

BURY COUNCIL CONSTITUTION

PART 2 – THE ARTICLES

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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

2.1.1 Priorities

2.1.1.1 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. .

2.1.2 Values

2.1.2.1 The Council is committed to maintaining high standards of conduct by its staff and Councillors and has adopted the following values that underpin its work:

People: treating people fairly, with compassion, respect and dignity Excellence: striving for excellence, and the appropriate quality of service, care and life in Bury.

Openness: being open, transparent and accountable

Partnership: working in partnership, and with all our diverse communities

Listening: actively listening to, understanding and taking into account people's views and needs

Environment: protecting and promoting our outstanding natural environment and heritage for the benefit of all

2.1.2.2 Everyone who is elected or appointed to public office, works for the council, or provides services on the Council's behalf is required to follow general principles of ethical conduct. These principles are described in more detail in part 5 section 1 of the constitution.

2.1.2.3 Bury 2030 has created the following principles to guide the work of the Council in everything it does for Bury.

<p>Inspiration – we are proactive and creative, building on our collective strengths to make a difference to what matters most to us by:</p> <ul style="list-style-type: none"> • Really listening to understand each other and our shared potential • Growing relationships & new connections across boundaries • Being open to trying new things and doing things differently • Valuing the skills, strengths and successes of individuals and communities 	<p>Aspiration – We realise hopes and dreams by:</p> <ul style="list-style-type: none"> • 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
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<p>Participation – We all take responsibility for making a difference by:</p> <ul style="list-style-type: none"> • Committing to making positive, practical differences in addressing and tackling our challenges • Asking “what matters to you?” and “How can I help?” • Being flexible and putting our energies where we can make the most positive difference • Demonstrating dignity, kindness and respect in everything we do 	<ul style="list-style-type: none"> • Opening doors at every opportunity <p>Collaboration - We will bring our collective talents, energies and power together for the greater good by:</p> <ul style="list-style-type: none"> • Bringing people together from all walks of life • Listening to and learning from all voices • Trusting and helping each other, always working together • Listening when others talk and then responding, helping and enabling • Supporting development and growth and removing barriers to collaboration
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2.1.3 Powers of the Council

2.1.3.1 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.

2.1.3.3 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.

2.1.3.4 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. A description of these Executive arrangements is set out in a schedule to this part 2.

2.1.4 The constitution

2.1.4.1 This Constitution and all its appendices form the Constitution of the Council of the Metropolitan Borough of Bury (known as Bury Council).

2.1.5 Purpose of the Constitution

2.1.5.1 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

2.1.6 Meaning of the Constitution

2.1.6.1 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 in paragraph 2.1.5.

2.1.8 Review and changes to the Constitution

2.1.8.1 Reviews and changes to the Constitution will be in accordance with the functions scheme.

2.1.9 Suspension of the constitution

2.1.9.1 The only power to suspend the Constitution is in accordance with the council procedure rules.

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

2.2.1.1 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?

2.2.2.1 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

2.2.3.1 Anyone over 18 residing in the district is entitled to vote and be included on the electoral register.

2.2.3.2 The running of the elections is the responsibility of the Returning Officer. Electoral registration is the responsibility of the Electoral Registration Officer.

2.2.3.3 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.

2.2.3.4 Electoral registration and elections are subject to strict rules and further information can be obtained from the Council's elections office or the Electoral Commission.

2.2.4 When elections happen and how long Councillors are elected for

2.2.4.1 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

2.2.5.1 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

2.2.6.1 Councillors have rights of access to council information in accordance with the article 13 and the access to information rules (part 4 section 2).

2.2.7 Responsibilities

2.2.7.1 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

2.2.8.1 Councillors will be entitled to receive allowances in accordance with the Councillors' allowance scheme (part 6).

2.2.9 Ceasing being a Councillor

2.2.9.1 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

2.2.10.1 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.

2.2.10.2 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.

2.2.10.3 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.

2.2.10.5 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.

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.

Citizens' rights

2.3.3.1 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 information in accordance with the access to information rules
- f) to attend any public meeting

2.3.5 Citizens' responsibilities

2.3.5.1 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).

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

2.4.1.1 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

2.4.2.1 The Council rules (in Part 4 section 1) will apply to Council meetings.

2.4.3 Functions of the council meeting and functions scheme

2.4.3.1 The functions of the Council meeting are set out in the Functions Scheme (part 3)

2.4.4 The Mayor

Election

2.4.4.1 The Mayor and the Deputy Mayor are elected by Council annually.

2.4.4.2 The Mayor and Deputy Mayor cannot be members of the Cabinet.

Functions

2.4.4.2 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.

Roles

The Mayor fulfils several roles:

2.4.4.3

a) Ceremonial role - The Mayor is the ceremonial head of the whole council and its districtwide 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 7 of the Constitution.

2.5.1 Leader of the council

Election

2.5.1.1 At the annual meeting Council will elect a Councillor to be the leader of the council ("the leader")

Role

2.5.1.2 The Leader is the political leader of the Council who, together with the chief Executive, provides overall leadership of the Council and its staff.

2.5.1.3 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 Cabinet on the carrying out of policies by the Council.

Ceasing being leader of the Council

2.5.1.4 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

2.5.2.1 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 3, the responsibility of another part of the Council.

Membership

2.5.2.2 The Cabinet must consist of a minimum of the Leader and two other Councillors up to a maximum of 10 Councillors including the Leader. The Leader appoints the Cabinet members and shall designate one of the Cabinet members as Deputy Leader.

Functions of individual members of the Cabinet

2.5.2.3 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

2.5.2.4 Meetings and other activities of the cabinet must comply with the cabinet rules (part 4 section 4). 2.5.3 Cabinet support members

2.5.3.1 The leader may appoint deputy cabinet members to provide informal support to one or more portfolio areas. Deputy cabinet support members are not members of the Cabinet, have no delegated Cabinet authority, and may not take Cabinet decisions.

2.5.4 Description of Cabinet arrangements

2.5.4.1 The following parts of the constitution comprise the Cabinet arrangements:-

- Article 5 in part 2 of the constitution – the leader of the council and the cabinet,
- the cabinet rules (part 4 section 4)
- Article 6 in part 2 of the constitution – scrutiny, and the scrutiny rules (part 4 section 5)
- Article 9 in part 2 of the constitution – joint arrangements
- Article 11 in part 2 of the constitution – decision making
- 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 – Overview and 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.

2.6.1 The overview and scrutiny committee

2.6.1.1 Council has decided that there will be one Overview and Scrutiny committee. Its remit is set out in part 6 of the constitution, and how they operate is in accordance with the functions scheme and scrutiny rules.

2.6.1.2 The overview and scrutiny committee has established a children's and adults safeguarding sub-committee. Its remit is set out in part 6 of the constitution.

2.6.2 The health scrutiny committee

2.6.2.1 The council has also established a health scrutiny committee. Its remit is set out in part 6 of the constitution.

2.6.3 Joint scrutiny committees

2.6.3.1 The Council is also a member of several joint scrutiny committees. Their remit is set out in Part 6 of the Constitution.

2.6.4 Composition

2.6.4.1 The Overview and Scrutiny Committee will comprise of eleven members of the council. It will have additional educational appointees with voting rights when considering education matters in accordance with the scrutiny rules. The council will appoint the Chair of the Committee from an Opposition Group .

2.6.4.2 The Health Scrutiny Committee will comprise of eleven members of the council. The council will appoint the Chair of the committee

Role

2.6.1.5 Between them the scrutiny committees oversee and scrutinise the work of the leader and cabinet and the council as a whole. This allows members outside the cabinet and citizens to have a greater say in council matters by investigating issues of local concern. This can include questioning cabinet members, committee chairmen, or senior officers of the council, and inviting people from outside the council to give opinions and expert advice.

2.6.1.6 The scrutiny committees also have the power to scrutinise the services provided by organisations outside the council e.g. NHS services and the work of the community safety partnership.

2.6.1.7. The scrutiny committees can make reports and recommendations to the Leader, of the Council and some partner organisations. The decision takers are not required to implement the recommendations but do have to consider any recommendations made.

2.6.1.8. The scrutiny committees can 'call-in' an Cabinet decision which has been made but not yet implemented. This enables them to consider whether the decision has been taken in accordance with the principles of good decision making. They may recommend that the decision taker reconsiders the decision. They may also be consulted by the leader, other cabinet members or Council on forthcoming decisions and the development of the budget and policy framework.

2.6.1.9. The council appoints a statutory scrutiny officer with statutory responsibilities to promote the role of the council's scrutiny committees within the council, support the work of the scrutiny committees by providing help and advice to scrutiny members and also those being scrutinised. (This role cannot be held by the head of paid services, the chief finance officer or the monitoring officer.)

2.6.1.10 The public can be involved in the scrutiny process and help shape and inform decision making and policy by:

- a. asking questions on a matter that is the function of the committee or is on a committee agenda;
- b. submitting evidence for consideration by a scrutiny committee or one of its task and finish groups
- c. suggesting items for inclusion in the work programme of the committee.

Article 7 - The Audit Committee

This article explains the Audit Committee which has been established by council

2.7.1 Role

2.7.1.1 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

2.7.2 Composition

2.7.2.1 The Audit Committee comprises nine members of the council and may also include an independent person who is not a councillor but is appointed by council and has the same voting rights as other members of the committee.

2.7.2.3 The Independent Person

2.7.2.3.1 The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.

2.7.2.3.2 A person is not eligible for appointment if they are:

- a Member, co-opted Member or officer of the Council;
- subject to Paragraph 10.3 below, have within the past five years been a Member, co-opted Member or officer of Bury Council,
- a relative or close friend of a person within the bullet points above.

2.7.2.3.3 For the purpose of paragraph 2.7.2.3.2 "relative" means:

- Spouse or civil partner;
- Living with the other person as husband and wife or as if they were Civil partners;
- Grandparents of the other person;
- A lineal descendant of a grandparent of the other person;
- A parent, sibling or child of the person within the above bullet points;
- A spouse or civil partner of a person within the above bullet points; or
- Living with a person within the above bullet points as husband and wife or as if they were civil partners.

Article 7A - The Standards Committee

This article explains the Standards Committee which has been established by council

2.7A.1 Composition

2.7A.1.1 The Standards Committee comprises nine members of the council including the Mayor. The Leader of the Council cannot be a member and not more than one member of the Cabinet can be appointed.

2.7A.1.2. Independent members may be appointed by the Council who are not Councillors or officers of the Council but they will not be entitled to vote at meetings.

2.7A.2 Role

2.7A.2.1 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

2.7A.3 The Independent Person

2.7A.3.1 The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.

2.7A.3.2 A person is not eligible for appointment if they are:

- a Member, co-opted Member or officer of the Council;
- have within the past five years been a Member, co-opted Member or officer of Bury Council,
- a relative or close friend of a person within the bullet points above.

2.7A.2.3 For the purpose of paragraph 2.7A.3.2 “relative” means:

- Spouse or civil partner;
- Living with the other person as husband and wife or as if they were civil partners;
- Grandparents of the other person;
- A lineal descendant of a grandparent of the other person;
- A parent, sibling or child of the person within the above bullet points;
- A spouse or civil partner of a person within the above bullet points; or
- Living with a person within the above bullet points as husband and wife or as if they were civil partners.

2.7A.4 Standards Hearings Panel – Sub Committee

2.7A.4.1 Composition

The Standards Committee will set up a sub-committee called the Standards Hearings Panel. It will comprise three elected Members of the Standards Committee, of whom one should be a Member of the minority party.

The Independent Person is invited to attend all meetings of the Hearing Panel and their views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

2.7A.4.2 Role

To consider complaints under the code of conduct that cannot be resolved informally. Where a standards panel finds that a Subject Member has failed to comply with the Code of Conduct, the Standards Panel may:

- Publish its findings in respect of the Subject Member's conduct;
- Recommend to Council that the Member be censured;
- Recommend to the Subject Member's group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council;
- Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from their portfolio responsibilities;
- Instruct the Monitoring Officer to arrange training for the Member;
- Recommend to Council that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the Council
- Withdraw facilities provided to the Subject Member by the Council such as a computer, website and/or e-mail and internet access; or
- Place such restrictions on the Subject Member's access to staff, buildings or parts of buildings which may be reasonable in the circumstances

Article 8 - Planning, Licensing and Other Functions

This article describes the following committees which council has established:

- a) The Planning Control Committee
- b) The Licensing and Safety Committee
- c) The Licensing Hearings Panel
- d) Health and Wellbeing Board
- e) Employment Panel
- f) Corporate Parenting Board

2.8.1 Planning Control Committee

Composition

2.8.1.1 The committee comprises 11 councillors

Role

2.8.1.2 The committee determines applications for planning and listed building consents which are not decided by an officer.

2.8.2 The Licensing and Safety Committee

Composition

2.8.1.1 The committee comprises 11 councillors

Role

2.8.1.2 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.

2.8.1.2 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.

2.8.3 Licensing Hearings Panel

Composition

2.8.1.1 The panel is a subcommittee of the Licensing and Safety committee and comprises 3 councillors from the Licensing and Safety Committee

Role

2.8.1.2 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.

2.8.4 Health and Wellbeing Board

Composition

2.8.2.2 The following shall be members of the health and wellbeing board:

- Leader of the council
- Cabinet member health and wellbeing,
- Executive member young people and children's wellbeing,
- Opposition Member for Health and Wellbeing
- Executive Director of Strategic Commissioning
- Executive Director of Children Young People and Culture
- Director of Public Health
- A nominated representative from the Voluntary Sector
- 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 Pennine Acute NHS Trust
- A nominated representative from Pennine Care Foundation Trust
- A nominated representative from the LCO

2.8.2.3 Council will appoint the Chair of the board annually who will be one of the cabinet members; a board member representing Bury clinical commissioning group will be appointed vice chair or annually by the board.

Role

2.8.2.3 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 section 3 of the constitution.

2.8.6 Employment Panel

2.8.6.1 Composition

The Employment Panel will consist of 5 councillors including the cabinet member responsible for Human Resources

2.8.6.2 Role

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, grading and grievances by employees of the council and applications for premature retirement.

2.8.7 Corporate Parenting Board

2.8.7.1 Composition

The corporate parenting board will consist of 11 councillors comprising the Executive member responsible for children who will chair the Board plus 9 other non-Cabinet councillors.

2.8.7.2 Role

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.

Article 9 - Joint Arrangements

This articles explains how the council works with other bodies.

2.9.2 Joint arrangements generally

Joint arrangements for Council functions

2.9.2.1 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

2.9.2.3 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.

2.9.3 Joint arrangements with the NHS Clinical Commissioning group

2.9.3.1 On the 10 July 2019 the Council agreed to the setting up of the Strategic Commissioning Board as a joint committee of the Council to operate from 1 October 2019. The Report makes it clear that this joint committee will not replace either of the existing statutory bodies, 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.

2.9.3.2 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).

2.9.3.3 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.

2.9.3 Appointments to joint committees

2.9.3.1

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 only be appointed to a joint committee where the relevant functions do not extend to more than two fifths of the district by area or population. In such cases, the cabinet may appoint a councillor who represents a ward wholly or partly in the area covered by the joint committee. 2.9.4 Access to information

2.9.3.2 The rules on access to information and confidentiality as set out in article 13 will apply to members of joint committees in the same way as they do to members of the council.

2.9.4. Greater Manchester Combined Authority and Joint Committees

Joint arrangements include the Council's participation in the following Joint Committees:

- Association of Greater Manchester Authorities (AGMA) Cabinet Board, and its Commissions and sub-committees
(Including the Statutory Functions Committee)
- Transport for Greater Manchester Committee
- AGMA Joint Scrutiny Pool
- Parking and Traffic Regulation Outside London Adjudication Joint Committee (PATROLAJC)
- Bus Lane Adjudication Service Joint Committee
- Greater Manchester Police and Crime Panel
- Greater Manchester Combined Authority

2.9.5 Delegation to and from other local authorities

2.9.5.1 Full Council or the cabinet may delegate their respective powers and functions to another local authority or the Cabinet of another local authority.

2.9.5.2 The decision whether or not to accept such delegation from another local authority will be taken by full Council or the cabinet as appropriate.

2.9.5.3 The council has made no such delegations to date.

2.9.6 Contracting out

2.9.6.1 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.

2.9.7 Consultative committees

Standing advisory council on religious education (SACRE)

2.9.7.1 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.

2.9.7.2 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

2.10 Other bodies

Safeguarding Boards

2.10.7.3 In accordance with legislative requirements the council has established both an adults and a children's safeguarding board. Each is chaired by an independent person accountable to the chief Executive of the council for the effective operation of their respective boards; and working closely with the Executive director for children's services and the Executive director for adults and wellbeing.

Community Safety Partnership Board

2.10.7.4 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

2.10.7.5 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 10 - 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.

2.10.1 Chief Executive

2.10.1.1 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.

2.10.3 Senior officers

2.10.3.1 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.

2.10.4 Designation of statutory officers

2.10.4.1 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 chief finance officer cannot also be the monitoring officer; the head of paid service, chief finance officer and monitoring officer cannot also be the statutory scrutiny officer.

2.10.4.2 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.

2.10.4.3 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 audit and governance committee. The solicitor to the council is 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 considers that such action is necessary to protect the council's interests.

2.10.4.4 The Director of Financial Transformation 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.

2.10.4.5 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, and for providing support and guidance to all members and officers of the authority in relation to functions of the authority's overview and scrutiny committees.

2.10.4.6 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.

2.10.6 Conduct

2.10.6.1 Officers will comply with the code of conduct for employees (part 5 section 12) and will follow the protocol on member/officer relations (part 5 section 4).

2.10.7 Employment

2.10.7.1 The recruitment, selection and dismissal of officers will comply with the employment rules (part 4 section 9).

Article 11 - Decision-making

This article sets out how the council takes decisions.

2.11.1 Principles of decision making

2.11.1.1 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 proper procedures

2.11.2 Responsibility for decision making

2.11.2.1 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.

2.11.5 Decision rules

2.11.5.1 The decision making procedures for all council, cabinet and committee meeting decision making is set out in part 4. 2.11.10

Codes

2.11.10.1 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.

Article 12 – 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.

2.12.1 Financial management

2.12.2 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.

2.12.3 Contracts

2.12.4 Every contract made by the Council shall comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

2.12.5 Legal proceedings

2.12.6 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.

2.12.7 Authentication of documents

2.12.8 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.

2.12.9 Signing of Contracts

2.12.10 13.4.2 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.

13.5 Common Seal of the Council

13.5.1 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, Executive Director or Council Solicitor or some other person authorised by him/her.

13.5.2 The Common Seal of the Council can also be executed electronically in accordance with the provisions of the Electronic Communications Act 2000 and the arrangements in Article 13.5.1.

ENDS