

Classification	Item No.
Open	

Meeting:	Democratic Arrangements Forum Standards Committee Council
Meeting date:	15 th November 2021 24 th November 2021
Title of report:	Bury Council Constitution Update Report
Report by:	The Monitoring Officer
Decision Type:	Council
Ward(s) to which report relates	All

EXECUTIVE SUMMARY:

The Council's constitution was reviewed and updated during the municipal year 2020/21. In considering the new Constitution, Members agreed that it would be reviewed annually to ensure that the changes proposed as a result of the review were fit for purpose. The Council has subsequently appointed a new Monitoring Officer with responsibility for oversight of the Constitution. Following discussions, with the Mayor, Group Leaders and Members of the Standards Committee, the Monitoring Officer has recommended a series of amendments as well as a schedule for future review. The proposed changes include;

- Reduction in the number of Articles (Appendix A)
- Amendments to the Council and Committee Procedure Rules (Appendix B& C)
- Amendments to the Cabinet Portfolios (Appendix D)
- Amendments to the Committee Membership (Appendix E)
- Schedule for review (Appendix F)
- Terms of reference (Appendix G)

INTRODUCTION

The Constitution 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. The Council has a legal duty to publish an up-to-date Constitution and review regularly.

BACKGROUND

The Constitution must contain:

- a) the Council's standing orders/procedure rules;
- (b) the members' code of conduct;
- (c) such information as the Secretary of State may direct;
- (d) Such other information (if any) as the authority considers appropriate

A Constitution Direction was issued by the Secretary of State in December 2000 requiring 80 matters to be included within council constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area.

Bury's Council Constitution is organised into 9 Parts (many divided into a number of sections). The existing Council's Constitution is available on the Council's external website <https://www.bury.gov.uk/index.aspx?articleid=15900>

It should be noted that under the Leader and Cabinet form of executive governance, responsibility for the delegation of executive functions, including those local choice functions which the Council has designated as executive functions, does not rest with the Council, but is the responsibility of the Leader. The Leader may determine to exercise executive functions personally or to delegate their discharge to the Executive, a Committee of the Executive, an Executive Member, an area committee or an officer of the Council (without prejudice to the Leader's ability to exercise such functions personally).

The areas reviewed were informed by Elected Member feedback and conversations with the Mayor and issues raised by group leaders following meetings of Full Council.

Proposed changes

The report therefore seeks Council's approval to amend the Constitution to incorporate the following changes:

1. Reduction in the number of Articles (Appendix A)

The number of Articles has been reduced making them more concise and to avoid duplication.

2. Proposed Updates to the Council Procedure Rules (Appendix B)

It is proposed to separate Council procedure rules to Committee procedure rules, this change will allow the rules to be more clearly set out within the constitution and aid accessibility. In addition the following changes are proposed.

- Separation of the rules for meetings of Full Council and Council Committee meetings
- Changes to the items of business which may be carried out at Council
- Notice of written questions
- Time Extended for oral questions
- Questions to the Combined Authority and updates
- Emergency Motions, when a motion can be withdrawn and exceptions
- Clarification of interests under the code of conduct
- State of the Borough debate

The proposed changes are marked bold in Appendix B

3. Proposed Updates to the Committee Procedure Rules (Appendix C)

These Committee rules will apply to all meetings of the Cabinet, Scrutiny, Regulatory Committees, the Health and Wellbeing Board and the Corporate Parenting Board.

In addition this report seeks Council's approval to amend the Constitution to incorporate the following agreed changes:

- Time of meetings – amendment to allow the ability to hold additional meetings
- Member question time – Meetings of cabinet and scrutiny
- Voting on appointments
- Suspension and amendment of rules
- Clarification regarding interests under the Code of conduct
- Programme of work
- Members and Officers giving account – clarified wording in relation to scrutiny work
- Post call in
- Inclusion of the call in procedure

The proposed changes are marked bold in Appendix C

4. Amendments to the Cabinet Portfolios – Details at Appendix D

This report seeks Council's approval to amend the Constitution to incorporate the changes in the Cabinet portfolios following Annual Council, the full details at Appendix D.

5. Details of the updated Committee membership are attached at Appendix E

This report seeks Council's approval to amend the Constitution to incorporate the changes in the Committee membership, the full details at Appendix D.

6. Details of constitution review schedule Appendix F

Schedule F set out proposals for the forward plan setting out when constitutional reviews will be brought forward

Recommendations

Members of council are asked to -

1. Adopt the revised sections of the constitution as highlighted in the sections appended.
 - Reduction in the number of Articles (Appendix A)
 - Updates to the Council Procedure Rules (Appendix B)
 - Updates to the Committee Procedure Rules (Appendix C)
 - Amendments to the Cabinet Portfolios and Committee Membership – Details at Appendix D
 - Details of the updated Committee membership are attached at Appendix E
2. Readopt the remainder of the constitution
3. Note the annual review of the constitution and review schedule as set out in Appendix F
4. Note the terms of reference as set out in Appendix G

Community impact/links with Community Strategy

An up-to-date Constitution will ensure decision are taken lawfully and in an open and transparent manner.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
An up to date Constitution will ensure decisions contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. An Equality Impact Assessment has been completed	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Legal Challenge	An up-to-date Constitution will ensure decisions are taken lawfully and in an open and transparent manner.

Consultation:

Group Leaders and the Mayor at the Democratic Arrangements Forum and Members of the Standards Committee.

Legal Implications:

Section 9P of the Local Government Act 2000 as amended sets out the duty of the Council to prepare and keep up to date its constitution as follows:

(1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—

- (a) a copy of the authority's standing orders for the time being,
- (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
- (c) such information as the Secretary of State may direct, and
- (d) such other information (if any) as the authority considers appropriate.

A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours. A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine. The Bury constitution is made available on our public website.

It is for the Monitoring Officer to monitor and review the operation of the constitution on an ongoing basis and where necessary bring forward amendments to Council.

Financial Implications:

There are no financial implications arising from this Report.

Report Author and Contact Details:

Jacqui Dennis, Monitoring Officer and Council Solicitor

Section of the Constitution	Current	Amend to
Article 1	Bury 2030 Information	 Article 1.docx
Article 2 2.2.10	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	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  Article 2.docx
Article 3		 Article 3 .docx
Article 4		

<p>2.4.4 (election)</p>	<p>The Mayor and the Deputy Mayor are elected by Council annually.</p> <p>The Mayor and Deputy Mayor cannot be members of the Cabinet or Deputy Members of the Cabinet.</p>	<p>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.</p> <p>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.</p> <p>The Mayor and Deputy Mayor cannot be members of the Cabinet or a Deputy Cabinet Member.</p> <p style="text-align: center;">  Article 4.docx </p>
<p>2.4.4 (functions)</p>	<p>g) to approve, as urgent, decisions which will not be subject to call in, when no chair of a Scrutiny Committee is available.</p>	<p>g) to approve, as urgent, special urgency decisions (part 4 section 2) which will not be subject to call in, when no chair of a Scrutiny Committee is available.</p> <p>h) to Chair meetings of the Standards Committee</p>
<p>Article 5</p>		<p>Minor amends to reflect the changes in the Articles below.</p>

		 Article 5 .docx
Article 6-8	Article 6 – Overview and Scrutiny Article 7 – Audit Committee Article 7a – Standards Committee Article 8 – Planning Licensing and other Functions	Condense into one article – rename Committee structure (functions are already included in Part 3 section 5&6, add in committee composition). Include the Radcliffe Cabinet Committee and also Corporate JCCs and JCC Teachers.  Article 6.docx
Article 7 (was Article 9) 2.7.2	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, 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.	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 (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.

<p>2.7.3</p>	<p>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.</p> <p>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.</p>	<p>b) Councillors who are not members of the Cabinet may be appointed to a joint committee in line with the rules governing political proportionality.</p> <p>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</p>
<p>2.7.4</p>	<p>2.9.4. Greater Manchester Combined Authority and Joint Committees</p> <p>Joint arrangements include the Council's participation in the following Joint Committees:</p> <ul style="list-style-type: none"> • Association of Greater Manchester Authorities (AGMA) Cabinet Board, and its Commissions and sub-committees • (Including the Statutory Functions Committee) • Transport for Greater Manchester Committee 	<p>2.7.4. Greater Manchester Combined Authority and Joint Committees</p> <p>Joint arrangements include the Council's participation in the following Joint Committees:</p> <p>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</p>

<p>2.7.7</p> <p>2.7.8</p>	<ul style="list-style-type: none"> • 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 <p>SACRE</p> <p>Safeguarding Board</p> <p>Other Partnerships</p>	<p>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</p> <p>Awaiting a response from Children’s services</p> <p>Updated narrative to Bury Integrated Safeguarding Partnership</p> <p> Article 7 .docx</p>
<p>Article 8 (was Article 10)</p>		<p> Article 8.docx</p>
<p>Article 9 (was Article 11)</p>		

<p>2.9.1</p> <p>2.9.2</p>	<p>g) follow proper procedures.</p> <p>How the council and cabinet discharge those functions are set out in the functions scheme</p>	<p>g) follow the proper procedures as set out in the Constitution.</p> <p>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).</p> <p style="text-align: center;">  Article 9.docx </p>
<p>Article 10 (was Article 12)</p> <p>2.10.11</p>	<p>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.</p>	<p>The affixing of the Common Seal shall be attested by the Chief Executive or Council Solicitor or some other person authorised by him/her.</p> <p style="text-align: center;">  Article 10.docx </p>

Section 1 – Council procedure rules

These rules set out how meetings of full Council, will be conducted * denotes rules which cannot be suspended.

4.1.1 Application

* All of these rules apply to the meetings of the full Council.

4.1.2 Interpretation

The ruling of the Mayor at the meeting as to the construction or application of the rules that apply to that meeting shall not be challenged at the meeting.

4.1.3 Appointment of mayor

If at any meeting the Mayor appointed by the Council is absent, and if no Deputy Mayor has been appointed by the Council, the meeting shall appoint a Mayor for that meeting only. The Monitoring Officer or his/her representative at the meeting shall at the start of the meeting invite nominations for Mayor and will take a vote on a show of hands for those members nominated for Mayor.

4.1.4. Council meetings

There are three types of Council meeting: annual, ordinary, and extraordinary. The table at paragraph below sets out when these may take place.

No	Type of meeting	When
1	The annual meeting	In each year following an election by thirds in May. In a year when there have been all out ordinary elections, within 21 days of the retirement of outgoing Councillors
2	Ordinary meetings	A minimum of six meetings a year as set out in a programme decided by the Council and, except that one ordinary meeting will be reserved as the budget meeting, with business as outlined in the table below.
3	Extraordinary meetings	The Chief Executive may be requested to call a meeting by: <ul style="list-style-type: none"> • Council, by resolution; • 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

No	Type of meeting	When
		<p>be conducted at that meeting; presented it to the Mayor; and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.</p> <p>Any request or requisition for an extraordinary meeting of the Council shall state the purpose of the meeting and give notice of a motion to be debated, unless the purpose is to receive reports or adoption of recommendations of Committees, the Leader, Cabinet members or officers or any resolutions from them.</p> <p>No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting.</p> <p>The Chief Executive will determine whether the stated business can wait until the next ordinary meeting of the Council and, if it cannot, will call an extraordinary meeting.</p>

4.1.5. Business to be carried out

The business to be carried out at meetings of the Council is as set out below; those items marked with ** are compulsory items the order of which cannot be altered.

Items of business and types of meeting				
No.	Item of business	Annual meeting	Ordinary meeting	Extra-ordinary meeting
1	Elect a person to preside if the Mayor and Deputy-mayor of the council are not present	Yes **	Yes **	Yes **
2	Elect the Mayor of the Council	Yes **	-	-
3	Appoint the Deputy Mayor of council	Yes **	-	-
4	Receive any apologies for absence	Yes **	Yes **	Yes **
5	Receive any declarations of interest	Yes **	Yes **	Yes **
6	Approve the minutes of the previous meeting(s)	Yes **	Yes **	-
7	Receive any announcements from the Mayor and/or Chief Executive	Yes	Yes	-
8	Elect the Leader of the Council	Yes **	-Yes	-Yes
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	-

Items of business and types of meeting				
No.	Item of business	Annual meeting	Ordinary meeting	Extra-ordinary meeting
12	Decide the allocation of seats on Committees and other bodies to political or other groups in accordance with the political balance rules	Yes **	-Yes	-
13	Make such appointments to Committees or outside bodies as are reserved to the Council	Yes **	-Yes	-
14	Approve a programme of ordinary meetings of the Council for the year	Yes	Yes	
15	Consider any other business specified in the summons to the meeting	Yes	Yes	Yes
16	Receive any questions from, and provide answers to, members of the public. In the case of extraordinary meetings and budget questions must relate to items on the agenda	-	Yes	Yes
17	Receive recommendations on statutory plans or other matters that are reserved to the Council	-	Yes	-
18	Consider and debate any petitions which have reached the threshold for Council consideration	-	Yes	-Yes
19	<p>Receive the following reports from the Leader of the Council (on which they may be questioned and if so, answer written questions for a period of 30 minutes and verbal questions for a period of 20 minutes):</p> <ul style="list-style-type: none"> the work of the Cabinet since the last meeting including a summary of those matters decided by the Cabinet, Cabinet member or any executive joint committee, and any decisions taken under the urgency provisions; at the Annual meeting (except in a year when there are all out ordinary 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 of which there will be questions for 20 minutes 	-	Yes	-
20	Consider motions and debate those motions in an order which alternates between the political groups represented on the Council. At the budget meeting motions must relate to the agenda or be time critical.		Yes	

4.1.6. Time of meetings

Meetings of the full Council will usually be at 7pm or any other such time as the Mayor agrees, and will continue for a maximum of three hours, excluding the period taken up by public question time.

At the expiry of three hours, excluding the period taken up by public questions, the Mayor may determine:

- (a) that the meeting continue beyond three hours duration; or
- (b) that the remaining business to be conducted at the meeting be:
 - (i) deferred to the next meeting; or
 - (ii) deferred to an extraordinary meeting called for the purpose of dealing with any remaining business; or
 - (iii) put to the vote immediately in the order that the business appears on the agenda or in any order determined by the Mayor; or
 - (iv) some business be put to the vote immediately and other business deferred in accordance with rules (i) and (iii) above; or
- (4)** (c) the meeting be adjourned to resume later that day after a specified break provided that the remaining business can reasonably be expected to last no more than two additional hours and cannot be deferred until the next meeting.

The Mayor has discretion to:

- order the adjournment of any meeting;
- following consultation with the Leader of the Council, alter the date or time of any meeting;
- cancel or postpone a meeting in the event of an emergency or where there is no business requiring Council approval

4.1.7. Notice of meetings

The Chief Executive will, through publication on the Council's website, give five clear working days' notice to the public of the time and place of any meeting (or otherwise in cases of urgency as in accordance with the access to information rules (part 4).

4.1.8. Conduct of the meeting

The Mayor's powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. A decision by the Mayor on the meaning of the constitution cannot be challenged at a meeting.

4.1.9. Quorum

Subject to any specific statutory requirement, the quorum of a Full Council meeting will be one quarter of the whole number of voting members.

4.1.9.1 If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.

4.1.9.2 * During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

4.1.9.3 * Subject to 4.8.4 remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

4.1.9.4 * The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment that there are sufficient members present to constitute a quorum.

4.1.10 Variations in order of business

The mayor has discretion to vary the order of business in setting the agenda.

A proposed variation at the meeting may be moved by the Mayor or any other member. Where moved by the Mayor there is no need for it to be seconded. The variation will be put to the vote immediately without debate.

4.1.11. Petitions

The Mayor will be available 30 minutes before an ordinary Council meeting to receive petitions. During the meeting, as part of Mayor's announcements, any petitions received will be formally passed to the relevant Cabinet member or Committee chair who will respond in writing to the petition organiser. All petitions received, and responses provided will be published on the Council's website. (Public Participation guide Part 5).

4.1.12. Questions by the public

Questions may be asked by members of the public who live or work in Bury.

A period of up to 30 minutes, will be allocated for questions and supplementary questions. This period may be varied at the discretion of the Mayor. Members of the public may ask questions of Members of the Cabinet and any chair of a Committee of the Council.

4.1.13. Notice of public questions

A question may only be asked if notice has been given by delivering it in writing to the Monitoring Officer, Bury Council, Town Hall, Bury or by email (democratic.services@bury.gov.uk) no later than midday two days before the day of the meeting (e.g. midday on a Monday where the meeting is on a Wednesday).

Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the Council website after the meeting and shall be made available to the public attending the meeting.

A questioner who is present at the meeting and who has submitted a written question may, at the discretion of the Mayor, ask one supplementary question. A supplementary question must arise directly out of the original question or the reply.

4.1.14. Order and number of public questions

Questions will be answered in the order in which they are received. If time permits, further questions may be invited from members of the public present.

A member of the public may submit only one question at any meeting of the Council.

4.1.15. Scope of public questions

The Monitoring Officer is authorised to reject a question in accordance with the following criteria:

- (a) it is in multiple parts;
- (b) it is not about a matter for which the council has a responsibility or which affects Bury
- (c) it is defamatory, frivolous or offensive;
- (d) it is substantially the same as or similar to a question which has been put at a meeting of the Council, in the past six months;
- (e) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
- (g) it is from a Council employee and the question is connected to their employment; or
- (h) it relates to a planning application or licensing application.

If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

Where a question is accepted but it is directed at the incorrect meeting The Monitoring Officer is authorised to direct the question to the correct meeting.

4.1.16. Answers to public questions

Answers to accepted questions will be published after the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/ her nominee.

The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting.

A record of all questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.17. Restrictions on asking public questions

No questions may be asked at the Annual Meeting of the Council.

No questions may be asked at an extraordinary meeting or the budget meeting except in relation to reports published with the agenda.

4.1.18. Written Questions from Councillors

Written Questions may be asked by members of the council at Full Council

A period of up to 30 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the Mayor.

A member may ask the leader, any member of the Cabinet or Chair of a Committee a question about any matter in relation to which the Council has powers or duties or which affects the Borough, in accordance with these council rules.

4.1.19. Notice of written questions

A member may ask a question only if either:

(a) notice has been given by delivering it in writing or by email democratic.services@bury.gov.uk to the Monitoring Officer no later than midday six clear working days before the day of the meeting (e.g. midday on the Monday where the meeting is on a Wednesday the following week); or

b) Questions will alternate between the political groups represented on the Council and will be ordered politically proportionally; each Member will be able to submit two question with a maximum of eight questions per group.

4.1.20. Oral Questions from Councillors

Oral Questions may be asked by members of the council at Full Council. A period of up to 20 minutes will be allocated for questions. This period may be varied at the discretion of the mayor.

A member may ask the leader, any member of the Cabinet or Chair of a Committee a question about any matter on the Council Agenda .and which the Council has powers or duties or which affects the borough, in accordance with these council rules.

Leaders of each of the opposition groups will be invited to put their questions first. Questions will alternate between the political groups and will be ordered politically proportionally.

4.1.21. Scope of questions – See 4.1.15 above

4.1.22. Asking the Question at the meeting

The Mayor will invite the questioner to put the question to the member named in the notice.

4.1.23 Asking a supplementary question

A member who has submitted a written question may also ask one supplementary question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in 4.1.15 above, or if the question takes the form of a statement or more than a minute to ask.

4.1.24. Answers to Councillors' questions – See 4.16 above

4.1.25. Combined Authority Update

At ordinary meetings of the Council there will be a report for information from the Combined Authority and questions to their representatives.

A question must relate to the functions of Joint Authorities or the work of outside bodies or partnerships. A member may ask a question only if notice has been given by delivering it in writing or by email to democratic.services@bury.gov.uk or to the Monitoring Officer no later than midday six clear working days before the day of the meeting (e.g. midday on the Monday where the meeting is on a Wednesday the following week); or

(b) if the question relates to urgent matters, they have the consent of the member to whom the question is to be put, and the question is delivered to the monitoring officer (as above) by 9.30am.

A member who has submitted a written question may also ask one supplementary question. A supplementary question must arise directly out of the original question or the reply.

Joint Authority representatives in receipt of a Special Responsibility Allowance will be required to attend Overview and scrutiny Committee meetings at the request of the Chair.

No questions to the Combined authority may be asked at meetings of Annual Council, the budget meeting or at an extraordinary meeting of the Council

Members may submit no more than one written question (and no more than 3 per group) at any one meeting. Questions will rotate between the political groups and will be ordered politically proportionally.

4.1.26. Motions

There are two types of motion: those which can be moved during debate (known as motions without notice), and those for which notice is required.

Except for motions which can be moved without notice under these Council rules, written notice of every motion, signed by the proposer and the seconder, must be delivered, or submitted electronically to the monitoring officer not later than midday 10 clear working days before the date of the meeting (i.e. Tuesday two weeks before, when the meeting is on a Wednesday). A political group cannot propose more than one motion on notice per meeting.

Motions on notice may be amended in consultation with the Monitoring Officer at any time prior to the publication of the agenda by the member(s) who have signed the notice provided that such amendment shall not change the subject matter of the motion.

4.1.27. Motions set out in the agenda

Motions for which notice has been given will be listed on the agenda. The order on the agenda will alternate between the Political Groups, to a maximum of 4, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

4.1.28. Scope

Motions must be about matters for which the Council has a responsibility or which affect the borough. The Mayor may, on the advice of the monitoring officer, refuse a motion which is illegal, irregular or improper, relates to a matter which has been the subject of debate or decision by the Council in the previous six months, or is otherwise out of order.

If the motion requires referral to either Cabinet or a Committee of the Council, a report must be at a Council meeting within six months of the date of debate on the motion.

4.1.29. Withdrawal of a Motion

A member may withdraw a motion which they have moved without the consent of either the meeting and/or the seconder.

4.30. Exceptions

Where, following publication of the agenda for a meeting of the Council, an urgent matter directly affecting part or all of the Borough arises and it is not practical to defer consideration of the motion to the next ordinary meeting of the Council a motion signed by two members may be accepted by the Mayor following consultation with the Monitoring Officer. **The motion must be delivered to the Monitoring Officer by 9.30 am on the day of the meeting.**

4.31. Motions without notice

The following motions may be moved without notice:

- (a) to appoint a person to preside at the meeting at which the motion is moved
- (b) to amend the minutes on a matter of accuracy
- (c) to change the order of business in the agenda where these procedure rules allow
- (d) to refer something to an appropriate body or individual to consider or reconsider
- (e) to withdraw a motion
- (f) to amend a motion
- (g) to proceed to the next business
- (h) that the question be now put
- (i) to adjourn a debate
- (j) to adjourn a meeting
- (k) that the meeting continue beyond three hours duration
- (l) to exclude the public in accordance with the access to information procedure rules
- (m) not to hear a member further or to require a member to leave the meeting
- (n) to give the consent of the Council where its consent is required by this constitution
- (o) to suspend a specified Council rule it is permitted to suspend
- (p) to request a recorded vote
- (q) to remove the Leader following a change in political control.

4.1.32 Rules of debate

A debate will commence only when a proposal has been made, explained and seconded.

No member may speak unless called upon by the Mayor. Speeches must be directed to the matter being debated.

4.1.33 When a member may speak

Members may speak as detailed in the table below.

Purpose of speech	Who can make the speech	Length of speech
Present a report	Leader (or their nominee), Cabinet member, Committee chair	5 minutes
Propose original motion	Proposer	5 minutes
Second the motion	Secunder (may reserve their right to speak until the end of the debate)	3 minutes
Propose an amended motion	Any member other than proposer/secunder of original motion	3 minutes
Second an amended motion	Any member other than proposer/secunder of original motion	3 minutes
Speak during debate	Any member other than proposer and secunder of amended motion and proposer of the original motion	3 minutes
Right of reply to debate on amended motion	Proposer of original motion	3 minutes
Respond to specific question	Cabinet member	2 minutes
Propose the budget	Leader (or their nominee)	10 minutes
Second the budget	Deputy Leader (or their nominee)	5 minutes
Respond to budget proposals	Group leaders (or their nominee)	5 minutes
Right to reply to budget debate	Leader (or their nominee)	5 minutes
Moving a Budget Amendment	Opposition Leader (or their nominee)	5 minutes
Point of order	Any member	2 minutes
Personal explanation	Any member	2 minutes
State of the Borough Debate	Leader or Deputy Leader	10 minutes

4.1.34 Amendments to motions

An amendment must be relevant to the motion and may alter the wording as long as the effect is not to negate the motion. Unless notice of the amended motion has already been given, the Mayor may require it to be written down or in its altered form to be written down and handed to them before it is discussed

4.1.34.1 Amendments will be considered in the order in which they are received. The amendment must be delivered to the Monitoring Officer by 9.30 am on the day of the meeting. Following consideration by the Monitoring Officer the content of the amendment will be shared, other than amendments made in advance of Budget Council; unless the Group Leader or their representative provides express permission to do so.

No further amendment may be moved until the amendment under discussion has been debated and voted on.

4.1.34.2 If an amended motion is not carried, other amendments to the original motion may be moved.

4.1.34.3 If an amended motion is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved. After an amended motion has been carried, the Mayor will read out the substantive motion before accepting any further amendment, or if there is none, it is put to the vote.

4.1.34.4 Where an amendment to a recommendation from the Cabinet in relation to a budget and policy framework item is being proposed, Members making such an amendment must have consulted with the relevant Director to determine the context and possible consequences of the proposal and have secured confirmation from the s151 Finance Officer that the action proposed is achievable before submitting the amendment, in accordance with the Budget and Policy Framework Rules.

4.1.34.5 Where an amendment to a recommendation from the Cabinet in relation to a budget and policy framework item is approved by the Council, the Leader, on behalf of the Cabinet, may indicate acceptance of the amendment.

4.1.35 Alteration of motion

A member may alter a motion of which they have given notice with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion.

A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Only alterations which could be made as an amendment may be made.

4.1.36 Right of reply

The proposer of an original motion has a right to reply at the close of the debate on the motion.

If an amended motion is proposed, the proposer of the original motion has a right of reply at the close of debate on the amended motion, but may not otherwise speak on the amendment.

The proposer of an amended motion shall have no right of reply to the debate on the amendment.

4.1.37 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following:

- (a) to withdraw the motion

- (b) to amend the motion
- (c) to proceed to the next business;
- (d) that the question be now put
- (e) to adjourn a debate
- (f) to adjourn a meeting
- (g) that the meeting continue for a further half hour
- (h) to exclude the press and public in accordance with the access to information rules
- (i) that a member be not further heard or to exclude the member from the meeting.

4.1.38 Closure motions

A member may move without comment the following motions at the end of a speech of another member:

- (a) that the question be now put
- (b) to adjourn a debate
- (c) to adjourn a meeting.

If a motion that the question be now put is seconded and the Mayor thinks the item under discussion has been sufficiently discussed, the proposer of the original motion will have a right of reply before the matter is put to the vote. Any member who has reserved their right to speak later in the debate will not be heard.

4.1.39 Point of order

A Member may raise a point of order at any time and the Mayor will hear it immediately. A point of order may only relate to the alleged breach of these Council rules or the law. The Member must indicate the section and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final and there will be no debate on the matter.

4.1.40 Personal explanation

A Member may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood or misquoted in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

4.1.41 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of the Council within the past six months cannot be moved.

4.1.42 Motion similar to one previously rejected

A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved.

* Once a motion or amendment to which this rule applies has been dealt with, no member can propose a similar motion or amendment within the next six months.

4.1.43 Voting majority

* Unless this constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.

4.1.44 Mayor's casting vote

* If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

4.1.45 On the voices and show of hands

* Unless a recorded vote is requested the Mayor will ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case the Mayor will take the vote by a show of hands/ask members to stand.

4.1.46 Recorded vote

* If at least eight members present at the meeting requested it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes. All votes taken at a budget decision meeting and relating to a budget decision are to be recorded votes.

* Reference to a "budget decision meeting" for the purposes of 4.1.143 means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

4.1.47 Right to require individual vote to be recorded

* Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.1.48 Voting on appointments

* Where there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

4.1.49 Keeping and Signing of the minutes

* Minutes of the proceedings of each meeting of the Council will be prepared and will be published on the Council's website.

* The Mayor will sign the minutes at the next available meeting. The mayor will move that the minutes of the previous meeting be signed as a correct record. There will be no debate or questioning on matters arising from the minutes; only matters of accuracy may be determined.

No requirement to sign minutes of previous meeting at an extraordinary meeting

* Where in relation to any meeting, the next meeting for the purposes of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of signing of minutes.

4.1.51 Record of Attendance

The Chief Executive will record the names of all members present during the whole or part of a meeting.

4.1.52 Exclusion of the public

* The public and press may only be excluded either in accordance with the access to information rules (part 4) or in the case of disturbance by the public in accordance with these council rules

4.1.53 Members' conduct

* When the Mayor stands during a debate any member(s) then speaking must discontinue and the Council must be silent.

4.1.53.1* If a Member is guilty of misconduct by persistently disregarding the ruling of the Mayor of the Council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any member may move that that member is not further heard. If seconded, the motion will be voted on without discussion.

4.1.53.2* If the Member continues to behave improperly after such a motion is carried, any Member may move either that the member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

4.1.53.3* If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

4.1.53.4* The decision as to whether misconduct is taking place shall rest with the Mayor who will have due regard to the Councillor Code of Conduct.

4.1.54 Disturbance by the public

* If a member of the public interrupts proceedings, the Mayor will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.

* If there is a general disturbance in any part of the meeting room open to the public the Mayor shall order that part to be cleared and the Mayor may for that purpose adjourn the meeting for as long as is needed, and may resume the meeting with or without members of the public being admitted and/or at another location deemed appropriate

4.1.55 Suspension and amendment of council rules

* Any of the Council rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, except rules For ease of reference the rules which cannot be suspended are identified by the symbol *

* Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the Council is present. Suspension shall be limited to the duration of the meeting or the determination of a particular item of business if appropriate and as specified in the motion.

4.1.56 Recording, filming and reporting of meetings

Where meetings of Full Council are open to the public, any person attending may record, film or report meetings, provided that in doing so there is no disturbance to the meeting.

4.1.57 * Interests under the Councillors' Code of Conduct

* Members must abide by the Councillors' Code of Conduct (part 5) adopted by the Council and declare all schedule 1, schedule 2 and other interests in accordance with the code. Where a member has identified and declared a schedule 1 interest, that member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted.

4.1.58 * Confidentiality

* All reports and other documents marked "confidential" or "exempt from publication" shall be so treated unless they become public in the ordinary course of the Council's business.

Such determination shall ordinarily be made by the Monitoring Officer having regard to the access to information rules. Further, all Members must comply with the obligations as to confidentiality set out in the Councillors' Code of Conduct (part 5). Any alleged breaches shall be referred by the Mayor of the Council to the Monitoring Officer for consideration and report if not previously referred by some other person. The Mayor may require the surrender of such material at the end of discussion of the relevant item.

4.1.59 State of the Borough Debate

At the annual meeting (except in a year when there are all out ordinary elections) an annual report on the priorities of the Cabinet and progress made in meeting those priorities; and a report on the state of the Borough will be brought to Full Council by the Leader of the Council or in the absence the Deputy Leader.

Committee Procedure Rules

These Committee rules will apply to all meetings of the Cabinet, Scrutiny, Regulatory Committees, the Health and Wellbeing Board and the Corporate Parenting Board.

The ruling of the Chair at the meeting as to the construction or application of the rules that apply to that meeting shall not be challenged at the meeting.

4.1.60 Notice of meetings

The Chief Executive will, through publication on the Council's website, give five clear working days' notice to the public of the time and place of any meeting (or otherwise in cases of urgency as in accordance with the access to information rules (part 4).

4.1.61 Time of meetings

Meetings will be held in accordance with the programme of ordinary meetings agreed by the Council any change in start time must be agreed by the Chair in consultation with the Leader.

The Chair may also call additional meetings if they consider it necessary or appropriate. In so doing, the chair shall have regard to the advice of the Council's Monitoring Officer.

The meeting will continue for a maximum of three hours, excluding the period taken up by public question time.

At the expiry of three hours, excluding the period taken up by public questions, the Chair may determine:

- (a) that the meeting continue beyond three hours duration; or
- (b) that the remaining business to be conducted at the meeting be:
 - (i) deferred to the next meeting; or
 - (ii) deferred to an extraordinary meeting called for the purpose of dealing with any remaining business; or
 - (iii) put to the vote immediately in the order that the business appears on the agenda or in any order determined by the Chair; or
 - (iv) some business be put to the vote immediately and other business deferred in accordance with rules (i) and (iii) above; or

- (4) (c) the meeting be adjourned to resume later that day after a specified break provided that the remaining business can reasonably be expected to last no more than two additional hours and cannot be deferred until the next meeting.

The Chair has discretion to:

- order the adjournment of any meeting;
- following consultation with the Leader of the Council, alter the date or time of any meeting;
- cancel or postpone a meeting in the event of an emergency or where there is no business requiring approval

4.1.62 Conduct of the meeting

The Chair's powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. A decision by the Chair on the meaning of the Constitution cannot be challenged at a meeting.

4.1.63 Appointment of Chair

If at any meeting the Chair appointed by the Council is absent, and if no Deputy has been appointed by the Council, the meeting shall appoint a Chair for that meeting only. The Monitoring Officer or his/her representative shall at the start of the meeting invite nominations for Chair and will take a vote on a show of hands for those members nominated for Chair.

4.1.64 Quorum

Subject to any specific statutory requirement, the quorum of a meeting will be three voting members, or for a sub committee two voting members.

A **quorum** of four will apply for meetings of the Health and Wellbeing Board including at least one elected member from the Council or one representative of the Clinical Commissioning Group or a nominated substitute.

4.1.64.1 If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.

4.1.64.2 * During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

4.1.64.3 * Subject to 4.1.64.4 remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

4.1.64.4 * The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment that there are sufficient members present to constitute a quorum.

4.1.65 Variations in order of business

The Chair has discretion to vary the order of business.

4.1.66 Questions by the public

Questions may be asked by members of the public who live or work in Bury at the following public meetings of the Council:

- Cabinet
- Health and Wellbeing Board
- Scrutiny committees
- Licensing and Safety Committee
- Strategic Commissioning Board

A period of up to 30 minutes, will be allocated for questions and supplementary questions. This period may be varied at the discretion of the Chair.

4.1.67 Notice of public questions

A question may only be asked if notice has been given by delivering it in writing to the Monitoring Officer, Bury Council, Town Hall, Bury or by email (democratic.services@bury.gov.uk) no later than midday two days before the day of the meeting (e.g. midday on a Monday where the meeting is on a Wednesday).

Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the Council website after the meeting and shall be made available to the public attending the meeting.

A questioner who is present at the meeting and who has submitted a written question may, at the discretion of the Chair, ask one supplementary question. A supplementary question must arise directly out of the original question or the reply. **A question must relate to an item included on the agenda or referenced in the Minutes, or an area to which the committee has responsibility.**

4.1.68 Order and number of public questions

Questions will be answered in the order in which they are received. If time permits, further questions may be invited from members of the public present.

A member of the public may submit only one question at any meeting of the Council.

4.1.69 Scope of public questions

The Monitoring Officer is authorised to reject a question in accordance with the following criteria:

- (a) it is in multiple parts;
- (b) it is not about a matter for which the council has a responsibility or which affects Bury
- (c) it is defamatory, frivolous or offensive;
- (d) it is substantially the same as or similar to a question which has been put at a meeting of the Council, in the past six months;
- (e) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
- (g) it is from a Council employee and the question is connected to their employment; or

(h) it relates to a planning application or licensing application.

If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

Where a question is accepted but it is directed at the incorrect meeting The Monitoring Officer is authorised to direct the question to the correct meeting.

4.1.70. Answers to public questions

Answers to accepted questions will be published after the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/ her nominee.

The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting.

A record of all questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.71 Member Question Time – Meetings of Cabinet and Scrutiny

A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the Council who are not members of the committee. This period may be varied at the discretion of the chair.

A question may only be asked if notice has been given by delivering it in writing to the Monitoring Officer, Bury Council, Town Hall, Bury or by email (democratic.services@bury.gov.uk) no later than midday three days before the day of the meeting (e.g. midday on a Friday where the meeting is on a Wednesday).

A member who has submitted a written question may, at the discretion of the chair, ask also one supplementary question without notice. The same procedure for public questions will be followed.

Members may submit no more than one written question (and no more than 5 per group) at any one meeting and must relate to an item included on the agenda or referenced in the Minutes. Questions will rotate between the political groups and will be ordered politically proportionally.

4.1.72 Point of order

A member may raise a point of order at any time and the Chair will hear it immediately. A point of order may only relate to the alleged breach of these Council rules or the law. The member must indicate the section and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final and there will be no debate on the matter.

4.1.73 Conduct of the debate

A Member may indicate their wish to speak and shall wait to be called by the Chair. If more than one member so indicates the Chair shall call on them individually and in turn to speak.

4.1.74 Motion to rescind a previous decision

Committee or Sub-committee of the Council acting under delegated powers may rescind a resolution adopted under delegated powers within a period of six months provided the Summons to attend the meeting of the Committee or Sub-committee contains a notice that the matter is to be reconsidered

4.1.75 Voting majority

Unless this constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.

4.1.76 Chair's casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

4.1.77 Right to require individual vote to be recorded

* Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.1.78 Voting on appointments

* Where there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

4.1.79 Keeping and Signing the minutes

Minutes of the proceedings of each meeting will be prepared and will be published on the Council's website.

The Chair will sign the minutes at the next available meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. There will be no debate or questioning on matters arising from the minutes; only matters of accuracy may be determined.

4.1.80 Record of Attendance

The Chief Executive will record the names of all members present during the whole or part of a meeting.

4.1.81 Exclusion of the public

The public and press may only be excluded either in accordance with the access to information rules (part 4) or in the case of disturbance by the public in accordance with these council rules.

4.1.82 Members' conduct

If a member is guilty of misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any Member may move that that Member is not further heard. If seconded, the motion will be voted on without discussion.

If the member continues to behave improperly after such a motion is carried, any Member may move either that the Member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

The decision as to whether misconduct is taking place shall rest with the Chair who will have due regard to the councillor code of conduct.

4.1.83 Disturbance by the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared and the Chair may for that purpose adjourn the meeting for as long as is needed, and may resume the meeting with or without members of the public being admitted and/or at another location deemed appropriate

4.1.84 Suspension and amendment of Committee rules

* Any of the Committee rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, for ease of reference the rules which cannot be suspended are identified by the symbol *

* Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the Committee is present. Suspension shall be limited to the duration of the meeting or the determination of a particular item of business if appropriate and as specified in the motion.

4.1.85 Recording, filming and reporting of meetings

Where meetings of Full Council are open to the public, any person attending may record, film or report meetings, provided that in doing so there is no disturbance to the meeting.

4.1.86 Interests under the Councillors' Code of Conduct

* Members must abide by the Councillors' Code of Conduct (part 5) adopted by the Council and declare all schedule 1, schedule 2 and other interests in accordance with the code. Where a member has identified and declared a schedule 1 interest, that member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted.

4.1.87 Confidentiality

All reports and other documents marked "confidential" or "exempt from publication" shall be so treated unless they become public in the ordinary course of the Council's business.

Such determination shall ordinarily be made by the Monitoring Officer having regard to the access to information rules. Further, all members must comply with the obligations as to confidentiality set out in the Councillors' Code of Conduct (part 5). Any alleged breaches shall be referred by the Chair of the to the Monitoring Officer for consideration and report if not previously referred by

some other person. The Chair may require the surrender of such material at the end of discussion of the relevant item.

4.1.88 Substitution

The Monitoring Officer on behalf of the Chief Executive may receive notice from a group leader or authorised nominee on behalf of that group that a different member of their group shall be substituted at a meeting for the member previously allocated to a place on a committee, sub-committee or other body to which the proportionality rules apply for the duration of that meeting. The giving of notice by email no later than 12 noon on the day of the meeting is encouraged.

The Monitoring Officer (in consultation with the ungrouped member(s) concerned) may substitute another ungrouped member for an ungrouped member who has notified the Monitoring Officer in writing that they are unable to attend a meeting for the duration of that meeting. Such notification must be given no later than 12 noon on the day of the meeting.

Other members may be invited to attend and speak at the discretion of the chair of the meeting.

4.1.89 Programme of work

Each Committee will be responsible for setting their own work programmes. In setting their work programme each committee shall have regard to the resources (including officer time) available. Officer support will be provided to each Committee, the level of which will be dependent on the matter being considered. Lead Officer will be identified for each Committee.

A Committee may appoint a task and finish group for any activity within the committee's agreed work programme.

4.1.90 Withdrawal of an agenda item

Following publication of the agenda, the Chair, in consultation with the Council's Monitoring Officer may agree that an item may be removed from the agenda.

4.1.91 Urgent Business

Following publication of the agenda the Chair, in consultation with the Council's Monitoring Officer, can agree the consideration of any other business which by reason of special circumstances may be considered as a matter of urgency.

Additional rules for Cabinet

The Leader and the Cabinet comprise the Executive of the Council. The Leader is also the chair of Cabinet meetings. In his or her absence, the Deputy Leader chairs meetings of the Cabinet.

4.1.92 Who may attend and speak at Cabinet?

1. Members of the public and elected members who have submitted a question for Cabinet
2. Where relevant to the agenda, the chairs of the scrutiny committees have the right to attend Cabinet meetings for the purpose of presenting any recommendations from their committee
3. Group leaders have the right to attend Cabinet meetings (as non voting Members) for the purpose of reporting the views of their group and they may ask questions of any Cabinet member and/or the Leader on any matter under consideration at the meeting

4. Ward member(s) have the right to attend and speak at a Cabinet meeting where an item relating to an individual ward or a specified group of wards is included in the agenda
5. Other members may be invited to attend and speak at the discretion of the chair of the meeting.

Reports shall be presented by the relevant lead Cabinet member.

In addition, such officers as are required to assist in presenting reports or provide support, advice or information required by the Cabinet will attend.

4.1.93. Decision taking

Where the Leader, any member of the Cabinet, or an officer taking an executive decision has a conflict of interest (whether a disclosable pecuniary interest or another interest) such interest will be disclosed and recorded and the individual making the disclosure will take no further part in the decision-making relating to that item.

Where an individual is unable to take a decision because of a conflict of interest the decision will be taken by the leader, or if the Leader has a conflict of interest, the Cabinet. If the Cabinet is inquorate because of a conflict of interest then the Monitoring Officer will be instructed to seek an appropriate dispensation.

The Leader, the Cabinet and individual Cabinet members may meet informally with officers to receive information and briefings but no Cabinet decisions will be taken at any such informal meeting.

Reports to the Cabinet will normally appear in the name of the Cabinet member and incorporate relevant advice from appropriate officers. Exceptions shall include a report from a statutory officer. The author of a report will ensure that draft reports are the subject of consultation with the relevant director, any relevant ward Members or other consultees, and in all cases the s151 finance officer and the Monitoring Officer or their authorised nominee.

4.1.94. Form of business

In addition to the standard agenda items, the Cabinet will conduct the following business at its meetings:

1. Consideration of matters referred to the cabinet or reports from a scrutiny committee or the Council
2. Consideration of reports from the statutory officers
3. Any other matters set out in the agenda for the meeting

4.1.95. Leader's report

The Leader will submit a report from the Cabinet to each ordinary meeting of council (other than the budget meeting) on which they may be questioned and if so, answer. This will report the work of the Cabinet since the last report and will include:

1. A summary of those executive decisions taken by the Cabinet, individual Cabinet members, and Joint Executive Committees and other activities of the Cabinet since the previous Council meeting;
2. Any recommendations of the Cabinet in respect of the budget and policy framework;
3. Any report to the Council required by a scrutiny committee; and

4. A summary and particulars of any urgent decision made under paragraphs (urgent decisions).

4.1.96. Decisions subject to call in by scrutiny committees

Other than decisions taken under the urgency provisions of the access to information rules (part 4) and recommendations made to the Council on budget and policy framework items, Cabinet Key decisions made but not implemented may be called-in in accordance with the scrutiny rules.

4.1.97. Individual Cabinet Member or Officer Decisions

Where individual Cabinet Members or Officers make decisions on any matter which is an executive function they must comply with the provisions in the access to information rules (part 4).

4.1.98. Urgent decisions

There may be an urgent need to take a key decision where 28 days' notice of it is impracticable in the circumstances. In that event the key decision may only be made in accordance with the general exception or special urgency provisions in the access to information rules (part 4).

Additional rules for Overview and Scrutiny

The Council has decided that it will have three overview and scrutiny committees (an Overview and Scrutiny Committee, a Health Scrutiny Committee and a Children and Young People Scrutiny Committee) which will have responsibility for all the overview and scrutiny functions on behalf of the Council as set out in part 3.

4.1.99 Who may sit on an overview and scrutiny committee?

All Councillors except Cabinet members may be Members of an Overview and Scrutiny Committee. No member may be involved in scrutinising a decision in which they have been directly involved, or for a decision in the Cabinet portfolio they provide support to as a Deputy Cabinet Member.

4.1.100 Co-option

An overview and scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed work plan and/or task and finish group membership.

The Committee with responsibility for education shall include the following co-opted education representatives, as appointed by the Council: - one representative as nominated by the diocese of Bury – one representative as nominated by the archdiocese of Bury – one parent governor as elected from the primary school sector- one parent governor as elected by the secondary school sector – one parent governor as elected by the special school sector These education co-optees may vote on items relating to education; on other items on the committee agenda they may speak but not vote.

4.1.101 Task and Finish Groups

An Overview and Scrutiny Committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. The relevant overview and scrutiny committee will approve the scope of the activity to be undertaken, the membership, chair, timeframe, desired outcomes and what will not be included in the work. It will be a matter for the task and finish group to determine lines of questioning, witnesses (from the council or wider community) and evidence requirements.

The task and finish groups will be composed of at least two members of the relevant overview and scrutiny committee, other Councillors, and may also include, as appropriate, co-opted people with specialist knowledge and or expertise to support the task. No co-opted members of task and finish groups will have voting powers (unless they are the education co-optees). Matters put to the vote will be determined on a simple majority with the task and finish group chair having a casting vote.

Task and finish groups, as working groups of the committee, are not subject to the requirements of political proportionality.

As working groups of the committee, the task and finish groups will not be making decisions, and have the discretion to meet either in public or in private. Where meeting in private there is no right of attendance by any member who is not a member of a task and finish group.

If a task and finish group chooses to meet formally in public it may need to exclude the press and public including other members in attendance from part of any such meeting in accordance with the Access to Information Rules (Part 4).

Task and finish groups will report their findings/outcomes/recommendations to the relevant overview and scrutiny committee who will decide if the findings/outcomes/recommendations should be reported to the cabinet or elsewhere.

Any changes proposed by the task and finish group to the scope, timeframe or outcomes stipulated by the committee must be approved by the statutory scrutiny officer following consultation with the chair of the relevant overview and overview and scrutiny committee and will be reported to the relevant overview and overview and scrutiny committee.

In the event of a task and finish group being unable to agree recommendations or findings on a particular matter, a report will be made to the relevant overview and scrutiny committee for its consideration.

4.1.102. Overview and scrutiny committee agendas

In addition to the standard agenda items, At each of its ordinary meetings an overview and scrutiny committee shall consider the following business, where appropriate:

- (1) any matter called-in
- (2) a review of its work programme, including requests received for inclusion of items from members of the public, ward members, the Cabinet or the Council
- (3) consideration of any budget and policy framework items
- (4) any response to reports of the overview and scrutiny committee
- (5) any item requested to be placed on the agenda by a member of the committee
- (6) any Councillor call for action
- (7) any report from a task and finish group;
- (8) any business otherwise set out on the agenda for the meeting including items as identified in the work programme.

Any member may give notice to the Statutory Scrutiny Officer that they wish an item relevant to the functions of a committee and not excluded by law to be included in the agenda and discussed at a meeting of that committee.

An overview and scrutiny committee shall also respond, as soon as its work programme permits, to requests from the Council and from the Cabinet to review particular areas of Council performance or policy. An overview and scrutiny committee shall conduct the review as requested and report its findings and any recommendations back to the Cabinet and/or the Council.

4.1.103. Councillor Call for action

Any member of the Council shall be entitled to give notice to the Statutory Scrutiny Officer if they wish an item relating to a Councillor call for action to be included on the agenda discussion at the next available meeting of the relevant overview and scrutiny committee. (subject to it falling within the statutory definition) (Further guidance in respect of the Councillor call for action is contained in Part 5).

4.1.104. Policy review and development

The role of a scrutiny committee in relation to the development of the Council's budget and policy framework is found in the rules (part 4). In relation to the development of the Council's approach to other matters not forming part of its budget and policy framework, an overview and scrutiny committee may make proposals to the Cabinet for developments in so far as they relate to matters within its terms of reference.

An overview and scrutiny committee may hold or commission inquiries and investigate the available options for future direction in policy development and may appoint advisers to assist it in this process. A committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend in order to address it on any matter under consideration and may pay to advisers, assessors and witnesses a reasonable fee and expenses for doing so, having regard to the resources (including officer time) available. In determining how to conduct such activities the chair of a committee should consult with the Statutory Scrutiny Officer.

4.1.105. Reports from the overview and scrutiny committees

Following any investigation or review, the committee or task and finish group shall prepare a report. Any report from a task and finish group will first be considered by the relevant overview and scrutiny committee and if adopted will be dealt with in accordance with the following rules. If any review is in response to a request from Council, the overview and scrutiny committee shall report its findings to the Council.

In all other cases the report will be submitted to the Chief Executive for consideration by the Executive or other body as appropriate. If the recommendations are such that a decision can be taken by an individual Cabinet member acting within his/her portfolio in accordance with the functions scheme (Part 3), the Chief Executive shall arrange for that Cabinet member to consider the report.

If the recommendations in an overview and scrutiny committee report are contrary to or not wholly in accordance with the budget and policy framework, the Cabinet shall consider the overview and scrutiny recommendations and report the matter with its response to the overview and scrutiny recommendations to the Council.

If the recommendations in the overview and scrutiny report are in line with the budget and policy framework, the Cabinet or the Cabinet member shall consider the overview and scrutiny recommendations and report their decision to the relevant overview and scrutiny committee.

4.1.106. Making sure that overview and scrutiny reports are considered by the Executive

On receipt of a report from an overview and scrutiny committee (other than on budget and policy framework items) the Chief Executive will arrange for the report to be considered either by Cabinet or an individual Cabinet member as appropriate.

If any individual Cabinet member is minded to reject all of the recommendations in a report from an overview and scrutiny committee, then the matter must be referred to the next meeting of the Cabinet to decide its response.

The Chief Executive will notify the relevant overview and scrutiny committee of the response of the Executive within two months of receipt of the overview and scrutiny report, with the exception of matters relating to statutory health overview and scrutiny and issues relating to crime and disorder overview and scrutiny which require a response from the relevant body within 28 days.

If the Cabinet or Cabinet member wishes to extend the deadline a report will be made to the relevant overview and scrutiny committee explaining why this is considered necessary. Decisions of the Executive or the Council on any overview and scrutiny recommendations will be recorded in the usual way.

4.1.107. Rights and powers of overview and scrutiny committee members

Where an overview and scrutiny committee or task and finish group conducts investigations or reviews and people attend to give evidence or otherwise assist the committee the following principles will apply:

- (a) that the investigation be conducted fairly and all members of the committee or group be given the opportunity to ask questions of attendees, and to contribute and speak
- (b) that those assisting the committee by giving evidence be treated with respect and courtesy
- (c) that the investigation be conducted so as to maximise the efficiency and value of the investigation or analysis.

4.1.108. Members and officers giving account

An overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Executive functions, or as provided by statute certain other bodies. The Scrutiny Committee can also help develop the Councils policies, review the effectiveness of current policies and scrutinise the work of the Executive and its decision making. As well as reviewing documentation, in fulfilling the overview and scrutiny role, it may require any member of the Cabinet, the Chief Executive, Committee Chair, and/or senior officers carrying out functions on the Chief Executive's behalf to attend before it to explain in relation to matters within its remit regarding:

- (a) any particular decision or series of decisions
- (b) the extent to which the actions taken implement council policy; and/or

(c) their performance.

It is the duty of those persons to attend if so required:

Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chair of the committee will inform the Statutory Scrutiny officer. The Statutory Scrutiny Officer shall inform the member or officer in writing normally giving at least ten working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that report.

Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then an overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance and/or a substitute as appropriate.

Unless in exceptional circumstances, any witnesses required to attend any meetings will be restricted to:-

- (a) any Cabinet member involved in the decision the subject of the call in
- (b) any officer who in the view of the chair of the meeting would be able to supply evidence materially able to assist at the meeting.

The Council has designated the Head of Democratic Services as the statutory scrutiny officer who is required to discharge the following functions:

- (a) to promote the role of the Council's overview and scrutiny committees
- (b) to provide support to the Council's overview and scrutiny committee and the members of the committees
- (c) to provide support and guidance to:
 - (i) members of the Council,
 - (ii) members of the executive of the Council, and
 - (iii) officers of the Council – in relation to the functions of the Council's overview and scrutiny committees

4.1.109. Call in

“Call in” is a statutory right for members of the Council to call in a key decision of Cabinet, an individual Cabinet member, an officer with delegated authority or under joint arrangements after it is made but before it is implemented subject to the following provisions.

Call in does not apply to Cabinet decisions that make recommendations to the Council because those decisions will not be implemented in any event until the matter has been considered and agreed by the Council. These are decisions such as setting the council tax and agreeing the annual revenue and capital budgets.

- When a call in has been triggered, the call in process will be managed by the Monitoring Officer in consultation with the chair of the relevant overview and scrutiny committee and the members who have triggered the call in. The chair of the relevant overview and scrutiny committee will maintain responsibility for the conduct of any meeting at which the decision called in is considered.
- Call in is not intended to be a mechanism for voicing objection to or dislike of any particular decision. It should only be used in exceptional circumstances and where there is evidence to show that one of the following may apply:

(a) that there has been inadequate consultation with stakeholders prior to the decision being made;

(b) that there was inadequate evidence or information on which to base a decision and that not all relevant matters were fully taken into account;

(c) that the decision materially departs from the budget and policy framework;

(d) that the decision is disproportionate to the desired outcome;

(e) that the decision has failed to take into account the provisions of the Human Rights Act 1998 and or the public sector equality duty;

(f) that the decision-maker has failed to consult with and take professional advice from all relevant officers including the Monitoring Officer and the Chief Finance Officer, as appropriate, or has failed to have sufficient regard to that advice;

g) that the decision exceeds the powers or terms of reference of the decision maker responsible for the decision; or

(h) that the access to information rules have not been adhered to.

4.1.110. Advice should be sought from the Monitoring Officer on these matters

When a decision is made by the Cabinet or an individual Cabinet member that decision will be published widely by electronic means. This includes:

(a) displaying it on the Council website

(b) sending a copy of the decision electronically to all members of the Council identifying which overview and scrutiny committee's remit the decision falls within

The decision will be in the form of a notice and bear the date upon which it is published and will specify that the decision will come into force, and may be subsequently implemented, at the expiry of five working days after the date of publication, unless it is called in under these call in rules.

To call the decision in a call in notice must be received by 5.00pm and must:

(a) clearly states the decision(s) which is/are being called in by reference to the decisions as set out on the decision notice

(b) clearly states the grounds for the call in as laid out above as applied to each decision being called-in and the evidence on which the grounds are based

(c) is signed by the Chair of the Committee or any two or more members of the Committee or any eight member of the Council (not including cooptees). If electronic notification is being used an email in accordance with the requirements of this paragraph must be submitted by each member supporting the call in.

4.1.111 Limitations of call in

The call in procedure is restricted to decisions made by Cabinet or individual Cabinet members, decisions made by joint committees of the Executive and decisions made by officers under delegation from the Executive.

Where a decision has been taken in circumstances where the special urgency provisions apply, as set out in the access to information rules (Part 4), that decision will not be subject to call in.

The call in procedure will also not apply where the decision taken needs to be implemented urgently. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest.

In this case the record of the decision, and notice by which it is 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

APPENDIX D

Cabinet members each have a portfolio of responsibility which is allocated by the Leader.

The Leader may also determine the extent, if any, of the decision making responsibility delegated to individual Cabinet members.

The Leader will be the principal spokesperson for the Council; Provide political leadership and direction to the style, priorities, strategic policy and strategic management initiatives of the Council and will lead the reform agenda within Bury through effective policy, performance and governance measures to meet the challenges and pressures arising from reducing resources, an ageing population and continued resident expectations.

The Deputy Leader will support the Leader of the Council in discharging the responsibilities set out in the Leader's role specification and will be his statutory deputy. The Deputy Leader will also discharge the specific responsibilities as set out in the role specification for the Leader of the Council during periods when the Leader of the Council is absent.

Role and Responsibilities of a Cabinet Member

The duties of a cabinet member are:

- (1) To have the responsibility for, and provide a lead on, the initiation of policy.
- (2) To decide the executive action to be taken in implementing those matters of Council policy allocated to them within their portfolio, seeking advice from the Executive Management Team where appropriate.
- (3) To take personal responsibility, and to be held accountable, for any decisions taken, and to share with the appropriate service managers responsibility for the performance of services within their portfolio.
- (4) To respond to or deal with any issues arising at council meetings relating to their portfolio.
- (5) To act as spokesperson within and outside the authority on those services and functions within their portfolio.
- (6) To be a member of, and attend, Cabinet Committees and to share the collective responsibility for decisions taken by the Cabinet.
- (7) To act as an advocate for the council within the Authority and outside.
- (8) To provide regular reports on progress and to undertake consultation on decisions as required.
- (9) To attend Overview and Scrutiny Committee and Scrutiny Panels to discuss decisions taken or support the policy formulation process.

(11) To develop partnership working with other agencies and contribute as a key player to delivering a partnership agenda.

(12) To represent the council on outside bodies.

(13) To represent the council and contribute the Bury perspective on national, regional and sub-regional bodies.

(14) To consult interested parties, ward councillors and citizens as part of the development and review of policy.

(15) As part of the Cabinet to be involved in:

- providing support to all councillors to help them develop constructive roles as Ward Members
- leading the community planning process for the council
- the consultation on, and drawing up of, the revenue and capital budgets
- leading the search for continuous improvement
- taking decisions on resources and priorities to deliver the strategies and budget approved by full council – promoting and participating in Member development

Cabinet Structure 2021-22

Leader and Cabinet Member for Finance and Growth Cllr E O'Brien		Deputy Leader and Cabinet Member for Children, Young People and Skills Cllr T Tariq	Cabinet Member for Health and Wellbeing Cllr A Simpson		Cabinet Member for Environment, Climate Change and Operations Cllr A Quinn
Finance	Business Growth and Infrastructure	Children and Young People	Operations	OCO	Operations
Financial Strategy and planning inc MTFS Budget Board governance, saving tracker and QIPP Financial management, assurance and reporting DSG Accounting inc Treasury Management, Cashiers, Pay Services (Creditor Payments/Accounts Payable/Payroll) Audit Revenues and benefits processing Insurance	Economic development Regeneration Strategic planning for land use and development Housing development inc Affordable Housing Development management Covid Recovery Plan	Lead member for the purposes of s 19 of Children Act 2004. Corporate Parenting Youth and connexions Children's social care MASH Children's & Complex safeguarding Fostering and adoption Early Help, Early years and school readiness Emergency Duty team (EDT) Youth offending team 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	Wellness operation (sport, physical activity, lifestyle, nutrition, BEATS) Leisure Facilities	Commissioning health and social care Commissioning secondary care and community services inc emergency and planned care, cancer and mental health 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	Waste inc Recycling Street cleansing 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 Implementation Walking and Cycling

		Troubled Families		Bury EST Adults Caldicott Guardian Service Liaison with LCO and Persona Social Care operations through the DASS Integrated Neighbourhood Teams	Strategic Transport
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Cabinet Member for Corporate Affairs and HR Cllr Tahir Rafiq		Cabinet Member for Communities Cllr Richard Gold	Cabinet Member for Culture and The Economy Cllr Charlotte Morris			Cabinet Member for Housing Services Cllr Clare Cummins
Corporate Core Services	Operations	Corporate Core Services	Corporate Core Services	Operations	Business Growth and Infrastructure	Business Growth and Infrastructure

<p>ICT Procurement Corporate Complaints, FOI's, EIAs Information Governance inc GDPR and Data Protection Legal and Democratic Services inc Monitoring, Registrars, Elections HR/OD inc HR Traded Services and Bury ACES Customer Contact inc PALS Equality and Diversity Risk Management Policy and Reform Adult learning Performance and Business Intelligence (inc Public Health intelligence) Transformation</p>	<p>Cleaning and catering School and college transport Depot/stores Facilities Management Architectural practice Enforcement</p>	<p>Health and Safety Resilience and Emergency Planning Community Safety (Strategic and Operational) Communications Marketing and Engagement including Neighbourhood engagement, interfaith, veterans, cohesion and VCFA Community Hubs/Covid Response Community Grants Civic Venues Libraries and Archives</p>	<p>Culture and Tourism Arts and Museums Town of Culture</p>	<p>Market Operations Licensing Trading standards</p>	<p>Town Centre Recovery Boards Business engagement, support and recovery</p>	<p>Liaison with Six Town Housing and Tenant Management Organisations (eg Springs) Estates, property and asset management Building control Urban renewal Homelessness and Asylum Housing Strategy</p>
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Membership of committees

Mayor of Council - Councillor Tim Pickstone

Deputy Mayor of Council - Councillor Shaheena Haroon

Cabinet Post	Cabinet Member	Deputy Cabinet Support Members
Leader, Finance and Growth	Councillor Eamonn O'Brien	Finance and Growth (Ramsbottom Town Plan) - Councillor Kevin Thomas
Deputy Leader, Children, Young People and Skills	Councillor Tamoor Tariq	Children Services - Councillor Clare Walsh
First Deputy, Health and Wellbeing	Councillor Andrea Simpson	Health & Wellbeing - Councillor Debbie Quinn
Communities	Councillor Richard Gold	Communities - Councillor Ummrana Farooq
Environment, Climate Change and Operations	Councillor Alan Quinn	Environment, Climate Change and Operations - Councillor Kevin Peel and Councillor Nathan Boroda
Corporate Affairs and HR	Councillor Tahir Rafiq	Corporate Affairs and HR - Councillor Joan Grimshaw
Culture and The Economy	Councillor Charlotte Morris	N/A
Housing Services	Councillor Clare Cummins	N/A

Overview and scrutiny committee (11)

Councillor Russell Bernstein (Chair)

Councillor Clare Walsh

Councillor Kevin Peel

Councillor Lucy Smith

Councillor Nathan Boroda

Councillor Gavin McGill

Councillor Ummrana Farooq

Councillor Liam-James Dean

Councillor Dene Vernon

Councillor Michael Powell

Councillor Carol Birchmore

Health scrutiny committee (11)

Councillor Trevor Holt (Chair)

Councillor Joan Grimshaw

Councillor Shaheena Haroon

Councillor Martin Hayes

Councillor Sandra Walmsley

Councillor Tom Pilkington

Councillor Khalid Hussain

Councillor Roger Brown

Councillor Jordan Lewis

Councillor Cristina Tegolo

Councillor Carol Birchmore

Children and Young People's Scrutiny Committee (11)

Councillor Steve Wright (Chair)

Councillor Mary Whitby

Councillor Tom Pilkington

Councillor Sam Butler

Councillor Debbie Quinn

Councillor Ciaran Boles

Councillor Kevin Thomas

Councillor Paul Cropper

Councillor Jo Lancaster

Councillor Luis McBriar

Councillor Gareth Staple Jones

Licensing and safety Committee (11)

Councillor Sandra Walmsley (Chair)

Councillor Trevor Holt

Councillor Joan Grimshaw

Councillor Karen Leach
Councillor Clare Walsh
Councillor Yvonne Wright
Councillor Jack Rydeheard
Councillor Jordan Lewis
Councillor S Wright
Councillor Mike Smith
Councillor Gavin McGill

Planning control committee (11)

Councillor Gavin McGill (Chair)
Councillor Martin Hayes
Councillor Kevin Thomas
Councillor Ciaran Boles
Councillor Debbie Quinn
Councillor Nathan Boroda
Councillor Jackie Harris
Councillor Dene Vernon
Councillor Jo Lancaster
Councillor Cristina Tegolo
Councillor James Mason

Audit committee (9)

Councillor Mary Whitby (Chair)
Councillor Martin Hayes
Councillor Beth Mortensen
Councillor Sam Butler
Councillor Ummrana Farooq
Councillor Iain Gartside
Councillor Jack Rydeheard
Councillor Steve Wright
Councillor Mike Smith

Co-opted - Independent Member

Employment Panel (9)

Councillor Tahir Rafiq (Chair)

Councillor Joan Grimshaw

Councillor Trevor Holt

Councillor Sam Butler

Councillor Richard Gold

Councillor Russell Bernstein

Councillor Roger Brown

Councillor Tim Pickstone

Councillor James Mason

Standards committee (9)

Councillor Tim Pickstone (Chair)

Councillor Martin Hayes

Councillor Mary Whitby

Councillor Tahir Rafiq

Councillor Sam Butler

Councillor Lucy Smith

Councillor Yvonne Wright

Councillor Russell Bernstein

Councillor Gareth Staple Jones

Independent Person(s)

Health and wellbeing board (4)

Councillor Andrea Simpson

Councillor Eamon O'Brien

Councillor Tamoor Tariq

Councillor Debbie Quinn

Core Voting Members:

A nominated representative from the Voluntary Sector – Sajid Hashmi

Executive Director of Children Young People and Culture – Isobel Booler

Executive Director for Strategic Commissioning – Will Blandamer

Director of Community Commissioning across the Council and CCG and Director of Adult Social Services – Adrian Crook

Director of Public Health – Lesley Jones

Two nominated representatives from the GP Clinical Commissioning Group –Dr Schryer and Geoff Little

A nominated representative from the Local Healthwatch – Ruth Passman

A nominated representative from Greater Manchester Police – Suzanne Downey

A nominated representative of Greater Manchester Fire Service – Val Hussain

A nominated representative from Northern Care Alliance – Tyrone Roberts

A representative of the LCO – Kath Wynne Jones

A nominated representative from Pennine Acute NHS Trust – Steven Taylor

A nominated representative from Pennine Care Foundation Trust – Keith Walker

A nominated representative from Six Town Housing – Sharon McCambridge

Corporate parenting board (11)

Councillor Tamoor Tariq (Chair)

Councillor Eamonn O'Brien

Councillor Clare Walsh

Councillor Clare Cummins

Councillor Kevin Peel

Councillor Tim Pickstone

Councillor Liam-James Dean

Councillor Jo Lancaster

Councillor Luis McBriar

Radcliffe cabinet committee (7)

Voting members:

Councillor Eamonn O'Brien (Chair)

Councillor Clare Cummins

Councillor Charlotte Morris

Non-voting members:

Councillor Mike Smith

Councillor Carol Birchmore

Councillor Jo Lancaster

Councillor Beth Mortenson

Strategic commissioning Board (8)

All members of Cabinet to attend

Opposition Leaders of the three Largest parties to attend also in a non-voting capacity

Other voting members:

Clinical Director x 4 Voting

Lay Member – Quality

Lay Member - PPI

Lay Member – Finance and Audit

Governing Body Registered Nurse

Chief Executive and Accountable Officer

Joint Chief Finance Officer (S151 responsibilities)

Joint Executive Director of Strategic Commissioning

Appointment of Shadow Cabinet for 2021/2022

Position	Appointees
Leader, Finance, Housing and Regeneration	Councillor Nick Jones
Deputy Leader, Environment and Climate Change	Councillor Paul Cropper
Public Health and Adult Social Care	Councillor Roger Brown
Children, Young People and Skills	Councillor Jo Lancaster
Communities, Leisure and Culture	Councillor Luis McBriar
Corporate Affairs, Transformation and HR	Councillor Russell Bernstein
Transport and Highways	Councillor Jackie Harris

Schedule for Review New Article 9

Section	Update	Comments	Initial Review Date	Subsequent Review Date
Part 1 - Introduction and summary	No amends		May 2022	
Part 2 - Articles of the constitution	Number of changes required including a reduction in the number of Articles		Nov 2021	May 2023
Part 3 - The functions scheme	Light touch review in conjunction with the review of the procedure rules.	Include Committee Terms of Reference	May 2022	May 2024
Part 4 - Procedure rules				
	Review and updated the Council and Committee rules		Nov 2021	May 2023
	Section 2 - Access to information rules		May 2023	May 2025
	Section 3 - Budget and policy framework procedure rules		May 2023	May 2025
	Section 4 - Cabinet procedure rules		Nov 2021	May 2023
	Section 5 - Overview and scrutiny rules		Nov 2021	May 2023

	Section 6 - Contracts procedure rules		May 2022	May 2024
	Section 7 - Financial regulations		May 2023	May 2025
	Section 8 – Officer Employment Procedure Rules		May 2022	May 2023
Part 5 - The codes and guidance				
	Section 1 - Councillor code of conduct	Review as per agreement at Standards	Nov 2021	May 2023
	Section 2 - Employee's code of conduct		May 2022	May 2024
	Section 3 - Protocol on member and officer relations		Nov 2021	May 2023
	Section 4 - Anti-fraud and corruption - Whistleblowing policy	Review as per agreement at Audit	May 2022	May 2024
	Section 5 - Monitoring officer protocol		Nov 2021	May 2023
	Section 6 - Public participation guide		May 2022	May 2024
Part 6 - Councillors allowance scheme		Awaiting outcome of IRP	Nov 2021	Update Annually – IRP every 4 years

Part 7 - Cabinet portfolios, membership of committees and the Council's management structure	Section 1 - Cabinet member portfolios Section 2 - Membership of committees Section 3 - Organisational structure	Need to amend and update	Nov 2021	Annually
Part 8 - Covid-19 interim arrangements		To Be Removed		
Part 9 – Version History and schedule for review				Update Annually

Committee Terms of Reference (to be appended to the Constitution)
Audit Committee
Corporate Parenting Board
JCC Corporate
JCC Teachers
JCC Health and Safety
Cabinet
Employment Panel
Health and Wellbeing Board
Licensing and Safety Committee
Overview and Scrutiny
Strategic Commissioning Board (to be replaced by the Locality Board)
Planning Control Committee
Youth Cabinet
East Lancashire Railway Trust Board
Democratic Arrangements Forum
Standards Committee
Joint Health Overview and Scrutiny Committee