

Classification	Item No.
Open	

Meeting:	Annual Council
Meeting date:	20th May 2026
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 2025/26 and sets out the priority areas for review in 2026/27.

RECOMMENDATIONS:

Members of Council are asked to -

1. Approves the recommendation from the Licensing and Safety Committee dated 19th March 2026 that in the interest of public safety to delegate suspension and revocation of licenses to the Deputy Licensing Officer (Appendix 1 – Report of Licensing and Safety Committee)
2. Approves the updated Corporate Core Scheme of Delegation
3. Approves the updated Probity in Planning guidance
4. Note the revised Member Safety guidance
5. Note the selections reviewed during the 2025/26 municipal year; and
6. Note the selections proposed for review during the 2026/27 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>

Matters reviewed during 2025/26

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. The Monitoring Officer would like to thank the Standards Committee for their work in relation to the annual review of the code of conduct, the revision of the Member Officer protocol and the public participation guidance.

1. Public Participation Guidance

Council on the 21st January 2026 approved revised public participation guidance following detailed consideration by the Standards Committee on 26th November 2025.

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). The guidance was reviewed taking into account the variety of different ways the Council now engages with its residents.

The updated guidance now provides citizens with further detail of how they can actively participate in the Borough. The revised guidance sets out details of how the Council approaches consultation and how it communicates with citizens. A healthy democracy depends on active citizenship.

The Council's Public Participation Guidance sets out how residents can:

Attend and observe meetings.

- Ask questions at public meetings.

- Submit petitions.
- Engage through consultations and community networks.
- Access information about decisions. Participate in planning and scrutiny processes.
- Vote in elections and volunteer locally.

Councillors play a key role in enabling participation, ensuring transparency, and representing community views, the roles of Councillors and Officers is set out in the guidance.

Key Elements of Public Participation

1. Attending Meetings

Public encouraged to attend Council and committee meetings in person or online. Meetings of Council and Cabinet are live-streamed. Agendas and papers published at least five working days in advance. Social media reporting permitted if it does not disrupt proceedings. Filming allowed with prior notice to the Chair or Democratic Services Officer.

2. Asking Questions

Questions can be asked at Full Council, Cabinet, Health & Wellbeing Board, Licensing & Safety, Scrutiny Committees, and Locality Boards. Anyone living, working, or studying in Bury may submit questions. Notice required: by midday two working days before the meeting. One question per person, plus one supplementary question allowed. Responses may be oral or written within 10 working days.

3. Petitions

Petitions welcomed on matters within Council powers. Must include a clear statement, names, and addresses of signatories (minimum 50). Online submission preferred. Petitions with 2,500+ signatories can be presented at Full Council.

4. Consultation and Engagement

Consultation ensures community views inform decisions. Engagement is ongoing dialogue through neighbourhood teams, thematic forums (e.g., Circles of Influence for young people), and PACT meetings. Live consultations published on Council website.

5. Communications Channels

Website, social media, local media, newsletters, community networks, and face-to face events. The guide set out the overriding principles that our communication is clear, accurate, timely, accessible, and two-way.

6. Other Participation Routes

Planning: Comment on applications; speak at Planning Committee. Scrutiny: Suggest topics for review; submit evidence. Voting: Register and vote in local and national elections.

Volunteering: Opportunities include community groups, school governors, befriending schemes (buryvcfa.org.uk). Represent ward and borough interests.

7. Role of the Councillor

Facilitate community engagement and respond to residents' concerns, by asking questions, speaking at Committees, presenting petitions or motions.

- Be contacted to discuss your problem or ideas to improve the ward or borough
- Help you if you need information or are dissatisfied with a Council service by advising or directing you to someone who can help sort out your problem, and can sometimes progress the case on your behalf as a community leader, put forward proposals to improve the ward they represent which may include bringing together different community groups to develop a case for change
- Work with partners and officers to shape policy and services. The proposed revised guidance also contains the following amendments which if adopted will require further constitutional changes –
- Ability of citizens to ask questions at the Bee Network forum
Expansion of those who can ask questions at meeting from residents of Bury to include and those studying in Bury The public participation

2. Corporate Governance Review

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.

Annual council in May 2025 requested that standards committee review the Council code of corporate governance this considered and approved by the Standards Committee on 1 July 2025. The code now operates in the Council's governance framework and the Annual Governance Statement.

3. Review the proposals to develop a Mayoral Development Corporation

During 2025/26, the Council played a key role in the establishment of the Northern Gateway Mayoral Development Corporation. Cabinet approved the draft governance and operational arrangements, including the draft Mayoral Development Corporation Constitution, on 9 July 2025. Following the completion of statutory processes, the Corporation was formally established as a legal entity on 16 January 2026 by Order of the Secretary of State. The MDC is responsible for the adoption of its constitution.

4. Officer Member protocol

The review of the Officer Member protocol was part of the 2025-2026 constitution annual review plan and also included on the Standards Committee work programme for this Municipal year.

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 any revisions. Members are asked to consider the current constitution, Part 5 The Codes and Conduct, Section 3, Protocol on Member and Officer relations. <https://councildecisions.bury.gov.uk/documents/s45700/Section%203%20%20Protocol%20on%20Member%20and%20Officer%20Relations.pdf>

This Protocol sets clear expectations for how elected Members and Officers work together in the public interest. It promotes mutual respect, impartiality and effective decision making, and provides practical rules for day-to-day interactions, including hybrid and digital working, media handling, safeguarding, equality, and the pre-election (“purdah”) period.

The Standards Committee considered the revised protocol in February 2026, the revised protocol now reflects hybrid working, safeguarding, revised equality matters and media handling. The protocol aligns to the updated Local Government Association Guidance.

5. Other changes to the constitution during the municipal year 2025/26

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

- **Democratic arrangements forum – Motions**

Council in January 2026 agreed to constitutional changes which had been considered by the Democratic Arrangements Forum on 30th October 2025.

It was agreed that the constitution was amended to state that the ruling group and the main opposition group for Bury Council would each be guaranteed one motion per Council meeting. The remaining Groups would alternate for the third motion.

The constitution was amended to limit the number of written questions with the order of questions to be politically proportionate and limited to six for the ruling group, five for the opposition group and four for all other groups. All changes were adopted from March 2026 Council meeting.

- **Employee code of conduct - Workforce policy review**

In January 2026 Council agreed a recommendation from the Employment Panel who had met on 24th November 2025. Council approved a revised form of employee code of conduct. The refreshed code provided for a refreshed facilities time agreement, a revised capability procedure, an updated grievance procedure, revisions to appeals and hearing procedures, updated social media policy and an updated Chief Officer Job evaluation scheme guidance.

- **Housing Advisory Board terms of reference**

In July 2025 the Terms of Reference were amended; to reflect that the Board will meet every two months and to allow four Tenant advisory appointments at least two of which should be members of the tenant voice panel and two Independent Members – one of who should bring skills and experience related to housing, tenancy management and customer service and the other to bring skills and experience related to asset management, repairs and building safety.

- **Local Bee Network terms of reference**

Following a review by the Democratic Arrangement Forum in July 2025 Council agreed to changes to the Local Bee Network terms of reference. It was updated to accommodate public questions on the Forum agenda for a duration of 30 minutes and that a young person representative from the Youth Council sit on the forum.

- **Probity in planning**

Members are asked in this meeting to approve minor technical changes to the probity in planning protocol.

- **Corporate Core Scheme of delegation**

Members are asked in this meeting to approve amendments to the updated scheme; this has been completed as part of the annual review process.

SELECTION FOR REVIEW DURING 2026/27

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

- **Financial Regulations**

Financial regulations will be reviewed with oversight from the S151 Officer. This work is currently underway as part of the unit 4 transformation programme and changes to

the procurement team's delivery model. A revised scheme will consider all relevant legislative requirements. A report will be brought to Audit committee in June with recommended changes.

- **Proposed legislative changes – Hybrid meetings, proxy voting**

The standards committee will continue to review the proposed legislative changes to meetings, subject to the legislative provisions there will be changes required to the constitution including meeting procedure rules this will be monitored throughout the year. Any changes will require Council approval.

- **Code of conduct – Annual review & legislative proposals to changes to the standards regime**

Standards committee will carry out an annual review of the code of conduct alongside reviewing any legislative changes regarding the standards regime. The Government has indicated following consultation legislation will be brought forward these changes will require revisions to the Member code of conduct.

- **Licensing Committee delegations**

A review will take place of the delegations of the Licensing and Safety Committee in relation to Hackney carriage and private hire licence drivers.

- **Council procedure rules**

Following feedback from Mayor officers will review the Council procedure rules and consider whether a free standing procedure for budget Council is required.

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

Report of Licensing and Safety Committee March 2026

Member safety Policy

Corporate core scheme of delegation

