

Classification	Item No.
Open	

Meeting:	Annual Council
Meeting date:	21 st May 2025
Title of report:	Bury Council Annual 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. Members agreed that the Constitution should be reviewed annually to ensure that the changes were fit for purpose. This report provides Members with details of which sections were reviewed during 2024/25 and sets out the priority areas for review in 2025/26.

RECOMMENDATIONS:

Members of Council are asked to -

1. Adopt the proposed changes at appendix 1 to the Officer Scheme of Delegation.
2. Ask the Standards Committee to review the proposed changes to the Corporate Governance Code as detailed at Appendix 2.
3. Adopt the proposed changes to the Probity in Planning Guidance at Appendix 3.
4. Approve the establishment of a Joint Planning Committee with Rochdale Council and approve the Terms of Reference at Appendix 4, to determine planning and related applications at Northern Gateway, Places for Everyone Allocations JPA 1.1 and JPA 1.2.
5. Note the selections reviewed during the 2024/25 municipal year; and
6. Note the selections proposed for review during the 2025/26 municipal year.

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.

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 website:

<https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=350&MId=3791&Ver=4&Info=1>

SELECTION FOR REVIEW DURING 2024/25

One of the primary functions of the Council's Monitoring Officer is oversight and responsibility for the Council Constitution. In undertaking this role, the Monitoring Officer introduced an annual review of the Council's Constitution. The selection for review has been informed by feedback from Elected Members and discussions with fellow Council Officers.

At its meeting in May 2024, Full Council approved revisions to the Protocol on Member and Officer Relations, Committee and Cabinet appointments, Licensing Functions, and a number of other amendments. Since that time, further sections have been reviewed and are summarised below: **Schemes of Delegation, Ethical Governance, Governance of Housing Arrangements, Probity in Planning Guidance and the Member Allowance Scheme and the convening of an Independent Remuneration Panel (IRP).**

1. Schemes of Delegation,

Each Directorate was tasked with reviewing and updating their existing schemes of delegations for inclusion in the Constitution.

Following the structure changes previously approved by Council which came into effect on 1 April 2025, there are now schemes of delegation in place for Children and Young Persons, Corporate Core, Health and Adult Care and Place.

The Chief Executive's delegations have also been reviewed and these are appended to the report.

Following a Corporate re structure a new Place Directorate has been recently created, as the structure is embedded further changes to these schemes may be necessary. Council will be asked at a later date consider any further revisions to the scheme of delegation. (See attached appendix 1).

2. Ethical Governance

In reviewing Ethical Good Governance it was determined that a Code of Corporate Governance should be prepared, demonstrating Bury's commitment to ensuring high standards of governance, this code of governance is underpinned by the seven key principles set out in the current revised framework 'Delivering Good Governance in Local Government: Guidance notes for English Authorities (2016 Edition)', published by Chartered Institute of Public Finance & Accountancy (CIPFA), and the Society of Local Authority Chief Executives & Senior Managers (SOLACE).

It sets out how we take decisions ensuring that we do so in a transparent and accountable way that are subject to effective scrutiny. It addresses how we monitor our performance and manage risk and details how Councillors and officers work together effectively to achieve outcomes to achieve a common purpose with clearly defined

functions and roles. The code will be reviewed by the standards Committee in the new municipal year prior to adoption.

3. Governance of Housing Arrangements

A Strategic Housing Review was undertaken in 2023 and the outcomes reported to Cabinet on 7 June 2023. An in-principle decision was taken at this meeting to return Six Town Housing to direct Council control.

Following the transfer to direct control the following Council Governance arrangements were established:

- **Housing Advisory Board Established**

This Board consists of elected members including opposition members as well as tenant representatives and independent members. Members meet one a quarter to monitor the performance of the Housing Service, ensuring the voice of the tenant is clearly heard and acted upon. The Housing Advisory Board helps to inform the Cabinet Member for Housings work.

- **Six Town Housing Board Established**

Four senior officers from Bury Council are appointed to this Board to determine decisions relating to Six Town Housing stock. Meetings are held monthly.

- **Housing Scrutiny Sub- Committee Established**

During this municipal year the sub-group had met on five occasions to look at housing governance and performance.

The sub-group will continue to meet in the municipal year 2025-2026 continuing their scrutiny of housing issues. In addition, the sub-group will also consider Council performance reports, the meetings will alternate between the two issues.

- **Review of the Director of Housing Scheme of Delegations.**

Work continues to embed housing governance within the organisation.

4. Probity in Planning Guidance

The Probity in Planning Guidance regulates the performance of the Council's planning function, principally as it applies to applications for planning permission, but also to the other areas within the terms of reference of the Planning Control Committee pertaining to development control (e.g. enforcement, listed buildings, conservation areas, tree preservation orders, etc).

A draft updated version of the Probity in Planning Guidance was circulated to Members of the Planning Control Committee at the March 2025 meeting for any comments which could have included possible deletions or additions.

The governance process also saw the updated version of the Probity in Planning Guidance submitted to the Standards Committee in April, with Planning Committee Member's comments taken into consideration.

5. Review of Member Allowances

In April 2025 the Independent Remuneration Panel met to review the Member Allowance Scheme. A draft report has been produced for Members consideration. The report and its recommendations will be considered by group leaders at the next Democratic Arrangements Forum, prior to consideration at July's meeting of Full Council.

6. Other changes to the constitution during the municipal year 2024/25

During this municipal year Full Council has agreed the following amendments to the Constitution

- **Employment Panel Terms of Reference**

The Terms of Reference were amended; to reflect that, the Employment Panel no longer considers applications for premature retirement.

- **Employees Code of Conduct**

Section 2 of the Employees Code of Conduct was updated to include the following:

"Employees must declare to the Council:

If they are under investigation by the police for a criminal offence involving a child/vulnerable adult or a serious criminal offence involving any physical assaults or sexual assaults on anybody.

If they are under assessment by children's services over the welfare of their own children or children regularly in their care.

If they are being charged or prosecuted for a criminal offence that is either reportable to their professional body or standards body, or which could either:

bring the Council into disrepute, or result in them being unable to undertake the role for which they are employed (e.g. a driving ban), or may result in a prison sentence (suspended or otherwise)

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

- **Contract procedure rules**

The procedure rules were updated in September 2024 to provide a plain English, 9 page guide plus a table to support officers with contract procedure rules.

- **The Locality Board Terms of Reference**

The Terms of Reference were reviewed, and it was agreed that a representative from Bury Hospice will be invited to attend all Locality Board meetings as a non-voting member.

- **Establishment of the Joint Planning Committee**

On the 22nd April 2025, the Planning Control Committee considered a report outlining the draft arrangements and terms of reference for a joint planning committee between Rochdale and Bury Councils. The Joint Committee will determine planning and related applications at Northern Gateway, Places for Everyone sites JP Allocations 1.1 and 1.2.

The Planning Control Committee noted the report and recommended that full Council approve the establishment of a Joint Planning Committee with Rochdale Council, in accordance with the draft Terms of Reference, to determine planning and related applications at Northern Gateway, Places for Everyone Allocations JPA 1.1 and JPA 1.2. (Appendix 3).

- **Changes to the Cabinet portfolios**

The Constitution be updated to reflect changes to the Cabinet portfolios as detailed in the Annual Appointments report.

7. Establishment of the internal assurance boards

A key part of the Council's response to the External Auditors statutory recommendation was a fundamental review and strengthening of internal governance and systems of assurance was undertaken. As a result it was agreed that:

- **A weekly Member Assurance Group** is held to facilitate private political briefing and challenge on key areas of risk, membership to include, the Leader and Cabinet Member for Finance and the Chief Executive. Action notes and action log are to be produced and shared weekly at ELT. Other Officers to attend by invitation – key areas of focus:
 - Internal audit recommendations
 - Financial transformation
 - Estates, including the corporate landlord, and estates compliance
 - Project Safety Valve.
- **Six new Assurance Boards** will be established, reporting into ELT and MAG through a monthly highlight report which will also be shared with the Cabinet

Members. The Boards will each be chaired by an Executive Director and attended by Directors. The assurance boards will meet monthly, with clear Terms of Reference, work programmes, a lead Officer and action notes/action tracker. The proposed Assurance Boards are:

- Commercial
- Finance
- Governance and Assurance
- Performance, Delivery and Transformation
- Property and Estates
- Regeneration

SELECTION FOR REVIEW DURING 2025/26

Over the course of the next twelve months, it is proposed that the following areas are subject to review:

- **Public Participation Guidance**

A healthy democracy depends upon active citizenship. Residents are encouraged to make conscientious use of their roles as both voters and members of a wider community, and this guide gives an overview of the ways in which they can do that (i.e. attending meetings, asking questions, petitions, etc). It is proposed that the guidance is reviewed taking into account the variety of different ways the Council now engages with its residents in addition the Council will review its **Petition Procedure**.

Lead Officer – Julie Gallagher, Head of Governance

- **Corporate Governance Review (See above)**

Lead Officer – Jacqui Dennis, Director of Law and Democratic Services

- **Review the proposals to develop a Mayoral Development Corporation**

A Consultation is currently in progress regarding the proposal to establish a Northern Gateway Mayoral Development Corporation spanning Bury and Rochdale. This statutory body is envisioned to drive efforts in creating homes, jobs, and investment within the region. Subject to the consultation outcome a corporation would be established. All corresponding governance arrangements including the MDC constitution will be reviewed regularly.

Lead Officer – Julie Gallagher, Head of Governance

- **Officer Code of Conduct**

The Officer Code of Conduct defines the standards of behaviour expected from all staff at Bury Council. Its primary objective is to promote transparency, accountability, and the prudent use of public resources. To remain effective, the code should be subject to periodic review and revision.

Lead Officer – Jacqui Dennis, Director of Law and Democratic Services

- **Financial Regulations**

Adhering to good practice, it is recommended that the financial regulations undergo regular review. In view of the proposed changes to the procurement team's delivery model and upcoming legislative updates, a review within the current municipal year is advised.

Lead Officer – Neil Kissock, Section 151 Officer

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:

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.

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

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:

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List of Appendices:

Scheme of Delegation

Joint Planning Committee TOR