

**Minutes of:** **AN EXTRAORDINARY MEETING OF THE COUNCIL**

**Date of Meeting:** 20 July 2017

**Present:** The Worshipful the Mayor (Councillor D L Gunther), in the Chair; Councillors P Adams, N Bayley, J Black, K S Briggs, R A Caserta, R Cathcart, M D'Albert, J Daly, E Fitzgerald, I B Gartside, J Grimshaw , M Hankey, S Haroon, J Harris, R Hodgkinson, T Holt, K Hussain, M A James, D Jones, G Keeley, J Kelly, S Kerrison, K Leach, O Kersh, A McKay, J Mallon, S Nuttall, E O'Brien, T D Pickstone, C Preston, A Quinn, I Schofield, R Shori, A Simpson, D Silbiger, R Skillen, S Smith, Sarah Southworth, Susan Southworth, T Tariq, J Walker, R E Walker, S Walmsley, M Whitby, S Wright.

**Apologies from:** Councillors I Bevan, M Connolly, A Cummings, J Lewis and Y Wright

**Public attendance:** 28 members of the public attended the meeting

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## **C.92 DECLARATIONS OF INTEREST**

Councillor Shori declared a personal interest in any item which related to staffing as his partner is an employee of Bury Council.

## **C.93 EXCLUSION OF PRESS AN PUBLIC**

The Council's Deputy Monitoring Officer provided verbal advice with regards to the provisions contained within Section 100A, schedule 12A the Local Government Act 1972. Namely that, whilst the presumption is for all meetings of public authorities and any papers relating to them, to be public, there are rules that both require meetings to be held in private, or provide discretion to members to move into confidential session.

The law provides that members may consider exempting reports from publication and meeting in private where, amongst other things, there is information about an individual, information from which an individual may be identified, financial arrangements with an individual or the documents contain professional legal advice to which a claim of professional legal privilege could be made.

Based upon legal advice and with the involvement of the authors of the reports that form the background papers to the report before you, officers have prepared the documents with the minimum redaction necessary to protect those competing interests and so as to allow a debate in public today, should members so wish it.

The Deputy Monitoring Officer reported that this advice is being offered so that it is clear that members at the meeting have carefully considered competing interests and reached a balanced view.

Councillor Shori moved that the meeting be held in public, this was seconded by Councillor Daly and it was:-

**RESOLVED:**

That the Extraordinary Council meeting be held in public

**C.94 REPORT OF HUMAN RESOURCE AND APPEALS PANEL**

It was moved by Councillor Shori and seconded by Councillor Simpson and it was:-

**RESOLVED:**

That the report be noted.

**C.95 NOTICES OF MOTION**

Three Notices of Motion had been received and set out in the Summons

A motion had been received and set out in the summons in the names of:

**Councillors R Shori, A Simpson, K S Briggs, J Kelly, E O'Brien, A Quinn and T Tariq.**

**It was moved by Councillor Shori and seconded by Councillor Simpson that :-**

1. The Council has received a report from the Human Resources and Appeals Panel from its meeting on 19<sup>th</sup> and 20<sup>th</sup> June 2017 and has noted the outcome of that process including the resignations without notice of the former Chief Executive and Executive Director for Children, Young People and Culture.

The Council further **Notes:** -

(a) The report prepared by Malcolm Newsam CBE requested by the Leader of the Council, Councillor Rishi Shori into historic children safeguarding at Bury;

(b) The content of the report dated 1 June 2017 prepared by Charles Bourne QC into disciplinary allegations;

(c) The ongoing dialogue with the Department of Communities of Local Government, OFSTED and KPMG (the Council's External Auditors) who have raised **no** concerns about the management/leadership of the Council;

(d) The exceptional work of the Interim Chief Executive and Interim Leadership Team during this difficult period.

The Council **resolves** to:-

- (i) Invite Charles Bourne QC to extend the scope of his independent investigation into the conduct of elected members in relation to the issues highlighted in the *Newsam report* with the scope of the said investigation to be agreed by the Chair of the Council's Standards Committee in consultation with the Leaders of the three political groups with the investigation to report back to the Standards Committee by no later than 30 October 2017.
- (ii) Implement the outstanding recommendations detailed in the Newsam Report (as set out within the attached action plan) with progress of implementation to be monitored by the Council's Overview & Scrutiny Committee as a standing agenda item until the completion of all actions.
- (iii) To refer the content of the Newsam report to the Chair of the Bury Safeguarding Children's Board for review and recommendations (where required).

A combined amendment was submitted in the names of:

**Councillors R Shori, J Daly and T Pickstone**

With the consent of the meeting the motion was duly amended for debate as the substantive motion as follows:

The Council Notes:

- (a) The contents of the report by Malcolm Newsam CBE, commissioned at the instruction of the Leader of the Council, Councillor Rishi Shori, into an historic children safeguarding issue in Bury;
- (b) The content of the report dated 1 June 2017 prepared by Charles Bourne QC into disciplinary allegations against senior officers;
- (c) The ongoing dialogue with the Department of Communities of Local Government, OFSTED and KPMG (the Council's External Auditors) who have raised no concerns about the interim management/leadership of the Council.

Accordingly this Council resolves to:-

- (i) Thank the Interim Chief Executive and the Senior Leadership Team for their exceptional work for the Council and the public during these difficult times.
- (ii) Invite Charles Bourne QC, as an independent investigator, to consider the conduct of Members of this Council in relation to the issues identified in the Newsam Report and in particular their compliance with the Council's Code of Conduct for Members, the Nolan Principles and the general law, including relevant statutory codes; and to report back to the Standards Committee within three calendar months with the findings of such investigations and any relevant recommendations.
- (iii) Invite Charles Bourne QC, to consider the evidence relating to the conduct of any other officers of the Council and employees of local schools, identified in the Newsam report, and make any relevant recommendations as to any potential disciplinary action which ought to be considered by the Council or the relevant Governing Bodies.

- (iv) Invite Charles Bourne QC, to propose any appropriate changes to the Member's Code of Conduct, arising from his investigations.
- (v) Implement the remaining recommendations detailed in the Newsam Report as identified in the action plan, with progress of implementation to be reported to the Council's Overview & Scrutiny Committee as a standing agenda item for its meetings until the completion of all actions.
- (vi) Refer the content of the Newsam report to the Chair of the Bury Safeguarding Children's Board for review.
- (vii) Refer the published Newsam and Bourne reports to CIPFA in relation to the conduct of their member, the former Chief Executive of Bury Council.
- (viii) Undertake an all-party piece of work, involving Officers and Members, with outside support as appropriate, to ensure that the Council has an appropriate culture of working at senior levels in the Authority, which reflects the highest standards for public office and public service.

**On being put with no one voting against and no abstentions the substantive motion was carried unanimously.**

## **THE WORSHIPFUL THE MAYOR**

**NOTE:** The meeting started at 7.00 pm and ended at 9.25pm.

**NOTE:** Motions (ii) and (iii) listed on the summons were withdrawn.