 50%

(g) Transfer on Corporate re-structuring - to novate the contract to a new provider who takes on the obligations of the original contractor.

TABLE 1

EXPENDITURE APPROVALS AND PROCUREMENT REQUIREMENTS

Maximum Approval Limit	**Expenditure Approval**	**Procurement Requirements**
Exceeds £500,000 or key decision	Cabinet.	ITT Competitive tender or mini competition on the Chest
£250,001 to £500,000	Chief Executive	
£100,001 to £250,000	Executive Director	
£50,001 to £100,000	Assistant Director	ITT Competitive tender or mini competition on the Chest
£10,001 to £50,000	Head of Service	RFQ Minimum of 3 quotations on the Chest
Up to £10,000	Service Lead	Minimum of 1 quotation

Section 6 - 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 destructing 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 £10,001 to £50,000, with Directors being authorised to write-off debts from £1,001 to £10,000 and budget holders up to £1,000.

(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 contingencyplans 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 time 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. Budget Holders responsible for writing off irrecoverable debts up to £1,000; Directors responsible for writing off irrecoverable debts from £1,001 to £10,000; The Chief Finance Officer responsible for writing off irrecoverable debts from £10,001 to £50,000; and with write-offs above £50,000 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 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.

When appointing Chief Officers and Deputy Chief Officers on an interim basis, the recruitment process will be undertaken in conjunction with the appropriate Cabinet Portfolio holder or their appointed deputy and in consultation with the Cabinet Portfolio holder for Human Resources,

For interim Statutory Chief Officers (The Head of Paid Service, Section 151 Officer or Monitoring Officer) a full Appointment Panel will meet to agree the appointment, which must be ratified by full Council.

Any extensions to interim arrangements should be agreed with the appropriate Cabinet Member.

Any proposal to move from a temporary to a permanent appointment would be subject to assessment via a sub-group of the Employment Panel (as per normal permanent recruitment).

(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) Where the matter cannot be resolved informally, an initial filtering will take place to determine if the issue requires investigating.

(2) In some circumstances, the Council may consider that in order to clarify whether there is any substance to the allegation or complaint, preliminary initial inquiries should be undertaken before the Model Procedure is invoked. This would be particularly appropriate where the matter has been raised under another procedure such as a grievance and is not itself a disciplinary complaint. To enable this process to happen the Council should nominate an officer who would most appropriately be the Council's Monitoring Officer.

(3) Once it is determined that an investigation is required, the Head of Paid Service, Monitoring Officer and S151-Chief Finance Officer may be suspended whilst the investigation takes place into alleged misconduct. That suspension will be on full pay and will be reviewed after two months and periodically thereafter as appropriate. Pay will not be reduced during the period of suspension, for example if the period of suspension coincides with one of sickness absence, and their entitlement to full pay under the sickness scheme reduces or expires the officer(s) will continue to receive full pay.

(4) 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.

- The IDC will have delegated powers to exercise the functions of the IDC as set out in the model procedure. They have an important role in deciding whether any allegations against the officer meet a 'threshold test' (see procedure in Appendix A) which justifies further investigation, and then considering the report of an independent investigator.
- 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.
- Following receipt of the investigation report the IDC will conduct a Hearing to consider the findings/ recommendations of the independent investigator, hear the officer's case and question any witnesses.
- If a disciplinary sanction/dismissal is recommended 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 recommended to be dismissed and relevant details of the sanction or dismissal.

The IDC's recommendation will then be put to an Independent Panel.

(5) 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 the response/recommendations from the IDC
- ask questions of all parties

The Panel will consider all of the evidence and review the recommendations 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 recommendations 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 recommendations the officer should be informed of this in writing and given the right of appeal.

(6) 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 convened 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)

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).

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.

4.8.9 Special Severance Payments

(1) Any Special Severance Payments (SSPs) made in excess of £100k require approval by full Council.

(2) Any and all payments of £20k and over in value upto £100k require approval from the Monitoring Officer, Section 151 Officer and Chief Executive and Leader, in consultation with the Chair of Overview and Scrutiny. Any payments under £20k can be approved by the Monitoring Officer.

(3) Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, the Employment Panel will oversee this and will appoint an independent panel to approve the payment to the Chief Executive:

- This panel must comprise of 3 independent persons (or at least 2).
- The Independent Panel will make recommendations to the Employment Panel and the decision will, ultimately be approved by Council

Accountability:	**Approvals:**
Under £20,000 *Scheme of Delegation*	Monitoring Officer
£20,000 - £99,999	Chief Executive Leader of the Council S151 officer Monitoring officer

	(in consultation with the Chair of Overview and Scrutiny)
£100,000+	Chief Executive Leader of the Council S151 officer Monitoring officer Full Council
Any Payment to the Chief Executive	A panel of at least 2 independent people. Employment Panel Full Council

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.

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 7 September 2022) 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.

The Council's usual declaration of interest arrangements apply throughout this process and officers/members involved in the process should not engage with other staff/the public in discussions of the case. Such actions will not only create adverse publicity for the council and the officers but may create conflicts of interest and could limit the role that those officers/councillors can then take as the case progresses.

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. Officers may also be accompanied in IDC meetings.

Given the statutory requirement for an Independent Panel to meet to consider a recommendation for dismissal, it would also be appropriate, where the officer is attending that meeting, for them to be accompanied.

In these cases we will attempt to arrange dates suitable for all parties however, 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.

Fair notice will be given as far as possible to enable the officer adequate time to prepare an initial response to the allegations or issues under investigation

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. Alternative resolution methods, for example mediation, should be considered. Formal action should be a last resort and only take place where the matter cannot be resolved informally.

An initial filtering will take place to determine if the issue requires investigating.
In some circumstances, the Council may consider that in order to clarify whether there is any substance to the allegation or complaint, preliminary initial inquiries should be undertaken before the Model Procedure is invoked. This would be particularly appropriate where the matter has been raised under another procedure such as a grievance and is not itself a disciplinary complaint. To enable this process to happen the Council should nominate an officer who would most appropriately be the Council's Monitoring Officer.

Formal Procedure

Suspension

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

On rare occasions circumstances could arise which require an immediate suspension before the IDC has a reasonable opportunity to meet, for example if the allegations of misconduct are such that officer's remaining presence at work poses a serious danger to the health and safety of others or a serious risk to the resources, confidential information or reputation of the authority. It may also be necessary if the continuing presence at work of the officer might compromise the investigation or impair the efficient exercise of the council's functions.

In these cases emergency suspension may be considered, subject to the suspension being reviewed by the IDC at the earliest opportunity.

Ordinarily, the council's Chief Executive/Monitoring Officer will make the decision for an emergency suspension to take place after consultation with the Chair of the IDC.

However, should the Chief Executive and/or Monitoring Officer be implicated in disciplinary investigations at the same time, the Executive Director (Strategy & Transformation) in consultation with the Director of People & Inclusion 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 and periodically thereafter as appropriate.

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, who will have delegated powers to exercise the functions of the IDC as laid down in the model procedure, has an important role in deciding whether any allegations against the officer meet a 'threshold test' which justifies further investigation, and then considering the report of an independent investigator.

Cases will vary in complexity but the threshold test for the IDC in deciding whether to appoint an Independent Investigator is to consider the allegation or matter and assess whether:

- if it were to be proved **through an independent investigation**, it would be such as to lead to dismissal or other action which would be recorded on the chief executive's personal file and
- there is evidence in support of the allegation sufficient to require further investigation

It is intended that this initial assessment as to whether the 'threshold test' has been met is conducted as expeditiously as possible. Should the test be met the IDC will arrange for the appointment of an Independent Investigator.

The panel will be politically balanced and will consist of a panel of at most 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. The Council's usual arrangements for declarations of interest will apply throughout the process.

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 (within the realms of other relevant procedures) 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 at the earliest opportunity. Suspension will be further reviewed by the IDC after 2 months and periodically thereafter as appropriate. Pay will not be reduced during the period of suspension, for example if the period of suspension coincides with one of sickness absence, and their entitlement to full pay under the sickness scheme reduces or expires the officer(s) will continue to receive full pay.

The officer will be informed of the decision in writing.

Investigation

The Joint Secretaries hold a list of independent investigators who have been selected for their suitability and experience for this work and who have received training. 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 or there is more than one officer under investigation and agreement cannot be reached, the Council will select an investigator from the list).

The IDC will be responsible for deciding the terms of reference for the investigation and for providing this and other information to the Independent Investigator. It will also be in a position to discuss timescales for the investigation.

The Independent Investigator may approach the IDC at any point to seek further guidance or clarification on issues which emerge during the investigation.
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.

They should operate on the basis of an independent investigation using his / her powers

to access information and interview witnesses.

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

Before finalising the report, the Independent Investigator should consider whether they should check the factual content of the report with the officers and other witnesses as appropriate.

The Council will designate an officer to administer the arrangements. The administering officer will ensure that the officer receives the Independent Investigator's report simultaneously with the IDC.

IDC – Hearing

On receipt of the investigation report, the IDC will conduct a Hearing at which the Independent Investigator will present his / her report and both the Council and the officer will have the right to question them and to call and question each other's witnesses. The IDC hearing should be conducted in accordance with the Council's Hearing Procedure.

The Independent Investigator must recommend any disciplinary action that appears to be appropriate. At this stage clarity is important and a clear reasoned recommendation should be given. The IDC 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 recommends to dismiss the officer, the Leader and all members of the Cabinet should be informed. This part of the process should be carried out by the

Executive Director (Strategy & Transformation) in consultation with the Director of People & Inclusion and in conjunction with Democratic Services.

The IDC will inform the officer of the decision and put that recommendation to the Independent Panel along with the Independent Investigator's report and any other necessary material.

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

Appropriate training devised by the JNC is available for panel members if required.

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 and the timings of the meetings should be set far enough apart so as to ensure that the Panel can perform its role thoroughly, including to produce a report which can be circulated to council members five working days before the Council meeting.

The Panel is **not** a full re-hearing of the case and will not involve the calling of witnesses.

The Panel will be supported by officers who have not attended meetings of the IDC and the agenda/papers agreed by both the Council and the officer.

Both parties should be present or represented (the IDC might be represented by its Chair or other nominated person) at the Panel meeting.

The Panel should review the IDC's recommendation for dismissal and prepare a report for Council. 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 and invite any response on behalf of the IDC to the points made
- 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 concerning the dismissal of the officer. A report will be prepared for the IDC / Council. If the Panel disagree with the IDC's recommendations to dismiss, the report should include a clear rationale of the reasons why and the Chair of the Independent Panel should be invited to attend the meeting of the IDC to present the report and answer questions.

Council

As the Standing Orders Regulations require that the council approves the recommendation for dismissal before notice of dismissal is issued, there might be concern about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss.

The Model Procedure upon which this procedure is based envisages that the principal decision to recommend dismissal is taken by the IDC and the council meeting fulfils the necessary requirement for an additional level of decision making necessary to demonstrate an effective appeal.

Where there is a recommendation to dismiss the Head of Paid Service, S151 Officer or Monitoring Officer, Council must approve the dismissal before notice of dismissal is issued.

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.
The Council meeting serves two purposes:

- To consider whether to approve the IDC recommendation to dismiss
- To act as the appeal mechanism against a dismissal decision

In view of the need for the council to ensure a fair decision-making process, it will need to consider whether members already involved in these, or other, ways should take part in the council meeting having regard to whether their participation in the meeting would give rise to unlawful decision-making or maladministration, due to predetermination or bias. Therefore Members with previous involvement should not take part in the Council deliberations.
This involvement might be as:

- Complainant
- Member of the IDC
- Witness in the investigation and / or hearing
- Member offering public comments on the ongoing disciplinary process

Disciplinary proceedings are usually conducted in meetings from which the public have

been excluded, and this practice is commended for council meetings considering the exercise of the function to dismiss the Head of Paid Service, Monitoring Officer or S151 Officer.

Given the thoroughness and independence of the previous stages it will not be appropriate for Council to undertake a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the recommendation to dismiss, and any advice, views or recommendations of the Independent Panel and the meeting will review the case, the recommendations to dismiss and any other evidence/representations. This stage will also act as the officer's appeal against the recommendation to dismiss.
In addition:

- the officer will attend and make representation first as this will effectively be their opportunity to appeal
- the Chair of the IDC will attend and present the recommendation to dismiss/reasons
- the advice, views and recommendations of the Independent Panel will be taken into consideration
- the conclusions from the investigation will be considered

Council will have three options:

- to confirm the dismissal of the officer - this should be communicated to the officer as soon as possible
- to reject the recommendation to dismiss the officer, ie no sanction - this should be communicated to the officer and communications prepared to ensure as far as possible there is no damage to their reputation
- Impose a lesser sanction or refer back to the IDC to determine the lesser sanction

Appeals Committee

Appeal Hearings against disciplinary sanctions short of dismissal imposed by the IDC will be heard by an Appeals Committee which will be politically balanced, include at least one cabinet member and will comprise of at most five elected members who were not members of the IDC.

Its purpose is to hear the officer's representation and review the case (the case and disciplinary sanctions applied by the IDC, the IP findings and the investigation report along with any other evidence relating to the case for example new information, executive objections (if relevant), outcome of any further investigation, etc.
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 soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a member.

1.2. This Code of Conduct applies to you when you are acting in your capacity as a member which may include when:

(a) you misuse your position as a member;

(b) your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a member.

1.3. The Code applies to all forms of communication and interaction, including:

(a) at face-to-face meetings

(b) at online or telephone meetings

(c) in written communication

(d) in verbal communication

(e) in non-verbal communication

(f) in electronic and social media communication, posts, statements and comments.

1.4. 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 five 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.

1.5. "Member" includes a co-opted member and an appointed member.

2. Scope

2.1. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a member. Subject to sub-paragraphs (2.2) and (2.3), 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 , 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 will treat councillors and members of the public with respect and treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

3.2 You must not:

(a) bring your role or local authority into disrepute.

(b) do anything which may knowingly cause the Council to breach the Equality Act 2010 and promote equalities and do not discriminate unlawfully against any person;

(c) bully, harass or be abusive to any person;

(d) 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

(e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;

3.3 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:

- reasonable and in the public interest; and
- made in good faith and in compliance with the reasonable requirements of the Council; or
- you have consulted the Monitoring Officer prior to its release.

(b) prevent another person from gaining access to information to which that person is entitled by law.

(c) improperly use knowledge gained solely as a result of my role as a member for the advancement of myself, my friends, my family members, my employer or my business interests.

3.4 You must:

(a) 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;

(b) not misuse council resources.

(c) when using the resources of the local authority or authorising the use by others:-

- act in accordance with the Council's reasonable requirements; and
- ensure that such resources are not used improperly for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which you have been elected or appointed.
- must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.5 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.

3.6 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

3.7 You will:

(a) undertake Code of Conduct training provided by the local authority.

(b) cooperate with any Code of Conduct investigation and/or determination.

(c) comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

Part 2 - Disclosable Pecuniary Interests

4. Notification of Disclosable Pecuniary Interests

4.1 Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

4.2 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.

4.3 "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

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 that you, or your spouse or civil partner or the person with whom you are living with as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest

Notification of Disclosable Pecuniary Interests

Subject	Description
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 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

(a) For the purposes of the above, "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 "director" includes a

member of the committee of management of an industrial and provident society.

(b) "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

(c) "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.

5. Non Participation in Case of Disclosable Pecuniary Interest

5.1 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in the table above, you must disclose the interest and:

(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) You must not remain in the room unless you have been granted a dispensation.

(d) If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

(e) If the interest is not registered, you must disclose the interest to the meeting.

(f) 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.

6. Non Participation in Case of Disclosure of Other Registerable Interests

6.1 Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing of one of your Other Registerable Interests (included on you Register of Members Interest Form) you must disclose the interest and:

(a) You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and

(b) You must not remain in the room unless you have been granted a dispensation.

(c) If it is a 'sensitive interest', you do not have to disclose the nature of the interest

You must register the following as an Other Registerable Interest:
(a) any unpaid directorships
(b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
(c) 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 polic (including any political party or trade union) of which you are a member or in a position of general control or management

7. Offences

7.1 It is a criminal offence to:

(a) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.

(b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.

(c) 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.

(d) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.

7.2 As a 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.

7.3 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.

7.4 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.

7.5 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 five years.

Part 3 - Other Interests

8. Notification of Personal Interests

8.1 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 "Other Registerable Interest" categories set out in paragraph 6 above for inclusion in the register of interests.

8.2 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]

9. Disclosure of Non-Registerable Interests

9.1 Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing (and is not a Disclosable Pecuniary Interest set out in Table above) or a financial interest or well-being of a relative or close associate, you must disclose the interest you must disclose the interest and.

(a) You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and

(b) you must not remain in the room unless you have been granted a dispensation.

(c) If it is a 'sensitive interest', you do not have to disclose the nature of the interest

9.2 Where a matter arises at a meeting which affects –

(a) your own financial interest or well-being;

(b) a financial interest or well-being of a relative or close associate; or

(c) a financial interest or wellbeing of a body included under Other Registrable

Interests you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9.3 Where a matter (referred to in paragraph 9.2 above) affects the financial interest or well-being:

(a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

(b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

9.4 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

9.5 If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

9.6 Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

10. Gifts and Hospitality

10.1. You will:

(a) not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

(b) register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.

(c) register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

11. Non Participation in Case of Prejudicial Interest

11.1 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

12. Interests Arising in Relation Overview and Scrutiny Committees

12.1 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 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 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.

12.2 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

13. Register of Interests

13.1. Subject to paragraph 14 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.

14. Sensitive interests

14.1 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.

15. Dispensations

15.1. 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.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

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 disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

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.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and willing to challenge poor behaviour wherever it occurs.

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 otherswho 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 theirpolitical 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. Closepersonal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors andshould 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 runby, for example, friends, partners or relatives in the tendering process. No partof 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 candidateto 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 arelative, 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 orcopyright 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-financialinterests that they consider could bring about conflict with the authority's interests.

7.2 Employees must declare to their immediate supervisor any financial interestswhich 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 personalinterest, 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 orrelevant 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 forthe 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 byup 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, tapemeasures and similar articles of use in the workplace; or
- (b) small gifts of only token value given on the conclusion of a courtesyvisit, 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 LocalGovernment 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 giftshould 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 needto 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 berepresented. 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 betaking 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, employeesshould 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 adecision 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 theoffer 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 tothe 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 caremust 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 Declaration of Criminal Offences

14.1 Employees must declare to the Council:

- If they are under investigation by the police for a criminal offence involving a child/vulnerable adult or a serious criminal offence involving any physical assaults or sexual assaults on anybody
- If they are under assessment by a children's services function over the welfare of their own children or children regularly in their care
- If they are being charged or prosecuted for a criminal offence that is either reportable to their professional body or standards body, or which could either:
  - bring the Council into disrepute, or
  - result in them being unable to undertake the role for which they are employed (e.g. a driving ban), or
  - may result in a prison sentence (suspended or otherwise)

14.2 Declarations must be made to the Head of Service, who will consider – with advice from HR and, if the employee works with children or vulnerable adults, in line with LADO/PIPOT procedures respectively – what support could be put in place or action taken. This could include disciplinary action.

14.3 Failure to declare or accurately declare relevant investigations or offences could result in disciplinary action.

15.0 Interpretation

15.1 Any interpretation of this Code should be determined by the Director of People and Inclusion after consultation with Cabinet Member for Corporate

Affairs and HR and relevant Opposition spokespersons.

16.0 Disciplinary Action

Any serious contravention of this Code may result in disciplinary proceedings.

17.0 Grievance Procedure

17.1 An employee who has a grievance arising from the interpretation of the Code shall have access to the Council's Grievance Procedure.

17.2 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.

18.0 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

Section 3 - Protocol on member and officer relations

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.

Purpose

- to promote trust, openness, fairness and honesty by establishing some ground rules;
- to define roles so as:

o to clarify responsibilities (i.e. who does what),
o to avoid conflict, and
o 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.

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.

Principles

Members and officers must at all times observe this protocol.
The protocol has been approved by the Council's Standards Committee who will monitor its operation.

The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.

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.

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.

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

Breaches of this protocol by a member may result in a complaint to the Monitoring Officer breaches by an officer may lead to disciplinary action.

1. The Role of Members

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.

1.1 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.

1.2. 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.

1.3. 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.

1.4 Some Members have roles relating to their position as members of the Cabinet and Scrutiny Committees of the Council.

1.5. Members serving on 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.

1.6. 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 Cabinet.

1.7. Some members may be appointed to represent the Council on local, regional or national bodies.

1.8 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.

1.9. 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.

1.10. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

1.11. 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 Councils Section 151 Officer.

1.12. Members must respect the impartiality of Officers and do nothing to compromise it by insisting that an Officer change his/her professional advice.

1.13. 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.

1.14. 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.

2. The Role of Officers

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.

2.1. Under the direction and control of the Council (including, as appropriate, the Cabinet, 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.

2.2. Officers have a duty to implement decisions of the Council, the Cabinet, 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.

2.3. 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.

2.4. 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.

2.5. 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.

2.6. 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.

3. The Relationship between Members and Officers

The conduct of Members and Officers should be such as to instil mutual confidence and trust.

3.1. 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.

3.2. 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.

3.3. Members and Officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

3.4. 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.

3.5. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.

3.6 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.

3.7 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.

3.8 Members will endeavour to give timely responses to enquiries from officers.

3.9 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.

3.10. Members and Officers should respect each other's free time.

4. The Council as Employer

4.1 Officers are employed by the Council as a whole.

4.2. 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.

4.3. Members shall not act outside these roles.

4.4. 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.

4.5. 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.

5. Mayor and Officers

Officers will respect the position of Mayor and provide appropriate support.

6. Cabinet Members and Officers

6.1. 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.

6.2. In addition to individual members of the Cabinet, Chief Officers (including the Monitoring Officer and the Section 151 Officer) have the right to submit papers to the Cabinet as a whole or to individual Cabinet Members for consideration.

6.3. Chief Officers and Cabinet members shall agree mutually convenient

methods of regular contact. Before taking any formal decisions, the Cabinet will seek appropriate professional advice including, without exception, the Monitoring Officer and Section 151 Officer, and will not direct Officers in the framing of recommendations.

6.4. Before any formal decisions with a financial implication are taken by the Leader, the Section 151 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.

6.5. 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 now of the matter are so informed. There is a particular requirement to involve other Cabinet members on cross-cutting issues.

6.6. Cabinet members when making decisions must state the reasons for those decisions. The written record of the decisions must include the reasons.

6.7. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Cabinet Member(s) and also opposition Members 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.

7. Scrutiny Members and Officers

7.1. Chairs and other leading scrutiny members shall maintain regular contact with the Officer(s) providing the principal support to the 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.

7.2. A Scrutiny Committee or its Chair acting on its behalf may require Officers to attend scrutiny meetings, to support their Cabinet Member. Members should not normally expect junior officers to give evidence. All requests should be made to Chief Officers in the first instance.

7.3. When making requests for officer attendance, scrutiny Members must have regard to the workload of Officers.

7.4. It is recognised that Officers required to appear before a Scrutiny Committee may often be those who have advised the Cabinet 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.

7.5. Subject to 7.4 above, Officers should be prepared to justify advice given to the Council, the Cabinet, or other committees and sub-committees even when the advice was not accepted.

7.6. Officers must also be prepared to justify decisions they have taken under delegated powers.

7.7. In giving evidence, Officers must not be asked to give political views.

7.8. Officers should respect Members in the way they respond to members' questions.

7.9. Members should not question Officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.

7.10. 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 a scrutiny function.

7.11. In exercising the right to call-in a decision of the Leader/Cabinet, 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.

8. Members of Other Committees or Sub-Committees and Officers

8.1. The appropriate Chief Officers will offer to arrange regular informal meetings with chairs, vice-chairs, and Members of committees and subcommittees.

8.2. Senior officers (including the Monitoring Officer and the Section 151 Officer) have the right to present reports and give advice to committees and sub-committees.

8.3. 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.

8.4. 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.

9. Party Groups and Officers (excluding Political Assistants)

9.1. Chief Officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.

9.2. 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.

9.3. 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.

9.4. 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.

9.5. 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.

9.6. 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.

9.7. 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.

9.8. In their dealings with party groups, Officers must treat each group in a fair and even-handed manner.

9.9. Members must not do anything which compromises or is likely to compromise Officers' impartiality.

9.10 .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.

9.11 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.

9.12. 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.

9.13. 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.

9.14. No Member will refer in public or at meetings of the Council to advice or information given by Officers to a party group meeting.

9.15. 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.

9.16. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Monitoring Officer and the relevant party group leader.

10. Local Members and Officers

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.

10.1. 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 a scrutiny investigation.

10.2. Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed.

10.3. 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.

10.4. 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.

10.5. No such meetings should be arranged or held in the immediate run-up to Council elections. (Refer to the Council’s Purdah Guidance).

10.6. 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.

10.7 Officers must never be asked to attend ward or constituency political party meetings.

10.8 It is acknowledged that some Council staff (e.g. those providing dedicated support to Cabinet 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.

10.9. 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.

11. Members' access to documents and information

This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution.

11.1. 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.

11.2. Every Member of the Cabinet, and Scrutiny Committees and/or any other committee or sub-committee has a right to inspect documents about the business of that Scrutiny Committee, other committee or sub-committee or the Cabinet.

11.3. A Member who is not a member of a specific Scrutiny Committee, other committee or sub-committee, or the Cabinet 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.

11.4. 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.

11.5. 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.

11.6. Information given to a Member must only be used for the purpose for which it was requested.

11.7. 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.

.

11.8. 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.

11.9. When requested to do so, Officers will keep confidential from other Members advice requested by a Member.

11.10. Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

12. Media Relations

All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity which includes the Code of Recommended Practice on Local Government Publicity (2011)

12.1. 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.

12.2. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

12.3. Before responding to enquiries from the media, Officers shall ensure they are authorised to do so.

12.4. 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.

12.5. 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; or in an emergency situation
- 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.

12.6 In an emergency or civil contingency, official statements will be issued through the press office after liaising with relevant council leadership, the lead authority responding and relevant partners

- In such a situation the council may also appoint an official spokesperson
- Officers should not comment or speculate about an emergency or civil contingency before speaking to the press office (the press office will have been activated as part of the council's emergency planning process and will have the facts and what is in the public domain)
- Members should not comment or speculate about an emergency or civil contingency before speaking to ?

12.7 During the pre-election period (previously known as 'purdah') members and officers must follow the official publicity guidance issued at the time to ensure a fair election.

13. Correspondence

13.1. 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, there should be no "blind" copies.

13.2. 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 Cabinet member or the chair of a Scrutiny Committee.

13.3. The Mayor may initiate correspondence in his/her own name.

13.4. 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.

13.5. When writing in an individual capacity as a ward Member, a Member must make clear that fact.

14. Access to premises

14.1. 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.

14.2. Members have a right of access to Council land and premises to fulfil their duties.

14.3. 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.

15. Use of Council Resources

The Council provides all members with services 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.

15.1. 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.

15.2. 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.

16. Interpretation, Complaints and Allegations of Breaches

The protocol should be read in conjunction the Council's "whistle- blowing" policy and social media guidance.

Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

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.

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.

A serious breach of this protocol by an Officer may lead to an investigation under the Council's disciplinary procedure.

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 Monitoring Officer / Standards Committee.

Review date May 2023

Next date for review May 2025

Anti-Fraud & Corruption Strategy

Document Control

Title	Bury Council Anti-Fraud & Corruption Strategy
Document Type	
Author	FAIR Team
Owner	Corporate Core - Finance
Subject	Anti-Fraud & Corruption
Date Created	July 2023
Approval Date	
Review Date	

Bury Council

Contents

1. Introduction 3
2. Aims 3
3. Scope 4
4. What is Fraud? 4
5. Roles & Responsibilities 5
6. Managing the Risk of Fraud and Corruption 6
7. Monitoring and Review 11
8. Other Relevant Policies 11

1. Introduction

Bury Council is committed to enabling and securing the highest standards of conduct, honesty, propriety and accountability from its staff and from individuals and organisations who conduct business with Bury Council in delivering its services and the management of its resources and assets. This includes making sure that the opportunity for fraud, bribery and corruption is minimised and adopting a 'Zero Tolerance' approach to fraud and corruption. We will take decisive action where these offences are found to have been committed.

The range, nature, and size of Bury Council activities, means there is an ever-present risk of loss due to fraud and corruption from both internal and external sources. By putting in place effective measures to counter the risk of fraud and corruption, Bury Council can reduce losses which undermine standards of service and reduce the resources available for the good of the Bury community.

Bury Council will work collaboratively with government, other local authorities and public bodies, including the Greater Manchester Police and National fraud agencies to minimise the impacts of fraud and corruption on the public purse.

Whilst it is difficult to fully quantify, fraud and corruption has been previously estimated by the National Fraud Authority as costing UK Local Government at least £2.2 billion a year, and more recent figures are quoting fraud as costing £7.8bn As such, it is vital that Bury Council has a comprehensive strategy in place to guide our Anti-fraud and Corruption culture, prevention, and response. Through its Elected Members and officers, Bury Council works hard to establish a reputation as a responsible guardian of public funds, but we need to be vigilant to ensure that this reputation is safeguarded.

We will endeavour to do our utmost to foster a culture in which fraud and corruption are kept to a minimum, and any attempt to conduct illegal activity, either internally or externally, against Bury Council will be robustly investigated.

Bury Council will seek to ensure this Anti-Fraud Strategy which outlines our corporate stance on tackling fraud, corruption and wrongdoing is widely publicised and that all stakeholders have access to the appropriate policy and procedural guidance and training. The policy will be posted on the Council's website, where it can be accessed by both staff and members of the public. Fraud awareness will be promoted throughout the Council which will be delivered via online training modules, newsletters, and briefings and presentations by representatives of the Fraud, Audit, Insurance and Risk Team, to working groups / team meetings across the Council

2. Aims

The aim of this strategy is to raise awareness and educate staff, Councillors and residents about the risk of fraud occurring and the intention is to prevent fraud from occurring and protect the public purse, Bury residents and Bury Council assets and to ensure that fraud and corruption both within and perpetrated against Bury Council are kept to an absolute minimum.

This strategy sets out Bury Council's approach to managing the risk of fraud and corruption and how an anti-fraud and corruption culture is established and promoted. In all instances

where fraud cannot be prevented, we will conduct robust investigations and bring fraudsters to account. By adopting this strategy, we are committing to:

- Develop and maintain a culture within Bury in which fraud and corruption are unacceptable.
- Continually assess and monitor our fraud risks and our internal control framework.
- Continually improve the effectiveness of fraud prevention including the use of technology.
- Share information effectively via data matching exercises and analysis to help prevent and detect instances of fraud and error.
- Confirm the responsibilities of Directors and Officers in managing the risk of fraud and corruption; and
- Demonstrate how Bury Council meets best practice principles under the CIPFA guidance Managing the Risk of Fraud and Corruption in Local Government and Fighting Fraud and Corruption Locally (FFCL) Strategy.

This strategy is underpinned by other related anti-fraud policies and behaviour policies including the Whistleblowing Policy, Anti-Fraud and Corruption Prosecution Policy, Anti-Bribery Policy; Anti-Money Laundering Policy and Employee and Member Codes of Conduct.

The effectiveness of this strategy will be subject to regular review, by the Head of Fraud, Audit, Insurance and Risk, Section 151 Officer, Monitoring Officer, and the Audit Committee. In the case of significant changes, the strategy will be presented for approval to the Audit Committee.

3. Scope

This strategy and associated Policies apply to all Bury Council activities and covers all employees, Elected Members and Advisors. It also extends to Consultants, temporary agency staff, external persons working for Bury Council such as contractors, delivery partner staff, and also suppliers, funded bodies and any other external agencies in their business dealings with Bury Council.

4. What is Fraud?

4.1. Fraud

Fraud can be broadly described as acting dishonestly with the intention of making a gain for themselves or another, or inflicting a loss (or a risk of loss) on another, including:

- Dishonestly making a false representation
- Dishonestly failing to disclose to another person, information which they are under a legal duty to disclose
- Committing fraud by abuse of position, including any offence as defined in the Fraud Act 2006

The Fraud Act 2006 can be found here Fraud Act 2006 (legislation.gov.uk).

4.2. Bribery and Corruption

The Bribery Act 2010 defines bribery as “the inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages whether monetary or otherwise”.

Corruption is the abuse of entrusted power for private gain. It affects everyone who depends on the integrity of people in a position of authority.

- Section 7 of the Act created the offence of failure by an organisation to prevent a bribe being paid for or on its behalf. It is possible to provide a defence by implementing adequate procedures to prevent bribery occurring within the organisation. If these cannot be demonstrated and an offence of bribery is committed within the organisation senior officers of the Council can be held accountable.
- A separate anti-bribery and corruption policy is to be prepared and will be made available on the Council website. Target date for this document to be completed, approved and uploaded to the website is end of October 2023.

5. Roles & Responsibilities

The primary defence against fraud and corruption is the establishment of sound practices and systems that incorporate effective controls, which are subject to regular scrutiny and oversight.

Our staff also play a key role in the prevention and detection of attempts of fraud, corruption, or bribery. We expect and encourage them to be alert to the possibility of acts of fraud, corruption, or bribery and to raise any such concerns at the earliest opportunity.

Staff have a duty to protect Bury Council assets, including information, as well as property. When an employee suspects that there has been fraud or corruption committed against the Council, they must report the matter in line with the Whistleblowing Policy.

Some individuals or groups of individuals have specific responsibilities, as follows:

- Collectively, the Chief Executive, the Executive Team, the Senior Leadership Team, and members of the Senior Managers Forum have responsibility for ensuring that Bury Council has effective measures in place to identify, detect, and deal with matters of a fraudulent nature. The Chief Executive’s Management Team has a responsibility to support and promote an anti-fraud culture.
- The Section 151 Officer and The Head of Fraud, Audit, Insurance and Risk (F.A.I.R) have the responsibility to ensure that proper arrangements are in place to administer the Council’s financial affairs and for the promotion and delivery of the anti-fraud strategy and coordination of key activities.
- Directors of functional areas and Managers contribute to the delivery of the strategy and have a responsibility for ensuring they are aware of the risks of fraud and irregularity, for obtaining assurance that these risks are being appropriately managed in their area and for raising risks or issues with Senior Management and Internal Audit.
- All staff are required to comply with Bury Councils policies and procedures, to be

aware of the possibility of fraud, corruption and theft, to report any genuine concerns to management and to the Head of Fraud, Audit, Insurance and Risk (F.A.I.R), and to ensure that internal controls, within their area of responsibility, for the prevention and detection of fraud, are rigorously observed and applied.

- Whistleblowing arrangements are in place to allow suppliers, contractors, and other stakeholders to report any concerns/suspicions to Internal Audit. These arrangements will provide protection for the complainant, as required, under the Public Interest Disclosure Act 1998 and Bury Council's Whistleblowing Policy. The Whistleblowing Policy is a separate document, approved by Audit Committee in July 2023, and is available on the Council's website.
- Bury Council's Mayor and Elected Member roles and responsibilities in relation to the prevention of fraud and corruption are discharged through the Audit Committee and the Council's Executive Management Team.

6. Managing the Risk of Fraud and Corruption

Our strategy incorporates the best practice guidance for combatting fraud in Local Government and is based on the following publications:

- Fighting Fraud Corruption Locally Strategy 2020 | CIPFA
- Code of Practice on Managing the Risk of Fraud and Corruption | CIPFA
- Review into the risks of fraud and corruption in local government procurement | Local Government Association

Bury Council will adhere to the key principles set out in the CIPFA Code of Practice on Managing the Risk of Fraud and Corruption in Local Government (the Code) and Fighting Fraud and Corruption Locally (FFCL) strategy as these represent best practice and compliance with these measures will enable Bury Council to demonstrate effective stewardship of public funds.

The FFCL highlights the following pillars of activity that local authorities should focus its efforts on, to tackle the thread of Fraud.



GOVERN
Having robust arrangements and executive support to ensure anti-fraud, bribery and corruption measurers are embedded throughout the organisation.
This strategy seeks to make sure that those who are charged with governance provide the necessary Executive support required to ensure that there are robust arrangements to embed counter fraud, bribery, and corruption measures throughout Bury Council.
Bury Council Priorities for 2023-25
• Develop a Counter Fraud Strategy. • Review and update of the Policy Framework specifically Whistleblowing, Anti-Money Laundering and Anti-Bribery and Corruption. • Ensuring staff know how to report concerns and are aware of the Whistleblowing procedures • Conduct an Organisational Fraud Risk Assessment (Based on the CIPFA model). • Develop and embed a Risk Management Strategy

ACKNOWLEDGE
Accessing and understanding fraud risks *Committing to the right support and tackling fraud and corruption* *Demonstrating that it has a robust anti-fraud response* *Communicating the risks to those charged with Governance*
Bury Council acknowledges that no organisation is free from the risk of fraud, corruption and wrongdoing.
Bury Council Priorities for 2023-25
Anti-Fraud Response – Develop a fraud response plan and work programme based on the outcome of the fraud risk assessment. This will include a mix of proactive, preventative work and reactive fraud investigation work. Training and Awareness – The Fraud, Audit, Insurance and Risk team will help to develop and promote a strong anti-fraud culture. We will work in conjunction with other Directorates and services to raise staff and public awareness. Collaboration – We will collaborate with Greater Manchester partners and the North West Chief Audit Executive Fraud Sub-Group in sharing understanding of emerging fraud risks and policies and plans. Understanding Fraud Risks – Regularly review emerging fraud risks, our mitigations and exposure.

PREVENT
Making the best use of technology *Enhancing fraud controls and processes* *Developing a more effective anti-fraud culture* *Communicating its' activity and successes*
Preventative measures help to make offences more difficult to carry out. Prevention establishes physical, logical, and procedural barriers to discourage fraud and corruption, by implementing proportionate and cost-effective countermeasures to prevent or reduce the identified fraud risk. This includes: • Delivery of the Internal Audit Plan, which is informed by the organisations' risk registers, which include fraud risks. • The effectiveness of the system of internal control in preventing and detecting fraud, bribery and corruption is reported upon in Bury Council's Annual Governance Statement. • All Bury Council's core financial systems and processes should be fully documented, the documentation kept up to date. • Effective segregation of duties; a prerequisite of a sound system of control over financial transactions is the separation of duties. This principal is an essential preventative control over fraudulent and corruption practices. • Recruitment and selection of employees is a key preventative measure in the fight against fraud and corruption and it is important to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential employees, in terms of propriety and integrity. • Potential conflicts of interest are flagged via the Declaration of Interest protocols at meetings where decisions are taken. • Fraud awareness training is provided via e-learning. Managers are responsible for raising awareness of fraud risks in local induction and on-the-job training
Bury Council Priorities for 2023-25
• Internal Controls and processes - Management at all levels within the organisations have a responsibility for the prevention of fraud and corruption. Internal Audit will work with Managers to ensure that a robust control framework is in place within Bury Council. Audit improvement actions to systems and processes will be monitored via the Audit Tracking Process. • Data Analytics and Use of Technology – we will adopt a collaborative approach working with colleagues in Greater Manchester and Partner organisations to help prevent fraud. We will participate in the National Fraud Initiative (NFI) mandatory Data Matching exercise on a two-year basis to help identify fraud and error and subscribe to other local data analysis initiatives. • Fraud Awareness Training – Developing corporate counter fraud training to be provided via e-learning and targeted training which is aligned to risks. Managers are responsible for raising awareness of fraud risks in local induction and on-the-job training. • Developing a more effective anti-fraud culture – Promoting a culture of good governance and personal and ethical conduct through our organisational behavioural policies. Ensuring we have

effective reporting arrangements and staff are encouraged to raise genuine concerns through the appropriate reporting channels including Whistleblowing.

- Delivering work outlined in the Annual Fraud Plan.
- Publicising Successes – communicating successful outcomes across the organisation to act as a deterrent. Proactively share fraud alerts and scams with staff and details of emerging fraud risks.

PURSUE
Prioritising fraud recovery and use of civil sanctions *Developing capability and capacity to punish offenders* *Collaborating across geographical and sectoral boundaries* *Learning lessons and closing the gaps*
To develop a robust enforcement response to pursue fraudsters and deter others. It is important in maintaining an anti-fraud culture within the organisation, that all offences are dealt with in a consistent manner and that minor unethical practices are not overlooked (such as petty theft or small scale expenses fraud) or dealt with in a unduly lenient manner.
Bury Council Priorities for 2023-25
There is a range of measures • Where there is evidence of fraud or corruption, the matter will be investigated and we may refer the matter to our legal team to consider prosecution. It is recognised that it may not always be in the public interest to refer cases for criminal proceedings. Additionally, disciplinary investigations may also be instigated. These investigations will follow the HR guidance for Disciplinary, capability and grievance procedures which are available to staff on the Council's intranet. • Where fraud and corruption is proved and a financial loss has been suffered, Bury Council will seek to recover the full value of any loss from the perpetrators. This may involve civil proceedings being instigated through the courts. • We will make use of legislation, for example the Proceeds of Crime Act 2002, to ensure that funds are recovered where possible by the organisation. • Bury Council will publicise successful actions it has taken against fraudsters through Press Releases and on Council Intranet and Web pages. • Conducting Lessons Learned reviews where fraud and error has occurred and where improvements are required to strengthen the control framework and reduce the risk of reoccurrence.

7. Monitoring and Review

This strategy is owned and approved by Bury Council's Audit Committee and will be reviewed and approved on an annual basis alongside the annual Internal Audit and Fraud Plans.

The effectiveness of the strategy will be reviewed by the Head of Fraud, Audit, Insurance and Risk and Bury Council's Audit Committee. The review will encompass a review of Anti-fraud arrangements against the key principles set out in the CIPFA Code of Practice on Managing the Risk of Fraud and Corruption in Local Government (the Code) and FFCL strategy as these represent best practice and compliance with these measures will enable Bury Council to demonstrate effective stewardship of public funds.

Progress of fraud related activity will be reported to Audit Committee on a quarterly basis with an annual report presented on the outcome of fraud referrals.

8. Other Relevant Policies

The following polices should be read in conjunction with this Anti-Fraud & Corruption Strategy: [hyperlink these when published on the intranet]

- Whistleblowing Policy
- Anti-Fraud & Corruption Prosecution Policy
- Anti-Money Laundering Policy
- Anti- bribery and corruption Policy
- Annual Fraud Plan
- Code of Conduct for Members
- Code of Conduct for Officers
- Risk Management Strategy (to be developed)

This page is intentionally left blank

Fraud and Corruption - Prosecution Policy

Document Control

Title	Bury Council – Fraud & Corruption Prosecution Policy
Document Type	
Author	FAIR Team
Owner	Corporate Core Finance
Subject	Counter Fraud & Corruption
Date Created	July 2023
Approval Date	
Review Date	

Bury Council

Contents

1. Scope and Purpose 3
2. Principles 3
3. Prosecution 4
4. Mitigating Factors 5
5. Alternatives to Prosecution 6
6. Proceeds of Crime Act 2002 (POCA) 8
7. Review 8

1. Scope and Purpose

The fraud and corruption prosecution policy forms part of the Council's overall counter fraud and corruption arrangements. The policy covers all acts, and/or attempted acts, of fraud or corruption committed by officers or members of the Council, or committed by members of the public, or other organisations or their employees, against the Council.

The policy sets out the circumstances in which the Council will take legal action against the perpetrators of fraud or corruption. It also sets out the circumstances when it is appropriate to consider alternative courses of action such as offering a caution.

In addition to prosecution, where employees are alleged to have committed fraud, an internal investigation may also be undertaken following the Council's Disciplinary, Capability and Grievance Procedures which are detailed on the Council's intranet.

This policy should be read in conjunction with the Council's constitution, financial regulations, the anti-fraud strategy, the whistleblowing policy and the Council's disciplinary policy and procedures.

The policy contains specific guidelines for determining the most appropriate course of action when fraud has been identified. Offences other than fraud and corruption (for example those relevant to the enforcement of regulations) are dealt with by the appropriate service departments under other policies and relying on specific legal powers.

2. Principles

The Council is committed to deterring fraud and corruption. As part of its overall strategy to do this, the Council will seek to take appropriate action against anyone suspected to have attempted and/or committed a fraudulent or corrupt act against it. The Council considers that those guilty of serious fraud or corruption must take responsibility for their actions before the courts.

The policy is designed to ensure that the Council acts fairly and consistently when determining what action to take against the perpetrators of fraud or corruption.

Where evidence is identified that staff and members may have committed fraud or corruption they may be prosecuted in addition to such other action(s) that the Council may decide to take, including disciplinary proceedings and referral to the relevant officer or professional body. Any decision not to prosecute a member of staff for fraud and corruption does not preclude remedial action being taken by the relevant director(s) in accordance with the Council's disciplinary procedures or other policies.

This Policy is also designed to be consistent with council policies on equalities. The Council will be sensitive to the circumstances of each case and the nature of the crime when considering whether to prosecute or not. This document may be made available in alternative language upon request.

The consistent application of the policy will provide a means for ensuring that those who have perpetrated fraud and corruption are appropriately penalised. It will also act as a meaningful deterrent to those who are contemplating committing fraud or corruption. The Council recognises the deterrent value of good publicity and therefore information regarding successful prosecutions and sanctions will be made public.

Any decision taken by the authorised officers to prosecute an individual or to offer a formal sanction will be recorded in writing. The reason for the decision being taken will also be recorded. For cases which recommend prosecution of an employee, the authorised officers who will make the decision to prosecute are the Monitoring Officer in conjunction with the S151 Officer and the Head of Human Resources. For all other cases, the authorised officers making the decision to prosecute are the Head of Fraud, Audit, Insurance and Risk in conjunction with Head of Legal Services.

Irrespective of the action taken to prosecute the perpetrators of fraud and corruption, the Council will take whatever steps necessary to recover any losses incurred, including taking action in the civil courts.

3. Prosecution

In the accordance with The Code for Crown Prosecutors[1] this policy is intended to ensure the successful prosecution of offenders in court. However, not every contravention of the law should be considered for prosecution. The Council will weigh the seriousness of the offence (taking into account the harm done or the potential for harm arising from the offence) with other relevant factors, including the financial circumstances of the defendant, mitigating circumstances and other public interest criteria. All cases will be looked at individually and be considered on their own merit.

To consider a case for prosecution the Council must be satisfied that The Code for Crown Prosecutors two tests have been passed. Firstly, there must be sufficient evidence of guilt to secure a conviction. This is called the **evidential test**. Secondly, it must be in the public interest to proceed – the **public interest test.**

3.1. Evidential Test

[1] https://www.cps.gov.uk/publication/code-crown-prosecutors

To pass the evidential test, authorised officers must be satisfied that there is a realistic prospect of conviction based on the available evidence (that is, there must be sufficient admissible, substantial and reliable evidence to secure a conviction):

3.2. Public Interest Test

To pass the public interest test, the authorised officer will balance, carefully and fairly, the public interest criteria against the seriousness of the offence. The public interest criteria include:

- the likely sentence (if convicted)
- any previous convictions and the conduct of the defendant
- whether there are grounds for believing the offence is likely to be repeated
- the prevalence of the offence in the area
- whether the offence was committed as a result of a genuine mistake or misunderstanding
- any undue delay between the offence taking place and/or being detected and the date of the trial
- the likely effect that a prosecution will have on the defendant
- whether the defendant has put right the loss or harm caused.

It will generally be in the public interest to prosecute if one or more of the following factors applies, subject to any mitigating circumstances:

- the actual or potential loss to the Council was substantial
- the fraud has continued over a long period of time
- the fraud was calculated and deliberate
- the person has previously committed fraud against the Council (even if prosecution did not result) and/or there has been a history of fraudulent activity
- the person was in a position of trust (for example, a member of staff)
- there has been an abuse of position or privilege
- the person has declined the offer of a caution or financial penalty
  the case has involved the use of false identities and/or false or forged documents

Investigating officers and prosecutors will review the appropriateness of pre-charge engagement where prosecution is considered. This is likely to occur where such engagement may lead the defendant to volunteer additional information that may identify new lines of inquiry. Pre-charge engagement may be instigated by the investigating officer, the council prosecutor, the defendant's representative or a defendant themselves (if unrepresented).

4. Mitigating Factors

The following mitigating factors will be taken into account when determining whether to prosecute:

4.1. Voluntary Disclosure

A voluntary disclosure occurs when an offender voluntarily reveals fraud about which the Council is otherwise unaware. If this happens, then the fraud will be investigated but the offender will not be prosecuted unless in exceptional circumstances. However, any person colluding in the crime will still be prosecuted. A disclosure is not voluntary if the:

- admission is not a complete disclosure of the fraud
- admission of the fraud is made only because discovery of the fraud is likely, (for example, the offender knows the Council is already undertaking an investigation in this area and/or other counter fraud activity)
- offender only admits the facts when challenged or questioned
- offender supplies the correct facts when making a claim to Legal Aid

4.2. Ill Health or Disability

The suspects mental and physical health will be taken into account before any decision is made to prosecute. Evidence from a GP or other doctor will be requested. It is also necessary to prove that the person understood the rules governing the type of fraud committed and was aware that their action is wrong. This may not be possible where, for instance, the offender has serious learning difficulties. However, simple ignorance of the law will not prevent prosecution.

4.3. Social Factors

A wide range of social factors may make a prosecution undesirable. The test is whether the court will consider the prosecution undesirable and go on to reflect that in the sentence.

4.4. Exceptional Circumstances

In certain exceptional circumstances the Council may decide not to prosecute an offender. Such circumstances include:

- the inability to complete the investigation within a reasonable period of time
- the prosecution would not be in the interests of the Council
- circumstances beyond the control of the Council make a prosecution unattainable

5. Alternatives to Prosecution

If some cases are considered strong enough for prosecution but there are mitigating circumstances which cast a doubt as to whether a prosecution is appropriate then

the Council may consider the offer of a sanction instead. The three sanctions available are:

- a caution, or
- a financial penalty, or
- a civil penalty

5.1. Simple Cautions

A simple caution is a warning given in certain circumstances as an alternative to prosecution, to a person who has committed an offence. All cautions are recorded internally and kept for a period of six years. Where a person offends again in the future, any previous cautions will influence the decision on whether to prosecute or not.

For less serious offences a simple caution will normally be considered where all of the following apply:

- there is sufficient evidence to justify instituting criminal proceedings
- the person has admitted the offence
- there is no significant public interest in prosecution
- it was a first offence
- a financial penalty is not considered to be appropriate.

Only in very exceptional circumstances will a further caution be offered for a second or subsequent offence of the same nature.

Cautions will be administered by the Head of Fraud, Audit, Insurance & Risk, or a Senior Corporate Fraud Officer on behalf of the Council. If a caution is offered but not accepted, the Council will usually consider the case for prosecution. In such cases the court will be informed that the defendant was offered a caution but declined to accept it.

5.2. Financial Penalties – Council Tax and Council Tax Reduction Scheme

The Council Tax Reduction Schemes (Detection of Fraud and Enforcement – England) Regulations 2013, permit a financial penalty to be offered to claimants as an alternative to prosecution. The penalty is set at 50% of the amount of the excess reduction, subject to a minimum of £100 and a maximum of £1000. Once a penalty is accepted, the claimant has 14 days to change their mind.

Subject to the criteria set out in the guidelines below, a financial penalty will normally be offered by the Council in the following circumstances:

- the Council believes that there is sufficient evidence to prosecute
- it was a first offence or a previous offence was dealt with by way of a caution, and
- in the opinion of the Council, the circumstances of the case mean it is not

overwhelmingly suitable for prosecution, and

- the claimant has the means to repay both the overpayment and the penalty, and
  there is a strong likelihood that both the excess reduction and the penalty will be repaid

5.3. Civil Penalties for failure to supply information – Council Tax

Schedule 3 of the Local Government Finance Act 1992 allows Bury Council to impose a penalty of £70 where a person fails to comply with certain requirements as to the supply of information.

A penalty can be imposed on any person who:

- has been requested by the Council to supply information to identify the liable person for Council Tax and has failed to supply this information, or
- has knowingly supplied information, with regard to identifying the liable person, which is inaccurate in a material particular, or
- has failed, without reasonable excuse, to notify the Council that the dwelling will not be, or was no longer an exempt dwelling, or
- has failed, without reasonable excuse, to notify the Council that the chargeable amount is not subject to a discount or is subject to a discount of a lesser amount.

It is important to note that the suspect does not need to have admitted the offence for a financial penalty to be offered. Financial penalties will be administered by the Head of Fraud, Audit, Insurance & Risk, or a Senior Corporate Fraud Officer. If a financial penalty is not accepted or is withdrawn, the Council will usually consider the case for prosecution. In such cases, the court will be informed that the defendant was offered a penalty but declined to accept it.

6. Proceeds of Crime Act 2002 (POCA)

In addition to the actions set out in this policy, the Council reserves the right to refer all suitable cases for financial investigation with a view to applying to the courts for restraint and/or confiscation of identified assets. A restraint order will prevent a person from dealing with specific assets. A confiscation order enables the Council to recover its losses from assets which are found to be the proceeds of crime.

7. Review

Bury Council will continue to review its rules and procedures and will make sure that the Fraud and Corruption - Prosecution Policy is regularly reviewed to ensure it stays current, appropriate and effective.

Whistleblowing (Confidential Reporting) Policy

Document Control

Title	Bury Council Whistleblowing (Confidential Reporting) Policy
Document Type	
Author	FAIR Team
Owner	Corporate Core - Finance
Subject	Whistleblowing
Date Created	July 2023
Approval Date	
Review Date	

Bury Council

Contents

1. Introduction 3
2. Aims and scope 4
3. Our assurances to you 4
4. How to raise a concern 5
5. How the Council will respond and handle the matter 6
6. How matters of concern can be taken further 7
7. How we will protect your data 8
8. How we will monitor complaints 9
9. Training and awareness 9
10. Review 9

1. Introduction

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it is expected that employees who have concerns about any aspects of the Council's work should come forward and voice those concerns. It is recognised that some cases will have to proceed on a confidential basis.

This Whistleblowing (Confidential Reporting) Policy intends to encourage and enable employees to raise any concerns within the Council – see Section 4.

This policy applies to all employees. For the purpose of this policy only, the term "employees" also includes contractors and suppliers working for or on behalf of the Council, on Council premises or elsewhere.

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 the Public Interest Disclosure Act 1998 does not extend to disclosures made by members of the public. You can contact us by:

- Our online form - https://www.bury.gov.uk/my-neighbourhood/fraud
- Phone – 0161 253 6446
- Email - whistleblowing@bury.gov.uk

Child safeguarding concerns, for example that a child may have suffered harm, neglect or abuse, can be reported to Children's Safeguarding on 0161 253 5678 or email childwellbeing@bury.gov.uk; or in an emergency contact the Police direct on 101 or 999 in an emergency.

Adult safeguarding concerns can be reported to the Adult Safeguarding on 0161 253 5151 or email adultcareservices@bury.gov.uk; or in an emergency contact the Police direct (101 for non-urgent and 999 for urgent matters).

If you are a School employee, please refer to Appendix 1 of this document, which details arrangements for whistleblowing for School Employees.

The whistleblowing policy is not to be used where other more appropriate reporting procedures are available, either within the Council, or within a school, for example, in relation to any grievance relating to employment matters or to make a general complaint about a service / school.

This document may be made available in alternative language upon request

2. Aims and scope

This policy aims to:

- encourage employees to feel confident in raising any concerns and to question and act upon concerns about unacceptable behaviour or practice within the Authority
- provide avenues for employees to raise those concerns and receive feedback on any action taken
- ensure that employees receive a response to their concerns and that employees are aware of how to pursue them if they are not satisfied, and
- reassure employees that they will be protected from possible reprisals or victimisation if employees have a reasonable belief that they have made any disclosure in the public interest.

There are existing procedures to lodge a grievance relating to employment matters http://intranet/index.aspx?articleid=12567. The Whistleblowing (Confidential Reporting) Policy is intended to cover all concerns that fall outside the scope of other policies/procedures. It may cover concerns such as:

- Conduct which is an offence or a breach of the law
- Disclosures related to miscarriages of justice
- Damage to the environment
- Unauthorised or inappropriate use of public funds
- Fraud, corruption and bribery
- Health and safety risks, including risks to the public as well as other employees
- Abuse/harassment of a service recipient or council employee
- Vulnerable adult or child safeguarding concerns, for example harm, neglect or abuse
- Modern Slavery, and
- Unethical conduct

Any concerns that employees have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can also be reported under the Whistleblowing (Confidential Reporting) Policy within Section 4. This may be about something that:

- is against the Council's Constitution and policies, or
- falls below established standards of practice, or
- amounts to improper conduct.

3. Our assurances to you

3.1. Your Safety

3.1.1. The Council are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of action against you as a result. Not only is the Council committed to this, but

you also have legal protection under the Public Interest Disclosure Act 1998. Providing you are acting in good faith, it does not matter if you are mistaken. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation, frivolously or for personal gain, disciplinary action may be taken against you.

3.2. Your Confidence

3.2.1. We will not tolerate the harassment or victimisation of anyone raising a genuine concern. Disciplinary action may be taken against those who victimise a person reporting a concern.

3.2.2. We hope that you will feel able to raise concerns openly as this will make it much easier to resolve any issues. We also know that others may well try to deduce the source of any complaint. However, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not normally disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court or you are at risk of harm) we will discuss with you whether and how we can proceed. Despite your request for confidentiality, there may be circumstances therefore, where the Council must disclose your identity. For example, if safeguarding concerns are identified.

3.3. Anonymous complaints

3.3.1. If you do not tell us who you are, we will still consider anonymous reports, however it will be much more difficult for us to look into the matter, to protect your position or to give you feedback.

4. How to raise a concern

As a first step, employees should normally raise concerns with their immediate manager or their supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if employees believe that management is involved, or if they need advice and guidance on how to pursue matters, they should approach:

- Head of Fraud, Audit, Insurance & Risk – 0161 253 5085
- Executive Director of Finance – 0161 253 7858
- Director of Law and Democratic Services – 0161 253 5592
- Director of People and Inclusion – 0161 253 5880
- Chief Executive – 0161 253 5002

Alternately, you can contact the Whistleblowing Hotline:

- Online form - https://www.bury.gov.uk/my-neighbourhood/fraud
- By phone – 0161 253 6446
- By email - whistleblowing@bury.gov.uk
- In writing – by marking your correspondence as private and confidential and addressing to the appropriate Officer to: Town Hall, Knowsley Street,

Bury, BL9 0SW

Concerns to the Council may be raised online, verbally or in writing/email. Employees who wish to put their complaints in writing/email should do so using the following format:

- the background, reasons and history of the concerns
- who is involved e.g. names of Officer(s), Company/Contractor name(s), name of Councillor(s) etc
- any relevant dates or times
- any witnesses
- any evidence (which can be included within the letter or attached to an email)
- if anyone else has been informed, along with their name and any other relevant information
- any additional information you wish to provide e.g. vehicle registration numbers, descriptions etc

- Information about yourself (you do not have to provide this information if you wish to remain anonymous, but a telephone number will be helpful so that we can obtain any further details that we may need, to help with the investigation):
    - Your name
    - Preferred contact number (so that we can obtain further information from you if needed)
    - Preferred time of contact (if you have provided us with a telephone number)
    - Email address

The earlier employees express their concerns, the easier it is to take action. It is important to provide **all** information and evidence from the outset in order for officers to undertake a thorough and timely investigation. You should not try to investigate your concerns before / after reporting them as a whistleblowing concern.

Although employees are not expected to prove the truth of allegations, they will need to demonstrate to the person contacted that there are reasonable grounds for their concerns.

If employees are unwilling to refer the matter of concern to one of the internal sources above, then section 6 contains details of how concerns can be reported elsewhere.

Employees may invite their trade union or professional association representative or workplace colleague to be present during any meetings or interviews in connection with the concerns they have raised.

5. How the Council will respond and handle the matter

Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation.

A team of officers will usually be established to investigate the allegations. The team will include as a minimum, to maintain independence, a member of the Fraud, Audit, Insurance and Risk Team and, to ensure someone with knowledge of the service / legislation around the service, an appropriate representative from the service against which the allegation has been made. A HR contact for the duration of the investigation will also be nominated to assist and support the team where required.

In the event that allegations are made against a member of the FAIR Team, the Head of HR and the Monitoring Officer will appoint an investigation team.

The Investigation Team will follow the guidance for conducting effective investigations which is available to Bury Council employees via the intranet (Disciplinary, capability and grievance procedures).

At the conclusion of the investigation a report will be written, (see template at Appendix 2). The report will be shared with the Director of People and Inclusion, and the Executive Director of the department responsible for implementing recommendations. The report will also be shared with the Council's Monitoring Officer, Executive Director of Finance, and Chief Executive. The report will also be submitted to Audit Committee Members for their information .

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as appropriate. As a minimum, we will let you know when the enquiries have been completed.

Within ten working days of a concern being received, the Head of Fraud, Audit, Insurance & Risk or another designated officer will write to the complainant in those instances where the complainant has provided contact details:

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- indicating whether any initial enquiries have been made
- supplying information on staff support mechanisms, and
- indicating whether further investigations will take place and, if not, why not.

The amount of contact between the investigating officers considering the issues and the relevant employee making the whistleblowing disclosure will depend on the nature of the circumstances. If necessary, further information will be sought from the relevant employee.

Meetings can be arranged at a mutually convenient location, and away from the workplace if required.

6. How matters of concern can be taken further

This policy is intended to provide employees with an avenue to raise concerns within the Authority. However, if employees are reluctant to raise their concern through

internal channels, or if they feel that matters of concern previously reported have not been dealt with satisfactorily, then the following are possible contacts if they wish to take matters further:

- Local Councillors – details of how to contact and surgery hours are on the Council's website www.bury.gov.uk
- Mazars - the Council's external auditors. They are completely independent from the Council and can be contacted on 0161 238 9200 or by writing to them at 1 St. Peter's Square, Manchester, M2 3DE
- Relevant professional bodies or other government organisations
- Solicitors
- Greater Manchester Police – telephone number 101
- Protect – this is a whistleblowing charity, which provides free and strictly confidential advice and legal help to anyone concerned about a malpractice which threatens the public interest. They operate a helpline on 020 3117 2520 or can be e-mailed at whistle@protect-advice.org.uk. More information is on their website at www.protect-advice.org.uk.

If employees take matters outside the Authority, it will be necessary to ensure that they do not disclose confidential or legally privileged information. As such, it is advisable that employees take appropriate advice before proceeding.

7. How we will protect your data

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.

The Council has a legal obligation to provide the information unless it falls under one of the exemptions of the Act.

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.

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.

The principle of maintaining confidentiality should also be applied to the identity of any individual who may be the subject of a disclosure.

The Council will ensure that our handling of concerns meets the requirement of the General Data Protection Regulations and Data Protection Act 2018 and the Freedom of Information Act 2000.

8. How we will monitor complaints

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.

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.

The records held by Internal Audit will be used to analyse the impact and effectiveness of the arrangements in place in statistical terms. 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 Fraud, Audit, Insurance and Risk as part of this process.

The Chief Executive has overall responsibility for the maintenance and operation of this policy and monitoring the effectiveness of the Council's Whistleblowing Policy (Confidential Reporting) and Process. The Standards Committee has an overview of this policy.

9. Training and awareness

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.

Employees have a responsibility to ensure that they are aware of and understand the Council's policy in relation to Whistleblowing.

10. Review

Bury Council will continue to review its rules and procedures and will make sure that the Whistleblowing (Confidential Reporting) Policy is regularly reviewed to ensure it stays current, appropriate and effective.

Appendix 1

Guidance for employees of Schools

Schools maintained by the Council. Such as Community Schools, Special Schools, Voluntary Controlled or maintained nursery school and pupil referral units.

If you are an employee of a School maintained by the Council, such as a community school, special school, voluntary controlled or maintained nursery school and pupil referral units, where the Council is the legal employer, you should report your concerns in accordance with the Schools' own whistleblowing policy. However, if you are reporting a fraud, this must be reported to the Council. This can be done either by using the details of Bury Council whistleblowing policy or by using the form at https://www.bury.gov.uk/my-neighbourhood/fraud

If you are an employee of a school (as previously detailed), and you have a concern that you feel you cannot raise / discuss with the management of the school, or have good reason to believe your complaint or disclosure will not be properly handled, then you may report your concern directly to Bury Council or prescribed regulator using the Councils whistleblowing reporting procedures as detailed in this policy.

Safeguarding concerns - if the concern raised relates to a child protection issue, these should be reported to the Local Authority Designated Officer (LADO) and in line with the specific guidelines outlined in the school's safeguarding policy.

The whistleblowing policy is not to be used where other more appropriate reporting procedures are available within school, for example, in relation to any grievance relating to employment matters or to make a general complaint in relation to the school.

Employees who wish to raise concerns over practices in other schools should report these directly to the Council.

The Council expects these schools to respond to a disclosure or allegation in the same way as the Council would respond. The Headteacher or Chair of Governors would be expected to seek advice as necessary from the Council.

Internal Audit can offer advice and support to schools on the approach to be taken to investigate whistleblowing allegations to ensure concerns are properly addressed.

The action taken by schools in response to allegations made will depend on the nature and seriousness of the concern. Where appropriate, the matters raised may be:

- investigated by school management, or Council's Internal Audit Service;
- referred to the Police;
- referred to the External Auditor;

- subject of an independent enquiry.

For monitoring purposes the Headteacher or Chair of Governors must report at the earliest opportunity the details of all whistleblowing allegations or suspicions of fraud, theft or corruption made within school. These must be reported to the Council's Head of Fraud, Audit, Insurance and Risk. Internal Audit will monitor the outcome of all cases, including action taken to reduce the risk of reoccurrence.

Foundation and Voluntary Aided Schools.

This policy does not extend to staff employed in these schools as in these schools the governing body is the employer and not the Council. It is therefore the governing body who must decide how employees and workers may make a qualifying disclosure under PIDA or raise an allegation of wrongdoing.

The Council's ability to legally investigate disclosures of serious wrongdoing in foundation and voluntary aided schools is reduced unless the allegations relate to safeguarding matters, Special Educational Needs and/or financial mismanagement concerns. The Council should be notified of details of all concerns reported in relation to these matters.

As such each school should have their own whistleblowing policy and arrangements for reporting, logging and investigating concerns.

Academy Schools, Sixth Form Colleges and Free Schools

These institutions should adopt their own whistleblowing policy and procedures as the Council has no legal power to investigate, except for those concerns relating to safeguarding issues and Special Educational Needs.

If the Council receives any disclosures relating to these institutions, we will acknowledge these and seek to advise whistleblowers on an appropriate course of action on matters raised. If the disclosure relates to serious wrongdoing in respect of safeguarding issues involving Children or vulnerable adults the Council has a legal obligation to investigate and will do so irrespective of the status of the school.

In relation to schools that fall outside the scope of the Council's whistleblowing policy, Bury Council does have a process whereby any individual who has concerns of wrongdoing can contact the Council at the same time as making a whistleblowing allegation to the school. Bury Council may not be able to deal with the complaint as a whistleblowing under its own policy as this will have to be done by the school but logging this with Bury Council will enable us to monitor the progress and where possible deal with the concerns having regard to any legal obligations or duty of care in relation to the school

The Council will work with the Regional School Commissioner and Department for Education to review any matter referred to them in relation to Schools in Bury.

Employees who have major concerns about other schools or about other Council services can report these matters to Bury Council as a member of the public.

Appendix 2

Bury Council

Whistleblowing Report

Subject

Report Status	Draft / Final
Report reference	TBC by Investigating Officer from FAIR Team
Report Date	
Investigating Officers	

Report title:

Report Distribution List:

Name	Role Title	Organisation
	Executive Director of Service where allegations had been made against / responsible for implementing recommendations	Bury Council
	Director of People and Inclusion	Bury Council
	Executive Director of Finance (S151 Officer)	Bury Council
	Director of Law and Democratic Services (Monitoring Officer)	Bury Council
	Chief Executive	Bury Council
	Audit Committee Member	Bury Council

Whistleblowing Report: Subject
Report reference:

Introduction

Outline details of allegations received.

Scope of Investigation

Detail here the work undertaken to investigate the allegations received.

Findings

Summarise here what you found during the investigation

Conclusion

Conclude your work here, including reference as to whether the allegations have been founded or not

Whistleblowing Report: Subject
Report reference:

Whistleblowing Investigation: Subject

Findings and Management Action Plan

	Allegation	Work Undertaken / Findings	Conclusion	Recommendation / Further Work Required	Response from Executive Director of Service which should capture the action to be taken and by when.
	.				

This page is intentionally left blank

Bury Council

ANTI-BRIBERY POLICY

What is bribery?

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

Bribery could be through:

- The giving, promising to give or offering payment, gift or hospitality in the hope of gaining a business advantage.
- Accepting a payment from a third party when you know or suspect that it is offered with the expectation of business advantage.

Anyone receiving, or providing, gifts and hospitality, or having a business or personal interest beyond their main role within the Council, needs to consider whether their actions leave themselves and/or the Council vulnerable to allegations of bribery. Procurement, recruitment, key decision-making, and contract management are all areas of vulnerability.

Council's statement

Bribery is a criminal offence. The Council does not pay or accept bribes or offer or accept improper inducements.

The Council is committed to the prevention and detection of bribery and aims to maintain arrangements to ensure compliance.

The Council is committed to:

- setting and maintaining a clear anti-bribery policy
- making all members and employees aware of this policy
- ensuring there are appropriate mechanisms for Members and employees to report any potential conflicts of interest
- encouraging vigilance
- ensuring there are suitable channels for Members, employees and the general public to report concerns.
- taking appropriate action when a concern comes to light.

Bribery Act 2010

The Act sets out the offences that relate to the behaviour of an individual.

- Bribery of another person (section 1)
- Accepting a bribe (section 2)
- Bribing a foreign official (section 6)

The Act also sets out the corporate responsibility by the offence of failing to prevent bribery (section 7). The organisation will have a defence to this corporate offence if it can demonstrate that it had adequate procedures in place to prevent bribery.

What are the penalties?

For an individual who commits an offence under this act the maximum penalties are:

- Conviction in a magistrates' court – imprisonment term of 12 months and a fine of £5,000
- Conviction in a crown court – imprisonment term of 10 years and an unlimited fine

If the Council was found to have committed the offence under section 7 there is an unlimited fine.

Employees who are found to have breached this policy may also be subject to disciplinary action.

Who in the Council is covered by this policy?

This policy covers all personnel.

This includes all levels and grades of employees, employed on a permanent or temporary basis, working in all areas of the Council's business. It also includes contractors, volunteers and consultants. For ease of reference when this policy refers to "employees" it relates to all of the above. The policy is also relevant to Members.

The Council will share this policy with schools to ensure that they are aware of the policy and are able to introduce their own policy which should be complied with.

The Council will also seek to promote this policy with partners and suppliers and will expect them to bring it to the attention of their staff when they are working for the Council and for large partner organisations and suppliers to have similar policies in place.

Employee responsibilities

All employees are required to:

- act with honesty and integrity at all times
- avoid activity that breaches this policy
- read and understand this policy
- raise concerns if they believe/suspect a conflict with this policy has occurred, or is likely to occur in the future

Corporate responsibilities

There is a corporate responsibility to ensure that the policy and procedures in place are appropriate.

Proportionality

The policy and procedures have been developed based on the nature of the risk that the Council faces. In order to determine this the level and nature of the risk has been assessed.

Top level commitment

The lead officer is the Director of Law and Democratic Services (The Monitoring Officer). The Corporate Management Team is committed to upholding the highest standards of probity and integrity. The policy is presented to Audit Committee and formally approved by Council for inclusion within the Constitution.

Due diligence

The Council applies due diligence procedures taking a proportionate and risk based approach.

Communication/training

This policy is published to all employees, and on the Council's website, thereby demonstrating the top level commitment.

Monitoring/review

The number and nature of incidents reported will be recorded and reported annually to Audit Committee. Detailed reports of any investigations undertaken will also be provided to Audit Committee along with any lessons learned.

The policy will be subject to annual review.

Raising a concern

Employees and Members have a responsibility to raise any concern that bribery may be taking place within the organisation.

Employees and Members can raise their concerns by following the guidance in the Whistleblowing policy.

Any subsequent investigations will be undertaken in line with the process detailed in the Whistleblowing policy.

Reporting mechanism

The Director of Law and Democratic Services has overall responsibility for this policy and will report annually to Audit Committee.

Any investigated incidents will be reported to the Audit Committee.

This policy should be read in conjunction with:

- Financial Regulations
- Contract Procedure Rules
- Members code of conduct
- Employee code of conduct
- Whistleblowing policy

Anti-Money Laundering Policy

1.0 Introduction

Bury Council ("The Council") is committed to the highest standards of openness, probity and accountability and has put in place appropriate and proportionate anti-money laundering safeguards and reporting arrangements.

The aim of this policy is to set out the procedures which must be followed where money laundering is suspected within the Council.

2.0 Definition of Money Laundering

Money laundering is the illegal process of making large amounts of money, generated by criminal activity, appear to have come from a legitimate source.

The Proceeds of Crime Act (POCA) 2002 makes it an offence to; -

- conceal, disguise, convert, transfer or remove criminal property from the UK and**/or**
- enter into or become concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of *criminal property by or on behalf of another person and**/or**
- acquire, use or have possession of criminal property

These primary offences carry a maximum penalty of 14 years' imprisonment and/or an unlimited fine.

3.0 Scope of the Policy

This policy applies to all Council employees, whether permanent or temporary, and Members of the Council. Its aim is to enable Council employees and Members to respond to a concern which may arise within the course of their Council duties. Any concern, relating to a matter outside the Council, should be referred directly to the Police.

4.0 Council obligations

Whilst Local Authorities are not directly covered by the requirements of the Money Laundering Regulations, there is the risk of reputational and/or financial loss. Guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA) suggests that public service organisations should comply with the underlying spirit of the legislation and regulations and as such the Council is committed to ensuring compliance as follows:

- To appoint a money laundering reporting officer ("MLRO") to whom any suspicions of money laundering activity can be reported
- Implement a procedure to enable the reporting of suspicions of money laundering
- Maintain client identification procedures in certain circumstances

- Maintain record keeping procedures

5.0 The Money Laundering Reporting Officer (MLRO)

This is the Head of Fraud Audit, Insurance and Risk who has the ability to act upon reported cases. The deputy MLRO role is undertaken by both Senior Auditors within the Fraud, Audit, Insurance and Risk Team.

6.0 Reporting Procedure for Suspicions of Money Laundering

Where money laundering activity is suspected of taking/has taken place, this must be disclosed as soon as practicable to the MLRO using the disclosure report, attached at Appendix 1 to this policy. The disclosure report must include as much detail as possible including; -

- Full details of the people involved
- Full details of the nature of their/your involvement.
- The types of money laundering activity involved
- The dates of such activities
- Whether the transactions have happened, are ongoing or are imminent
- Where they took place
- How they were undertaken
- The (likely) amount of money/assets involved
- The reasons for the suspicions.
- Any other available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable a report to the National Crime Agency (NCA), where appropriate, to be prepared.

Copies of any relevant supporting documentation must also be provided to the MLRO.

Once the matter has been reported to the MLRO all subsequent directions from the MLRO must be followed, no further enquiries into the matter should be made as any necessary investigation will be undertaken by the National Crime Agency (NCA)

All Council employees will be required to co-operate with the MLRO and any other bodies, as directed, during any subsequent money laundering investigation.

At no time and under no circumstances should suspicions be voiced to the person(s) suspected of money laundering, or reference made on any client file without the specific consent of the MLRO. Alerting an individual to the fact that a referral has been made or making reference to this on a client file, which the client may subsequently exercise their right to see, could result in the Council employee committing an offence known as “tipping off”, for which they could be prosecuted.

The MLRO will keep the appropriate records in a confidential manner.

7.0 Consideration of the disclosure by the Money Laundering Reporting Officer

Upon receipt of a suspicion of a money laundering transaction the MLRO or nominated representative will update the money laundering incident log and undertake appropriate investigations to determine whether a report to the National Crime Agency (NCA) is required.

Once the MLRO has evaluated the allegation and any other relevant information, they will make a timely determination as to whether; -

- there is actual or suspected money laundering taking place; **or**
- there are reasonable grounds to know or suspect that is the case; **and**

- whether they need to seek consent (in liaison with the Section 151 Officer from the NCA for a particular transaction to proceed.

Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then they will update the money laundering incident log and give consent for any ongoing or imminent transaction(s) to proceed.

All suspicions referred to the MLRO and reports made by them to the NCA will be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.

If a money laundering allegation involves a member of staff who is subsequently prosecuted then Human Resources will be informed so it can be considered under the disciplinary procedure.

8.0 Policy Review

This policy will be reviewed annually

Appendix 1

CONFIDENTIAL

REPORT TO MONEY LAUNDERING REPORTING OFFICER RE: SUSPECTED MONEY LAUNDERING ACTIVITY

To: Money Laundering Reporting Officer (MLRO)

From: …… [Name of employee]

Department: …… [Post title and Service Area]

Ext / Tel No: ……

DETAILS OF SUSPECTED OFFENCE:

Name(s) and address(es) of person(s) involved:

[If a company / public body please include details of nature of business]

Nature, value and timing of activity involved:

[Please include full details e.g. what, where, how].

Nature of suspicions regarding such activity:

Has any investigation been undertaken (*as far as you are aware*)? Yes / No

If yes, please include details below:

Have you discussed your suspicions with anyone else? Yes / No

If yes, please provide details of who the discussions took place with and explain why such discussion was necessary:

Have you consulted any supervisory body for guidance? Yes / No **If yes, please specify below:**

Do you feel there is a reasonable justification for not disclosing the matter to the NCA? Yes / No
If yes, please specify below:

Please set out below any other information you feel is relevant:

Please be aware that you should not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity, as to do so may constitute a tipping off offence, under the legislation, for which you could be prosecuted.

Signed: …… Dated: ……

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 officesor 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:
Resources: (a) report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions, (b) have sufficient resources to enable him/her to address any matters concerning his/her Monitoring Officer functions; (c) have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions. 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.
Access to information/meetings: 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:

(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 inwhich 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 arealso 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 forconsidering 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 aquestion 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 recognisethat petitions are one way in which people can let us know their concerns or thestrength 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 thesematters (such as planning or licensing application matters or statutory petitionsfor a referendum.

How can a petition be submitted?

Petitions need to be submitted online and an online facility for running apetition 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 bethe 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 willrespond.

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 areregistered 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 thewhole 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 Cabinethave 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 askedwhether 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 management (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 the 10th 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 Places for Everyone Joint Development Plan – PfE – and the Unitary Development Plan) 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 (Strategy, Planning & Regulation)/Business, Growth & Infrastructure 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 Members should clearly disclose their Membership to outside groups or social media groups where there is a stated aim or clear disposition to applications or proposals that would conflict with the neutrality or open mindedness that is required to carry out the functions and duties of the Planning Control Committee. This may require Members to not take part in the committee meeting or not be a Member of the Planning Control Committee itself.

1.9 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.

1.10 During Planning Control Committee meetings, using mobile phones can be construed as receiving or sending influencing messages during a debate. As such, the use of mobile phones (other than in an emergency) should be avoided unless the device is being used to view the agenda and reports

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 Planning and Regulation.

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. Should you have any query in relation to this, the Democratic Services team can provide help and support.

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 (Strategic Planning 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)

5. **Hospitality**

5.1 During the course of carrying out their duties, Councillors and Officers maybe 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. Another option could be to contact the Mayoral Office and see if the gift could be donated to one of the Mayoral charities.

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 team democratic.services@bury.gov.uk

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 orderthat their opinions can be included in the officer's report to the Committee.
- (c) Any political group meetings prior to the Planning Control Committeewill 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 (Strategic Planning 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. Anyviews 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 anopinion but must do so to the Assistant Director (Localities)/Resource and Regulation in writing. They can also suggest how constituents can supportor 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 Strategic Planning and Regulation can properly be taken into account when making a decision. Also the last day for the submission of objections to a scheme will be the midday of the Friday prior to the Planning Control Committee meeting. If the meeting day is changed from a Tuesday the same timescales would be adhered to.

7. Ward Councillors

Ward Councillors may speak on applications affecting their Ward (This could include a neighbouring ward(s) outside the application area which can be impacted) at meetings of the Planning Control Committee and subject to the Chair's discretion.

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.

8.1 **Development proposals submitted by Councillors and Officers and the Council's owndevelopment**

8.2 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.

8.3 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 proposalto 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 the national Planning policy Framework and the National Planning Practice Guidance.

9. Pre-application discussions

9.1 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.

9.2 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.

9.3 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 (Only when they have a fair and open mind) once the Planning Control Committee has sat.

10. Views of consultees

The Assistant Director (Strategy, Planning & Regulation)/Business, Growth & Infrastructure 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.

11. Officer reports to the Planning Control Committee

11.1 Members are required to arrive at a decision on granting or refusing permission by using planning criteria and by excluding non-planning considerations. This expectation leaves no opportunity to abstain from the voting process.

11.2 To this end, the reports of officers to Members must be accurate and cover all relevant points.

11.3 Members are equally expected to give appropriate time to read reports thoroughly before arriving at the meeting and can seek clarification prior to the meeting. A final briefing will take place prior to the main committee meeting where clarifications can also be sought.

11.4 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.

12. **Public speaking at Committee**

12.1 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" guidance which explains public speaking at Committee.

12.2 Members of the public are invited to attend and take part by speaking,explaining their concerns, either for or against, a proposal, or simply listening tothe Committee debate. People should ideally register their intention to speak with Democratic Services prior to the committee meeting taking place. Otherwise, addressing the Committee should be at the Chair's discretion.

12.3 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) but should not address any Members of the Planning Control Committee.

12.4

Each speaker should aim to speak for a maximum of three minutes so that it is fair for all parties involved. The Chair has the right to stop a speaker after their time limit has been exhausted.

13. **Decisions contrary to Officer Recommendations and/or the Development Plan**

13.1 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).

13.2 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.

13.3 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.

13.4 Members may also wish to consider referring the application back to the Assistant Director (Strategy, Planning & Regulation)/Business, Growth & Infrastructure for further information or advice.

14. Committee Site Visits

14.1 Site visits can be useful to identify features of a proposal which may be difficult to convey in a written report or via the use of photographs/drawings, but site visits can cause delay and additional costs and should only be used where the expected benefit is substantial. A valid reason needs to be noted if an application is deferred for a site visit at the Planning Committee meeting.

14.2 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.

14.3 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.

14.4 A protocol for the site visits is attached at Appendix 1.

15. Regular review of decisions

15.1 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 is usually conducted at training sessions Members undertake with outcomes of site visits and includes examples from a broad range of categories such as major and minor development, permitted departures, upheld appeals, listed building works and enforcement cases.

15.2 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.

16. **Complaints and record keeping**

16.1 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.

Details of the Complaints Procedure and copies of complaint forms are available online or from the Main Council Reception, Town Hall, Knowsley Street.

17. **Sanctions**

17.1 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.

17.2 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.

18. **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, they 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.

19. **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.

20. **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.

21. **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, ordecisions 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. Also as part of the Government's drive to improve planning performance, there are a series of monitored measures that Local Planning Authorities are assessed against. These include:-

- Speed of decision making (8/13 or 16 weeks application depending)
- Quality of decision making, including where Committee overturn recommendations which are subsequently upheld on appeal
- Numbers of Committee decisions (whether the scheme of delegation is suitable)

Where the specific performance measures fail over a 12 month period and do not meet Government identified thresholds, the Local Planning Authority can be placed into Special Measures, which would enable applicants to submit applications to the Planning Inspectorate (PINS) to determine instead of the Local Planning Authority. Fees would also be paid to PINS. This effectively removes the decision making power away to PINS.

The Local Planning Authority would then be required to lay out and deliver and improvement plan in performance aimed at addressing shortfalls against specific measures.

Processing of applications including when decisions are made outside of an agreed period of time can result in fees being required to be refunded. Determination dates set out in officer reports are therefore critical to note.

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 there to, by majority considersuch 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 asignificant number of objections, or is unusual in its nature to warrant avisit 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 there in 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 sitevisit, 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 ofthe 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.

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 Democratic Services. 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 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 and supporting information can be inspected on the Council's website.
3. Technical Officer advice is available by contacting the case officer.
4. All written comments must be made to the Assistant Director (Strategy, Planning & Regulation)/Business, Growth & Infrastructure in order that they can report them 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
    - Views
    - Private Rights of Way/civil matters

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

Bury Council

MEMBERS' ALLOWANCES SCHEME 2024/2025

MEMBERS' 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:
This scheme shall have effect for the year commencing on 25th May 2022 and subsequent years.

1. Basic Allowance

Subject to paragraph (part 4 part year entitlements), for each year a basic allowance of **£11,226.96** shall be paid to each Councillor.

2. Special Responsibility Allowance (SRA)

For each year an SRA shall be paid to those Councillors who hold the special responsibilities and amounts 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 with the exception of the additional SRAs paid under the 2011 GMCA Order.

3. Renunciation

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.

4. Part-year Entitlements

(i) 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.

(ii) 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.

(iii) 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 an SRA, will take effect immediately.

5. Payments

(ii) Payments shall be made in respect of basic and special responsibility allowances, in instalments of one-twelfth on the twenty second day of each month (or thereabouts) (or as otherwise requested in exceptional circumstances);

(ii) 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 4, the Councillor is entitled to, 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.

6. Indexation

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. Indexation should run for four years (2022-2026), which is the maximum length of time permitted by the 2003 Regulations.

7. Child Care and Dependant Carers Allowance

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.

- **Child care:** **maximum rate paid at real living wage (Currently £9.50)**
- **Elderly/disabled care:** **maximum rate paid at the hourly rate charged by Bury Council Social Services (Persona)**

The total amount of allowance which an individual Member may claim in any one year will be limited to £2000, receipts must be provided.

8. Audit and Standards Coopetes

An Independent Person shall receive £500 per annum.

For attendance at Meetings

Meetings over four hours	**£106 per meeting**
Meetings up to four hours	**£53 per meeting**

9. Attendance at meetings of the Licensing Hearing Committee

(i) 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.

(ii) Where a Member qualifies for payment of such an allowance, the Member would be expected to attend 6 Hearings with no allowance paid so that the

allowance only becomes operative for meetings attended by a Member in excess of 6.

(iii) That where an allowance is paid, it be done on the following basis:-

- **Meetings over 4 hours: £106**
- **Meetings up to 4 hours: £53**

10. Other Allowances

(i) Travelling expenses should be paid at the appropriate mileage rate for journeys on approved duties outside the Borough (See Schedule 2)

(ii) Subsistence Allowances will be paid in accordance with the provisions set out in Schedule 2.

(iii) A Councillor is entitled to the continued right of remuneration when they are required to take maternity, paternity or adoption leave for up to a period of 12months. Subject to the legal attendance requirements – the 6 month rule.

NB: In this scheme, "Councillor" means a Member of the Bury Council who is a Councillor; "year" means any period of 12 months ending on 31 March in any year.

SCHEDULE 1 - SPECIAL RESPONSIBILITY ALLOWANCES
The following are specified as special responsibilities in respect of which special responsibility allowances are payable:

LEADERS/DEPUTY LEADERS

Leader, Strategic Growth	**£33,680.87**
Deputy Leader, Health and Wellbeing	**£17,682.64**
Deputy Leader, Children and Young People	**£17,682.64**
Leader – Second Largest Group	**£11,114.59**
Deputy Leader - Second Largest Group	**£4,445.63**
Leader – Third Largest Group	**£5,557.82**
Deputy Leader - Third Largest Group	**£1,945.55**

CABINET MEMBERS (WITH PORTFOLIO)

Finance and Transformation	**£15,156.55**
Communities and Inclusion	**£15,156.55**
Environment, Climate Change and Operations	**£15,156.55**
Corporate Affairs and HR	**£15,156.55**
Culture, Economy and Skills	**£15,156.55**
Housing Services	**£15,156.55**

DEPUTY CABINET MEMBERS

Housing Services	**£2,273.27**
Children and Young People	**£2,273.27**
Health and Wellbeing	**£2,273.27**
Environment, Climate Change and Operations	**£2,273.27**
Corporate Affairs and HR	**£2,273.27**

CHAIRS OF SCRUTINY COMMITTEES AND REGULATORY COMMITTEES

Chair of Planning Control Committee	**£8,419.96**
Chair of Licensing and Safety Panel	**£8,419.96**
Chair of Audit Committee	**£8,419.96**
Chair of Overview and Scrutiny Committee	**£8,419.96**
Chair of Health Scrutiny Committee	**£8,419.96**
Chair of Children's and Young People's Scrutiny Committee	**£8,419.96**

REPRESENTATIVES ON OUTSIDE BODIES

Greater Manchester Waste Disposal Authority	**£1,500**
Transport for GM Committee	**£3,000**

Leader's SRA under GMCA Order	**£6,000**

MAYOR'S ALLOWANCE

Mayor	**£17,437.32**
Deputy Mayor	**£4,359.38**

Schedule 2 - MEMBERS MILEAGE & TRAVEL EXPENSES & SUBSISTENCE

Members are entitled to claim travelling expenses for approved out of Borough duties on Council business.

Receipts should be provided for:

Travel by bus – actual cost of the fare. where possible.

Travel by taxi – the actual cost of the fare and any reasonable gratuity will be reimbursed.

Travel by rail – actual costs of second class travel, using any cheap fares available.

Travel by air – actual cost of travel which should not exceed the rate applicable by appropriate alternative means of travel plus the amount of other savings consequent on travel by air.

Travel by car - **mileage rates**

Mode of Travel	First 10,000 business miles in the tax year	Each business mile over 10,000 miles in the tax year
Cars and vans	**45p**	**25p**
Motor cycles	**24p**	**24p**
Bicycles	**20p**	**20p**

Car parking – the actual cost of car parking may be claimed.

Passenger payments – cars and vans
5p per passenger per business mile for carrying fellow Member or Council employee in a car or van

That the subsistence rates for attending approved duties outwith the Council area

Subsistence - Breakfast	£7.31
Subsistence - Lunch	£9.74
Subsistence - Evening Meal / Networking	£18.28

Making claims

Sufficient information must be given on your claim form to substantiate the mileage or other travel expenses claimed. Details of each journey related to specific duties or activities must be listed for each day. Failure to provide this will unavoidably result in delays to the processing of claims.

PLEASE ENSURE THAT CLAIMS DO NOT EXTEND BEYOND A SIX MONTH PERIOD

This page is intentionally left blank

Section 2 - Membership of committees

Mayor of Council - Councillor Khalid Hussain
Deputy Mayor of Council - Councillor Noel Bayley

Position	**Appointees**
Leader, Strategic Growth	Cllr Eamonn O'Brien
Deputy Leader, Health and Wellbeing	Cllr Tamoor Tariq
Deputy Leader, Children and Young People	Cllr Lucy Smith
Finance and Transformation	Cllr Sean Thorpe
Communities and Inclusion	Cllr Sandra Walmsley
Environment, Climate Change and Operations	Cllr Alan Quinn
Corporate Affairs and HR	Cllr Tahir Rafiq
Culture, Economy and Skills	Cllr Charlotte Morris
Housing Services	Cllr Clare Cummins

Deputy Cabinet Member Position	**Appointees**
Children and Young People	Cllr Nikki Frith Cllr John Southworth
Health & Wellbeing	Cllr Ayesha Arif Cllr Tom Pilkington
Environment, Climate Change and Operations	Cllr Gareth Staples Jones
Corporate Affairs and HR	Cllr Joan Grimshaw
Housing Services	Cllr Liz Fitzgerald

Overview and scrutiny committee (11)

Cllr Dene Vernon (Chair) (Con)
Cllr John Southworth (Lab)
Cllr Noel Bayley (Lab)
Cllr Ayesha Arif (Lab)
Cllr Tom Pilkington (Lab)
Cllr Debra Green (Lab)
Cllr Richard Gold (Lab)
Cllr Elliot Moss (Lab)
Cllr Russell Bernstein (Con)
Cllr Glyn Marsden (RF)
Cllr Carol Birchmore (RF)

Health scrutiny committee (11)

Cllr Elizabeth FitzGerald (Chair) (Lab)
Cllr Joan Grimshaw (Lab)
Cllr Nikki Frith (Lab)
Cllr Ciaron Boles (Lab)
Cllr Lynn Ryder (Lab)
Cllr Michael Rubinstein (Lab)
Cllr Richard Gold (Lab)
Cllr Jo Lancaster (Con)
Cllr Roger Brown (Con)
Cllr Des Duncalfe (RF)
Cllr Mary Walsh (RF)

Children and Young People's Scrutiny Committee (11)

Cllr Ciaron Boles (Chair) (Lab)
Cllr Ummrana Farooq (Lab)
Cllr Shaheena Haroon (Lab)
Cllr Elizabeth FitzGerald (Lab)
Cllr Gareth Staples Jones (Lab)
Cllr Lynn Ryder (Lab)
Cllr Miriam Rahimov (Lab)
Cllr Russell Bernstein (Con)
Cllr Luis McBriar (Con)
Cllr Donald Berry (RF)
Cllr Glyn Marsden (RF)

Licensing and Safety Committee (11)

Cllr Imran Rizvi (Chair) (Lab)
Cllr Joan Grimshaw (Lab)
Cllr Noel Bayley (Lab)
Cllr Babar Ibrahim (Lab)
Cllr Debbie Quinn (Lab)
Cllr Gavin McGill (Lab)
Cllr Jodie Hook (Lab)
Cllr Roger Brown (Con)
Cllr Jack Rydeheard (Con)
Cllr Glyn Marsden (RF)
Cllr Andrea Booth (RF)

Planning control committee (11)

Cllr Gavin McGill (Chair) (Lab)
Cllr Martin Hayes (Lab)
Cllr Ciaron Boles (Lab)
Cllr Debbie Quinn (Lab)
Cllr Gareth Staples-Jones (Lab)
Cllr Ummrana Farooq (Lab)
Cllr Babar Ibrahim (Lab)

Cllr Jackie Harris(Con)
Cllr Shabaz Arif (Con)
Cllr Des Duncalfe (RF)
Cllr Mary Walsh (RF)

Audit committee (9)

Cllr Elliot Moss (Chair) (Lab)
Cllr Martin Hayes (Lab)
Cllr Ayesha Arif (Lab)
Cllr Michael Rubinstein (Lab)
Cllr Jodie Hook (Lab)
Cllr Shaheena Haroon (Lab)
Cllr Shabaz Arif (Con)
Cllr Ian Gartside (Con)
Cllr Donald Berry (RF)
Co-opted - Independent Member

Employment Panel (9)

Cllr Tahir Rafiq (Chair) (Lab)
Cllr Joan Grimshaw (Lab)
Cllr Elliot Moss (Lab)
Cllr Tamoor Tariq (Lab)
Cllr Clare Cummins (Lab)
Cllr Lucy Smith
Cllr Russell Bernstein (Con)
Cllr Jo Lancaster (Con)
Cllr Mary Walsh (RF)

Standards committee (9)

Cllr Khalid Hussain (Mayor) (Chair)
Cllr Martin Hayes (Lab)
Cllr Tahir Rafiq (Lab)
Cllr Debra Green (Lab)
Cllr Debbie Quinn (Lab)
Cllr Jodie Hook (Lab)
Cllr Richard Gold
Cllr Dene Vernon (Con)
Cllr Andrea Booth (RF)
Independent Person(s)

Health and wellbeing board (4)

Councillor Tamoor Tariq (Chair)
Councillor Lucy Smith
Councillor Sandra Walmsley
Councillor Jo Lancaster
Councillor Ayesha Arif

Councillor John Southworth
Councillor Elizabeth FitzGerald

Core Voting Members:

A nominated representative from the Voluntary Sector
Executive Director of Children Young People and Culture
Executive Director for Strategic Commissioning
Director of Community Commissioning and Director of Adult Social Services
Director of Public Health
Two nominated representatives from the GP Clinical Commissioning Group
A nominated representative from the Local Healthwatch
A nominated representative from Greater Manchester Police
A nominated representative of Greater Manchester Fire Service
A nominated representative from Northern Care Alliance
A representative of the LCO
A nominated representative from Pennine Acute NHS Trust
A nominated representative from Pennine Care Foundation Trust
A nominated representative from Six Town Housing

Corporate parenting board (11)

Councillor Lucy Smith (Co-Chair)
Councillor Donald Berry
Councillor Clare Cummins
Councillor Jackie Harris
Councillor Luis McBriar
Councillor Eamonn O'Brien
Councillor Debbie Quinn
Councillor Lynn Ryder
Councillor Sean Thorpe
Councillor Ken Simpson

Locality Board (3)

The voting members reflect senior clinical, political, managerial, and NHS non-executive and executive leadership from across the Bury Integrated Care Partnership. The voting rights for each decision will be dependent on the budget under discussion.

Voting Members
Leader of the Council
Executive Member of the Council for Health and Wellbeing
Executive Member of the Council for Children and Young People
Executive Director NHS GMIC
Senior Clinical Leader in the Borough, Bury Locality
Senior Nurse Lead for the Borough, Bury Locality
Chief Executive & Place Based Lead, Bury Council & Bury Locality
Associate Director of Finance – Bury, Bury Locality
S151 Officer

Medical Director, NCA
Medical Director , IDCB
Chief Officer or nominated Exec, NCA
Chief Office or nominated Exec, Pennine Care Foundation Trust
Chief Office or nominated Exec, Manchester Foundation Trust
Chief Officer, Bury VCFA
Executive Director of Health and Care & Deputy Place Based Lead, Bury Council & Bury Locality
Bury Care Organisation Chief Officer, NCA
Director of Childrens Services, Bury Council
Director of Public Health, Bury Council
Director of Adult Social Services, Bury Council

Non-Voting Members
Chief Operating Officer, IDCB
Chair, Bury Healthwatch
Director of Finance, NCA
Representative from the Primary Care Network (Lead)
Opposition Leader, Conservatives*
Opposition Leader, Radcliffe First*
*if the party holds 5 or more seats

Youth Cabinet (9)

Councillor Lucy Smith
Councillor Russell Bernstein
Councillor Lynn Ryder
Councillor Shaheena Haroon
Councillor Nikki Frith
Councillor Des Duncalfe
Councillor Jack Rydeheard

Joint Consultative Committee – Teachers (8)

Councillor Gavin McGill
Councillor Sean Thorpe
Councillor Russell Bernstein
Councillor Luis McBriar
Councillor Des Duncalfe
Councillor Donald Berry
Councillor Tamoor Tariq
Councillor John Southworth

Appointment of Shadow Cabinet

Position	**Appointees**
Leader, Corporate Core, Culture and Place	Cllr R Bernstein
Deputy Leader, Health and Wellbeing	Cllr J Lancaster

Housing and Environment	Cllr Rydeheard
Children, Young People and Skills	Cllr L McBriar
Communities, Operations and Whip	Cllr D Vernon

Cabinet Structure 2024-25

Leader and Cabinet Member for Strategic Growth 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)	**Health and Adult Care (Will Blandamer)**	**Operations (Nicky Parker)**	**Children and Young People (Janette Richards)**	**Operations (Donna Ball)**
Strategic planning for land use and development, including PfE implementation Housing development Strategic Transport Development management Planning Regeneration Projects including Radcliffe & Bury SRF delivery; 2 x LUF projects; Ramsbottom & Whitefield town plans & Prestwich scheme delivery	Planning and oversight of NHS GM community services and primary care, including representing Bury on the ICP ? 0-19 health services Support at home Quality: patient safety, clinical effectiveness, patient experience Infection control Commissioning of primary care (GP) services Referral and booking services Medicines optimisation Adult safeguarding Public health Mortality inc LeDer Strategic development unit (strategic planning and development, provider relationships, reviewing team) Care homes CHC/complex care Transforming care Bury EST Adults Caldicott Guardian Service Liaison with LCO and Persona Social Care operations through the DASS, including CQC interface Health and Care Integrated Neighbourhood Teams	Wellness operation (sport, physical activity, lifestyle, nutrition, BEATS) Leisure Facilities	Corporate Parenting Youth and connexions Early help Children's social care MASH Children's safeguarding including Family Safeguarding Fostering and adoption including Mockingbird model Early years and school readiness Emergency Duty team (EDT) Youth offending team Complex safeguarding Children's Caldicott Guardian Service Children and Young people in care SEN team Education welfare and Children's psychology School academies and colleges School crossing patrols Supporting Families	Waste inc Recycling Street cleansing Depot/Stores Enforcement Parks and countryside Environmental Health and Pest Control Climate Emergency Flooding Street Scene (Highways, Street Lighting and Grounds Maintenance) Parking Engineers Transport and workshop TfGM Clean Air Walking and Cycling

Cabinet Member for Corporate Affairs and HR Cllr Tahir Rafiq		Cabinet Member Communities and Inclusion Cllr Sandra Walmsley	Cabinet Member for Finance and Transformation Cllr Sean Thorpe	Cabinet Member for Culture, The Economy and Skills Cllr Charlotte Morris		Cabinet Member for Housing Services Cllr Clare Cummins
Corporate Core (Kate Waterhouse)	**Operations (Donna Ball)**	**Corporate Core (Kate Waterhouse)**	**Finance (Neil Kissock)**	**Operations (Donna Ball/Nicky Parker)**	**Business Growth and Infrastructure (Paul Lakin)**	**Business Growth and Infrastructure (Kate Waterhouse)**
ICT Corporate Complaints, FOI's & LGO Information Governance inc GDPR and Data Protection Legal and Democratic Services inc Monitoring, Registrars, Elections HR/OD inc HR Traded Services & TU interface Customer Contact inc PALS Policy and Reform Occupational health & safety	Cleaning and catering School and college transport Depot/stores Facilities Management including building health & safety Architectural practice Corporate Landlord Model	Equality & inclusion Community Strategy leadership – LET'S do it Resilience and Emergency Planning Community Safety (Strategic and Operational) Communications, Marketing and Engagement Community cohesion & interfaith including Faith Forum Voluntary sector co-ordination including VCFA Military Veterans Strategic Partnerships including Team Bury Community Grants Anti-Poverty Strategy	Financial Strategy and planning inc MTFS Budget 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 Council Tax and Business Rates Insurance Counter Fraud Procurement & social Value Risk Management Transformation inc. neighbourhood model Performance and Business Intelligence (inc Public Health intelligence) Corporate Plan	Culture and Tourism Arts and Museums Cultural Strategy Market Operations Licensing Trading standards Civic Venues Libraries and Archives	Business engagement & support Economic Development Strategy & delivery Bury FC/Gigg Lane Bury BID Skills Strategy adult Learning	Social housing management & regulator interface and Tenant engagement (including Springs & residual STH stock) Estates, property and asset management Building control Homelessness, rough sleeping and Asylum Housing Strategy **Operations (Donna Ball)** Private Rented Sector Enforcement Team Empty Homes strategy

Bury Council Senior Leadership Structure

The structure chart below includes members of the Bury Council Executive Team (the Chief Executive and their direct reports) and the Council Senior Leadership Group. The data reflects the Council structure as of February 2024.

All posts can be contacted via the Council main switchboard on 0161 253 5000 and at Bury Town Hall, Knowsley Street, Bury BL9 0SW.

Accessible organisational chart:

The following people report to Lynne Ridsdale, **Chief Executive and Place Based Lead**. This post posts operate jointly across the Council and NHS Greater Manchester (Bury):

- **Jeanette Richards, Executive Director (Children & Young People)**
  - Stephen Holden, Interim Director of Education & Skills
  - Andrea Stone, Interim Director of Social Care Practice and Early Help
- **Will Blandamer, Executive Director (Health & Adult Care) & Deputy Place Based Lead**. This post posts operate jointly across the Council and NHS Greater Manchester (Bury)
  - Adrian Crook, Director of Adult Social Services & Community Commissioning. This post posts operate jointly across the Council and NHS Greater Manchester (Bury) and also reports to the Chief Executive.
  - Sue Massel, Assistant Director (Adult Social Care Operations)
  - Jon Hobday, Director of Public Health. This post also reports to the Chief Executive.
- **Donna Ball, Executive Director (Operations)**
  - Neil Long, Assistant Director (Operations)
  - Ben Thomson, Assistant Director (Operations Strategy)
  - Nicky Parker, Director of Transformation. 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.
- **Paul Lakin, Executive Director (Place)**
  - Robert Summerfield, Assistant Director (Regeneration Delivery)
  - Sarah Porru, Assistant Director (Regeneration Delivery)
  - Crispian Logue, Assistant Director (Infrastructure, Planning & Regulation)
- **Paul McKevitt, Interim Executive Director (Finance)**
  - Clare Williams, Interim Deputy Chief Finance Officer

- **Kate Waterhouse, Executive Director (Strategy & Transformation)**
    - Andrew Carter, Assistant Director (Digital, Data & Technology). The post operates operate jointly across the Council and NHS Greater Manchester (Bury)
    - John Holman, Interim Director of Housing Operations
- **Jacqui Dennis, Director of Law & Governance.** This post reports directly to the Chief Executive however their services are within the Corporate Core under the Executive Director (Strategy & Transformation).
- **Sam McVaigh Director of People & Inclusion.** This post reports directly to the Chief Executive however their services are within the Corporate Core under the Executive Director (Strategy & Transformation).

The Bury Integrated Care Partnership
The 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 Integrated Care Partnership, to manage risk and to support the Bury Integrated Delivery Collaborative for the performance of the Bury health and care system. The Locality Board will provide effective leadership to support the strong and ongoing commitment in the borough in respect of prevention, earlier intervention, health inequalities and neighbourhood working. The 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 well -being system in Bury, and to manage an integrated budget for the place (including a pooled fund between Bury Council and NHS GM). The Locality Board brings together senior leaders for the NHS (primary, secondary, community and mental health), local authority and the VCFSE (Voluntary, Community, Faith & Social Enterprise).

1.2 The responsibilities for the Locality Board will cover the same geographical area as Bury Local Authority.

1.3 The Locality Board will have overarching responsibility and manage (subject to reserved matters) all matters relating to the Integrated Health and Care Fund (Pooled Budget) as set out in the S75 Agreement relating to the Integrated Health and Care budget for the borough between Bury Council and NHS GM. The Locality Board will have delegated decision making authority of up to £211.3m (annual spend) with regards to the Pooled Budget of the Integrated Health and Care Fund and any other relevant new funding streams (such as grants).

- In terms of the Better Care Fund; The Health and Well-being Board continues to be responsible for the Joint Local Health Well-being Strategy (JLHWS) which should directly inform the development of joint commissioning arrangements (S75 of the National Health Service Act 2006) in the place and the co-ordination of NHS and local authority commissioning, which include the Better Care Fund plans.

- With regard to the Pooled Budget; the Health and Well-being Board does not commission health services themselves and do not have their own budget however play an important role in informing the allocation of local resources. This includes responsibility for signing-off the Better Care Fund plan for the local area and providing governance for the pooled fund that must be set up in every area.

1.4 The Locality Board will have overarching responsibility and manage (subject to reserved matters) matters relating to the Integrated Health and Care Fund (aligned and non- pooled budgets).

2 Status and authority

2.1 The Bury Integrated Care 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 Integrated Care 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 'overrule' 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 Integrated Care Partnership establishes the Bury Locality Board to lead the Bury Integrated Care Partnership on behalf of the parties. As a result of the status of the Bury Integrated Care 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 Pooled Budget for the borough.

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.

2.6 Statutory framework

2.7 In respect of the Integrated Health and Care Fund (S75, Pooled Budget), the Locality Board will sit as a joint committee (of the ICB and Local Authority), established under Regulation 10(2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 ("the 2000 Regulations").

2.8 In respect of the NHS GM Aligned Budget (non-pooled) element of the Integrated Health and Care Fund (Aligned Budgets), the Locality Board will sit as a Committee of the Integrated Care Board (ICB) of NHS GM on which there is Council and wider partner representation. The Locality Board will fulfil the requirements as outlined in the NHS GM Scheme of Reservation and Delegation.

2.9 For the avoidance of doubt, insofar as the Locality Board sits as a joint committee under the 2000 Regulations, Bury Council and/or NHS GM are delegating the making of decisions to the Locality Board and not to their individual representatives on the Board. For the avoidance of doubt where the Locality Board sits as a Committee of the ICB,

NHS GM is delegating the making of decisions to the Locality Board collectively and not to their individual representatives on the Board.

3 Responsibilities

3.1 The Locality Board will:

3.1.1 Ensure alignment of all organisations to the Bury Integrated Care Partnership's 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 Integrated Care Partnership Locality Integrated fund- established to reflect the scope of services agreed to be managed at a locality level between the Bury Council and NHS and in accordance with the NHS GM Scheme of Reservation and Delegation and doing so on the basis of 'formally pooled, aligned (non-pooled)'.

3.1.3 Be responsible for achieving the financial sustainability of health and care services within the borough along with contributing to financial sustainability for NHS GM. 4

3.1.4 Ensure the Bury Integrated Care Partnership delivers on the NHS obligations under the terms of the NHS GM Scheme of Reservation and Delegation with Bury.

3.1.5 Secure the delivery of the portfolio of transformation programmes reported through the Integrated Delivery Collaborative Board and as described in the Locality Plan.

3.1.6 Ensure the Bury Integrated Care 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.

3.1.7 Ensure that all partners are actively working to promote the capacity and capability of integrated neighbourhood team working in each of the 5 neighbourhoods teams in Bury and doing so in a way consistent with the principles and values of the Locality Plan - a personal and community asset based approach.

3.1.8 Promote and encourage commitment to the integration principles and integration objectives amongst all parties and in particular create the conditions for high quality integrated neighbourhood working.

3.1.9 Formulate, agree and ensure that implementation of strategies for achieving the integration objectives and the management of the Bury Integrated Care Partnership.

3.1.10 Discuss strategic issues and resolve challenges such that the integration objectives can be achieved.

3.1.11 Ensure the work of the health, care and well-being 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.

3.1.12 Respond to changes in the operating environment, including in respect of national policy or regulatory requirements, which impact upon the Bury Integrated Care

Partnership or any parties to the extent that they affect the parties' involvement in the Bury System Partnership.

3.1.13 Agree policy as required.

3.1.14 Agree performance outcomes/targets for the Bury Integrated Care Partnership such that it achieves the integration objectives.

3.1.15 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.

3.1.16 Have in place effective arrangements for the management and mitigation of risk in line with the requirements set out as part of the NHS GM Risk Management Framework. This will include developing and maintaining a Board Assurance Framework to identify, record, mitigate and manage all shared risks associated with the delivery of outcomes and statutory duties.

3.1.17 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.

3.1.18 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 Integrated Care Partnership and its stakeholders.

3.1.19 Ensure that the Bury Integrated Care 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.

3.1.20 Address any actual or potential conflicts of interests which arise for members of the Locality Board or within the Bury Integrated Care Partnership, 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).

3.1.21 Oversee the implementation of, and ensure the parties' compliance with, this agreement and all other services contracts.

3.1.22 Review the governance arrangements for the Bury Integrated Care Partnership at least annually and ensuring compliance and alignment with the governance of legal entity partners.

3.1.23 Ensure consistent representation to the decision making arrangements of the ICS such that the 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 NHS Greater Manchester Integrated Care (NHS GM), through the NHS GM Scheme of Reservation and Delegation, for the delivery of NHS standards and for the NHS GM budget that is part of the Integrated Fund, in which there will be Bury System representation on the GM ICB where appropriate.

4.2 The minutes of the Locality Board will be sent to the parties within 10 working days.

4.3 The minutes may 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 a number of voting members and non-voting members along with officers and key representatives that will be required to attend the meetings as and when required. The voting members reflect senior clinical, political, managerial, and NHS non- executive and executive leadership from across the Bury Integrated Care Partnership. The voting rights for each decision will be dependent on the budget under discussion, as described in the table as below:

Role	Organisation	Voting member in relation to Pooled Budget (between Bury Council & NHS GM)	Voting member in relation to Aligned and non-pooled Budget
Leader of the Council	Bury Council	**Yes**	**Yes**
Executive Member of the Council for health and Wellbeing	Bury Council	**Yes**	**Yes**
Executive Member of the Council for Children and Young People	Bury Council	**Yes**	**Yes**
Executive Director	NHS GMIC	**Yes**	**Yes**
Senior Clinical Leader in the Borough	Bury Locality	**Yes**	**Yes**
Senior Nurse Lead for the Borough	Bury Locality	**Yes**	**Yes**
Chief Executive & Place Based Lead	Bury Council & Bury Locality	**Yes**	**Yes**
Associate Director of Finance – Bury	Bury Locality	**Yes**	**Yes**
S151 Officer	Bury Council	**Yes**	**Yes**
Medical Director	NCA	**No**	**Yes**
Medical Director *	IDCB	**No**	**Yes**
Chief Officer or nominated Exec	NCA	**No**	**Yes**
Chief Office or nominated Exec	Pennine Care Foundation Trust	**No**	**Yes**
Chief Office or nominated Exec	Manchester Foundation Trust	**No**	**Yes**
Chief Officer	Bury VCFA (Voluntary, Community, Faith & Social Enterprise).	**No**	**Yes**
Executive Director of Health	Bury Council &	**No**	**Yes**

and Care & Deputy Place Based Lead	Bury Locality		
Bury Care Organisation Chief Officer	NCA (Bury Care Org)	**No**	**Yes**
Director of Childrens Services	Bury Council	**No**	**Yes**
Director of Public Health	Bury Council	**No**	**Yes**
Director of Adult Social Services	Bury Council	**No**	**Yes**
Total number of voters	N/A	**9**	**20**

* each of the two roles with an Asterix as detailed above (Senior Clinical Leader in the Borough and Medical Director for the IDCB), are presumed to be GP s and the relevant representatives will represent the GP perspective as well as the constituency. In the event of either of these roles not being a GP, the Terms of Reference will be reviewed accordingly*.

The Locality Board will also comprise the following participants who attend the meeting on a regular basis as an attendee and a non-voting member:

Role	**Organisation**
Chief Operating Officer	IDCB
Chair	Bury Healthwatch
Director of Finance	NCA
Representative from the Primary Care Network (Lead)	PCN

Role	**Organisation**
Opposition Party **	Radcliffe First
Opposition Party **	Conservative

** Opposition Leaders (if the party holds 5 or more seats) **

5.2 The Locality Board will be quorate (for decisions made under the pooled budget) if two thirds of its voting members (6) are present. The Locality Board will be quorate (for decision made under the aligned/non-pooled budget), if two thirds of its voting members are present (13), 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 representating. Deputising arrangements must be agreed with the Chair prior to the relevant meeting. Representatives / deputies will count towards quorum if the chair is notified at the start of the meeting and receives confirmation from the core member that the deputy has full authority to act as described above.

5.3 The Locality Board will be chaired by the Leader of the Council, the Senior Clinical Leader from the Clinical and professional Senate. Chairing of meetings will be on an alternate basis and/or in the absence of one of the named chairs. In the absence of both of the Chairs a replacement Chair will be elected for the duration of the meeting from the Core Noting Membership.

6 Conduct of business

6.1 Meetings will be held on a Monthly Basis. The date and timings of the meetings will be

fixed in advance, as part of the agreed schedule of meetings.

6.2 The agenda will be developed in discussion with the Chair(s) and will be developed via agenda setting meetings. 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 within 10 working days. Papers and Minutes (subject to any applied exclusions) will be published on Bury Council's web site and on the NHS GM web site.

6.3 Agendas will be structured to clearly distinguish between decisions to be taken in respect of the Integrated Health and Care Fund (Pooled Budget) by the Locality Board.

6.4 In accordance with the Council's constitution, any Key Decision (defined at point 6.5) may not be taken unless Subject to point 7.4 (general exception) and point 7.6 (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) notice of the meeting has been given five clear working days before the meeting.

6.5 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.

Decisions subject to call in by scrutiny committees.

6.6 "Call in" is a statutory right for members of the Council to call in a key decision after it is made but before it is implemented. Other than decisions taken under the urgency provisions (7.4 and 7.6) Key decisions made but not implemented may be called-in in accordance with the scrutiny rules as set out in the Council's constitution.

6.7 The Locality Board meetings:

a) will be held in public, subject to any exemption provided by law with specific time

allocated for public question time.

b) 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.

7 Decision making and voting

7.1 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 Locality 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. The Chair of the Locality Board will have a second and deciding vote, if necessary and required, however the aim of the Locality Board will be to achieve consensus decision-making wherever possible.

7.2 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.

Urgent Decisions

7.3 General exception - in accordance with the Council's constitution, if a matter which is likely to be a key decision has not been included in the List of Key Decisions, then subject to the Special Urgency rule, 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).

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

7.5 Special urgency - if by virtue of the date by which a decision must be taken (general exception) cannot be followed, then the decision can only be taken if the Chair of the Locality Board, has:

(a) obtained the agreement of the Chair of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred;

(b) 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.

(c) Consulted every member, following circulation to every member of appropriate papers and a written resolution.

7.6 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 Conflicts of Interests

8.1 The members of the Locality Board must refrain from actions that are likely to create any actual or perceived conflicts of interests. The Locality Board partnership has many benefits with one being that it should help to ensure that public money is spent efficiently and wisely, however in doing so there is a potential risk that conflicts of interest may arise.

8.2 As a Locality Board and as individuals, we have a duty to ensure that all our dealings are conducted to the highest standards of integrity and that monies are used wisely so that we are using our finite resources in the best interests of our population.

8.3 All members of the Locality Board must ensure that any such conflicts of interests are formally disclosed to the Locality Board so that they are subsequently managed in adherence with the NHS Greater Manchester Integrated Care Conflict of Interest Policy.

8.4 The Chair of the Locality Board shall manage all conflict of interest matters. The members of the Locality Board will be asked at each meeting to declare any new or existing actual or perceived conflicts for any items of business related to that meeting. The Chair will ensure that a Register of Interests for the members of the Locality Board is established and maintained.

8.5 The Locality Board members will at all times, observe accepted principles of good governance in the way it conducts its business, including the highest standards of propriety involving impartiality, integrity and objectivity in relation to the joint stewardship of public funds and the conduct of its business.

8.6 In addition, appropriate Codes of Conduct will be followed at all times also by members of the Locality Board alongside adherence to the seven Principles of Public Live (Nolan Principles) and compliance with any statutory bar on participation and/or voting in

particular circumstances. The Locality Board members will also be aware of what may constitute a Conflict of Interest under their own organisation's Conflict of Interest Policies as well.

8.7 With regard to quoracy during meetings in respect of conflicts of interest, it can occur that the suspension of Locality Board members' voting rights on agenda items causes the Locality Board to lose quoracy. Where this occurs, it is the responsibility of the Chair of the Locality Board to determine where/when/how the agenda item should be resolved. This may require, for example, deferral of the agenda item to a future meeting when additional (or replacement) members are present. This decision should be taken during the meeting and recorded in the minutes.

8.8 The Locality Board will formally record its deliberations within relevant minutes. Such minuting will be undertaken by the designated officer support provided, alongside the management of paperwork and version control.

8.9 Any interests declared at a meeting will be recorded in the minutes and will record:

- Who has the interest;
- The nature of the interest and why it gives rise to a conflict, including the magnitude of any interest;
- The items on the agenda to which the interest relates;
- How the conflict was agreed to be managed; and
- Evidence that the conflict was managed as intended (for example recording the points during the meeting when particular individuals left or returned to the meeting).

8.10 Depending upon the topic under discussion and the nature of a conflict of interest disclosed or identified, the member may be:

- Allowed to remain in the meeting and contribute to the discussion;
- Allowed to remain in the meeting and contribute to the discussion but leave the meeting at the point of decision; or
- Asked to leave the meeting for the duration of the item under consideration.

9 Confidentiality

9.1 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).

9.2 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.

9.3 Given that some Local Authority decision making will go through the Locality Board the provisions of the Local Government Access to Information legislation will apply.

10 Support

10.1 Governance/administrative support to the Locality Board will be provided as agreed by the Partnership.

10.2 The Executive Director, Health and Adult Care - Bury Council and Deputy Place Based Lead for Health and Care - NHS GM (Bury) and Bury Council will act as the lead officer. Lead officer responsibilities will include ensuring that agendas are appropriate to the work of the Board.

10.3 The programme structure and supporting work groups will be developed and agreed as part of the Locality Board work plan and these Terms of Reference should be read in conjunction with the Partnership Agreement and S75 Agreement.

11 Review

11.1 These Locality Board terms of reference will be formally reviewed annually.

This page is intentionally left blank

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 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
- 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 RESPONSIBILITES 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 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 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.

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;

- Act as the Investigating and Disciplinary Committee for statutory Officers of the Council
- Appeals against dismissal and grievances by employees of the Council 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 A politically balanced 7 member panel will be convened to fulfil the employment functions to discharge their function in appointing the Chief Executive, Monitoring Officer and the S151 Officer.

The 7 member panel will consist of:

1. Chair of the Employment Panel
2. The Leader of the Council
3. The Deputy Leader of the Council
4. One further Cabinet Member to be nominated by the Leader of the Council
5. The Leader of the largest opposition group
6. One further Member to be nominated by the Leader of the

Largest opposition group

7. The Leader of the second largest opposition group

If any member of the panel (as outlined above) is not already a member of the Employment Panel, they will be co-opted to the Employment Panel for the purpose of these appointments.

On completion of the appointment process, the Panel will make a recommendation to Full Council for final approval.

2.5 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.

2.6 Officers supporting the Employment Panel will make every attempt to ensure ad hoc Panels are constituted politically proportionally. There may be occasions when this is not possible, in such circumstances any decisions regarding composition, will be taken in consultation with the Leader and the Cabinet Member, with oversight from the Monitoring Officer.

3. KEY RESPONSIBILITES 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.
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 of the Full Panel and to consider appeals and appointments.

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

This page is intentionally left blank

BURY COUNCIL JOINT CONSULTATIVE COMMITTEE FOR TEACHERS

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

To ensure that the Council acts as good corporate parents to Children & Young People in Care (CYPiC) and Care Leavers, and fulfils its duties corporately and in partnership with other statutory agencies.

To consider matters referred to the Board within its terms of reference and to drive forward improvements for CYPiC and Care Leavers incorporating vision and aspirations of young people.

2. Responsibilities of the Board

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 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.

C. To monitor and scrutinise with the Children and Young People's Scrutiny Committee, 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, 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 Children and Young People in Care and their carers on a regular basis to consult and celebrate achievements.

3. Principles for effective Corporate Parenting

- 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, through Children in Care Councils and the Care Leavers Forum, Bury Children's Rights to ensure regular reporting links with senior management and elected members.

4. Membership

The Corporate Parenting Board will comprise of:

Voting Members

- The Cabinet Member for Children and Families
- Ten other elected Members

Co-oped Members

- Representatives from the Care Leavers Forum
- 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
- Representatives from Health Services
- Representative from Housing
- Representative from Greater Manchester Police

The Corporate Parenting Board may also decide to co-opt additional members onto the Board as a non-voting member, with speaking rights, to advise in respect of other areas which fall within the remit of the Board.

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 Board– to attend as appropriate to the work of the Board).

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 and attend training
- 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 at the first meeting of the municipal year

- **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 Director of Social Care Practice 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.

- **Child and Young Person Friendly -** Reports and verbal updates to the meeting will be child and young person friendly. To assist an empower young people to participate in discussions at the Board.

- **Dress Code** – A causal dress code is to be observed.

6. Accountability

- The Corporate Parenting Board 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 agenda
Present:

- Chair of CPB
- Director of Social Care Practice
- Strategic Lead Corporate Parenting
- Support Officer Children's Services (CP Development Officer)
- Support Officer Democratic Services
- A representative from the CICC & CLF

CPB will work to a Forward Plan:

- Identifies themes for meetings
- Sets out timetable for reports, to include:
  - Fostering
  - Adoption including 6-monthly adoption reports
  - Annual IRO reports
  - Termly education reports
  - CiCC & CLF 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 Corporate Parenting Board meetings

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

This page is intentionally left blank

Youth Cabinet - Terms of Reference

What does the Youth Cabinet do?
Their role is to represent young people's interests, views and concerns at meetings and events with councillors. 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.

Who are the youth members of the Bury Youth Cabinet?
Voting Membership of the Youth Cabinet is open to any young person who meets the following criteria;

- Is aged between 11-19 and up to 25 years for those young people with special educational needs or disabilities and
- Has a local connection to the Borough which could comprise of one of more of the following:
    - The young person lives in the Borough,
    - The young person schools in the Borough,
    - The young person works in the Borough, or
    - The young person attends a youth group or project in the Borough

OR

- Is a member of Youth Parliament.

Voting membership is granted indefinitely until such time as the above criteria no longer apply to the individual.

Non-Voting Membership is open to the following, in the interest of the Youth Cabinet remaining politically neutral, but informed of political work within the Borough;

- Elected Members X9

Roles

- The Youth Mayor (Chairperson)
- Deputy Youth Mayor (Deputy Chairperson)

The Youth Mayor will be elected on the first Youth Cabinet meeting of the municipal year and will Chair the Youth Cabinet Committee. The Youth Mayor will also be a co-oped member of the Children and Young People's Scrutiny Committee. The Youth Mayor will be in term for 12 months. The Deputy Youth Mayor will automatically take the role of the Youth Mayor once their term has finished.

Any Voting Member of the Youth Cabinet may put themselves forward as a candidate for any of the roles noted but must have attended at least 6 Youth Cabinet meetings (including informal meetings).

If a young person member misses three consecutive meetings, they will stand down from their role.

How do Youth Cabinet members vote?

All items put to a vote will be decided upon by a show of hands, 'For' the item, 'Against' the item, and Abstainers.

Where the outcome of any vote is hung, whereby there is not a clear result, a second vote may be held following additional representation or debate. Should the result remain unchanged the Chairperson may, at their discretion, allow the matter to be resolved via a 'best of three' 'Rock, Paper, Scissors' challenge undertaken for one 'For' voter, and one 'Against' voter.

The process of electing Voting Members to roles within the Youth Cabinet will be undertaken via a secret ballot with a Council Officer acting as the 'Returning Officer' for votes cast, announcing those duly elected to the roles upon counting the ballot papers.

For elections to Youth Cabinet roles where there is not a clear result, the same process as outlined above will take place with each contesting candidate for the role participating in the 'best of three' 'Rock, Paper, Scissors' challenge.

What are the principles of Youth Cabinet members?

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.

What are the expectations of Youth Cabinet members?

- 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 WhatsApp and responding to emails, texts, telephone calls and letters.

Quorum

For a Youth Cabinet meeting to be quorate, a minimum of 4 Youth Cabinet Members must be present. In addition to this each meeting, in order to be quorate, must be supported by three Councillor members. If a meeting is not quorate, the meeting can still go ahead as planned but no decisions can be made.

Where the Chairperson and Vice Chairperson are unavailable to attend, but the meeting would otherwise be quorate, a Voting Member of the Youth Cabinet may be elected as a substitute for this meeting only, and must step down at the end of the meeting.

Agenda items, minutes and meeting papers

All agenda items will be forwarded to the Council Officer in Democratic Services by the close of business seven working days prior to the next scheduled meeting. The agenda, with attached meeting papers, will be distributed at least five working days prior to the next scheduled meeting.

The minutes of the Youth Cabinet will be prepared by the Officer in Democratic Services. The minutes of the meeting are published on Bury Council's website.

Frequency of Meetings

There will be 6 Youth Cabinet meetings scheduled for each municipal year.

Additional meetings may be called in support of Youth Cabinet projects, and must be arranged at least 10 working days in advance of the proposed meeting date.

This page is intentionally left blank

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 RESPONSIBILITES 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 RESPONSIBILITES 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 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 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 RESPONSIBILITES 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 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 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.

To deal with any licensing and registration functions referred to in the Animal Welfare Act 2006, as amended, and the regulations made under, where the appropriate officer does not wish to exercise his/her delegated powers.

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.

Part 43

Northern Gateway: Joint Committee – Terms of Reference

April 2025

1. Vision

1.1 Bury Council and Rochdale Council, along with 7 other Greater Manchester (GM) authorities adopted Places for Everyone (PfE) a long-term development framework for jobs, new homes and sustainable growth on 21st March 2024.

1.2 The Northern Gateway developments forms part of PfE development. There are two Northern Gateway allocations, one predominantly employment (JPA1.1) and the other residential (JPA1.2). Both allocations extend across the administrative districts of Bury and Rochdale.

1.3 A masterplan in the form of a Development Framework has already been prepared for JPA1.1 and was adopted by both Councils as a Supplementary Planning Document (SPD) in Spring 2025.

1.4 The Northern Gateway development will require planning applications that cover the two administrative boundaries Bury and Rochdale.

1.5 The Joint Planning Committee will cover the two administrative boundaries working to an agreed planning strategy on cross boundary applications received for the two Northern Gateway sites (JPA 1.1 – Heywood/Pilsworth (Northern Gateway and JPA 1.2 – Simister and Bowlee (Northern Gateway)).

2. Membership

2.1 All Joint Committee Members must be existing Members on their respective district Planning Control Committee's and must have completed training.

2.2 The participatory authorities will both appoint a **Chair** annually; the appointments would be ratified by Council.

2.3 The **Chair** of the Joint Committee meeting will be from the authority that has the largest land area in the application site. i.e. if 70% of the application site is within Rochdale, the Chair/Vice Chair from Rochdale would chair the meeting for that application.

2.4 There would be 5 members from each member Authority, giving an overall membership of 10.

2.5 Three substitutes per member Authority will be appointed from the respective Planning Control Committees.

2.6 Political balance of the Joint Committee will reflect that of the totality across each member Authority.

2.7 **In the absence of either of the Chairs** - A replacement Chair will be elected for the duration of the meeting from the Core Membership.

2.8 Appoints to the Joint Committee will be decided as part of the Council's Annual Appointments process, Members of the Joint Committee shall serve for as long as he or she is appointed to the Joint Committee by the relevant Partner Authority, a member shall cease to be a member of the Joint Committee if he or she ceases to be a member of the Partner Authority appointing him or her as a member of the Joint Committee.

2.9 Any casual vacancies howsoever arising shall be filled by the Partner Authority from which the vacancy arises.

3. Function

3.1

1. 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, which fall within the administrative boundary of both Bury and Rochdale Council within the JPA 1.1 and JPA 1.2 Northern Gateway allocations in the Places for Everyone Joint Development Plan if the application:
   (a) are subject to Environmental Impact Assessment; or
   (b) relate to full, outline or reserved matters planning applications that are considered Major Development that meets or exceeds the following thresholds:
      a. For residential use, 500 or more dwellings or 5 hectares;
      b. For employment use, 100,000 square metres or 5 hectares;
      c. For other uses, 10,000 square metres or 2 hectares; or
   (c) any other such application which the Chair of the Committee considers appropriate due to being a novel development type

2. Any application, which falls across the boundary between Bury and Rochdale Council within the JPA 1.1 and JPA 1.2 Allocations and relates to a development which would constitute a substantial departure from the provisions of any approved plan or policies, in particular the Places for Everyone Joint Development Plan and the associated SPD – Northern Gateway, 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.

3. Any application, which falls across the boundary between Bury and Rochdale Council within the JPA 1.1 and JPA 1.2 Allocations and is submitted by or on behalf of a Member of Bury or Rochdale Council's or his/her spouse.

4. The application, which falls across the boundary between Bury and Rochdale Council within the JPA 1.1 and JPA 1.2 Allocations and is submitted by a council officer at Bury or Rochdale Council 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.

5. Any major application, which falls across the boundary between Bury and Rochdale Council within the JPA 1.1 and JPA 1.2 Allocations and is submitted on behalf of Bury or Rochdale Councils where there is at least ten objections received from third parties.

4. Key Responsibilities of the Board

4.1 The Joint Planning Committee has been established pursuant to s 101 (5) of the Local Government Act 1972

4.2 The Joint Planning Committees main purpose is to determine significant planning applications on a shared boundary, the geographical area that the Joint Committee will relate to cross boundary planning applications on the Places for Everyone Allocations of JPA 1.1 and JPA 1.2, with the exception of the area covered by South Heywood. A map showing the boundary is at appendix 1.

4.3 The Joint Committee will be responsible for determining large planning applications that have a red edge that extends into both Bury's and Rochdale's administrative areas and would be of a strategic nature. Smaller scale applications, such a householder, prior approval and non-material amendment applications would not be presented to the Joint Committee and would follow the scheme of delegation in the respective district.

4.4 There may be instances where applications falling entirely within one district may be considered to be of such strategic importance that may have cross boundary issues to resolve, and it would be appropriate for the Joint Committee to determine. Such applications would need to be agreed with the Monitoring Officer's in both districts and the application would need to have a minimum of 100,000 square metres.

5. Meetings

5.1 The Joint Planning Committee will meet as required, meetings will be clerked by a representative from Bury Council's Democratic Services Team.

5.2 Bury Council will call a meeting if at least three members of the Joint Committee from each Partner Authority requests it or if the Chief Executive of both Partner Authorities requests it.

5.3 **Meetings** will commence at 7pm and will be held in Bury Town Hall unless otherwise agreed by the Joint Committee.

5.4 A **quorum** of six members will apply for meetings of the Joint Planning Committee including three elected members from each partner authority.

5.5 Members will adhere to the agreed principles of their Council's **Code of Conduct**.

5.6 **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.

5.7 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 Bury Council's web site.

5.8 **Access to Information** – Background papers will be made available for inspection at both LA officer in accordance with s 100D Local Government Act 1972. 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 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.

5.9 All meetings will be held in **public**. 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, publicly on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

5.10 All Members will have full voting rights, including Members substituting for that 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.

5.11 Only one **amendment** to a proposal may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of, providing the chairperson may permit two or

more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee business.

5.12 Any member of the Joint Committee may request the Joint Committee to record the votes of individual members of the Joint Committee on a matter for decision.

5.13 **Meeting costs** will be shared jointly by the partner authorities.

5.14 A **Sub group** will only be established following resolution at the Joint Planning Committee and in consultation with the Monitoring Officers of the partner authorities.

5.15 Ward Councillors may speak on applications affecting their Ward (This could include a neighbouring ward(s) outside the application area which can be impacted upon) at meetings of the Joint Committee and subject to the Chair's discretion

5.16 Members of the public are also welcome to attend and take part by speaking, explaining their concerns either for or against a proposal, or simply listening to the Joint Committee debate. Members of the public should ideally register their intention to speak with the relevant Council's Democratic Services Department prior to the Joint Committee meeting taking place. Otherwise, addressing the Committee during the meeting would be at the Chair's discretion.

5.17 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.

5.18 Each speaker should aim to speak for a maximum of three minutes so that it is fair for all parties involved. The Chair has the right to stop a speaker after their time limit has been exhausted.

5.19 Ward Councillors not on the Joint Committee are not invited to attend site visits and if present at the same time, should not address any Members of the Joint Committee during any visits. They are not an opportunity for further engagement and hearing representations by the applicant or members of the public for forms of lobbying, debate and submission of new information.

5.20 Site visits can be useful to identify features of a proposal which may be difficult to convey in a written report or via the use of photographs/drawings, but site visits can cause delay and additional costs and should only be used where the expected benefit is substantial. A valid reason needs to be noted if an application is deferred for a site visit at the Joint Committee meeting.

5.21 Site visits should involve the whole Committee, although this may not always be possible. They should be carefully conducted in order that there can be no accusation of bias, pre-determination or other impropriety against Members of the Joint Committee. Site Visits will be led by the Chair or Vice Chair with advice from appropriate officers who would remain present at all times during the arranged visit.

5.22 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 Joint Committee to see the site and have the proposal explained by the appropriate officer(s), with an opportunity to ask questions of the officer(s) 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.

5.23 Planning Applications will be received by both authorities, and a **single joint** report with be prepared from Officers from each partner authority.

5.24 The **order of business** shall be indicated in the agenda for the meeting, the Chair may amend the order of business without notice prior to the first substantive item being considered.

5.25 When a motion is under debate by the Joint Committee no other motion shall be moved except the following:

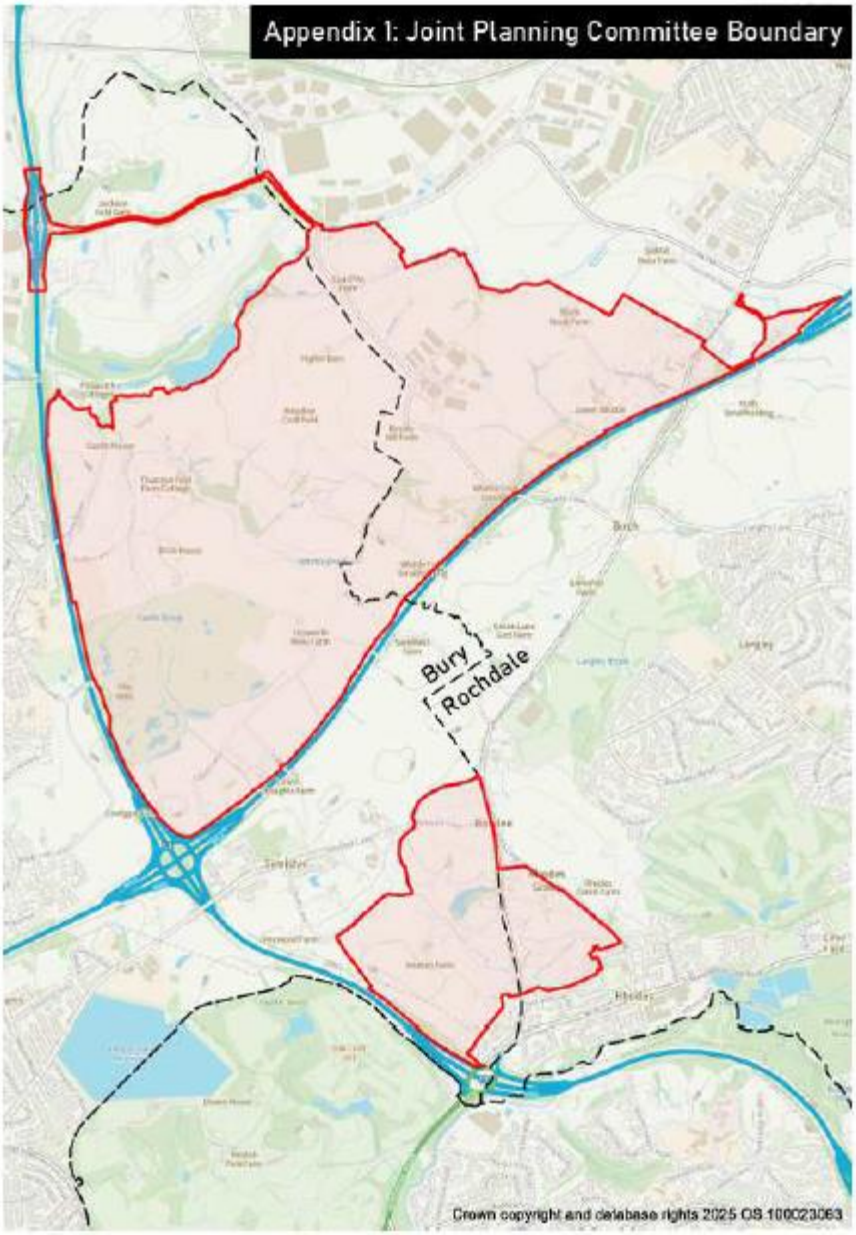
- To amend the recommendation;
- To adjourn the meeting;
- To adjourn the debate;
- To exclude the public under section 100 of the Local Government Act 1972;
- To postpone consideration on an item.

5.26 The ruling of the chair shall not be open for discussion.

5.27 The Joint Committee may **delegate a function** to an Officer.

5.28 The Joint Committee may appoint such task teams or working groups as they consider appropriate in order to consider and report to the Joint Committee on specific matters.

APPENDIX 1 – JOINT PLANNING COMMITTEE BOUNDARY


Appendix 1: Joint Planning Committee Boundary
Bury
Rochdale
Crown copyright and database rights 2025 OS 100023063

This page is intentionally left blank

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 to 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.

HOUSING ADVISORY BOARD TERMS OF REFERENCE

1. Introduction

The role of the Housing Advisory Board (HAB), is to monitor the performance of the Housing Service, ensuring the voice of the tenant is clearly heard and acted upon. The HAB helps to inform the Cabinet Member for Housing

The HAB is a non-decision, non-political board focused on providing the advice and guidance in the best interests of:

1. All Social Housing tenants, leaseholders of Bury Council and Six Town Housing Ltd, ensuring the vision for the service is delivered.

2. Those seeking a home.

The Housing Advisory Board (HAB)

2. Membership

Membership of the Board will be as follows:

Core voting members:

- 5 Elected Members (to include 2 opposition members to sit on the Board)
- Cabinet member for Housing to Chair the Board – this would ensure that the Board would be assured that there is a clear connection between it and Cabinet.
- 3 Tenant advisory appointments
- 2 Independent Members – To be determined
- Officers attending on an ex officio basis (Director of Housing Operations, any Council officer as the HAB may require.)

The Board may also decide to co-opt/invite by invitation additional members to advise in respect of particular issues.

The Board can, once the board is established, in agreement with full Council, appoint additional members to the Housing Advisory Board.

3. Function and Key Responsibilities

The Housing Advisory Board will be a strategic forum, incorporating the tenants voice to help determine and shape housing key priorities.

The HAB would advise on such matters as:

1. Monitor performance and delivery of the Housing Regulatory Standards.

2. Monitor the delivery of the housing services within the neighbourhood hub model.

3. Monitor the delivery of the capital programme.

4. Receive finance reports

5. Advise on the Housing Strategy and approach to the prevention of homelessness.

4. Meetings

The Housing Advisory Board will meet every 3 months.

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 for Housing. **In the absence of the Chair** - A replacement Chair will be elected for the duration of the meeting from the Core Membership.

A **quorum** of three will apply for meetings of the Housing Advisory Board including at least one elected member and one other.

Members will adhere to the agreed principles of the Council's Code of Conduct.

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 Director of Housing Operations will act as the **lead officer**.

Workload – Work Programme to be determined annually by the Board.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings.

The work of the HAB will be shared with all Councillors and, tenant organisations and placed on the Councils web site, minutes of the meetings will be shared with all members.

Non members of the 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 may decide to establish short term task and finish groups to undertake specific pieces of work.

Members of the Board will be required to attend training to assist in undertaking the role as an advisory Board member.

5. Reporting Structures

The Portfolio lead has a direct reporting link to Council and Cabinet. Decisions will be made in accordance with the Council's constitution
Audit reports would be received by the Council's audit committee.

Quarterly performance data on the housing function would be received by Cabinet as part of the Council's quarterly performance reporting arrangements.
The Council's Overview and Scrutiny Committee will provide oversight of the Board.

This page is intentionally left blank