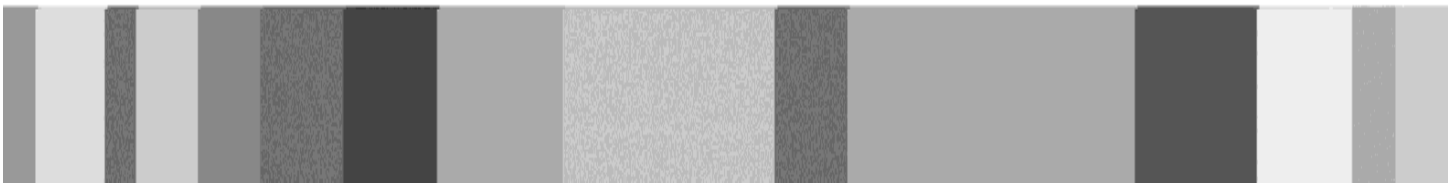
Bolton Council

# Part 1

# The Council And Its Principles Of Governance



## The Council And Its Principles Of Governance

The Council will exercise all its powers and duties in accordance with the law and this Constitution. This Constitution, including all its appendices, is the Constitution of the Bolton Borough Council. The purpose of the Constitution is to: -

(1) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

(2) support the active involvement of citizens in the processes leading up to local authority decision-making;

(3) help councillors represent their constituents more effectively;

(4) enable decisions to be taken efficiently and effectively;

(5) create a powerful and effective means of holding decision-makers to public account;

(6) ensure that no-one will scrutinise a decision which they made or participated in the making of (except as a member of a Policy Development Group);

(7) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

(8) assist in securing continued improvement in the delivery of services to the community by the Council itself and in partnership with other organisations.

## How The Council Operates

The Council is one of ten Metropolitan Councils in Greater Manchester and is composed of 60 councillors, with one-third elected annually three years in four (see Article 1). Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct, with its overall responsibility for maintaining high standards in the conduct of the Council's activities.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policy framework and set the Budget each year. The Council will appoint the Council Leader and the Leader will appoint the members of the Cabinet. The Council will also appoint the Scrutiny Committees, Regulatory Committees, Standards Committee. Each member of the Cabinet will have specific responsibility for certain functions known as a 'portfolio'. The Leader will allocate the portfolio responsibility for each member of the Cabinet and determine the arrangements for the delegation of executive functions. The Cabinet will, together, exercise collective responsibility for the discharge of the Council's executive functions; each Executive Cabinet Member will, individually, be responsible for matters within his/her portfolio as determined by this Constitution.

The Council has agreed the following Principles of Governance.

**Principle 1 The Council**

(A) The Council will meet to: -

(1) elect a (non-executive) Mayor;

(2) agree and amend the Council's Constitution;

(3) appoint the Leader for a term to be determined by the Council;

(4) appoint and agree the terms of reference of committees;

(5) approve the Council's policy framework and any variation thereto;

(6) agree the annual Budget;

(7) appoint representatives to outside bodies;

(8) agree a scheme of allowances for Members;

(9) confer the title of Honorary Alderman or the Freedom of the Borough;

(10) promote, make, amend, revoke, re-enact or adopt local by-laws;

(11) approve any application to the Secretary of State in respect of any Housing Land Transfers; and

(12) consider all matters which by law must be referred to Council.

(B) Any member may move a Motion at Council or may ask questions of the Leader or any member of the Cabinet, a Committee Chair or the nominated representatives of the Greater Manchester Joint Authorities or any other successor bodies, or may comment or move an amendment, where applicable, on the minutes of any meeting of the Cabinet, an Executive Cabinet Member, or a Committee.

**Principle 2 - The Leader and Cabinet**

(A) The Council will appoint a Leader and the Leader shall appoint up to nine other members (with executive responsibility) who will collectively be known as the Cabinet.

(B) The Leader will appoint one member of the Cabinet to be the Deputy Leader who will act as Leader if the Leader is unable to act.

(C) The Cabinet will normally meet in public in accordance with the provisions of the Local Government (Access to Information) Act 1985 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

(D) Non-Executive Members appointed by Council will have the right to attend and speak, but not to vote, at formal meetings of the Cabinet.

(E) The Head of Paid Services, the Monitoring Officer and the Chief Finance Officer will also have a right of attendance at meetings of the Cabinet.

(F) The Leader will determine the extent of each portfolio of executive responsibility; will allocate portfolios to individual members of the Cabinet and will determine the arrangements for the delegation of executive functions.

(G) The Leader and other members of the Cabinet will arrange for their respective deputies to deputise in his/her absence (for whatever reason) in relation to his/her portfolio (if the nominated deputy is unable to act the Leader will appoint another member of the Cabinet to deputise).

(H) Nominated opposition spokespersons**, the three statutory officers and the appropriate Director(s) or their representatives, will have a right to attend and speak, but not to vote, at formal meetings of individual Executive Cabinet Members.

(I) The Leader, the Head of Paid Service, the Monitoring Office or the Chief Finance Officer shall have authority to require that any report or proposal in respect of which a decision is proposed to be made or has been made by an individual Executive Cabinet Members be called in for consideration by the Cabinet and, pending such consideration and determination by the Cabinet, implementation of the decision of the Executive Cabinet Member shall be suspended.

***Note:*

(1) For the purposes of this section, an opposition group will only have the right of attendance where the group comprises not less than 10% of the total membership of the Council. In the event that there should be a failure to agree in relation to the number and/or distribution of opposition group places, Section 15(5) of the Local Government and Housing Act 1989 will apply irrespective of whether a determination as to political groups has been made under that Act.

(2) In the event that the Leader shall be appointed by the Council on the basis of a joint administration of the Council's affairs by two or more party groups, all qualifying party groups (as indicated in Note 1 above), including those participating in the Executive arrangements, shall be entitled to nominate spokespersons to attend and speak (but not to vote) at formal meetings of individual Executive Cabinet Members.

**Principle 3 - Scrutiny Committees**

(A) The Council will appoint sufficient Scrutiny Committees to exercise effective overview and scrutiny in relation to all of the executive functions of the Council, including the functions delegated to the individual members of the Cabinet. It will also appoint a Health Overview and Scrutiny Committee to oversee health functions in the Borough.

(B) Members of the Cabinet may, and will if so required, attend at meetings of relevant Scrutiny Committees. If they cannot attend in person, their named deputies will attend.

**Principle 4 - Standing Committees**

(A) The Council will appoint at least two standing committees with delegated powers to exercise the functions of the Council in relation to each of the following: -

- Planning Control
- Licensing and Environmental Regulation
-

(B) The Council will appoint a Standards Committee.

(C) The Council will appoint other statutory bodies, viz. –

- Members' Independent Remuneration Panel

The Council is committed to providing services to all the people of Bolton that are of a high quality, efficient and cost effective.

The Council will also work in partnership with other organisations to promote the well being of the Borough as a whole.

Copies of these documents can be found on the Councils Website Meetings, agendas, and minutes Bolton Council.

The Borough Solicitor will be responsible for maintaining the Constitution.
For any enquiries about the Constitution, please contact:

Borough Solicitor,
Town Hall
Bolton, BL1 1RU.
Telephone (01204) 331101
www.bolton.gov.uk

Bolton Council

# Part 2

# The Council's Fifteen Articles of Governance

May 2025

## The Council's Fifteen Articles of Governance

## Article 1 Members of The Council

### Composition and Eligibility

(a) **Composition**: The Council will comprise 60 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward, in accordance with a scheme drawn up by the Boundary Committee for England and approved by the Secretary of State or drawn up by the Electoral Commission.

(b) **Eligibility**: Only registered voters of the Council's area or those living or working there will, subject to the relevant statutory provisions, be eligible to hold the office of Councillor.

### Election and Terms

(a) The ordinary election of a third of all councillors will be held on the first Thursday in May in each year and in every fourth year after there will be no regular election. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

(b) Part 2 of The Local Government and Public Involvement in Health Act 2007 allows the Council to change the above to whole council elections, such change being agreed by a Council resolution passed at a special meeting of the Council by a two thirds majority (the Council must take appropriate steps to consult relevant consultees before passing the resolution). The resolution must specify the year for the first ordinary elections of the Council at which all councillors are to be elected.

If the Council passes a resolution to change the electoral scheme it cannot pass a further resolution before the end of five years beginning from the day of the earlier resolution.

If the Council resolves to be subject to whole council elections the Council can request the Electoral Commission to conduct an electoral review of the area with the aim of introducing single member wards.

### Ceasing being a Councillor

**A Councillor will cease being a Councillor if:**

a. **They resign by giving written notice, or**
b. **They fail to attend meetings of the Council for a period of six months without prior approval of the Council meeting, or**
c. **If they are stopped by law from holding office, or**
d. **The period for which they were elected has come to an end and they have not been re-elected.**

### Key roles

All councillors will:-

(i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

(ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

(iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(iv) balance different interests identified within the ward and represent the ward as a whole;

(v) be involved in decision-making;

(vi) be available to represent the Council on other bodies;

(vii) maintain the highest standards of conduct and ethics.

(viii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

(ix) respond to constituents' enquiries and representations, fairly and impartially;

(x) participate in the governance and management of the Council and may be involved in the exercise of the Council's quasi-judicial functions; and

(xi) exercise those functions delegated to individual members by the Leader/Council within the ward.

**Rights and duties**

(i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Councillors will not make public any information which is confidential or exempt without the consent of the Council and will not divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

(iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

**Conduct**

Councillors will at all times observe the Code of Conduct for Members; the Protocol on Member/Officer Working Arrangements and the Guide to Good Practice for Members and Chief Officers involved in the Planning Process set out in Part 5 of this Constitution.

**Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

Councillors are also entitled to reimbursement of expenses incurred by them in the performance of their duties in accordance with regulations made under the Local Government Act 1972 by the Secretary of State responsible for local government.

## Article 2 Citizens And The Council

**Citizens' rights**

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

(a) **Voting and petitions**

Citizens on the electoral roll for the area have the right to vote; and to sign a petition to request a referendum for an Elected Mayor form of Constitution.

(b) **Information**

Citizens have the right to:

(i) attend meetings of the Council, the Cabinet and committees, except where confidential or exempt information is likely to be disclosed and the meeting is

therefore held in private. Notification of private meetings of the Cabinet will normally be published 28 days prior to the meeting. Representations can be made to the Council's Monitoring Officer (the Borough Solicitor) requesting that the matter identified will be considered in public. The Borough Solicitor will issue a response to such representations 5 clear days before the meeting takes place;

(ii) find out from the Council's "Forward Plan" what key decisions will be taken by the Cabinet and Executive Cabinet Members and when;

(iii) see agendas, reports and background papers (except confidential or exempt information), and any records of decisions made by the Council and the Cabinet, Executive Cabinet Member and Officers (as prescribed by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and any committees;

(iv) inspect the Council's accounts and make their views known to the external auditor; and

(v) submit petitions under the Council's Petition Scheme.

(c) **Participation**

(i) Citizens may, if so requested, contribute to investigations by Scrutiny Committees; and

(ii) Citizens have the right to address the Planning Committee in respect of a particular planning application, whether supporting or objecting and the Licensing Sub-Committee when considering applications under the Licensing Act 2003.

(d) **Complaints**

Citizens have the right to complain to:

(i) the Council itself under its complaints scheme; and

(ii) the Ombudsman after using the Council's own complaints scheme;

**Citizens' responsibilities**

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

**Article 3 The Full Council**

**Meanings**

(a) **Policy Framework**

The policy framework means the following plans and strategies: -

(A) Bolton: Our Vision

(B) Children and Young People's Plan

(C) Community Strategy

(D) Community Safety Plan

(E) Development Plan documents under section 15 of the Planning and Compulsory Purchase Act 2004

(F) Licensing and Gambling Policies

(G) Local Transport Plan

(H) Joint Health and Wellbeing Strategy

(b) **Budget**

The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

**Functions of the full Council**

Only the Council (or the Constitutional Panel with respect to (iv) and (vi) if required before a meeting of the Council) will exercise the following functions:-

(i) electing a (non-executive) Mayor;

(ii) adopting and changing the Constitution;

(iii) appointing the Leader;

(iv) agreeing and/or amending the terms of reference of committees, deciding on their composition and making appointments to them;

(v) approving or adopting the policy framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;

subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the Budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the Budget;

(vi) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;

(vii) adopting an allowances scheme under Article 1;

(viii) changing the name of the Borough and the name of a ward in its area,

(ix) conferring the title of Honorary Alderman or the Freedom of the Borough;

(x) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

(xi) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;

(xii) all other matters which, by law, must be reserved to Council; and

(xiii) to delegate non executive functions to individual members to be exercisable in their wards, subject to the Council's Scheme of Delegation.

**Council Meetings**

There are three types of Council meeting:

(1) the annual meeting;
(2) ordinary meetings; and
(3) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

**Responsibility for Functions**

The Council will maintain the details in Part 7 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

**Article 4 Chairing The Council**

**Role and Function of the Mayor**

The Mayor and, in his/her absence, the Deputy Mayor will have the following roles and functions.

**Ceremonial Role**

(a) The main duty of the Mayor is to preside over the principal meetings of the Council and, if present, at the meeting he/she must preside.

(b) If the Mayor is not present at the Council meeting, the Deputy Mayor has to preside. In the absence of the Mayor and the Deputy Mayor, a member (except the Leader or any Executive Cabinet Member) present at the meeting shall be elected to Chair the meeting by those members present at the meeting.

(c) The person presiding at the Annual Meeting must give a casting vote in the event of any equality of votes for the election of a new Mayor. This is in addition to any other vote he or she may have cast. A candidate for Mayor should not, however, continue to preside at the meeting for exercise of the casting vote.

(d) Standing Orders give the Mayor specific powers in chairing Council meetings. The Mayor's ruling on any matter, whether it be the admissibility of a point of order or a ruling upon the result of a vote or upon a ruling to refuse to hear a person, is final and is not open to challenge.

(e) The Mayor may call an extraordinary meeting of Council subject to proper procedures being followed.

(f) If the Mayor refuses or fails to call an extraordinary meeting within seven days after a requisition for that purpose by five members has been presented to him/her, any five members may forthwith call an emergency meeting.

(g) The Mayor may perform certain tasks in a similar manner to a Justice of the Peace. He/she may also do the following:-

(i) sign any document for the purpose of authenticating another person's signature;

(ii) take and authenticate by his/her signature any written declaration not made on oath; and

(iii) give a certificate of facts within their knowledge of their opinion as to any matter.

**Precedence**

The Mayor is the first citizen of the Borough and has the right to precedence over everyone in attendance at functions, speaking at functions and appearing at parades, except on the occasion of a Royal visit or the Lord Lieutenant when representing Royalty.

**Role of the Mayor**

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:-

(a) to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;

(b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

(c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;

(d) to promote public involvement in the Council's activities;

(e) to be the conscience of the Council;

(f) to attend such civic and ceremonial functions as the Council and he/she determines appropriate; and

(g) to participate in the Council's dispute resolution procedure outlined in Part 4 of this Constitution.

## Article 5 Scrutiny Committees

**Terms of Reference**

The Council will appoint Scrutiny Committees – as set out below - to discharge the functions conferred by Section 21 of the Local Government Act 2011 or by regulations made under Section 32 of the Local Government Act 2011 in relation to the matters set out in the Powers and Duties of Committees and Panels in Part 7 of this Constitution.

**Scrutiny Committee**

Children's Services
Corporate and External Issues
Health Overview and Adults, Communities and Integration
Place

**General Role**

Within their terms of reference, the Scrutiny Committees will:-

(a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

(b) make reports and/or recommendations to the full Council and/or the Cabinet and/or any Policy Development Group or Joint Committee in connection with the discharge of any functions;

(c) consider any matter affecting the Borough or its inhabitants;

(d) exercise the right to call-in for scrutiny, decisions made but not yet implemented by the Cabinet and/or any Policy Development Group.

(e) consider councillor call for action issues, including crime and disorder matters (the matter has to affect all or part of a member's ward or any person who lives or works in the ward); and

(f) to require partner organisations to provide information and to request such partner organisations to consider a report/recommendations of the committee relating to the local improvement target specified in the LAA.

**Specific Functions**

(a) **Policy Development and Review**

Scrutiny Committees may:-

(i) assist the Council and the Cabinet in the development of its Budget and policy framework by in-depth analysis of policy issues;

(ii) conduct research, consultation (including the community) in the analysis of policy issues and possible options;

(iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(iv) question members of the Cabinet, committees and chief officers about their views on issues and proposals affecting the area;

(v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and

(vi) to work with partner authorities to improve local improvement targets.

(b) **Scrutiny**

Scrutiny Committees may:-

(i) review and scrutinise the decisions made by and performance of the Cabinet and Council officers both in relation to individual decisions and over a period of time;

(ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(iii) question members of the Cabinet, committees and chief officers about their decisions and performance, whether generally, in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

(iv) make recommendations to the Cabinet, appropriate committee and/or Council arising from the outcome of the scrutiny process and to receive a response within a two month time period;

(v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;

(vi) question and gather evidence from any person (with their consent); and

(vii) appoint one or more sub-committees to discharge any of its functions and such sub-committees may include persons who are not members of the Authority.

(c) **Resources**

Scrutiny Committees may exercise overall responsibility for any resources made available to them.

**Proceedings of Scrutiny Committees**

Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

## Article 6 The Cabinet

**Role**

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

**Form and Composition**

The Cabinet will consist of the Leader together with up to nine other councillors (with executive authority) appointed to the Cabinet by the Leader. The Leader will decide the portfolios of the Executive Cabinet Members/Cabinet Members.

**Leader**

The Leader will be a councillor elected to the position of Leader by the Council for a term to be determined by the Council or the balance of his/her term of office as a councillor.

The Leader will hold office until:-

(a) he/she resigns from the office; or

(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(c) he/she is no longer a councillor; or

(d) he/she is removed from office by resolution of the Council; or

(e) the appointment of a successor at a subsequent Annual Meeting of the Council;

(f) in the event of a change in political control of the Council; or

(g) the time period for which he/she was appointed has elapsed.

**The Deputy Leader**

The Deputy Leader will be a member of the Cabinet and be appointed by the Leader and will act as Leader if the Leader is unable to act or the office is vacant. If the post of Deputy Leader becomes vacant the Leader must appoint another person to be Deputy Leader.

**Other Cabinet Members**

Other Cabinet Members shall hold office until:

(a) they resign from office; or

(b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

(c) they are no longer councillors; or

(d) they are removed from office by the Leader;

(e) the appointment of a successor by the Leader; or

(f) in the event of a change in political control of the Council.

**Proceedings of Meetings of the Cabinet and Executive Cabinet Members**

Proceedings of the Cabinet and of individual Executive Cabinet Members shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

**Call In**

A decision may be called in by any individual member present at the time when the decision is taken or on receipt of a request, submitted in writing to the Chief Executive, by any six members of the Council not later than 5.00 p.m. on the second full working day following publication of the minutes of the meeting at which the decision was taken. Decisions will not therefore be implemented until this period has expired, subject to the provisions contained in the Scrutiny Procedure Rules, as set out in Part 4 of this Constitution, in relation to matters of urgency.

**Responsibility for Functions**

The Leader will maintain a list setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions. This list will form Part 3 of this Constitution.

The Deputy Leader will hold office until:-

(a) removed by the Leader;

(b) he/she resigns from office;

(c) they are suspended from being a councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);

(d) he/she is no longer a councillor; or

(e) until the end of term of the Leader.

If the Leader/Deputy Leader is unable to act in the office or the Leader/Deputy Leader is vacant then the Cabinet shall act in the Leader's place or will arrange for a member of the Cabinet to act in the Leader's place.

## Article 7 Regulatory and Other Committees

The Council's regulatory committees are: -

Planning Committee
Licensing and Environmental Regulation Committee

The Council's Appeals and Other Panels are:-

Education Assistance Panel
Education School Admission Appeals Panel
Personnel Appeals Panel
Chief Officer Appointments Panel
School Governor Appointments Panel
Independent Renumeration Panel
Constitutional Panel

The terms of reference and functions of these committees and panels are set out in Part 7 of this Constitution.

## Article 8 The Standards Committee

The Council meeting will establish a Standards Committee.

### Composition

The Standards Committee will be composed of, at least,

- three councillors other than the Mayor and Leader;

- at least three Town Council members, who must be present when matters relating to those Town Councils or their members are being considered;

### Chairing the Committee

The Chair of the Standards Committee will be one of the three Council members.

### Role and Function

The Standards Committee will have the following roles and functions:-

(a) promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;

(b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;

(c) advising the Council on the adoption or revision of the Members' Code of Conduct;

(d) monitoring the operation of the Members' Code of Conduct;

(e) advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;

(f) granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;

(g) dealing with any investigations, hearings and determinations, reports from the monitoring officer;

(h) the exercise of (a) to (g) above in relation to the parish (town) councils wholly or mainly in its area and the members of those parish (town) councils.

## Article 9 Community Alliances

### Role and Function

The purpose of Community Alliances is to:

(a) provide a platform to support community action with elected members, council, key stakeholders, and businesses working effectively in partnership for the benefit of the ward achieving better outcomes – all part of the vision for an Active, Connected and Prosperous Bolton;

(b) help connect existing individuals, groups, organisations at a local level encouraging the growth of community level activity and joining up efforts;

(c) create relationships and ways to support community conversations to take place, to provide valuable community voice and insights on key issues for communities;

(d) identify, develop and support active citizens that can help improve the communities they live in.

(e) support active citizens to define their own problems, their own solutions to those problems, and the direct action they wish to take to make those solutions visible.

(f) develop opportunities to connect resources to value and grow social action;

(g) make decisions based on consensus;

(h) ensure that the strengths, skills, and assets of the ward are developed and contribute to its sustainability; and

(i) develop a two way relationship with other bodies and organisations, receiving and acting upon decisions and advice but also providing information and making recommendations.

### Chairing the Community Alliance

There will be a small core group of active citizens, councillors, and local partners who are prepared to spend time to coordinate and shape the development of Community Alliances in each ward. Each Community Alliance will need a small steering group to achieve this. Community Alliances are not formal council committees. For each ward, all 3 elected members will be part of each Community Alliance, including any steering groups, working alongside community representatives. Each Community Alliance will develop and agree a set of ground rules that can be contained within an agreed term of reference. This will include who will chair these arrangements. Elected Members are well placed through their place-leadership role to take on the chairing responsibility however this decision will be made via consensus by each Community Alliance.

## Article 10 Joint Arrangements

### Joint Arrangements

The Council may establish joint arrangements with one or more local authorities and/or their Cabinet/Executives to exercise functions which are not executive functions in any of the participating authorities or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

Except as set out below, the Cabinet may only appoint Executive Cabinet Members/Cabinet Members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances. When the joint committee has functions for only part of the area of the authority, and that the area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area.

Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegation in Part 7 of this Constitution.

### Access to Information

(a) The Access to Information Procedure Rules set out in Part 4 of this Constitution apply.

(b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its Access to Information regime is the same as that applied to the Cabinet.

(c) If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information rules in Part VA of the Local Government Act 1972 will apply.

### Delegation to and from other local authorities

(a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority.

(b) The Cabinet may delegate executive functions to another local authority or the Cabinet of another local authority in certain circumstances.

(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

**Contracting Out**

The Council (for functions which are not executive functions) or the Cabinet (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## Article 11 Officers

**Management Structure**

**(a) General**

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

**(b) Chief Officers**

The full Council (subject to any delegation to an Appointments Panel and to the Local Authorities (Standing Orders) (England) Regulations 2001) will engage persons for the following posts, who will be designated chief officers: -

Chief Executive

Director of Adults, Communities and Integration

Director of Children's Services

Director of Corporate Resources

Director of Place

Director of Public Health

Borough Solicitor

Borough Treasurer

The full Council (subject to any delegation to an Appointments Panel) may engage other persons to act as deputy or assistant chief officers.

**(c) Head of Paid Service, Chief Finance Officer and Monitoring Officer**

The following officers and designations in the table below shall apply in this Constitution: -

| Post | Designation |
|---|---|
| Chief Executive | Head of Paid Service |
| Borough Treasurer | Chief Finance Officer |
| Borough Solicitor | Monitoring Officer |

Such posts will have the functions described below.

**(d) Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

**Functions of the Head of Paid Service**

**(a) Discharge of Functions by the Council**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

**(b) Restrictions on Functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

**Functions of the Monitoring Officer**

**(a) Maintaining the Constitution**.

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

**(b) Ensuring lawfulness and fairness of decision making**.

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

**(c) Supporting the Standards Committee**.

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

**(d) Proper Officer for access to information**

The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

**(e) Advising whether executive decisions are within the Budget and Policy Framework**

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and policy framework.

**(f) Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and policy framework issues to all councillors.

**(g) Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

**Functions of the Chief Finance Officer**

**(a) Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

**(b) Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

**(c) Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

**(d) Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, Budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

**(e) Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

**(f) Restrictions on posts**

The Chief Finance Officer must be a qualified accountant and cannot be the Monitoring Officer.

**Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**Functions of the Director of Public Health**

(a) Principal adviser on public health matters.

(b) Delivery of the Council duties as to the improvement of public health; health protection and healthcare public health.

(c) Responsibility for the management of the Council's public health services with professional responsibility and accountability for their effectiveness, availability and value for money.

(d) Provision of expert, objective advice on public health matters to the Council and the public.

(e) Work with a range of partners to foster improved health and well-being.

(f) Contribute to and influence the work of partners and in particular NHS Commissioners to ensure a holistic approach across the public sector.

(g) Be a member of the Health and Well Being Board, advising and contributing to the Joint Strategic Needs Assessment.

(h) Prepare the Annual Report on the health of the Council's citizens.

(i) Responsibility for any of the Secretary of State's public health protection or health improvement functions that are delegated to the Council, either by arrangement or under regulations.

**Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Working Arrangement set out in Part 5 of this Constitution.

**Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

## Article 12 Decision Making

**Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles: -

(a) Legality and Financial Probity - in accordance with advice given by the Monitoring Officer and/or the Chief Finance Officer or their representative(s).

(b) Proportionality – the action will be proportionate to the desired outcome.

(c) Consultation – there will be appropriate consultation and professional advice obtained from officers.

(d) Human Rights – all decisions will take into account the European Convention on Human Rights.

(e) Openness and accessibility – in all decisions there will be a presumption in favour of openness.

(f) Clarity – there will be clarity of aims and desired outcomes in respect of every decision made.

(g) Options – an explanation of what options were considered and reasons for decisions will also be provided.

## Types of Decision

(a) **Decisions reserved to full Council**

Decisions relating to the functions listed in Article 3 will be made by the full Council and not delegated.

(b) **Key decisions**

(i) A key decision is an executive decision which is likely:

(a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

For the purposes of (b)(i)(a) above savings or expenditure are significant if they amount to £100,000 or more.

(ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

### Decision making by the full Council

Subject to Article 12, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### Decision making by the Cabinet

Subject to Article 12, the Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### Decision making by Scrutiny Committees

Scrutiny Committees will follow the Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### Decision making by other committees and sub-committees established by the Council

Subject to Article 12, other Council committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

### Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights, obligations or criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## Article 13 Finance, Contracts and Legal Matters

### Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

### Contracts

Every contract made by the Council will comply with the Standing Orders relating to Contracts set out in Part 4 of this Constitution.

### Legal Proceedings

The Borough Solicitor (and in their absence any person authorised by them) is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests.

### Authentication of Documents

(a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Borough Solicitor or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to, some other person.

(b) Any contract with a value exceeding £15,000 but less than £50,000 shall be in writing or evidenced by a note or memorandum signed by the contractor containing the material terms of the contract.

(c) Every contract, the value of which is £50,000 or more shall be in writing and under seal unless the Borough Solicitor, after consultation with the relevant chief officer, determines otherwise.

(d) Every contract in writing and every note or memorandum of a contract shall specify:-

  (i) The work, materials, matters or things to be furnished, had or to be done;

  (ii) The price to be paid, together with a statement of discounts or other deductions;

  (iii) The time within which the contract is to be performed; and

(e) Every contract in writing shall contain a provision to the effect that the Council shall be entitled to withhold second and subsequent interim payments (without any interest charges) if the contractor fails to conclude the contract under seal with the Council.

### Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Borough Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, that in the opinion of the Borough Solicitor, should be sealed. The affixing of the Common Seal will be attested by the Borough Solicitor or some other person authorised by him/her.

## Article 14 Review and Revision of The Constitution

## Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

## Protocol for monitoring and review of the Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Part 1 of the Constitution. In undertaking this task the Monitoring Officer may:-

(a) observe meetings of different parts of the member and officer structure;

(b) undertake an audit trail of a sample of decisions;

(c) record and analyse issues raised with them by members, officers, the public and other relevant stakeholders; and

(d) compare practices in this Authority with those in other comparable authorities, or national examples of best practice.

## Changes to the Constitution

(a) **Approval**

Major changes to the Constitution will only be approved by the full Council, normally after consideration of the proposal by a Policy Development Group.

(b) **Change of Governance Arrangements.**

The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and may hold a referendum. The change will not take effect until the end of the elected Mayor's term of office.

The Localism Act 2011 provides for three governance models:-

(1) Executive arrangements – Mayor and Cabinet or Leader and Cabinet Executive Member;

(2) a Committee system;

(3) prescribed arrangements by the Secretary of State (this could be proposed by the Local Authority and approved by the Secretary of State).

The Council needs to pass a resolution at a meeting of the Council to change Governance arrangements. The Council cannot pass a further resolution until a five year period has elapsed unless a referendum is held, on the issue or a petition is received asking for a referendum for an elected Mayor.

If the existing governance arrangements have been approved by a referendum then a further referendum would be required regarding the change or the Council resolves that a proposed change in governance be approved by a referendum.

## Article 15 Suspension, Interpretation and Publication of The Constitution

### Suspension of the Constitution

(a) **Limit to suspension**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend**

A motion to suspend any rules will not be moved without notice except by approval of a simple majority of the members present. The extent and duration of suspension will be proportionate to the result to be achieved taking account of the purposes of the Constitution as set out in Part 1.

(c) **Rules capable of suspension**

The following Rules may be suspended in accordance with Article 15: -

Order of Business at Council – The Council's Procedural Standing Orders

### Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution as set out in Part 1.

## Schedule

## Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

(1) Article 5 (Scrutiny Committees) and the Scrutiny Procedure Rules (Part 4: Section E);

(2) Article 6 (The Cabinet) and the Cabinet Procedure Rules (Part 4: Section D);

(3) Article 10 (Joint Arrangements) in relation to any functions that have been delegated to them by the Cabinet;

(4) Article 12 (Decision making) and the Access to Information Procedure Rules (Part 4: Section B);

(5) Part 3 (Responsibility for Functions).

Bolton Council

# Part 3

# Responsibility For Functions

**Responsibility For Functions**

The responsibility for functions is outlined in Part 7 of the Constitution with regard to: -

(i) The powers and duties of the Cabinet and Executive Cabinet Member portfolios, Scrutiny Committees, Regulatory Committees and Appeal Panels.

(ii) The duties of Proper Officers and the Council's Scheme of Delegation.

(iii) Any Executive Cabinet Member may act as a deputy for another Executive Cabinet Member by agreement between the relevant Executive Cabinet Members.

**Executive Cabinet Members/Portfolios**

| **Executive Cabinet Members** | **Portfolios** |
|---|---|
| Councillor Zaman<br>- (Leader of the Council) | Strategy, External Relations (including the Greater Manchester Combined Authority and Association of Greater Manchester Authorities), Public Service Reform, Development and Regeneration, Town Centres including the Town Centre Strategy Partnerships with Public, Private and Voluntary sectors (at a strategic level), Skills, Economic Issues, Digital Strategy, Governance, Coroners Service, Transparency and Constitutional Reform, Business Continuity, Emergency Response and Recovery (including flood defences), Humanitarian Support and Bolton Vision |
| Councillor Donaghy | Land and Property, Strategic Budget, Financial Services and Budget Development, Corporate Support Services, the Registration Service, Procurement and Contract Management, Security Response and Building Cleaning and Land Allocations |
| Councillor Fielding – (Adults and Community Housing Services) | Adult Services, Safeguarding for Adults, Health and Social Care Integration, Community Housing Services, Strategic Housing Strategy, Private Sector Housing and Bolton Cares |
| Councillor Jiva<br>- (Children's Services) | Children's Services including Looked After Children, Safeguarding relating to Children and Young People, Schools, Early Years strategies, Youth and Play services and the Youth Offending Service |
| Councillor Morrisey<br>- (Climate Change, and Environment and Regulatory Services) | Climate Change, Clean Air, all aspects which cross cut other areas that relate to the "green agenda",<br><br>Waste and Recycling, Neighbourhood Services and Education and Enforcement for Environmental Services and Environment Regulatory Services. The designated Executive Cabinet Member shall have the power to refer a decision to the original Executive Cabinet Member decision maker if the decision fails the Council's Climate Change agenda except where that other Executive Cabinet Member's |

| | |
|---|---|
| | decision is to fulfil another statutory duty of the Council. |
| Councillor Newall<br>- (Culture) | Libraries, Museums and Cultural Services strategies including Events strategy and the Sports agenda, Tourism and promotion, the Albert Halls complex and Markets |
| Councillor N. Ayub<br>- (Highways, Transport andPlanning and Development) | Highways, Transport and Planning |
| Councillor Schofield<br>- (Health and Wellbeing) | Health and Wellbeing, Public Health and Mental Health |
| Councillor Khurram<br>- (Stronger Communities) | Community Cohesion, the relationship with the Voluntary Sector at a neighbourhood/community level, Crime and Disorder and Community Safety, Anti-Poverty, Area Working and Neighbourhood Management, Community Alliances and Equality and Diversity |

**Chairs of Scrutiny Committees**

| | |
|---|---|
| Corporate and External Issues Scrutiny Committee | Councillor Galloway |
| Place Scrutiny Committee | Councillor A. Patel |
| Children's Services Scrutiny Committee | Councillor McGeown |
| Health Overview and Adults, Communities and Integration Scrutiny Committee | Councillor Pattison |

**Chairs of Regulatory Committees**

| | |
|---|---|
| Licensing and Environmental Regulation Committee | Councillor Priest |
| Planning Committee | Councillor Morgan |
| **Chair of the Council (The Mayor)** | Councillor Iqbal |

Bolton Council

# Part 4

# The Council's Rules Of Procedure

The Council has established or adopted the following Rules of Procedure (sometimes called Standing Orders) in connection with the exercise of its powers and duties.

A. Declarations of Interests

B. Access to Information Procedure Rules

C. Budget and Policy Framework Procedure Rules

D. Cabinet Procedure Rules

E. Scrutiny Procedure Rules

F. Financial Regulations

G. Standing Orders relating to Procedure (Council and other formal meetings)

H. Standing Orders relating to Contracts

I. Officer Employment Procedure Rules

J. Petition Scheme



## A. Declarations Of Interest/Gifts and Hospitality

There is a standing item on every Council agenda headed ‘Declaration of Interests’. This item reminds members of their responsibility to declare any interest which they may have in item of business on the agenda either at the beginning of the discussion or when the interest becomes apparent and, in the case of disclosable pecuniary interests (subject to certain exceptions in the Council's Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.

The Council maintains a formal electronic Register of Member’s Interests and gifts and hospitality. The Register contains details of all registerable financial and other interests relevant to individual members and gifts and hospitality above £50 received or declined.

If a member’s interest changes it must be recorded on the register within 28 days of the change.

The Register is maintained by the Monitoring Officer and is available for public inspection by contacting the Democratic Services Team Town Hall, Bolton, BL1 1RU. Telephone 01204-331036.

Further provisions as to interests and declarations are set out in the Council's Code of Conduct for Members, included in Part 5 of this Constitution.

## B. Access To Information Procedure Rules

### 1. Scope

These rules apply to all meetings of the Council, Scrutiny Committees, the Standards Committee and regulatory committees and public meetings of the Cabinet (together called meetings).

### 2. Additional Rights To Information

These rules do not affect any, more specific, rights to information contained elsewhere in this Constitution or the law.

### 3. Rights To Attend Meetings

Members of the public may attend all meetings, subject only to the exceptions in these rules.

### 4. Notice Of Meetings

The Council will give at least five clear days notice of any formal meeting (unless called as an urgent meeting) by posting details of the meeting on the Council's website (the designated office) and at the local authority offices.

### 5. Access To Agenda And Reports Before The Meeting

The Council will make copies of the agenda and reports available and open to the public for inspection and on the Council's website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda and report will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Proper Officer will make each such report available to the public as soon as the report is completed and sent to councillors.

Further provisions apply in the case of 'key decisions' - see paragraphs 13-17 (inclusive) below.

### 6. Access To Minutes, Etc. After The Meeting

The Council will make available copies of the following for six years after a meeting:

(a) the minutes of the meeting or records of decisions taken - together with reasons -

for all meetings of the Cabinet, Executive Cabinet Member meetings and Officers (taking executive decisions), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (as defined in Rule 10);

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

## 7. Background Papers

### 7.1 List of Background Papers

The officer compiling the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:-

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

but will not include published works or those documents which disclose exempt or confidential information (as defined in Rule 10).

### 7.2 Public Inspection of Background Papers

The Council will make available for public inspection on the Council's website for four years after the date of the meeting, one copy of each of the documents on the list of background papers.

## 8. Exclusion Of Access By The Public To Meetings

### 8.1 Confidential Information – Requirement to Exclude the Public

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

### 8.2 Exempt Information – Discretion to Exclude the Public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any persons civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of that Act

### 8.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or under any enactment.

## 8.4 Meaning of Exempt Information

Exempt information means information falling within any of the following 7 categories, subject to relevant condition(s):-

| Category | Condition |
|---|---|
| 1. Information relating to any individual. | |
| 2. Information that is likely to reveal the identity of an individual. | |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Information is not exempt information if it is required to be registered under:-<br>(a) The Companies Act 1985<br>(b) The Friendly Societies Act 1974<br>(c) The Friendly Societies Act 1992<br>(d) The Industrial and Provident Societies Act 1965 – 1978<br>(e) The Building Societies Act 1986; or<br>(f) The Charities Act 1993 |
| 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. | |
| 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. | |
| 6. Information which reveals that the authority proposes –<br>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or<br>(b) to make an order or direction under any enactment. | |
| 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. | |

| | |
|---|---|
| 7A. Information which is subject to any obligation of confidentiality. | |
| 7B. Information which relates in any way to matters concerning national security. | |

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulations (3) of the Town and Country Planning General Regulations 1992.

Information which –

(a) falls within any of paragraphs 1-7 above; and

(b) is not prevented from being exempt by virtue of the conditions attached to paragraph 3 and to regulation 3 of the Town and Country Planning General Regulations 1992, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In these circumstances, the Borough Solicitor shall determine the "public interest case."

## 9. Exclusion Of Access By The Public To Reports

If the Borough Solicitor thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with this rule, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed. In accordance with Regulation 5 of Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012, the Council will give 28 days' notice of its intention to hold a meeting of the Cabinet in private and the reasons why. Representations can be made to the Monitoring Officer as to the meeting being in private which will be given due consideration and a further statement issued 5 days before the meeting detailing a statement of the Council's response to such representations. Please see the Council's Forward Plan on the Council's website as to how representations may be made.

## 10. Application Of Rules To The Cabinet

The powers and duties relating to the Cabinet are set out in Part 7 of this Constitution.

Rules 12 – 23 apply to the Cabinet and its committees. If the Cabinet (or any of its committees) meets to take a key decision then it must also comply with Rules 1 – 10 unless Rule 14 (General Exception) or Rule 15 (Special Urgency) apply. A key decision is as defined in Article 12 of this Constitution.

## 11. Procedure Before Taking Key Decisions

Subject to Rule 14 (General Exception) and Rule 15 (Special Urgency), a key decision may not be taken unless:-

(a) a notice (called here a Forward Plan) has been published in connection with the matter in question 28 days before the matter is considered;

(b) at least 28 clear days have elapsed since the publication of the Forward Plan; and

(c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

**Procedure**

1. The Chief Executive and the Monitoring Officer will compile a register of all key decisions which will be kept in the Democratic Services Unit of the Chief Executive's Department and published on the Council's website. Written statements will be completed and will be published 48 hours after the decision is taken on the Council's website.

   The statement (minutes) will include:-

   (i) The decision;

   (ii) Reason for the decision;

   (iii) Relevant interests of members involved;

   (iv) Any consultation undertaken, including named officers from whom advice was taken and the advice given;

   (v) Dispensations granted;

   (vi) The date the decision is to become effective (which will normally be 3 days after the meeting has taken place).

2. The statement will be publicly available.

3. A notice of key decisions to be taken will include:-

   (i) a short description of matters under consideration and when key decisions are expected to be taken;

   (ii) who is responsible for taking the decision and how they can be contacted;

   (iii) what relevant reports and background papers are available;

   (iv) if the item is to be considered in the confidential part of the meeting (see para. 10 for procedure to make representations as to why an item is confidential).

## 12. The Notice of Key Decisions (The Council's Forward Plan)

The Notice will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a sub-committee of the Cabinet, Executive Cabinet Members, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:-

(a) that a key decision is to be made on behalf of the relevant local authority;
(b) the matter in respect of which the decision is to be made;

(c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
(d) the date on which, or the period within which, the decision is to be made;
(e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
(g) that other documents relevant to those matters may be submitted to the decision maker; and
(h) the procedure for requesting details of those documents (if any) as they become available.

Exempt information need not be included in a forward plan and confidential information cannot be included.

## 13. General Exception

If a matter which is likely to be a key decision has not been included in the Notice of the intention to take key decisions (the Council's Forward Plan), then subject to Rule 15 (Special Urgency), the decision may only be made: -

(1) Subject to 15 below, where the publication of the intention to make a key decision under Section 13 is impracticable, that decision may only be made –

(a) where the proper officer has informed the Chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;
(b) where the proper officer has made available at the offices of the local authority for inspection by the public and published on the local authority's website, a copy of the notice given pursuant to sub-paragraph (a); and
(c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).

(2) As soon as reasonably practicable after the proper officer has complied with the above, he or she must –

(a) make available at the offices of the local authority a notice setting out the reasons why compliance with Section 13 is impracticable; and
(b) publish that notice on the local authority's website.

## 14. Special Urgency

(1) Where the date by which a key decision must be made, makes compliance with Section 14 impracticable, the decision may only be made where the decision maker has obtained agreement from –

(a) the Chairman of the relevant overview and scrutiny committee; or
(b) if the Chairman of the relevant overview and scrutiny committee is unable to act, the Mayor; or
(c) if the Mayor or the Chairman of the relevant scrutiny committee is unavailable then the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

(2) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (1) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must –

(a) make available at the offices of the local authority a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and
(b) publish that notice on the local authority's website.

## 15. Councillor Call for Action

The Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007 (and amended by the Localism Act 2011) introduced the Councillor Call for Action (CCfA) which enables any Councillor to refer matters of community concerns within their ward or a local crime and disorder matter of concern to the relevant Scrutiny Committee as long as not an excluded matter.

Excluded matters are issues relating to individuals concerning planning and licensing and issues which are defined as vexatious, discriminatory or not reasonable to be included in the agenda for, or discussed at an overview and scrutiny committee. It is intended that the CCfA will be a measure of 'last resort', with issues being raised at the relevant committee with overview and scrutiny powers, after other avenues have been exhausted. Matters raised as a possible CCfA will be determined by the Borough Solicitor.

## 16. Report To Council

### 16.1 When a Scrutiny Committee can require a report

If a Scrutiny Committee thinks that an executive decision has been taken and was not treated as being a key decision, the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee but is also delegated to the Proper Officer.

Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Committee.

### 16.2 Executive report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council must include:-

(a) the decision and the reasons for the decision;

(b) the decision maker by which the decision was made; and

(c) if the Cabinet are of the opinion that the decision was not a key decision, the reasons for that opinion.

### 16.3 Quarterly reports on special urgency decisions

The Leader will submit quarterly reports to the Council on executive decisions taken in the circumstances set out in Rule 16 (Special Urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## 17. Record Of Decisions

After any meeting of the Cabinet or any of its committees, whether held in public or private, the Proper Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

## 18. Notice Of Meetings Of The Cabinet

Members of the Cabinet or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

## 19. Attendance At Executive Cabinet Member Meetings

(a) Executive Cabinet Member meetings will take place at a fixed time in the meeting cycle in the presence of such officers nominated by the relevant Director, the Monitoring Officer and the Chief Finance Officer.

(b) The relevant opposition spokespersons have a right to attend and observe Executive Cabinet Member meetings (See Principle 2(H) for exceptions).

## 20. Decisions By Individual Members Of The Cabinet

The Powers and Duties relating to Executive Cabinet Member portfolios are set out in Part 7 of this Constitution.

### 20.1 Reports intended to be taken into account

Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear days after receipt of that report.

### 20.2 Record of individual decision

As soon as reasonably practicable after an executive decision (including key decisions by individual members) has been taken by an individual member of the Cabinet or by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 (Access to Minutes etc. after the meeting) and 8 (Background Papers) will also apply to the making of decisions by individual members of the Cabinet.

## 21. Scrutiny Committees' Access To Documents

### 21.1 Rights to Copies

Subject to Rule 23.2 below, a Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees which contains material relating to:-

(a) any business transacted at a public or private meeting of the Cabinet;

(b) any decision taken by an individual member of the Cabinet; or

(c) any decision that has been made by an officer of the authority in accordance with executive arrangements.

Any document requested under the above should be provided as soon as reasonably practicable and in any case no later than 10 clear days after the Cabinet receives the report. Where the Cabinet determine that a member of a Scrutiny Committee is not entitled to the document (as it discloses exempt information as defined by Schedule 12A to the 1972 Act, subject to exceptions relating to paras. 3 and 6 of such Act) the Cabinet must provide the Committee with a written statement setting out its reasons for that decision.

### 21.2 Limit on Rights

A Scrutiny Committee will not be entitled to:-

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise and is contained in any programme of work of the committee;

(c) or any document containing advice by a political advisor or assistant.

## 22. Additional Rights Of Access For Members

### 22.1 Material Relating to Previous Business

Any document which is in the possession or under the control of the Cabinet and contains material relating to any business to be transacted at a meeting of the Cabinet or relates to any decision shall be open to inspection by any Member of the Council unless it appears to the Borough Solicitor that it discloses exempt information.

Not withstanding paragraph 23.1, the document will remain open to inspection if the information it contains falls within paragraphs 3 or 6 of Schedule 12A to the Local Government Act 1972 (with the exception of information relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract).

### 22.2 Material Relating to Decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless paragraph 23. 1 above applies.

### 22.3 Nature of Rights

These rights of a member are additional to any other right he/she may have.

## C. Budget And Policy Framework Procedure Rules

### 1. The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 3. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

### 2. Process for Developing the Framework

The process by which the Budget and Policy Framework shall be developed is:

(a) At least three months before a plan/strategy/Budget needs to be adopted, the Cabinet will publish initial proposals (in the form of a draft plan, strategy or Budget) for the Budget and Policy Framework, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Cabinet's consultation process shall be published at the Council's designated office. Any representations made to the Cabinet shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where a Scrutiny Committee has carried out a review of policy, then the outcome of that review will be reported to the Cabinet and considered in the preparation of initial proposals.

(b) The Cabinet's initial proposals shall be referred to the relevant Scrutiny Committee for further advice and consideration. The proposals will be referred by sending a copy to the Proper Officer who will forward them to the Chair (or in his/her absence, the Vice-Chair) of the relevant Scrutiny Committee. If there is no such Chair or Vice-Chair, a copy must be sent to every member of that committee. The Scrutiny Committee shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Cabinet. The Scrutiny Committee shall report to the Cabinet on the outcome of its deliberations. The Scrutiny Committee shall have four weeks to respond to the initial proposals of the executive unless the Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Scrutiny Committee of the time for response when the proposals are referred to it.

(c) Having considered the report of the Scrutiny Committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the Scrutiny Committee.

(d) The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from any relevant Scrutiny Committee.

(e) The Council's decision will be publicised in accordance with the Access to Information Procedure Rules and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without objection or amendment) or (if the Cabinet's proposals are not accepted without objection or amendment), that the Council's decision will become effective on the expiry of a period (specified on the notice) of at least five working days after the publication of the notice of decision, unless within that period the Leader either (i).submits a revised version of the proposals of the Cabinet, with the Cabinet's reasons for any amendment, to the Council for consideration; or (ii) informs the Council that the

Cabinet disagrees with the Council's objection to or proposed amendment of the proposals of the Cabinet.

(f) If the Leader submits to the Council revised proposals or objects to the decision of the Council, he/she shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is otherwise to be effective. The written notification must state the reasons for any such objection. Where such notification is received, the Proper Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

(g) The Council meeting must take place within ten working days of the receipt of the Leader's written notification. At that Council meeting, the decision of the Council shall be reconsidered in the light of any revised proposals or objection made by the Cabinet, and the reasons given by the Cabinet therefor, which shall be available in writing for the Council.

(h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with the Access to Information Procedure Rules and shall be implemented immediately.

(i) In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 (Virement) and 6 (In-Year Adjustments) of these Rules. Any other changes to the Budget and Policy Framework are reserved to the Council.

(j) For the purposes of these Rules, 'Budget' shall include, in relation to proposals made by the Cabinet in any financial year, for consideration by the Council in respect of the following financial year: -

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;

(b) estimates of other amounts to be used for the purposes of such calculation;

(c) estimates of such a calculation;

(d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992; and

(e) any other relevant amount, estimate, provision or calculation but shall not include: -

(i) calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; nor

(ii) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with sections 52J or 52U of that Act

3. **Decisions outside the Budget or Policy Framework**

(a) Subject to the provisions of paragraph 5 (Virement), the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, Area Forum or joint arrangement discharging executive functions, may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 4 below.

(b) If the Cabinet, committee of the Cabinet, individual members of the Cabinet and any officers, Area Forum or joint arrangement discharging executive functions, want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to or outside the Policy Framework or contrary to, or not wholly in accordance with, the Budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (Urgent Decisions outside the Budget and Policy Framework) shall apply.

4. **Urgent Decisions outside the Budget or Policy Framework**

(a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet and any officer, Area Forum or joint arrangement discharging executive functions, may take a decision which is contrary to or outside the Council's Policy Framework or contrary to, or not wholly in accordance with, the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

(i) if it is not practical to convene a quorate meeting of the full Council; and

(ii) if the Chair (or in his/her absence the Vice-Chair) of a relevant Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair (or Vice-Chair) of the relevant Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair or Vice-Chair of a relevant Scrutiny Committee, the consent of the Mayor or, in his/her absence, of both the Deputy Mayor will be sufficient.

(b) Following the decision, the decision-taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. **Virement**

See the Financial Procedure Rules also set out in Part 4 in this Constitution.

6. **In-Year Changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet and any officer, Area Forum or joint arrangements discharging executive functions must be in line with it.

## 7. Call-in of Decisions outside the Budget or Policy Framework

(a) Where a Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to or outside the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.

(b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Financial Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to or outside the Policy Framework or contrary to or not wholly in accordance with the Budget, the Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within ten days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:-

(i) endorse a decision or proposal of the executive decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

## D. Cabinet Procedure Rules

### 1. How Does the Cabinet Operate?

### 1.1 Who may make Cabinet decisions?

The arrangements for the discharge of executive functions are set out in the Council's Standing Orders, Scheme of Delegation, Powers and Duties relating to Cabinet and Cabinet portfolios and Powers and Duties of Committees which form Part 7 of this Constitution.

In the absence of a specific delegation in the above documents, executive decisions will only be made by the Cabinet.

At the first meeting of the Cabinet, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's Scheme of Delegation and set out in Part 7 of this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:-

(i) the names, addresses and wards of the people appointed to the Cabinet by the Leader;

(ii) the extent of any authority delegated to Executive Cabinet Members individually, including details of the limitation on their authority;

(iii) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive Cabinet Members appointed to them;

(iv) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Executive Cabinet Members appointed to any joint committee for the coming year;

(vi) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made; and

(vii) the portfolios assigned to members of the Cabinet.

### 1.3 Sub-Delegation of Executive Functions

(a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to joint arrangements or an officer.

(b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.

(c) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

(d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### 1.4 The Council's Scheme of Delegation and Executive Functions

Subject to (b) below the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.5 **Conflicts of Interest**

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

(b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

(c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member of the Cabinet or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 **Cabinet Meetings**

(a) The Cabinet will meet at least six times per year at times to be agreed by the Leader. The Cabinet will meet at the Council's designated office or another location to be agreed by the Leader.

(b) The Cabinet will meet in public subject to the Access to Information Procedure Rules in Part 4 of this Constitution.

(c) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

1.7 **Quorum**

The quorum for a meeting of the Cabinet or a committee of the Cabinet will be two Executive Cabinet Members, including the Leader of the Council, if present.

**2. How Are Cabinet Meetings Conducted?**

2.1 **Who Presides?**

The Leader will preside at any meeting of the Cabinet or committee of the Cabinet at which he/she is present, or in his/her absence the Deputy Leader will preside. In the absence of the Leader/Deputy Leader, the Leader may appoint another person to do so.

2.2 **Who May Attend?**

With respect to public meetings of the Cabinet, opposition spokespersons and other non-executive members appointed by the Council, members of the press and public may attend subject to the provisions of the Local Government (Access to Information) Act 1985 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In relation to private meetings of the Cabinet, any member may attend only if invited to do so.

2.3 **What Business?**

At each meeting of the Cabinet the following business will be conducted:

(i) consideration of the minutes of the last meeting;

(ii) declarations of interest, if any;

(iii) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

The Cabinet has to consider the report and recommendations and to respond indicating what (if any) action the Authority/Cabinet proposes to take and to provide the response (if the original scrutiny report has been published by the scrutiny committee). If a matter considered by a scrutiny committee is via a member's request then the member should receive a copy of the response.

(iv) consideration of reports from Scrutiny Committees; and

(v) matters set out in the agenda for the meeting, which shall indicate those that are key decisions and those that are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 **Consultation**

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of what consultation has or is planned to take place.

2.5 **Who can put items on the Cabinet Agenda?**

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of the Cabinet, any member of the Cabinet or an officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

Any member of the Cabinet may ask the Leader to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

The Proper Officer will make sure that an item is placed on the agenda for the next available meeting of the Cabinet where a relevant Scrutiny Committee or the full Council has resolved that an item be considered by the Cabinet and the Cabinet will respond within two months of the request being made.

The Head of Paid Services, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties.

## E. Scrutiny Procedure Rules

### 1. Number and arrangements of Scrutiny Committees

The Council will have at least one Scrutiny Committee which will perform the overview and scrutiny functions on behalf of the Council. Members will be appointed to them as it considers appropriate from time to time. Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they will cease to exist.

### 2. Scrutiny Committees

The Scrutiny Committees will perform all overview and scrutiny functions on behalf of the Council. The committee membership will be determined by the Council and when education matters are being discussed will include 2 religious representatives and 2 parent governor representatives as well as non-voting co-optees, as approved by the Council/Cabinet.

The terms of reference of the Scrutiny Committees (except the Health Overview and Scrutiny Committee whose role it is to undertake the statutory functions of scrutiny in accordance with the Health and Social Care Act 2001 and the Health and Social Care Act 2012 and relevant regulations) and the Corporate and External Issues Scrutiny Committee which will consider crime and disorder issues as defined in the Local Government and Public Involvement in Health Act 2007, will be in accordance with Article 5 of the Articles of Governance

2.1 To receive representations, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Cabinet/Council as appropriate.

2.2 To consult with the public where appropriate in relation to Council services that fall within the terms of reference of the Scrutiny Committee.

2.3 To review any area of income and expenditure that falls within the remit of the Scrutiny Committee.

2.4 To make recommendations to the Cabinet on the financial aspects of the proposals that fall within the remit of the Scrutiny Committee.

2.5 To approve an annual overview and scrutiny work plan for the Committee to ensure that the Committee's time is effectively and efficiently used.

2.6 To be instrumental in consulting with the public and other stakeholders in relation to the Council's policy framework. The Scrutiny Committee will consult with the public and other stakeholders and Area Forums in relation to the policy framework.

2.7 To require partner authorities to provide information and requiring them to consider a report/recommendation of the Committee relating to the functions of a partner authority which affects the authority's area or its inhabitants

2.8 Where an executive decision has been made and was not treated as a key decision and the relevant Overview and Scrutiny Committee is of the opinion that the decision should have been treated as such the Committee may require the Cabinet to submit a report to the Council setting out the decision and reasons for the decision; the decision maker and the reasons why the Cabinet was of the opinion that the decision was not a key decision.

2.9 To consult with the Cabinet on any plan or strategy, including Strategic Policy.

2.10 To provide informed input in response to requests from the Cabinet for advice, options and appraisals on matters falling within the remit of the Scrutiny Committee.

2.11 Where matters fall within the remit of more than one Scrutiny Committee, the Cabinet will determine which of those Scrutiny Committees will assume responsibility for any issue.

## 3. Membership

All Councillors, except members of the Cabinet, may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision which they have made or participated in making (except as a member of a Policy Development Group). For the avoidance of doubt every Executive Cabinet Members should attend a meeting of the Scrutiny Committee which is considering a matter falling within their portfolio.

## 4. Co-optees

Each Scrutiny Committee or sub-committee of a Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

The Council is empowered to allow co-optees to have a vote which must be in accordance with a scheme as such being made by the Council.

## 5. Education representatives

Each relevant Scrutiny Committee or sub-committee of a Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

(a) 1 Church of England diocese representative.
(b) 1 Roman Catholic diocese representative.
(c) Representatives of other faiths or denominations if the Council so determines.
(d) 2 Parent Governor representatives

If the Scrutiny Committee or sub-committee of a Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and may speak.

## 6. Meetings of the Scrutiny Committees

There shall be at least four ordinary meetings of each Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chair (or in their absence the Vice-Chair) of the relevant Scrutiny Committee or by any five members of that Committee or by the Head of Paid Service, if they consider it necessary or appropriate.

## 7. Quorum

The quorum for a Scrutiny Committee shall be as set out for committees in the Council Procedure Rules.

## 8. Work Programme

The Chair and Vice Chair of each Scrutiny Committee shall prepare a work programme with the relevant Director(s) at the beginning of each municipal year (and any sub-committees or panels of the Scrutiny Committees) to be agreed by their Scrutiny Committee and in so doing will take into account the wishes of members on that committee who are not members of the

largest political group on the Council.

## 9. Agenda items

(a) Any member of a Scrutiny Committee shall be entitled to give notice to the Head of Paid Service that s/they wish an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Head of Paid Service will ensure that it is included on the next available agenda.

(b) A Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and the Cabinet to review areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Scrutiny Committee within one month of receiving it.

## 10. Policy review and development

(a) The role of the Scrutiny Committees in relation to the development of the Council's Budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and Budget framework, Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

(c) Scrutiny Committees may hold Inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## 11. Reports from a Scrutiny Committee

(a) Once it has formed recommendations on proposals for development, Scrutiny Committee will prepare a formal report and notice and submit it to the Head of Paid Service for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and policy framework).

(b) If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet along with the majority report.

(c) The Council or Cabinet shall consider the report of the Scrutiny Committee, and any minority report, within two months of it being submitted to the Head of Paid Service.

## 12. Making sure that Scrutiny Committee reports are considered by the Cabinet or policy committees

The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny'. The reports of Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within 2 months of the Scrutiny Committee completing its report/recommendations.

## 13. Rights of Scrutiny Committee members to documents

(a) In addition to their rights as councillors, members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules of this Constitution.

(b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and a Scrutiny Committee, as appropriate, depending on the matter under consideration.

## 14. Members and Officers giving account

(a) Any Scrutiny Committee (or sub-committee of a Scrutiny Committee) may scrutinise decisions made, or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service, and/or any senior officer to attend before it to explain in relation to matters within their remit:

(i) any decision or series of decisions.
(ii) the extent to which the actions taken implement Council policy; and/or
(iii) their performance.

and it is the duty of those persons to attend if so required.

(b) Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chair of that committee will inform the Head of Paid Service. The Head of Paid Service shall inform the member or officer in writing giving at least five working days notice of the meeting at which he/she is 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 documentation.

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance to take place.

## 15. Attendance by others

A Scrutiny Committee or an Executive Cabinet Member may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

## 16. Call-in

(a) A decision of the Cabinet or an Executive Cabinet Member may be called in by any individual member present at the time when the decision was taken or on receipt of a request, submitted in writing to the Chief Executive, by any 6 members of the Council not later that 5.00 p.m. on the second full working day following the publication of the minutes of the meeting at which the decision was taken.

(b) Call-in should be used in exceptional circumstances. Exceptional circumstances are where a decision has been made which is either outside the policy framework or contrary to, or not wholly consistent with the budget.

(c) When asking for a decision to be called in for consideration by a Scrutiny Committee, members must give their reasons for the decision for call-in.

(d) Any matter called in will be considered by the appropriate Scrutiny Committee. The Scrutiny Committee can:

(i) note the decision, or,
(ii) If, having considered the decision, the Scrutiny Committee is still concerned about it, then the Scrutiny Committee may:

(A) refer the decision back to the original decision maker for reconsideration, setting out in writing the nature of its concerns, or,
(B) refer the decision on to full Council.

(e) Save that in respect to (d) (ii) (B) above three members (comprising representatives of at least two political groups) who are members of the Scrutiny Committee present at the meeting may require that the matter be referred to the Council for consideration.

(f) If a matter is referred to the Council it should take the form of a motion in the name of one of the three members who referred the item to Council, or, if the matter is referred to the Council by resolution of the Committee, the Chair of the Committee (or a member nominated by the Committee). The motion in turn can be subject to amendment by resolution of the Council in the normal way.

(g) If the Council is considering a 'called in' matter, it can: -

(i) note the report; or
(ii) refer the decision back to the Cabinet or Executive Cabinet Member, with or without comment.

(h) Neither the Scrutiny Committee nor the Council can substitute its decision for that of the Cabinet or Executive Cabinet Member (unless, in relation to the Council, it is determined by the Monitoring Officer in accordance with Article 11 of this Constitution and with the Budget and Policy Framework Procedure Rules that the decision of the Cabinet/Executive Cabinet Member is contrary to or outside of the approved Policy Framework or Budget) or direct the Cabinet or Executive Cabinet Member as to the decision which should be made.

(i) The 'call-in' procedure can be used only once in relation to a decision.

Once a call-in application is made it cannot be withdrawn after the expiry of the call in period, namely after two full working days following publication of the minutes of the Cabinet meeting which decided the matter. A Member may withdraw their support to a call-in application at any time before expiry of that period. Any notice of withdrawal will only take effect if it is in writing to the Chief Executive.

(j) If a Member withdraws their support, the proposer(s) will be advised and will need to obtain any alternative signatures and notify the Chief Executive within the two full working day period.

(k) The call-in procedure does not apply to decisions made by the Licensing and Environmental Regulation Committee, its Sub-Committees, the Planning Committee, the Personnel Appeals Panel or any other Council panel.

(l) Decisions made by the Cabinet or by an individual Executive Cabinet Member will not normally be implemented or otherwise acted upon until the period for the submission of a call-in application has expired.

(m) Decisions requiring immediate action and so specified in the minutes of the meeting of the Cabinet/Executive Cabinet Member will be excluded from call-in provided that appropriate

consultation has taken place with the Chair (or in their absence, the Vice-Chair) of the relevant Scrutiny as to the reasons for such urgency of action.

## 17. The Party Whip

The 'party whip' means -

"Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner."

When considering any matter in respect of which a member of a Scrutiny Committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## 18. Procedure at Scrutiny Committee meetings

(a) Scrutiny Committees shall consider the following business:

(i) minutes of the last meeting.
(ii) declarations of interest (including whipping declarations).
(iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision.
(iv) responses of the Cabinet to reports of the Scrutiny Committee.
(v) the business otherwise set out on the agenda for the meeting; and
(vi) issues raised via the councillor call for action route.

(b) Where the Scrutiny Committee conducts investigations, the Committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

(i) that the investigation be conducted fairly, and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
(ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
(iii) that the investigation be conducted to maximise the efficiency of the investigation or analysis.

(c) A Scrutiny Committee may delegate the investigation or review of any matter within the remit of the Committee to a panel comprising such members of the Committee and other persons as the Committee may agree (provided that any member of the Cabinet whose decision or action is the subject of such action or review shall not be a member of, but may be invited to attend any meeting of, such panel).

(d) Following any investigation or review, the committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

## 19. Matters within the remit of more than one Scrutiny Committee

Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, then the committee conducting the review shall invite the Chair of the other committee (or their nominee) to attend its meetings when the matter is being reviewed.

## F. Financial Procedure Rules

### 1 Introduction

1.1 These financial regulations have been prepared to advise Members and employees of Bolton Council of the required standards which must be complied with in the management of the Authority's financial affairs.

1.2 The regulations define those financial elements that are to be managed by the Chief Finance Officer, (known as the Borough Treasurer). The responsibility for other financial issues rests with Departmental Directors or those to whom responsibility is delegated under statute (e.g. Head Teachers).

1.3 The Chief Finance Officer is responsible under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988 for the proper administration of the financial affairs of the Council and is the Head of Financial Services within the Council. All accounting and financial systems operated by the Council shall be subject to minimum standards laid down by the Chief Finance Officer. Any departure from using corporate financial systems must be justified on cost or service grounds and agreed by the Chief Finance Officer.

1.4 In order to meet statutory responsibilities, the Chief Finance Officer is to be the Head of Financial services within the Authority. This provides accountability to the Chief Finance Officer by all finance staff within the Authority to maintain and promote the highest standards of financial management, integrity and administration in line with these Financial Regulations, Accounting Standards and Codes of Practice.

1.5 The Monitoring Officer is responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and / or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

1.6 In relation to support services and trading activities where Departmental Directors are considering not using existing "in-house" services, then a full evaluation must be undertaken. Any decision to not use an "in-house" service must be on cost and service delivery grounds and the "in house" operation must have been given the opportunity to bid for the service. Any decision will be subject to approval by the relevant Executive Cabinet Member meeting.

1.7 The Audit Committee is responsible for approving the Council's Annual Statement of Accounts.

### 2 Financial Supervision

2.1 The Chief Finance Officer is responsible for the proper administration of the Council's financial affairs, and particularly for:

a) Providing financial advice and information to Members and Officers.

b) Setting standards for good financial management and monitoring compliance with those standards, including adherence to the CIPFA Financial Management Code of Practice.

c) Advising on the key financial controls necessary to secure sound financial management.

d) Ensuring that proper systems of internal control are operated.

e) Co-ordinating the preparation of the Revenue Budgets and the Capital Investment Plan.

f) Determining the accounting policies and financial procedures and records for the Council.

g) Preparing the annual financial statements in accordance with the relevant accounting standards and codes of practice.

h) Treasury management activities.

i) Preparing a risk management policy statement and promoting it throughout the Council.

j) Maintaining an effective internal audit function, jointly with the Chief Executive.

k) Managing the Council's taxation affairs.

2.2 The Chief Finance Officer must report to the Council's Monitoring Officer and to Council if:

- A decision has been made, or is about to be made, which involves the incurring of expenditure which is unlawful; or
- There has been, or is about to be, an unlawful action resulting in a financial loss to the Council.

2.3 Departmental Directors must ensure that financial systems and procedures used in their service areas are adequate to record and control all transactions and to achieve adequate levels of internal check and control.

2.4 Departmental Directors must ensure that all officers involved in financial matters are aware of, and competent in the use of, these Financial Procedure Rules. The extent of delegated authority to officers must be recorded.

2.5 Departmental Directors must ensure that any report to Executive Cabinet Member contains the financial implications of any proposals. These financial implications must be agreed with the Chief Finance Officer or finance representative.

2.6 Where, because of legislation or decision of the Council, part of the Council's functions is delivered by an Associated Organisation including any partnerships of which the Council is a member or participant, funded partly or wholly by the Council, the organisation must agree with the Council its own arrangements for corporate governance, by way of an initial proposal. All partnership arrangements will incorporate the Council's Financial Procedure Rules and will include the Council's right of access to financial information about the associated organisation.

2.7 Schools with delegated budgets are subject to, and must comply with, the Scheme for Financing Schools and relevant Procedure Rules for use in those Schools.

2.8 A reference in the Financial Procedure Rules:

- To the Cabinet includes Cabinet Committees
- To a Director, includes where appropriate the Chief Executive,
- To a Director includes his or her nominees (except where otherwise specifically forbidden)
- To the Chief Finance Officer includes his or her nominees; and

- To an officer means any employee of the Council, or other persons contracted to conduct functions where these Financial Procedure Rules apply.

## 3. Financial Management

### 3.1 Responsibilities

The Council is responsible for determining the Corporate / Council Plan which sets out the Council's strategic outcomes and actions and provides the overarching framework for the determination of the Council's Medium Term Financial Plan (MTFP) within available resources.

3.1.1 Following advice from the Chief Finance Officer, the Cabinet is responsible for recommending a MTFP as set out above to Budget Council, to enable the Council to set a balanced budget for the general fund for the forthcoming financial year. The 1992 Local Government Finance Act, Section 30 (6) states that that the billing Authority must set an amount of Council Tax before 11th March in the financial year preceding that for which it is set.

3.1.2 The Cabinet is responsible for implementing the Budget Council approved MTFP for the forthcoming financial year. On the advice of the Chief Finance Officer, Cabinet can recommend amendments to the MTFP to any meeting of Council, also recommending any related changes to the Council Plan, strategic objectives, or actions.

3.1.3 The Chief Finance Officer is responsible for providing financial advice to the Council on all those issues where the Authority is regarded as one legal entity.

### 3.2 Financial Advice – Departmental

The Chief Executive has an overall responsibility to ensure the competent financial advice to an appropriate and reliable standard is provided to the Cabinet, Executive Cabinet Members, Committees and Departments. Departmental Directors are responsible for ensuring the arrangements are in place to provide the financial advice and support needed to meet their requirements and undertake necessary risk management appraisals.

### 3.3 Budget Setting – Corporate

3.3.1 The Chief Executive and Chief Finance Officer shall be responsible for designing and implementing the annual Corporate Business Planning Process. The Chief Finance Officer is responsible for the preparation of a corporate budget reconciling aggregate planned expenditure with anticipated income, advice on the setting of Council Tax and advising on the prudent levels of reserves for the Council.

3.3.2 The budget starting point will be the existing multi-year plans rolled forward from the previous year, including a high-level review of Council funding and spend assumptions. Any resultant gap between funding and spend forecasts will inform target spending controls over the new MTFP period.

3.3.3 The Chief Finance Officer is responsible for establishing budget procedures, including determination of the following:

- target spending controls for the Council budget over the MTFP, and their allocation to Departmental Directors, as appropriate,
- the format for budget documentation,

- a corporate budget timetable, and
- to report on any amendments put forward as part of the Council's budget process.

3.3.4 The provisional budget strategy will include arrangements for wider public and key stakeholder engagement on budget options being considered.

3.3.5 Departmental Directors will produce draft budget proposals to meet target spending controls for Council budgets over the MTFP, in accordance with budget procedures and the annual budget timetable as set out by the Chief Finance Officer. These draft budget proposals will show how resources are to be allocated across activities, considering any service changes, performance targets, and the specific requirements of any relevant legislation, including integrated impact assessments, in formulating budget options for Cabinet consideration.

3.3.6 At least 14 days before the date set for the meeting of the Council which will determine the Council's Budget for the next financial year, the Cabinet will make its recommendations to the Council with regards to the Annual Revenue Budget, the Capital Plan, and the consequent rates for Council Tax, and the updated MTFP.

3.3.7 The Chief Finance Officer will advise the Cabinet and the Council on the overall budget, the levels of Council Tax, the use of reserves and the need for contingency budgets, and on the risks involved in the forecasts of spending levels and income. The annual budget report must refer to all matters required by legislation or appropriate professional guidance.

## 4 Budget Monitoring

4.1.1 The Cabinet is responsible for implementing the Council Plan within the resources allocated in the revenue budget, and MTFP.

4.1.2 The Chief Finance Officer will report to the Cabinet on the management of the revenue budget on a quarterly basis through the year.

4.1.3 The Chief Finance Officer will determine which budgets are "controllable" by Departmental Directors and will allocate the specific budgets that each Director has responsibility to manage. The budgets will normally align with the Directorate structure of the Council. The Chief Finance Officer will determine which budgets may be considered together for the purposes of delegated virement authority.

4.1.4 Departmental Directors and Departmental Assistant Directors are responsible for managing controllable budgets within their delegated authority and should exercise proper budgetary control to achieve Council Plan and service objectives. They are authorised to incur any expenditure included in the approved revenue budget, as amended by any virement including obtaining and accepting quotations and providing grants and loans.

4.1.5 Departmental Directors must report on budget management and take action to avoid overspending on budgets and report any difficulties to the Chief Finance Officer. The report should show the reasons for the overspending and potential management options for eliminating or reducing the overspending will be included in this report. The Cabinet is responsible for determining such further steps as are necessary to align activity consistent with the resources allocated by the MTFP.

4.1.6 A Departmental Director, (in consultation with the relevant Portfolio Holder), is authorised to

make changes to service provision as necessary; providing the proposed change is consistent with the approved Council Plan, service objectives and Council policy, to achieve spending within the approved annual budget or MTFP (as adjusted by any agreed virements).

4.1.7 The Chief Finance Officer is accountable for all central budgets, which will be managed in the same way as departmental budgets.

4.1.8 The Chief Finance Officer has delegated authority to review the requirement for existing Council Provisions and Earmarked Reserves and to approve the proposed drawdown of earmarked reserves in-year in consultation with the relevant Director, ensuring that the proposed drawdowns are appropriate for the stated purpose of the earmarked reserve. Earmarked Reserves drawdowns in-year will also form part of the overall report to Cabinet on a quarterly basis. The Chief Finance Officer will also report any new Reserves or Provisions requirements to Cabinet for approval.

4.1.9 Departmental Directors should delegate authority to commit budgets to the appropriate level of management, set out clearly the extent of authority and review the performance of managers in managing these budgets.

### 4.2 Closure of Accounts – Corporate

The Chief Finance Officer will be responsible for the consolidation and production of the Authority's statutory accounts.

### 4.3 Closure of Accounts – Departmental

Departmental Directors will be responsible for the closure of their departmental accounts which must be in accordance with the standards, timetables, and format set by the Chief Finance Officer. Accounts must also be prepared in accordance with the relevant statutory requirements.

### 4.4 Virements

4.4.1 Directors are authorised to transfer resources within a service budget without limit providing the corporate objectives for the service is not changed in a material way.

4.4.2 A virement which results in a change in the level of service must be addressed and approved by the Chief Finance Officer. All virements will be recorded in a way prescribed by the Chief Finance Officer who will arrange for virements to be incorporated into subsequent financial monitoring reported to Councillors.

### 4.5 Other

4.5.1 Where during any year a material change of funding / any change associated service arises this must be reported to Council along with a statement of any associated change in the risk profile.

4.5.2 Whenever the Cabinet becomes aware, following a report from the Chief Finance Officer, that a reduction in resources during the current or future years may impact on the Council's financial position, it may take such steps as it considers necessary to reduce activity immediately and

report to Council to address this.

4.5.3 The Chief Finance Officer is permitted to make variations to revenue funding as necessary to ensure that the Council funding position is optimised, subject to reporting such actions to Cabinet and Council.

## 5 Financial Systems and Procedures

5.1 The Chief Finance Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer.

5.2 Departmental Directors must ensure that officers understand and are competent to undertake their financial responsibilities and receive relevant financial training. Any exceptions to financial procedures to meet the specific needs of a service must be agreed between the Director and the Chief Finance Officer.

5.3 Departmental Directors are responsible for the proper operation of financial processes in their own activity and must ensure that all financial, costing, and other statistical information is recorded fully and accurately. All financial documents must be retained in accordance with the Council's approved retention schedule.

5.4 As far as practicable, the Chief Finance Officer must plan for the separation of duties between the conducting of transactions and the examining and checking of transactions.

## 6 Assets

6.1.1 Departmental Directors are responsible for the care and custody of all current and fixed assets of the relevant service (including stocks, stores, inventory items and all other items used for the Council's purposes, including property). These items must only be used for the authorised purposes of the Council. Surplus or obsolete goods, materials and inventory items are to be disposed of by agreed transfer to another Service, or disposal taking into account recommendations approved by the appropriate Executive Cabinet Member. Leased items (excluding Land Assets) should only be disposed of in accordance with instructions of the lessor.

6.1.2 Departmental Directors must ensure that contingency plans exist for the security of assets and the continuity of service in the event of any disaster, significant event, or system failure.

## 6.2 Stores

6.2.1 Departmental Directors must keep records of all stock held. The Chief Finance Officer will determine which items will be subject to stock accounting, the methods of recording and valuation.

6.2.2 Departmental Directors must arrange periodical or continuous checks of stock. This should be by persons independent of the management of the stock. These arrangements must ensure that all items of stock are checked at least once per year. The Chief Finance Officer will be notified of any discrepancies revealed by periodic checks and is authorised to amend records accordingly.

6.2.3 Stock holdings should be kept at minimum levels consistent with normal working practices.

### 6.3 Fixed Assets Register

6.3.1 The Chief Finance Officer must ensure that a Register of Fixed Assets is maintained. Each Director must notify the Chief Finance Officer of the:

- Acquisition of any land, property or vehicle and any other assets having a value of more than £10,000.
- Disposal (or transfer to another Service) of any Asset (or part of any Asset) which is included on the Fixed Assets Register.
- Leased assets must also be included.

### 6.4 Land Assets

6.4.1 The Director responsible must maintain a detailed record of all Land Assets owned by the Council and is responsible for the security and custody of all title deeds and must maintain a suitable register of Land Assets.

6.4.2 The disposal of Land Assets must be dealt with in the Contract Procedure Rules.

### 6.5 Security of Assets

6.5.1 Departmental Directors are responsible for always maintaining proper security for all buildings, stocks, stores, furniture, equipment, cash, and any other assets for which they are responsible.

6.5.2 All keys to safes and other places containing money, goods or other valuables are to be the responsibility of specified officers who must always retain possession of such keys.

6.5.3 A register of keys and their holders must be maintained by each Director. The loss of any key must be reported immediately to the Director who must record details of the circumstances of the loss, and take such action as is necessary to protect the property of the Council.

### 6.6 Security of Information

6.6.1 Directors must maintain proper security, privacy and use of data and information held in any media including, but not inclusively, documents, magnetic, digital, (such as laptop and tablet computers, mobile phones, memory cards).

6.6.2 All employees are aware of and comply with the Council's Information Security and Records Management policies.

6.6.3 All sensitive information is protected from unauthorised disclosure.

6.6.4 The accuracy and completeness of information and software is safeguarded.

6.6.5 Software and other intellectual property are used only in accordance with licensing agreements.

- Data Protection legislation is complied with.
- The Freedom of Information Act is complied with.
- Proper controls to system and physical access are in place; and
- The Councils intellectual property rights are protected.

### 6.7 Security of Property Relating to Clients and Customers

6.7.1 Directors must provide detailed written instructions on the collection, custody, investment, recording, safekeeping, and disposal of customer / client's property (including instructions on the disposal of property of deceased clients) for all staff whose duty is to administer, in any way, the property of clients. Due care should be exercised in the management of a customer or clients' money to maximise the benefits to the customer/client.

6.7.2 The Council is responsible for taking reasonable care of all items of property found by staff or members of the public on Council premises until the items are reclaimed or disposed of. Each Director must nominate officers who are responsible for the custody of lost property and keep a register of such property received, detailing the item, date, time, name, and address of finder and how and to whom the property is returned or disposed of. If the lost property is not claimed within three months the Director will then determine if the item is of value for use by the Council and arrange for its use for this purpose. All other items are to be disposed of in accordance with Contract Procedure Rules and the proceeds allocated to an appropriate Council income code.

## 7 The Collection Fund

The Collection Fund is to be managed by the Chief Finance Officer.

## 8 Tax Accounting

8.1.1 The Chief Finance Officer is responsible for advising the Council on all taxation issues that affect the Council.

8.1.2 Each Departmental Director must ensure taxation is treated correctly and consult with the Chief Finance Officer in the event of any uncertainty as to any taxation treatment.

8.1.3 Each Departmental Director must understand the VAT implications of all proposals (particularly Capital Expenditure on VAT exempt activities) prior to making policy proposals.

8.1.4 The Chief Finance Officer will lead and co-ordinate discussion or negotiations with HM Revenue and Customs about any taxation matter.

8.1.5 The Chief Finance Officer will complete all the Council's tax returns.

## 9 Grant and Loans Grants Receivable

9.1.1 Departmental Directors, in consultation with the appropriate Executive Cabinet Members, may apply for grants from any funding body, providing the proposed activity is consistent with the approved Council Plan, service objectives and Council policy where the Council is required to make no contribution, or where the Council contribution can be fully met from an existing budget for that purpose.

9.1.2 Departmental Directors must ensure a detailed business case is prepared, in consultation with the Chief Finance Officer, in respect of any grant offer sought. The Departmental Director must agree any material grant conditions with the Head of Legal. Any application / expression of interest needs to assess:

- the alignment of the grant scheme with the current approved policies of the Council,
- the capacity impact on the Council for the deliverability of the project and expenditure,
- the parameters of the grant conditions and timescales requirements.

9.1.3 Where a proposed revenue or capital budget bid does not align with an existing Council policy, or where there is not sufficient budget allocated appropriately to meet a required Council grant contribution, the Departmental Director must consult with the Chief Finance Officer. After consideration of virement options, it may be necessary to seek authority from Cabinet, or Council (as applicable) to authorise funding to facilitate the grant application.

9.1.4 Subject to the identification of sufficient resources within existing approved budget, or the approval of Cabinet, or Council as necessary Departmental Directors are authorised to accept any offer of grant and subsequent grant conditions.

9.1.5 The Chief Finance Officer in consultation with the Borough Solicitor and the appropriate Departmental Director is authorised to approve the acceptance of grants in all other circumstances.

9.1.6 Departmental Directors are authorised to accept a grant offer of any value from the Greater Manchester Mayoral Combined Authority and any Government department provided that:

- the grant is in fulfilment of a national or regional initiative or requirement, and
- the Council is required to make no contribution, or the contribution can be fully met from an existing budget for that purpose.

9.1.7 The Departmental Director must advise the Chief Finance Officer of the relevant details and obligations of the grant as soon as possible on receiving notice of the grant offer, and on confirmation of the grant award. Where a grant has a capital element, or revenue grant with discretion on usage, the funding must be identified in the relevant budgets and follow the normal process for approval and control of that funding.

9.1.8 Where a grant offer includes unusual conditions, the Departmental Director, Chief Finance Officer, and Borough Solicitor must consider if these requirements represent a significant risk to the Council. If they believe that they do so, they must inform and seek authority for acceptance from the Cabinet.

9.1.9 Departmental Directors must ensure that any grant conditions or obligations are fulfilled, in respect of the allocations, timings, purposes of expenditure and outputs and outcomes. Directors must arrange for expenditure consistent with any specific type or purpose of grant, such as capital or revenue budget expenditure.

9.1.10 The value of all grants must be notified to the Chief Finance Officer, who will make arrangements as necessary to receive the grant and record the relevant expenditure. Any revenue or capital budget impacts will be incorporated into the quarterly financial monitoring update reports to Cabinet.

9.1.11 In respect of capital grants, any additional revenue expenditure requirement consequent from any capital grant award must be recognised by budget virements. Any new capital programme

/ scheme must have an appropriate business case and Cabinet approval.

9.1.12 Grant claims, financial returns and submissions must be completed by the relevant Departmental Director and the Chief Finance Officer for submission to the relevant government department, agency, or organisation. The Departmental Director must provide such additional information as may be required by the Chief Finance Officer and / or when there is a requirement for internal audit authorisation by the Assistant Director Assurance and Risk.

### 9.2 Grants to Other Organisations

Before issuing any grant, the Departmental Director must be satisfied that the proposed activity or project does not constitute a procurement (to which Contract Standing Orders would apply) and that provisions within the Scheme of Delegation regarding grants have been complied with.

## 10 Income

10.1.1 Fees and charges must be reviewed at least once a year.

10.1.2 The methods of collecting, recording, and banking of all income due to the Council are to be approved by the Chief Finance Officer and be notified of all income which involve the receipt of money by the Council.

10.1.3 Departmental Directors must ensure as far as possible that income is collected by electronic means. This means that positive action should be taken to promote the use of customer payment by direct debit at the point of order for one off items, and continuous debit arrangements for ongoing services provision. Departmental Directors must ensure full compliance with all practices necessary to fully protect the banking data of the Council's customers.

### 10.2 Collection and Banking of Income

10.2.1 Departmental Directors must make appropriate arrangements for the control and issue of all receipt forms, books, tickets, ticket machines or other acknowledgements for money.

10.2.2 All income received by the Council must be acknowledged by the issue of an official receipt or by another approved method indicating payment has been received. To ensure compliance with the Anti-Money Laundering Policy, Departmental Directors must not accept any cash payment more than 15,000 Euros (£12,000) in respect of one single transaction on one occasion. Any reasonable concerns about the source of monies to be paid to the Council should be raised in accordance with the Procedures. Anti-money laundering compliance is the responsibility of the Director of Corporate Resources who is entitled to issue instruction relating to this matter.

10.2.3 All money received by an officer on behalf of the Council must be paid to the Council's bank account. No deductions are to be made from such monies unless specifically authorised by the Chief Finance Officer. Personal cheques must not be cashed out of monies held on behalf of the Council. Refunds must be made through the payments system. Every transfer of official money from one officer to another must be evidenced in the records of the Services concerned by the signature of the receiving officer.

10.2.4 Arrangements for opening incoming mail must ensure that any money so received is immediately recorded.

### 10.3 Debtors

10.3.1 Wherever possible, payment should be obtained in advance, or at the time of provision of a service, goods, letting or works. Departmental Directors are responsible for issuing debtor accounts in a form approved by the Chief Finance Officer immediately a debt falls due. Each Departmental Director must maintain adequate records to ensure that all credit income due to the Council is promptly recovered.

10.3.2 Departmental Directors recover credit income due in a timely and efficient manner and take appropriate steps to monitor and review the effectiveness of recovery procedures in services and implement any further actions.

10.3.3 Where a Departmental Director agrees that a debtor may defer repayment, the Departmental Director must ensure that full records of the reason for agreeing repayment deferral are retained and must have arrangements in place to formally reconsider the appropriateness of deferral at agreed regular intervals (that must not be longer than 12 months).

10.3.4 Departmental Directors must regularly review debts due and ensure adequate year end provisions for bad and doubtful debts. The Executive Cabinet Member – Leader's Portfolio will make decisions on debt write offs on the recommendation of the Chief Finance Officer in consultation with Departmental Directors. Departmental Directors in consultation with the Chief Finance Officer are authorised to review and recommend for write off all individual bad debts under £15k in a timely manner, as a minimum every 6 months. A report on the details of all debts needed to be written off over £15k must be prepared and formally approved in Executive Cabinet Member. The 'writing off' of a debt does not absolve a Department of the responsibility to collect such debts, and the position in relation to such debtors is to be monitored by the Departmental Director.

## 11 Payment of invoices

11.1.1 All payments must be made through the Councils accounting system and should be made by electronic transfer except where there are substantial over riding reasons for alternative means of payment. Departmental Directors must ensure through a review, at least annually, that authorisations are appropriate to the needs of the service, maintaining an adequate degree of separation of duties and internal control.

11.1.2 The Chief Finance Officer will determine the method and frequency of payment from one of the Council's main bank accounts, except for

- Petty cash and other imprest accounts
- Delegated bank accounts approved by the Chief Finance Officer

11.1.3 When an invoice is matched through the automated procurement and payment system, it will be paid in line with the Councils determined procedures. Any invoices rejected by the automated system must be subject to thorough checking by the Departmental Director to determine the reason for variance, and the cause recorded.

## 11.2 Certification & Processing (paper records)

11.2.1 Departmental Directors must approve a schedule of officers authorised to certify invoices, (names and specimen signatures). The schedule must be reviewed at least once per year.

11.2.2 All invoices that are not the subject of automated processing must be certified. By certifying an account for payment, the authorised officer indicates that checks have been conducted to ensure that invoice is valid.

11.2.3 The Departmental Director must where possible achieve an adequate level of internal check. The officer certifying the account for payment should not be the same officer who received or checked the items, goods, works or services. No officer may certify any invoice involving payment to themselves.

11.2.4 All forms of account submitted for payment to a supplier or contractor other than on the original invoice must be accompanied by a special certification stating that the original invoice has not been paid and will not be paid subsequently. The certificate must be signed by an officer authorised to certify accounts for payment.

11.2.5 The Chief Finance Officer may withhold payment of any invoice where there is evidence to suggest that it is not in order. The Chief Finance Officer must establish rules that control the use of pro-forma invoices, to ensure that these are not used to circumvent Council procedures,

11.2.6 The Council should not pay for any goods or service prior to receipt of the items, and not without an invoice. Where a supplier or contractor requires payment prior to the dispatch of goods or the provision of services, an official order signed by a duly authorised officer and clearly marked that payment is to be made before receipt of the goods or services must be completed. Whenever possible a supplier's invoice must be obtained, and payment made on this. In exceptional circumstances only, a pro forma invoice or supplier's order form detailing fully the goods/service to be obtained may be used. This must be approved by an officer authorised to certify invoices and retained as a record of the payment made, Where VAT features in the advance payment, the issuing officer must then obtain a VAT invoice or authenticated receipt for the transaction, and arrange for its processing to facilitate the recovery of VAT.

11.2.7 All discounts available from a supplier are to be taken as a deduction against the cost of goods purchased and must appear on the invoice. Where a supplier provides any free item, or discount is available in the form of goods these are the property of the Council, as are loyalty or bonus points or other rewards earned.

## 11.3 Purchasing cards

11.3.1 All arrangements regarding purchasing cards must be approved by the Chief Finance Officer. Departmental Directors will determine the monthly credit limit, any cash limits and permissible purchasing categories for individual payment and procurement cards.

11.3.2 Each cardholder must always ensure safe custody of the card.

11.3.3 Cards may be used only in accordance with the approved scheme and for legitimate expenses incurred by the cardholder during official Council business. They must not be used to:

- Avoid any corporate rules on procurement and purchasing (for example to purchase only from approved suppliers)
- Circumvent the procedures for the ordering of and payment for, goods and services under these regulations; or
- Purchase items for the private or personal use of cardholders.

11.3.4 Each cardholder must ensure that all expenditure incurred using a purchasing card is supported by adequate records and a VAT receipt is obtained to support all expenditure.

## 12 Capital Expenditure

### 12.1 Capital Investment Plan Preparation and Management

12.1.1 For the purposes of capital investment plan preparation and management, "capital" must meet the following criteria:

- The definition for capital as set out in relevant CIPFA accounting guidance and accounting standards, and any other statutory Government guidance as set from time to time.
- Subject to above, a minimum threshold or 'de minimis' of £10k to be considered capital at an individual project level, as determined by the Chief Finance Officer.
- All capital investment must also be made in recognition of the CIPFA 'Prudential Code for Capital Expenditure with regard to prudence, affordability and sustainability, and any associated statutory Government guidance.' Council must approve an annual Capital Strategy and annual (Non-Treasury) Investment Strategy in line with the guidance.

### 12.2 Responsibilities

12.2.1 The Chief Finance Officer will advise the Cabinet and the Council on the overall capital investment plan and levels of funding available. The Chief Finance Officer must confirm the robustness of the capital plan and assess and report to Cabinet on the revenue effects of the capital plan (financing, additional running costs, savings, and income) and indicating the prudential indicators and limits that support the capital investment.

12.2.2 Cabinet is responsible for recommending to the Council at the same time as the proposed revenue budget, a multi-year capital investment plan and the prudential indicators and limits that support the recommended capital investment. Council will approve a capital investment plan and determine allocations of capital resources to programme areas, or to specified projects.

12.2.3 Cabinet is responsible for implementing the capital plan approved by Council, in line with any stated Council policies, or strategies, and will determine the allocation of resources from the programme area to named projects. A programme or named project may only be progressed once the Cabinet has approved the business case for the programme or project.

12.2.4 Departmental Directors are responsible for managing programmes and projects and must make appropriate arrangements to control projects and avoid overspending.

12.2.5 The Council is authorised to transfer resources without restrictions. including between any year, within the approved capital plan.

12.2.6 The Chief Finance Officer will report to the Cabinet on the overall management of the capital investment plan on a quarterly basis. This will include any additional capital grant funding received during the year.

### 12.3 Initiating and Progressing Investment Decisions

12.3.1 The Chief Executive will establish arrangements, in conjunction with the Chief Finance Officer, to ensure effective deployment of capital resources, ensuring that these align with Council priorities and including the preparation of business cases and / or option appraisals designed to ensure project effectiveness and value for money, and to assist Council to determine its capital investment plan, and assist Cabinet with the allocation of programme area budgets to specific projects. For these purposes, the Departmental Director and Chief Finance Officer may approve the incurring of fees for option appraisal or initial design fees, subject to the identification of an appropriate funding source. This can include payment to a contractor for initial project scoping and design, provided that such costs are covered by an identified funding source.

12.3.2 An Executive Cabinet Member or Cabinet report will be prepared for each specific project seeking approval to undertake the scheme.

12.3.3 Departmental Directors have authority to progress projects once the approvals have been given. They must ensure compliance with Contract Standing Orders.

12.3.4 Departmental Directors are responsible for post implementation reviews of capital projects to assess the outcome of investment programmes and projects, and the extent to which these achieved the planned objectives set out in the business case. This assessment is to be used in summary to Cabinet and Council as a part of the overall financial reporting and monitoring process.

### 12.4 Complex Projects

12.4.1 Any capital project which involves partnership arrangements, or investment in limited companies or other separate entities must be approved by an Executive Cabinet Member or the Cabinet. The reporting of the capital position in such cases must follow a similar arrangement to any direct asset investment.

### 12.5 Leased Assets

12.5.1 Accounting regulations (IFRS16) makes an ongoing presumption that all leases will need to be included on the Council's Balance Sheet. All lease arrangements need to follow the same procedures, and have the same authority and approval, as for other items of capital expenditure. In respect of any item acquired by lease (other than a Land Asset) the inventory must be marked with the name of the leasing company and the date of expiry of the lease agreement. When requested by the leasing company the item must be suitably marked as the property of that company.

## 13 Procurement

13.1 Departmental Directors must ensure through a review, at least annually, that authorisations are appropriate to the needs of the service, maintaining an adequate degree of separation of duties and internal control. These procedure rules must be read alongside the Contract Standing Orders which establish the framework that controls the Council's arrangements for procurement.

### 13.2 Orders

13.2.1 Before any official order is issued for works, goods or services, the Departmental Director or other authorised officer must ensure that:

- The works, goods, or services are necessary for the discharge of the responsibilities of the Council.
- Sufficient budget is available to fund the expenditure; and
- The Contract Standing Orders have been complied with.

13.2.2 Departmental Directors are responsible for all orders issued. The order will be issued electronically using the procurement system. Verbal orders must be kept to a minimum and be confirmed either the same or next working day by purchase orders. The receipt of the goods works or services must be recorded electronically (or where applicable on paper) and all payments made in respect of an order.

13.2.3 Except where there is a formal contract, in which case work instructions and orders must conform with the provisions of the contract, official orders will be issued for all works, goods or services to be supplied to the Council, except for supplies of continuous services (such as gas), and statutory taxes, for petty cash purchases and other exceptions as the Chief Finance Officer may approve. Orders must clearly indicate the nature and quantity of the work / services / items / supplies required, any related contract or agreed prices, discounts receivable and dates or periods of delivery, and where applicable make specific requirements to obligations placed on the contractor, such as those relating to Data Protection.

13.2.4 The Departmental Director must record the receipt of the goods, works or services electronically (or where applicable on paper) and (where applicable) all payments made in respect of an order.

### 13.3 Variations

13.3.1 The authorised officer may, subject to the provisions of the contract, make any variations essential to the achievement of the objectives of the contract but must have regard to the budget provision. The authorised officer must not issue any variation likely to increase the approved cost of the project without the written agreement of the Director responsible, who must state the authority and source of financial provision for the additional expenditure. Every variation must be immediately recorded in writing by the authorised officer.

### 13.4 Recording of Contractual Payments

13.4.1 Any payments on account to contractors against a formal contract are to be made only on an approved certificate issued and checked by the authorised officer.

13.4.2 The certificate authorising final financial settlement of any contract will not be issued until the appropriate officer has produced a detailed statement of account and all necessary supporting documents, and these have been checked in accordance with arrangements approved by the Chief Finance Officer and the final payment agreed by the budget holding Director.

### 13.5 Claims

13.5.1 All claims (or prospective claims) from contractors for loss and expense will be considered by the authorised officer who will immediately advise the client Departmental Director, and they

will jointly consider methods for cost reduction to achieve the budgetary provision. The budget holding Departmental Director and the Chief Finance Officer must be consulted in respect of any claim (or prospective claim) from a contractor for loss and expense more than £10k.

13.5.2 The Departmental Director will report in detail to the relevant Executive Cabinet Member or the Cabinet if the financial consequences of the claim cannot be accommodated within the approved project budget.

### 13.6 Codes of Practice

13.6.1 All procurement must accord with the Contract Standing Orders, and all relevant procedure and guidelines.

## 14 Payroll

14.1.1 Departmental Directors must ensure through a review, at least annually, that authorisations are appropriate to the needs of the service, maintaining an adequate degree of separation of duties and internal control.

14.1.2 All payments of salaries, wages, pensions, compensations, gratuities, allowances, and other emoluments to current or former employees are to be made under the direction of the Chief Finance Officer in accordance with information supplied by the Departmental Director. All payroll transactions must be processed through the Council's payroll system.

14.1.3 Departmental Directors must ensure that appointments of all employees are in accordance with the appropriate Conditions of Service of the Council or any approved scheme of delegation, and within the approved budgets, grades, and rates of pay. Any variations of terms and conditions must be in accordance with arrangements approved by the Cabinet.

14.1.4 Departmental Directors are responsible for ensuring any termination of employment is in accordance with corporate policy. The financial consequences of any termination of employment will be met from Departmental Budgets unless part of a previously approved corporate scheme.

### 14.2 Travel, Subsistence, and Other Allowances

14.2.1 Payment of all claims must be in accordance with Schemes of Conditions of Service adopted in respect of the employee to which the payment relates and will be paid through the Council's payroll system. Receipts must be provided for all claims.

14.2.2 The certification (or electronic approval) of a claim by or on behalf of a Departmental Director means that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council. The certifying officer of mileage claims is confirming that the employee is the holder of a full, current, valid driving licence, an MOT certificate if applicable, road tax, and has complied with insurance requirements regarding the use of their car on Council business.

## 15 Banking

### 15.1 Policies and Strategies

15.1.1 The Council will adopt both the Code of Practice for Treasury Management in the Public Services, published by the Chartered Institute of Public Finance and Accountancy, and any

associated statutory Government guidance, as issued from time to time. The Council is responsible for adopting a treasury management policy statement, setting out the policies and objectives of its treasury management activities, and treasury management practices, setting out how those policies and objectives will be achieved and how treasury management will be managed and controlled.

15.1.2 The Executive Cabinet Member – Leader's portfolio is responsible for the implementation and monitoring of the treasury management policies, practices, and performance. The Audit Committee has responsibility for scrutinising treasury management policies and practices.

15.1.3 The Chief Finance Officer is responsible for the execution and administration of treasury management decisions in accordance with the policy statement and agreed practices.

15.1.4 The Chief Finance Officer will report:

- before each financial year recommending a treasury management strategy and plan.
- quarterly basis in relation to treasury management activity during the year.
- the planned and actual performance in respect of the prudential indicators and limits.

**15.2 Administration**

15.2.1 All money under the management of the Council is to be aggregated for the purposes of treasury management and will be controlled by the Chief Finance Officer. Investments are to be in the name of the Council. All borrowings are to be in the name of the Council.

15.2.2 The Chief Finance Officer will arrange all loans.

**16 Trust Funds**

16.1 All trust funds are to be, wherever possible, in the name of the Council, except where charities legislation dictates otherwise. Officers acting as trustees by virtue of their official position must deposit all documents of title relating to the trust with the Borough Solicitor (unless the Trust Deed otherwise directs) who must maintain a register of all such documents deposited.

**17 Banking Arrangements**

17.1.1 All the Council's banking arrangements are to be approved by the Chief Finance Officer, who is authorised to operate such bank accounts considered appropriate. Bank accounts must not be opened without the approval of the Chief Finance Officer. Where a bank account is opened, the account name must describe the purpose of the account.

17.1.2 Where a School exercises its legal right to its own Bank Account, the Chief Finance Officer will issue guidelines within which the Bank Account is to be operated.

**17.2 Cheques and Electronic Payments**

Payments to suppliers and employees will be made by electronic means.

17.2.1 Departmental Directors can request a Clearing House Automated Payments, (CHAPS) payment to UK accounts that are guaranteed to arrive on the same day. The Treasury

Management team need 24 hours' notice to be able to process. This is only to be used when normal payment methods are not available.

17.2.2 Departmental Directors can request a Faster Payment which are electronic payments that are made online and arrive within a couple of hours. This can be requested to the Treasury Management giving 24 hours' notice.

### 17.3 Imprest Accounts

17.3.1 Departmental Directors will determine what amount is appropriate for an individual imprest account and keep a record of every imprest issued, including the name of the imprest holder, amount, and location. Payments from imprest accounts are to be limited to minor items of expenditure.

17.3.2 An imprest holder must at any time account for the total imprest if requested to do so by the Chief Finance Officer and keep adequate records in a form approved by the Chief Finance Officer and supported by valid (VAT) receipts. On ceasing to be responsible for an imprest account the officer must account promptly to the Departmental Director for the amount advanced.

## 18 Audit

### 18.1 Responsibility and Authority

18.1.1 The Chief Executive, (in consultation with the Chief Finance Officer and Monitoring Officer) must arrange a continuous internal audit, which is an independent review of the accounting, financial and other operations of the Council.

18.1.2 The Assistant Director Assurance and Risk will report directly to the Chief Executive, Chief Finance Officer, Monitoring Officer, Chair of the Audit Committee or the External Auditor where appropriate.

18.1.3 The Assistant Director Assurance and Risk has authority to:

- Always enter Council premises or land or location from which Council services are provided.
- Have access to all property, records, documents, and correspondence relating to all activities of the Council.
- Require and receive explanations concerning any matter; and
- Require any employee of the Council, without prior notice, to produce cash, stores, or any other property for which they are responsible.

18.1.4 The Chief Finance Officer has the same authority for any accounting or associated purpose.

18.1.5 The Assistant Director Assurance and Risk may delegate the rights of access to premises, information, explanation etc. to any employee or agent of the Council (albeit this will normally be staff within the Internal Audit or Counter Fraud team).

## 18.2 Planning and Reporting

18.2.1 The Assistant Director Assurance and Risk must plan and report (in accordance with the approved Audit Strategy and Charter, Global Internal Audit Standards and associated UK Standards, and having considered input from the Council Audit Committee) upon:

Council systems of governance, risk management and internal control that can include:

- The risks inherent in and associated with systems.
- The soundness, adequacy and application of financial and other management controls and systems.
- The extent of compliance with, and the financial effects of, established policies, plans and procedures.
- The extent to which the organisation's assets and interests are accounted for and safeguarded from losses of all kinds arising from fraud, other offences, waste, extravagance and inefficient administration, poor value for money and other cause.
- The suitability, accuracy, and reliability of financial and other management data within the organisation; and
- Value for money.

18.2.2 The Assistant Director Assurance and Risk will provide a written summary of the activities of the Internal Audit function to management and the Audit Committee and an Annual Report for consideration by management and the Audit Committee, including an audit opinion on the adequacy and effectiveness of the Council's systems of governance, risk management and internal control.

18.2.4 The Assistant Director Assurance and Risk will review the system of internal audit on an annual basis (and arrange for an external assessment once every 5 years) and report the outcome to the Audit Committee.

## 18.3 Investigations and Suspected Fraud, Corruption or Bribery

18.3.1 The Chief Executive and Departmental Directors must ensure that all Members and employees are:

- Aware of the Council's Anti-Fraud, Anti-Corruption, Anti Money Laundering and Anti-Bribery policies
- Aware of the Whistleblowing Policy; and
- Operating in a way that ensures steps are taken to minimise the risks of fraud, corruption and bribery.

18.3.2 The Assistant Director Assurance and Risk is responsible for the development and maintenance of the Anti-Fraud, Anti Money Laundering, Anti-Corruption and Anti Bribery Policies and Whistleblowing Policy and for overseeing the Council's efforts in fraud prevention, detection and investigation.

18.3.3 It is the duty of any officer who suspects or becomes aware of any matter which may involve loss or irregularity concerning cash, stores or other property of the Council or any suspected irregularity in the operations or exercise of the functions of the Council to immediately advise the Departmental Director. The Departmental Director concerned must immediately notify the Assistant Director Assurance and Risk who may act by way of investigation and report.

18.3.4 Where, following investigation, the Assistant Director Assurance and Risk considers that there are reasonable grounds for suspecting that a loss has occurred because of misappropriation, irregular expenditure or fraud, consultations will be held with the Departmental Director on the relevant courses of action, including the possibility of police involvement and the invoking of any internal disciplinary procedure in accordance with the relevant conditions of service.

## 19 Insurance

19.1.1 The Chief Finance Officer, in consultation with Departmental Directors, is responsible for assessing insurable risks and for arranging all insurance cover, including the management and control of the insurance fund. The Insurance Team will control all claims, maintain records of them, and has authority to receive or make claims on behalf of the Council and negotiate and agree all settlements.

19.1.2 Departmental Directors must promptly notify all new risks or Assets to be insured and of any alterations affecting existing insurances. All insurances held must be reviewed on an annual basis.

19.1.3 In the event of any insurance claim or occurrence Departmental Directors must:

- Not admit liability where this may prejudice the outcome of any settlement.
- Promptly notify the Insurance Team, in writing, of any loss, liability, damage or any event likely to lead to a claim; and
- Inform the Police in the case of loss or malicious damage to Council property.

19.1.4 Departmental Directors must consult the Chief Finance Officer as to the terms of any indemnity the Council is required to give.

19.1.5 The Departmental Director in consultation with the Insurance Team will determine the extent of insurance cover which must be provided for in any external contract for the supply of goods, works or services. The Departmental Director, in agreement with the Chief Finance Officer may reduce the cover requirements in respect of specific contracts.

## 20 Risk Management & Business Continuity

20.1.1 The Director of Corporate Resources shall be responsible for overseeing the Risk Management process, maintaining the corporate risk register and providing Risk Management advice effecting such insurance cover as shall be necessary. The responsibility for reviewing and notifying the existence of risk will rest with the Departmental Directors managing the asset or undertaking the activity.

20.1.2 Departmental Directors are responsible for Business Continuity planning in their areas. The Corporate Business Continuity plan shall be maintained and updated by the Director of Corporate Resources.

## 21 Voluntary Unofficial Funds

21.1.1 These regulations relate to funds administered by officers of the Council, the accounts of which are not included in the Authority's accounts. Any proposed unofficial funds require the prior approval of the Departmental Director concerned, who must maintain a record of all such funds and ensure that officers are appointed to administer each fund.

21.1.2 A separate bank account must be maintained for each fund (in the name of the fund) and fund monies must be kept separate from Council monies. Alternatively, with the agreement of the Chief Finance Officer, the fund may be administered through the Council's bank account and general ledger but must be separately identifiable.

## 22 Review

22.1 The Chief Executive and Chief Finance Officer shall review the financial regulations at maximum intervals of five years and shall report to the Council accordingly.

## G. Standing Orders Relating To Proceedings Of The Council (And Other Formal Meetings)

### Meetings of the Council

1. (a) The meetings of the Council during each year, other than the annual meeting and any meeting specially summoned, shall be held on such dates as may be fixed by the Council at the annual meeting.

1. (b) The Mayor shall preside at all meetings of the Council save that, in the event that the Mayor is unable for whatever reason to do so, the Deputy Mayor will so preside or, in the event that neither is able to preside, the Council shall appoint one of their number to preside as Chair for the purposes of that meeting only. All reference to "the Mayor" within these Standing Orders shall be construed as being reference also to the Deputy Mayor or other member appointed to preside at the meeting (see also Standing Order 28(c)).

1. (c) Minutes of the proceedings of the Council shall be prepared pursuant to paragraph 41 of Schedule 12 to the Local Government Act 1972 and shall be signed by the Mayor or Chair at the next following meeting, save that where the next such meeting shall be an extraordinary meeting called under paragraph 3 of Schedule 12 to the said Act, the next following ordinary meeting shall be treated as a suitable meeting for the purpose of the signing of minutes.

### Time and Duration of Meetings

2. The Council shall normally be summoned to meet at 7.00 p.m. and finish no later than 10.30 p.m. unless the Mayor decides, it is reasonable or necessary, to extend. A meeting may be held at a different time if the Council or the Mayor so determine.

### Order Of Business

3. (a) The Chief Executive shall, in the summons for each meeting of the Council, insert all business which in their judgement requires to be brought before the Council. The Chief Executive shall include such matters as may be ordered by the Mayor, any report by the Chief Financial Officer under Section 114 of the Local Government Finance Act 1988, any report by the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989, any report by the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. All notices of motion which have been duly given as provided below will normally be considered in the order in which they are received.

3. (b) For the meeting of the Council to set its budget:

(i) the Chief Executive shall only include business at that meeting which directly relates to setting its budget. For the avoidance of doubt this means that no motions under Standing Order 4 may be considered nor any questions under Standing Order 9.

(ii) the time for submitting amendments to the motion proposing the budget shall be at 12 noon 3 working days before the meeting (normally 12 noon on the Friday the week before the meeting).

(iii) amendments to the motion proposing the budget will be considered by the Council in the following order:

I. The Majority Opposition Group, and then,

II. taken in the order of the size of the other political groups and if there are groups with the same number of members, in alphabetical order, followed by,

III. Any independent members amendments, and,

in the case that any group wishes to put in more than one amendment this will apply to their first amendment. Any subsequent amendments will be treated as independent members' amendments.

(iv) For the avoidance of doubt there will be one debate covering all amendments, then votes on each amendment taken in the above order.

**Notices of Motion**

4. Notices of motion shall be in writing, signed by the member or members giving the same and delivered to the Chief Executive. All such notices shall be entered in a book kept for that purpose and open to the inspection of every member of the Council. No notice shall be inserted in the summons for any meeting of the Council unless received by 10.00 a.m. six clear days prior to such meeting (i.e. if meeting on Wednesday evening, the Tuesday of the preceding week). No amendment shall be moved to a motion of which notice is given under this Standing Order.

5. Every motion shall be relevant to some matter in relation to which the Council have powers or duties, or which affects the district.

6. A motion of which notice has been duly given shall be formally moved and seconded.

7. Motions of which notice has been duly given and accepted shall have precedence according to the order in which the notices were given. Where a motion has been included in the summons but has not been moved 15 minutes before the scheduled end of the meeting in accordance with Standing Order 2 the mover of the motion may ask to have it voted on without debate, it being formally moved and seconded and then the vote held. If the mover of the motion does not choose to have a vote as set out in this Standing Order the motion will move forward to the next meeting of the Council unless the mover of a motion decides to withdraw it. If there is more than one motion to roll forward, the motions will be taken in the same order in which they had first been received.

**The Taking Up Of Business Under Notice**

8. The business under any notice upon the Council summons shall not be proceeded with in the absence of the member of the Council in whose name it stands, (or if signed by more than one member, by the member whose signature appears first on the notice) unless they have given to the Chief Executive in writing, their consent that it should be taken by some other member of the Council, or if it be business which, by law, the Council must transact.

**Questions**

9. (a) Members of the Council may ask any question or make brief comments on any matter relating to the business of the Council (other than business which appears in the Minutes of a Committee before the Council at that meeting) of any member of the Cabinet, the Chair of any Committee or the Chief Executive, through the Mayor, of which notice has been given to the Chief Executive in writing by 12.00 noon 3 working days preceding the meeting (for full council meetings this will normally be 12 noon on the Friday the week before the meeting is due to take place), but members shall confine themselves to asking the questions or making the comment as notified to a

maximum of two minutes and no discussion shall be permitted thereon.

9. (b) Members may also ask questions or make comments relative to any matter appearing in the minutes of any Committee, the Cabinet or Executive Cabinet Member meeting before the Council, or brought before any Committee since the previous meeting of the Council, if put before such minutes are approved, but members shall confine themselves to asking a question or making a comment to a maximum of two minutes. The Chair of the Committee, or other appropriate member as determined by the Mayor, may answer any such questions or respond to such comments without prejudice to their general right of reply.

9. (c) Members may ask questions or make brief comments relative to the discharge of the functions of the Greater Manchester Mayor and the Greater Manchester Combined Authority of the members nominated by those authorities for the purpose, of which notice has been given to the Chief Executive in writing by 12.00 noon 3 working days preceding the meeting (normally 12 noon on the Friday the week before the meeting is due to take place). Members shall confine themselves to asking the questions or making the comment as notified other than a brief explanation thereof and no discussion shall be permitted thereon.

9. (d) Where the end of the meeting is approaching at a meeting where motions under Standing Order 4 have been considered before questions under Standing Order 9 have been answered and, in exceptional circumstances, and in accordance with Standing Order 2, the Mayor may consider it appropriate to extend the meeting to answer a maximum of 3 questions, however, if there are more than 3 questions remaining unanswered written answers will be provided to all councillors and published on the Council's website by 5pm on the second working day following the meeting.

**Rules Of Debate**

**Members Not To Speak More Than Once**

10. (a) Except as provided in Standing Order 9(b) and Standing Order 21, no member shall address the Council more than once on each motion or amendment except in explanation or to raise a point of order, or as the mover of a motion in reply, or when the Council is in Committee. For the purposes of this Standing Order the moving or seconding of an amendment shall be construed as addressing the Council on a motion.

10. (b) The reply of the mover of the original motion shall conclude the discussion save that, in the case of a motion to approve the Minutes of a Committee, the Mayor may invite the mover of the original motion to reply to the debate on an identified item within those Minutes and thereby conclude the discussion on that item without concluding the discussion on the Minutes as a whole.

**Points Of Order and Personal Explanations**

11. (a) Following any member indicating a desire to raise a point of order, the Mayor shall instruct any member speaking at that time to take their seat so that the Mayor may determine the validity of the point of order.

(b) The member wishing to raise the point of order must wait to be invited to speak by the Mayor before stating at the outset the Standing Order or rule of debate considered to have been infringed.

(c) The Mayor/Deputy Mayor, or chair appointed in accordance with Standing Order 1 (b), shall determine the validity of the point of order before the debate proceeds and

their decision shall be final and cannot be discussed.

(d) A member may be heard in explanation at any time during the debate but only in reference to some material part of their former speech which may have been misunderstood. A member wishing to be heard under this Standing Order should indicate their intention to the Mayor/Deputy Mayor or chair appointed in accordance with Standing Order 1(b).

**Content and Length Of Speech**

12. Members may speak as detailed in the table below.

| Purpose of Speech | Who can make a 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 | Seconder (may reserve their right to speak until the end of the debate) | 5 minutes |
| Propose an amended motion | Any member other than proposer/seconder of original motion | 5 minutes |
| Second an amended motion | Any member other than proposer/seconder of original motion | 5 minutes |
| Speak during debate | Any member other than proposer and seconder of amended motion and proposer of the original motion | 5 minutes |
| Ask a question of the Leader/Executive Cabinet Member/Chair of Committee/Chief Executive | Any member of the Council | 2 minutes |
| Respond to a specific question | Cabinet member | 5 minutes |
| Propose the budget | Leader (or their nominee) | no time limit |
| Second the budget | Deputy Leader (or their nominee) | 5 minutes |
| Right to reply to budget debate | Leader (or their nominee) | 5 minutes |
| Moving a budget amendment | Opposition Leaders (or their nominee) | no time limit |
| Point of order | Any member | 2 minutes |
| Personal explanation | Any member | 2 minutes |

**Closure Matters**

13. (a) A member may, at the conclusion of a speech of another member, move without comment (i) "That the question be now put": (ii) "That the debate be now adjourned": (iii) "That the Council proceed to the next business": or (iv) "That the Council now adjourn"; on the seconding of which the Mayor shall (if in their opinion the question before the meeting has been sufficiently discussed or the circumstances justify such a motion, and subject to any right of reply) put that motion to the vote.

13. (b) If it is carried (i) the question before the meeting shall be put to the vote; (ii) the subject of debate shall not be further discussed at that meeting; (iii) the subject of debate shall be deemed to be disposed of; or (iv) the meeting shall stand adjourned as the case may be.

**Motions and Amendments**

14. All motions and amendments (except a motion to vary the duration of the meeting under Standing Order 2 or a motion under Standing Order 13, Standing Order 22, Standing Order 23, Standing Order 25 or Standing Order 39) shall be reduced into writing, signed by the mover and delivered to the Mayor or to the Chief Executive, immediately upon being seconded, and after being seconded the same shall not be withdrawn without leave of the Council.

15. All amendments shall be:-

(i) To leave out words;

(ii) To leave out words and to insert or add others; or

(iii) To insert or add words.

16. When an amendment is moved and seconded, no other amendment shall be taken into consideration until the first amendment has been disposed of, unless it is related to the same topic in which instance the Mayor shall be empowered to decide whether to take all amendments, comments, questions as part of a single debate.

17. If an amendment be carried it displaces the original motion and becomes itself the substantive motion for consideration, whereupon any further amendment relating to any portion of the substantive motion may be moved, provided any such further amendment is not inconsistent with the alterations of the original motion made by the amendment that has been carried.

18. If the first amendment be not carried, then subsequent amendments may be moved to the original motion.

19. (a) Notice may be given to the Chief Executive prior to a meeting of the Council of an amendment which a member intends to move at that meeting. Without prejudice to the right of a member to ask a question under Standing Order 9(b), or to move an amendment without notice, or to discuss a subject upon the proceedings of a Committee, an amendment of which notice has been given as aforesaid shall take priority and shall be called immediately the motion has been duly proposed and seconded. If notice should be given of more than one amendment, such amendments shall be called in the order in which notice has been given to the Chief Executive.

19. (b) If the member who has given prior notice of an amendment is absent when the amendment is called such amendment may be moved by any other member of the Council.

20. A motion may be referred to Council by a Scrutiny Committee which has considered a Cabinet or Executive Cabinet Member decision that has been 'called in'. The motion must be in the name of the Chair of the Committee or a member nominated by the Committee or in the name of one of the three members who requested the matter to be referred to the Council under the Council's Constitution. If, upon being put to the vote at Council, the motion is defeated then the decision of the Cabinet or Executive Cabinet Member will be deemed to have been noted by the Council and thus can be actioned immediately.

The Standing Orders governing the debating of ordinary motions at Council will apply and the motion can be subject to amendment by resolution of the Council in the normal way.

**Seconders Speech**

21. A member may second a motion or amendment reserving their speech for a later period of the debate. On an amendment being moved and seconded, any member of the Council may speak thereon, and the mover of the original motion but not of the amendment shall have the right to reply.

**Council in Committee**

22. The Council may resolve itself into Committee upon a motion for that purpose (duly moved and seconded) being carried by a majority of those present and of which motion no previous notice shall be necessary. Any member may speak as often as they desire in Committee of the Council.

**Exclusion of Press And Public**

23. (a) The Council or the Cabinet or a Committee may, by a resolution exclude the press and other members of the public from a meeting (whether during the whole or part of the proceedings) upon a motion duly moved and seconded being carried by a majority of those present and of which motion no previous notice shall be necessary.

23. (b) Provided that, in accordance with Section 100(A) of the Local Government Act 1972 (as amended), such exclusion shall only be permissible:-

(i) where, in view of the nature of the business to be transacted or the nature of the proceedings, it is likely that if members of the public were present there would be disclosure of confidential information as defined in Section 100(A)(3) of the Local Government Act 1972 in breach of the Council's obligation of confidence; or

(ii) where, in view of the nature of the business to be transacted or the nature of the proceedings, it is likely that if members of the public were present there would be disclosure to them of specified exempt information as defined in Schedule 12(A) to the Local Government Act 1972.

23. (c) Where members of the public are excluded by resolution in accordance with Paragraph (b)(ii) of this Standing Order, the resolution shall specify the particular items of business for which the public are to be excluded and shall specify the particular exempt information, of which disclosure is likely, by reference to the relevant paragraph of Schedule 12(A) to the Local Government Act 1972.

**Voting**

24. Except where otherwise expressly provided by law or these Standing Orders, every motion or amendment shall be put to the Council and shall be determined by a named vote or an electronic vote and recorded in the minutes of the proceedings of that meeting of the Council.

**Disorderly Conduct**

25. (a) If at a meeting any member of the Council, in the opinion of the Mayor notified to the Council, misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

25. (b) If the member named continues their misconduct after a motion under the foregoing paragraph has been carried the Mayor shall:-

EITHER move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion):

OR adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

25. (c) In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power vested in them may, without question put, adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

**Disturbance by Members of the Public**

26. If a member of the public interrupts the proceedings at any meeting the Mayor shall warn them. If they continue the interruption the Mayor shall order their removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Mayor shall order that part to be cleared.

**Respect For Chair**

27. (a) Whenever the Mayor rises during a debate a member then standing shall resume their seat and the Council shall be silent.

(b) A female Mayor may choose to be addressed as Madam Mayor or Mr. Mayor.

**Appointment of Leader**

28. (a) The Council shall appoint a Leader of the Council for a term to be determined by the Council or the balance of their term of office as a councillor. The Leader can be removed from office by resolution of the Council.

28. (b) The Council may also appoint other members to attend meetings of the Cabinet on the basis that such members shall have the right to speak but not to vote on matters before the Cabinet and shall not be or be deemed to be Members of the Cabinet.

28. (c) A Member of the Cabinet appointed in accordance with Standing Order 28 (a) may not be appointed to preside at a meeting of the Council pursuant to Standing Order 1(b).

**Cabinet and Committees**

29. The Mayor shall be entitled to attend meetings of the Cabinet and committees of the Council, but shall not be appointed a member of the Cabinet or of any committee (excluding Area Forums)

## Chair and Vice-Chair

30. (a) At the first meeting of every Committee, the first business shall be to appoint a Chair and, if the Committee considers it appropriate, a Vice-Chair, unless such appointments shall already have been made by the Council.

30. (b) In the absence of the Chair at any Committee meeting, the Vice-Chair shall preside; and in the absence of both, a member appointed Chair for that particular occasion shall preside.

## Voting

31. (a) Every motion or amendment at a meeting shall be determined by a majority of the votes of members present and voting on the question and in case of an equal division of votes, the Chair of the meeting shall have a second or casting vote.

31. (b) Where immediately after a vote is taken any member of a committee or sub-committee so requires, it shall be recorded in the minutes of the proceedings of that meeting whether that member voted for or against the question or whether the member abstained from voting.

## Quorum

32. Except in the case of committees regulated by Act of Parliament or when otherwise expressly provided by the Constitution of this Council, five shall be the quorum at a meeting of any committee with a total membership greater than 10 members and three at a meeting of any committee with a membership of 10 or less members.

## Powers And Duties

33. The powers and duties of each committee shall be as determined by the Council.

## Matters Reserved To The Council

34. (a) Where the Council have delegated powers and duties to committees or to Chief Officers in consultation with the Leader of the Council or other designated member(s) the following matters shall be excluded from that delegation and reserved to the Council itself:

(1) Electoral

(A) To make decisions in connection with the Council's functions in relation to Parishes and Parish Councils;

(B) To decide to dissolve small Parish Councils;

(C) To make orders for grouping parishes, dissolving groups and separating parishes from groups;

(D) To appoint a Returning Officer for local government elections;

(E) To divide the constituency into polling districts;

(F) To exercise powers in respect of holding elections;

(G) To declare a vacancy in office under the provisions of S80 Local Government Act 1972;

(H) To give public notice of a casual vacancy;

(I) To make temporary appointments to Parish Councils;

(J) To appoint an Electoral Registration Officer;

(K) To make decisions concerning district boundaries, electoral divisions, wards or polling districts;

(L) To undertake a Community Governance Review on a valid Community Governance Review Request.

(M) To agree a Scheme of Whole Council elections (see Article One of the Council's Constitution) or to revert back to partial council elections. To request the Electoral Commission to conduct an electoral review of the area with the aim of introducing single member wards (on the basis that the Council has introduced whole Council elections.)

(2) Service Provision

(A) To be responsible for admissions to maintained schools of which the authority are the admissions authority;

(B) Authorising applications to the Secretary of State for transfer of housing land.

(3) Financial Provision

(A) The adoption or approval of the Budget and supplementary estimates and any plan or strategy for the control of the local authority's borrowing or capital expenditure (the Capital Plan).

(B) Approval of capital programmes and revenue estimates.

(C) Setting Council Tax and tax bases..

(4) Constitutional

(A) To decide the general structure of the Council's decision-making process including the terms of reference of the Committees, and working parties and making standing orders and financial regulations;

(B) The promotion of or opposition to any new legislation and the making or amendment of Byelaws;

(C) To consider any strategic plan or policy referral to full Council by the Cabinet;

(D) Determining the scheme and amounts of members allowances on recommendation from the Members Independent Remuneration Panel;

(E) To appoint to the position of Mayor/Deputy Mayor;

(F) To appoint the Leader of the Council who will determine the size of the Cabinet within the statutory framework and appoint members of the Cabinet.

(G) To appoint Members of the Scrutiny Committees, other committees, and working parties;

(H) To adopt the Council's Constitution and any subsequent changes to it;

(I) Adopting the Council's code of conduct;

(J) Agreeing the Council's policy framework;

(K) Taking decisions in respect of functions which are the responsibility of the Cabinet which are not in accordance with the policy framework or Budget agreed by the Council;

(L) Taking decisions in respect of functions which are not the responsibility of the Cabinet and which have not been delegated by the Council to committees, sub-committees or officers;

(M) The making of arrangements for the discharge of any of the Council's functions by another local authority;

(N) To decide upon appointments to outside bodies.

(5) Plans

To be responsible for the approval of the following plans:

(A) Bolton: Our Vision

(B) Joint Health and Wellbeing Strategy

(C) Community Strategy

(D) Community Safety Plan

(E) Plans and Strategies which together comprise the Local Development Framework

(F) Licensing and Gambling Policies

(G) Local Transport Plan

(6) Reporting

(A) Considering the Head of Paid Service's report in accordance with S4 of the Local Government and Housing Act 1989.

(B) Considering the Monitoring Officers report in accordance with S5 of the Local Government and Housing Act 1989

(C) To approve any draft plans and strategies which require ministerial approval.

(D) Considering the Chief Finance Officer's report in accordance with S115 of the Local Government and Finance Act 1988.

(E) Considering the External Auditors Public Interest Report.

(7) Staffing

(A) To appoint or confirm the appointment of the Chief Executive

(B) To deal with all aspects of discipline and dismissal of the Chief Executive, Chief Finance Officer and Monitoring Officer in accordance with statutory provisions.

34. (b) The Council shall have power to give directions to any Committee in relation to the future exercise of delegated functions and may themselves exercise any function included in the delegation to the Committee.

34. (c) Any Committee may submit a matter to the Council for decision notwithstanding that it falls within the powers delegated to the Committee.

34. (d) The minutes of any decisions of the Committee taken pursuant to delegated powers shall be available for inspection by members of the Council and any member may ask a question of the Chair of the Committee on any matter included in those minutes.

**Deputies**

35. Deputies may be drawn from any Councillor suitably trained for the Planning; Licensing and Audit Committees. In respect of meetings of outside bodies, any member attending in the place of the appointed member shall have the full authority to act on behalf of the Council as would the appointed member. Any member of the Council (with the exception of Executive Cabinet Members) can deputise for any member of a Scrutiny Committee.

## Members Business At Committee

36. In addition to normal debate and discussion on agenda items, any member of a committee may ask the Chair any question relating to the business of the committee, of which notice has been given to the nominated representative of the Chief Executive's Department by 12 noon at least three working days before the committee meets. Members shall confine themselves to asking the question as notified and giving a brief explanation of the question; any further discussion arising from the question shall take place at the discretion of the Chair. The Chair may, at their discretion, reply or arrange for any other member or an officer to reply to such question.

## Officers

37. No officer who is employed in the whole time service of the Council shall hold any other paid office or paid appointment without the consent of the Council and shall not undertake any activity which in the opinion of the Council conflicts with their duty as an officer of the Council.

## Common Seal

38. (a) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council, an Executive Cabinet Member or of a Committee or by a decision of a Chief Officer in consultation with a member of the Cabinet to which the Council has delegated its powers in that respect, but a resolution of the Council, an Executive Cabinet Member, or of a Committee or Chief Officer exercising delegated powers as aforesaid authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the making of any compulsory purchase order, the issue of any stock, the making of any rate or contract or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

38. (b) The affixing of the Common Seal to any document shall be attested by the Borough Solicitor or a solicitor nominated by the Borough Solicitor and, that where practical the Mayor or Deputy Mayor be also requested to attest to the Common Seal and shall be registered in a book kept for that purpose and open to the inspection of every member of the Council.

## Suspension Of Standing Orders

39. Any one or more of the Standing Orders (except Standing Order 37) may be suspended at any meeting of the Council upon a motion duly moved and seconded being carried by a majority of the members then present and voting, of which motion no previous notice shall be necessary.

# H - Standing Orders Relating to Contracts

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## Section 1: Scope of the Contract Standing Orders

### 1. Introduction

1.1 It is the responsibility of Chief Officers to ensure that all procurement activity within the Council (and bodies where the Council is the accountable body) complies with these Contract Standing Orders (CSOs).

1.2 The CSOs apply to all Council Directorates, Schools (via the Scheme of Delegation), executive partnerships, and external agencies where the Council is the accountable body.

1.3 These Contract Standing Orders (CSOs) are intended to promote good procurement practice, public accountability and to deter corruption. The CSOs are mandatory for all Officers. Following them is the best defence against allegations that a purchase has been made unfairly, incorrectly or fraudulently.

1.4 Officers responsible for purchasing must comply with these CSOs. They lay down mandatory minimum requirements.

1.5 These CSOs have been written to allow social value to be included in procurement decisions.

1.6 Further advice on the CSOs can be sought by contacting the Procurement team in the first instance. You may also need advice from Legal Services. Please ensure you allow sufficient time for Procurement and Legal Services to advise by starting your procurement exercise early.

1.7 All procurement approaches, whether established and traditional or modern and innovative must comply with all elements of these CSOs.

1.8 All values referred to in these CSOs are exclusive of VAT. However, all procurement Thresholds published by Government to trigger compliance with the Procurement Act 2023 are inclusive of VAT.

### 2. Definition of Terms

2.1 In the CSOs, unless the context otherwise demands, the following terms have the meaning assigned to them:

**"Basic Principles"** means CSO 3.

**"CHEST"** means the North West's Local Authority Procurement Portal.

**"Non-Covered Council Contract"** are those Council Contracts to which Procurement Legislation do not apply to and include:

- Contracts of employment which make an individual a direct employee of the Council
- Grants – see CSO 5

- Fines, payment of taxes and other financial services
- Agreements regarding the acquisition of land or property
- Delivery of works and services by an in-house provider (the Council or other public authority exercises majority control and there is no private investment)
- Contracts between the Council and other contracting authorities
- Any other exempted contracts as listed in Schedule 2 of the PA 2023

and Non-Covered Council Contracts are to be interpreted accordingly;

**"Procurement Legislation"** means:

(i) the Public Contracts Regulations 2015 as amended (PCR 2015) until such date that it is repealed and superseded by the Procurement Act 2023 (PA 2023)

(ii) The Procurement Regulations 2024 and any regulations made pursuant to the PA 2023 when they come into effect

(iii) insofar that it may apply to the relevant public contract, the Health Care Services (Provider Selection Regime) Regulations 2023 (PSR), and the relevant statutory guidance issued in relation to them

(iv) the Public Services (Social Value) Act 2012 and

(v) relevant procurement regulations and any subsequent amendments to, or replacements of, them in relation to UK procurement legislation.

**"Relevant Contract"** means a public contract which must follow the relevant rules under the CSOs and is not a Non-Covered Council Contract:

(a) Relevant Above-Threshold Contract, and

(b) Relevant Below-Threshold Contract

**"Relevant Above-Threshold Contract"** means a public contract for which a procurement process is being undertaken within the scope of the PA 2023 and its regulations, for arrangements which are over the relevant Threshold and cover (including but not limited to):

(i) The supply of goods

(ii) The delivery of services or works

(iii) The hire, rental or lease of goods or equipment

(iv) Concession contracts for the supply of services and works

(v) Contracts or agreements where the provider is employed on a no win/no fee basis;

(vi) Light-touch services

(vii) Framework agreements or dynamic markets

and is not a Non-Covered Council Contract

**"Relevant Below-Threshold Contract"** means any other Council contract which is:

(i) below-Threshold that is subject to partial application of Procurement Legislation

(ii) £30,000 (inclusive of VAT) for a tender notice

and is not a Non-Covered Council Contract, an exempted, a concession or utilities contract.

**"Threshold"** means the applicable procurement public contract financial value at which a public contract becomes subject to the relevant Procurement Legislation.

## 3. Basic Principles

3.1 All purchasing procedures in scope of the PA 2023 must:

(a) have regard to the following procurement objectives:

(i) Delivering value for money,

(ii) Maximising public benefit,

(iii) Transparency, and

(iv) Acting, and being seen to act, with integrity.

(b) Comply with Procurement Legislation and all UK procurement legal requirements

(c) Support the aims and priorities set out in the Council Plan

(d) Have regard to the National Procurement Policy Statement

(e) Ensure that non-commercial considerations do not influence any contracting decision except to the extent that the Council considers it necessary or expedient to do so to enable or facilitate compliance with the relevant duty, or where Procurement Legislation expressly indicates otherwise.

(f) Seek to incorporate and ensure the delivery of social value.

(g) Identify and manage conflicts of interest throughout the process

(h) Have appropriate performance management measures in all Relevant Above-Threshold Contracts.

(i) Treat suppliers the same unless different treatment is justified (and where different treatment is justified, the reasoning for this must be documented).

(j) Have regard to small and medium sized enterprises, the barriers they may face and how to reduce those barriers.

## 4. Officer Responsibilities

4.1 Officers responsible for purchasing must comply with these CSOs, the Council's Financial Regulations, the Local Government Employee Code of Conduct, the Council's Anti-Bribery policy, arrangements for declaring conflicts of interest and Council's Scheme of Delegation and with Procurement Legislation. Officers must ensure that any agents, employees, consultants and contractual partners acting on their behalf also comply, and they may be required to enter into a signed agreement to that effect.

4.2 Officers must:

(a) Plan, define, procure and manage the procurement process in line with the latest UK guidance published for Procurement Legislation.

(b) Have proper regard for all necessary legal, financial, technical and professional advice to ensure that contracts are legally, financially and technically capable of delivery to the Council.

(c) Obtain all required approvals.

(d) Conduct any relevant value for money review.

(e) Ensure that there is adequate budget provision for the procurement being undertaken (including any extensions and options).

(f) Take into account all relevant procurement notices which must be published for a procurement process and current contract (in accordance with the applicable Procurement Legislation) and seek advice from the Council's Procurement team for any procurement concerns.

(g) Undertake due diligence before any procurement process or contract commences, and once a contract commences yearly checks must be undertaken including for updated insurances, and review of the debarment list for current suppliers (and any of their associated persons) published under Procurement Legislation.

(h) Ensure the Basic Principles are complied with for all Relevant Contracts.

(i) Declare all conflicts of interest including any personal financial interest in relation to any current procurement process, at the commencement of the procurement process or as soon as they become aware of the procurement process or any such conflict, which they may be directly involved with and take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement processes and manage those conflicts of interest throughout the procurement process from the planning stage to the end of the relevant contract's term.

(j) Not engage in any fraud, bribery or corruption. Corruption and fraud are criminal offences.

(k) Report any offers of bribes or inducements, refer to the Council's Whistleblowing policy for guidance on how to make a report.

(l) Check whether there is an existing contract or suitable framework that can be used and, if applicable, document the reasons for the decision not to use an existing contract or framework, before undergoing a competitive process subject to procurement implications.

(m) Undertake all due diligence including reviewing the debarment lists before undertaking market engagement with suppliers and after submission of bids for suppliers, and if applicable their parent company and associated companies (or connected persons) and their proposed sub-contractors.

(n) Allow sufficient time for the submission of bids.

(o) Keep all supplier bids secure and confidential.

(p) Keep written records of all dealings with bidders/suppliers. The project manager should ensure the safe keeping of contract documentation in line with the Council's document retention policy.

(q) Not award a contract until the standstill period is over (where applicable).

(r) complete a written contract (and sealed, as required) before placing an order or raising a purchase order for any supplies, services or works

(s) Enter all purchase order information onto the Oracle financial system.

(t) Identify a senior manager who is the designated contract owner responsible for the relationship with the supplier.

(u) Identify a contract manager with responsibility for day-to-day issues and ensuring the contract delivers as intended.

4.3 When any employee either of the Council or of a service provider/supplier which may be affected by any transfer arrangement in relation to a change of provider following a procurement process, Officers must ensure that the Transfer of

Undertaking (Protection of Employment - TUPE) issues are considered as early as possible in the process.

## 5. Grants

5.1 For the purposes of these CSOs, a grant refers to the provision of funding to cover, in whole or, more likely, in part, the running costs of an organisation whose work complements that of the Council. The recipient will have discretion over the spending of that funding within the general framework of controls agreed between the Council and the recipient of the grant.

5.2 The terms of a grant are likely to require the other organisation to use the money only for a particular project or service and might require the recipient to pay back the grant, or part of it, in some circumstances. The Council would still, of course, monitor the achievement of the proposed outcomes and any giving of a grant should be subject of a formal grant agreement.

5.3 The Council should determine on a case by case basis whether funding is to be considered as a grant or a Relevant Contract. A Relevant Contract is any arrangement made by, or on behalf of the Council for the carrying out of works or for the supply of goods, materials or services.

## 6. Collaboration

6.1 In order to secure value for money, the Council may enter into a procurement arrangement with a Central Purchasing Body (CPB). The terms and conditions of the CPB must be fully complied with, including any requirement to undertake competition between providers. In order to secure value for money, the Council may enter into collaborative procurement arrangements with another local authority, government department, integrated care board, statutory undertaker or other contracting authority.

6.2 In some areas, the Council may enter into a collaborative service delivery arrangement with one or more other 'partner' organisations (whether local authorities, other public bodies or private sector organisations). In such circumstances, the council may wish to take advantage of a partner's procurement arrangements, expertise and agreements (e.g. frameworks).

## 7. Relevant Contracts

7.1 A Relevant Contract is any arrangement made by the Council (including any contracts on behalf of schools) for the carrying out of works or for the supply of goods, materials or services. These include :

- contracts and Framework Agreements for the carrying out of construction and engineering works
- contracts and Framework Agreements for the supply of goods including the hire, rental or lease of goods or equipment
- contracts and Framework Agreements for the delivery of services
- concession contracts
- dynamic purchasing systems

7.2 All Relevant Contracts**,** must comply with these Contract Procurement Rules.

7.3 Relevant Contracts do not include:

- contracts of employment which make an individual a direct employee of the Council, or
- agreements regarding the acquisition, disposal, or transfer of land which do not form part of a wider transaction under which the Council procures works, goods or services.
- Other contracts and arrangements for the provision of goods, supplies, works and/or services which are exempt and/or outside the scope of applicable UK legislation.

## Section 2: Common Requirements

### 8. Steps Prior to Purchase

8.1 Officers should take the following steps before beginning a procurement exercise:

(i) Confirm that they have the authority to spend, have obtained the required approval(s) for the expenditure and the purchase accords with the Scheme of Delegation and / or an Executive Cabinet Member (ECM) or Cabinet decision. See Section 6 for approval limits & the appropriate decision maker.

(ii) Review all Relevant Contracts to determine when a procurement should be undertaken. If there is a contract or a suitable framework then determine the service, product or works output taking into account the requirements from any relevant value for money review and the Council's commissioning outcomes

(iii) Appraise the need for the expenditure and its priority for the Council including whether the value crosses the procurement Threshold.

(iv) Define the objectives of the purchase

(v) Assess the risks associated with the purchase and how to manage them

(vi) Seek advice from the Procurement team, in the first instance. Advice may be needed from Legal Services as determined by the Procurement team.

(vii) Review the Council's process and procedures on pre-market engagement to determine if this is required.

(viii) Officers involved in any part of the design of the procurement, decisions in respect of the procurement and evaluation of tenders must consider whether their declaration of interest in accordance with the Local Government Employee Code of Conduct is up to date and includes all

relevant interests prior to their involvement and prior to the start of the evaluation process

(ix) Determine the terms and conditions of contract and ensure there will be provision for determining contract performance

8.2 Officers must also consider what procurement method is most likely to achieve the purchasing objectives, including packaging strategies, internal or external sourcing, shared services, concession arrangements, partnering arrangements and collaborative procurement arrangements with other local authorities and government departments.

8.3 Officers must ensure that all procurements including method, contract standards and performance and user satisfaction monitoring and including any collaborative arrangements, are carried out using the Council's principles of co-production and co-delivery. Officers should also use the Council's standard terms and conditions of contract where possible.

## 9. Procurement Records

9.1 Where the total value is below Threshold, the relevant officer must ensure that the following records are kept:

(a) Invitations to quote and quotations or whether invited particular or pre-selected suppliers.

(b) A record of any waivers to the procurement process and the reasons for them.

(c) Written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

(d) Copies of the quotes received must be appended to the relevant requisition.

9.2 Where the total value is above the Threshold, the relevant Chief Officer must ensure that the following records are kept:

(a) The method for obtaining bids.

(b) The calculation of the estimated value.

(c) The reason/reasons which sufficiently explain/explains any material decisions relating to the award of a public contract (including reasons for not using lots) such as excluding suppliers, assessment of tenders and decisions to award.

(d) Any waiver of CSO together with the reasons for it and a copy of the relevant ECM decision permitting the waiver.

(e) The award criteria in descending order of importance.

(f) Tender documents sent to and received from tenderers

(g) Pre-tender research, benchmarking and consultation information.

(h) All tender evaluation documentation including the scoring assessment sheet for each of the tender evaluators.

(i) Any post-tender clarification information, including minutes of meetings.

(j) The contract documents

(k) Contract due diligence checks, implementation and evaluation plan and any monitoring and management information.

(l) Communications with all tenderers throughout the tendering exercise and with the successful supplier(s) throughout the period of the contract.

(m) Record of Social Value offering that is to be measured and delivered throughout the contract.

(n) Any other records which may be required by the National Procurement Policy Statement.

9.3 All contracts must be entered onto the Council's Contract Register. The manager responsible for procuring the contract should ensure the safe keeping of contract documentation in line with the Council's document retention policy.

9.4 All records for public contracts (Relevant Contracts) where a "material decision" was made, must be kept for a minimum of 3 years from when the contract was entered into by the Council and the supplier.

## Section 3: Purchasing Rules

### 10. Competition Requirements for Purchases, Partnership Arrangements Frameworks, Concession contracts and Light- touch contracts

10.1 Subject to CSO 10.2, 10.3, 10.4, 10.5 and 10.15, Officers must estimate the value of a contract as the maximum amount the Council could expect to pay under the contract including, where applicable, amounts already paid. Values are to include the estimated costs of the contract including additional options if selected, extensions if exercised as well as premiums, commissions or interest which could become payable at any point of the contract. Where there are lots in a procurement which could reasonably all fall under one contract (for instance with supplier delivering all lots), these must be aggregated together for the estimated value of the procurement (unless there is some justifiable and defendable reason not to do so). All estimated values must include VAT. If in doubt, Officers should seek the advice of the Procurement team.

10.2 For concession contracts, the estimated value is the amount a supplier might expect to receive as a result of the public contract.

10.3 Where Officers are unable to properly estimate the value of a contract, the assumption is that the value is above the Threshold. Officers should use their best valuation processes to arrive to an estimate and avoid this conclusion.

10.4 Where Officers are undertaking a procurement for a mixed contract (for instance goods and works are to be provided by a supplier) such that different Thresholds apply, if the elements are not separable then determine which aspect is the main purpose of the contract and that Threshold would apply. If the elements are separable then they can either be treated separately in relation to their applicable threshold or procured as a mixed contract (applying the lower Threshold).

10.5 Relevant Contracts must not be artificially divided into two or more contracts to avoid the application of these CSOs or Procurement Legislation. The Council is required to aggregate their requirements which can be reasonably aggregated unless there is a reason not to. Officers have discretion not to aggregate when they have cause not to. For instance where the goods, services or works to be supplied under two or more contracts would be under threshold but due to the nature of them, they could reasonably be supplied under a single contract and there is no reason not to do so then the contract should be combined and procured together. A good reason for not aggregating may include where not aggregating would lead to better outcomes or where a service has a delegated budget within the Council and procures only for the purpose of that service or where not aggregating would lead to better value outcomes.

10.6 Officers are to have regard to the fact that small and medium-sized enterprises may face particular barriers to participation and consider whether such barriers can be removed or reduced. In relation to frameworks and concession contracts, please contact the Procurement team. Concession contracts are valued differently than standard contracts for goods, services and/or works.

10.7 The following table shows the procedures and approval process for the Council's tendering activities:

| | **Estimated Value/Amount** | **Method/Process** |
|---|---|---|
| A | Up to and including £30,000 | Unless a framework is used, at least 3 written quotes are to be obtained wherever possible.<br><br>Under certain circumstances and only with advice from the Corporate Procurement Team, one written Quotation (otherwise referred to as direct award) for non-consultancy spend may be appropriate. |
| B | £30,001 up to £100,000 | The opportunity must be implemented through the Council's procurement portal for both |

| | | |
|---|---|---|
| | For procurements below Thresholds a restricted process can be permitted with all suppliers from the local area. See 13.3 | Quotations or Tenders unless otherwise agreed by the Corporate Procurement team.<br><br>Unless a framework is used, at least three written Quotations; **or**<br><br>Invitation to Tender by advertisement to at least three Candidates; **or**<br><br>Under certain circumstances and only with advice from the Corporate Procurement Team, direct award may be appropriate.<br><br>Officers must follow the advice of the Corporate Procurement Team on which option is most appropriate.<br><br>All procurement opportunities will need to comply with the 'below-threshold' requirements of the Procurement Act 2023 and other applicable UK legislation. |
| C | £100,000 to Threshold. See 13.3 | Unless a framework is used, an Invitation to Tender by advertisement; or<br><br>Under certain circumstances and only with advice from the Corporate Procurement Team, and with agreement from the Borough Treasurer quotes or direct award may be appropriate.<br><br>Officers must follow the advice of the Corporate Procurement Team on which option is most appropriate.<br><br>The opportunity must be implemented through the Council's procurement portal for Tenders unless otherwise agreed by the Corporate Procurement team.<br><br>All procurement opportunities will need to comply with the 'below-threshold' requirements of the Procurement Act 2023 and other applicable UK legislation. |
| D | Above Statutory UK Threshold | Statutory Procedure (where advertisement required under Statutory Procedure the opportunity must also be advertised on the Councils electronic portal The Chest (www.the-chest.org.uk) |

10.8 All proposed contracts with a Total Value of £30,000 or more (inclusive of VAT) must be referred to the Corporate Procurement Team for consultation and advice and all contract information will need to be published.

(a) Where a contract is valued between the Council's tendering threshold and Procurement Legislation's Threshold, a single stage process shall be used. At least three written Quotations; or Invitation to Tender by advertisement to at least three Candidates; or under certain circumstances and only with advice from the Corporate Procurement Team, direct award may be appropriate.

(b) Flexible Competitive tendering process for Relevant Above-Threshold Contracts – an open procedure (a single-stage tendering procedure) or competitive procedure (multi-staged procedure which could restrict participants and include 'negotiation' or 'dialogue' stages) may be chosen.

(c) Framework Contracts – An agreement between one or more contracting authorities and one or more economic operators. The term of a framework, unless justified and exceptional circumstances apply, must not exceed 4 years. Frameworks cannot be used in an improper manner that may hinder, restrict or distort competition. All terms and conditions of contract must set out how call-offs from the framework will be made and must be followed. Open Frameworks, under the PA 2023, will be an intermediary between a traditional framework and DPS (see below). If the Officer would like to set up new frameworks under the PA 2023, additional publishing requirements will apply.

(d) Dynamic Purchasing System (DPS) – A completely electronic system used to purchase commonly used goods, services or works. Unlike a traditional framework the process shall be open throughout the contract term allowing new suppliers to join at any time. A DPS must follow the rules of restricted procedure. No new DPS will commence under the PA 2023, the introduction of the transitional provisions under the PA 2023 outlines that any DPS established before 24th February 2025 will continue to be governed by the Public Contracts Regulations 2015 but these dynamic purchasing systems will expire automatically on 23rd February 2029, if they do not expire or terminate before this date, regardless of its original end date. Call-offs under existing dynamic purchasing systems may extend beyond 23rd February 2029 as long as the call-off contract is entered into before the end of the DPS, the end of the DPS will not force an end to the call-offs under them. The introduction of Dynamic Markets will replace Dynamic Purchasing Systems under the PA 2023 see (e) below for further details regarding Dynamic Markets.

(e) Dynamic Markets which can be used for all procurements. Only the competitive flexible procedure can be used for Dynamic Markets. Officers must comply with the processes for Dynamic Markets in the PA

2023 to commence or procure contracts under them. Below Threshold contracts cannot be awarded under a Dynamic Market arrangement (currently under review by the Cabinet Office).

(f) Concession Contracts (special regime contracts) – To grant to the provider the sole and exclusive right to deliver the contract and to make money from the contract.

(g) Convertible Contracts - these are contracts that become a public contract where modification would take the value above Threshold. Once the modification occurs then the contract will be subject to the full application of the Procurement Legislation. A contract change notice would need to be published.

(h) Clinical / healthcare contracts - For the procurement of Health Care Services contracts under the Provider Selection Regime, the Officer must, working with the Integrated Commissioning and Procurement Team, follow a relevant procedure as permitted under the Health Care Services (Provider Selection Regime) Regulations 2023.Officers should discuss their requirements with the Procurement team to determine if these regulations are applicable.

10.9 Where a two-stage process is allowed, the tender advertisement must show the number of suitably qualified tenderers who will be invited to submit bids.

10.10 An Officer must not enter into separate contracts nor select a method of calculating the total value in order to minimise the application of these CSOs or to avoid the requirements of the Procurement Legislation.

10.11 Where extensions of time or variations in price (or both together) are made to an existing contract, Officers must adhere to the extension and/or variation provisions in the terms and conditions. Officers must compute the amount of the variation and seek approval in accordance with the Council's Scheme of Delegation or seek ECM or Cabinet approval as necessary.

10.12 Where a contract is to be terminated before its contracted termination date, this must be approved by the relevant decision maker who been delegated authority in relation to the particular contract.

10.13 Light-touch (special regime contracts) – these contracts are wholly or mainly supply of services that have specific Common Procurement Vocabulary (CPV) and include health and social services (unless those healthcare services are covered by the PSR), benefit services, administrative social, educational and cultural services and other services to the community. Procurements for these contracts may be flexible and not all the requirements of the Procurement Legislation will apply (including contract change notices and other transparency requirements). Please discuss your requirements with the Procurement team.

10.14 Light Touch contracts can account for user choice and have greater flexibility.

10.15 When considering or calculating the value of a contract for a regulated procurement, Officers should be aware that the thresholds in the PA 2023 are inclusive of VAT.

**Health-related contracts subject to PSR**

10.16 All healthcare services will need to be procured in accordance with the PSR unless the procurement is for a mixed contract. Officers must ensure that healthcare services are procured correctly with reference to the appropriate contract terms and conditions.

10.17 Officers should discuss their requirements with the Procurement team to confirm CPV codes to ensure that the Council follows the applicable Procurement Legislation and procurement process for their contract. There is no value threshold for PSR therefore all relevant healthcare services will be caught under PSR

10.18 The PSR importantly requires the Council to:

(a) act with a view to securing the needs of the people who use the services, improving the quality of the services, and improving the efficiency of in the provision of the services;

(b) ensure decisions about which organisations provide healthcare services are robust and defensible, with conflicts of interest appropriately managed; and

(c) adopt a transparent, fair, and proportionate process when following the PSR.

10.19 The PSR is quite prescriptive and Officers making decisions about healthcare services need to understand the market of providers and the requirements of each award process. Two of the Direct Award Processes (A and B) must be used should the circumstances apply. Officers must determine which award procedure fits with their circumstances and follow the steps in that process:

I. Direct award process A

This must be used when:

- There is an existing provider for the healthcare services in question.
- The Council believes that only the existing provider (or group) can deliver these services due to their nature.
- The Council is not seeking to establish a framework agreement.

II. Direct award process B

This must be used when:

- Patients have a choice of providers for the healthcare services.
- The Council does not limit the number of providers.
- The Council will offer contracts to all providers meeting the service requirements.
- Providers can express interest in offering the services.
- The Council is not seeking to establish a framework agreement.

III. Direct award process C

This may be used when:

- The Council is not bound by Direct Award Processes A or B.
- An existing contract is due to expire and the Council proposes a new contract with no significant changes.
- The Council believes the existing provider (or group) is meeting the current contract standards and will likely meet the proposed contract standards.
- It cannot be used to establish a framework agreement.

IV. The Most Suitable Provider process

This is about awarding a contract without competition because the Council can identify the most suitable provider. This process may be used when:

- The Council is not bound by Direct Award Processes A or B.
- The Council cannot or chooses not to follow Direct Award Process C.
- The Council believes it can identify the best provider based on available information, without needing a competitive process.
- This process, called the "most suitable provider process," cannot be used to establish a framework agreement.

V. The Competitive Process

This is about conducting a competitive process to award a contract. This process may be used when:

- The Council is not bound by Direct Award Processes A or B.
- The Council cannot or chooses not to follow Direct Award Process C and also cannot or chooses not to follow the most suitable

provider process. If the Council wants to establish a framework agreement, it must use the competitive process.

Key criteria

When using Direct Award Process C, the most suitable provider process, or the competitive process, Officers must consider five main criteria:

(i) Quality and innovation

(ii) Value

(iii) Integration, collaboration, and service sustainability

(iv) Improving access, reducing health inequalities, and facilitating choice

(v) Social value.

10.20 Procurement notices are required to be published under the PSR which differ to that in the PCR 2015 and/or PA 2023 (and its secondary legislation).

Table 1: Procurement notices that require publication under PSR processes

| | **Direct award process A** | **Direct award process B** | **Direct award process C** | **Most suitable provider process** | **Competitive process** |
|---|---|---|---|---|---|
| **Clear intentions:** Publish the intended approach in advance | | | | **Yes** | |
| **Clear intentions:** Publish a notice for a competitive tender | | | | | **Yes** |
| **Communicating decisions:** Publish the intention to award notice | | | **Yes** | **Yes** | **Yes** |
| **Confirming decisions:** Publish a confirmation of award notice | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** |
| **Contract modification:** Publish a notice for contract modifications | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** |

## 11. Preliminary-Market Engagement

11.1 The Officer responsible for the purchase may consult potential suppliers prior to the issue of the invitation to tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential candidate, nor give an unfair advantage to a potential candidate. Officers are strongly advised to engage with suppliers during the tender process. Officers must bear in mind that a Preliminary Market Engagement Notice must be published if preliminary market engagement is undertaken. If for any reason this is not published, and preliminary market engagement is carried out, reasons for not publishing a Preliminary Market Engagement Notice must be given in the tender notice.

11.2 The responsible officer must consider the Basic Principles CSO 3 and Officer Responsibilities CSO 4 at this stage. Contracts tendered must not only achieve value for money on a whole life costing basis for the organisation but also for society, the economy and the environment. Steps must be taken to incorporate social value, community wealth-building and environmental benefits. The Officers must also check the debarment list for excluded and excludable entities, as well as those organisations who have performance notices published about them.

11.3 Officers must also consider and take steps to mitigate any supplier advantage by taking part in the market engagement process. If the unfair advantage cannot be avoided, then Officers must treat that supplier as excluded from the procurement process.

11.4 Preliminary Market Engagement Notices are not required to be published for Relevant Below-Threshold Contracts. There is also no-requirement to explain non-publication of this notice for Below-Threshold tender notices.

## 12. Advertising

12.1 Officers must ensure that proposed contracts, irrespective of their total aggregate value, are published in a sufficiently accessible advertisement for all potential suppliers to view. Generally, the greater the interest of the contract to potential bidders, the wider the coverage of the advertisement should be. Advertisements for tenders should be placed as below:

(a) For procurements valued between £0.00 and up to £30,000 (excluding VAT), Officers are not obliged to formally advertise (under Procurement Legislation) the purchase but may do so using the CHEST.

(b) Where the value exceeds the relevant Thresholds for supply, service and works contracts (concession contracts as well), tender advertisement rules must be followed in accordance with the current Procurement Legislation.

(c) For procurement activity of any value Officers may use additional advertisements in national official journals, specialist trade papers or websites, if relevant and if affordable.

12.2 Officers must review the estimated value of all contracts against current Thresholds to determine what legal and Council process requirements are to be followed.

**Notices**

12.3 Officers need to be aware of the requirements to publish notices, the contents within them and when they need to be published:

(i) If preliminary market engagement is to be undertaken and there are no reasons for not doing so then a notice must be published with the relevant information

(ii) If Officers estimate that the total annual spend of a contract for goods, services, or works contracts (above and below Threshold) would be over £100 million then a pipeline notice must be published within the first 56 days of the beginning of that financial year (no later than 26 May each year if financial year starts on 1 April). In this notice, the Council needs to publish specified information on all upcoming contracts valued at £2 million or more expecting to be advertised in a tender notice or other procurement notice in the next 18 months following the first day of the financial year

(iii) If Officers wish to inform the market of a procurement and/or to reduce tendering periods then a planned procurement notice may be published at least 40 days before but no more than 12 months before the day the tender notice is to be published.

(iv) Officers need to publish tender notices with all relevant information (including KPIs) in order to commence the procurement process.

(v) Before awarding a contract, in order to start standstill, a Contract Award notice must be published.

(vi) If Officers have satisfied conditions for a direct award, then a Transparency Notice must be published and before the direct award is entered into unless the circumstance in clause 19.9 below applies.

(vii) A contract details notice is to be published when a Relevant Above-Threshold Contract is entered into and must be published within 30 days of entering into a public contract (or 120 days for light touch contracts but this does not apply to user choice contracts); and as soon as reasonably practicable after entering into a Relevant Below-Threshold Contract.

12.4 Officers need to be aware that during the lifetime of the Relevant Above-Threshold Contract, the following notices are still required to be published:

(a) Payment Compliance Notices - a biannual requirement to publish prescribed information (set out in regulations) about payments made or due to suppliers under public contracts in the preceding six month period.

(b) Information about Payments— which provides specified information about any individual payment they make under a public contract which is over £30,000 (inclusive of VAT). This is a quarterly requirement, with the publication within 30 days of the end of the quarter.

(c) Contract Performance Information— for those contracts worth more than £5 million (inclusive of VAT) where at least 3 KPIs have been set, Officers must, at least once a year, review the supplier's performance against the KPIs and publish information relating to that assessment. In addition, where there has been a breach of contract that has led to termination, damages or a settlement agreement (or the supplier fails to perform), Officers must publish information relating to the breach or failure within 30 days of it arising.

(d) Contract Change Notice— to indicate that a change will be entered into (this is published before the modification is carried out) and Officers must also publish a copy of the contract as modified for all contracts with an estimated value of more than £5 million (inclusive of VAT) within 90 days of the modification.

(e) Contract Termination Notice— other than in limited circumstances, the Council must publish a contract termination notice within 30 days of the date of expiry or termination of the contract.

12.5 Officers need to also bear in mind that the Council must publish below-Threshold notices if the estimated value of the public contract is £30,000 or more (inclusive of VAT) unless the Council intends to only invite quotes from particular or pre-chosen suppliers.

12.6 In the contract details notices (over £5 million), a description of the KPIs (or any reasons why not applicable) must be included, specifically at least the 3 most material to the performance of the contract. Officers must therefore take their time and develop the KPIs before publishing.

12.7 Please see table of notices below which describes the various notices under PCR 2015 and PA 2023. Those highlighted are mandatory in those particular circumstances.

| **Notice** | **PCR 2015 (applies to existing contracts)** | **PA 2023 (applies to contracts procured using)** |
|---|---|---|
| Pipeline Notice | n/a | The pipeline notice should list all planned procurements starting from the first day of |

| Notice | PCR 2015 (applies to existing contracts) | PA 2023 (applies to contracts procured using) |
|---|---|---|
| | | that financial year for the whole financial year and the first half of the next financial year where the estimated contract value exceeds £2 million.<br><br>This must contain the title of the procurement and estimated date when the tender notice or Transparency Notice (for direct awards) would be published. Mandatory for organisations where procurement spend is over £100 million. |
| Planned Procurement Notice | n/a | An optional notice type that the Council can use in the pre-procurement stage to provide advanced notice of an upcoming procurement (similar to a PIN). This may be published anytime between 40 days and 1 year before the publication of an official tender notice. |
| Preliminary Market Engagement Notice | n/a | If preliminary market engagement is to be undertaken and, there are no reasons for not doing so, a notice must be published with the relevant information. If the Council does not start preliminary market engagement by publishing a notice, it must explain why it did not publish this notice when it publishes its tender notice or Transparency Notice (for direct awards). |
| Contract Notice | Required for beginning a competitive procurement process (except for call- | n/a |

| Notice | PCR 2015 (applies to existing contracts) | PA 2023 (applies to contracts procured using) |
|---|---|---|
| | offs from frameworks or direct awards) | |
| Below-Threshold Notice | Publication elsewhere first, with the notice required to be published on Contracts Finder within 24 hours of it appearing elsewhere. | For Relevant Below-Threshold Contracts Officers must first publish a 'below-threshold tender notice' on the central digital platform before being published elsewhere via the CHEST. There is no requirement to publish a below-threshold tender notice where the Council invites quotes, proposals or tenders from a closed group of pre-selected suppliers, (i.e. suppliers on a framework) or from one or more targeted individual suppliers, provided it does not advertise the procurement in any other way (for example in a newspaper or on a local website or portal). |
| Tender Notice | n/a | The Council must publish tender notices with all relevant information (including KPIs and evaluation methodology) to begin the procurement process. This is to be published when undertaking an open or competitive flexible procedure (including to establish a framework agreement and procuring using a dynamic market) or procuring a regulated below-threshold contract. |
| Contract Award Notice | Must be published within 30 days after contract award. | Must be published to communicate the outcome of the procurement and to start the standstill period prior to awarding a contract under the |

| Notice | PCR 2015 (applies to existing contracts) | PA 2023 (applies to contracts procured using) |
|---|---|---|
| | | open or competitive flexible procedure (and voluntary standstill periods for direct awards). This must contain information about the 'assessed tenders' and where the contract is over £5 million it must state the unsuccessful suppliers who submitted tenders. Note that although this is also called a "contract award notice", it is a different notice to that published under the PCR 2015. |
| Procurement Termination notice | n/a | Must be published where, after publishing a Tender Notice or Transparency Notice, the process is terminated without awarding a contract. |
| Contract Details Notice | n/a | This notice informs the market that the contract has been entered into, as well as details of the procurement process used, the successful bidder and the awarded contract (including the contract, for public contracts over £5 million), including regulated below-threshold contracts above a certain value and those procured by direct award. This must be published within 30 days for Relevant Above-Threshold Contracts; and as soon as reasonably practicable after entering a Relevant Below-Threshold Contract. |
| Modification notice | Required in some instances where modifications exceed PCR 2015 thresholds | Like a Contract Change Notice |

| Notice | PCR 2015 (applies to existing contracts) | PA 2023 (applies to contracts procured using) |
|---|---|---|
| Contract Change notice | n/a | Must be published to provide details of most modifications (save for lower value modifications) that have been made to the contract during its term. This must be published before the change is made and the Council may apply a voluntary standstill period. For contracts with a value of more than £5 million, the Council must publish a copy of the whole modified contract or the modification itself. |
| Transparency Notice | n/a | Must be published prior to award when undertaking a direct award (note this is not a direct award under a framework agreement – this is a direct award permitted by the PA 2023 where the Council is not required to compete the contract). |
| Voluntary Ex Ante Transparency ("VEAT") Notice | Published in limited circumstances to justify a direct award without competition before a contract is entered into. | n/a |
| Contract termination Notice | n/a | The Council is required to issue a notice publicising that a contract has come to an end, regardless of how the contract concluded (such as expiry, termination, discharge, court order, rescinded). The Council will at the same time need to provide details around the reason for the termination. |

| Notice | PCR 2015 (applies to existing contracts) | PA 2023 (applies to contracts procured using) |
|---|---|---|
| Contract Performance Notice | n/a | This notice reports on the supplier's performance against any KPIs set or where the Council considers that the supplier is not performing to its satisfaction. This notice is also used where the supplier breaches a public contract.<br>KPI scores must be published for public contracts with a value which is more than £5 million (at least annually).<br>It must be published within 30 days of poor performance or breach of contract by the supplier.<br>At least once every 12 months (and more frequently, if provided for in the contract and contract details notice), the Council must assess and then publish details of supplier performance against the set KPIs to the central digital platform. |
| Contract Payment Notice | n/a | Must publish details of payments over £30,000 under a public contract (quarterly). |
| Payment Compliance Notices | n/a | Must be published detailing the Council's compliance with the PA 2023's requirement to pay invoices within 30 days of receiving them and must publish details of performance against 30-day payment terms (twice annually). |

## 13. Standards and Award Criteria – including Reserving below threshold procurements

13.1 Officers must ascertain the relevant international standards which apply to the subject matter of the Relevant Contracts. The Officer must include those standards which are necessary properly to describe the required quality. UK Standards may be referred to if it adopts international equivalent standards. If there is neither an international standard nor UK standard with the equivalent international standards, then UK standards may be specified. The Procurement team must be consulted if it is proposed to use standards other than international or UK standards.

(a) Officers must define award criteria that are appropriate to the purchase and designed to secure an outcome giving value for money for the Council.

The overall basis of award is now referred to as the 'most advantageous tender' (MAT), rather than, as in the previous the 'most economically advantageous tender' (MEAT). However, this is not a change in policy and the change is to clarify and reinforce for contracting authorities that tenders do not have to be awarded on the basis of lowest price/cost, or that price/cost must always take precedence over non price/cost factors.

13.2 Current award criteria must not include non-commercial considerations except those set out in the Public Services (Social Value) Act 2012 or matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement and must reflect the subject matter of the contract.

13.3 Officers may consider where appropriate, the following options for the procurement of below threshold contracts:

**Reserve the procurement by supplier location**.

This means being able to run a competition and specify that only suppliers located in a geographical area can bid. This could be UK-wide to support domestic supply chains and promote resilience and capacity, or where appropriate, by county (metropolitan or non-metropolitan, or by borough for London) to tackle economic inequality and support local recruitment, training, skills and investment. In-scope organisations should not define by nations of the UK (i.e. England, Scotland, Wales, Northern Ireland) and where a county reservation is to be applied, only a single county (or borough for London) may be reserved. Supplier location should be described by reference to where the supplier is based or established and has substantive business operations and not by location of corporate ownership.

**Reserve by supplier location and for SME & VCSE**

Also, Officers may consider reserving the procurement for small and medium sized enterprises (SMEs) and voluntary, community and social enterprises

(VCSEs). This means being able to run a competition and specify that only SMEs and VCSEs can bid.

These options should be considered on a case-by-case basis. For example, for one procurement an in-scope organisation may wish to reserve the procurement for suppliers based in a particular location only, but for another procurement they may want to reserve it for SMEs and VCSEs in a particular location. To note, the reservation for SMEs and VCSEs cannot be applied independently of the location reservation, which must always apply when reserving under this policy. Officers should be clear in their procurement documentation about any intention to reserve the procurement, for example by including the standardised definitions of SMEs and VCSEs and supplier location outlined in the associated guidance.

In applying the policy, it is important that Officers achieve value for money and use good commercial judgement. Officers may still choose to compete below threshold contracts on an open basis without any reservation for supplier location and type. To ensure value for money, in-scope organisations should not direct award when reserving procurements under this policy.

## 14. Invitations to Tender and Quotations

14.1 The invitation to tender shall state that no tender will be considered unless it is received by the date and time stipulated in the Invitation to Tender.

14.2 All Invitations to tender to include the following:

(i) The requirement that all Tenders and their responses for contracts valued at £30,000 and greater must be completed using the CHEST, unless agreed with Corporate Procurement

(ii) A specification that describes the Council's requirements.

(iii) Specifications must set out a clear and comprehensive description of the Council's requirements regarding the supplies, services or works to be procured. The specification must include KPIs (unless below £5million and / or there are justifications not to apply them.)

(iv) A requirement for tenderers to declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose). Named products or manufacturers must not be specified unless Officers consider it necessary to justify their requirements.

(v) A requirement for tenderers to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.

(vi) Notification that tenders are submitted to the Council on the basis that they are prepared at the tenderer's expense.

(vii) A description of the award procedure and, a definition of the award criteria in objective terms and if possible, in descending order of importance

(viii) Weighting for award criteria and calculation of the scores

(ix) The method by which any arithmetical errors discovered in the submitted tenders is to be dealt with; in particular, whether the overall price prevails over individual rates when it comes to a bidder's tender's price being considered "abnormally low" in the tender or vice versa

(x) A statement to the effect that any tender that does not comply with the Council's requirement will be excluded from further consideration

(xi) And any other rules and instructions set out in the Invitation to Tender.

14.3 All Invitations to tender or quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply.

14.4 Tenders that are returned without a requested signed Form of Tender will be considered as non-compliant.

14.5 All candidates invited to tender, or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis – see the Conditions of Participation (PA 2023).

14.6 Suppliers must satisfy the Conditions of Participation to qualify to be awarded a public contract following a competitive tendering procedure. These conditions are that the supplier has:

(a) legal and financial capacity; and/or

(b) technical ability to perform the contract, and must be proportionate, having regard to the nature, complexity and value of the contract (Supplier Assessment Conditions). There is no requirement to set conditions under any heading which is not relevant to the procurement therefore Officers can use just one heading.

14.7 These Supplier Assessment Conditions may be used to limit the number of suppliers in an initial participation round via a pass/fail mechanism or using objective criteria to score suppliers as set out in the tender notice.

14.8 The Supplier Assessment Conditions must be general and allow equivalent qualifications, experience or technical ability but cannot break the rules on technical specifications, as required under Procurement Legislation, require

submission of audited accounts or insurances in place before award of the contract.

**Conditions of participation only apply to Relevant Above-Threshold Contracts**

## 15. Shortlisting

15.1 Any shortlisting must have regard to the financial standing, technical capacity and capability relevant to the contract and the award criteria.

15.2 Where the contract value is over Threshold, Officers must adhere to specific shortlisting rules that apply in respect of the Procurement Legislation.

15.3 Under the PA 2023, shortlisting or two stage tendering can be done under the competitive flexible procedure but cannot be used in the open procedure.

## 16. Submission, receipt and opening of tenders and quotations

16.1 Tenders and quotes of £30,000 and above must be returned directly using the CHEST. Further information on the e-tendering system is available from the Procurement team. Tenders must be submitted directly to the CHEST.

16.2 An electronic reverse auction should only be used following discussion with the Procurement team manager. The procedure enables suppliers/providers to adjust their tender price in the light of information from the tender prices submitted by competing suppliers/providers, then alterations will be accepted as permitted by the auction process. This can only be done for open procedures, and the technical details need to be described in the tender notice

16.3 All submitted tenders must be opened at the same time after the period for submission has ended.

16.4 Suppliers who have expressed interest or have been invited to participate in a tender must be given adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirement.

16.5 Any tender that does not comply with the Council's requirement, as set out in the tender invitation, should normally be excluded from consideration, with the circumstances recorded. Officers may, however, seek the agreement of the Borough Solicitor in consultation with the Assistant Director for Internal Audit to relax these requirements in appropriate circumstances.

## 17. Clarification procedures and post tender negotiation

17.1 Providing clarification of an invitation to tender to potential or actual candidates or seeking clarification of a tender, in writing, is permitted.

17.2 Discussions with tenderers after submission of a tender and before the award of a contract (post tender clarification) with a view to clarifying obvious omissions, mistakes or errors, false statements or abnormal offers in the tender

submitted, operational provisions or terms and conditions of contract are permitted and should be done wherever possible through the supplier portal.

17.3 Officers are expected to evaluate the tenders as submitted and other than corresponding with the tenderer for minor or non-material clarifications, must not allow any tenderer the opportunity to engage in negotiations regarding pricing or any other material aspects of the tender.

17.4 Where post tender negotiations are to take place with suppliers as part of the procurement process, this should be stated in the tender notice and the procurement documents and all tenderers involved in the respective exercise must be notified. All information and correspondence must be documented by Officers conducting the clarification. Competitive flexible procedure allows for negotiation at any stage of the procurement process and is designed that way by Officers.

17.5 An Officer may negotiate the terms of a Tender for one or all bidders in writing or at a meeting, provided that:

(a) The Chief Officer is satisfied that the Officer carrying out the negotiation has the skill and competency commensurate with the complexity and value of the contract and has authorised such action. Confirmation of authorisation is to be kept as a record.

(b) The Procurement team manager should be made aware of any post tender negotiations that are taking place.

(c) Notes of that meeting are taken and agreed with all the parties

(d) The Officer seeks advice and support from the Procurement team manager

(e) The Officer always follows the Council's Code of Conduct for Local Government Employees.

17.3 Officers may seek authorisation from the relevant Chief Officer to carry out negotiations on contracts that are currently being delivered regarding price or quality.

17.4 Where post-tender clarification results in a fundamental change to the specification (or contract terms) the contract must not be awarded but must be re-tendered.

## 18. Evaluation, award of contract and debriefing candidates

18.1 Apart from the debriefing required or permitted by these CSOs, the confidentiality of quotes, tenders and the identities of candidates must be preserved at all times and information about one candidate's tender submission must not be given to another candidate.

18.2 Officers involved in the evaluation must review and update their conflict of interest declarations before evaluation.

18.3 Officers must check to determine if a tenderer is an excluded or excludable supplier, assess conditions of participation, where the tenderer or its nominated subcontractor is located, the tender meets all requirements, whether the price could be abnormally low, and is compliant with the tender documents and procedural requirements.

18.4 Contracts must be evaluated and awarded in accordance with the award criteria and agreed evaluation methodology as published in contract notices and the procurement documents.

18.5 Any evaluations that are undertaken independently should have scores determined, if necessary, by a tender evaluation panel during a moderation meeting. All documentation pertaining to the evaluation and decision including minutes, individual scores and notes must be retained. Officers must ensure full written legible notes are made by evaluators and moderators to have an audit of the evaluation.

18.6 If arithmetical errors are found in a bidder's tender submission or is deemed to be "abnormally low" these should be clarified with the tenderer. If the rates in the tender, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.

18.7 Officers may accept quotations and tenders received in respect of proposed contracts, provided they have been sought and evaluated fully in accordance with these CSOs and a decision made by the relevant decision maker.

18.8 On completion of the evaluation, the results of the evaluation shall be reported to the relevant Executive Cabinet Member unless authority to appoint the highest scoring bidder has been delegated to an officer of the Council.

18.9 Chief Officers shall have the power to accept tenders and quotations (requested with these CSOs) and appoint the successful Bidder where there is delegated authority to do so under the Scheme of Delegation or there is authority under an approved report to the Executive Cabinet Member or the Cabinet.

18.10 Where the total value of a Relevant Contract is at £50,000 (excluding VAT) and greater, both the successful and unsuccessful tenderers (those that submitted a tender which was evaluated) should each be provided with an assessment summary.

18.11 As required under Procurement Legislation:

(a) Relevant Below-Threshold Contracts

(i) The successful Supplier should be notified promptly in writing, through the CHEST that they have been selected to carry out the contract.

(ii) Unsuccessful suppliers should be informed, in writing that they have not been selected to carry out the contract at the same time as the successful Supplier.

(b) Relevant Above Threshold Contracts

(i) The successful Supplier should be notified promptly in writing, through the CHEST that they have been selected to carry out the contract.

(ii) Unsuccessful suppliers should be informed, in writing that they have not been selected to carry out the contract at the same time as the successful Supplier.

(iii) Both successful supplier and unsuccessful suppliers must be provided with assessment summaries

(iv) A contract award notice must be completed and published. This notice cannot be published until all bidders have been issued with an assessment summary and will trigger the start of the standstill period

(v) The “mandatory standstill period” is the period of 8 working days beginning with the day on which a contract award notice is published or such other later date as provided for in the contract award notice. This does not apply for specific contracts such as award of direct award, in accordance with a framework, reference to a dynamic market or a light-touch contract.

18.12 Assessment summaries must include information about the assessment of the tender and if different, the most advantageous tender- the successful tender.

18.13 When evaluating prices, indexation may be allowed if provided for under the contract. General increases in contract prices in relation to indexation depends on the mechanism in the contract. Officers should consider this when valuing contract and determining whether the value can exceed the relevant procurement thresholds (noting the existence of Convertible Contracts).

18.14 The Council is required to confirm with the preferred supplier that their information on the central digital platform is up-to-date and accurate. Officers must ensure that this step is undertaken before any contract award step is taken.

## 19. Waiving Contract Standing Orders

### Single tender action and direct award contracts

19.1 For Relevant Above-Threshold Contracts, it is recognised that, there may be special circumstances where there is only one provider who is able to fulfil the needs of the Council. Officers may carry out a selection process or take such other preliminary steps as they consider appropriate for the purpose of directly awarding a contract, advice from the Procurement Team must be sought.

19.2 A Direct Award in Special Cases (Schedule 5) is the award of a contract to a single supplier, service provider or contractor of the Council's choosing without undertaking a competitive tendering exercise in the following circumstances:

(a) Where there is a technical reason, for example, required for novel prototypes and development (PA 2023)

(b) Only one party can perform the contract due to intellectual/industrial property rights e.g. patents/trademarks or copyright

(c) Engaging an artist or performer in the creation or acquisition of a unique work of art or artistic performance

(d) Strictly necessary for reasons of extreme and unavoidable urgency.

(e) Additional/repeat delivery of services/goods or works by existing supplier where a change in supplier would be different or incompatible with the current supplier and the difference or incompatibility would result in disproportionate technical difficulties in operation or maintenance.

(f) Reserved repeat delivery of similar services/goods or works by previous supplier indicated in previous tender notice or tender document no more than 5 years from request of repeat.

(g) Follow up work to complete the assignment previously awarded on a competitive tendering exercise

(h) Considered necessary for the protection of human, animal or plant life or health or protection of public order/safety (PA 2023)

(i) If there is an overriding public interest in awarding the contract to that supplier

(j) No suitable tenders were submitted following a competitive procedure

(k) Goods purchased on the commodity market (direct award under PA 2023)

(l) Awarding a contract to a particular supplier ensuring particularly advantageous terms due to the supplier undergoing insolvency proceedings

(m) Or any other circumstance as provided for in Procurement Legislation.

19.3 For Relevant Above-Threshold Contracts, Officers are required to request a waiver before entering into or applying a contract modification.

19.4 For Relevant Below-Threshold Contracts, an ECM may waive any requirements within these CSOs for specific projects. However, consideration must be given to the risk of legal challenge should a decision not to advertise the requirement and proceed to award the contract or framework without competition be made. The circumstances under which a waiver can be agreed include:

(a) It can be demonstrated that it is in the Council's best interest, and this is clearly detailed in the report to the ECM.

(b) There is a clear need to provide a service or product immediately in the instance of a sudden unforeseen crisis; the immediate risk is to health, life, property or environment making normal competitive processes not feasible.

(c) Significant improvements and/or changes are to be made to an existing contract.

(d) An unforeseen situation calling for prompt action in order to provide a product or service that fulfils a specific statutory obligation, e.g. health and safety requirements making normal competitive processes not feasible.

(e) There are demonstrable circumstances that are genuinely special.

(f) Where a contract extension is being sought which was not duly authorised in the original decision.

19.5 Single Tender Actions will not be permitted in the following circumstances:

(a) time constraints through poor project planning

(b) previous relationships with suppliers

(c) to avoid a competitive tendering exercise.

19.6 The Borough Solicitor and Head of Internal Audit must be consulted on and approve all waivers.

19.7 A single tender still requires a set of Invitation to Tender documents including terms and conditions and scope of works to be drafted and issued, and a written formal response to be made by the supplier through the CHEST.

19.8 The decision-making route for waivers is as follows:

19.8.1 Chief Officer – up to £50,000

19.8.2 Relevant ECM – over £50,001

19.9 A Transparency Notice must be published before a contract is directly awarded. A Transparency Notice does not need to be published in relation to the award of a contract where the contract has been directly awarded under the user choice justification (section 41 Schedule 5 of the PA 2023)

19.10 In relation to urgency and Relevant Above-Threshold Contracts, a direct award is permitted where the requirement for goods, services or works is strictly necessary for reasons of extreme urgency and cannot be procured via a competitive tendering procedure and has been brought about by circumstances unforeseeable by and not attributable to the Council.

## Section 4: Contract and other formalities

### 20. Contract Documents

20.1 All contracts should be in writing and must set out the parties' obligations, rights and risk allocations.

20.2 All contracts, irrespective of value, should clearly specify:

(a) What is to be supplied

(b) The price to be paid and when

(c) The time(s) for the contract to be performed including an end date for the contract

(d) Termination provisions

(e) Contract terms and conditions

20.3 The Council's terms and conditions of contract should be used wherever possible.

20.4 Officers must arrange for the original copy of all contracts to be safely stored as soon as the contract has been awarded.

### 21. Contract Formalities

21.1 All contracts should be concluded formally in writing before any work is carried out by the supplier.

21.2 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

21.3 Contracts shall be formally completed as follows:

| **Contract Value** | **Method of completion** |
|---|---|
| Up to £75,000 | Signed by an Authorised Officer |
| Above £75,000 OR<br>where the Council may wish to enforce the contract more than six years after its end OR<br>the price to be paid or received under the contract is a nominal price and does not reflect the value of the supplies or services OR<br>there is any doubt about the authority of the person signing for the other contracting party | Common Seal of the Council |

21.4 Any contract entered into by the Council may be executed using an electronic Council seal and/or by way of electronic signature of an Authorised Officer and these methods of execution / signature shall be conclusive of the Council's intention to be bound by the contract as if manually sealed and/or signed by Authorised Officer by way of manuscript signature.

21.5 Subject to any particular requirement in law as to form, any contract which is to be signed shall be interpreted as including signing by way of an appropriate electronic signature and the contract where executed by multiple parties may be signed in separate parts (such as via separate counterpart copies).

21.6 Officers must set at least 3 key performance indicators for all public contracts with an estimated value of more than £5 million (including VAT) except where Officers determine it is not appropriate (for instance one-off delivery of goods).

## 22. Publishing contract information

22.1 The Council must publish a copy of all contracts which are valued at more than £5 million.

(a) A copy of a light touch contract must be published within 180 days from the day the contract is entered into; or

(b) other public contract within 90 days from the day the contract is entered into, which may be redacted. Officers should review with the Information Governance team before publishing.

22.2 All Relevant Above-Threshold Contracts must have adequate performance monitoring and reporting mechanism and the Council must publish at least the 3 most material KPIs annually for the lifetime of the contract.

22.3 This information needs to indicate how the contract has been performed against set criteria:

| Rating | Description |
|---|---|
| Good | Performance is meeting or exceeding the key performance indicators |
| Approaching target | Performance is close to meeting the key performance indicators |
| Requires improvement | Performance is below the key performance indicators |
| Inadequate | Performance is significantly below the key performance indicators |
| Other | Performance cannot be described as good, approaching target, requires improvement |

### 23. Bonds and parent company guarantees

23.1 The Officer must consult the Borough Treasurer to determine whether a parent company guarantee is necessary and at what level when a candidate is a subsidiary of a parent company and:

(a) Award is based on evaluation of the parent company, or

(b) There is some concern about the stability of the candidate or

(c) The candidate, associated or connected persons (or parent company) are listed in the mandatory/discretionary grounds debarment list .

23.2 Officers will also need to make an assessment as to whether the 'self-cleaning' information is sufficient and acceptable.

23.3 Officers must consult with the Borough Treasurer about whether a bond is needed, the value it must be where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the candidate.

### 24. Prevention of Corruption

24.1 Officers must comply with the Code of Conduct for Local Government Employees and must not invite or accept any gift or reward in respect of the award or performance of any contract. High standards of conduct are obligatory. Findings of corrupt behaviour in Council officers may lead to dismissal.

## Section 5: Contract Management

### 25. Managing Contracts

25.1 Chief Officers are to name contract managers for all new contracts. All contracts should have a named Council contract owner and contract manager for the entirety of the contract.

25.2 In the event that no named contract manager is identified, the Assistant Director of the service area procuring the contract will be responsible for contract management.

25.3 Contract managers must follow the procedures set out in the Council's CSOs and are responsible for KPI assessments and providing all contract information in the relevant form, required to be published.

## 26. Risk Assessment & Contingency Planning

26.1 Provision for resources for the management of the contract, for its entirety, must be identified in the business case.

26.2 For all contracts with a value of £50,000 or more, the contract manager must:

(a) Maintain a risk register during the contract period

(b) Undertake appropriate risk assessments and for identified risks

(c) Ensure contingency measures and business continuity plans are in place.

26.3 Prior to commencing an above Threshold procurement process, the risk types need to be identified and any mitigating steps would need to be considered:

(a) Known Unknowns – there is insufficient information for consequences to be known in advance; the risk is lower priority/non-critical, due to unknown probability and impact; and the cost of defining the risks up-front and building into the contract may be disproportionate against the actual cost paid if the risk materialises. This can, for instance be mitigated by Officers by undertaking pre-market engagement, design an appropriate specification that considers the risks and developing relevant KPIs to manage the risk or likelihood of these 'known unknown' risks occurring. Officers could also detail in tender documents and/or notices how the risks may impact satisfactory performance of the contract, why it cannot be addressed 'upfront' in the contract, raise the possibility of additional modification if any of these 'known unknown' risks later materialise and who is assigned it in the tender documents and notices. These are risks that the Council is aware of but unaware of size and effect of impact. Known elements of a risk are those that can be reasonably identified in advance of the risk materialising and the unknown elements of a risk are those that cannot be reasonably identified in advance of the risk materialising due to insufficient information on the probability and impact.

(b) Unknown Unknowns – unforeseeable risks that Officers are not aware of, and therefore also unaware of the size and effect of their impact. This can, for instance be mitigated by Officers undertaking pre-market engagement to help identify potential risks using market/supplier knowledge.

(c) Known Knowns – foreseeable risks that Officers are aware of, and are also aware of the size and effect of their impact. This can, for instance be mitigated by Officers undertaking pre-market engagement, design an appropriate specification that considers the risks and developing relevant KPIs to manage the risk or likelihood of it occurring. Officers could also detail the risk in the tender documents and notices which could be beneficial if the risk materialises and the Council needs to modify the contract accordingly (costs must not be increased by more than 50%).

## 27. Contract Monitoring, Evaluation & Review

27.1 All contracts valued at £50,000 or more are to be subject to regular formal reviews with the contractor. An initial review should be done at the first 3 months of a contract start date and ongoing reviews should then be conducted on a regular schedule.

27.2 A formal review process must be applied to all contracts deemed to be high risk, high value, or high profile. This process must be applied at key stages of major procurements.

27.3 During the life of the contract, the Officer must monitor a contract in respect of:

(a) Performance and compliance with specification and contract

(b) Cost and any value for money requirements including inflation, bonuses, any gain/share arrangements and the application of service credits (if relevant)

(c) Whether payment of valid and non-disputed invoices (or such other payable sum) are made by the Council within 30 days of receipt of it. This is to be published twice a year.

(d) All contract variations, the reasons for them and whether they affected the cost/value of the contract (and the difference in pounds and percentage change in comparison to the originally awarded value of the contract); and ensure contract has been modified within 90 days of the modification for publishing-only those contracts estimated or modified to be over £5 million.

(e) User satisfaction and risk management

(f) Equality Assessment progress report

(g) Supplier financial health check

(h) Due Diligence clarifications including modern slavery

(i) Performance of KPIs/service levels and the how the supplier is performing the contract against the KPIs in particular the 3 most material KPIs essential

(j) Social Value

(k) Environmental

(l) Insurances to be maintained under the contract

(m) records for contract termination

(n) any audits which are undertaken during lifetime of contract

## 28. Modifications

28.1 Any variation to contract for a contract valued above the Threshold can only be varied if the variation is a permitted modification and not a substantial modification in accordance with Procurement Legislation.

28.2 All variations of current or future Relevant Above-Threshold Contracts will need to be varied in accordance with the applicable Procurement Legislation.

28.3 All variations should be reviewed by Legal Services prior to the agreement of any variation.

28.4 Permitted modifications include:

(a) Change provided for in the contract

(b) Urgency and protection of life (PA 2023)

(c) Unforeseen circumstances (subject to the change not exceeding 50% of the value of the original contract under PCR 2015; and the proposed change does not increase the estimated value of the contract by more than 50% under PA 2023)

(d) Materialisation of a known risk (subject to the change does not increase the estimated value of the contract by more than 50% PA 2023)

(e) Additional goods, services or works (under PCR 2015 provided that any increase in price does not exceed 50% of the value of the original contract; and under PA 2023 provided the modification would not increase the estimated value of the contract by more than 50%)

(f) Convertible Contract

(g) Any other permitted modification allowed under the applicable Procurement Legislation.

28.5 For Relevant Above-Threshold Contracts, Officers are required to complete an application for a waiver before entering into or applying a contract modification.

28.6 Variations to Relevant Below-Threshold Contracts (subject to whether it is a Convertible Contract) and light touch contracts are allowed. Input from the Procurement team should be requested by Officers.

28.7 Before any modification to a contract can be made, a contract change notice must be published unless there is an exception (such as if the modification increases or decreases the estimated value of the contract by 10% or less for goods or services or 15% or less for works; or the contract term by 10% or less of the maximum term provided for on award).

28.8 Under the PA 2023, changing the term of a contract term by more than 10% of the maximum term is considered substantial (calculated in months). Officers must therefore ensure they account for all possible extensions in all Relevant Contracts.

28.9 If the change increases or decrease the estimated value of the contract by 10% or less for goods or services or 15% or less for works unless the modification is permitted in relation to novation or transfer of the contract on corporate restructuring (PA 2023).

28.10 Modifications apply to the value of the contract at the time of the modification (i.e. the estimated value of the contract immediately before the modification is made) - therefore if more than 1 modification is applied to the contract, the value will be the new value (including the previous modification) rather than the old value.

28.11 Officers should observe a voluntary standstill period of at least 8 working days from the day of publication of the contract change notice to provide additional protection for the Council.

28.12 Officers must publish either the modification or the modified contract within 90 days of entering into it, provided that a contract change notices is required to be published and the estimated value of the contract is more than £5 million. Public Contracts Regulations 2015 (as amended) (PCR 2015)

28.13 Officers must note that any changes made to Relevant Above-Threshold Contracts that started their procurement process or existed before the PA 2023 comes into effect are still subject to the modification rules of the PCR 2015. It is important to check when the contract was procured and if calling off a framework agreement, check when the framework agreement was established. If they were procured with the PCR 2015 were in force, then the PCR 2015 will apply to modifications under them.

28.14 Permitted modifications are allowed if the value is below 10% of the initial contract value for service and supply contracts and 15% of the initial contract value for works contracts, provided that the modification does not alter the overall nature of the contract.

## Section 6: Contract Procedure Rules - general

### 29. Why we have Procurement Rules.

i. Section 135 of the Local Government Act 1972 requires all local authorities to have rules & procedures governing the process of procurement.

ii. They are part of the Council's constitution and must be followed by all employees of the Council, its suppliers, contractors and consultants

iii. They ensure that fair competition and value for money when the Council buy goods or commission services or works. They set out the procedure to be followed.

iv. They apply to a wide range of contracts we award as a local authority, including our schools. They do not, however, apply to staff contracts, purchases of land or financial investments by the Council

### 30. Responsibilities of Chief Officers.

i. Chief Officers are ultimately responsible for the procurement activity in their service area and must ensure that all procurement is undertaken in accordance with these Standing Orders Relating to Contracts and other requirements of the Council's constitution.

ii. Chief Officers are responsible for ensuring compliance with Section 117 of the Local Government Act 1972 in relation to the declaration of interest in contracts, both in relation to themselves and officers reporting to them.

iii. Chief Officers are responsible for producing a procurement plan for each financial year, setting out the contracts they anticipate procuring during the year. This information must be shared with the Procurement Team.

iv. Chief Officers are responsible for ensuring that the Procurement Team are provided with timely information, for inclusion in the Contracts Register, of all contracts of value £30,000 or more.

v. Chief Officers are required to make arrangement for the safe retention and storage of contract documentation.

vi. Chief Officers are required to ensure that appropriate KPI's are determined for the contract before beginning the procurement process and that documentation about the KPIs in the contract and performance by the supplier against the KPIs is retained and stored.

vii. Chief Officers are required to ensure appropriate contract management of all contracts in their area of responsibility, this includes allocating an officer for day-

to-day contract management and a contract owner with strategic responsibility for the performance of the contract.

## 31. Procurement Approval limits.

In the absence of an identified authority in the Scheme of Delegation to procure specific goods or services, the following limits apply:

<table>
<tr><th>Maximum Approval Limit</th><th>Approver</th><th>Procurement Requirements</th><th>Internal Approvals</th></tr>
<tr><td>Over £500,001</td><td>Cabinet / Executive Cabinet Member</td><td rowspan="3">Corporate Procurement team to invite tenders / use of a Framework agreement, use of the CHEST procurement portal is required and we must publish notices on Contracts Finder.<br><br>All contracts above thresholds must follow the Statutory Procedures for public procurement.<br><br>Written advice from Corporate Procurement team in relation to thresholds is mandatory and must be recorded on the decision document.</td><td rowspan="3">Formal reporting route to CLT / ECM / Cabinet</td></tr>
<tr><td>£250,001 to £500,000</td><td>Chief Executive</td></tr>
<tr><td>£100,001 to £250,000</td><td>Director</td></tr>
<tr><td>£50,001 to £100,000</td><td>Deputy / Assistant Director</td><td rowspan="2">Invitation to Tender or Request for Quotation via the CHEST procurement portal and Contracts Finder or a suitable Framework agreement used. Minimum of three quotations / invitation to tender.<br><br>Published on Contracts Finder by the Corporate Procurement team.<br><br>For below threshold procurements a restricted process can be permitted with suppliers from the local area; Corporate Procurement will advise.</td><td>Report to DLT<br><br>Informal discussion with ECM if deemed appropriate by Director</td></tr>
<tr><td>£30,001 to £50,000</td><td>Deputy / Assistant Director</td><td>Discussion with Director<br><br>Informal discussion with ECM if deemed appropriate by Director<br><br>Consult with the Corporate Procurement team</td></tr>
<tr><td>£15,001 to £30,000</td><td rowspan="2">Head of Service</td><td rowspan="2">Request For Quotation - Minimum of three written quotations or use of an approved Framework.<br><br>Only on advice from Procurement Team minimum of one written quotation.</td><td>Discussion with Director</td></tr>
<tr><td>Up to £15,000</td><td>Discussion with Assistant Director</td></tr>
</table>

## 32. Legislation and Regulation.

i. The Contract Standing Orders are part of Bolton's constitution and must be followed by all employees of the Council, its suppliers, contractors and consultants.

ii. The Public Contracts Regulations 2015, the Procurement Act 2023, the Procurement Regulations 2024, Health Care Services (Provider Selection Regime) Regulations 2023, the Local Government Act 1999 and the Public Services (Social Value) Act 2012 govern how the award of our contracts must be conducted.

iii. The Local Government Transparency Code 2015 requires us to make available to the public details of our contracts and expenditure on them. We are required to maintain a publicly accessible Contracts Register with details of all contracts over £5,000 and publish monthly details of all payments made over £500.

## 33. Benefits of having these rules.

i. They make sure that we get the benefits of competition and act in a proper manner.

ii. They help us get best value. That is a statutory obligation under the Local Government Act 1999. We must ensure economy, efficiency and effectiveness in all our transactions.

iii. They require us to show fairness, transparency, equality and integrity in all our dealings. These are not optional- they are enforceable legal obligations. If bidders are not happy with how they are dealt with, they can take legal action against us

## 34. Social Value.

i. We must follow the Public Services (Social Value) Act 2012.

ii. That means that when we embark on a procurement exercise the procurement lead must consider how it might improve the economic, social and environmental well-being of the inhabitants of Bolton.

iii. We have a Social Value Strategy which those undertaking procurement and managing contracts must adhere to.

## 35. What we must avoid.

i. Whilst it is desirable to have productive relationships with suppliers, contractors or consultants, it is important to be fair and objective. The council cannot appoint them just because they are recommended to us or because we have used them before.

ii. We cannot re-appoint them simply because we think they have previously "done a good job." We must test the market to ensure value for money and quality. The incumbent provider will obviously have a major advantage. If they do not win re-appointment, by definition there must be a better option available in regards quality, delivery or cost.

## 36. Initial stages of procurement

### a) Pipeline programme

Under the Procurement Act 2023, but also as best practice, we must have an ongoing programme of identified contract activity.

We must publish an 18-month forward plan of all contracts over £2million on our website at the start of each financial year.

### b) Authority to Procure

The lead officer's first step for all procurements is to obtain authority under the Scheme of Delegation in the constitution. The authority levels are set out in the table at paragraph 30.

### c) Estimating Value

The lead officer must make an informed estimate of the value of the contract and be aware of the threshold values under the Procurement Act. These dictate which procurement route must be followed.

This must be a genuine estimate and not a way to get round the prescribed thresholds. For example, we cannot divide up contracts or orders without a valid reason.

They must calculate the value that the person winning the contract will get over the expected life of the contract, including any extensions provided for. This must also include any sums we get from third parties such as Central Government.

### d) Getting Best Value

Everything we do has to be designed to ensure best value for the Council. The definition we use is the combination of whole life costs and benefits to meet the Council's needs.

Before starting any procurement or awarding any contract the lead officer must understand those needs and check whether they could be met instead from an existing contract.

The lead officer also must check that there are financial resources available from a Council revenue or capital budget.

### e) Proper Briefs and Specifications

Every procurement must have a brief or specification setting out clearly and precisely what the Council needs.

Without proper specifications there is no legal comeback if things go wrong and we do not get what we expected and have paid for.

We do not allow the tender to be advertised until the brief or specification is ready. The brief or specification cannot include material that is discriminatory, distorts competition or is non-commercial. This applies to any quality standards we specify.

We only name specific products, sources or process if these are essential for our needs. When we do so we also allow equivalent items to be used.

All our briefs and specifications must include conditions requiring compliance with our statutory obligations and Council policies. We also require minimum levels of insurance cover are in place.

## 37. Capital Expenditure

Before incurring capital expenditure, the relevant Chief Officer must ensure that:

i. Save where there is delegated authority under the Scheme of Delegation, the appropriate Executive Cabinet Member has approved the capital expenditure.

ii. An estimate of the capital expenditure has been prepared, including any revenue implications.

iii. The approved funding is identified in the Capital Programme. If the proposed capital expenditure is more than the Capital Programme provision, or there is a fundamental change in the proposed financing of the capital expenditure, the approval of the relevant Executive Cabinet Member, and the Chief Finance Officer, must be obtained by the relevant Chief Officer, prior to awarding the contract.

## 38. Disposal of Land

Section 123 of the Local Government Act 1972 requires the Council to secure the best consideration that can reasonably be obtained when disposing of land and property assets.

**a) Corporate Property Services (CPS) shall take the following steps:**

i. produce a qualified valuer's certificate as to the best consideration, or

ii. where it is not proposed to obtain the best consideration ensure that:

- the General Disposal Consent 2003 relating to Part II of the Local Government Act 2003 applies or

- the Secretary of State's specific disposal consent has been obtained.

iii. where a disposal for less than best consideration is proposed, there is a report to the Executive Cabinet Member for decision.

iv. without prejudice to the Council's duties as Local Planning Authority, obtain the most valuable planning permission that can be obtained, prior to disposal.

v. where there have been negotiations with several prospective purchasers of the land, properly document discussions and meetings and provide all parties with the same information.

vi. where land is to be sold by auction, an appropriate reserve price is attached to it.

vii. where a sale is by private treaty make a record of all negotiations.

**b) Method of Disposal**

i. CPS shall identify the most appropriate method of disposal. Sealed bids may still be used.

**c) Procedure for Sealed Bids**

i. The disposal of the land shall be advertised in one or more local newspapers. Where the estimated value of the land exceeds £100,000 the land shall also be advertised in the property pages of appropriate newspapers or journals.

ii. The advertisement shall give at least 14 days' notice and shall state the nature of the contract, where further details may be obtained, invite offers and state the last date and time when sealed bids may be received.

iii. Details of the disposal and the conditions of sale shall be made available to all bidders, on application to CPS. The conditions of sale shall include the criteria approved by the Executive Cabinet Member for evaluating sealed bids.

iv. Sealed Bids shall be opened at one time and in the presence of the appropriate Executive Cabinet Member (over £500,000), or in the presence of the Chief Officer and representative of the Chief Finance Officer where the value is below £500,000. There may be exceptional circumstances when the highest bid is not acceptable, e.g. bids are below an undisclosed reserve figure, or the highest bidder cannot perform a key covenant.

**d) Acceptance of Sealed Bids**

i. A sealed bid for the disposal of land may be accepted by CPS if it accords with the conditions of sale. If it does not accord with the conditions of sale CPS shall consult with the Executive Cabinet Member before accepting the bid.

ii. Reports on the sealed bids accepted shall be submitted to the Executive Cabinet Member at regular intervals either specifically or as part of an operational review report.

## 39. Note on terms used

**Acquisition of Land -** The purchase or entry into a lease or sub-lease or rental of land by the Council.

**Best Consideration -** The best consideration that can reasonably be obtained for the land as required Section 123 of the Local Government Act 1972.

**Bidder -** A person, company or firm, who has made an offer by way of quotation or tender to supply the Council with works, supplies or services.

**Chief Officer** - Chief Executive, Directors, Deputy Directors & Assistant Directors.

**Contract -** Any agreement for the execution of works or the provision of supplies or services, or the disposal of assets.

**Contracting Authority -** As defined in the Public Contract Regulations 2015 (as amended or replaced).

**Contractor -** A party to an agreement with the Council to provide works, supplies or services to the Council or to acquire assets from the Council.

**Contracts Finder -** The official UK government online portal where public sector organizations publish tender opportunities and awarded contracts.

**CFO** - Chief Finance Officer.

**CPS** - Corporate Property Services.

**CPV -** Common Procurement Vocabulary codes are standardised numeric identifiers used across UK public procurement to classify the exact goods, services, or works being tendered

**CSO** - Contract Standing Order(s).

**Disposal of Land -** The sale of land, or the grant of a lease, sub-lease or development agreement for land by the Council.

**Estimated Value -** This is the total estimated value of the contract net of VAT, over the full term of the proposed contract including any possible extensions. Contracts shall not be split to avoid compliance with these CSOs.

**Land -** Any interest in land (freehold, leasehold, right or easement) including any buildings or premises on the land.

**Law -** any applicable law, statute, bye-law, regulation, order, regulatory policy, guidance or industry code, rule of court or directives or requirements of any Regulatory Body, delegated or subordinate legislation or notice of any Regulatory Body.

**Partnering -** A form of collaborative working between the Council and a Contractor, based upon a formal contract. Usually this is a long-term arrangement.

**Purchasing Guide -** The Council's internal guide to purchasing works, supplies and services published on the Council's Intranet.

**Procurement -** The acquisition of supplies, works and services which meet the Council's and service user's' needs, whilst ensuring value for money throughout the life of the product including disposal.

**Quotation -** A submission by a contractor for the execution of works or for the provision of supplies or services under the quotation procedures below £30,000.

**Sale Tender -** A submission by a contractor to acquire assets from the Council.

**Scheme of Delegation -** This is the part of the Council Constitution, which sets out the delegated powers of Executive Members and officers. A copy of the scheme is available on the intranet.

**Tender -** A written submission by a contractor for the execution of works or for the provision of supplies or services above £30,000 under the tender procedures outlined.

## I. Employment Procedure Rules

1. The Council shall undertake, or shall delegate to a panel of members where appropriate ('the Panel') responsibility for the appointment or dismissal of, or the taking of any disciplinary action against: -

   (a) the Chief Executive (Head of Paid Service)

   (b) the Monitoring Officer or the Chief Finance Officer ("Statutory Officers")

   (b) any non-statutory or deputy chief officer as defined in the Local Government and Housing Act 1989 (i.e. any director, deputy or assistant director, or any other member of staff who reports directly to the Chief Executive or a director); or

   (c) any political assistant appointed under Section 9 of the Act; provided that:-

   (a) the appointment or dismissal of the Chief Executive (Head of Paid Service) be undertaken only by, or subject to the approval of, the Council;

   (b) the dismissal of the Statutory Officers be undertaken only by, or subject to the approval of, the full Council; and

   (b) no disciplinary action shall be taken in respect of the Chief Executive, or the Monitoring Officer or the Chief Finance Officer other than in accordance with the provisions under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

2. The Chief Executive or his/her nominee shall undertake, on behalf of the Council, the appointment or dismissal of, or the taking of any disciplinary action against, any member of staff of the Council other than those defined in paragraph 1(a), (b) or (c) above.

3. For the purposes of these rules 'member of staff' shall include any person appointed to or holding paid office or employment under the Council.

4. Where, in accordance with paragraph 1 above, the appointment or dismissal of any member of staff has been delegated to the Panel, membership of the Panel shall include at least one member of,but not be composed entirely of nor shall there be a majority of members of, the Cabinet.

5. In respect of the posts defined in paragraph 1(a), (b) and (c) above, no offer of appointment shall be made nor any notice of dismissal be given, until every member of the Cabinet has been notified of the name of the proposed appointee (or the person whose dismissal is proposed), any other relevant particulars and the period within which the Leader may, on behalf of the Cabinet, object to the proposed appointment or dismissal and either no objection is made within that period or the Panel (or other person(s) authorised by the Council to make the appointment or undertake the dismissal) are satisfied that any objection so made is neither material nor well founded.

6. These rules shall be construed and applied subject to and in accordance with any relevant statutory provision, regulation or other requirement of law, and such procedures with respect to employment (including recruitment and selection, disciplinary procedures, code of conduct for employees, public interest disclosure, and other relevant matters) as shall from time to time be approved by or on behalf of the Council.

## J. Bolton Borough Council Petition Scheme

The petitions process allows members of the public to have direct influence on the political process and to raise concerns that are important to them.

Members of the public can submit petitions on the following issues: -

- relating to the Borough Council's responsibilities
- which affect the Borough or communities in Bolton if the Council is in a position to exercise some degree of influence
- Anything relating to an improvement in the economic, social, or environmental wellbeing of the Borough to which any of the Council's partners could contribute.

The Council will respond to all petitions it receives. It will be as flexible as it can when handling your petitions, that it is considered quickly, and in the most appropriate way.
Essentially, there are 2 types of petition:-

- **Ordinary petitions**

  These must be signed by at least 100 people.
- **Petitions requiring debate**

  Petitions which contain 2,500 signatures or more will normally be debated by the full Council.

### How do I submit petitions?

Petitions can be either paper or electronic. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 2 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

We will treat as a petition for the purposes of this scheme anything which identifies itself as a petition, or which a reasonable person would regard as a petition, and which is signed by the appropriate qualifying persons. Paper petitions can be sent or e-mailed to Democratic Services, Bolton Council, Chief Executive's Department, Town Hall, Bolton, BL1 1RU or you can submit an e-petition on-line.

Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition. It should state:

- What action the petitioners wish the Council to take.
- The name, address and signatures of any person supporting the petition (the address can be an address where a signatory lives, works or studies). The Council will validate 10% of all signatures received by comparing signatures/addresses/e-mail addresses against records held by the Council.
- Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organisers.

Paper petitions must include a signature and a signatory's name and address. This can be an address where the signatory lives, works or studies.

Before submitting a petition, you should first check with your local councillor or with the Council, to see if the Council is already acting on your concerns and the Council is the most appropriate body to receive your petition, as sometimes your petition may be more appropriate for another public body.

**Who can submit a petition?**

Anyone who lives, works or studies in Bolton including under 18s, can sign or organise a petition.

**What will the Council do when it receives my petition?**

We will acknowledge the petition within 2 working days of receiving it, and let the petition organiser know what we plan to do with the petition, and when they can expect to hear from us again.

If the petition needs more investigation, we will tell you the steps we plan to take. In the vast majority of cases your petition will be submitted to one of the Council's formal Member meetings where elected councillors will decide how to respond to the petition.

**Full Council Debates**

If a petition contains more than 2,500 signatures it will normally be debated by the full Council if deemed appropriate. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The petition organiser (or a nominee) will be given up to a maximum of 5 minutes to present the petition at the meeting, and the petition will then be discussed by Councillors. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, refer the issue to the Cabinet or commission further investigation into the matter, for example, by a relevant Committee. Where the issue is one on which the Cabinet is required to make a final decision, the full Council should decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision.

Petitions asking for a debate at Council will normally be considered at the next meeting of the full Council, but must be received at least 10 working days before the date of the meeting.

**Are there any petitions which the Council cannot accept?**

We believe that most petitions we receive will be accepted, but in certain circumstances may not be accepted, including:

- If the petition applies to a planning application, is a statutory petition or on a matter where there is already an existing right of appeal or a separate complaints process.
- Any petition which we consider to be vexatious, abusive or otherwise inappropriate. We will explain the reason for this in our acknowledgement of the petition.
- Where a person or organisation (or someone on their behalf) has submitted a petition which is the same or substantially the same, as one submitted within the previous 12 months.

If we decide that a petition is not acceptable, then we will let the petition organiser know our reasons.

If a petition relates to the responsibilities of one of our partners, then the petition will be forwarded to that partner for them to deal with, unless the petition is to an improvement in the economic,

social, or environmental wellbeing of the Borough. In those cases, the petitions will be considered under the Council's scheme.

**How will the Council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following: -

- Taking the action requested in the petition
- Considering the petition at a Council meeting
- Holding an inquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Carrying out consultation
- Holding a meeting with the petitioners
- Referring the petition for consideration by one of the Council's Scrutiny Committees
- Writing to the petition organiser setting out our views about the request in the petition.

*Scrutiny Committees are committees of councillors who are responsible for scrutinising the work of the Council – in other words, the Scrutiny Committee has the power to hold the Council decision makers to account.*

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted.

**E-petitions**

THE Council welcomes e-petitions. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatures.

**Is there anything else I can do to have my say?**

As a Council we try to identify and solve problems at an early state. We are committed to receiving feedback as this helps us to develop and review services. We recognise that petitions are just one way in which people can let us know about their concerns. There are a number of other ways that you can have your say including: -

- Contacting your local councillors
- Attending Area Forums and asking questions
- Making a complaint using the Council's Complaint System

Bolton Council

# Part 5

# The Council's Codes And Protocols For Members And Officers

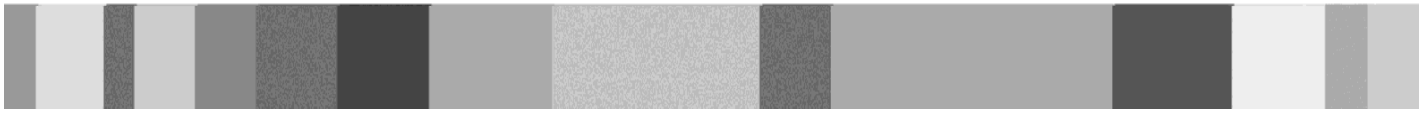
The Council has established or adopted the following Codes and Protocols relating to its members (councillors) and officers.

A. Code of Conduct for Members

B. Code of Conduct for Local Government Employees

C. Protocol for Member/Officer Working Arrangements

D. Guide to Good Practice for Members and Chief Officers involved in the Planning Process



## A. Code of Conduct for Members and Guidance

### 1. Introduction

The Council is determined to provide excellent local government for the people of the Borough. It promotes and maintains high standards of conduct by Members and Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011. To help Members understand their conduct responsibilities, they should make sure they read and understand the General Principles (see below).

### 2. General Principles of Conduct for Members and Co-opted Members

The Code and the Guidance are based on the following General Principles.

### 2.1 General Principles

Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the following principles of conduct, some of which are set out in law.

### 2.2 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### 2.3 Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### 2.4 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### 2.5 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### 2.6 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

### 2.7 Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### 2.8 Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

2.9 **Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

2.10 **Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

2.11 **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**3. Training**

3.1 Each Member should participate in training on the Code of Conduct/ethical standards, in addition to any current requirements to receive training for specific Committees, for example Planning or Licensing Committees.

3.2 Records of attendance will be maintained by the Democratic Services Team and any apparent failure to attend training will be notified in the first place to the Member concerned and if not rectified at the next available session, will be referred to the Standards Committee for further action.

**THE CODE OF CONDUCT**

**Part 1 General provisions**

**1. Introduction and interpretation**

1.1 This Code applies to you as a Member of the Borough Council of Bolton (the Council).

1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and /or disqualification from office for a period of up to 5 years.

1.3 In this Code "meeting" means any meeting of:

(a) the Council;

(b) its Cabinet;

(c) Executive Cabinet Members and/or Cabinet Members, and,

(d) any of the Council's committees or sub-committees, joint committees or joint sub-committees; and

"Member" includes a co-opted member and an appointed member of the Council.

**2. Scope**

2.1 Subject to paragraphs 2.2 and 2.3, you must comply with this Code whenever you are acting as a Member and references to your official capacity are construed accordingly.

2.2 this Code does not have effect in relation to your conduct other than where it is in your official capacity.

2.3 Where you act as a representative of the Council—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**3. General obligations**

3.1 You must treat others with respect.

3.2 You must not:

(a) do anything which may knowingly cause your authority to breach the Equality Act 2010;

(b) bully or be abusive to any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant,

(ii) a witness, or

iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

**4.** You must not:

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the Council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

**5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

**6.** You:

(a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of this council:

(i) act in accordance with the Council's reasonable requirements; and

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

**7.** (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by

(a) The Council's Chief Finance Officer; or

(b) The Council's Monitoring Officer,

where that officer is acting pursuant to his or her personal statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## Part 2 DISCLOSABLE PECUNIARY INTERESTS

### 8. Registering and declaring Disclosable Pecuniary Interests

8.1 You must, within 28 days of your election or appointment to office as a Member notify the Monitoring Officer of any Disclosable Pecuniary Interests you have (see paragraph 9 below).

8.2 You must, notify the Monitoring Officer within 28 days of becoming aware of any changes to a Disclosable Pecuniary Interest previously notified or of any new Disclosable Pecuniary Interest not previously notified.

8.3 If a Disclosable Pecuniary Interest, has not been entered onto the Council's register of interests, then the Member must disclose the interest to any meeting of the Council at which they are present, where they have a Disclosable Pecuniary Interest and where the matter is not a "Sensitive Interest"(see paragraph 10 below).

8.4 Following disclosure of a Disclosable Pecuniary Interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

8.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest.

8.6 Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.

**9.** A Disclosable Pecuniary Interest is an interest which you or your Associated Person has within the following descriptions:

| ***Subject*** | ***Prescribed description*** |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from this council) made or provided for up to 1 year after you have given a notification of a Disclosable Personal Interest to the Monitoring Officer in respect of any expenses incurred by a Member in carrying out duties as a Member, or towards the election expenses of a Member. |

| | |
|---|---|
| | This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract which is made between a Member or his/her Associated Person (or a body in which a Member or his/her Associated Person is a partner, a director ( a director includes a member of the committee of management of an industrial and provident society) or has an interest in securities) and the Council—<br><br>(a) under which goods or services are to be provided or works are to be executed; and<br><br>(b) which has not been fully discharged. |
| Land | Any beneficial interest in land which is within the borough of Bolton. The definition of land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the member or his/her Associated Person (alone or jointly with another) to occupy the land or to receive income; |
| Licences | Any licence (alone or jointly with others) to occupy land in the borough of Bolton for a month or longer. |
| Corporate tenancies | Any tenancy where (to a member's knowledge)—<br><br>(a) the landlord is this council; and<br><br>(b) the tenant is a body in which the member or his/her associated person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where—<br><br>(a) that body (to the member's knowledge) has a place of business or land in the borough of Bolton; and<br><br>(b) either—<br><br>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br><br>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member or his/her Associated Person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

"Associated Person" means:

- a member's spouse or civil partner
- a person a member is living with as husband and wife, and,
- a person a member is living with as if they were civil partners.

"Securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**10. Sensitive Interests**

Where you consider that disclosure of the details of a Disclosable Pecuniary Interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a Disclosable Pecuniary Interest, the details of which are withheld under section 32(2) of the Localism Act 2011

**11. Effect of Disclosable Pecuniary Interests on Participation**

11.1 If you are present at a meeting of the authority and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting:

(a) You may not participate in any discussion of the matter at the meeting.

(b) You may not participate in any vote taken on the matter at the meeting.

(c) If the interest is not registered, you must disclose the interest to the meeting.

(d) If the interest is not registered and is not the subject matter of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: If paragraph 11.1 applies you are required to leave the room where the meeting is held while any discussion or voting takes place.

11.2 Where an Executive Cabinet Member discharging a function alone becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by him/her, then s/he must notify the Monitoring Officer of that interest and must not take any steps or further steps in the matter.

**12. Dispensations**

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter on which you have a Disclosable Pecuniary Interest.

**13. Offences**

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election;
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register;
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting;
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest;
- As an Executive Cabinet Member discharging a function, acting alone, and having a Disclosable Pecuniary Interest in such a matter, having failed to notify the Monitoring Officer within 28 days of the interest, or,

- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

**Part 3 OTHER INTERESTS**

**14. Notification of Other Interests**

14.1 In addition to Disclosable Pecuniary Interests you must, within 28 days of your election or appointment to office as a Member notify the Monitoring Officer in writing of details of your interests within the following categories, for inclusion in the register of interests:

(a) Details of any body of which you are a member or in a position of general control or management to which you are appointed or nominated by this council;

(b) Details of any body exercising functions of a public nature, anybody directed to charitable purposes or anybody one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(c) Details of any gift or hospitality with an estimated value of at least £50 that you have received in connection with your role as a Member and details of the donor

14.2 You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

14.3 Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.

14.4 Where a Disclosable Pecuniary Interest is notified to the Monitoring Officer under Part 2, paragraph 8 above it need not be separately notified or separately registered again as an interest under this Part 3 of the Code.

**15. Disclosure of Other Interests**

15.1 Subject to 15.2 to 15.5, where you have an interest described in paragraph 14 above or in 15.2 below in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of that interest, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

15.2 You have an interest in any business of the Council where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association.

15.3 Where you have an interest in any business of the Council of the type mentioned in paragraph 14.1(c) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

15.4 Where you have an interest by virtue of paragraph 14 but, by virtue of paragraph 17 below, (Sensitive Interests) relating to it is not registered in the register of members'

interests, you must indicate to the meeting that you have an interest, but need not disclose the sensitive information to the meeting.

15.5 Where you have an interest in any business of the Council by virtue of paragraph 14 or 15.2, and you have made an executive decision (as defined in section 22 Local Government Act 2000) in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

**16. Non participation in case of certain other interests**

16.1 Where you have an interest in any business of the Council by virtue of paragraph 14 or 15.2 and the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest and where that business:

(a) affects your financial position or the financial position of a Relevant Person through whom the interest arises; or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or a Relevant Person

you may not participate in any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.

"Relevant Person" means

(i) a member of your family;

(ii) any person with whom you have a close association;

(iii) an employer of any a person described in (i) and/or (ii) above;

(iv) a firm in which a person described in (i) and/or (ii) above is a partner;

(v) a company in which a person described in (i) and/or (ii) above is a director, and,

(vi) a body as described in paragraph 14.1(a) and (b) above.

Note: If paragraph 16.1 applies you are required to leave the room where the meeting is held while any discussion or voting takes place.

16.2 Where you have an interest in any business of the Council to which paragraph 16.1 applies, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

16.3 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest under paragraph 16.1 that relates to the functions of the Council in respect of:

(a) housing, where you are a tenant of this council provided that those functions do not relate particularly to your tenancy or lease;

(b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(c) an allowance, payment or indemnity given to members;

(d) any ceremonial honour given to members, and,

(e) setting council tax or a precept under the Local Government Finance Act 1992.

16.4 Where, as an Executive Cabinet Member, you may discharge a function alone, and you become aware of an interest under paragraph 16.1in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## 17 Sensitive Interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

## BOLTON BOROUGH COUNCIL

### Arrangements for dealing with complaints about the Code of Conduct for Members

### 1. Introduction

1.1 This procedure applies when a complaint is received that a Member, Co-opted Member or Town Council Member has or may have failed to comply with the Code of Conduct for Members.

1.2 The person making the complaint will be referred to as "the complainant" and the person against whom the complaint is made will be referred to as the "Subject Member".

1.3 No member or officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

### 2. Making a complaint

2.1 A complaint must be made in writing either by post or e-mail to; The Monitoring Officer, Chief Executive's Department, 2nd Floor, Town Hall, Bolton BL1 1RU or monitoringofficer@bolton.gov.uk.

2.2 The Monitoring Officer will acknowledge receipt of the complaint within ten working days of receiving it and, at the same time, write to the Subject Member (and in the case of a complaint about a Town Councillor to the Clerk of the Town Council also) with details of the allegations (subject to any representations from the complainant on confidentiality, which are accepted as valid by the Monitoring Officer). The degree of detail will be at the discretion of the Monitoring Officer. The Subject Member may, within five working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint should be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued the initial assessment of the complaint.

### 3. Initial Assessment of Complaint

3.1 The Monitoring Officer will review the complaint and, following consultation with the Independent Person take a decision (initial assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

The complaint will be rejected if:

- The complaint is not against one or more named Members or co-opted Members of the Council or a Town Council within its district;
- The Subject Member was not in office at the time of the alleged conduct and a Code of Conduct was in force at the time.
- The complaint, if proven, would not be a breach of the Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct.
- The complaint relates to a matter which took place more than six months ago, except in exceptional circumstances

3.2 If the complaint has not been rejected on the grounds in 3.1 above the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:

- Whether a substantially similar allegation has previously been made by the complainant to the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and
    i. The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations and
    ii. Whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat;
- Whether the complaint suggests that there is a wider problem throughout the Authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response.

3.3 The Monitoring Officer will consult with the Independent Person and then give their decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to the Standards Committee.

**4. Additional Information**

4.1 The Monitoring Officer may require additional information to come to a decision and may request information from the Subject Member. Where the complaint relates to a Town Councillor, the Monitoring Officer may also inform the Clerk of the Town Council of the complaint and seek the views of the Clerk of the Town Council before deciding whether the complaint merits formal investigation or other action. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation.

4.2 Such informal resolution may involve the Subject Member accepting that their conduct was unacceptable and offering an apology or taking other steps. Where the Subject Member or the Council (in appropriate cases) makes a reasonable offer of local resolution, but it is rejected by the complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.3 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority, in additional to any action taken pursuant to the Code.

**5. Confidentiality**

5.1 If a complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the initial assessment stage.

5.2 As a matter of fairness and natural justice the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the complainant's identity if on request from the complainant, or otherwise, they are satisfied that the complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.

5.3 If the Monitoring Officer decides to refuse a request by a complainant for confidentiality, they will offer the complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the complainant's wish to have his or her identity withheld from the Subject Member.

**6. Investigation**

6.1 The Monitoring Officer will appoint an investigating officer where a complaint merits formal investigation. The Investigating Officer may be a Council officer, an officer from another Council, or an external investigator.

6.2 The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost-effective use of Council resources and shall be interpreted in line with these principles.

6.3 The Investigating Officer will ensure that the Subject Member receives a copy of the complaint – subject to the Monitoring Officer decision on confidentiality.

6.4 At the end of their investigation, the Investigating Officer will produce a report and will send a copy to the Monitoring Officer. The Investigating Officer may before that produce a draft report and send copies to the Complaint and Subject Member for comment on matters of fact. The Investigating Officer will take such comments into account before issuing their final report to the Monitoring Officer.

**7. Investigating Officer finding of no failure to comply with the Code of Conduct**

7.1 Where the Investigating Officer's report finds that the Subject Member has not failed to comply with the Code Of Conduct, the Monitoring Office, in consultation with the Independent Person, will review the Investigating Officer's report and if satisfied, will confirm the finding of no failure to comply with the Code of Conduct.

7.2 The Monitoring Officer will write to the complainant and the Subject Member (and to the Clerk of the Town Council, where the complaint relates to a Town Councillor), with a copy of the decision and the Investigating Officer's report.

7.3 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.

**8. Investigation Officer finding of sufficient evidence of failure to comply with the Code of Conduct**

8.1 Where the Investigating Officer's report find that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer will review the Investigating Officer's report and will then having consulted with the Independent Person either send the matter for local hearing before the hearings panel or seek local resolution.

## 9. Local Resolution

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the independent person and the Complainant and seek to agree a fair resolution. Such resolution may include the Subject Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the Subject Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Clerk to the Town Council (if appropriate) for information but will take no further action. If the Subject Member refuses local resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a local hearing without further reference to the complainant or the Subject Member.

## 10. Local Hearing

Where, in the opinion of the Monitoring Officer, local resolution is not appropriate or the Complainant and/or Subject Member refuses to co-operate, then the Monitoring Officer will report the Investigating Officer's findings to the Hearing Panel which will conduct a local hearing before deciding whether the Subject Member has failed to comply with a Code of Conduct and, if so, what action (if any) to take in respect of the Subject Member.

## 11. Constitution of the Hearing's Panel

The Hearings Panel is the Council's Standards Committee. Where the complaint is about a Town Council Member, the Hearings Panel will include at least one of the Town Council Members co-opted to the Standards Committee.

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

## 12. The Independent Person

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

A person is not eligible for appointment if they:

- are, or have been within the past five years a Member, co-opted Member or officer of the Council;
- are, or have been within the past five years a Member, co-opted Member or officer of a Town Council within the Borough; or
- are a relative or close friend of a person within bullet points 1 or 2 above.

For this purpose, "relative" means that:

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

- Living with a person within the above bullet points or as husband and wife or as if they were civil partners.

**13. Action**

Where a Hearings Panel finds that a Subject Member has failed to comply with the Code of Conduct, the Council has delegated to the Hearings Panel such of its powers to take action in respect of Subject Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the hearings panel may –

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

**14. Withdrawal of a Complaint**

In the event that a Complainant withdraws a complaint at any time prior to a decision having been made by a Hearing Panel, the Monitoring Officer may, following consultation with the Independent Person, decide that no further steps be taken in respect of the complaint but shall, in taking such a decision take into account any issues which may arise under paragraph 3.2.(b) of the Code of Conduct.

**15. Revision of these Arrangements**

The Council may by resolution or delegation to the Monitoring Officer agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective threat and fair consideration of any matters.

**16. Appeals**

Subject to judicial review or a decision of a local ombudsman, there is no right of appeal against the decision of a Monitoring Officer or of the Hearing Panel.

## B. Code Of Conduct For Local Government Employees

1. EMPLOYEES' CODE OF CONDUCT

**Introduction**

The public is entitled to expect the highest standards of conduct from all employees who work for the Council. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist the Council and its employees in their day to day work.

**Status of the Code**

The aim of the code is to lay down guidelines for employees which will help maintain conduct of the highest standard such that public confidence in their integrity is maintained.

**The Code applies to all Council employees.**

Inevitably some of the issues covered by the code will affect senior, managerial and professional employees more than it will others.

**1. Standards**

1.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their role, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure. The Council, acting in accordance with the provisions of the Public Interest (Disclosure) Act 1998 has approved its own "Whistleblowing" Policy - please see this link https://boltoncouncilcloud.sharepoint.com/sites/intranet/Shared Documents/Forms/AllItems.aspx?id=%2Fsites%2Fintranet%2FShared Documents%2FWhistleblowing Policy%2Epdf&parent=%2Fsites%2Fintranet%2FShared Documents.

**2. Disclosure of information**

2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to elected members, auditors, government departments, service users and the public. The authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.

2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

2.3 Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of the councillor, except where such disclosure is required or sanctioned by the law.

2.4 Information concerning any employee's private affairs shall not be supplied to any person outside the employment of the Council unless the consent of the employee concerned is obtained first.

2.5 Information concerning any service user's private affairs shall not be supplied to any person outside the employment of the Council unless the consent of the service user concerned is obtained first or there is a legal gateway to share without consent. Please check with the Information Governance Team if in doubt.

2.6 No employee shall communicate to the public/media the proceedings of any Council or Executive Cabinet Member or Cabinet meeting nor the content of any private document relating to the Council unless required by law or expressly authorised to do so.

## 3. Political neutrality

3.1 Employees serve the Council as a whole and not just the political group in power. It follows they must serve all councillors and not just those of the controlling group and must ensure that the individual rights of all councillors are respected. The only exception to this are political assistants appointed in accordance with section 9 of the Local Government and Housing Act 1989.

3.2 The individual rights of all Councillors must be respected. On occasions senior officers may be requested to advise or brief political groups. They must make their Chief Officer aware, through their Head of Service, and seek advice to ensure that they do this in ways which do not compromise their political neutrality.

3.3 Employees must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to

3.5 Under the provisions of the Local Government and Housing Act 1989 certain post holders are prevented from engaging in public political activity.

3.5.1 The Act specifies three categories of posts to which the political restrictions apply:-

(i) Specified posts:-

- the person designated under section 4 of the Local Government and Housing Act 1989 currently the Chief Executive
- Statutory Chief Officers
- Non-Statutory Chief Officers
- Deputy Chief Officers
- the monitoring officer designated under section 5 of the Local Government and Housing Act 1989, currently the Borough Solicitor
- Political Assistants
- Officers designated under S100G (2) of the Local Government Act 1972 – those officers with delegated authority to make decisions as set out in the Scheme of Delegation.

(ii) Posts where the remuneration is or exceeds SCP 44 or equivalent

(iii) Posts where the duties include:-

- advising the Council, the Executive Cabinet Member, Cabinet or Regulatory Committees or Sub-Committees on a regular basis;
- speaking on behalf of the Council to journalists or broadcasters.

3.5.2 Employees whose posts are listed under paragraph (ii) or (iii) above have the right to apply to be exempted from the political restrictions. An application for exemption may be made to the Monitoring Officer.

3.5.3 The restrictions to be applied to holders of politically restricted posts are as follows:-

(i) The post holder is disqualified from membership of the House of Commons, European Parliament and Local Authorities (excluding Parish and Community Councils).

(ii) The post holder may not announce that they are or intend to be a candidate for election to the House of Commons.

(iii) The post holder shall not act as an election agent or sub-agent for a candidate for election.

(iv) The post holder shall not be an officer of a political party or member of any Committee, if such membership requires participation in the general management of the party or acting on behalf of the party in dealings with persons other than members of the party.
(v) The post holder shall not canvass on behalf of a political party or candidate for election.
(vi) The post holder shall not speak in public with the intention of affecting public support for a political party.
(vii) The post holder shall not publish any written or artistic work intended to affect public support for a political party (excluding the display of a poster in their dwelling or on their vehicle).

3.5.4 Where an employee holds a politically restricted post, certain restrictions on political activity are incorporated by statute into their contract of employment and must be complied with. Irrespective of whether they hold a politically restricted post, all employees must follow every lawfully expressed policy of the Council.

**4. Relationships**
**4.1 Councillors**

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

**4.2 The local community and service users**

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

**4.3 Contractors**

4.3.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to any businesses including those run by, for example, friends, partners or relatives.

4.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors should declare that relationship to their Head of Service/Director. Employees should note that to fail to declare such a relationship is contrary to section 117 of the Local Government Act 1972 and, on conviction, subject to a fine at level 4.

4.3.3 If an employee becomes aware that a contract in which they has a pecuniary interest, whether direct or indirect has been, or is proposed to be entered into by the Council they must notify the Monitoring Officer in writing of their interest as soon as possible. Employees should note that to fail to declare such a relationship is contrary to section 117 of the Local Government Act 1972 and, on conviction, subject to a fine at level 4.

**5. Appointment and other employment matters**

Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work

with them.

**6. Outside Commitment/Off duty Conduct**

6.1 All Employees

6.1.1 All employees must obtain written consent from their Head of Service to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests.

6.1.2 An officer's "off duty" hours are their personal concern. Employees should not place themselves in a position where their public duties and private interests conflict or where their private interests take precedence.

6.2 Additional requirements for those employees working with children and young people and vulnerable adults.

6.2.1 All adults working with children and young people and with vulnerable adults have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people and vulnerable adults. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

6.2.2 There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with certain people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

6.2.3 Adults in contact with children and young people and vulnerable adults should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

6.2.4 The behaviour of an adult's partner or other family members may raise similar concerns and require careful consideration by an employer as to whether there may be a potential risk to children and young people and vulnerable adults in the workplace.

**7. Personal interests**

7.1 Employees must notify their Director/Head of Service of interests that they consider could bring about conflict with the Council's interests.

7.2 Employees must notify their Director/Head of Service of any financial interests which could conflict with the Council's interests.

7.3 Employees must notify their Director/Head of Service or the Monitoring Officer (as appropriate) of their membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct e.g. Masonic lodges.

**8. Equality issues**

All employees should ensure that policies relating to equality of opportunity as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated fairly.

**9. Separation of Roles During Tendering**

9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority and should not normally take part in a procurement exercise if it becomes apparent that they are related to a contractor who participates in the process. Senior employees who have both a client and

contractor responsibility must be aware of the need for accountability and openness.

9.2 Employees in “contractor” or “client” roles must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

9.4 Employees should ensure that no favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

**10. Gifts and Hospitality**
The area of gifts and hospitality can be a particularly difficult area and specific guidance on this issue is attached as an Appendix to this Code.

**11. Corruption**
Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

**12. Use of Financial Resources**
Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

**13. Sponsorship – Giving and Receiving**
13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without their being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

**APPENDIX TO LOCAL GOVERNMENT OFFICER CODE OF CONDUCT**
**GUIDANCE FOR OFFICERS ON GIFTS AND HOSPITALITY**
**1. Introduction**

1.1 These Guidelines supplement the law, the Council's Code of Conduct for Local Government Officers and the guidance set out by the National Joint Council for Local Government Services.

1.2 Officers should be aware of, and observe, the provisions of the National Agreement on Pay and Conditions of Service, which state:

"Employees will maintain conduct of the highest standard, such that public confidence in their integrity is sustained. Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers."

1.3 The area of gifts and/or hospitality is one where adverse perceptions can easily arise, even when unjustified. So as to maintain public confidence, and for the protection of officers themselves, it is particularly important that the following guidelines are observed.

1.4 The reputation of local government depends greatly not only on the conduct of its officers, but also on what the public believes about their conduct. Officers are expected to use common sense in assessing any situation where improper influence could be construed. Accordingly they should not do anything in their capacity as an officer which could give rise to accusations of improper influence, or which might not seem to the public to be justified.

1.5 These guidelines are intended to assist officers to reach the right decision in any particular case. If officers find themselves in any doubt about the right course of action to take, they can, and should, seek advice from more senior colleagues.

**2. Gifts**

2.1 In almost every case, the acceptance by an officer of a gift from a person who has, or may seek to have, dealings with their Council could be viewed by the public with understandable suspicion. It would leave both the officer and the Council extremely vulnerable to criticism. An officer should, therefore, actually decline any gift offered to them or to a member of their family, either directly by, or in a manner indirectly attributable to, the following categories of person:

2.1.1 Any person who has dealings with the Council;
2.1.2 Any person seeking to have dealings with the Council, or,
2.1.3 Any person who has applied, or may apply, to the Council for planning permission or any other kind of decision.

In cases where refusal might cause embarrassment, these guidelines can be cited as a reason.

2.2 There are a few limited exceptions to the above rule, as follows:

2.2.1 Small gifts of only token value, (i.e., no more than £5) often given to a wide range of people by way of trade advertisements, e.g. calendars, diaries, tape measures and similar small office items;
2.2.2 Small gifts of only token value, given on the conclusion of a courtesy visit e.g., to a factory or other premises.
2.2.3 Small gifts where the officer concerned (and perhaps their partner) is a personal friend of the donor and where refusal would be regarded as churlish. In such cases, however, whilst the gift may be accepted, a letter should be sent by the officer concerned, explaining the problems of accepting such gifts.

If there is any doubt about whether a gift should be accepted, it should be politely and tactfully refused.

2.3 Where gifts and/or hospitality have been offered, but declined by the intended recipient, for their own protection the intended recipient may wish to record the offer by informing the Head of Service/Director in writing.

2.4 All officers should be aware that Section 117 of the Local Government Act 1972 expressly forbids the acceptance by an officer/employee of any fee or reward other than their proper remuneration. Any person contravening this provision would be liable, if convicted, to a fine not exceeding level 4.

2.5 In the event of an officer receiving, without warning, a gift which does not fall within the exceptions listed in paragraph 2.2 above, this should immediately be reported to the appropriate Head of Service/Director. That officer should then decide whether the gift should be returned, or whether it could be forwarded to some charitable or other deserving cause. In the latter case, the Head of Service/Director should inform the donor what has happened and why, and request that such gifts not be sent in future.

**3. Giving and receiving hospitality**

3.1 A number of general principles should be borne in mind when the question of offering hospitality arises.

- 3.1.1 The hospitality must be justifiable as being in the public interest.
- 3.1.2 The hospitality should be on a scale appropriate to the occasion
- 3.1.3 Parsimoniousness and extravagance should both be avoided.

3.2 In the case of offers of hospitality, there should generally be no cause for concern if the offer is made by another non-commercial public body and, in some cases with key partners with whom the Council are engaged in an established relationship (and subject to 3.3 below). In all other cases, offers of hospitality must be treated with caution.

3.3 Officers must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from, the Council, and most especially where the offer is made to an individual officer.

3.4 Hospitality should only be accepted where a number of criteria are satisfied: it is on a scale appropriate to the circumstances; it is reasonably incidental to the occasion and not extravagant; and it is apparent that no cause could reasonably arise for adverse criticism about acceptance. As indicated above, adverse public perception is as important as the facts of the case in deciding whether or not it is appropriate to accept hospitality.

3.5 Whenever hospitality is provided to an officer, the circumstances and the type of hospitality should be notified to the Head of Service/Director.

3.6 A number of examples of acceptable and unacceptable hospitality respectively are given below.

**Acceptable**

(a) An offer of modest light refreshments following a site inspection.

(b) Invitations to attend functions where the officer represents the Council (e.g. events where the officer is officially representing the Council, dinners involving invitations to speak, opening ceremonies, trade shows, etc.) or where they attend by virtue of their professional position.

(c) Hospitality offered by other non-commercial public bodies or partner organisations (subject to the conditions outlined in paragraph 3.3 above).

(d) A working lunch of modest standard provided to enable the parties to continue to discuss business.

**Unacceptable**
(a) Entertainments unconnected with Council business or holidays

(b) Personal invitations to have evenings out with representatives from a company or firm which has dealings with the Council.

(c) Offers of hotel accommodation or use of a company flat.

## C. Protocol For Member/Officer Working Arrangements

### 1. Introduction

1.1 In accordance with the Local Government Act 2000, Bolton Borough Council ("the Council") has adopted a Code of Conduct for Members, and every Member and Co-opted Member (with voting rights) of the Council has undertaken to observe the Code of Conduct. The Council has also adopted a Code of Conduct for Employees. This protocol should be read and applied in conjunction, and in accordance, with those Codes of Conduct.

1.2 In drawing up and adopting this protocol, the Council has taken into account the recommendations of the Committee on Standards in Public Life, in their report on standards of conduct in local government (published July 1997) with respect to codes of conduct and working arrangements between local authority members and officers.

1.3 The principles and procedures set out in this protocol are already, to a large extent, established and form the basis of the Council's working arrangements. The purpose of this protocol is to provide guidance on member/officer working arrangements, particularly in any case of doubt or difficulty.

1.4 In particular, this protocol aims to support the enhancement of local democracy by: -

- facilitating the participation of members and officers in the Council's policy development and decision making processes;
- assisting members, and those officers who support them, in their role as representatives of the community, within the Council and externally; and
- clarifying arrangements for the provision of information and support for members and their party groups.

1.5 This protocol is also intended to assist members and officers in maintaining the highest standards of integrity and propriety, and ensuring that all that they do is seen by others to be done properly, fairly and, where possible, openly.

1.6 In accordance with the general obligations set out in the Council's Codes of Conduct, both members and officers of the Council should treat all others with respect. The Council considers it important that in all dealings members and officers should observe reasonable and proper standards of mutual courtesy and respect, and that neither should seek to take unfair advantage of their position in any circumstances.

### 2. Member/Officer Communication

2.1 Members should communicate with officers at the appropriate level. Routine service-related enquiries should be initiated through normal departmental enquiry/contact points. Other matters will normally involve the appropriate Director, Chief Officer or other senior manager.

2.2 In communicating with members, officers should have regard to the Council's Code of Conduct for Employees, the requirements of this protocol, and any instructions issued by their departmental management.

## 3. Officer Advice To Party Groups

3.1 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the Council or the relevant committee or sub-committee. Officers may properly be called upon to support and contribute to such deliberations by party groups.

3.2 The support provided by officers can take many forms, ranging from a briefing meeting with a chair or spokesperson prior to a committee meeting, to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

3.3 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular:

(a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of **Council** business. Officers must not be involved in advising on matters of **party** business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of **party** business are to be discussed.

(b) Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do **not** therefore rank as Council decisions and it is essential that they are not communicated (inside or outside the organisation), interpreted or acted upon as though they have that official status.

(c) Similarly, where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered.

3.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Council's Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a meeting of members only.

3.5 Officers must respect the confidentiality of any party group discussions at which they are present and should not, in particular, relay the content of any such discussion to another party group.

3.6 Any request for an officer to attend a meeting arranged by a party or party group, for the purpose of presenting information to the meeting (in relation to an issue or proposal affecting or involving the Council) must be made to the relevant Director, who will consult the Chief Executive, or to the Chief Executive. Where it is agreed that an officer will attend for this purpose, the same facility will be offered or made available to the other party groups. Any officer who so attends will do in his/her

official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response.

3.7 Attendance at any public meeting will generally be avoided during the period between the announcement and conclusion of any local or parliamentary election affecting the area involved, and will only occur during such a period if representatives of all parties supporting candidates in the election have been invited to attend to take part in the meeting.

3.8 At any public meeting organised by any party group, or by any individual member (rather than by the Council), officers will attend only to provide information which is publicly available. **No such officer attendance will take place during the 'pre-election' period referred to in paragraph 3.7.**

3.9 Any particular difficulty or uncertainty concerning officer advice to party groups should be raised with the Chief Executive (or with the Borough Solicitor) who will, where appropriate, discuss with the relevant group leader(s).

## 4. Support Services And Facilities For Members And Party Groups

4.1 Secretarial and other support services and facilities (e.g. computer equipment, stationery, photocopying, meeting rooms, transport, etc.) are provided for members to assist them in discharging their role as members of the Council. Such support services and facilities must therefore only be used in accordance with specific guidance issued by the Council. They should never be used in connection with party political or campaigning activity or for private business purposes.

4.2 Members and officers should use the Council's e-mail, internet, intranet, or any other information or communication system or equipment in accordance with any code, policy or guidance approved by the Council.

4.3 Support services for members will normally be provided (or arranged/ co-ordinated) by Democratic Services.

## 5. Members' Access To Information And To Council Documents

5.1 Members are free to request from the Council such information as they may reasonably need in order to assist them in discharging their role as members of the Council, having regard to any special responsibility e.g. as an Executive Cabinet Member/Cabinet Member or Committee Chair. Such requests should normally be directed to the Director or another appropriate senior officer of the department concerned.

5.2 The legal rights of members to inspect Council documents (including information held by electronic and other means) arise partly from statute and partly from the common law (judicial decisions).

5.3 Members (except co-opted members) have a statutory right to inspect any Council document **which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting.** This right applies irrespective of whether the member is a member of the Cabinet, or of the Committee or Sub-Committee concerned, and extends not only to reports that are to be submitted to the meeting, but also to any relevant background papers. This right does **not** however apply to documents which are exempt from publication, unless the member is a member of the relevant committee.

Certain documents are (by statute) exempt from publication because, for example, they relate or refer to employees, occupiers of Council property, applicants for grants or other services, the care of children, the proposed terms of a contract or contractual negotiations or other commercially-sensitive information, industrial relations negotiations, legal advice or legal proceedings.

5.4 The common law right of members is much broader and based on the principle that any member has a prima facie right to inspect Council documents, so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This principle is commonly referred to as the "need to know" principle.

5.5 Whether a member is, in any particular case, entitled to exercise this common law right depends therefore upon the member's ability to demonstrate that he/she has the necessary "need to know". In this respect, a member has no right to a "roving commission" to examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know" for a purpose necessary to enable the member to carry out his or her public duties. In any case of doubt or difficulty the member should refer to the Chief Executive or Borough Solicitor.

5.6 In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee or one of its sub-committees), a member's "need to know" will normally be presumed. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.

5.7 The term "Council document" is very broad and includes, for example, any document produced by whatever means with Council resources. It is accepted by convention that a member of one party group will not have a "need to know", and therefore no right to inspect, a document which forms part of the internal working of another party group.

5.8 Further and more detailed advice regarding members' rights to inspect Council documents may be obtained from the Borough Solicitor.

5.9 Finally, any Council information provided to a member must only be used by the member for the purpose for which it was provided; that is, only to enable the proper performance of the functions of the Council. This point is emphasised in the Code of Conduct for Members in the following terms:

"A member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of the person authorised to give it, or unless he/she is required by law to do so."

The Code further provides that a member must not prevent another person from gaining access to information to which that person is entitled by law.

5.9 Whilst co-opted members do not generally have the same statutory and common law rights of access to documents and other information held by the Council as elected members, the Council will normally provide co-opted members with such information as is necessary for the purposes for which they have been appointed.

## 6. Officer/Executive Cabinet Member/Chair Relationships

6.1 It is clearly important that there should be a close working relationship between an Executive Cabinet Member/ Cabinet Member or the Chair of a committee and the Director and other senior officers of any department which reports to that Executive Cabinet Member/Cabinet Member or committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other party groups, or with any other individual or organisation.

6.2 The Executive Cabinet Member or Chair will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting. It must, however, be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on an agenda, and that the Executive Cabinet Member/Chair is not entitled to require the removal of such an item from the agenda. Directors will always be fully responsible for the contents of any report submitted in their name. Any issue concerning the inclusion of any item on an agenda, or the submission of any particular report that cannot be agreed between an Executive Cabinet Member/Chair and a Director should be referred to the Chief Executive. There may also be circumstances in which the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, will be under a duty to submit a report.

6.3 In relation to action under any delegated power, it should be noted that any decision in the discharge of any of the Council's functions can only be taken in accordance with the Council's Constitution by the full Council, the Cabinet, an Executive Cabinet Member, a committee or sub-committee, or by a designated officer under delegated powers. The power to make a decision cannot be delegated to an individual member, apart from a member of the Cabinet in accordance with the Constitution. Normally, whenever the authority to make a decision is delegated to an officer, it is on the basis that the officer will exercise that authority in consultation with the Executive Cabinet Member/Cabinet Member and/or other nominated members.

6.4 It must be remembered that officers within a department are accountable to their Director, and that whilst officers should always seek to assist an Executive Cabinet Member/Chair (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director. It should also be noted that the Chief Executive has statutory responsibility, as Head of Paid Service, for ensuring the proper organisation and management of the Council's staff, and has therefore an overall responsibility for the direction and management of all officers.

## 7. Correspondence

7.1 Correspondence (recorded in letter, e-mail or any other form) between an individual member and an officer should not normally be copied (by the officer) to any other member, except at the discretion of the Chief Executive or Director where necessary for the proper conduct of business. Where, exceptionally, it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, 'blind' copies of such correspondence should not be circulated.

7.2 Official letters and other forms of correspondence on behalf of the Council should normally be sent out in the name of the appropriate officer rather than in the name of a member. It may be appropriate in certain exceptional circumstances (e.g. representations to a government minister or correspondence with the Leader of another local authority) for a letter to be issued in the name of the Leader of the

Council. Letters which, for example, create obligations, confirm or deny the acceptance of any liability, or give instructions on behalf of the Council should always be sent out by the Chief Executive or the appropriate Director or other senior officer.

## 8. Publicity And The Media

8.1 Contact with the media on issues related to the Council, or to Council business, is handled through or with advice/support from the Marketing and Communications Agency (Chief Executive's Department).

8.2 Any member who communicates with the media on any item involving or affecting the Council, without first approaching or consulting the Council (through the relevant Executive Cabinet Member/Chair, department or Corporate Communications), will be responsible for such action. **Any member who does so should make it clear that he/she is speaking on his/her own behalf and not representing or speaking for the Council.**

8.3 The Code of Conduct for Employees requires officers to obtain the approval of their department (and to seek guidance/advice, where appropriate, from Corporate Communications) before issuing any information to the media.

8.4 Members and officers should be mindful of the prohibition on the publication by the Council of any information intended to promote, or canvas support for, any political party or candidate for election. In any case of doubt, advice should first be obtained from the Borough Solicitor.

## 9. Personal Relationships

9.1 No member or officer should allow any personal connection or relationship with any other member or officer to affect the performance of his or her official responsibilities, or the taking of any action or decision by or on behalf of the Council. This includes, for example, any family relationship, membership of the same household, or any business connection. Members and officers should always consider how such a relationship or connection would be likely to be regarded by anyone outside the Council, or by any other member or officer, and avoid creating any impression of bias or unfairness.

9.2 An officer who is personally connected or related to any member should notify his or her Director in writing.

9.3 Members should take into account any personal relationship or connection with any other member or officer, in considering the need in accordance with the Code of Conduct for Members to register or disclose any personal interest whenever appropriate.

## 10. Involvement Of Area Committees /Ward Councillors

10.1 Whenever a public meeting is organised by the Council to consider a local issue affecting a particular area all the members of the relevant Area Committee or Forum or (if only affecting a particular ward or wards) those members representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Area Committee/Forum or ward members should be notified at the outset of the exercise.

## 11. Further Guidance

11.1 Any member who needs further guidance on any of the matters referred to in this protocol, or on any similar or related issue, is advised to contact the Chief Executive or Borough Solicitor. Any officer needing such guidance should refer initially to his or her manager, who will consult senior management and obtain advice as necessary

Adopted by resolution of the Council

## D. The Bolton Guide To Good Practice For Members And Officers Involved In The Planning Process

### 1. Introduction and Background

1.1 A key purpose of the planning system is to manage development in the public interest. It is important that the Council should make planning decisions openly, impartially, with sound judgement and for justifiable reasons. The aim of this Code of Good Practice is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. This Code sets out the standards of conduct required of all Members and officers of the Council in dealing with planning matters, including applications, policy development and enforcement. The Code should be complied with equally in formal decision making, in Council meetings and in less formal circumstances, such as Member/officer meetings, meetings with the public and consultative meetings.

1.2 If you have any doubt or concern regarding the appropriate application of the Code in a particular situation, you should refer to the Monitoring Officer as soon as possible.

### 2. Status

2.1 Members and Officers should have full regard to this Code in carrying out their responsibilities and duties in relation to planning matters on behalf of the Council. Although it is a guide to good practice and not a definitive set of rules, it provides a general standard against which the conduct of Members and Officers can be judged by the public, fellow Members and Officers and, if necessary, the Local Government Ombudsman.

### 3. Relationship to the Members Code of Conduct and Localism Act 2011

3.1 If you are a Member of the Council, the rules in the Members Code of Conduct must be applied first.

3.2 The rules in this Code supplement the Members Code of Conduct for the purposes of planning matters. Where Members or officers fail to abide by the requirements of the Codes the Council will be at risk of legal challenge which could lead to its decision being quashed or complaint may be made to the Ombudsman. If the failure to comply is also a breach of the Members Code of Conduct by an individual Member, complaints of maladministration may be upheld.

### 4. General Conduct and Role of Members and Officers

4.1 Elected Members and Officers have different but complementary roles. Both serve the public but Members are responsible to the electorate of Bolton whilst Officers are responsible to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not by individual Members. Instructions may only be given to Officers through a decision of the Council or its Executive/Executive Cabinet Member or a Committee. Any other system which develops is open to question.

4.2 Both Members and officers are guided by codes of conduct. The code of conduct for members provides guidance for Members. Planning Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's Code of Professional Conduct; breaches of which may be subject to disciplinary action by the Institute. A Protocol for Member/Officer Working Arrangements in Bolton was also approved in February 2002. In addition to these codes, the Council's standing orders set down rules which govern the conduct of council business.

4.2 Elected Members have determined the Council's planning policies by adopting the Development Plan. When Members of the Planning Committee come to make a decision on a planning application, they will be guided by the following principles:

- To act fairly and openly;
- To approach each application with an open mind;
- To weigh up carefully all the relevant issues;
- To determine each application on its merits and with reference to the Development Plan and any other material considerations;
- To avoid undue contact with interested parties that could give rise to accusations of unfair bias;
- To ensure that the reasons for their decisions are clearly stated;

The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. Members who do not feel they can act in this way should consider whether they are best suited to serve on Planning Committee.

Members should also be very cautious about accepting gifts and hospitality. The code requires any members receiving, in their capacity as members, any gift or hospitality over the value of £25, to provide written notification of the details to the Monitoring Officer within 28 days of its receipt. Such details will go in a register of gifts and hospitality, which will be open to inspection by the public.

Similarly, officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. Wherever possible, offers should be declined politely. If the receipt of hospitality is unavoidable, officers should ensure that it is of the minimal level and declare its receipt as soon as possible.

## 5. Member Declaration and Registration of Interests

5.1 The Localism Act 2011 and the Code of Conduct place requirements on Members on the registration and declaration of their interests, as well as the consequences for the Member's participation in consideration of an issue, in the light of those interests. The requirements must be followed scrupulously and Members should review their situation regularly. Ultimate responsibility for fulfilling the requirements rests individually with each Member.

5.2 A register of members' interests is maintained by the Monitoring Officer which is available for public inspection. Members must provide the Monitoring Officer with written details of any disclosable pecuniary interests within 28 days of their election, or appointment to office. Any changes to those interests must also be notified within 28 days of the member becoming aware of such changes.

5.3 Members are also required to disclose disclosable pecuniary interests in items considered at Planning Committee and are not allowed to take any further part in any discussion on the matter or to vote on the matter.

5.4 The Localism Act 2011 makes it a criminal offence if a Member fails without reasonable excuse to comply with requirements to register or declare disclosable pecuniary interests or take part in council business at meetings or when acting alone when prevented from doing so. The magistrates can impose a fine of up to level 5 (currently £5000) and can make an order disqualifying the person from being a Member of a relevant authority for up to five years.

5.5 Any other disclosable interests (outlined in the Code of Conduct) must also be disclosed and in certain circumstances Members may not participate in any discussion or vote on the matter at the meeting.

## 6. Development proposed by the Council

6.1 Parliament has decided that local planning authorities are, in the majority of circumstances, the appropriate body to determine planning applications affecting the area, including where the application is submitted by the Council itself. There are separate statutory requirements for the Council in determining applications to develop its own land, or to develop it jointly with another body.

6.2 Proposals for the Council's own development (or development involving the Council and another party) should be treated by Members and officers involved in reaching a determination of the application in the same way as those by private developers. The planning decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. All such applications will be determined by the Planning Committee and not by the Director of Development and Regeneration under delegated powers. It is important that the Council is seen to be treating such applications on an equal footing with all other applications, as well as actually doing so.

6.3 If the Planning Committee wish to refuse a Council development proposal, it will be deemed withdrawn.

## 7. Development proposed by Members and Officers

7.1 Members or Officers of the Development and Regeneration Department who submit their own planning applications, either by themselves directly or as agents for others, shall take no part in the decision-making process for that proposal. All such applications will be determined by the Planning Committee and not by the Director under delegated powers.

## 8. Pre-application discussions and presentations

8.1 Pre-application discussions between applicants, officers and, on occasions Members, can be of great benefit in addressing key issues at an early stage in the application process. It may be of particular relevance to involve Members when dealing with major or sensitive development schemes. The exchange of views and information can allow Members to understand the proposal and bring to the applicant's attention possible local concerns. Officers may gain some understanding of particular sensitivities and concerns expressed by Members on behalf of local residents and businesses. It is now recognised that this interaction can help achieve positive outcomes for all involved in the process.

8.2 It is preferable if this form of engagement takes place before the application has been submitted. Before the application is submitted, it may be appropriate for Members of the Planning Committee to be involved in the same way as ward Members. At any such meeting it must be made explicit that these discussions cannot bind in any way the decision of the council or control the voting intentions of the Member.

8.3 Planning officers should always be in attendance at pre-application discussions with applicants and agents involving Members. A comprehensive note of the meeting should be placed on file and sent to the Member concerned. If an application is made following such discussions, a copy of the note must be put on that application file. Members should not accept invitations to meetings from prospective developers or objectors unless it is clear to them that the meeting is either a public meeting or one to which residents or other persons with an interest in the potential development have also been invited.

8.4 Where planning officers are involved in pre application discussions, it should always be made clear at the outset of discussions that by law they cannot commit the Council to make a particular decision. Officers should also make it known that any views expressed are their provisional professional opinions, based on their knowledge of development plan policies and of locally relevant material considerations. A note that these statements were made should be kept on file.

8.5 Every effort will be made to ensure that the advice of planning officers is consistent and that there are no significant differences of interpretation of planning policies between planning officers. A note of the advice given should be kept on file.

8.6 Planning officers will ensure that their advice does not favour the interests of particular individuals or groups, to reduce any risk that their subsequent advice could be seen as advocacy for a particular point of view. Two or more officers will attend potentially contentious meetings and a follow-up letter should be sent, particularly when material has been left with the Council by the applicant or agent.

8.7 If a Member is approached by a potential applicant the first course of action should be a clear written note from the Member to the Chief Planning Officer recording what has been discussed and any specific comments or advice that has been given by the Member.

8.8 In certain circumstances the decision making function may be aided by the Planning Committee receiving a presentation from applicants or potential applicants. To ensure that such presentations are seen in a positive way:-

(i) Planning Committee will decide whether a presentation should be received, and the Chair of the Committee on the day shall chair the presentation;
(ii) Should significant and potentially contentious matters be involved, the presentation should normally be open to the public and consideration be given to publicity arrangements and whether third parties should be invited and given the right of address and right of reply. In exceptional circumstances the presentation may be made in private, and a written summary placed on the case file;
(iii) Council officers will start every presentation by outlining the basis of the presentation and that it is without prejudice to the eventual decision taken on any application submitted.

## 9. Informal Briefings

9.1 Officers will seek to brief Ward Members on significant or potential contentious planning applications in their areas at an early stage so that they are aware of what is being proposed and the main issues that may be associated with them.

## 10. Site Visits

10.1 The submitted planning application drawings, the Officers Report to Committee and Members' own local knowledge should, in most circumstances, be sufficient for a sound decision. There may be occasions, however, where a Committee site visit may be justified, for example where the site is not clearly visible from public highways, where a particular site needs viewing from a neighbour's property or where physical circumstances in the area have recently changed.

10.2 The purpose of the site visit is for Members to see the application site and surrounding area. Site visits should not be seen primarily as an opportunity to gather representations, listen to submissions, seek opinions from applicants, agents or neighbours, or allow Members the opportunity to share their views with residents.

10.3 During a site visit Members and Officers should avoid any appearance of impropriety and must not accept gifts or hospitality. Comments should be restricted to planning matters and questions should be put through the planning officers attending the site visit. Officers and Members must refrain from making comments that might be construed as supporting or opposing a particular view and from making any personal comments.

10.4 The purpose of a formal site visit is not to receive or allow representations to be made outside the formal Committee meeting. Where Members and officers attending site during a formal visit are approached by persons wishing to speak about the application, officers will explain that any representations must be made at the Committee meeting and will explain the process for doing so.

10.5 Members may find the following guidelines helpful:

- Planning Committee will decide whether a regular site visit is justified. Details of all attending site visits will be recorded by the Committee Administrator who will accompany the Members on visits;

- The Chair and Vice Chair of the Planning Committee and the Director of Development and Regeneration will decide whether an advance site visit prior to the Committee is justified (for example, where there is a critical time period for determining the application or where it is clear that the Committee would in any event have asked for a visit);

- In order that Members have the opportunity to be briefed on the proposal by the planning officer, it may be better if they attend together on the organised site visit;

- The Chair of the Committee should explain to the applicant and any interested parties that the decision will be taken in full Committee, and Members of the Committee and Officers should avoid expressing views about the application or the information provided on the visit;

- Members and Officers should seek to avoid being addressed by the applicant or interested parties in small separate groups during the visit;

- Members who have declared or intend to declare an interest in the proposal may find it more appropriate to remain on the coach when the site is visited.

## 11. Making decisions transparently and fairly

11.1 Members who have to make decisions on planning matters and applications will begin to form a view as more information becomes available. When approached by applicants, developers or objectors, Members must make it clear that the decision on any planning matter must be taken in accordance with the law, and can only be taken at the Planning Committee when all available information is to hand and has been considered.

11.2 Individual Members should reach their own conclusions on an application or other planning matter after considering all the information, advice and material available to them and relevant to the decision. Rather than follow any previously expressed opinion, the lead of another Member, or of any political group, each Member must weigh up the factors that are relevant, ignore matters that are not relevant, and make a reasonable decision that could be justified if challenged.

11.3 Officers who are wholly or partly involved in the processing or determination of planning matters should not attend public meetings in connection with pre-application development proposals or submitted planning applications unless their attendance has been agreed by their manager. To do so could lead to allegations of prejudice or bias to a particular point of

view. If it occurs accidentally that officers are put in such a position, officers should limit remarks and comments to provide information and give no view on the merits or otherwise of the proposal.

11.4 When attending public meetings, Members should take great care to maintain their impartial role as a Member, listen to all the points of view expressed by the speakers and public and not state a conclusive decision on any pre-application proposals and submitted planning applications.

11.5 If Members consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer, who will advise the Member.

## 12. Lobbying of and by Members

12.1 It is quite common for applicants or other interested parties (such as objectors) to wish to discuss a proposed development with Members before a planning application is determined, and this can help Members understanding of the issues and concerns associated with the application. As local Ward representatives, Members must listen and be responsive to the views of their constituents. As Members of the Planning Committee, however, they must be careful that they do not give the impression that they have firmly made up their minds on a development proposal prior to the full facts being presented to the Committee. It is recognised, however, that for a Planning Committee Member who is actively lobbied for or against a proposal in their own ward, this is a difficult and delicate balance to achieve.

12.2 In making decisions the Local Government Association guidance document "Probity in Planning" advises:
"Members, and Members of planning committees in particular, need to take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in a transparently open and fair manner, in which Members taking the decision will take account of all the evidence presented, before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality". (para 7.4)

12.3 Political reality suggests that it is often important to distinguish between the role of a Committee Member who is, and who is not, a ward Member for the area affected by a particular planning application. A Committee Member who does not represent the ward affected is in an easier position to adopt a (formally) impartial stance, however strong their feelings about the application may be, and to wait until the Committee meeting before declaring one way or another. A Committee Member who represents the ward affected by an application may be in a more difficult position if it is a controversial matter around which a deal of lobbying takes place.

12.4 It is the Members' own decision on how they should respond to lobbying, but the following points may be helpful:

(i) it is sensible and proper that Members of the Committee should reflect their local knowledge and experience in making decisions on planning applications;
(ii) the information supplied by lobbyists may represent an incomplete picture of the relevant considerations on an application, and more information (such as the views of the consultees, neighbours and the technical assessment of the case by the planning officer) will be available in the report to Committee, which is where the final decision will be made (subject to any rights of appeal);
(iii) the Council's decision-making processes may be compromised or brought into disrepute if there is an appearance that a final decision has been made before the relevant Committee meeting;

(iv) it may be appropriate for a Member to indicate provisional support to a particular body of opinion, whilst making it clear that the Member intended to wait until the Committee had heard all the evidence to be presented, both in support of and opposing the application, before making a final decision on the matter.

(v) if a Committee Member decides that he/she would prefer to commit themselves publicly for or against an application at an early stage, they will need to consider whether it would be inappropriate to vote on the application at the Committee. If they do, they may nevertheless wish to make representations on the application at the Committee meeting;

(vi) Committee Members may be particularly at risk of accusations of unfair bias if they actively organise support or opposition to a particular proposal;

(vii) any political group meetings prior to the Planning Committee should not be used to decide how Members of the Committee should vote;

(viii) if a Member of the Committee is invited to a meeting to discuss a particularly difficult or contentious proposal, or where the proposal is of a significant scale, the attendance of a professional officer at that meeting could help avoid any allegations of impropriety or improper partiality.

(ix) Committee Members who are also Members of a Town Council should seek to avoid giving the impression that their minds are already made up when the Town Council discusses an application prior to it being decided by the Planning Committee, although there would not necessarily be any conflict if the Town Council (or its planning committee) as a whole expresses its view.

12.5 Members are encouraged to direct lobbyists or objectors to planning officers, who will include reference to their opinions where relevant in the reports to Committee.

12.6 Members of the Council who are not on Planning Committee but who have a legitimate and proper representational interest in the matter may, if they wish, speak at meetings about planning applications within their own ward or where, in the opinion of the Chair, there is sufficient evidence to suggest that the proposal, in an adjacent ward, will affect the Member's ward.

12.7 Members should not bring undue pressure on the Director of Development and Regeneration or his/her staff to make a particular recommendation. They may, however, wish to alert Officers to the strength of local feelings about a proposal, and may also wish to give weight to different material planning considerations at the Committee meeting.

## 13. Predisposition, Predetermination and Bias

13.1 Members of the Planning Committee must avoid giving any appearance that an application or other matter referred to the Committee has already been determined before the Committee has the opportunity to consider the merits and demerits of a matter in accordance with the law, in public, and in accordance with the normal conduct of the Committee business. Every person making application to the Council or objecting to an application must be encouraged to believe that in considering the matter before it, the Committee will give consideration to all views that are expressed, that such views will be openly heard, and fairly considered in a balanced way before the Committee's decision is made.

13.2 It is particularly important that Members of the Planning Committee do not give the impression that they have already made up their mind about a matter that will come before the Committee, or that their minds are closed to any alternative, and that no additional or different information or advice will persuade them to change that fixed view. Such "pre-determination" has been held to amount to the "surrender by a decision-maker of its judgment by having a closed mind and failing to apply it to the task".

13.3 The Localism Act 2011 has clarified the position of Members of the Council who have expressed a preference for a particular outcome of an application as it proceeds to determination. Such a “pre-disposition” is acceptable and the Member concerned will not be taken to have had a closed mind when making the decision just because they have previously done or said anything to indicate the view that had or might be taken in respect of a matter.

13.4 Members and officers should also be concerned to avoid the appearance of bias, that is, appearing to give undue weight to particular matters on the basis of personal attributes, or social acquaintance, that may influence their conduct generally. Whilst it may remain possible for a Member to apply an open mind to the matter to be determined in such circumstances, Members must avoid giving the impression or appearance that particular personal interests or attributes would lead them to consider aspects of an application more carefully or with more regard than other aspects unaffected by their own character and experience.

## 14. Decisions of the Planning Committee

14.1 In coming to a decision on a planning or other application, the Committee will have before it a written report of the Director of Development and Regeneration which will seek to be as accurate and comprehensive as possible and appropriate. Matters that arise between the time of the completion of the report and the Committee meeting will be reported in a written form or orally at the meeting (but where Members wish to see the actual late responses, it would be necessary to defer the matter until the next meeting). The main points made in the representations from consultees and local residents will be included in the report, together with the policy context, relevant planning history, site description and an analysis of the issues. A recommendation will always be given at the end of the report. On occasion, arguments for and against a proposal may be particularly finely balanced, and this will be reflected in the conclusions immediately prior to the 'on balance' recommendation. The scope and content of the Director's report is set out in Appendix 1.

14.2 In the course of preparing the report, planning officers will seek, where appropriate, to suggest improvements to the proposal to help make it better accord with local and national policies. The Town Councils will be consulted, although it should be noted that the officer recommendation may change once the proposal reaches the Planning Committee if new issues or facts emerge after the Town Council meeting. When seeking additional information from the applicant, good practice will be to limit the number of such individual requests to the minimum, although further requests may have to be made if new issues arise through, for example, comments received from consultees.

14.3 Guidelines for determining planning applications are set out in Appendix 2.

14.4 The key point is that the Town and Country Planning Act 1990 requires decisions to be based on the provisions of the Development Plan, unless other material considerations indicate otherwise. The system is therefore 'plan-led'.

14.5 The reports on the planning applications will be circulated to Committee Members and the press prior to the meeting in accordance with access to information regulations. It would be helpful if any Members who have queries about a particular application contact the relevant officers prior to the meeting, so a considered response can be made at the meeting.

14.6 In determining planning applications, the Committee is entitled to decide the weight to be attached to the various planning criteria which are relevant to the application. This could lead to a decision contrary to the recommendation of the Director. In these circumstances, it is essential that Members set out clear reasons for any refusal, or the conditions to be applied to any permission. It is often possible for the Committee to be clear about the reasons for refusal and to set these out in detail when the application is first considered.

Sometimes, however, it may be necessary to defer an application for further consideration. This would be particularly relevant for significant or contentious proposals, where the arguments for and against are finely balanced, or where Members raise new relevant issues not covered in the Committee report. Where Committee wishes to grant permission contrary to officer advice, Committee may be content to leave the terms of any conditions to be determined by the relevant officer(s) or in appropriate cases by the officer(s) in consultation with the Chair and Vice-Chair.

14.7 During any deferment, the following issues, among others, may need to be considered:

- further consideration of the issues involved, including the views of relevant Ward Members;
- sustainable reasons for refusal (if Members are minded to refuse permission);
- possible planning conditions and the terms for any Agreement made under Section 106 of the Town and Country Planning Act 1990 (if Members are minded to approve);
- the desirability of a site visit if one has not already occurred;
- an opportunity for further representations from applicants and third parties to be invited;
- any potential material amendments to the proposed development;
- the costs and legal implications of the Committee's decision.

14.8 Where the Committee wishes to refuse an application contrary to the Director's recommendation, either following a deferment or not, the reasons for refusal should be clearly stated and a detailed minute of the decision should be made. A copy of the minute should be placed on the application file. Similarly, where the Committee wish to grant planning permission contrary to the Director's recommendation, a detailed minute of the Committee's reasons will be made and copy placed on the application file.

14.9 Committee should indicate whether there are any specific conditions which they wish to see imposed.

14.10 In the cases of decisions made contrary to the Director's recommendations, the Officer attending the meeting should be given the opportunity to explain the implications of the decision. This is particularly important where decisions are contrary to the Development Plan.

14.11 Where an appeal to the Secretary of State is subsequently lodged against a decision made contrary to the Director's recommendation, planning officers (and other officers as appropriate) will act as professional witnesses to present, to the best of their abilities, the Council's case at public inquiries and local hearings, unless the Borough Solicitor considers that this would prejudice the outcome. The Planning Committee should normally identify a Member or Members to support the case at a Public Inquiry or Hearing, in order to stress to the Planning Inspector the strength of Members' views and the reasoning behind them.

14.12 At the earliest stage possible after an appeal is lodged and if a Public Inquiry is requested by the Appellant, the following issues will be determined by the Director of Development and Regeneration and Borough Solicitor in consultation with the Chair and Vice-Chair of the Committee:

- whether it would be appropriate to engage external counsel to advocate the Council's case;
- which officer(s) and Member(s) should appear at the inquiry to support the Council's case;
- whether it would be appropriate to engage external consultants to give evidence on behalf of the Council.

14.13 It is possible for a Member who disagrees with the majority Committee view on an application to appear at an inquiry or hearing to present his/her own views, but should make it clear he/she is doing so as a Ward Member or private individual.

## 15. Training and Development

15.1 Members and Officers will receive regular and systematic training around the issues involved in this guide and in the general responsibilities of the Council as Local Planning Authority. Planning legislation and guidance can be complex. Members (either regular or substitute Committee Members) must not sit on the Planning Committee until they have received training on probity, procedural and policy issues.

15.2 Members should endeavour to attend any specialised training sessions provided, since these will be designed to extend Members knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plan.

## 16. Reviewing Planning Decisions and the Decision Making Process

16.1 Members of the Planning Committee and Planning Officers will regularly review the outcome of a sample of implemented planning decisions to assess the quality and consistency of those decisions in practice, in order to learn lessons for the future.

16.2 Informal meetings of the Committee will be held as necessary to review the effectiveness and efficiency of the decision-making process itself.

## 17. Complaints procedures

17.1 The Council has an approved Complaints procedure that will be followed in relation to public complaints about the handling of planning applications and planning matters generally.

17.2 Details of the Complaints procedure and complaints forms are available on-line and from the One Stop Shop, Ground Floor, Town Hall, Bolton.

## 18. Review of this Guidance

18.1 The usefulness and effectiveness of this Code will be reviewed no longer than 12 months from its formal adoption in order to assess if any improvements or amendments are necessary.

## Appendix 1

## Officer Reports To Committee

Reports to Planning Committee on planning applications will always be in written form and will include reference to the following:

- a location plan of the proposed development and, where appropriate, plans and drawings of the proposed development
- a visual indication on the location plan of those who have expressed support and those who have objected. [Where Members consider it appropriate, they may request a plan showing all those who have been consulted]
- description of the proposal (if not obvious from the application name itself)
- name of the applicant
- site characteristics
- Development Plan and policy context including other material considerations
- technical consultees' responses and their contents
- representations received and the main points raised therein [including summary of views of any local Ward Members who are not Members of the Committee]
- where a petition has been submitted, a comment on how many addresses are near, and how many are distant from, the application site
- responses, objections or representations that have been received after the Committee report has been written but before the day of the Committee meeting will be summarised in a report that will be tabled at the meeting. Any items received on the day of the meeting will be summarised orally by the planning officer at the Committee meeting. Where Members wish to see such late responses, it would be necessary to defer the application to the next meeting
- relevant planning history
- an analysis of the issues to be considered
- planning issues where there are relevant and cogent arguments on both sides, and where the final recommendation is finely balanced
- a recommendation to approve (with or without conditions), to refuse (with reasons), or to delegate to the Director, for example, to enable a Section 106 Agreement to be drawn up or to refer the application to the Secretary of State

## Appendix 2

## Guidelines For Determining Planning Applications

### A. Applications under the Town and Country Planning Act 1990 (TCPA)

(i) The basic purpose of the planning system is to regulate the development and use of land in the public interest. As required by Section 54A of the TCPA, all planning applications should be determined by reference to the development plan for the area, and any other material considerations. Where the development plan contains relevant policies, planning applications which are in accordance with that plan should be allowed unless material considerations indicate otherwise. Similarly, applications which are not in accordance with the development plan should be refused, unless other material considerations justify granting permission. The emphasis in determining applications is therefore firmly upon a plan-led system. The Core Strategy, adopted in March 2011, is the development plan covering the whole of the Borough.

(ii) Other documents, such as the Supplementary Planning Documents and site-specific development briefs that supplement the policies of the Core Strategy, will also be material considerations to the planning decision.

(iii) Local Planning Authorities are required to state clearly and precisely on the notice of decision on planning applications their full reasons for granting or refusing an application and the reasons for imposing conditions, specifying all policies and proposals in the development plan which are relevant to the decision. This will need to be considered by Committee when making decision contrary to an officer recommendation.

(iv) Material considerations also include national planning guidance in the form of Government Circulars, the National Planning Policy Framework and case law. A ministerial statement may also be a material consideration.

(v) In exceptional cases the personal circumstances of an applicant for planning permission may be a material consideration that may outweigh other planning considerations. Where this is the case specific valid reasons must be given to justify an exception.

(vi) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision maker having regard to the planning evidence. In attaching weight to any offer of community benefit (e.g. commuted sum for play facilities) accompanying any planning application, Members should be mindful of the advice in Circular 1/97.

(vii) It is necessary to consider thoroughly any advice given by a statutory consultee or relevant Government Department before coming to a decision.

(viii) Members may take into account the view of local residents when determining a planning application, but recognise that such opposition cannot be a reason in itself for refusing planning permission unless founded on valid planning reasons which are supported by evidence.

(ix) Members should take into account earlier Council decisions and appeal decisions in relation to the site, or other related appeal decisions.

(x) Planning applications which could reasonably be permitted should not be prevented, inhibited or delayed.

(xi) Planning conditions should not be imposed which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

(xii) Applications which the Council intend to approve as departures from the Development Plan will be advertised, will be identified in the Officer's Report to the Committee and where necessary, will be the subject of referral to the Secretary of State.

**B. Applications under the Planning and Listed Building Act 1990 (PLBA)**

(i) it is now established that the determination of planning applications and applications for Listed Building Consent and Conservation Area Consent are separate statutory duties. The provisions of the TCPA do not override those of the PLBA.

(ii) Bolton's Development Plan contains policies that deal with development in Conservation Areas and applications for Listed Building Consent to which Members should have regard in determining applications under the PLBA, in order to enable them to consider the desirability of preserving the building or its setting or any other feature of special historic or architectural interest.

(iii) Members should also have regard to the replies of statutory consultees (e.g. English Heritage and amenity societies), Government policy and any other material considerations (e.g. appeal decisions, site history and case law).

(iv) Members may take into account the views of local residents when dealing with the application but recognise that such opposition cannot be a reason in itself for refusing Listed Building Consent or Conservation Area Consent unless founded on valid reasons, which are supported by substantial evidence.

Bolton Council

# Part 6

# The Council's Members' Allowances Scheme



Approved 28 June 2023

# The Council's Members' Allowances Scheme

The Bolton Metropolitan Borough Council, having consulted with members of its Independent Remuneration Panel and in accordance with the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby make the following Scheme of Members' Allowances effective from 20 May 2026.

## 1. Interpretation

In this Scheme:

"councillor" means an elected member of the Bolton Metropolitan Borough Council.

"year" means a period of twelve months ending on 31st March.

"Regulations" means the Local Authorities (Members' Allowances) (England) Regulations 2003.

## 2. Taxation

Members Allowances are treated for income tax purposes as income received from employment and are chargeable to income tax. Tax will be deducted from the allowances paid to elected members under the PAYE Scheme. Tax is not deducted from travel and subsistence allowances or carers allowances provided that they are reimbursement for actual costs incurred and are supported by appropriate receipts.

## 3. National Insurance

For national insurance purposes, elected members are treated as employees and are liable to pay contributions where the amount of allowances received exceeds the national threshold amount.

## 4. Basic Allowance

(1) Every councillor will be entitled to receive a Basic Allowance for each year (or part year depending on the date of election) following their election as specified in Appendix 1.

(2) The Basic Allowance will be payable in equal monthly instalments on or about the 18th day of each month.

(3) The amount of Basic Allowance payments may be uprated annually in accordance with the arrangements set out below.

## 5. Special Responsibility Allowance

(1) A Special Responsibility Allowance (SRA) will be payable to those councillors defined as having special responsibilities as specified in Appendix 1 to this scheme, save that no councillor will be entitled to claim more than one SRA except where the payment is in relation to

a. membership of the Greater Manchester Combined Authority Overview and Scrutiny Committee, or,

b. appointment to the Greater Manchester Pension Fund board.

(2) The amount of such SRA for the year will be the amount specified against that special responsibility in Appendix 1.

(3) Any councillor who by virtue of offices held would otherwise than in accordance with section 5(1) be entitled to claim more than one SRA should specify to the Borough Solicitor in writing, the office in respect of which they propose to claim SRA. In the absence of notification, the Borough Solicitor will deem that payment should be made in accordance with the office in respect of which financial entitlement is the greater.

(4) Payments in respect of SRA will be made in equal monthly instalments on or about the 18th day of each month.

(5) The amount of SRA payments may be uprated annually in accordance with the arrangements set out in paragraph 13.

(6) The SRA paid to the Leader of the Council should be twice the Basic Allowance.

(7) The Special Responsibility Allowance paid to the Deputy Leader of the Council shall be set at 59.72% of the Special Responsibility Allowance paid to the Leader of the Council.

## 6. Approved Duties

The following duties are specified as approved duties for the purpose of Child Care and Dependent Carer's Allowances.

- Any meeting of the Council, Cabinet, committee, sub-committee or Policy Development Group.
- Any meeting of a working group or panel appointed by a committee.
- Any formal meeting with other local authorities.
- Meetings initiated by and with Council officers on official business.
- Training courses and seminars organised by the Council.

- All meetings where Members are appointed as representatives of the Council on outside bodies.

- All meetings, seminars and events attended by the Member where the Member's attendance was organised, requested or arranged by the Council.

- Meetings of Community Alliances.

- The carrying out of any other duty approved by the Monitoring Officer of the Authority or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Authority or any of its committees, sub-committees or panels.

## 7. Travelling Allowances

Where a member is required to attend an approved duty outside the Borough then it is expected that where possible travel should be on public transport at standard rates and for rail or air travel, should be pre-booked through the Monitoring Officer's PA. If travel by public transport is not possible or cost effective then the full range of HMRC mileage rates are applicable, as are in force from time to time, as set out in Appendix 1.

An allowance is also made for those journeys made by bicycle.

An additional allowance may be claimed for each official passenger. This additional information much be included on the Members claim forms if the allowance is to be paid giving the names of the passengers carried.

## 8. Travelling Allowances where there is a medical reason

Where a Member has a medical reason, as certified by their general practitioner or some other qualified medical practitioner, and they are unable to drive or travel by public transport they may claim travel expenses for attending Approved Duties if they have to travel by taxi on production of a receipt.

## 9. Subsistence Allowances

Subsistence allowances can be claimed for approved Council duties undertaken outside the Borough. The type of duty and period covered should be clearly specified when making the claim.

In order to qualify for subsistence allowances, the absence from home or the length(s) of meeting(s), including travelling time, must comply with the criteria set out in Appendix 1.

Subsistence allowances shall be indexed to the same rates as apply to local government officers.

## 10. Dependent Carers Allowance

Dependent Carers Allowance will only be payable while a member is undertaking approved Council duties. An allowance will not be paid in respect of care provided by a member of the claimant's household. Receipts must be provided for all claims.

Dependent Carers Allowance shall be paid as set out in Appendix 1.

## 11. Attendance Allowance

No councillor will be entitled to claim any Attendance Allowance payment from the Council except where the Council is responsible for making such payments as the agent of another authority whose scheme incorporates such payments and where there is an agreement with such other authority that the payment will subsequently be reimbursed to the Council.

## 12. Election to Forego

Any councillor may, by giving notice in writing to that effect to the Borough Solicitor, elect to forego their entitlement to the whole or any part of an allowance under this scheme.

## 13. Annual Uprating Of The Scheme

(1) The amounts specified in Appendix 1 will be uprated annually in accordance with the Annual Pay Award agreed by the NJC for local government staff at spinal column 43; such annual uprate being effective from the start of the municipal year.

(2) The uprating of payments in accordance with this section is deemed to be a constituent part of the scheme.

(3) The application of the Annual Pay Awards shall be the mechanism by which payments are uprated for the period 29th June 2023 until 28th June 2027.

## 14. The Civic (Mayoral) Allowances

The following payments do not fall within the Members' Allowance Scheme as they are made under the Local Government Act 1972 as follows:

| | |
|---|---|
| Mayoral Allowance | £20,378 per annum |
| Deputy Mayoral Allowance | £530 per annum |

## 15. Publication Of Payments Under The Scheme

The Council will prepare annually a list of payments made to individual councillors under this scheme and will give public notice in accordance with the Regulations that such list is available for inspection by members of the public; such notice will normally be published as soon as may be practicable

after the 1st day of June. A copy of the list will also be published on the Council's website.

## 16. Amendments To The Scheme

(1) Amendments to this scheme will be made only in accordance with a resolution of the full Council and following receipt by it of a report from and the recommendations of the Council's Independent Remuneration Panel.

(2) The annual uprating of payments as set out above will not constitute amendment of the scheme for the purposes of the Regulations.

(3) Notice of any amendment made in respect of this scheme (other than uprating of amounts as provided for above) will be published in accordance with the Regulations.

**Ruth Whittingham**
**Borough Solicitor**

**20th May 2026**

**Appendix 1**
**Scheme Of Members' Allowances**

**(Adopted: 20 May 2026)**
**Basic Allowance**

| All Members of the Council | Amount of Allowance |
|---|---|
| Basic Allowance | £12,227.28 |

**Special Responsibility Allowance**

| Office of Special Responsibility | No. of Office Holders | Amount of Allowance |
|---|---|---|
| **The Cabinet** | | |
| Leader of the Council | 1 | £31,989 |
| Deputy Leader | 1 | £19,104 |
| Executive Cabinet Members | 7 | £8,665 |
| **Regulatory and Scrutiny** | | |
| Chair: Planning Committee | 1 | £8,321 |
| Chair: Licensing and Environmental Regulation Committee | 1 | £7,875 |
| Vice-Chair: Licensing and Environmental Regulation Committee | 1 | £2,565 |
| Chair: Scrutiny Committee | 4 | £6,089 |
| Chair: Bolton Cares Steering Committee | 1 | £5,494 |
| **External bodies** | | |
| Greater Manchester Pension Fund appointee | 1 | £1,460 |
| Greater Manchester Combined Authority[1] – Overview and Scrutiny Committee – chair | 1 | £9,684 |
| Greater Manchester Combined Authority – Overview and Scrutiny Committee – vice chair[2] | 1 | £4,035 |
| Greater Manchester Combined Authority – Overview and Scrutiny Committee – full member[3] | 3 | £3,288 |

[1] Reimbursed by GMCA
[2] Reimbursed by GMCA
[3] Reimbursed by GMCA

| | | |
|---|---|---|
| Greater Manchester Combined Authority – Overview and Scrutiny Committee – substitute member[4] | 3 | £536 and £134.52 for each meeting attended |

**Majority Opposition Group**

| | | |
|---|---|---|
| Leader | 1 | £10,741 |
| Deputy Leader | 1 | £4,833 |

**Minority Opposition Groups**

| | | |
|---|---|---|
| Leader<br>(payable only when a group has 10% of the total seats of the Council) | 2 | £2,991 |

**Travelling Allowances**

| Mode of Travel | First 10,000 business miles in the tax year | Each business mile over 10,000 business miles in the tax year |
|---|---|---|
| Cars and vans (including hybrid or electric vehicles) | 45p | 25p |
| Motorcycles | 24p | 24p |
| Bicycles | 20p | 20p |
| Passenger payments in cars and vans where carrying an additional member or Council officer up to a maximum of 5 passengers. | 5p per passenger per business mile. | |

**Subsistence Allowances**

For an absence not involving an absence overnight from the usual place of residence of four hours:-

(a) the whole of which is before 11.00 a.m. (Breakfast Allowance) £4.48

[4] Reimbursed by GMCA

(b) which includes the whole of the period between 12 noon and 2.00 p.m.

(Lunch Allowance) £6.17

(c) which includes the whole of the period between 3.00 p.m. and 6.00 p.m.

(Tea Allowance) £2.43

(d) which extends beyond 7.00 p.m. (Evening Meal Allowance) £7.64

The rate of absence overnight from the usual place of residence covering a continuous period of 24 hours is not to exceed the sum of £79.82 with the proviso that for an absence in London or attendance at Annual Conference of the LGA (or such other body approved by the Secretary of State) the rate may be increased to £130. These rates shall be reduced by the amount shown in 3(a) above in respect of any meal provided free of charge by an authority or body during the period in which the allowance relates.

**Dependent Carers Allowance**

**Childcare** – the maximum hourly rate paid at the real living wage.

**Elderly/disabled care** – the maximum rate paid at the hourly rate charged by Bolton Council Adult Services Directorate for a Home Carer.

Bolton Council

# PART 7

# THE COUNCIL'S MANAGEMENT STRUCTURE

The Council's Management Structure is set out in a series of documents that define the powers, duties and terms of reference of the Cabinet, Executive Cabinet Members, committees, the appointment of members to serve on those (and other) bodies, the list of Proper Officer appointments made by the Council and the Council's Scheme of Delegation.

A. Powers and Duties relating to the Cabinet, Executive Cabinet and Cabinet Portfolios

B. Powers and Duties of Committees and Panels

C. Appointment of Members to the Cabinet, Scrutiny Committees and Committees

D. Appointment of Members to Panels

E. Appointment of Representatives/Members to Various Bodies

F. Proper Officer Appointments

G. The Council's Scheme of Delegation



Bolton Council

# Powers and Duties Relating to the Cabinet and Executive Cabinet Portfolios 2026/2027 (FOR INFORMATION)

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# A. Powers and Duties relating to the Cabinet and Executive Cabinet Portfolios

## The Cabinet

(1) The Cabinet is authorised to exercise on behalf of the Council all of the functions of the Council which are by virtue of the Local Government Act 2000, the Localism Act 2011 and regulations made thereunder the responsibility of a Cabinet of the Council under executive arrangements.

(2) Without prejudice to the generality of the foregoing the Cabinet is authorised in particular to determine:-

(a) any matter of general policy or otherwise within or relevant to the powers of the Council which is not delegated to or included within the powers and duties of any Committee, Panel, Executive Cabinet Member or Officer;

(b) any matter which is within the powers and duties of more than one Executive Cabinet Member, or which the relevant Cabinet Executive Member or the Leader of the Council or the Chief Executive considers it appropriate to refer to the Cabinet; and

(c) any matter within the powers and duties of any Cabinet Executive Member which the Cabinet considers to be contentious or of corporate or general policy significance.

and each Member of the Cabinet is (subject to (2) (b) or (c) above, and the Cabinet Procedure Rules) authorised to exercise on behalf of the Council those functions of the Council which are set out below in respect of the Portfolio allocated to that Member.

(3) The Leader of the Council shall be the Chair of any meeting of the Cabinet; in the absence of the Leader, or if the Leader shall vacate the Chair, the Deputy Leader of the Council shall take the Chair for the meeting.

(4) The quorum for a meeting of the Cabinet shall be three Executive Cabinet Members (including the Leader of the Council if present).

## Leader of the Council

The Leader of the Council is responsible for all matters relating to Strategy, External Relations (including the Greater Manchester Combined Authority and Association of Greater Manchester Authorities), Public Service Reform, Development and Regeneration, Town Centres including the Town Centre Strategy Partnerships with Public, Private and Voluntary sectors (at a strategic level), Skills, Economic issues, Digital Strategy, Governance, Coroners Service, Transparency and Constitutional Reform, Business Continuity, Emergency Response and Recovery (including flood defences), Humanitarian Support and Bolton Vision (except any matters specifically reserved to the Council or delegated to any committee or body) and matters in relation to any portfolio for which the Leader is responsible at the Greater Manchester Combined Authority. As such, the designated Executive Cabinet Member is responsible for liaising and, where appropriate, working in consultation with other members of the Cabinet, particularly where matters within the portfolio affect other aspects of Council business or affect the Borough generally.

The Leader will also represent and act as ambassador for the Council and have a strategic overview of all Council services and partnerships, together with responsibility for the strategic political leadership of the Council, where appropriate.

The designated Executive Cabinet Member is responsible for ensuring appropriate consultation with partners and the community on matters relating to the Portfolio.

The actions and decisions of the designated Executive Cabinet Member will, at all times, remain within the context of the policy framework established or any variation thereto approved by the Council.

**To have overall responsibility for:**

(1) The development and implementation of corporate policy and objectives, including the Bolton Vision.
(2) The development and implementation of corporate policy and objectives and the strategic oversight of the regeneration of the borough and related policies, including the physical development programme.
(3) The furtherance of trade, commerce and general industrial and physical development within the borough, including assisting with the relocation and development of industry and commerce, the declaration of areas for improvement, the making of grants and loans in respect of business security, environmental improvement, commercial improvement and related matters.
(4) The preparation of development briefs for, and the implementation of, development projects.
(5) Development of the Town Centres across the borough.
(6) Implementation of the Town Centre Strategy.
(7) To promote the borough for inward investment sub-regionally, regionally, nationally and internationally.
(8) The encouragement and support of community economic development initiatives.
(9) The Council's input into the Local Strategic Partnership, lead on the Community Strategy and performance management of the Community Strategy.
(10) Matters relating to portfolio for which they have responsibility at the Greater Manchester Combined Authority.
(11) Elected Members' support and development.
(12) The Council's lead authority functions in respect of the Manchester West Coroner's Services
(13) The initiation, encouragement and support of measures to support the development of new businesses and micro-businesses.

(14) The encouragement and support of measures to reduce unemployment and increase employment, and improve skills, including apprenticeships.

(15) To ensure appropriate consultation with partners and the community on matters relating to skills.

(16) The Council's Humanitarian Support.

(17) The Council's plans for business continuity.

(18) The development and implementation of the Council's Digitalisation agenda including its E-Government and IT Strategy.

(19) Risk Management in relation to activities falling within the remit of this Portfolio.

(20) Fees and charges in relation to activities falling within this Portfolio.

(21) To consider any recommendations made by the relevant Scrutiny Committee regarding any matters within this Portfolio.

(22) Responsibility for considering changes within GMCA for all issues within this portfolio connected to further devolution.

(23) Adopting and reviewing on an annual basis the strategic service improvement plans for all services.

(24) To agree and monitor performance management arrangements, against Strategic Plans and Service Improvement Plans across the Council.

**The Head of Paid Service in consultation with the Leader:**

(1) Assessment of the staffing requirements of the Council and the provision thereof, including ensuring effective workforce planning arrangements are in place.

(2) Ensuring effective organisational development arrangements are in place including the provision of proper facilities for training, career development and staff welfare.

(3) Ensuring effective employment management arrangements are in place.

(4) Fostering good industrial relations at all levels within the Council and in particular the promotion of systems for communication and consultation between the Council, its employees and the Trades Unions.

(5) The development of arrangements to safeguard, within the working environment, the health, safety and welfare of all employees of the Council.

(6) Monitoring compliance with the strategic policies of the Council in relation to employee management, organisational, development, workforce planning and employee health, safety and welfare.

**To submit to the Cabinet (for approval, where appropriate, by the Council):**

(1) Recommendations regarding the preparation, co-ordination and monitoring of corporate policies and the principal objectives of the Council and the presentation of such (together with plans for their attainment) to the Council for consideration/discussion/adoption.

(2) Recommendations regarding the Community Strategy.

(3) Recommendations regarding the level of the Council Tax and dealing with matters relating to the Council Tax and the National Non-Domestic (Business) Rate.

(4) Recommendations regarding the review and determination of appropriate action in respect of strategic policy areas and issues of concern to the Authority as a whole and areas of activity which are not the responsibility of any other designated Executive Cabinet Member.

(5) The making of recommendations to the Council in respect of Electoral Boundary Reviews and the functions relating to elections.

(6) Recommendations with respect to other Government Directorate/agencies relating to services provided.

(7) Recommendations regarding the Council's economic strategy.

(8) Recommendations regarding the Adult Community Learning Plan.

(9) Recommendations regarding the development, co-ordination and monitoring of the Corporate Business Planning Process and the performance review process including review of the Corporate Performance Dashboard.

(10) Recommendations regarding matters relating to Manchester Airport plc and any other joint company as may affect the Authority as a shareholder or member.

(11) Recommendations regarding the development of policies aimed at bringing about the regeneration and renewal of the urban and more deprived parts of the Borough.

(12) Recommendations regarding the re-development of the main commercial centres within the Borough.

(13) Recommendations regarding Performance Management Arrangements.

(14) Recommendations relating to Corporate Risk Management.

(15) Recommendations regarding the Council's Investment Strategy.

## Deputy Leader of the Council

The Executive Cabinet Member is responsible for all matters relating to the Council's duties regarding Land and Property, Strategic Budget, Financial Services and Budget Development, Corporate Support Services, the Registration Service, Procurement and Contract Management, Security Response and Building Cleaning and Land Allocations (except any matters specifically reserved to the Council or delegated to any committee or body). As such, the designated Executive Cabinet Member is responsible for liaising and, where appropriate, working in consultation with other members of the Cabinet, particularly where matters within the portfolio affect other aspects of Council business or affect the Borough generally.

The designated Executive Cabinet Member is responsible for ensuring appropriate consultation with partners and the community on matters relating to this Portfolio.

The actions and decisions of the Executive Cabinet Member will, at all times, remain within the context of the policy framework approved by the Council.

The development and delivery of innovation in service delivery ensuring the maximisation of income generation, efficiency and productivity and its integration into business planning and performance management for matters relating to this Portfolio.

**To have overall responsibility for:**

(1) The construction of an annual budget.
(2) The monitoring and management of the Council's revenue, capital budgets, financial services and delivery of the Council's performance and outcomes.
(3) The initiation, development and monitoring of industrial and commercial development projects and the encouragement of development of land in furtherance of the Council's policies and objectives.
(4) The development and management of the various council-owned industrial units.
(5) The management of the Council's Building Cleaning functions.
(6) The management of the Council's Security and Response functions, including the closed-circuit television (CCTV) surveillance function.
(7) Estate disposal and asset management in relation to building management and office moves.
(8) The acquisition and management of land and property acquired for the general purposes of the Council until required for the specific functions of another service or until disposal of the land.
(9) The control and management or disposal of land and property surplus to service requirements by receiving (if necessary) a transfer or an appropriation of such land or property in accordance with the Strategic Asset Management Plan.
(10) The repair and maintenance of buildings (except insofar as this is the responsibility of individual service Directorates) in accordance with the Council's strategic policies.
(11) The development, implementation and monitoring of the Council's Mill Action Framework.
(12) The development and implementation of the Council's Procurement Strategy ensuring its effective use throughout the Council.
(13) The development and implementation of the Council's Contract Management Strategy and ensuing its effective use throughout the Council.
(14) The Council's Registration service.
(15) Recommendations regarding sustainable development.
(16) Risk Management in relation to activities falling within the remit of this portfolio.
(17) Fees and charges in relation to activities falling within this portfolio.
(18) To consider any recommendations made by the relevant Scrutiny Committee regarding any matters within this portfolio.

(19) Responsibility for considering changes within GMCA for all issues within this portfolio connected to further devolution.

**To submit to the Cabinet (for approval, where appropriate, by the Council):**

(1) Recommendations regarding the Council's Contaminated Land Strategy.
(2) Recommendations regarding compulsory purchase matters and blight notices as these are within the remit of this portfolio.
(3) Recommendations regarding the general management of the financial affairs of the Council.
(4) Recommendations regarding the co-ordination and allocation of financial resources between services and/or Directorates of the Council.
(5) Recommendations regarding the Council's Strategic Asset Management Plan.
(6) Reports and recommendations regarding strategic policies in relation to all of the Council's land and property holdings.
(7) Recommendations regarding policies for the acquisition and disposal of land and property, the effective use of the Council's land and property and the identification of land surplus to requirements throughout the Council's entire land holding.

## Executive Cabinet Member – Adults and Community Housing Services

The designated Executive Cabinet Member is responsible for all matters relating to the Council's affairs in respect of Adult Services, Safeguarding for Adults, Health and Social Care integration, Strategic Housing strategy, Community Housing Services, Private Sector Housing and Bolton Cares (except any matters specifically reserved to the Council or delegated to any committee or body). As such, the designated Executive Cabinet Member is responsible for liaising and, where appropriate, working in consultation with other members of the Cabinet, particularly where matters within the portfolio affect other aspects of Council business or affect the Borough generally.

The designated Executive Cabinet Member is responsible for ensuring appropriate consultation with partners and the community on matters within the Portfolio.

The actions and decisions of the designated Executive Cabinet Member will, at all times, remain within the context of the policy framework approved by the Council.

The development and delivery of innovation in service delivery ensuring the maximisation of income generation, efficiency and productivity and its integration into business planning and performance management for matters relating to this Portfolio.

**To have overall responsibility for:**

(1) Issues emanating from the commissioning provision and procurement of social care services for Adult Services within the Council and with the independent and voluntary sector.
(2) The functions of the Council for the purposes of the Local Authority Social Services Act 1970 as amended in respect of services for adults and other relating health and social care legislation.
(3) Matters relating to the consideration of an individual's financial circumstances in connection with any discretionary element (including the waiving/reduction of charges associated with the financial assessment and provision of residential services under the Care Act 2014 and Fairer Charging guidance).
(4) To review monitor and develop transport for vulnerable people.
(5) Issues relating to strategic and joint commissioning of health.
(6) The Council's strategic role with respect to the devolution of health and social care in Greater Manchester.
(7) Issues relating to the commissioning and delivery of integrated social and health care services.
(8) Matters relating to Community Housing Services including Homelessness, Housing Advice, Lease Management, Furnished Tenancies, Choice Based Letting Services, Private Rented Sector Housing Services, Gypsy and Travellers Service, Mediation Services and Asylum Seekers and Refugees.
(9) The promotion, lead and support for the development of appropriate strategies in relation to public and private sector housing.
(10) To facilitate arrangements with Bee One Homes and Bolton Community Homes Ltd for the management and development of the Borough's housing provision.
(11) The comprehensive assessment of the housing needs of the entire community and the implementation of policies to meet those needs.
(12) To ensure appropriate consultation with partners and the community on matters relating to housing.
(13) The preparation and implementation of a programme of housing development to meet demand within the borough and relates to Greater Manchester's housing programmes.

**To submit to the Cabinet (for approval, where appropriate, by the Council):**

(1) Recommendations regarding the review and determination of appropriate action in respect of strategic policy areas and issues of concern to the Authority as a whole and areas of activity which are not the responsibility of any other designated Executive Cabinet Member.

## Executive Cabinet Member – Children's Services

The designated Executive Cabinet Member is responsible for all matters relating to the Council's affairs in respect of Children's Services including Looked After Children, Safeguarding relating to Children and Young People, Schools, Early Years strategies, Youth and Play services and the Youth Offending Service (except any matters specifically reserved to the Council or delegated to any committee or body) in accordance with the Council's Scheme of Delegation. As such, the designated Executive Cabinet Member is responsible for liaising and, where appropriate, working in consultation with other members of the Cabinet, particularly where matters within the portfolio affect other aspects of Council business or affect the Borough generally.

The designated Executive Cabinet Member is responsible for ensuring appropriate consultation with partners and the community on matters within the Portfolio.

The actions and decisions of the designated Executive Cabinet Member will, at all times, remain within the context of the policy framework approved by the Council.

The development and delivery of innovation in service delivery ensuring the maximisation of income generation, efficiency and productivity and its integration into business planning and performance management for matters relating to this Portfolio.

**To have overall responsibility for:**

(1) Responsibility for the Children's Services Directorate.
(2) To provide leadership across the range of the Council's Children's Services and through engagement with partners, other educational bodies and careers advisory services.
(3) Ensuring that the children's services meet required standards and comply with statutory requirements.
(4) Develop the strategic direction of the Children's Services and bring leaders of partner organisations together in shared vision.
(5) The co-ordination and, where appropriate, provision of children's services as defined in the Children Act 2004 including all matters concerning schools and the employment of children and young persons.
(6) The co-ordination and, where appropriate, provision of children's services as defined in the Children Act 2004 including the provision of social services for children and young people as determined by the Local Authority Social Services Act 1970, as amended.
(7) Determining such individual applications for discretionary awards for students in further education as are not delegated to the Director of Children's Services, and for welfare support for pupils, together with applications for assistance towards transport costs.
(8) Co-ordination of integrated Children's Services.
(9) Ensuring the Council is responsive to its corporate parenting role.
(10) Ensuring the provision of all services to looked after children and those leaving

care including education and leisure, employment and training, accommodation and social and emotional support.

(11) The management of sports development and community outreach activities for children and young people.
(12) Ensuring the effective operation of services to children and young people at risk of harm.
(13) Services to individual pupils and parents in relation to nurseries.
(14) The management of Start Well centres across the Borough.
(15) Services to individual pupils and parents in relation to primary, secondary and post-secondary education and training.
(16) The operation of admission and transfer arrangements and matters concerning appeals in relation to these and to attendance generally.
(17) Matters arising from meetings of governors of schools, where these relate to the above areas of activity.
(18) Arrangements for the provision to services to schools excluding school meals.
(19) The development and implementation of a School Improvement Strategy.
(20) Determining applications for financial assistance under the Education Act 1996 in connection with pupils wishing to attend at boarding schools.
(21) The responsibility for strategy and funding for 14-19 year olds.
(22) The provision of services for pupils with special educational needs, including special schools, support services and units, Educational Psychology Services, and liaison with health authorities and trusts in the provision of those services.
(23) The operation of the Youth Service throughout the Borough.
(24) The determination and implementation of the Youth Strategy.
(25) Ensure that Chief Officers are held to account for the contribution made by the services for which they are responsible to improvement in outcomes for children and young people.
(26) Issues emanating from the commissioning provision and procurement of social care for Children's Services within the Council and with the independent and voluntary sector.
(27) The functions of the Council as local authority for the purposes of the Local Authority Social Services Act 1970 as amended in respect of services for adults and other relating health and social care legislation.
(28) Matters relating to the consideration of an individual's financial circumstances in connection with any discretionary element (including the waiving/reduction of charges associated with the financial assessment and provision of residential services under the Fairer Charging guidance and the Care Act 2014.
(29) The Council's Youth Offending Service.
(30) Risk Management in relation to activities falling within the remit of this Portfolio.
(31) Fees and Charges in relation to activities falling within this Portfolio.
(32) To consider any recommendations made by the relevant Scrutiny Committee regarding any matters within this Portfolio.
(33) Responsibility for considering changes within GMCA for all issues within this portfolio connected to further devolution.

**To submit to the Cabinet (for approval, where appropriate, by the Council):**

(1) Recommendations regarding the Youth Justice Plan.
(2) Recommendations regarding reports on standards and quality in local primary schools.
(3) Proposals for the integration and development of children's services.
(4) Recommendations regarding the Start Well Plan.
(5) Recommendations regarding the Corporate Business Planning Process in respect of the functions and the services provided.
(6) Recommendations regarding Compulsory Purchase matters and blight notices as these are within the remit of this portfolio.

## Executive Cabinet Member - Climate Change, Environment and Regulatory Services

The designated Executive Cabinet Member is responsible for all matters relating to the Authority's duties regarding Climate Change, Clean Air, all aspects which cross cut other areas that relate to the "green agenda", Environment Regulatory Services, Waste and Recycling, Neighbourhood Services and Education and Enforcement for Environmental Services, (except any matters specifically reserved to the Council or delegated to any committee or body) in accordance with the Council's Scheme of Delegation. As such, the designated Executive Cabinet Member is responsible for liaising and, where appropriate, working in consultation with other members of the Cabinet, particularly where matters within the portfolio affect other aspects of Council business or affect the Borough generally.

The designated Executive Cabinet Member shall have the power to refer a decision to the original Executive Cabinet Member decision maker if the decision fails the Council's Climate Change agenda except where that other Executive Cabinet Member's decision is to fulfil another statutory duty of the Council.

The designated Executive Cabinet Member is responsible for ensuring appropriate consultation with partners and the community on matters relating to this Portfolio.

The actions and decisions of the designated Executive Cabinet Member will, at all times, remain within the context of the policy framework approved by the Council.

The development and delivery of innovation in service delivery ensuring the maximisation of income generation, efficiency and productivity and its integration into business planning and performance management for matters relating to this Portfolio.

**To have overall responsibility for:**

(1) All matters relating to waste collection, disposal, recycling, removal of fly tipping and the Council as waste collection authority.
(2) The functions of the Council and all matters in respect of the collection of litter, the cleaning of streets and the management of public conveniences.
(3) To promote, develop and monitor the Council's Clean Air strategy across the Borough.
(4) The delivery of the Cleaner Bolton strategy.
(5) Recommendations with respect to Licensing Strategy and Policy except where they fall within the remit of the Licensing and Environmental Regulation Committee.
(6) The trading standards functions of the Council, except insofar as these fall within the remit of the Licensing and Environmental Regulation Committee.
(7) The development, management and monitoring of taxi minimum standards.
(8) Co-ordination of functions concerning environmental amenity and countryside planning, including conservation and the Council's land reclamation programmes.
(9) Management of reservoirs in the ownership of the Council.
(10) To promote, develop and monitor enforcement and education of the environmental strategies across the Borough.
(11) The management and provision of pest control service needs.
(12) Responsibility for the provision of funeral facilities through the cemeteries and crematorium services and the provision and management of cemeteries, crematoria and disused church and chapel yards.
(13) Matters relating to allotments in the ownership of the Council, or administered by the Council under agency arrangements, including the undertaking of consultation with allotments holders in respect of such matters.

(14) Bio-diversity within the borough including the maintenance of open spaces, parks, war memorials and play areas but excluding those used for sports unless they are grassed areas.
(15) The management and monitoring of the Council's Carbon Management Programme.
(16) The designation of certain land and features as being necessary to prevent flooding under the Flood and Water Management Act 2010 and to exercise relevant powers under the Flood Risk Regulations 2009.
(17) Risk Management in relation to activities falling within the remit of this Portfolio.
(18) Fees and charges in relation to activities falling within this Portfolio.
(19) To consider any recommendations made by the relevant Scrutiny Committee regarding any matters within this Portfolio.
(20) Responsibility for considering changes within GMCA for all issues within this portfolio connected to further devolution.
(21) The environmental health functions of the Council, except insofar as these fall within the remit of the Licensing and Environmental Regulation Committee.

**To submit to the Cabinet (for approval, where appropriate, by the Council):**

(1) Recommendations with respect to the Council's Licensing Act and Gambling Act Policies.

(2) Recommendations with regards to the Council's Food Service Plan.

## Executive Cabinet Member – Culture

The designated Executive Cabinet Member is responsible for all matters relating to the Authority's duties regarding Libraries, Museums and Cultural Services strategies including Events strategy and the Sports agenda, Tourism and promotion, the Albert Halls complex and Markets (except any matters specifically reserved to the Council or delegated to any committee or body) in accordance with the Council's Scheme of Delegation. As such, the Executive Cabinet Members is responsible for liaising and, where appropriate, working in consultation with other members of the Cabinet, particularly where matters within the portfolio affect other aspects of Council business or affect the Borough generally.

The Executive Cabinet Member is responsible for ensuring appropriate consultation with partners and the community on matters relating to this Portfolio.

The actions and decisions of the Executive Cabinet Member will, at all times, remain within the context of the policy framework approved by the Council.

The development and delivery of innovation in service delivery ensuring the maximisation of income generation, efficiency and productivity and its integration into business planning and performance management for matters relating to this Portfolio.

**To have overall responsibility for:**

(1) All matters concerning the provision and management of public libraries, museums and art galleries (subject to the direction of the Executive Cabinet Member with responsibility for the Regulatory Services and Property in matters concerning the structure of buildings) and for the promotion and co-ordination of artistic and cultural activities.
(2) The functions of the Council as regulator for public safety at sports grounds.
(3) Operation and management of markets within the borough.
(4) Consideration of the purchase of works of art or objects for exhibition and consideration of the disposal by sale of books and other items from the reserve.
(5) The implementation of the Council's arts and cultural activities and management of the collections of the public library.
(6) Liaison with and response on behalf of the Council in relation to relevant cultural matters to regional, national and international bodies.
(7) Matters concerning the provision, encouragement, development, monitoring and promotion of all forms of leisure, recreation, tourism, events and entertainment in the borough.
(8) The approval of details of arrangements in respect of fairs and shows within the borough.
(9) Strategic management of the relationship with Bolton Arena and Active Bolton and the procurement of services from them.
(10) The management of all sports and leisure facilities, so far as these are within the remit of the Council.
(11) The maintenance of all open fields and sports grounds, except grassed areas, in Council ownership.
(12) The management of Supported Employment facilities, practices and arrangements at Heaton Fold Horticultural Centre.
(13) The management of the school meals catering functions.
(14) Risk Management in relation to activities falling within the remit of this Portfolio.
(15) Fees and charges in relation to activities falling within this Portfolio.
(16) To consider any recommendations made by the relevant Scrutiny Committee regarding any matters within this Portfolio.
(17) Responsibility for considering changes within GMCA for all issues within this portfolio connected to further devolution.

**To submit to the Cabinet (for approval, where appropriate, by the Council):**

(1) Recommendations regarding the review and co-ordination of the policies, strategies and activities of the Council and its partners that relate to creative arts and industries within the Borough including the development of cross service bids for external funding for creative arts and industries initiatives.

## Executive Cabinet Member – Health and Wellbeing

The designated Executive Cabinet Member is responsible for all matters relating to the Council's affairs in respect of Health and Wellbeing, Public Health, Mental Health and Anti-Poverty Strategy (except any matters specifically reserved to the Council or delegated to any committee or body) in accordance with the Council's Scheme of Delegation. As such, the designated Executive Cabinet Member is responsible for liaising and, where appropriate, working in consultation with other members of the Cabinet, particularly where matters within the portfolio affect other aspects of Council business or affect the Borough generally.

The Executive Cabinet Member is the lead member for the Active Connected Prosperous Board and is the chair of the JSNA committee.

The designated Executive Cabinet Member is responsible for ensuring appropriate consultation with partners and the community on matters within the Portfolio.

The actions and decisions of the designated Executive Cabinet Member will, at all times, remain within the context of the policy framework approved by the Council.

The development and delivery of innovation in service delivery ensuring the maximisation of income generation, efficiency and productivity and its integration into business planning and performance management for matters relating to this Portfolio.

**To have overall responsibility for:**

(1) The borough's health and wellbeing strategy.
(2) The Joint Strategic Needs Assessment.
(3) Issues relating to strategic and joint commissioning of health including public health.
(4) Issues relating to the overall health and wellbeing of the population such as narrowing the health inequalities gap, health protection and health improvement.
(5) The development, co-ordination and monitoring of the Council's Anti-Poverty Strategy.

**To submit to the Cabinet (for approval, where appropriate, by the Council):**

(1) Recommendations regarding strategic policy and service development issues relating to health promotion and health services of a personal nature in so far as these are relevant to this authority.
(2) Recommendations regarding matters relating to alcohol and drug abuse in the context of Public Health.
(3) Recommendations regarding the review and determination of appropriate action in respect of strategic policy areas and issues of concern to the Authority as a whole and areas of activity which are not the responsibility of any other designated Executive Cabinet Member.

## Executive Cabinet Member – Highways, Transport and Planning and Development

The designated Executive Cabinet Member is responsible for all matters relating to the Authority's duties regarding Highways, Transport and Planning, except any matters specifically reserved to the Council or delegated to any committee or body) in accordance with the Council's Scheme of Delegation. As such, the designated Executive Cabinet Member is responsible for liaising and, where appropriate, working in consultation with other members of the Cabinet, particularly where matters within the portfolio affect other aspects of Council business or affect the Borough generally.

The designated Executive Cabinet Member is responsible for ensuring appropriate consultation with partners and the community on matters relating to this Portfolio.

The actions and decisions of the designated Executive Cabinet Member will, at all times, remain within the context of the policy framework approved by the Council.

The development and delivery of innovation in service delivery ensuring the maximisation of income generation, efficiency and productivity and its integration into business planning and performance management for matters relating to this Portfolio.

**To have overall responsibility for:**

(1) Co-ordinating transport planning with land-use planning to achieve the aims of the Authority.
(2) Matters relating to the support for public transport facilities, including bus reform, and operations within the borough.
(3) The management of the Council's fleet management functions, except insofar as these fall within the remit of the Executive Cabinet Members Children's Services and Adults, Health and Wellbeing portfolios.
(4) The functions of the Council as highway authority, except insofar as these fall within the remit of the Planning Committee, including speed restrictions, public rights of way, winter gritting.
(5) The strategic functions of the Council as local planning authority, except insofar as these fall within the remit of the Planning Committee or the Council.
(6) Matters relating to the agreement of a policy, programme and implementation of highway maintenance and improvement works funded from revenue budgets.
(7) Street lighting.
(8) The design and implementation of engineering projects, including highways, bridges, pedestrian areas and car parks.
(9) Matters relating to the closure of streets (subject to Planning Committee where appropriate)
(10) Matters relating to the agreement of a programme of capital works and maintenance for the classified roads in the Borough.
(11) Ensuring that the Council complies with its duties under the Traffic Management Act 2004.
(12) Ensuring that the Council complies with its duties under the Greater Manchester Road Activities Permit Scheme (GMRAPS) Regulations 2012.
(13) Drainage and sewerage matters which are the responsibility of the Council.
(14) Responsibility for ensuring the Council discharges its various duties under the Land Drainage acts.
(15) The management of decriminalised parking enforcement and car parking facilities.
(16) Fees and charges relating to car parking**.**
(17) Responsibility for school crossing patrols and road safety matters.
(18) The Council's dog warden service.
(19) Risk Management in relation to activities falling within the remit of this portfolio.

(20) Fees and charges in relation to activities falling within this portfolio.
(21) To consider any recommendations made by the relevant Scrutiny Committee regarding any matters within this portfolio.
(22) Responsibility for considering changes within GMCA for all issues within this portfolio connected to further devolution

**To submit to the Cabinet (for approval, where appropriate, by the Council):**

(1) Recommendations regarding the Council's Local Transport Plan.
(2) Recommendations regarding the preparation of the Council's Local Development Framework and Places for Everyone.
(3) Recommendations regarding the Local Plan.

## Executive Cabinet Member – Stronger Communities

The designated Executive Cabinet Member is responsible for all matters relating to the Authority's duties regarding the Community Cohesion, the relationship with the Voluntary Sector at a neighbourhood/community level, Crime and Disorder and Community Safety, Area Working and Neighbourhood Management, Community Alliances, and Equality and Diversity (except any matters specifically reserved to the Council or delegated to any committee or body) in accordance with the Council's Scheme of Delegation. As such, the designated Executive Cabinet Member is responsible for liaising and, where appropriate, working in consultation with other members of the Cabinet, particularly where matters within the portfolio affect other aspects of Council business or affect the Borough generally.

The designated Executive Cabinet Member is responsible for ensuring appropriate consultation with partners and the community on matters relating to this portfolio.

The actions and decisions of the designated Executive Cabinet Member will, at all times, remain within the context of the policy framework approved by the Council.

The development and delivery of innovation in service delivery ensuring the maximisation of income generation, efficiency and productivity and its integration into business planning and performance management for matters relating to this portfolio.

**To have overall responsibility for:**

(1) Co-ordination and general oversight in respect of the Council's relationships with the voluntary and community sector at a neighbourhood/community level.
(2) Liaison with the BSAFE Partnership Group on the way in which the duty to produce an annual strategic assessment might be best met.
(3) The promotion of community safety both in terms of prevention and in the reduction in the fear of crime.
(4) The initiation of community safety projects and initiatives led by the Council.
(5) The co-ordination of the Council's section 17 duty as set out in the Crime and Disorder Act 1998.
(6) Recommendations regarding to the development of personnel and diversity and inclusion policies appropriate to the recruitment, employment, management and retention of an effective workforce for the Council and the examination/monitoring of policies and practices to ensure equality of opportunity and the avoidance of discrimination.
(7) The implementation of the Council's policies to promote and enhance community cohesion in the Borough.
(8) The Council's representative on bodies associated with the Greater Manchester Police and Crime Panel.
(9) The development and implementation of the Council's policies in respect of Community Alliances.
(10) The making of Public Space Protection Orders.
(11) Risk Management in relation to activities falling within the remit of this portfolio.
(12) Fees and charges in relation to activities falling within this portfolio.
(13) To consider any recommendations made by the relevant Scrutiny Committee regarding any matters within this portfolio.
(14) Responsibility for considering changes within GMCA for all issues within this portfolio connected to further devolution.

**To submit to the Cabinet (for approval, where appropriate, by the Council):**

(1) Recommendations regarding matters relating to alcohol and drug abuse in the context of Community Safety and Police.

(2) Recommendations regarding the formulation and review of the Council's policy in

relation to Community Safety.

(3) Recommendations regarding policies to maintain enhance social cohesion within the borough.

Bolton Council

# Powers and Duties of Committees and Panels 2026-2027

# Powers and Duties of Committees and Panels

## Corporate and External Issues Scrutiny Committee

(1) To monitor and review and make recommendations to the Council and/or to the Cabinet, Leader, the relevant Executive Cabinet Member with regard to all relevant policy and operational matters falling within the purview of their portfolios relating to Strategy, External Relations (including the Greater Manchester Combined Authority and Association of Greater Manchester Authorities), Strategic Budget, Financial Services and Budget Development, Land and Property, Public Service Reform, Partnerships, Corporate Support Services, the Registration Service, the Coroner's Service, Digital Strategy, Area Working and Neighbourhood Management, Emergency Response and Recovery, Community Alliances, Governance, Transparency and Constitutional Reform, Business Continuity, Humanitarian Support, Bolton Vision, the Voluntary Sector, Libraries, Museums and Cultural Services strategies including the Events strategy and the Sports agenda, Tourism and promotion, the Albert Halls complex, Markets, Community Cohesion, Crime and Disorder, Community Safety, Anti-Poverty, Equality and Diversity and Procurement and Contract Management.

(2) To monitor and review and where appropriate make recommendations to the Council and/or the Cabinet with regard to the work of Bolton's Local Strategic Partnership – "the Bolton Vision partnership", its associated support and thematic partnership arrangements, the work of outside organisations which affect the Borough and any other Partnership matters.

(3) To ensure that the Council is well positioned to meet its responsibilities in relation to external scrutiny as laid down in the Local Government and Public Involvement in Health Act 2007.

(4) To consider matters referred to the Committee by members of the Committee in accordance with Standing Order 36.

(5) To recommend to the Council a programme of reviews to be undertaken by the Committee with regard to matters falling within the purview of the relevant Executive Cabinet Member's portfolio and those outside organisations which affect the Borough and to recommend the Council accordingly on the outcome of such reviews.

(6) To act as the Council's Crime and Disorder Scrutiny Committee in accordance with section 4 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

(7) To make recommendations to the Council as to such additional/occasional reviews which the Committee wishes to consider outside the annual programme.

(8) To receive reports on the Council's performance and specifically performance reports relating to the functions of the Directorates relating to any part of the portfolios.

(9) The Committee shall have the power to summon the relevant Executive Cabinet Members and the relevant Chief Officer(s) to attend its meetings to consider, provide information and give evidence on matters before the Committee.

(10) To set up Scrutiny Panels to undertake in-depth reviews of current policies and practices with a view to identifying areas for future policy development.

(11) The quorum for a meeting shall be five.

(12) The committee may by its chair request that a new policy or substantive amendment to an

existing policy is referred to a Policy Development Group.

Subject to the acts and proceedings of the Committee being approved by the Council.

**Place Scrutiny Committee**

(1) To monitor and review and make recommendations to the Council and/or to the Cabinet or the relevant Executive Cabinet Member with regard to all relevant policy and operational matters falling within the purview of their portfolio relating to Environment Regulatory Services, Education and Enforcement, Climate Change, Clean Air, all aspects which cross cut other areas that relate to the "green agenda" , Waste and Recycling, Neighbourhood Services, School Meals, Planning, Highways and Transport, Skills, Development and Regeneration, Economic issues, Town Centres including the Town Centre Strategy,

(2) To consider matters referred to the Committee by members of the Committee in accordance with Standing Order 36.

(3) To recommend to the Council a programme of reviews to be undertaken by the Committee with regard to matters falling within the Directorate of Place, and to recommend the Council accordingly on the outcome of such reviews.

(4) To make recommendations to the Council as to such additional/occasional reviews which the Committee wishes to consider outside the annual programme.

(5) To receive performance reports and Inspectors reports thereon, relating to the functions of the Directorates relating to any part of the portfolio.

(6) The Committee shall have the power to summon the relevant Executive Cabinet Members and the relevant Chief Officer(s) to attend its meetings to consider, provide information and give evidence on matters before the Committee.

(7) To set up Scrutiny Panels to undertake in-depth reviews of current policies and practices with a view to identifying areas for future policy development.

(8) The Quorum for a meeting of the Committee shall be five.

(9) The committee may by its chair request that a new policy or substantive amendment to an existing policy is referred to a Policy Development Group.

Subject to the acts and proceedings of the Committee being approved by the Council.

**Health Overview and Adults, Communities and Integration Scrutiny Committee**

(1) To monitor and review and make recommendations to the Council and/or to the Cabinet or the Executive Cabinet Members for Adults and Health and Wellbeing with regard to all relevant policy and operational matters falling within the purview of their Portfolio including Private Sector Housing, Community Housing Services and Strategic Housing Strategy .

(2) To recommend to the Council a programme of reviews to be undertaken by the Committee with regard to matters falling within the purview of the Executive Cabinet Members for Adults and Community Housing Servies and Health and Wellbeing and to recommend the Council accordingly on the outcome of such reviews.

(3) To receive performance reports and Inspector reports thereon, relating to the functions falling within the purview of the Executive Cabinet Members for Adults and Community Housing Services and Health and Wellbeing.

(4) To make recommendations to the Council as to such additional/occasional reviews which the Committee wishes to consider outside the annual programme.

(5) To set up Scrutiny Panels to undertake in-depth reviews of current policies and practices with a view to identifying areas for future policy development.

(6) To scrutinise matters relating to the health services operating in Bolton for, and health of, the Borough's population and contribute to the development of policy to improve health and reduce health inequalities.

(7) To undertake all the statutory functions of the scrutiny committee in accordance with the relevant legislation and associated regulations and guidance.

(8) To act as the statutory consultee for local NHS bodies on any proposals they may have under consideration for any substantial development of the health service in or impacting on the Borough area, or on any proposals to make any substantial variation in the provision of such service.

(9) To agree a work programme in consultation with partners in the health economy.

(10) To review and scrutinise the impact of key partnerships on the health of the Borough's population.

(11) To agree the information required on a regular basis from health partners.

(12) To make reports and recommendations to the NHS, patients' representatives, the Council, the Cabinet and other scrutiny committees, and to other relevant bodies and individuals.

(13) To receive an update at each meeting on the progress and performance of the Bolton Cares and Support Steering Committee.

(14) To consider matters referred to it by members of the Committee in accordance with Standing Order 36.

(15) To consider items referred to the Committee by statutory patient representative groups.

(16) To establish Review Panels to look in-depth at specific issues with a significant impact on the health of Bolton's residents.

(17) To establish or partake in cross-boundary joint working committees where necessary.

(18) To evaluate and review the effectiveness of its recommendations.

(19) To refer contested NHS proposals and proposals where the Committee considers that insufficient consultation with the public has been carried out to the Secretary of State for Health in accordance with the relevant legislation/regulations.

(20) The Committee shall have the power to summon the relevant Executive Cabinet Member, relevant local authority chief officers and relevant officers of local NHS bodies, the Chairman and appropriate officers of the Health and Wellbeing Board and the Chairman of the Bolton Cares Steering Committee to attend its meetings to consider and give evidence on matters before the Committee. The Committee may also invite the Chairman or non-executive directors of local NHS bodies to participate in the scrutiny process, they, however, are not required to attend.

(21) The Committee shall have the power to seek the views of experts and advisers and to co-opt lay members.

(22) In all of the above, to seek and take account of the views of the local population in relation to health only.

(23) That, pursuant to the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the Local Health Scrutiny Regulations), the Greater Manchester Health Scrutiny Committee undertake the scrutiny of strategic, Greater Manchester wide, and cross boundary health services as follows (whilst reserving the right to undertake scrutiny of any of those authorities listed below with regard to matters relating specifically to their local population):-

To examine and report from time to time on the strategies, policies, actions and consultation of:

- NHS England Greater Manchester Local Area Team;
- The joint work of the Greater Manchester Integrated Care Partnership;
- The Locality Board
- Local Authorities across Greater Manchester regarding their role as providers and commissioners of social care, and as public health agencies;
- All other cross-boundary NHS services i.e. North West Ambulance Service, Christies, Specialist Children's Services provided by the Royal Manchester Children's Hospital;
- Services provided to patients living and working across Greater Manchester; and
- Specific health issues that cut across geographical boundaries

(24) That, pursuant to directions issued by the Secretary of State for Health (17 July 2003) the Committee delegates its powers and duties as a statutory consultee on substantial variations or developments of health services to Joint Committees established for this purpose where the impact is wider than the boundaries of the Borough and not in alignment with the Greater Manchester boundaries and hence the remit of the Greater Manchester Health Scrutiny Committee.

(25) To consider and respond to issues referred to the Committee by Healthwatch.

(26) The Quorum for a meeting of the Committee shall be five.

(27) The committee may by its chair request that a new policy or substantive amendment to an existing policy is referred to a Policy Development Group.

Subject to the acts and proceedings of the Committee being approved by the Council.

**Children's Services Scrutiny Committee**

(1) To monitor and review and make recommendations to the Council and/or to the Cabinet or Executive Cabinet Member for Children's Services with regard to all policy and operational matters falling within the purview of this portfolio.

(2) To recommend to the Council a programme of reviews to be undertaken by the Committee with regard to matters falling within the purview of the Executive Cabinet Member for Children's Services and to recommend the Council accordingly on the outcome of such reviews.

(3) To receive performance reports and Inspector reports thereon, relating to the functions falling within the purview of the Executive Cabinet Member for Children's Services.

(4) To make recommendations to the Council as to such additional/occasional reviews which the Committee wishes to consider outside the annual programme.

(5) To set up Scrutiny Panels to undertake in-depth reviews of current policies and practices with a view to identifying areas for future policy development.

(6) To consider matters referred to it by members of the Committee in accordance with Standing Order 36.

(7) The Committee shall have the power to summon the Executive Cabinet Member for Children's Services, relevant local authority chief officers and the Chair and appropriate officers of the Active, Connected and Prosperous Board to attend its meetings to consider and give evidence on matters before the Committee.

(8) The Committee shall have the power to seek the views of experts and advisers and to co-opt lay members.

(9) The Quorum for a meeting of the Committee shall be five.

(10) The committee may by its chair request that a new policy or substantive amendment to an existing policy is referred to a Policy Development Group.

Subject to the acts and proceedings of the Committee being approved by the Council.

**Health and Wellbeing Board**

(1) Health and Wellbeing Boards:

- provide a strong focus on establishing a sense of place
- instil a mechanism for joint working and improving the wellbeing of their local population
- set strategic direction to improve health and wellbeing. Health and Wellbeing Boards plays an important statutory role in instilling mechanisms for joint working across health and care organisations and setting strategic direction to improve the health and wellbeing of people locally.

(2) The Health and Wellbeing Board is a formal statutory committee and provides a forum where political, clinical, professional and community leaders from across the health and care system come together to improve the health and wellbeing of their local population and reduce health inequalities. Along with other local leaders, the Health and Wellbeing Board will lead action at place level to improve people's lives and promote greater integration and partnership between the NHS, public health and local government. This

involves working effectively with local leaders, including place-based partnerships such as the Vision 2040 Partnership and NHS GM Integrated Care Locality Board for Bolton.

(3) The Health and Wellbeing Board has responsibilities for:

- assessing the health and wellbeing needs of their population and publishing a joint strategic needs assessment (JSNA)
- publishing a joint local health and wellbeing strategy (JLHWS), which sets out the priorities for improving the health and wellbeing of its local population and how the identified needs will be addressed, including addressing health inequalities, and which reflects the evidence of the JSNA
- The JLHWS should directly inform the development of joint commissioning arrangements (see section 75 of the National Health Service Act 2006) in the place and the co-ordination of NHS and local authority commissioning, including Better Care Fund plans
- developing a pharmaceutical needs assessment (PNA) for its area, for which separate guidance is available. A PNA cannot be subsumed as part of the JSNA and JLHWS but can be annexed to them.

(4) Revised non-statutory guidance on HWB was issued in 2022 and reinforces the role of HWB in ensuring that local authorities and Integrated Care Boards have regard to the relevant JSNAs and JLHWSs so far as they are relevant when exercising their functions.

(5) The functions of the Health and Wellbeing Board are to:

1. Prepare and publish a joint strategic needs assessment (JSNA)
2. Produce a joint local health and wellbeing strategy (JLHWS).
3. Agree the locality's Better Care Fund plans
4. Prepare and publish a pharmaceutical needs assessment (PNA)
5. Promote integration and partnership working across the NHS, social care, public health, VCSE, and other local services.
6. Support the delivery of better health and wellbeing outcomes for the community.

(6) Membership

1. Section 194 of the Health and Social Care Act 2012 mandates membership for the Health and Wellbeing Board to include:
    - at least one councillor nominated by the Leader of the Council
    - the Director of Adult Social Services
    - the Director of Children's Services
    - the Director of Public Health
    - a representative of the Local Healthwatch organisation
    - a representative of the relevant Integrated Care Board, and,
    - such other persons or representatives as Bolton Council thinks appropriate
2. Following establishment of the Health and Wellbeing Board,
    a. the Board may appoint other members as it thinks appropriate, and,
    b. the Board must be consulted before the Council appoints anyone else to the Board.

(7) The quorum for a meeting of the Health and Wellbeing Board is when 5 members are present including at least one Bolton Council Elected Member of the Health and Wellbeing Board and the representative from the ICB.

**Audit Committee**

(1) The main purpose of the Committee is to obtain assurance over the Council's corporate governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.

(3) Review the Council's corporate governance arrangements including consideration of the Code of Corporate Governance.

(4) Review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.

(5) To consider the effectiveness of the Council's risk management arrangements including reviewing the Risk Management Strategy and Policy; and the Corporate Risk Register.

(6) Review the assessment of fraud risks and potential harm to the Council from fraud and corruption including oversight of key anti-fraud policies and monitoring of the counter-fraud strategy.

(7) Review and approval of the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

(8) Consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts and monitor the Council's response to individual issues of concern identified.

(9) Approve the Council's Statement of Accounts and associated governance and accounting policy documents in accordance with the Accounts and Audit Regulations 2015.

(10) Support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA).

(11) Consider the external auditor's annual audit plan, annual audit letter, relevant reports and the report to those charged with governance.

(12) Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

(13) Oversee and provide assurance to the Council on the provision of an effective internal audit service and the main issues arising from Internal Audit work. In particular undertake the duties of the Board as set out in Public Sector Internal Audit Standards (PSIAS) as follows:

(i) Approve the Internal Audit Charter
(ii) Approve the risk-based internal audit plan, including internal audit's resource requirements, including any significant changes, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
(iii) Receive confirmation from the Head of Audit and Risk Management with regard to the organisational independence of the internal audit activity and make appropriate enquiries of management and the Head of Audit and Risk Management to determine whether there are inappropriate scope or resource limitations.

(iii) Provide free and unfettered access to the Audit Committee Chair for the Head of Audit and Risk Management, including the opportunity for a private meeting with the Committee.

(iv) Consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Audit and Risk Management. To approve and periodically review safeguards to limit such impairments.

(v) Receive the results of the Quality Assurance and Improvement Plan annually and the external quality assessment of internal audit that takes place at least once every five years.

(vi) Receive communications from the Head of Audit and Risk Management on the internal audit activity's purpose, authority, responsibility and performance relative to its plan. To include significant risk exposures and control issues, including fraud risks, governance issues and other matters needed or requested by senior management and the Committee.

(vii) Consider the Head of Audit and Risk Management's annual opinion and report.

(viii) Seek assurance on the adequacy of management's responses to internal audit advice, findings and recommendations in the form of implementation of agreed action plans Treasury Management

(14) To monitor the performance of the Treasury Management function including:

(i) approval of / amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices;

(ii) budget consideration and approval;

(iii) approval of the division of responsibilities;

(iv) receiving and reviewing regular monitoring reports and acting on recommendations; and

(v) approving the selection of external service providers and agreeing terms of appointment.

(15) To submit an Annual Report to the Council

(16) The Quorum for a meeting of the Audit Committee shall be three.

**Licensing and Environmental Regulation Committee**

(1) The functions of the Council in relation to the licensing (including registration and enforcement) of hackney carriage and private hire vehicles and their operators and drivers; street traders; public houses, nightclubs, members clubs & off-licensed premises which sell alcohol, together with venues which provide regulated entertainment whether or not they sell alcohol; late night refreshment houses; sex establishments; second hand dealers; pet shops; scrap metal dealers; motor salvage operators, charities and street and house to house collections; gambling premises, gaming machines and lotteries.

(2) Determination of applications for revision of the taxis fare scale.

(3) Arrangements in respect of the provision or amendment of taxi stands.

(4) Regulatory functions in respect of environmental health and trading standards.

(5) The acceptance or refusal of applications for the registration of land as town or village greens.

(6) To determine representations made against a Council decision to refuse, revoke or vary a licence under the Scrap Metal Dealers Act 2013.

(7) The Quorum for a meeting of the Licensing and Environmental Regulation Committee shall

be five.

**Licensing Sub-Committee – Traffic Offences**

To undertake the functions of the Committee with respect to the conduct of private hire of private hire and hackney carriage license holders in respect of traffic related matters

The quorum for the Licensing Sub-Committee shall be two.

**Licensing Sub-Committee – Sensitive Cases**

To undertake the function of the Committee with respect to licensing matters, in relation to the grant, renewal or any misconduct matter, in respect of reports of a sensitive nature, including but not limited to matters of a sexual nature, indecency or domestic violence.

The quorum for the Licensing Sub-Committee shall be two.

**Licensing and Environmental Regulation Committee (Acting as Licensing Act 2003 Committee or the Gambling Act 2005)**

(1) To monitor and maintain the Council's Licensing Policy under the Licensing Act 2003 and review every five years and to submit such Policy to the Council for approval.

(2) To monitor and maintain the Council's Gambling Policy under the Gambling Act 2005 and review every three years and to submit such Policy to the Council for approval.

(3) To determine applications under the Licensing Act 2003 and the Gambling Act 2005 via its Sub-Committee structure as determined by the Borough Solicitor in accordance with the Council's Scheme of Delegation. (The quorum for the Licensing Sub-Committee(s) shall be three.)

(4) Power to revoke or suspend a personal licence where the holder of a personal licence is:-

(a) convicted of a relevant offence; or

(b) convicted of a foreign offence.

(5) The Quorum for a meeting of the Committee shall be five.

**Planning Committee**

(1) The functions of the Authority as local planning authority, except where such functions have been otherwise delegated to an officer and/or Executive Cabinet Member in accordance with the Council's Scheme of Delegation or approved powers and duties.

(2) Functions in connection with development control, including enforcement of planning control.

(3) Functions in connection with building regulations.

(4) The naming of streets and street numbering.

(5) Ruinous or dangerous buildings and their demolition (other than properties affected by clearance as being unfit for human habitation).

(6) The determination of matters relating to footpaths, bridleways and rights of way orders.

(7) The Quorum for a meeting of the Committee shall be five.

**Bolton Cares Steering Committee**

(1) Assess the financial performance of the LATC and make decisions concerning the issue of any dividends.

(2) Exercise any reserved powers contained in the LATC's Articles. These reserved powers could include, for example, a maximum spend limit on directors and the ability to raise additional finance.

(3) Make decisions concerning proposed changes to the LATC's business plan, such as the way it delivers statutory services on behalf of the Council or new areas of business.

(4) To ensure that all the relevant legal requirements have been met for such proposals.

(5) Responsibility for approving the appointment of any directors and will have the power to remove directors from their post.

(6) The LATC's director(s) will be expected to update the Steering Committee as to progress with the business and any future proposals being considered. The Steering Committee can scrutinise the decisions of the directors in their management of the LATC.

(7) The Steering Committee will be accountable to Cabinet, Health Overview and Adults Social Care Scrutiny Committee.

(8) The quorum for a meeting of the Committee shall be five.

**Standards Committee**

(1) To make such recommendations to the Council as the Committee considers appropriate with respect to: -

(i) The promotion and maintenance of proper standards in the conduct of Council and Town Councils business, and in the conduct of Members and Officers of the Council (subject to consultation with the Executive Cabinet Member Regeneration and Resources).

(ii) The adoption, maintenance and review of a Code of Conduct for Members of the Council and Town Councils, together with such other code, procedure, protocol or guidance as the Committee considers to be appropriate.

(iii) The provision of training, guidance and assistance for Members in relation to the Council's and Town Councils' Code of Conduct for Members and any other such code, procedure or protocol.

(2) A subcommittee of the Standards Committee shall be called to determine and hear any complaint referred to the Monitoring Officer under the provisions of the Localism Act 2011 in accordance with regulations made thereunder (the "Hearing Committee").

(3) When the Hearing Committee is called its membership shall be agreed between the Monitoring Officer and the Chief Executive.

(4) No member of the Hearing Committee shall be a member of the same political group as the member who is the subject of the complaint in question, and if the person making the complaint is an elected member no member of the Hearing Committee shall be a member

of that political group.

(5) The Hearing Committee shall be made up of five members and the quorum for the meeting shall be three members.

(6) To adopt such procedures for the hearing and determination of any complaints as the Committee considers appropriate.

(7) The quorum for a meeting of the Committee shall be five members.

**Education Assistance Panel**

(1) Determination of individual applications for discretionary awards for further education students (not delegated to the Director of Children's Services) and welfare support for pupils, together with applications for assistance towards transport costs.

(2) Determination of applications for financial assistance under Section 517 and 518 of the Education Act 1996 in connection with pupils wishing to attend at boarding schools.

(3) Determination of such individual applications for free bus passes as are not delegated to the Director of Children's Services.

(4) Determination of such individual applications for the provision of transport or the payment of travelling expenses as are not delegated to the Director of Children's Services.

**Governor Appointments Panel**

To make appointments to vacancies on School Governing Bodies and the Management Committees of Pupil Referral Units.

**The Appeals Panel**

**Meeting as the Personnel Disciplinary Appeals Panel**

(1) Determination of appeals by employees in respect of disciplinary matters.

**Meeting as the Personnel Grievance/Grading Panel**

(2) Determination of appeals by employees in respect of personnel grievances and grading issues.

**Chief Officer Appointments Panel**

The determination of any matter concerning the appointment, terms and conditions of employment (including remuneration) of the Chief Executive and of all (or any category of) Chief Officer.

**Constitutional Panel (Urgency Committee)**

(1) To determine any matter which is outside the remit of the Cabinet, an Executive Cabinet Member, or any other Committee or Panel, which requires determination in advance of the next Council meeting.

(2) To approve the Council's statement of accounts, income and expenditure and balance sheet under the Accounts and Audit Regulations 2011, if so required.

(3) To determine any matter concerning the provision of facilities, services or accommodation

for members of the Council.

(4) To make recommendations to the Council in respect of the making, amending, revoking or re-enacting of byelaws, or the promotion or opposition of any legislation.

(5) To make recommendations to the Council in relation to conferring the title of Honorary Alderman or Honorary Freeman.

(6) To make recommendations to the Council in relation to the making of any amendment of, or addition to, the Council's constitution.

**Charitable Land Panel**

To act as the trustee for charitable land held by the Council including, receiving reports on the finances of such land and ensuring that the Council complies with the objectives set out in the relevant instrument creating the charitable land.

**Policy Development Groups**

Policy Development Groups (PDGs) are a well-established part of the democratic process for this council in considering the development of new policies and changes to existing policies. In the past they have been held through custom and practice as opposed to being a constituted meeting of the council. Including terms of reference within the constitution should ensure better use of the limited resources of this council both at officer and elected member level as follows:

(1) They must now be called when a new policy is being considered or substantive changes to existing policies are proposed.

(2) Any requests from Scrutiny Committees, the Council and the Chief Executive.

(3) Membership of each group is delegated to each group leader of the Council in the relevant municipal year and must meet political balance rules.

(4) Membership should be determined based on relevant expertise/interest.

(5) There will be 4 PDGs to reflect the work of each Scrutiny Committee.

**Crompton Place Working Group**

This Working Group is responsible for the following:

(1) To oversee the demolition of the Crompton Place Shopping Centre.

(2) To oversee the development of the "meanwhile use" of the site which will be introduced following demolition.

(3) To oversee the appointment of the major developer for the site.

(4) To receive regular updates regarding (1) to (3) above.

(5) To provide views on the future use, layout, design etc., of the former Crompton Place site.

(6) To consult with stakeholders as appropriate.

Bolton Council

# Appointment of Members To Committees and Scrutiny Committees – 2026/2027

## C. Appointment of Members to Committees and Scrutiny Committees

**The Cabinet FOR INFORMATION**

| **Executive Cabinet Members** | **Any Executive Cabinet Member Can Deputise for any Executive Cabinet Member** |
|---|---|
| Councillor Zaman (Leader of the Council) | |
| Councillor Donaghy - (Deputy Leader's Portfolio) | |
| Councillor Newall - (Culture) | |
| Councillor Jiva - (Children's Services) | |
| Councillor Fielding - (Adults and Community Housing Services) | |
| Councillor Schofield - (Health and Wellbeing) | |
| Councillor Khurram- (Stronger Communities) | |
| Councillor N. Ayub - (Highways, Transport and Planning and Development) | |
| Councillor Morrisey - (Climate Change, Environmental Services and Regulatory Services) | |

**Non-Voting Attendees**

**4 Members of Labour Group**

Councillor M. Ayub

Councillor Hon

Councillor McHugh

Councillor Mort

**2 Members of Dual Major Opposition Group**

Councillor Muslim

Councillor Mrs Fairclough

**2 Members of Dual Major Opposition Group**

Councillor Jones

Councillor Wunderley

**1 Member of Minor Opposition Group (Liberal Democrats)**

Councillor Hayes

**1 Member of Minor Opposition Group (The Green Party)**

Councillor H. Alli

**1 Member of Minor Opposition Group (Horwich and Blackrod First Independents)**

Councillor Grant

**1 Member of Minor Opposition Group (Farnworth and Kearsley First)**

Councillor Flitcroft

**1 Member of Minor Opposition Group**

**(Communities First)**

Councillor A. Patel

**Scrutiny Committees**

**Corporate and External Issues Scrutiny Committee (12) (4 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First)**

**Labour**

Councillor Atcha

Councillor M. Ayub

Councillor Chadwick

Councillor Mort

**Conservative**

Councillor Galloway (Chair)

Councillor Muslim

**Reform UK**

Councillor Bailey (Vice-Chair)

Councillor Wunderley

**Liberal Democrats**

Councillor Price

**Green Party**

Councillor B. Khan

**Horwich and Blackrod First**

Councillor Rigby

**Farnworth and Kearsley First**

Councillor Connor-Bennett

**Place Scrutiny Committee (12) (3 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First: 1 Communities First)**

**Labour**

Councillor Barnard

Councillor McHugh

Councillor Mort

**Conservative**

Councillor Hewitt

Councillor Webb

**Reform UK**

Councillor Bullock

Councillor Haworth

**Liberal Democrats**

Councillor Priest (Vice-Chair)

**Green Party**

Councillor Ibrahim

**Horwich and Blackrod First**

Councillor Grant

**Farnworth and Kearsley First**

Councillor Connor-Bennett

**Communities First**

Councillor A. Patel (Chair)

**Children's Services Scrutiny Committee**
**(12) (3 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First: 1 Communities First)**

**Labour**

Councillor Hon

Councillor F. Khan

Councillor McHugh

**Conservative**

Councillor Cadden

Councillor Connor

**Reform UK**

Councillor Clarke

Councillor Tucker

**Liberal Democrats**

Councillor McGeown (Chair)

**Green Party**

Councillor Arif

**Horwich and Blackrod First**

Councillor Rigby (Vice-Chair)

**Farnworth and Kearsley First**

Councillor Crossley

**Communities First**

Councillor Willamson

**Co-Opted Members (With Voting Rights)**

1 Church of England Diocese Representative
1 Roman Catholic Diocese Representative
2 Parent Governors

**Lay Members:**

Primary Head Teacher Representative
Secondary Head Teacher Representative
Two Representatives of Joint Teachers Panel
Bolton Forum for Sport Representative
Youth Council

**Health Overview and Adults, Communities and Integration Scrutiny Committee (12) (4 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First)**

**Labour**

Councillor Atcha

Councillor Hon

Councillor Shaikh

Councillor Mrs. Thomas

**Conservative**

Councillor Moller

Councillor Morgan

**Reform UK**

Councillor Bullock

Councillor Pattison (Chair)

**Liberal Democrats**

Councillor McGeown

**Green Party**

Councillor H. Alli (Vice-Chair)

**Horwich and Blackrod First**

Councillor Wright

**Farnworth and Kearsley First**

Councillor Crossley

**Lay Members:**

Healthwatch Representative
Age Concern
Ms. K. Farnworth – Bolton and District Pensioners Association

**Health and Wellbeing Board (8) (3 Lab: 1 Conservative: 1 Reform UK: 1 Liberal Democrats: 1 Green Party: 1 Horwich and Blackrod First)**

**Labour**

Councillor Fielding

Councillor Schofield

Councillor Mrs Thomas

**Conservative**

Councillor Morgan

**Reform UK**

Councillor Pattison

**Liberal Democrats**

Councillor McGeown

**Green Party**

Councillor H. Alli

**Horwich and Blackrod First**

Councillor Wright

**Bolton's Healthwatch (1)**

**Director of Children's Services**

**Director of Public Health**

**Director of Adults, Communities and Integration**

**Employee representative (1)**

**Planning Committee (12) (3 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Farnworth and Kearsley First: 1 Horwich and Blackrod First 1 Communities First)**

**Any Member Suitably Trained Can Deputise for any Member of the Committee**

**Labour**

Councillor McHugh

Councillor Mort (Vice-Chair)

Councillor Newall

**Conservative**

Councillor Connor

Councillor Morgan (Chair)

**Reform UK**

Councillor Clarke

Councillor Pedley

**Liberal Democrats**

Councillor McGeown

**Green Party**

Councillor Ismail

**Horwich and Blackrod First**

Councillor Grant

**Farnworth and Kearsley First**

Councillor Crossley

**Communities First**

Councillor A. Patel

**Licensing and Environmental Regulation Committee (12) (4 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First)**

**Any Member Suitably Trained Can Deputise for any Member of the Committee**

**Labour**

Councillor Chadwick

Councillor Donaghy

Councillor F. Khan

Councillor Barnard

**Conservative**

Councillor Hewitt

Councillor Galloway

**Reform UK**

Bailey

Pedley

**Liberal Democrats**

Councillor Priest (Chair)

**Green Party**

Councillor B Khan

**Horwich and Blackrod First**

Councillor Finney (Vice-Chair)

**Farnworth and Kearsley First**

Councillor Flitcroft

**Licensing (Licensing Act 2003) and (Gambling Act 2005) Sub-Committee**

To be made up of 3 members from the main Committee to deal with representations under the Licensing Act 2003 and Gambling Act 2005.

**Standards Committee (12) (4 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First)**

**Labour**

Councillor Donaghy

Councillor McHugh

Councillor Mort

Councillor Newall

**Conservative**

Councillor Hewitt

Councillor Muslim

**Reform UK**

Councillor Lewis

Councillor Tucker

**Liberal Democrats**

Councillor Veevers

**Green Party**

Councillor Arif

**Horwich and Blackrod First**

Councillor Rigby

**Farnworth and Kearsley First**

Councillor Flitcroft

**Audit Committee (8) (3 Lab: 1 Con: 1 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First)**

**Any Member Suitably Trained Can Deputise for any Member of the Committee**

**Labour**

Councillor McHugh

Councillor Mort

Councillor Barnard

**Conservative**

Councillor Cadden

**Reform UK**

Councillor Jones

**Liberal Democrats**

Councillor Veevers (Chair)

**Green Party**

Councillor B. Khan

**Horwich and Blackrod First**

Councillor Wright

**Bolton Cares Steering Committee (8) (3 Lab: 1 Con: 1 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First)**

**Labour**

Councillor Mrs. Thomas (Chair)

Councillor Newall

Councillor Schofield (Vice-Chair)

**Conservative**

Councillor Morgan

**Reform UK**

Councillor Wunderley

**Liberal Democrats**

Councillor Price

**Green Party**

Councillor H. Alli

**Horwich and Blackrod First**

Councillor Finney

**Independent Remuneration Panel**

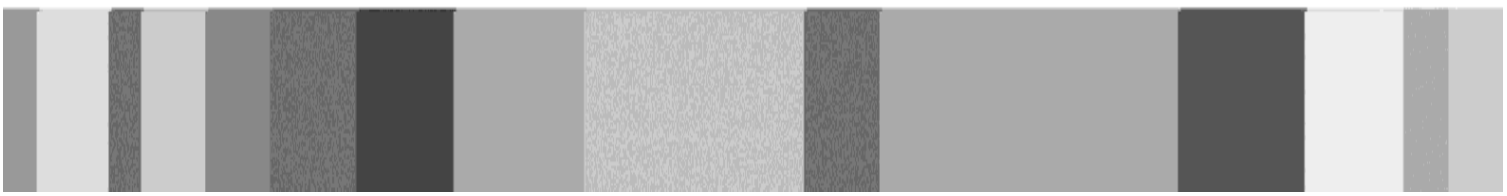
Ms. M. Blenkinsop

Vacant

Reverend Hannah Lane

Bolton Council

# Appointment of Members to Panels – 2026/2027



# D(i). Appointment of Members to Panels

**Membership of Working Parties/Panels/Policy Development Groups 2026/2027**

**Note 1:** **Reference to Executive Cabinet Member refers to the relevant subject area.**

**Note 2:** **In the event of any member being unable to be present at any meeting of the under mentioned provision can be made, in accordance with Standing Order 35, for a substitute member to be appointed.**

**Adoption Panel**
**(1 Lab)**

Councillor Hon

**Chief Officers Appointments Panel**
**(8) (3 Lab: 1 Con: 1 Reform: 1 Liberal Democrats: 1 Green Party: 1 Horwich and Blackrod First)**

| | |
|---|---|
| Labour | Councillor Donaghy<br>Councillor Morrisey<br>Councillor Zaman |
| Conservative | Councillor Muslim |
| Reform UK | Councillor Jones |
| Liberal Democrats | Councillor Veevers |
| Green Party | Councillor H. Alli |
| Horwich and Blackrod First | Councillor Finney |

**Central Safety, Health and Welfare Joint Consultative Committee**
**(8) (3 Lab: 1 Con: 1 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First)**

| | |
|---|---|
| Labour | Councillor Donaghy<br>Councillor Fielding<br>Councillor Newall |

| | |
|---|---|
| Conservative | Councillor Mrs. Fairclough |
| Reform UK | Councillor Pedley |
| Lib Dem | Councillor Priest |
| Green Party | Councillor Arif |
| Horwich and Blackrod First | Councillor Wright |

**Charitable Land Panel**
**(8) (3 Lab: 1 Con: 1 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First)**

| | |
|---|---|
| Labour | Councillor McHugh<br>Councillor Morrisey<br>Councillor Zaman |
| Conservative | Councillor Cox |
| Reform UK | Councillor Bullock |
| Liberal Democrats | Councillor Hayes |
| Green Party | Councillor B. Khan |
| Horwich and Blackrod First | Councillor Finney |

**Constitutional Panel**
**(12) (4 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First)**

| | |
|---|---|
| Labour | Councillor N. Ayub<br>Councillor Donaghy<br>Councillor Mort<br>Councillor Zaman |
| Conservative | Councillor Hewitt<br>Councillor Muslim |
| Reform UK | Councillor Haworth<br>Councillor Wunderley |
| Liberal Democrats | Councillor Priest |
| Green Party | Councillor Ibrahim |
| Horwich and Blackrod First | Councillor Grant |
| Farnworth and Kearsley First | Councillor Crossley |

**Crompton Place Working Group**
**(8) (3 Lab: 1 Con: 1 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First)**

| | |
|---|---|
| Labour | Councillor Donaghy<br>Councillor Morrisey<br>Councillor Zaman |
| Conservative | Councillor Cox |
| Reform UK | Councillor Bailey |
| Liberal Democrats | Councillor Priest |
| Green Party | Councillor Ibrahim |
| Horwich and Blackrod First | Councillor Grant |

**Education Assistance Panel**
**(8) (3 Lab: 1 Con: 1 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First)**

| | |
|---|---|
| Labour | Councillor Jiva<br>Councillor F. Khan<br>Councillor McHugh |
| Conservative | Councillor Galloway |
| Reform UK | Councillor Clarke |
| Liberal Democrats | Councillor McGeown |
| Green Party | Councillor Ibrahim |
| Horwich and Blackrod First | Councillor Rigby |

**Fostering Panel**
(1 Lab) — Councillor F. Khan

**Local BEE Network Committee (12) (4 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First)**

| | |
|---|---|
| Labour | Councillor N. Ayub<br>Councillor Fielding<br>Councillor Hon<br>Councillor Mort |
| Conservative | Councillor Mrs. Fairclough<br>Councillor Webb |
| Reform UK | Councillor Haworth<br>Councillor Lewis |
| Liberal Democrats | Councillor Veevers |
| Green Party | Councillor Arif |
| Horwich and Blackrod First | Councillor Rigby |
| Farnworth and Kearsley First | Councillor Connor-Bennett |

| | |
|---|---|
| **Personnel Appeals Panel Membership Pool (12) (4 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First)** | |
| Labour | Councillor Atcha<br>Councillor Donaghy<br>Councillor Mort<br>Councillor Newall |
| Conservative | Councillor Hewitt<br>Councillor Cox |
| Reform UK | Councillor Lewis<br>Councillor Tucker |
| Liberal Democrats | Councillor Veevers |
| Green Party | Councillor Ibrahim |
| Horwich and Blackrod First | Councillor Finney |
| Farnworth and Kearsley First | Councillor Flitcroft |
| **4 Policy Development Groups (12) (4 Lab: 2 Con: 2 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First: 1 Farnworth and Kearsley First)** | **Membership is to be determined by each group leader for the relevant PDG in accordance with the terms of reference for these groups.** |
| **School Governor Appointments Panel (8) (3 Lab: 1 Con: 1 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First)** | |
| Labour | Councillor Jiva<br>Councillor F. Khan<br>Councillor Mrs. Thomas |
| Conservative | Councillor Galloway |
| Reform Uk | Councillor Tucker |

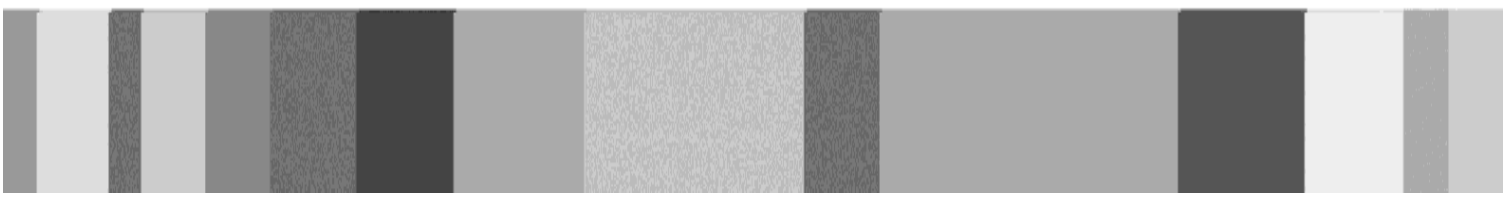
| | |
|---|---|
| Liberal Democrats | Councillor Price |
| Green Party | Councillor Arif |
| Horwich and Blackrod First | Councillor Rigby |

**Single Local Joint Consultative Committee**
**(8) (3 Lab: 1 Con: 1 Reform: 1 Lib Dem: 1 Green Party: 1 Horwich and Blackrod First)**

| | |
|---|---|
| Labour | Councilor Donaghy (Chair)<br>Councillor McHugh<br>Councillor Zaman |
| Conservative | Councillor Cox |
| Reform UK | Councillor Lewis |
| Liberal Democrats | Councillor Hayes |
| Green Party | Councillor H. Alli |
| Horwich and Blackrod First | Councillor Finney |

Bolton Council

# Appointment of Representatives/Members To Various Bodies 2026/2027



# Bolton Council

## Appointment of Representatives/Members To Various Bodies 2026/2027

This document contains details of the appointments made by the Council to various internal/outside bodies and organisations. The appointments are either for the Municipal Year 2026/2027 or for a specific period of time as shown against each heading.

In the event of any member being unable to be present at any meeting of an organisation to which they have been appointed, arrangements can be made for the appointment of a nominee provided that the terms of the appointment do not prohibit such a course of action.

The document is divided into sections based on the various areas that Executive Cabinet Members are responsible for.

**Appointment of Representatives/Members to Various Bodies**

**Note 1: Unless otherwise stated, term of office/period of appointment is until the next following Annual Meeting of the Council.**

| **Organisation (Number)** | **Representative(s)** |
|---|---|
| Association of Greater Manchester Authorities (AGMA) | |
| (i) AGMA Executive Board (1) | Leader of the Council |
| One substitute | Councillor Schofield |
| (ii) Statutory Functions Committee (1) | Councillor N Ayub<br>Councillor Hon (Deputy) |
| (iii) GMCA Audit Committee (1) (appointed via GMCA) | Councillor Mort |
| Bolton Town Centre Leadership Board (3) (Lab 1: Con 1: Reform 1) | Councillor Zaman<br>Councillor Muslim<br>Councillor Jones |
| Bolton Vision Board (3) (Lab 1: Con 1: Reform 1) | Councillor Zaman<br>Councillor Muslim<br>Councillor Bailey |
| GM Combined Authority (1) (plus substitute) | Leader of the Council<br>Councillor Schofield (Deputy) |
| Greater Manchester Police and Crime and Fire Panel (1) | Councillor Khurram<br>Councillor Atcha (substitute) |
| Greater Manchester Overview and Scrutiny Committee (6) (Lab 3: Con 1: Reform 1: Horwich and Blackrod First 1) | Councillor M Ayub<br>Councillor F Khan<br>Councillor Shaikh<br>Councillor Muslim<br>Councillor Haworth<br>Councillor Wright |
| Local Government Association: | |
| General Assembly (3) (Lab 1: Con 1: Reform 1) | Leader of the Council<br>Councillor Muslim<br>Councillor Pedley |

| | |
|---|---|
| Mayoral Advisory Group<br>(3) (Lab 2: Con 1) | Councillor Donaghy<br>Councillor Zaman<br>Councillor Mrs Fairclough |
| Procurement Holdings Limited (YPO)<br>(Lab 1) | Councillor Khurram |
| Special Interest Group of Metropolitan Authorities (SIGOMA)<br>(Lab 1) | Councillor Zaman |

| | | |
|---|---|---|
| Yorkshire Purchasing Organisation<br>(Lab 2) | Councillor Khurram (Voting Rights)<br>Councillor Mort | Deputy<br>Councillor Morrisey<br>Councillor Fielding |

| | |
|---|---|
| University of Manchester General Assembly<br>(Lab 1) | Councillor Zaman |
| Age Concern (Bolton) - Executive Committee<br>(Lab 1) | Councillor Schofield |
| Bolton Schools Forum<br>(Lab 1) | Councillor Jiva |
| Champion for Looked After Children | Councillor Hon |
| Champion for Mental Health | Councillor Mort |
| Champion for Young People | Councillor Morrisey |
| Council of Governors Bolton Hospitals Foundation Trust<br>(2) (Lab 1: Con 1) | Councillor Shaikh<br>Councillor Morgan |
| Governing Body of Birtenshaw School<br>(Lab 1) | Councillor McHugh |
| Greater Manchester Health Scrutiny Committee | Councillor Pattison<br>Councillor Bullock(Deputy) |

North West Regional Association of Children's Services Authorities:

| | |
|---|---|
| Association<br>(1) Lab+ (1 Officer) | Councillor Jiva<br>Director of Children's Services |

| | |
|---|---|
| Health and Care Partnership Locality Board<br>(3) (Lab 1: Con 1: Reform 1) | Councillor Fielding<br>Councillor Morgan<br>Councillor Pattison |
| Standing Advisory Council on Religious Education (SACRE)<br>(Committee D)<br>(3) (Lab 1: Con 1: Reform 1) | Councillor Cox<br>Councillor Donaghy<br>Councillor Tucker |
| Atlantic Gateway Board (appointed via GMCA)<br>(1) | Councillor Zaman |
| Be Safe Bolton Strategic Partnership<br>(3) (Lab 1: Con 1: Reform 1) + (1 officer) | Councillor Bullock<br>Councillor Cadden<br>Councillor Khurram<br>Assistant Director Community Safety and Housing (Vice-Chair) |
| Bolton Transport Partnership<br>(3) (Lab 1: Con 1: Reform 1) | Councillor N. Ayub<br>Councillor Haworth<br>Councillor Webb |
| Champion for Domestic Abuse | Councillor F. Khan |
| Champion for Cleaner and Greener | Councillor Atcha |
| Champion for Older People | Councillor Mrs Thomas |
| Champion for Animal Welfare | Councillor Newall |
| Cleaner and Greener Partnership<br>(3) (Lab 1: Con 1: Reform 1)+(1 officer) | Councillor Morrisey<br>Councillor Bullock<br>Councillor Hewitt<br>Director of Place |
| Doffcocker Lodge Management Committee<br>(Lib Dems 3) | Councillor Hayes<br>Councillor Priest<br>Councillor Veevers |
| Greater Manchester Environmental Commission - Board of Trustees<br>(1) | Councillor Morrisey |
| Greater Manchester Waste and Recycling Committee (appointed via GMCA)<br>(2) | Councillor Morissey (1st nominee)<br>Councillor N. Ayub |

| | |
|---|---|
| Manchester, Bolton and Bury Canal Steering Group<br>(2) (Lab 1: Con 1) | Councillor Barnard<br>Councillor Webb |
| PATROL Parking Adjudication Joint Committee<br>(1) | Councillor N. Ayub |
| Greater Manchester Forests Partnership<br>(3) (Lab 1: Con 1: LibDem 1) | Councillor Morrisey<br>Councillor Moller<br>Councillor Hayes |
| Turton and North Bolton Local Advisory Group<br>(3) (Lab 1: Con 2) | Councillor Schofield<br>Councillor Muslim<br>Councillor Connor |
| Westhoughton Local Nature Reserve<br>(3) (Lab 2: Reform 1 | Councillor McHugh<br>Councillor Chadwick<br>Councillor Clarke |
| West Pennine Moors Area Management Committee<br>(2) (Lab 1: Lib Dem 1) | Councillor Morrisey<br>Councillor Hayes |
| All Souls Community Centre<br>(1) Lab | Councillor Jiva |
| Active Bolton Board<br>(2) (Lab 1: Con 1) | Councillor Mort<br>Councillor Mrs Fairclough |
| Bolton Housing Partnership<br>(1) and (2 Officer) | Councillor Fielding<br>Director of Place<br>Director of Adult Services, Communities and Integration |
| Bolton Citizens Advice Bureau<br>(1) | Councillor Barnard |
| Bolton Community and Voluntary Service Executive Committee<br>(1) | Councillor Khurram |
| Bolton Community Leisure Trust<br>(1) | Councillor Newall |
| Bolton Active Travel Forum<br>(3) (Lab 1: Con 1: Reform 1) | Councillor Haworth<br>Councillor N. Ayub (Ch)<br>Councillor Moller |
| Be One Homes | |
| Main Board<br>(1) (Lab) | Councillor M. Ayub |

| | |
|---|---|
| Bolton Lads and Girls Club<br>(1) Lab | Councillor Newall |
| Bolton Strategic Economic Partnership<br>(3) (Lab 1: Con 1: Reform 1) + (1 Officer) | Councillor Zaman<br>Councillor Muslim<br>Councillor Wunderley<br>Chief Executive |
| Bolton Young Person's Housing Scheme<br>(1) | Councillor Mort |
| Fair Trade Steering Group<br>(3) (Lab 1: Con 1: Reform 1) | Councillor Morrisey<br>Councillor Lewis<br>Councillor Moller |
| GM Pensions Fund Management Panel<br>(appointed via AGMA Exec)<br>(1) | Councillor Donaghy |
| Hoot Cooperative Board<br>(1) | Councillor Morrisey |
| North West Coalfields Communities Regeneration Programme Board<br>(1) | Councillor Donaghy |
| North West Evergreen Fund Limited Partnership<br>(1) | Councillor Morrisey |
| North Western Local Authorities Employers' Organisation<br>(1) | Councillor Zaman<br>Councillor Donaghy (Substitute) |
| GM Planning and Housing Commission<br>(appointed via AGMA Exec)<br>(1) | Councillor Donaghy |
| Octagon Theatre Trust<br>(2 )(Lab 1: Con 1) + (1 Officer) | Councillor Newall<br>Councillor Mrs Fairclough<br>Director of Corporate Resources |
| Peoples History Museum<br>(1) | Councillor Donaghy |
| Rivington Heritage Trust (observer)<br>(1) H&BFI | Councillor Wright |
| Smithills Sports Centre Management Committee<br>(2) Lib Dems two year term expires May 2027 | Councillor Priest<br>Councillor Veevers |

| | |
|---|---|
| The North West of England and Isle of Man Reserve Forces and Cadets Association. (1) | Councillor Morgan |
| Victim Support and Witness Service (1) | Councillor Khurram |
| Champion for the Armed Forces | Councillor Morgan<br>Councillor Donaghy (deputy) |
| Armed Forces Liaison Committee (3) (Lab 1: Con 1: Reform 1) | Councillor Donaghy<br>Councillor Morgan<br>Councillor Clarke |

**OFFICER APPOINTMENTS**

| | |
|---|---|
| AGMA Procurement Hub (former GM Purchasing Consortium) | Borough Treasurer |
| Bolton Bond Board Management Committee | Director of Adults, Communities and Integration |
| Bolton Science and Technology Centre Limited | Assistant Director, School Improvement |
| Bolton Wanderers Community Trust | Director of Place |
| Bolton Wildlife Advisory Group | Director of Place |
| Chadwick Educational Foundation | Director of Children's Services |
| Chartered Institute of Public Library and Information Professionals | Director of Corporate Resources |
| Environment Agency Liaison with Local Authorities within South Area | Director of Place |
| Fair Share Trust Programme Stakeholder Panel (Great Lever) | Director of Place |
| Greater Manchester Chamber of Commerce | Director of Place |
| Industrial Communities Alliance | Director of Place |
| LIFT Strategic Partnering Board | Chief Executive |
| Museums Association | Director of Corporate Resources |
| North Western Federation of Museums and Galleries | Director of Corporate Resources |
| North West Regional Migration Strategic Partnership | Assistant Director Community Safety and Housing |
| North West Sound Archive | Director of Place |
| North West Sports Volunteers Initiative Steering Group | Director of Public Health |
| Ring-and-Ride Steering Group | Director of Place Services |
| Samuel Crompton Scholarship and Prize Fund - Trustees | Director of Children's Services |
| Society of Chief Librarians | Director of Corporate Resources |

**Charities**

**Note 1: Unless otherwise stated, term of office/period of appointment is until the next following Annual Meeting of the Council.**

| Organisation | Representative(s) | Appointed until |
|---|---|---|
| Clarke Convalescent Fund | Vacant | May 2027 |
| (3)(Lab 1: F&KF 1: 1 Vacant) | Councillor Khurram | May 2027 |
| | Councillor Flitcroft | May 2027 |
| Dame Dorothy Legh Charity | Vacant | May 2027 |
| (1) | | |
| Rishton and Seddons Charities | Councillor Webb | May 2027 |
| (3)(Con 1: LibDem 1:H&BF 1) | Councillor Priest | May 2027 |
| | Councillor Wright | May 2027 |
| Westhoughton Educational Charity | Councillor McHugh | May 2027 |
| (2)(Lab 1: LibDem 1) | Councillor Price | May 2027 |

Bolton Council

# Scheme of Delegation 2026/2027



## Guidance Notes

## 1. Decision Making

1.1. It should be noted that any decisions made under this Scheme are open to challenge and review. It is, therefore, important to be able to show that a decision has been made in a lawful way.

1.2. It is important to remember that decisions which are overturned will frequently have been successfully challenged because they have been reached following a flawed or improper process.

1.3. There are a number of areas of action and decision making by local authorities which typically give rise to challenge. They include:-

- failure to take into account relevant considerations;
- taking into account irrelevant considerations;
- acting so unreasonably such that no reasonable body of persons could have so acted;
- failure of the Council to direct itself properly in law;
- exercising a power for a purpose for which it was not conferred;
- acting in bad faith or for an improper motive, fettering or failing to exercise discretion, or through improper delegation;
- failure to consult properly;
- failure to have proper regard to individual or collective rights in accordance with the statutory requirements e.g. Human Rights Act 1998, Freedom of Information Act 2000, Data Protection Act 2018 and the General Data Protection Regulations 2016;
- failure to act fairly or observe procedural requirements;
- failure to comply with the requirement that local government finance must be conducted on an annual basis; and
- failure to have proper regard to the extent to which their own resources can be taken into account in deciding whether to make any provision.

## 2. Decision Making - Executive and Key Decisions

2.1 Regulation 8 of The Local Authorities (Executive Arrangements) (Access to Meetings and Information) (England) Regulations 2012 defines key decisions as:

"an executive decision, which is likely—

(a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority."

2.2 Key decisions can normally only be made by the Cabinet/Executive Cabinet Member if they have been included on the Council's Forward Plan and the report on which the decision is based has been available for public inspection for five clear days (cases of urgency and emergency powers have different procedures). When such decisions are made by the Cabinet/Executive Cabinet Member, a representative of the Monitoring Officer and Chief Finance

Officer must be present and decisions must be recorded.

2.3 Key decisions taken by officers have to be included in the Council's Forward Plan, the report has to be available for five clear days and decisions have to be recorded (see 3.4 below) as do any executive decisions made by the Cabinet or Executive Cabinet Members. Decisions taken by officers (in the main operational decisions) do not have to be recorded, but officers' attention is drawn to paragraph 3.7. For the avoidance of doubt, a decision to expend £500,000 or more will be a key decision"

## 3. Decision Making – The Process

3.1. Before a Director or other designated officer takes a key decision under the Scheme, the Director/designated officer must satisfy him/herself where relevant as to the following matters:-

(a) the facts upon which the decision must be based;

(b) any legislative requirements, including the need to secure Best Value (in accordance with the Local Government Act 1999);

(c) the strategies and policies contained in the Budget and Policy Framework and any plans policies, strategies, objectives, initiatives or procedures relating to their services or the Council;

(d) any relevant national or regional guidance;

(e) the available options;

(f) the financial, staffing and legal implications, following consultations with Chief Finance Officer and the Monitoring Officer;

(g) the views/advice of any appropriate statutory officer;

(h) the views of any Ward member(s) where the report relates to a particular ward of the Borough;

(i) any consultation undertaken, the views of any consultees and any other representations received;

(j) any implications for any other areas of the Council's activities including the views of any Director whose services may be affected and whether any consultation has taken place; and

(k) the Council's Constitution, including Standing Orders relating to contracts and Financial Regulations.

3.2 Officers are responsible for determining when further consultation and public participation would be appropriate.

3.3 Where a Director is taking a key decision, he/she should undertake consultation with the relevant Executive Cabinet Member before taking the decision.

3.4 Where an officer is empowered to make a key decision under the Scheme of Delegation, that officer shall complete a Record of Delegated Decision in respect of that decision which must include:-

(a) a record of the decision;

(b) the reasons for the decision;

(c) details of any alternative options considered and rejected by the Officer;

(d) a record of any conflict of interest declared, in relation to the decision, by any Executive Cabinet Member consulted by the officer who made the decision; and

(e) in respect of any declared conflict of interest a note of any dispensation granted by the Local Authority's Standards Committee.

3.5 Any report considered in the making of the key decision and the record of the key decision have to be available for inspection by members of the public as soon as reasonably practicable. Consequently, a report detailing the action taken will need to be submitted to the next Cabinet or relevant Executive Cabinet Member meeting and the Record of Delegated Decision will also be made available for perusal by all members of the Council.

3.6 A copy of each Record of Delegated Decision shall be kept from the date of a decision for a four year period and an electronic copy of each Record of Delegated Decision shall be sent to Legal Services.

3.7 Officers are also responsible for ensuring that consultation is undertaken, where appropriate, and especially where they are aware that the decision is likely to be controversial.

## 4. Referral

Whilst this Scheme of Delegation is designed to encourage officers to take responsibility for decisions, an officer should always consider the advisability of consulting the Chief Executive or the appropriate Director and/or the Executive Cabinet Member especially on matters involving the reputation of the Council to decide on the appropriate decision maker.

## 5. Member Consultation

Before an officer exercises delegated power to make a key decision, s/he must consult with the relevant Executive Cabinet Member and also with the appropriate Opposition Spokespersons. The appropriate Executive Cabinet Member may direct that an officer's delegated authority should not be exercised and that the matter should be referred to the Executive Cabinet Member for consideration.

## 6. Decision Making - Giving Reasons

There is a duty to provide adequate reasons for a decision. Adequate reasons should:

- deal with all the substantial points made;
- be sufficient so that it is clear whether an error in law has been made; and
- set out and explain, where appropriate, the key aspects of the rationale behind the reasons.

## 7. Accountability

Officers are accountable to the Council for any decision they make and may be required to report to, and to answer questions from, a Scrutiny Committee in respect of a decision which they make. Officers may also be required to account to or answer questions from the Local Government Ombudsman, Auditor, Inspector(s) or in court or other proceedings.

The delegations contained in this Scheme are subject to the provisions contained in Standing Orders Relating to Proceedings of the Council (And Other Formal Meetings) Orders 34(a), 34(b), 34(c) and 34(d).

## A. Chief Officers

### A (1) Powers to All Chief Officers

1.1. Power to authorise expenditure in accordance with agreed budgets and, where there is an approved or delegated budget, to procure works, supplies and services subject to compliance with~~,~~ Standing Orders relating to Proceedings, Standing Orders relating to Contracts and Financial Procedure Rules.

1.2. Authority to act as the Proper Officer of the Council for the purpose of Sections 100D(1)(a) and 100D(5)(a) of the Local Government Act 1972 in respect of reports to The Cabinet/Executive Cabinet Members/Committees prepared in their names and, in the case of a joint report, the Proper Officer shall be the first mentioned Chief Officer for both these functions.

1.3. Authority to sign Statements of Truth for the purposes of commencing, conducting and defending proceedings in court.

1.4. For the purposes of the Town and Country Planning General Regulations 1992, or like regulation replacing or re-enacting the same, authority to make any necessary application for planning permission (subject to prior consultation with the Borough Solicitor) for any purpose to progress any project or scheme approved by the Council.

1.5. Authority to appoint staff below second tier level in accordance with the Council's appointments process.Authority, in consultation with the Chief Property Officer, to declare land and premises surplus to operational requirements or to accept an appropriation of any land and premises which are required for future use, with any terms and conditions or planning brief to be reported to the relevant Executive Cabinet Member.

1.6. Authority to:

(a) apply for external funding and, where applicable, legal advice has been sought, to formally accept the funding and enter into a grant agreement on completion of a satisfactory subsidy control risk assessment; and

(b) create a grant scheme and distribute any external funding received in accordance with the terms of the scheme and the terms of the grant; and/or

(c) procure any required supplies, services or works using any external funding in accordance with Standing Orders relating to Contracts and the terms of the grant

provided any action taken under (b) and (c) is reported to the relevant Executive Cabinet Member for noting and a satisfactory subsidy control risk assessment has been completed.

1.7. Authority to award grant funding up to a maximum of £2,000.

1.8. Authority, in consultation with the Borough Solicitor, to work in partnership with other public bodies to jointly commission / procure works, supplies and services, subject always to 1.1 above.

1.9. Authority to arrange for, subject to consultation with the Information

Governance Team, the entering into of Information Sharing and Data Processing Agreements with a third party.

1.10. Authority to levy a reasonable charge for support provided by the Council where permitted by statute.

**A (2) Powers to the Chief Executive, the Director of Adults, Communities and Integration (DASS), the Director of Children's Services, the Director of Corporate Resources, the Director of Place, and the Director of Public Health**

2.1 Authority to award compensation under the Council's Complaints Procedures up to the value of £1,000 per person, in consultation with the Borough Solicitor.

2.2 Authority to make payments recommended by the Local Government Ombudsman, in consultation with the Borough Solicitor.

**A (3) Powers to Chief Officers in Consultation With Members**

3.1 In consultation with the Chair, Vice Chair and opposition spokesperson of the Planning Committee or the Licensing and Environmental Regulation Committee, authorisation to take any action on behalf of the Council in cases of urgency within the remit of the Committees, subject to a report to the next convenient meeting.

3.2 In consultation with the Chair of an Area Forum, authority to take any action on behalf of the Council in cases of urgency within the remit of the Forum subject to a report being submitted to the next meeting of the Forum.

**A (4) Executive Cabinet Members - The Emergency Powers Procedure**

4.1 Authority to take any action on behalf of the Council in any cases of urgency in accordance with the following procedure:-

(a) Key Decisions
With the consent of the Chief Executive (or in their absence the Borough Solicitor) consultation to be undertaken by the officer seeking to use emergency powers with the relevant Scrutiny Committee Chair (or Vice-Chair in the Chair's absence) with an explanation given as to why the emergency powers procedure is being used. The Executive Cabinet Member is authorised to take the decision and the relevant opposition members shall be informed in writing of the action proposed as soon as reasonably possible. A report then needs to be submitted to the next meeting of the Executive Cabinet Member, for information, detailing the actions taken and the reasons why; and

(b) Other Executive Decisions
With the consent of the Chief Executive (or in their absence, the Borough Solicitor), a written request to be made to the Executive Cabinet Member who has authority to take the decision, which request shall include an explanation as to why the Emergency Powers

Procedure is being used, with a report being submitted to the Executive Cabinet Member's next meeting, for information, detailing the actions taken and the reasons why. Relevant opposition members should be informed in writing of any action taken using the Emergency Powers Procedure.

**A (5) Powers to Deputies to Chief Officers and the Chief Executive**

5.1 Chief Officers may delegate their powers to other officers as required by the Directorate's service needs.

**A (6) Local Government (Contracts) Act 1997 Certificates**

6.1 The Council will, subject to the exceptions set out below, indemnify the Chief Executive, and the Borough Solicitor (and any other Officers who are authorised to give certificates under the Local Government (Contracts) Act 1997 (as amended or re-enacted)) against any claims made against them (including costs incurred by and awarded against them) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to their Officers under any policy of insurance taken out by the Officer) occasioned by neglect, act, error or omission committed by such Officer in the course of or in connection with signing a certificate within the meaning of the 1997 Act.

6.1.1 The exceptions are:-

(a) Any amount which results directly or indirectly from the commission of a criminal offence of which the Officer is convicted, except where the Council, upon consideration of all the circumstances, determines that the Officer should nonetheless benefit from this indemnity; and

(b) Any amount directly or indirectly resulting from the fraud or dishonesty of the Officer.

6.2 This indemnity will not apply where:

(a) an Officer, without prior written approval of the Council, admits liability or compromises any claim falling within the scope of the indemnity; or

(b) the Officer signs the certificate and the Council has resolved that it will not apply.

**A (7) Regulation of Investigatory Powers Act 2000 (RIPA)**

7.1 That the undermentioned post holders (and any others specifically authorised by the Cabinet) be authorised to act as Authorising Officers, as defined within the Regulation of Investigatory Powers Act 2000, for applications to carry out surveillance for activities within that field of operation under Sections 21, 28 and 29 of the Regulation of Investigatory Powers Act 2000:

- Senior Head of Service Community Safety & Vulnerable People

- Head of Service, Regulatory Services
- Head of Service, Environmental Delivery
- Head of Service, Environmental Assets
- Head of Audit and Risk Management
- Head of Community Housing Services

## B. Chief Executive

### B (1) Powers to the Chief Executive

1.1 Power to authorise the payment of subscriptions and fees to professional bodies of which it is in the interests of the Council that Chief Officers should be in membership.

1.2 Authority to agree grant requests made for funding allocated to Ward Members subject to a report to the next Member only meeting.

1.3 Authority to award grants from the main grants scheme in cases of emergency and in accordance with the established criteria.

1.4 Authority to approve grants from the "Grants to Voluntary Organisations concerned with the Arts" and the "Grants related to Community Arts Activities" funds up to a maximum of £1,000 or 75% of eligible costs, whichever is the greater.

1.5 Authority to participate and/or be represented by any of the Chief Executives of any of the other Greater Manchester district councils, in Emergency Planning Major Incident arrangements involving toxic chemical or biological substances.

1.6 Authority to take any action which is required as a matter of urgency in the interests of the Council, in consultation with the Leader of the Council, if time permits, to deal with emergencies and disasters and the carrying out any of the functions under the Civil Contingencies Act 2004.

1.7 Power to authorise the attendance of any member at any relevant conference or seminar, subject to a report being submitted to the relevant Executive Cabinet Member meeting.

1.8 Authority to manage the membership of the Independent Remuneration Panel.

1.9 As Returning Officer and Electoral Registration Officer, to undertake all functions and responsibilities for all elections, save where otherwise provided including, but not limited to, the registration functions and duties (including varying the location of polling places where required) and the determination of fees and charges for local elections.

### B (2) To the Chief Executive in Consultation with Members

2.1 In consultation with the Leader of the Council, authorisation to take any action on behalf of the Council in cases of urgency.

2.2 In consultation with relevant ward members, authority to take any urgent decisions relating to the ward area, within a Forum's terms of reference, with respect to grants and issues emanating from the approved area action plan, subject to a report being submitted to the next formal meeting of the Forum

and that in the event of any ward member(s) failing to agree the proposed course of action the matter be dealt with at a formal meeting of the Forum to be arranged by the Directorate of Corporate Resources as soon as is practicable.

2.3 In consultation with the appropriate Executive Cabinet Member, power to approve establishments of Directorates, including creation, deletion, or variation of posts and including terms and conditions of services and the grading and re-grading of individual posts.

2.4 In consultation with the Leader, power to approve Special Severance payments below £100,000, with any payment of £100,000 or above to be approved by a vote of full council, in accordance with the Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England and to sign any accompanying Settlement Agreements.

**B (3) To the Chief Executive in consultation with the Chief Officers Appointments Panel**

3.1 Authority to appoint Chief Officers, Deputy Directors and Assistant Directors in accordance with the Council's appointments process.

**B (4) To the Chief Executive**

4.1 Authority, in consultation with the Borough Solicitor and the Director of Place, to action decisions made by the following partnerships provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member/the Cabinet:-

- Bolton's Housing Partnership
- Be Safe Bolton Strategic Partnership
- Bolton Safeguarding Adult Board
- Bolton Safeguarding Children's Partnership
- Bolton Health and Care Locality Board
- Health and Wellbeing Board

## C. Corporate Resources

### C (1) The Director of Corporate Resources

1.1 Authority to negotiate and enter into contracts relating to filming activities, sponsorship, marketing and events up to a value of £20,000 for each individual contract.

1.2 For contracts of a value of £20,001 and above authority, in consultation with the relevant Executive Cabinet Member, to negotiate and enter into contracts relating to filming activities, sponsorship, marketing and events.

1.3 Authority to approve all lettings within the Albert Halls Complex.

1.4 Authority to negotiate and enter contracts for performances by artistes within the Albert Halls Complex, including the letting and booking of accommodation for such performances.

1.5 Authority to vary Conditions of Hire in exceptional circumstances, and catering charges for catering use, and to waive or vary fees and charges of facilities under the control of the Directorate of Corporate Resources.

### Borough Treasurer

2.1 Power to decide on the eligibility of a charitable or other organisation for mandatory relief under Section 43 of the Local Government Finance Act 1988, and to grant discretionary relief under Section 47 of the Local Government Finance Act 1988 within the policy laid down by the Council.

2.2 Power to take all necessary action for the collection and recovery sundry debts and of the Council Tax, and all rates, including the National Non-Domestic Rates, and to take all necessary action in connection with valuation proceedings for Council Tax and Non-Domestic Rating purposes.

2.3 Authority to undertake functions as Council Tax Collecting Authority under legislation relating to the same, except for the making and levying of the Council Tax.

2.4 Authority to design (to the extent permitted by legislation) and administer the Local Council Tax Support Scheme for all dwellings, including authority to use discretionary powers in special circumstances.

2.5 Authority to design (to the extent permitted by legislation) and implement the Local Welfare Provision Scheme.

2.6 Authority to locally approve and implement the National Pension Scheme.

2.7 Authority to pay accounts.

2.8 Authority to write off bad debts except where precluded from doing so by law up to a maximum of £15,000 in each case.

2.9 Authority to carry out Treasury Management activities consisting of borrowing, leasing and investment transactions.

2.10 Authority to process hardship claims in connection with the National Non-Domestic Rates and grant relief, where claims are in accordance with section 49 of the Local Government and Finance Act 1988.

2.11 Power to determine applications for refund of National Non-Domestic Rates under section 9 of the General Rate Act 1967, as amended by Section 120 of the Local Government Finance Act 1988.

2.12 Power to determine applications made under section 44a of the Local Government Finance Act 1988, in respect of hereditaments which are partly occupied.

2.13 Power to issue Revenue Bills, in accordance with the Local Government and Housing Act 1989 and the Local Government Act 1972, up to the Council's legal limit in such denominations and to such bodies as he deems to be in the interest of the Council.

2.14 Power to impose and revoke penalties in relation to Council Tax.

2.15 Authority to authorise individuals for the purposes of Section 110A of the Social Security Administration Act 1992.

2.16 Power to give written authority to officers including the authority to take decisions in cases of Housing and/or Local Council Tax Support Fraud, including any decisions as to sanctions/prosecutions and decisions/certification in accordance with Sections 116(2)(b) and 116(3)(b) of the Social Security Administration Act 1992 and Regulations 4, 5, 10 and 11 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) Regulations 2013.

2.17 Authority to procure gas, electricity and water for the relevant financial year in compliance with the Standing Orders relating to Contracts and authority to agree variations to any contracts in place for the supply of gas, electricity and water.

2.18 Authority to negotiate the terms of admission body agreements and all other associated agreements with the Greater Manchester Pensions Fund.

2.19 Authority to appoint specified persons for the Greater Manchester Pensions Fund.

2.20 Authority to administer the Housing Benefit Scheme including the assessment and granting of Housing Benefit in relation to private accommodation in accordance with the Council's approved scheme, together with authority to use discretionary powers in special circumstances and to institute and conduct legal action for the recovery of housing benefit over-payments until such time as judgment by default is entered by the Council or a defence or a counter-claim is entered by the Defendant.

2.21 Authority to invest Criminal Injuries Compensation awards received of up to £10,000 with an appropriate banker and to make alternative arrangements for the investment of awards greater than this amount, subject to having due regard to the need to strike a balance between security and a high rate of return.

2.22 Authority to invest up to £10,000 of any compensation recovered or monies

inherited on behalf of any child for whom the Council exercises parental responsibility with an appropriate banker.

2.23 Authority to consider and make arrangements for the investment of awards of greater than £10,000 of any compensation recovered or monies inherited on behalf of any child for whom the Council exercises parental responsibility, subject to having due regard to the need to strike a balance between security and a high rate of return.

2.24 Authority to carry out financial accounting in relation to the Greater Manchester Road Authority Permit Scheme for the purpose of issuing the certificate required prior to prosecution for a permit offence confirming that a fixed penalty has not been received.

2.25 Authority to opt to tax buildings and/or land.

2.26 Authority to consider and determine Reviews of the Listing of Assets of Community Value under the Assets of Community Value (England)

Regulations 2012, following consultation with consultees as appropriate, or in the absence of the Assistant Director, the Head of Audit and Risk Management.

2.27 Authority to obtain external advice as necessary in connection with their responsibilities as Chief Finance Officer.

2.28 Authority to approve the acceptance of the lowest tender submitted, in respect of items grant aided under the Council's "Grants to Voluntary Groups" where the grant aid is above £10,000.

2.29 Authority to procure insurance policies.

**C (2) To the Borough Treasurer and Borough Solicitor**

2.1 Authority to procure due diligence checks.

**C (3) Assistant Director Human Resources and Organisational Development**

3.1 Authority to monitor the application of the employment policy framework of the Council and Directorate establishments through the medium of information supplied by Directorates.

3.2 Authority to monitor the application of the Equality Diversity and Inclusion policy framework of the Council through the medium of information supplied by Directorates.

3.3 Authority to interpret and operate the various national and locally agreed conditions of service, together with supplemental local schemes approved by the Council, including involvement in appointment and promotion of staff, payment of relocation allowances, car allowances, long service retirement gifts, leave of absence and all aspects of staff remuneration and reward.

3.4 Power to implement the organisational development policy of the Authority and to monitor its application through the medium of information provided by Directorates, including the granting of day release, study leave and financial

assistance where necessary, together with the organisation and provision of courses to meet training needs.

3.5 Authority to represent the Authority in negotiations or disputes with trade union representatives and to maintain established procedures for consultation, grievance and disciplinary matters.

3.6 Responsibility for the health, safety and welfare of all employees and to provide as far as possible good working conditions.

3.7 Authority to determine applications for early retirement under the Council's scheme.

3.8 Authority to negotiate the terms of employee liability agreements with contractors to whom staff will transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (or any replacement legislation, rules or regulations).

3.9 Authority to approve Special Severance payments below £20,000 in accordance with the Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England and sign any accompanying Settlement Agreement.

3.10 Authority to commission and enter into contracts for the provision of translation and interpretation services.

3.11 Authority to engage recruitment consultants.

**C (4) To the Assistant Director Human Resources and Organisational Development in consultation with the Borough Solicitor**

4.1 Authority to indemnify officers and members in accordance with the Local Government (Indemnities for Members and Officers) Order 2004.

**C (5) To Officers of the Directorate of Corporate Resources**

5.1 Authority to the Corporate Procurement Manager to sign Confidentiality Agreements and Access Agreements with other public bodies to assist the Council in the joint commissioning / procurement of works, supplies and services.

**C (6) Borough Solicitor**

6.1 Authority to complete all necessary legal formalities in order to give effect to any actions approved by the appropriate Executive Cabinet Member or the Cabinet, any actions taken in this scheme of delegation, any actions under the terms of a contract and any actions required to formalise a variation or novation of a contract.

6.2 Authority to remove and amend legal charges, deal with requisitions, consents, charging orders, restrictions and notices registered against property as a result of any action approved by the appropriate Executive Cabinet Member or the Cabinet or any action taken in this scheme of delegation.

6.3 Authority to enter into a Deed of Covenant with a purchaser of land where the Council has a benefit of a covenant under a Transfer of Conveyance.

6.4 Authority to obtain external advice and representation in relation to any legal matters or proceedings.

6.5 Authority to take or defend any legal action to protect the Council's interests, to incur reasonable costs in relation to the action and to bring it to the most satisfactory conclusion available.

6.6 Authority to act as the Proper Officer of the Council for the purposes of the Local Government Act 1972 Part VA (as amended) and the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000.

6.7 Authority to authorise (or discontinue authorisation for) any member of staff to appear as an advocate on behalf of the Council before the Magistrates and County Courts.

6.8 Authority to approve applications for, attach conditions to, renew or revoke grants of approval of premises for the solemnisation of marriages in accordance with the Marriage Act 1994.

6.9 Authority to commence and conduct proceedings in the Magistrates' Court for common assault, under the provisions of Section 222 of the Local Government Act 1972, where s/he is satisfied that an employee has been assaulted in the course of his or her employment by the Council, and that it is appropriate for the Council to commence proceedings.

6.10 Authority to complete all legal facilities with respect to schools converting to academy schools in accordance with the provisions of the Academies Act 2010.

6.11 Authority to hear and determine an appeal from a licensee against termination of market licence for breach of agreement, there being no such appeal in the event of a major breach of condition or term of the licence.

6.12 Authority to hear and determine an appeal from a close member of the family against the refusal by the relevant Chief Officer with delegated authority for the grant of a new miscellaneous licence.

6.13 Authority to serve the appropriate notices as required under leases, licences and tenancies of stalls, pitches or premises granted by the Council at any of the markets to enable rent reviews to be implemented and agreements to be renewed.

6.14 Authority to serve the appropriate notices to terminate tenancies under the Landlord and Tenant Act 1954 where vacant possession of stalls, pitches or premises at any of the markets is required by the Council for a scheme previously approved by the Council and to take all the necessary action to recover possession of the stalls, pitches or premises and authority to pay the appropriate statutory compensation.

6.15 Authority in respect of all of the markets, including any private markets, to enforce automatic termination of licences and to take all necessary action to recover possession of the stall, pitch or premises.

6.16 Authority to take proceedings for unlawful occupation of any stalls at any of the markets.

6.17 Authority to serve Notice to Quit on Tenants of allotment plots in consultation with the Director of Place.

6.18 Authority to serve notices under Section 23 of the Local Government Miscellaneous Provisions Act 1976 and Section 154 of the Highways Act 1980 in respect of dangerous trees and to take any necessary action in connection therewith.

6.19 Authority to institute legal proceedings under the Protection of Badgers Act 1992.

6.20 Authority to sign documents conferring Exclusive Rights of Burial.

6.21 Authority, in consultation with the Director of Place, to institute legal proceedings in respect of offences under any Byelaws or Orders now or hereafter to be in force relating to Parks, Recreation Grounds, Open Spaces, Cemeteries, Crematoria and Allotments.

6.22 Subject to a requirement to report exceptional or unusual circumstances to the next meeting of Planning Committee, authority to enter or amend agreements and obligations regulating the development or use of land (Section 106 and 106A, Town and Country Planning Act 1990).

6.23 Authority to make Tree Preservation Orders.

6.24 Authority to confirm unopposed Tree Preservation Orders.

6.25 Authority to pay compensation in pursuance of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6.26 Authority to make directions restricting permitted development (Article 4, Town and Country Planning (General Permitted Development) (England) Order 2015).

6.27 Authority to take action in respect of the obstruction of rights of entry (Section 325, Town and Country Planning Act 1990).

6.28 Authority to require information as to interests in land.

6.29 Authority to seek injunctions restraining breaches of planning control, subject to reporting back to the next meeting of Planning Committee (Section 187B and Section 214A, Town and Country Planning Act 1990).

6.30 Authority to issue a letter in giving assurance as regards prosecution accordance with Section 172A of the Town and Country Planning Act 1990.

6.31 Authority to withdraw an enforcement notice or to waive or relax any requirement of such a notice (Section 173A, Town and Country Planning Act 1990).

6.32 Authority to serve and enforce statutory notices and apply for injunctions in connection with Section 23, 24 and 26AA of the Planning (Hazardous Substances) Act 1990.

6.33 Authority to serve, withdraw or relax Remedial Notices served pursuant to Sections 69 and 70 of the Anti-Social Behaviour Act 2003.

6.34 Authority to take the required legal action to implement decisions of or on behalf of the Council to create, stop up, extinguish, divert or modify public footpaths, bridleways and restricted byways.

6.35 Authority to initiate consultations prior to hazardous substances consent.

6.36 Authority to determine validity of claims for deemed consent (Section 11, Planning (Hazardous Substances) Act 1990).

6.37 Authority to maintain the register of hazardous substances consents (Section 28, Planning (Hazardous Substances) Act 1990).

6.38 Authority to determine applications and impose conditions on hazardous substances consent (Section 9, Planning (Hazardous Substances) Act 1990).

6.39 Authority to conduct proceedings and represent the Council in the Employment Tribunal and Employment Appeal Tribunal.

6.40 Authority to take legal proceedings for the recovery of possession of premises in mortgage, when borrowers are in arrears and to instigate proceedings to re-vest in the Council dwellings previously sold to tenants.

6.41 Authority to make grants towards loss or disturbance of business and other allowances of persons affected as a result of action taken under the Housing Act 1985 within approved limits and to carry out all necessary formalities in respect of the same.

6.42 Authority to agree the terms of and sign Settlement Agreements, excluding those providing for Special Severance Payments as defined in the Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England.

6.43 Authority to determine applications for use of the Council's Heraldic Badge or part of the Council's Coat of Arms.

6.44 Authority to apply for injunctions under Part 1 of the Anti-Social Behaviour Crime and Policing Act 2014, to apply for warrants of arrest or committal proceeding in the case of a breach of an injunction, and to apply for the variation or discharge of an injunction as appropriate.

6.45 Authority to apply for a Criminal Behaviour Order under Part 2 of the Anti-Social Behaviour Crime and Policing Act 2014, and to apply for the variation or discharge of a Criminal Behaviour Order as appropriate.

6.46 Authority to apply for a Closure Order under Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 and to apply for the discharge of an order as appropriate.

6.47 Authority to issue cautions where the Council is so empowered by legislation, institute and conduct legal proceedings or take any other relevant enforcement action in order to protect the Council's interests where there has been a breach of legislation or common law.

6.48 Authority to enter into confidentiality agreements and non-disclosure agreements.

**C (7) To the Borough Solicitor and the Data Protection Officer**

7.1 Authority to take any necessary action to ensure compliance by and on behalf of the Council in accordance with:

(a) UK General Data Protection Regulation;
(b) the Data Protection Act 2018;
(c) the Law Enforcement Directive (Directive (EU) 2016/680);
(d) the Regulation of Investigatory Powers Act 2000;
(e) the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000;
(f) the Privacy and Electronic Communications (EC Directive) Regulations 2003, implementing the Electronic Communications Data Protection Directive 2002/58/EC;
(g) Freedom of Information Act 2000;
(h) Environmental Information Regulations 2004;
(i) the Police, Crime, Sentencing and Courts Act 2022; and
(j) all other applicable laws and regulations relating to the protection, processing and sharing of personal data and privacy including where applicable guidance and codes of practice issued by the Information Commissioner

**C (8) To Officers of Legal Services**

8.1 Authority to sign statements of truth and to certify documents.

8.2 Authority to the Head of Legal Services and Principal Lawyers to act as Authorised Sealing Officers and Authorised Signing Officers.

8.3 Authority, in accordance with Section 223 of the Local Government Act 1972, as amended, to prosecute or defend, or to appear and conduct proceedings as approved by the Borough Solicitor.

on the Council's behalf before a Magistrates Court.

**C (9) Assistant Director Revenue Benefits and Customer Services**

9.1 Authority to agree any scheme of grants in consultation with the relevant Executive Cabinet Member.

9.2 Authority to enter into contracts for services in connection with the administration of Revenues and Benefits up to a maximum of £20,000.

**C (10) Powers to the Assistant Director Revenue Benefits and Customer Services and other officers where specified, relating to the Library and Museum Service**

10.1 Authority to institute legal proceedings against borrowers for non-return of library resources and in respect of alleged contraventions of the byelaws relating to libraries, museums and art galleries.

10.2 Authority to determine requests for library resources to be added to the stock of the libraries.

10.3 Authority to determine requests for the loan of books, audio-visual materials and paintings, etc., to outside bodies.

10.4 Authority to determine applications by artists and other outside bodies to hold exhibitions.

10.5 Authority to purchase books, audio-visual materials, equipment etc., for public library service, museum service and exhibitions service.

10.6 Authority to sign agreements in respect of articles worthy of display in the Museum, Art Gallery or Library which are offered by way of gift or loan, and negotiating the terms of each loan or gift.

10.7 Authority to approve grants of up to £1,000 for the development and promotion of cultural services activities and facilities.

10.8 Authority to approve special concessionary bookings and opening hours of cultural services facilities.

10.9 Authority to introduce charges in respect of the Ask Bolton Libraries Service.

**C (11) Deputy Director, Corporate Resources and Assistant Director, Corporate Property**

11.1 Authority to grant leases, licences and tenancies of all Council land and premises having a rental value of no more than £40,000 per annum for a term not exceeding twenty-five years.

11.2 In consultation with the appropriate Executive Cabinet Member, authority to accept and complete a surrender of a lease where the Council is the landlord and to complete a surrender of a lease where the Council is the tenant.

(a) Authority to consent to assignments or underlettings of leases and tenancies granted by the Council and complete such contractual documentation as required to give effect to the same.

(b) Authority to give consent to change of use and to agree to the release or variation of covenants contained in leases and tenancies

granted by the Council.

(c) Authority to agree rent reviews for all relevant leases granted by the Council.

(d) Authority to enter into Deeds of Rectification where necessary in respect of leases granted by the Council.

(e) Authority to negotiate and enter into a Deed of Release or Deed of Variation with a beneficiary or beneficiaries of any restrictive covenants affecting Council land.

11.3 Authority to deal with the day-to-day management of all Council land and or premises let on leases, licences and tenancies and where required by such agreements to give the Council's consent as landlord to matters contained therein.

a. Authority to advertise the intention to dispose of any land consisting or forming part of an open space in accordance with section 123(2A) of the Local Government Act 1972; and

b. Subject to paragraph 1 above and paragraph 18 below, authority to dispose of land consisting or forming part of an open space where there are no objections to the advertisement of the intention to dispose of such land.

11.4 Authority to grant and enter into leases, agreements and licences to statutory and other undertakers.

11.5 Authority to conduct preliminary negotiations for the acquisition or disposal of any interest in land and/or premises without committing the Council at the request of a Chief Officer, subject to a report being presented to the appropriate Executive Cabinet Member.

11.6 Authority to purchase land and or premises required for a scheme previously approved by the Council or an Executive Cabinet Member up to a price of £100,000 exclusive of costs per transaction.

11.7 Authority to grant and acquire easements and wayleaves and, where necessary, to enter into licences to enter onto third party land for the purpose of carrying out works.

11.8 Authority to deal with enfranchisement or extension of ground rents under the Leasehold Reform Act 1967 or an extension of ground rents to an existing leaseholder of any Council land or premises subject to an appropriate consideration based on values current at the time.

11.9 Authority in respect of ground rents of up to £50 per annum to enter into an agreement whereby the Council offers to cease collection of the ground rent or convert it to a peppercorn if demanded upon payment of an open market premium, the lease to remain in existence and the Council to issue a "Certificate of Redemption".

11.10 Authority to purchase ground and chief rents considered beneficial to the Council up to a maximum of £10,000 total but exclusive of fees in any one financial year.

11.11 Authority to enter into leases (and renew such existing leases) of land and buildings where the Council is the tenant up to a lease term length of 12 years and a rent of £40,000 per annum and the authority to agree rent reviews on land and on premises where the Council is tenant.

11.12 In consultation with the appropriate Executive Cabinet Member, authority to

renew leases of land and buildings where the Council is the tenant and the Council has the right to renew under the Landlord and Tenant Act 1954.

11.13 Authority to carry out and agree rent reviews in respect of leases where the Council is the landlord or the tenant and a rent review is provided for in the lease.

11.14 Authority to instigate proceedings for unlawful occupation of any Council-owned property.

11.15 Authority to take appropriate action under Section 7 of the Animals Act 1971 where animals stray onto Council land.

11.16 Authority to dispose of reversionary or other minor interests of land and/or premises save for land held on trust, which is surplus to the requirements of the Council up to a maximum of £100,000 total (in any one sale) but exclusive of fees.

11.17 Power to dedicate Council - owned land as highway to be maintained at public expense.

11.18 Authority to approve reports on the amounts of compensation for interests in land and premises included in Compulsory Purchase Orders.

11.19 Authority to terminate leases, licences and tenancies of business premises or land in Council ownership, and to take all necessary action to recover possession of the premises/land.

11.20 Authority to serve the appropriate notices as required under leases, licences and tenancies of all Council land and or premises and take all necessary action:

(a) to enable rent reviews to be implemented;
(b) to enable leases, licences and tenancies to be renewed;
(c) in respect of dilapidations; and
(d) in respect of any other matters related to the lease, licence or tenancy.

11.21 Authority to serve the appropriate notices to terminate tenancies under Landlord and Tenant Act 1954 where vacant possession of premises and/or land is required by the Council for a scheme previously approved by the Council or the appropriate Executive Cabinet Member and to take all necessary action to recover possession of the premises/land and authority to pay the appropriate statutory compensation.

11.22 Authority to order the demolition of properties purchased for a scheme requiring their demolition or where they are certified as being dangerous to the public.

11.23 Acting as landlord or tenant, authority, in consultation with the Borough Solicitor, to negotiate and settle any dilapidations claims.

11.24 Authority to serve a notice and take all appropriate action under sections 172 to s179 of the Housing and Planning Act 2016.

11.25 Authority to negotiate and enter into agreements to enable the delivery, installation, commissioning, operation, maintenance and removal of electric vehicle charging points on Council premises.

11.26 Authority to deal with all aspects of the day to day management and control in all markets (Council or private), including all conditions and provisions within the Trader Handbook.

11.27 Authority to waive the daily charge on open markets where severe weather conditions or other unforeseen circumstances render stall(s) unusable.

11.28 Authority to give consent to the assignment of all relevant legal agreements

granted by the Council at all markets, including private markets.

11.29 Authority, in consultation with the relevant Executive Cabinet Member, to grant a licence to family members of a market trader who no longer requires a licence.

11.30 Authority to clamp, issue a penalty charge and arrange for the removal of any vehicle which obstructs the service roads, loading bay(s) and such other market areas which are designated for the free passage of pedestrians, vehicles or to provide free movement for emergency services and other areas which are to be kept clear for the efficient operation of the markets and to prohibit vehicles parking without paying the applicable parking fee.

11.31 Authority to terminate a licence granted by the Council in any of the markets for breach of a condition or term of the licence, provided the trader is made aware of the internal appeals mechanism as detailed within the Trader Handbook.

11.32 Authority in respect of all the Council markets to enforce automatic termination of licences and to take all necessary action to recover possession of the stall, pitch or premises.

11.33 Authority to take proceedings for unlawful occupation of any stalls at any of the Council markets.

11.34 Authority to deal with applications for private market licenses including under the Council's Rights of Franchise/Charter.

11.35 Authority to grant leases, licences and tenancies of stalls, pitches or premises at all Council markets for a period not exceeding twenty-five years.

11.36 Authority to give consent to the surrender, underletting, renewal, assignment, changing or parting with possession, change of use and to agree rent reviews or leases, tenancies of stalls, pitch or premises granted by the Council at all Council markets of not more than twenty-five years.

11.37 Authority to grant leases, licences and tenancies of basement storage areas in all Council markets and to manage the license/tenancy process.

11.38 Authority to terminate a lease or tenancy of a stall, pitch or premises granted by the Council in any of the Council markets for breach of a condition or clause of the lease or tenancy under which the trader occupies and to take all necessary action to recover possession of the stall, pitch or premises.

11.39 Authority to approve the level of fees for stalls, pitches or premises at all Council markets which are held by traders under a daily/weekly licence.

11.40 Authority to determine nominations for an asset, such as a building or land, to be listed as an Asset of Community Value in accordance with section 88 of the Localism Act 2011.

11.41 Authority to enter into agreement and leases under the Electronics Communications Code set out in Schedule 3 A to the Communications Act 2003 as amended by Schedule 1 to the Digital Economy Act 2017 ( and as further amended modified replaced or re-enacted) and including amendments further to the Product Security and Telecommunications Infrastructure Act 2022 (Commencement No 1) Regulations 2023 (SI 2023/109) (Commencement Regulations) and Product Security and Telecommunications Infrastructure Act 2022 (PSTIA 2022) or any other similar agreements.

11.42 Authority to apply for and enter into coal authority permits to carry out investigation and/or any other similar permit required by a statutory body.

11.43 Authority to enter into community use agreements or any other similar agreement in connection with the arrangement of wider community use of the facilities pursuant to a section 106 agreement or a planning permission or any

other similar agreement in connection with the arrangement of wider community use for educational purposes.

11.44 Authority in consultation with the Assistant Director Highways and Planning to approve plans and enter into an agreement under Section 104 of the Water Industry Act 1991 with a developer and a water company, where the Council owns land neighbouring a developer's land and a sewer is to be built on Council land, which the water company will then adopt.

11.45 Authority to enter into a section 185 Agreement under the Water Industry Act 1991 for alteration or removal of sewers and accessories within Council land or where the Council has an interest

**C (12) To the Deputy Director, Corporate Resources in consultation with the Borough Solicitor**

12.1 Authority to recover rent, licence fees and/or use and occupation arrears in respect of any Council premises, including but not limited to rent for stalls, pitches or premises at any markets on Council land and use and occupation charges and any professional fees due to the Council in respect of the aforementioned.

## D. Children's Services

### D (1) The Director and the Deputy Director of Children's Services and the Assistant Director Children's Social Care and Early Help

1.1 Authority to grant assistance where there is reason to believe that such assistance would be constructively used in preventing the breakdown of or in the rehabilitation of a family.

1.2 Authority to approve grants to families in need and the making of loans to families in need under section 17 of the Children Act 1989.

1.3 Authority to make arrangements for the provision of accommodation to children under the provisions of Section 20 of the Children Act 1989.

1.4 Authority to arrange for the placement of children and young persons looked after by the Council, including the placement with family members.

1.5 Authority to conduct reviews of children in care, as required by Section 26 of the Children Act 1989.

1.6 Authority to make payments to foster parents looking after children, in accordance with the scale approved by the appropriate Executive Cabinet Member.

1.7 Authority to make payments to special guardians in accordance with the current Council policy relating to the same.

1.8 Authority to expend up to £7,500 in any one case in any one year on the provision of services or equipment, recreational or otherwise, to any child or young person looked after by the Council.

1.9 Authority to appoint visitors to certain children in care, as required by Schedule 2 of the Children Act 1989.

1.10 Authority to decide on cases where children might benefit from attendance in family support centres free of charge, irrespective of parents' income.

1.11 Authority to deal with applications for permission for children in care to go abroad on holiday with their foster parents.

1.12 Authority to reimburse the medical expenses incurred by applicants for the adoption of children in connection with the statutory medical examination.

1.13 Authority to carry out the various functions and requirements of the Adoption Agency and in particular to consent to the adoption of children or young persons where the consent of the Council is required and the payment of adoption allowances.

1.14 Authority to approve requests by foster parents for ex-gratia payments in respect of damage caused by foster children placed with them up to a value

of
£5,000 in any one case in any one year.

1.15 Following consideration of the recommendations of the Fostering and Adoption Panel, authority to assume the responsibility of the Adoption Agency (whose function is outlined in the Adoption Agencies Regulations 1983).

1.16 Following consideration of the recommendations of the Fostering and Adoption Panel, authority to determine all foster parent applications.

1.17 In cases deemed to be urgent, authority to approve foster parents.

1.18 Authority to grant foster carers residing within the Borough exemptions to the usual fostering limit in accordance with the Children Act 1989

1.19 Authority to provide financial support under Section 24 of the Children Act 1989 for furnishing and equipment and financial assistance under the Children (Leaving Care) Act 2000.

1.20 Authority to make decisions concerning the underwriting of legal fees in adoption cases for which the Authority is responsible.

1.21 Authority to take any appropriate action under the Children Act 1989, the Family Law Act 1996, the Adoption and Children Act 2002 and the Children and Families Act 2014 designed to safeguard, protect or promote the welfare of children in Bolton.

1.22 Authority to grant financial assistance towards the adaptation of property for foster parents where it is deemed that such action would be in the best interests of the foster children, subject to a maximum of £50,000.

1.23 Authority to make appointments to the Adoption and Fostering Panels.

1.24 Authority to approve the rota for visits to establishments and registered homes.

1.25 Authority to make an application to the Criminal Injuries Authority on behalf of a child in care for compensation under the Criminal Injuries Scheme, to sign any contingency fee forms necessary and to approve any settlement figure offered, subject to receipt of legal advice.

1.26 Authority, in consultation with the Borough Solicitor, to action decisions made by Bolton Children's Trust and Associated Partnership Boards, and the Bolton Skills Board provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member.

1.27 Authority to approve the change of name for any looked after child with the written consent of any other person who has parental responsibility for that child and delegate to the Borough Solicitor the completion of any legal documentation to affect the same.

1.28 Authority to make payments to kinship carers including those caring under Special Guardianship Orders, Child Arrangements Orders or other informal arrangements in line with current legislation or pilot schemes as may apply at the relevant time.

## D (2) The Director, Deputy Director and all Assistant Directors of Children's Services

2.1 Authority to identify and assess children with Special Educational Needs.

2.2 The discretion to agree to and make payment of, fees in respect of children with Special Educational Needs who are placed in schools not maintained by the Council.

2.3 Authority to approve admissions to nursery, primary and secondary schools (in consultation with the Head Teachers concerned).

2.4 Authority to pay travelling expenses to school pupils.

2.5 Authority to make allowances for the provision of school uniform and ancillary equipment for schoolchildren.

2.6 Authority to make routine applications for the use of education premises within his/her Directorate.

2.7 Authority to send statutory notices and to authenticate all documents required to be issued in connection with the provision of education within the borough.

2.8 Authority to determine a request for free transport to school in cases where s/he is of the opinion that there has been a dramatic change in a family's circumstances, subject to a report being submitted to the next available meeting of the Executive Cabinet Member and the Education Assistance Panel.

2.9 Authority to institute proceedings under the extended provisions of Section 547 of the Education Act 1996 (causing a nuisance on school premises).

2.10 Authority to institute and conduct proceedings under Sections 437-444 of the Education Act 1996 as amended, Schedule 26 to the Education Act 1996 and Section 36 of the Children Act 1989.

2.11 Authority to institute and conduct proceedings under Part II of the Children and Young Persons Act 1933 as amended and regulations made thereunder.

2.12 Authority to purchase books, audio-visual materials, equipment etc. for schools and the Youth Service and the circulating book stock for primary schools.

2.13 Authority to consider exceptions to the Home to School Transport Policy and to issue a free bus pass to pupils following consideration of an appeal in cases where the faith of the school is not one to which the parent adheres, on the production of evidence as detailed.

2.14 Authority to procure, in accordance with the Standing Orders relating to Contracts, services under the Apprenticeships, Skills, Children and Learning Act 2009 and negotiate contractual terms and conditions in respect of such procurement.

2.15 Authority in consultation with the Borough Solicitor to complete the necessary arrangements for schools converting to academies under the Academy Act 2010.

**D (3) To the Director, Deputy Director and all Assistant Directors of Children's Services, in Consultation with the Borough Solicitor**

3.1 Authority to administer an estate on behalf of a child in care where the child is the sole or main beneficiary, to hold monies on trust for such a child and to advance money or make maintenance payments for the benefit of such a child.

3.2 Authority to reconstitute governing bodies and vary the instrument of governance for community schools.

**D (4) To the Director and Deputy Director of Children's Services and the Assistant Director of Inclusive Education and Learning, the Head of Inclusion the Early Intervention Service Manager and Child Employment and Enforcement Officer in consultation with the Borough Solicitor**

4.1 Authority, in accordance with Section 223 of the Local Government Act 1972, as amended, to prosecute on the Council's behalf or appear on their behalf in proceedings concerning the attendance of children at school before a Magistrates Court under the Children Act 1989, the Education Act 1996 as amended or re-enacted.

**D (5) To the Director and Deputy Director of Children's Services and the Assistant Director of Inclusive Education and Learning, the Teacher in charge of the Pupil Referral Units and the Staffing Sub-Committee of the Management Committee**

5.1 Authority to appoint teachers on Standard National Scale plus two responsibility points to the Pupil Referral Units.

**D (6) To the Director and Deputy Director of Children's Services and the Assistant Director of Inclusive Education and Learning**

6.1 Authority to accept gifts for prize funds and to amend prize schemes consequent upon the reorganisation of education institutions.

**D (7) To the Director, Deputy Director and all Assistant Directors of Children's Services**

7.1 Authority to exercise parental responsibility acquired through legal proceedings under the Children Act 1989 and/or the Adoption and Children Act 2002 in order to safeguard, protect or promote the welfare of children in Bolton.

7.2 Authority to institute or defend, on behalf of the Council, legal proceedings relating to the welfare of children and young persons and to sign all necessary documents.

7.3 Authority to act as Litigation Friend for legal claims in respect of any child for whom the local authority exercises parental responsibility.

7.4 Authority to exercise the powers of the Council under the Adoption Act 1976 or the Adoption and Children Act 2002.

**D (8) The Director, Deputy Director, and all Assistant Directors of Children's Services**

8.1 Authority to negotiate bookings for individual events shows etc. to be held at land/establishments under the control of their directorate.

8.2 Authority to waive or vary fees and charges of facilities under the control of his/her directorate.

8.3 Authority to approve and renew contracts with providers of social care services, after appropriate consultations, including discussions with the Executive Cabinet Member and only where in accordance with the Council's Standing Orders.

8.4 Authority to take all necessary action to comply with the Safeguarding Vulnerable Groups Act 2006 and any other legislation relating to the health and wellbeing of children.

**D (9) To the Director, Deputy Director and all Assistant Directors of Children's Services and the Director of Public Health in consultation with the Borough Solicitor**

9.1 Authority to commission personal care, services or facilities and enter into contracts pursuant to the Care Act 2014, National Health Service and Community Care Act 1990, the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1990 and the Children Act 1989, the Local Government Act 2000 and the Health and Social Care Act 2001, the Health and Social Care Act 2012 and any other relevant legislation governing the Council's duties and powers to provider personal care services and facilities.

9.2 Authority to undertake such emergency procedures for the maintenance of premises as may be made necessary by unforeseen circumstances, subject to any action taken being subsequently reported to the appropriate Executive Cabinet Member and to any exception of Standing Orders relating to Contracts being recorded.

**D (10) Powers to other Officers within the Directorate of Children's Services to Strategic Leads within Social Care and Early Help Division (Staying Safe)**

10.1 Authority to consent to the adoption of children where the consent of the Council as an Adoption Agency (under the Adoption and Children Act 2002) is required.

**D (11) To the Director, Deputy Director, all Assistant Directors, all Strategic Leads within the Children's Social Care and Early Help Division and the DoL Co-Ordinator**

11.1 Authority to take any decision on behalf of the Council with regard to the Deprivation of Liberty Safeguards within the Bolton Borough and to provide any authorisations necessary to deprive a child of their liberty under relevant legislation and guidance.

**E. Adult Social Care, Communities and Integration**

**E (1) Director of Adults, Communities and Integration (DASS)**

1.1 Authority to act as the nominated individual for the Council for the purposes of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 and all associated legislation as amended and re-enacted.

**E (2) The Director of Adults, Communities and Integration (DASS) and all Assistant Directors relating to Adult Services**

2.1 Authority to approve approved mental health professionals to act in accordance with the requirements of section 114 of the Mental Health Act 1983 as amended and provide all support necessary to assist them in undertaking their role under that Act, including access to legal services for advice and representation.

2.2 Authority to act as Nearest Relative pursuant to the Mental Health Act 1983, as amended, when a suitable nearest relative cannot be identified

2.3 Authority to facilitate the move of an individual who lacks capacity to new supported accommodation, without a signed tenancy in place, pending an application to the Court of Protection and for the tenancy, upon receipt, to be signed on behalf of the Council further to receipt of the Order from the Court.

2.4 Authority to determine applications from eligible persons and their representatives for a Deferred Payment Agreement and to enter into contracts for the same, subject to compliance with the Care Act 2014, The Care and Support (Deferred Payment) Regulations 2014 and all statutory or relevant guidance and subject to consultation with Legal Service.

2.5 Authority to implement the terms of and carry out the duties contained in any Alliance Agreement and any agreement entered into under section 75 of the National Health Service Act 2006 for the integration of health and social care, and authority to enter into, implement the terms of and carry out the duties of any further related section 75 agreement for the purpose of the integration of health and social care within the Bolton Borough.

2.6 Authority to remove a charge secured against a property in respect of a Deferred Payment Agreement or debts owed to the local authority.

2.7 Authority to supply suitable equipment and fund the alteration of property occupied by people with a disability.

2.8 Authority to make loans to blind persons to purchase apparatus from the National League of the Blind - within the limits of the existing agreed scheme.

2.9 Authority to make decisions under the Care Act to include care and support for adults, support for carers, provision about safeguarding adults from abuse or neglect, care standards, to establish and make provision about Health Education England and about the Health Research Authority; to make provision about integrating care and support with health services; and for connected purposes.

2.10 Authority to act as the authorised officer for property and affairs deputyships, subject to a written record that the relevant officer holds the requisite qualifications and experience as laid down in relevant legislation and guidance.

2.11 The power to create a charge on property in respect of all debts due to the Council.

**E (3) Director of Adults, Communities and Integration (DASS), and all Assistant Directors within Adult Services**

3.1 Authority to negotiate bookings for individual events shows etc. to be held at land/establishments under the control of their directorate.

3.2 Authority to waive or vary fees and charges of facilities under the control of their directorate.

3.3 Authority to approve and renew contracts with providers of social care services, after appropriate consultations, including discussions with the Executive Cabinet Member and only where in accordance with the Council's Standing Orders.

3.4 Authority to take all necessary action to comply with the Safeguarding Vulnerable Groups Act 2006 and any other legislation relating to the health and wellbeing of adults.

**E (4) To Director of Adults, Communities and Integration (DASS), and all Assistant Directors of Adult Services in consultation with the Borough Solicitor**

4.1 Authority to commission personal care, services or facilities and enter into contracts pursuant to the National Health Service and Community Care Act 1990, the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1990, the Local Government Act 2000 and the Health and Social Care Act 2001, the Health and Social Care Act 2012, Care Act 2014, Health and Care Act 2022 and any other relevant legislation governing the Council's duties and powers to provider personal care services and facilities.

4.2 Authority to take all necessary action to comply with and discharge any functions of the local authority pursuant to the Care Act 2014, Mental Health Act 1983, as amended, Mental Capacity Act 2005, Health and Social Care Act 2012, Health and Care Act 2022, Human Rights Act 1998, UK GDPR 2018 and any other legislation and guidance as amended and updated, relating to the health and wellbeing of adults.

4.3 Authority to institute legal proceedings, including issuing injunction proceedings, pursuant to the Anti-Social Behaviour Crime and Policing Act 2014.

4.4 Authority to undertake such emergency procedures for the maintenance of premises as may be made necessary by unforeseen circumstances, subject to any action taken being subsequently reported to the appropriate Executive Cabinet Member and to any exception of Standing Orders relating to Contracts being recorded.

**E (5) To the Director of Adults, Communities and Integration (DASS), Assistant Directors of Adult Services, all Social Care Heads of Service within Adult Services and the DoL Co-Ordinator**

5.1 Authority to take any decision on behalf of the Council with regard to the Deprivation of Liberty Safeguards within the Bolton Borough and to provide any authorisations necessary to deprive an adult of their liberty under relevant legislation and guidance.

**E (6) To the Director of Adults, Communities and Integration (DASS) and the Assistant Director for Community Safety and Housing in relation to Housing Services Matters**

6.1 Authority to carry out the duties and responsibilities of the Council under the relevant Housing Acts – Housing the Homeless.

6.2 Authority to manage caravan sites.

6.3 Authority for the allocation, termination and the management of tenancies or licences of dwellings, in accordance with the Council's policies.

6.4 Authority to initiate the removal of unauthorised traveller encampments.

6.5 Authority to carry out the duties and responsibilities of the Council as the proper officer in relation to the relevant Housing Act, Housing Conditions, Licensing of Houses in Multiple Occupation, Selective licensing of Other Residential Accommodation and Additional Control Provisions in relation to Residential Accommodation.

6.6 Authority to serve Notice to Quit on occupants of Local Authority hostel or other temporary accommodation in cases where there is three weeks or more use and occupation charges in arrears.

6.7 Authority to serve Notice to Quit in cases, other than where there are use and occupation charge arrears, where it is proposed to take action for the recovery of possession of Local Authority hostel or other temporary accommodation, including but not limited to lease management properties, dispersed accommodation and other placements made under Part 7 of the Housing Act 1996 as amended.

6.8 Authority to carry out enforced sales under the Town and Country Planning Act 1990, Housing Act 2004, Building Act 1984 and the Environmental Protection Act 1990 in conjunction with the Borough Solicitor.

6.9 Authority to take enforcement action and institute legal proceedings under the following Acts:-

a. Protection from Eviction Act 1977; and

b. Protection from Harassment Act 1997.

6.10 Authority to postpone or waive repayment of discount charges and other permissions required in relation to former Council houses.

6.11

6.12 Authority to serve notices and/or certificates under the Rent Act 1977 and the Local Government (Miscellaneous Provisions) Act 1976.

6.13 Authority to determine applications under Construction and Regeneration Act 1996 Regulatory Reform Order – Discretionary grants including the approval of grant aid in respect of a qualifying dwelling.

6.14 Authority to give financial assistance up to a maximum of £30,000 in matters relating to housing policy, including assistance granted in accordance with the Private Sector Housing Policy.

6.15 Authority, in consultation with the Chief Property Officer and subject to finance being available, to enter into negotiations for the acquisition of individual houses in Housing Renewal Areas.

6.16 Authority to waive individual renovation grant repayments not exceeding £15,000.

6.17 Authority to apply for external funding provided the appropriate Executive Cabinet Member approves any grant conditions imposed by the relevant funder prior to formal acceptance of the funding.

**E (7) To the Director of Adults, Communities and Integration (DASS), Assistant Director for Community Safety and Housing and Officers within Housing Services**

7.1 Authority to Director of Adults, Communities and Integration (DASS) and Assistant Director for Community Safety and Housing and Officers within

the Housing Services and the following officers (acting individually):

- Accommodation Services Group Manager
- Housing Services Manager
- Head of Community Housing Services
- Housing Advice & Options Services Group Manager
- Housing Standards Manager
- Housing Standards Deputy Manager
- Bolton Housing Partnership Manager
- Principal Strategic Housing Officer
- Environmental Health Officer
- Technical Officer

to act as an Officer/Inspector within the Bolton Borough in connection with the Acts listed below, as modified and re-enacted and to act as an Officer/Inspector for any offence under any legislation, or at common law, which is of a similar nature or related to the Acts listed below, including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts and, where appropriate to:

(i) Issue and serve notices;
(ii) Commence legal proceedings;
(iii) Exercise registration and licensing functions;
(iv) Grant, refuse, renew, vary or revoke approvals permits or consents;
(v) Issue and serve certificates; and
(vi) Make determinations

in relation to any offence or alleged offence under the following:

(a) Building Act 1984
(b) Caravan Sites and Control of Development Act 1960
(c) Clean Air Act 1993
(d) Clean Neighbourhoods and Environment Act 2005
(e) Courts and Legal Services Act 1990
(f) Criminal Justice and Police Act 2001
(g) Criminal Justice Act 1967
(h) Criminal Justice and Public Order Act 1994
(i) Criminal Justice Act 1988
(j) Environmental Protection Act 1990
(k) Energy Act 2011 and 2013
(l) Housing and Planning Act 2016
(m) Greater Manchester Act 1981
(m) Housing Acts 1985, 1996 & 2004
(n) Housing Grants and Construction and Regeneration Act 1996
(o) Local Government (Miscellaneous Provisions) Act 1976 &1982
(p) Local Government and Housing Act 1989
(q) Magistrates Court Act 1980
(r) Noise and Statutory Nuisance Act 1993
(s) Prevention of Damage by Pests Act 1949
(t) Protection from Eviction Act 1977

(u) Public Health (Control of Diseases) Act 1984
(v) Public Health Acts 1936 and 1961
(w) Public Health Amendment Act 1907
(x) Town and Country Planning Act 1990
(y) Water Act 1989
(z) Water Industry Act 1991&1999

7.2 Authority to the Director of Adults, Communities and Integration (DASS) and the following officers (acting individually):

- Environmental Health Officer
- Technical Officer
- Housing Standards Manager
- Housing Standards Deputy Manager
- Accommodation Services Group Manager

to issue Community Protection Notices under the Anti-Social Behaviour Crime and Policing Act 2014.

**E (8) To the Director of Adults, Communities and Integration (DASS) or the Assistant Director for Community Safety and Housing in consultation with the Borough Solicitor**

8.1 Authority to agree variations with the Consortium and/or the Home Office in relation to the Asylum Seeker and Refugee contracts and in relation to the provision of accommodation or services.
8.2 Authority to serve notices, make designations, issue consents and take enforcement action under the provisions of the Anti-Social Behaviour Crime and Policing Act 2014.
8.3 Authority to issue Community Protection Notices under the Anti-Social Behaviour Crime and Policing Act 2014.
8.4 Authority, in conjunction with the Borough Solicitor, to authorise the issue of a Closure Notice under section 77 of the Anti-Social Behaviour Crime and Policing Act 2014 for up to 24 hours.
8.5 Authority to the Chief Executive to authorise the extension of a Closure Notice for a maximum of 48 hours under Section 77 of the Anti-Social Behaviour Crime and Policing 2014 and to designate all Chief Officers within the Directorate of Adults, Communities and Integration to exercise this function on their behalf in conjunction with the Borough Solicitor.
8.6 Authority in conjunction with the Borough Solicitor and in consultation with the relevant Executive Cabinet Member to make and review Public Spaces Protection Orders.
8.7 Authority to ensure that, in accordance with sections 36 – 41 of the Counter Terrorism and Security Act 2015, the Council has a Channel panel in place for its area and that it will have due regard to the Channel duty guidance 2020.
8.8 Authority to collaborate and plan to prevent and reduce serious violence, including sharing data and information with specified authorities under the provisions of the Police, Crime, Sentencing and Courts Act 2022.
8.9 Authority to provide services to Bolton at Home Limited under an agreement dated 28th March 2011 and entered into between the Council and Bolton at Home Limited (“Agreement”) as varied from time to time.

8.10 Authority to negotiate and agree variations to the services which the Council has agreed to provide to Bolton at Home Limited under Schedule 12 of the Agreement and which Bolton at Home Limited have agreed to provide to the Council under Schedule 13 of the Agreement.

8.11 Authority to allow owner occupiers with an outstanding Council mortgage to rent out the mortgaged property.

8.12 Authority to negotiate a settlement in respect of claims by mortgagees for negligence and/or breach of statutory duty in respect of properties mortgaged by the Council.

8.13 Authority to waive individual grant repayments not exceeding £15,000.

8.14

**E (9) To the Senior Head of Service Community Safety and Vulnerable People in consultation with the Borough Solicitor**

9.1 Authority to serve notices, make designations, issue consents, take enforcement action and, in consultation with the Borough Solicitor, institute legal proceedings, Including injunctions, under the provisions of the Anti-Social Behaviour Crime and Policing Act 2014.

9.2 Authority to collaborate and plan to prevent and reduce serious violence; including sharing data and information with specified authorities, and to take legal action in consultation with the Borough Solicitor, under the provisions of the Police, Crime, Sentencing and Courts Act 2022.

**E (10) To the Senior Head of Service Community Safety and Vulnerable People and the Community Safety Manager**

10.1 Authority to issue Community Protection Notices under the Anti-Social Behaviour Crime and Policing Act 2014.

**E (11) To the Director of Adults, Communities and Integration (DASS) in consultation with the Borough Solicitor**

11.1 Where the Council is a creditor of a deceased adult who has died leaving a will, but:

(a) the appointment of executors is void, that is, the will fails to appoint executors; or
(b) all the executors have died before the deceased; or
(c) all the executors have each renounced the right to a grant of probate; or
(d) all the executors lack capacity to obtain a grant of probate; or
(e) the court has issued a direction to all the executors (called a citation) to take the grant, which they have refused; or
(f) the sole surviving executor has outlived the deceased but died before taking the grant

and all the categories of persons with a higher ranking right to apply for grant of probate and administer an estate under rule 20 of the Non-Contentious Probate Rules 1987 have been exhausted, authority to administer an estate to recover the debt.

11.2 Where the Council is a creditor of a deceased adult who has died intestate and all the categories of persons with a right to administer an estate under rule 22(1)(a) to (h) of the Non-Contentious Probate Rules 1987 have been exhausted and the Treasury Solicitor does not apply on behalf of the Crown, authority to apply for letters of administration and administer an estate to recover the debt.

11.3 Authority in consultation with the Borough Solicitor to action decisions made by the Be Safe Bolton Strategic Partnership provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member.

## F. Public Health

### F (1) To the Director of Public Health and all Assistant Directors in Public Health, Director of Adult Social Services and Director of Children's Services

1.1 Power to authorise in writing officers appointed whose functions include responsibility as proper officers or alternative proper officer be appointed 'Proper Officer' for the purpose of the following Acts and any Act or Acts extending or amending the same or incorporated therein and under any Orders or Regulations made under the Act or Acts:-

- Public Health (Control of Disease) Act 1984;
- Public Health (Infection Diseases) Regulations 1988;
- National Assistance Act 1948;
- Milk and Dairies (General) Regulations 1959;
- National Assistance (Amendment) Act 1951.

1.2 Power to discharge any functions of the Council arising from:

- The Health and Social Care (Community Health and Standards) Act 2003;
- National Health Service Act 2006;
- Licensing Act 2003;
- Local Government and Public Involvement in Health Act 2007;
- Health and Social Care Act 2012;
- Human Medicine Regulations 2012.
- Mental Health Act 1983 as amended
- Mental Capacity Act 2005
- Health and Care Act 2022

### F (2) The Director of Public Health and all Assistant Directors in Public Health ~~i~~n conjunction with the Borough Solicitor

2.1 Authority to give all notices and institute legal proceedings in pursuance of the Public Health Act 1936 (as amended) and to authorise in writing persons to enter onto land for the purposes permitted by the Act.

2.2 Authority to action decisions made by the Health and Wellbeing Board

provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member/the Cabinet.

2.3 Authority to action all powers under Section 73A(1) of the Health Act 2006 including:

2.4 all of their local authority's duties to take steps to improve the health of the people in its area.

2.5 any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – to include services mandated by regulations made under section 6C of the Health Act 2006;

2.6 exercising all local authority's functions in planning for, and responding to, emergencies that present a risk to the public's health.

2.7 exercising the local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders; and

2.8 such other public health functions as the Secretary of State specifies in regulations from time to time.

2.9 Exercising the local authority's public health function as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act 2003.

2.10 responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended); and

2.11 exercising the functions of the Director of Public Health on the Health and Wellbeing Board under section 194(2)(d) of the Health and Social Care 2012.

2.12 To produce the Director of Public Health's annual report.

2.13 To ensure delivery of the National Child Measurement Programme.

2.14 To secure the delivery of NHS Health Check assessments.

2.15 To ensure appropriate access to sexual health services.

2.16 To ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services.

2.17 To ensure the delivery of universal Health Visitor Reviews within the healthy child programme.

2.18 To lead or oversee activity under the statutory requirement placed on the local authority (under regulations made under 6C National Health Service Act 2006) to provide the NHS with a public health advice service to inform effective commissioning of healthcare and related matters.

## G. Directorate of Place

### G (1) Powers to the Director of Place Deputy Director of Place relating to Planning Control and Related Matters

1.1 Authority to determine all planning applications except the following (unless such applications are to be refused because of lack of information, in which case the authority will still apply):

(a) applications for major development involving development of ten or more residential units, 1000 square metres or more floor space and/or where the site area is 1 hectare or more and where more than five objections containing valid material considerations have been received during the statutory consultation period and where the officer recommendation is not to refuse;

(b) applications for development pursuant to demolition of a Listed Building;

(c) applications that are substantively contrary to the Local Plan or Local Development Framework Proposal and the officer recommendation is to approve;

(d) applications referred by the Director of Placeand Deputy Director of Place, in consultation with the Chair and Vice Chair of Planning Committee, under one of the following criteria:

(i) a novel, finely balanced policy or precedent issues, which are not addressed either through the Council's Development Plan, any adopted Supplementary Planning Documents, or government planning policy as set out in the National Planning Policy Framework or any successor document; or

(ii) there are probity issues or public interest reasons for the matter to be determined by Planning Committee;

(e) applications where members of the Council have asked for the application to be placed before the Planning Committee and stated their planning reasons for the request;

(f) applications containing any substantive changes to proposals including the terms of major planning agreements (usually specified at the time a major development application is reported to Planning Committee) where such changes are materially different to those specifically agreed by Planning Committee on an application previously determined by Planning Committee subject in each case to a requirement to report exceptional or unusual circumstances to the next meeting of the Planning Committee.

1.2 Authority to impose conditions on planning permissions and other consents.

1.3 Authority to determine applications for the retention of buildings or works or the continued use of land.

1.4 Authority to determine applications for the development of land without complying with conditions subject to which a previous planning permission was granted in accordance with Section 73 Town and Country Planning Act 1990.

1.5 Authority to decline to determine applications in accordance with Sections 70A, 70B and 70C of the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure)(England) Order 2015 and Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.6 Authority to take enforcement action in relation to breaches of planning control including those relating to Listed Buildings and Conservation Areas and to take enforcement action relating to the removal or damage of protected trees.

1.7 Authority to take all steps to require proper maintenance of land under Section 215 of the Town and Country Planning Act 1990.

1.8 Authority to determine requests for non-material amendments to existing planning consents in accordance with the provisions of Section 96A of the Town and Country Planning Act 1990.

1.9 Authority to enforce the control of advertisements by means of a discontinuance notice or otherwise (Section 220-225, Town and Country Planning Act 1990).

1.10 Authority to determine applications and to issue certificates of lawfulness in accordance with Section 191 - 194, Town and Country Planning Act 1990.

1.11 Authority to determine non Local Authority applications for express advertisement consent.

1.12 Authority to determine applications to prune trees and refuse applications to fell trees.

1.13 Authority to decide whether trees to be felled in Conservation Areas should be the subject of Tree Preservation Orders.

1.14 Authority to dispense with the requirement to plant replacement trees for dead, dying or dangerous specimens (Section 206, Town and Country Planning Act 1990).

1.15 Authority to maintain the Register of Enforcement Notices and Stop Notices (Section 188, Town and Country Planning Act 1990).

1.16 Authority to maintain the registers of all Tree Preservation Order applications and all advertisement applications.

1.17 Authority to request that reserved matters be part of outline planning permission.

1.18 Authority to make consultations and carry out publicity prior to the determination of planning applications.

1.19 Authority to make representations in response to consultations by other authorities pursuant to the Town and Country Planning (Development Management Procedure)(England) Order 2015.

1.20 Authority to administer the Hedgerows Regulations 1997.

1.21 Authority to administer the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 including the provisions of scoping and screening opinions.

1.22 Authority to determine whether the prior approval of the Local Planning Authority is required under the provisions of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as appropriate, subject to the Council's scheme on delegated planning applications.

1.23 Authority to execute works required by enforcement notice (Section 178, Town and Country Planning Act 1990).

1.24 Authority to publicise applications affecting Conservation Areas and Listed Buildings.

1.25 Authority to take the appropriate action in accordance with the relevant regulations in respect of any planning application which is considered to involve a departure from the development plan.

1.26 Authority to make representations in response to consultations relating to Ecclesiastical Exemptions (Listed Buildings and Conservation Areas) Order 2010 and the Dioceses, Pastoral and Mission Measure 2007 and the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.

1.27 Authority to control works for the alteration or extension of listed buildings (sections 7-19 of the Planning (Listed Buildings and Conservation Areas Act 1990).

1.28 Authority to object to a proposed felling licence in respect of trees to which a Tree Preservation Order relates (Section 15 of the Forestry Act 1967.

1.29 Authority to impose after-care conditions on mineral workings (Section 72(5) Schedule 5, Part I(2), Town and Country Planning Act 1990).

1.30 Authority to require the issue of Completion Notices (Sections 94 and 96 of the Town and Country Planning Act 1990).

1.31 Authority to define areas of special (advertisement) control (Town and Country Planning (Control of Advertisements (England) Regulations 2007).

1.32 Authority to respond to consultations by Government Directorates formally indicating the kind of planning permission likely to be granted in respect of surplus land.

1.33 Authority to deal with all aspects relating to Interim Development Orders.

1.34 Authority to determine applications for deemed permission for development or express advertisement consent by a local authority in accordance with the criteria set out above.

1.35 Authority to determine applications for deemed permission for development of land vested in a local authority which it does not itself propose to carry out in accordance with the criteria set out above.

1.36 Authority to administer provisions and decide complaints submitted in respect of High Hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.

1.37 Authority, in consultation with the Borough Solicitor to action decisions made by Bolton Strategic Economic Partnership, Bolton Skills Board, Bolton Innovation Zone Partnership and Bolton's Housing Partnership– Strategic Housing Partnership provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member.

1.38 Authority to consider whether an application to amend the register of town and village greens to include a town or village green is duly made and to carry out the pre- determined procedures as set out in the Commons Act 2006.

1.39 Authority, in accordance with Standing Orders Relating to Contracts, to commission specialist consultants up to a maximum of £100,000 per appointment to provide support to the Council in the event of a planning enquiry.

**G (2) Powers to the Director of Place and Deputy Director of Place relating to Building Control Matters**

2.1 Subject to a requirement to report exceptional or unusual circumstances to the next meeting of Planning Committee, authority to deal with the following matters:-

(a) The consideration, approval, conditional approval or rejection of applications deposited under the Building Regulations, including Full Plans applications, Building Notices, Regularisation applications, and any amendments.

(b) The approval or rejection of building plans under the following sections of the Building Act 1984 and the Building Regulations 2010 (as amended):-

**Building Act 1984**

| | | |
|---|---|---|
| Section 20 | - | Special provisions as to buildings constructed of materials which are short-lived or otherwise unsuitable for use in permanent buildings. |
| Section 21 | - | The provision of necessary drains to new buildings. |
| Section 24 | - | Exits, entrances etc., to certain public and other buildings. |
| Section 25 | - | The provision of sufficient water supply to new houses. |
| Section 72 | - | Means of escape from fire. |

(c) The exercise of all powers relating to building control functions under the Building Act 1984, including (but not limited to) provisions relating to drainage, means of escape, ventilation, sanitation, water supply, and access to and use of buildings;

(d) The exercise of enforcement powers under the Building Act 1984, including:

- The service of notices requiring removal of alteration of non-compliant work (including Section 36).
- The institution of legal proceedings (including Section 35) in consultation with legal services.
- The seeking of injunctions and legal remedies as appropriate, in consultation with legal services.

(e) The charging of fees under the Building (Local Authority Charges) Regulations 2010.

(f) The taking of action relating to fire protection pursuant to Section 61-66 of Part IV of the Greater Manchester Act 1981.

(g) Notices given under Part II of the Building Act 1984 (Supervision of Building Works other than by a Local Authority) and Regulations made thereunder.

(h) Carrying out the functions of the Council under the Building Act 1984 regarding ruinous, dilapidated or dangerous buildings and structures or neglected sites.

(i) Taking action under the appropriate Acts including the Local Government (Miscellaneous Provisions) Act 1982 for making secure unoccupied or damaged buildings open to trespass.

(j) The imposition of conditions relating to demolition of buildings under the provisions of the Building Act 1984 and authority to take appropriate action in cases where conditions imposed have not been complied with.

(k) Requiring the provision of entrances/exits etc. for buildings referred to in Section 24 of the Building Act 1984.

2.2 in accordance with the requirements of the Building Safety Act 2022 Authority to serve notices requiring the owner of a property either to pull down or remove work carried out in contravention of the Building Regulations and for the Council to do work in default under the provisions of Section 36(3) of the Building Act 1984.

2.3 Power in respect of naming and numbering of streets including renaming and renumbering.

**G (3) To Officers of the Directorate of Place with responsibility for Building Control Matters**

3.1 To Officers appointed to service the Council currently or in the future capacity of:-

- Head of Planning
- Building Control Manager
- Principal Registered Building Inspector
- Assistant Registered Building Inspector
-

in the Building Control Section be authorised to enter upon land, buildings and structures for enforcement purposes and that the Director of Place be authorised to issue to such officer's due authority in writing.

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**G (4) To the Director of Place in consultation with the Borough Solicitor (Subject to a requirement to report exceptional or unusual circumstances to the next meeting of Planning Committee)**

4.1 Authority to conduct Appeals against certificates of appropriate alternative development, planning decisions, failure to determine planning applications, enforcement notices, listed building consent and conservation areas, and refusal of advertisement consent.

4.2 Authority to appear at hearings in respect of Secretary of State decisions relating to the review of planning decisions where compensation is claimed.

4.3 Authority to appear at hearings in connection with the granting or refusal of Certificates of Lawfulness.

4.4 Authority to appear at a hearing in connection with the confirmation of any purchase notice by the Secretary of State.

4.5 Authority to make representations in response to applications for heavy goods vehicle operating centre licences.

4.6 Authority to serve planning contravention notices and to institute proceedings for non-compliance with planning contravention notices (Sections 171C and 171D of the Town and Country Planning Act 1990).

4.7 Authority to conduct appeals against decisions of the Hazardous Substances Authority (Section 21 of the Planning (Hazardous Substances) Act 1990).

4.8 Authority to issue certificates under Article 5 of Tree Preservation Orders and authority to determine the amount of compensation payable in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

4.9 Authority to conduct appeals against decisions and Remedial Notices served pursuant to Part 8 of the Anti-Social Behaviour Act 2003.

4.10 Authority to serve, withdraw or relax remedial notices served pursuant to Section 69 and 70 of the Anti-Social Behaviour Act 2003.

4.11 Power to authorise Officers in the Directorate of Place to enter upon land to take any necessary action in connection with the following statutes as amended or re-enacted:-

- Town and Country Planning Act 1990
- Building Act 1984
- Safety at Sports Grounds Act 1975

4.12 Authority to waive or vary non statutory and discretionary fees and charges for the services within the Directorate's remit in appropriate circumstances.

4.13 Authority to serve notices under Section 215 of the Town and Country Planning Act 1990.

**G (5) Powers to the Director of Place and the Assistant Director of Economic Development and Regeneration in respect of Economic Development Matters**

5.1 Authority to approve Bolton Town Centre Business Support grants up to £20,000.

5.2 Authority to sign contracts with outside bodies of an economic nature in order to secure funding and deliver services for the benefit of local residents and businesses in accordance with the Council's Strategic economic development objectives, subject to the overall strategy being agreed by the appropriate Executive Cabinet Member.

5.3 Authority to sign a variation or extension of a contract with outside bodies of an economic nature in order to secure and maintain funding and deliver services for the benefit of local residents and businesses in accordance with the Council's strategic economic development objectives, subject to the overall strategy being agreed by the appropriate Executive Cabinet Member in consultation with the Borough Solicitor.

5.4 Authority to hear and determine an appeal from a trader of a stall, a pitch or premises at any of the markets against a decision of the relevant Chief Officer with delegated authority relating to the day to day management control; there being no further right of appeal to any other body of the Council.

**G (6) To Officers of the Directorate of Place with responsibility for Planning Matters**

6.1 Officers appointed to the service of the Council currently or in the future capacity of:-

- Head of Planning

- Development Management Manager
- Enforcement Manager
- Principal Planning Officer
- Career Grade Planning Officer
- Enforcement Officer
- Enforcement and Monitoring Officer
- Assistant Enforcement Officer
- Householder Planning Officer

in the Planning Control Section of the Directorate of Place be authorised to enter any land for enforcement purposes; and that the Director of Place be authorised to issue to such officers due authority in writing (Section 196A, Town and Country Planning Act 1990).

6.2 Officers in the Planning Division of the Directorate of Place be authorised to enter any land in accordance with the following legislation and that the Director of Place be authorised to issue to such officers due authority in writing (Sections 209, 214B and 324, Town and Country Planning Act 1990, Section 88 Listed Building Act 1990 and Section 36 Planning (Hazardous Substances) Act 1990) and Section 74 of the Anti-Social Behaviour Act 2003.

**G (8) To the Director of Place in consultation with the Borough Solicitor**

8.1 Authority to carry out pruning, felling, removal and replacement of trees in Bolton town centre that have outgrown their location, cause security concerns or conflict with proposed development.

**G (9) Powers to the Director of Place and the Assistant Director for Environment and Regulatory Services relating to Leisure Matters**

9.1 Authority to determine applications for free or concessionary use of leisure facilities, together with specific reductions and negotiated bookings and that the ward councillors affected by the proposals be consulted, where appropriate.

**G (10) Powers to the Director of Place and the Assistant Director for Environment and Regulatory Services relating to Neighbourhood Services Matters**

10.1 Authority to deal with applications to hold religious open air services in Parks and Cemeteries.

10.2 Authority to issue tenancy agreements for allotments and to deal with cultivation procedures, financial control, promotion, horticultural advice and general site maintenance in connection with allotments.

10.3 Authority to work in partnership with associations and / or site secretaries in relation to the development of self-managed allotments.

10.4 Authority to negotiate bookings and approve the details of arrangements for individual events, fairs, markets, shows etc. to be held at land/establishments under the control of the Directorate of Place.

10.5 Authority to deal with appropriations of land, subject to maintenance budget provisions being in place.

10.6 Authority to deal with applications for the use of outdoor recreational facilities and the provision of tuition.

10.7 Authority to determine minor applications (up to the limit of £2,000) for the provision of refreshment facilities in connection with the promotion and development of outdoor recreation in Bolton.

10.8 Authority to approve special concessionary bookings and opening hours of outdoor recreation facilities.

10.9 Authority to take such steps as are necessary to discharge the obligations of the statutory duty conferred by sections 149 -152 of the Environmental Protection Act 1990 dealing with stray dogs found in the area of the authority.

10.10 Authority to enter into permanent and temporary arrangements in order to discharge all or part of the responsibility to deal with stray dogs and to sign agreements with a person or persons specifying service provision for which they are to be contracted.

10.11 Authority (in consultation with the relevant Executive Cabinet Member) to identify areas for designation under Dog Control Orders within the Clean Neighbourhood and Environment Act 2005.

10.12 Authority to take such steps as are necessary to discharge the following with respect to the enforcement of the Fixed Penalty Notice scheme for Environmental Crime :-

- the maintenance of appropriate systems of delivery;
- the payment or repayment of any sums of money;
- the appointment and authorisation of persons to issue fixed penalty notices;
- the issuing of operational instructions to the Council's enforcement officers and any contractor (including Police Community Support Officers) working on behalf of the Council;
- the issue of all legal proceedings required for the scheme;
- appropriate monitoring of the scheme as required by Government Directorates

10.13 Authority to put into place arrangements for the appeal of contested fixed penalty notices prior to the commencement of court proceedings.

10.14 Authority to manage trees and woodlands in accordance with the relevant Council policy in force at the time.

10.15 Authority to negotiate bookings for individual events, shows etc. to be held at land/establishments under the control of the Directorate of Place.

**G (11) Powers to the Director of Place, the Assistant Director for Environment and Regulatory Services and other officers where specified, relating to Regulation and Enforcement Matters**

11.1 Authority to the Director of Place and the following officers (acting individually):

- Assistant Directors
- Head of Regulatory Services
- Head of Environmental Delivery and Head of Environmental Assets
- Senior Head of Service Community Safety and Vulnerable People
- Design and Construction Manager (Highways)
- Asset Management and Development Manager (Highways)
- Network Manager (Highways)
- Drainage and Resilience Manager (Highways)
- Education and Enforcement Manager
- Principal Officers
- Environmental Health Officers
- Trading Standard Officers
- Illicit Trade Officers
- Licensing Officers
- Licensing Compliance Officers
- Licensing Manager
- Senior Licensing Officer
- Environmental Health Manager

- Enforcement Officers
- Trade Waste Officers
- Team Leaders
- Inspectors
- Dog Wardens
- Technical Officers
- Technical Assistants
- Waste Prevention and Recycling Officers
- Public Rights of Way Officer

to issue and serve notices, make designations, issue and serve certificates and consents, take enforcement action and, in consultation with the Borough Solicitor, commence legal proceedings under the provisions of the following Acts (as amended or re-enacted) and any Orders or Regulations made under the same:

- Environmental Protection Act 1990 (Part II Collection of Waste; Part IV Litter);
- Environmental Protection Act 1990 (Part VIII miscellaneous – Control of Dogs s149 -152)
- Clean Neighbourhoods and Environment Act 2005
- Public Health Acts 1936 and 1961
- Control of Pollution Act 1974 (Part I Waste)
- Control of Pollution (amendment) Act 1989
- Refuse Disposal (Amenity) Act 1978
- Dangerous Dogs Act 1991
- Dogs Act 1871
- The Control of Dogs Order 1992
- Dogs Act 1906
- Guard Dogs Act 1975
- Litter Act 1983
- Protection of Animals Act 1911
- Animal Welfare Act 2006
- Control of Pollution Act 1974 (Part I Waste)
- Anti-Social Behaviour Act 2003 (Part 6 Graffiti and Fly-posting)
- Anti-Social Behaviour Crime and Policing Act 2014
- Criminal Damage Act 1971
- Highways Act 1980
- Town and Country Planning Act 1990
- Traffic Management Act
- Environment Act 1995
- Refuse Disposal (Amenity) Act 1978
- Countryside and Rights of Way Act 2000
- Flood and Water Management Act 2010
- Land Drainage Act 1991
- National Parks and Access to the Countryside Act 1949
- Road Traffic Regulations Act 1984
- Wildlife and Countryside Act 1981
- The Environment Act 2021

- The Police Reform and Social Responsibility Act 2011
- The Licensing Act 2003

11.2 In conjunction with the Borough Solicitor, authority to give all notices in pursuance of the Highways Act 1980 and Public Health Act 1936 and Water Industry Act 1991 and Land Drainage Act 1991.

11.3 In conjunction with the Borough Solicitor, authority to institute legal proceedings in pursuance of the Highways Act 1980 and Public Health Act 1936 and Water Industry Act 1991.

11.4 Authority to the Director of Place and the following officers (acting individually):

- Assistant Director for Environment and Regulatory Services
- Heads of Service within the Directorate of Place
- Community Safety Manager
- Anti-Social Behaviour Coordinator
- Principal Environmental Health Officer
- Special Projects Officer
- Trading Standards Officer
- Principal Officers
- Licensing Officer
- Licensing Compliance Officers
- Licensing Manager
- Senior Licensing Officer
- Environmental Health Manager
- Technical Officer
- Environmental Education & Enforcement Manager
- Senior Environmental Enforcement Officer
- Environmental Enforcement Officer
- Dog Warden

to issue and serve Community Protection Notices under the Anti-Social Behaviour Crime and Policing Act 2014.

11.5 Authority to the Director of Place and all Heads of Service and Assistant Directors within the Directorate of Place in conjunction with the Borough Solicitor to issue and serve of a Closure Notice under section 77 of the Anti- Social Behaviour Crime and Policing Act 2014 for up to 24 hours.

11.6 Authority to the Chief Executive to authorise the extension of a Closure Notice for a maximum of 48 hours under Section 77 of the Anti-Social Behaviour Crime and Policing 2014 and to designate all Chief Officers within the Directorate of Place to exercise this function on their behalf in conjunction with the Borough Solicitor

**G (12) Authority to the Enforcement Manager, Enforcement Officers, Team Leaders, Chargehand Enforcement Officers, Neighbourhood Care Operatives, Police Community Support Officers, Environmental Education and Enforcement Team Leader, Licensing Compliance Officers, Licensing Manager, Environmental Health Manager and Behaviour Change Chargehand (acting individually)**

12.1 Authority, in accordance with the Local Government Act 1972 to issue and serve fixed penalty notices on behalf of the Council for the following offences:-

(a) littering and fly-tipping;
(b) failure to remove dog faeces;
(c) failure to keep a dog on a lead;
(d) allowing a dog to enter a designated area;
(e) failure to put a dog on a lead when directed by an authorised officer; and
(f) graffiti or fly posting.
(g) In relation to a domestic waste receptacle
(h) in relation to commercial waste receptacle
(i) unauthorised distribution printed matter
(j) for breach of CPN
(k) for breach of PSPO
(l) failure to provide waste carrier's license
(m) failure to provide waste transfer notes
(n) painting or writing on soiling/marking or otherwise defacing any property by whatever means
(o) Household duty of care

**G (13) Powers to the Director of Place, the Assistant Director for Environment and Regulatory Services, the Head of Environment and Regulatory Services and other officers where specified, relating to Licensing Matters**

13.1 Authority to grant, transfer or renew:-

(a) Hackney Carriage Vehicle and Driver Licences;
(b) Private Hire Operator, Vehicles and Drivers Licences

subject to the applicant meeting the Council's criteria set out in the Council's Statement of Fitness and Suitability and subject to the Council's standard conditions, together with any additional conditions recommended by the Borough Solicitor.

13.2 Authority to refuse to grant, transfer or to renew Hackney Carriage or Private Hire Driver, Vehicle or Operator Licences where an applicant fails to meet the criteria set out in the in the Council's Statement of Fitness and Suitability or any other relevant Council policy or any application requirements in force at the time.

13.3 Authority to suspend or revoke Hackney Carriage or Private Hire Driver, Vehicle or Operator Licences where:

(a) the vehicle has become classified as a Category S (previously Category C) insurance 'write off' after the 1st June 2015; and/or

(b) the vehicle proprietor has failed to submit the vehicle for a midyear test and the vehicle is still being used as a Private Hire or Hackney Carriage Vehicle or the licence holder has failed to notify the Council that the vehicle is no longer being used as a Private Hire or Hackney Carriage Vehicle.

13.4 In consultation with the Chair or Vice-Chair of the Licensing and Environmental Regulation Committee, authority to suspend or revoke a licence granted to a person:

(a) who has been convicted of offences relating to drugs, alcohol, indecency, dishonesty or violence, or
(b) where the Director of Place (or an officer authorised by the Director of Place) is satisfied that the licence holder is not a fit and proper person to hold such a licence or there is any other reasonable cause and where any such action is in the interests of public safety.

and any suspension referred to in (a) and (b) above shall continue until such time as the Licensing and Environmental Regulation Committee can consider the matter.

13.5 Authority to issue warning letters in relation to low level matters (as detailed in Council's Statement of Fitness and Suitability or any other relevant Council guidance) including but not restricted to motoring convictions.

13.6 Authority to the Director of Place, Licensing Manager, Senior Licensing Officer, Principal Licensing Officer, Environmental Health Manager, Assistant Director for Environment and Regulatory Services, Head of Regulatory Services to refuse Private Hire and Hackney Carriage Driver Licence applications where the applicant has declared a conviction subject to the Council's Statement of Fitness and Suitability or any other relevant Council guidance.

13.7 Power to approve suitable advertisements for display in the approved places on Hackney Carriages with power to refuse advertisements which may be offensive, indecent or otherwise unsuitable.

13.8 Authority to consider requests for derogation from the vehicle identification requirements.

13.9 Authority to determine applications for all over full livery commercial advertising on licensed Hackney Carriages.

13.10 Power to determine the suitability of films shown in the Borough and the authority to refer films which are considered likely to be unsuitable for public viewing for further consideration by the Licensing and Environmental Regulation Committee.

13.11 Power to approve the exhibition of "18" or "R18" films except where films are considered contentious or objectionable.

13.12 Power to approve applications for foyer and auditorium charity collections in cinemas.

13.13 Authority to the Director of Place and the following Officers (acting individually):

- Assistant Directors for Environment and Regulatory Services
- Head of Regulatory Services
- Head of Environmental Delivery
- Head of Environmental Assets
- Senior Head of Service Community Safety and Vulnerable People
- Principal Officers
- Environmental Health Officers
- Trading Standard Officers
- Education and Enforcement Officer
- Trade waste officer
- Licensing Officers
- Licensing Compliance Officers Licensing Manager
- Senior Licensing Officer
- Environmental Health Manager
- Team Leaders
- Inspectors
- Dog Wardens
- Technical Officers
- Technical Assistants

To exercise powers under and, in consultation with the Borough Solicitor, to institute legal proceedings under: -

(a) Town Police Clauses Act 1847
(b) Local Government (Miscellaneous Provisions) Act 1976
(c) Greater Manchester Act 1981
(d) Local Government (Miscellaneous Provisions) Act 1982
(e) Transport Act 1985
(f) Police, Factories, etc. (Miscellaneous Provisions) Act 1916
(g) House to House Collections Act 1939
(h) Betting, Gaming and Lotteries Act 1963
(i) Licensing Act 2003
(j) Gambling Act 2005
(k) Police Reform and Social Responsibility Act 2011
(l) Equality Act 2010
(m) Scrap Metal Dealers Act 2013

13.14 Authority to the Director of Place and to those Officers detailed at the paragraph above, to grant, issue or renew or refuse (where appropriate) the following and collect any licence fees in respect of the same-

(a) Street Trading Consents and Licences
(b) Street Collection Permits (subject to relevant Regulations)
(c) Lottery Registration (subject to relevant Regulations)
(d) Second Hand Goods Dealer Registrations
(e) Site Licences and Collector's Licences under the Scrap Metal Dealers Act 2013
(f) House to House Collection Licences

13.15 In relation to the Licensing Act 2003 (as amended) and in accordance with any relevant Council guidance, authority to the Director of Place and those Officers detailed at paragraph 13 above, to grant, issue or make a decision with regard to:-

- Personal Licence (where no relevant representation is received)
- Premises Licence (where no relevant representation is received)
- Club Premises Certificate (where no relevant representation is received)
- Provisional Statement (where no relevant representation is received)
- Variation of Premises Licence (where no relevant representation is received)
- Variation of Club Premises Certificate (where no relevant representation is received)
- Variation of Designated Premises Supervisor (if no police representation made)
- Approval of request to be removed as Designated Premises Supervisor
- Transfer of a Premises Licence (if no police representation made)
- Interim Authority (if no police representation made)
- To decide whether a representation is irrelevant, frivolous, vexatious or repetitious
- To accept or reject an application for a minor variation and where an application is accepted, to determine it
- To decide whether to consult other Responsible Authorities on a minor variation application
- To make representations on behalf of the Licensing Authority in its capacity as a Responsible Authority
- To issue a counter notice in respect of a Temporary Events Notice

13.16 Authority to the postholders of the positions detailed at paragraph 13 above to enter upon land to take any necessary action in connection with the Licensing Act 2003 as amended or re-enacted, subject to the requirement to report exceptional or unusual circumstances to the next meeting of the Licensing and Environmental Regulations Committee.

13.17 Authority to the postholders of the positions detailed at paragraph 13 above to

act as Officers/Inspectors within the Borough for the purposes of carrying out the Acts, Orders and Regulations referred to in paragraphs 14 above (Licensing Matters).

13.18 Authority to the Head of Regulatory Services to implement the Minimum Licensing Standard as currently approved.

## G (14) Powers to the Director of Place, the Assistant Director for Environment and Regulatory Services and other officers where specified, relating to Environmental Health and Trading Standards Matters

14.1 Authority under Section 20(2)(c)(i) of the Health and Safety at Work Etc. Act 1974 to grant authority to persons other than Inspectors to accompany Officers entering premises.

14.2 Authority (for the purposes of enforcing Health and Safety legislation) to transfer control of premises from the Local Authority to the Health and Safety Executive and to accept the transfer of control of premises from the Health and Safety Executive to the Local Authority where there is agreement between the two enforcing authorities that the transfer should take place.

14.3 Power to authorise in writing, as appropriate, those officers appointed to the service of the Council to act as Officers/Inspectors within the Borough for the purposes of carrying out powers and duties under the acts referred to in this Part 5.

14.4 Power to give consent in writing to officers of another local authority to make enquiries within the borough under the provisions of the Video Recordings Act 1984.

14.5 Appointment of Public Analyst for Bolton under the provisions of section 27 of the Food Safety Act 1990 and of Agricultural Analyst under section 67 of the Agriculture Act 1970.

14.6 Authority to the Director of Place and the following officers (acting Individually):

- Assistant Director for Environment and Regulatory Services
- Head of Regulatory Services
- Head of Environmental Delivery
- Head of Environmental Assets
- Senior Head of Service Community Safety and Vulnerable People
- Principal Officers
- Environmental Health Officers
- Trading Standard Officers
- Licensing Officers
- Licensing Compliance Officers
- Licensing Manager
- Senior Licensing Officer
- Environmental Health Manager
- Enforcement Officers
- Education and Enforcement Manager
- Trade waste officers

- Team Leaders
- Inspectors
- Dog Wardens
- Technical Officers

(a) Issue and serve notices;
(b) Commence legal proceedings;
(c) Exercise registration and licensing functions;
(d) Grant, refuse, renew, vary or revoke approvals permits or consents;
(e) Issue and serve certificates; and

- Accommodation Agencies Act 1953
- Administration of Justices Act 1970 and 1985
- Agriculture ~~al~~ (Health, Safety and Welfare Provisions) Act 1956
- Agriculture (Miscellaneous Provisions) Acts 1963-1976
- Agriculture Act 1970
- Animal Boarding Establishments Act 1963
- Animal Health Act 1981
- Animal Health and Welfare Act 1984
- Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018
- Animal Welfare Act 2006
- Anti-Social Behaviour Act 2003
- Botulinum Toxin and Cosmetic Fillers (Children) Act 2021
- Building Act 1984
- Business Names Act 1985
- Cancer Act 1939
- Caravan Sites and Control of Development Act 1960
- Children and Families Act 2014
- Children and Young Persons (Protection from Tobacco) Act 1991
- Children and Young Persons Act 1933
- Clean Air Act 1993
- Clean Neighbourhoods and Environment Act 2005
- Companies Act 2006
- Consumer Credit Act 1974
- Consumer Protection Act 1987
- Consumer Rights Act 2015
- Control of Pollution Act 1974
- Copyright, Design and Patents Act 1988
- Courts and Legal Services Act 1990
- Cosmetic Products Enforcement Regulations 2013 and the EU
- Cosmetics Regulation as defined therein
- Criminal Justice and Police Act 2001
- Criminal Justices Act 1988
- Dangerous Wild Animals Act 1976
- Deregulation Act 2015
- Development of Tourism Act 1969
- Dogs Act 1906
- Education Reform Act 1988
- Energy Act 1976

- Enterprise Act 2002
- Enterprise and Regulatory Reform Act 2013
- Environment Act 1995
- Environmental Protection Act 1990
- Environment Act 2021
- Estate Agents Act 1979
- Explosives (Age of Purchase) Act 1976
- Explosives Acts 1875
- Factories Act 1961
- Fair Trading Act 1973
- Fireworks Act 2003
- Food Act 1984
- Food and Environment Protection Act 1985
- Food Safety Act 1990
- Forgery and Counterfeiting Act 1981
- Fraud Act 2006
- Gambling Act 2005
- Goods Vehicles (Licensing of Operators) Act 1995
- Greater Manchester Act 1981
- Hallmarking Act 1973
- Health Act 2006
- Health and Safety at Work etc. Act 1974
- Housing Acts 1985, 1996 and 2004
- Housing Grant and Construction and Regeneration Act 1996
- Hypnotism Act 1952
- Knives Act 1997
- Licensing Act 2003
- Litter Act 1983
- Local Government Act 1972 (Section 222)
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Local Government and Housing Act 1989
- Malicious Communications Act 1988
- Medicines Act 1968
- Motor Cycle Noise Act 1987
- Motor Vehicles (Safety Equipment for Children) Act 1991
- National Assistance Act 1948
- National Lottery Act 1993
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offensive Weapons Act 1996
- Offices, Shops and Railway Premises Act 1963
- Olympic Symbol etc. (Protection) Act 1995
- Performing Animals (Regulations) Act 1925
- Pet Animals Act 1951
- Poisons Act 1972
- Police Reform and Social Responsibility Act 2011
- Pollution Prevention and Control Act 1999

- Prevention of Damage by Pests Act 1949
- Prices Act 1974 and 1975
- Property Misdescriptions Act 1991
- Protection of Animals Act 1911 (as amended)
- Protection of Children (Tobacco) Act 1986
- Psychoactive Substances Act 2016
- Public Health Acts Amendment Act 1907
- Public Health (Control of Disease) Act 1984
- Public Health Acts 1936 and 1961
- Refuse Disposal (Amenity) Act 1978
- Rent Act 1977
- Riding Establishments Acts 1964 and 1970
- Road Traffic (Foreign Vehicles) Act 1972
- Road Traffic Acts 1972, 1974, 1988 and 1991
- Slaughter of Poultry Act 1967
- Slaughterhouses Act 1974
- Solicitors Act 1974
- Sunbeds (Regulations) Act 2010
- Sunday Trading Act 1994
- Telecommunications Act 1984
- Theft Act 1968 and 1978
- Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
- Tobacco Advertising and Promotions Act 2002
- Trade Descriptions Act 1968
- Trademarks Act 1994
- Unsolicited Goods and Services Acts 1971
- Video Recordings Act 1984,1993 and 2010
- Water Act 1989, 999, 2003 and 2014
- Water Industry Act 1991
- Weights and Measures Act 1976 and 1985
- Welfare of Animals at Slaughter Act 1991
- Wildlife and Countryside Act 1981
- Zoo Licensing Act 1981

14.7 Authority to exercise all powers conferred on Inspectors under the Health and Safety at Work Etc. Act 1974.

14.8 Authority to Council Officers appointed in the capacity of Inspectors for the purposes of the Health and Safety at Work Etc. Act 1974, to institute legal proceedings under the said Act.

14.9 Authority to the officer appointed to the post of Principal Officer (Trading Standards) and Assistant Director of Environment and Regulatory Services and holding the Diploma in Trading Standards or its equivalent qualification to act as its Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1976 and 1985.

14.10 Authority to the Director of Place in consultation with the Executive Cabinet Member to grant charity permits.

14.11 Authority to the Director of Place and to the following Officers (acting individually):-

- Deputy Director of Place
- Assistant Director (Environment and Regulatory Services)
- Design and Construction Manager (Highways)
- Asset Management and Development Manager (Highways)
- Network Manager (Highways)
- Drainage and Resilience Manager (Highways)
- Enforcement Manager
- Environmental Enforcement Manager
- Trade Waste Officers
- Enforcement Officer
- Team Leader
- Inspector
- Dog Warden

to act as officers within the Borough for the purposes of carrying out the provisions of the below mentioned Acts and any Act or Acts extending or amending the same or incorporated therein and under any Orders or Regulations made under the said Act or Acts:

- Environmental Protection Act 1990 (Part II Collection of Waste; Part IV Litter);
- Environmental Protection Act 1990 (Part VIII miscellaneous – Control of Dogs s149 -152)
- Clean Neighbourhoods and Environment Act 2005
- Public Health Acts 1936 and 1961
- Control of Pollution Act 1974 (Part I Waste)
- Control of Pollution (amendment) Act 1989
- Refuse Disposal (Amenity) Act 1978
- Dangerous Dogs Act 1991
- Dogs Act 1871
- The Control of Dogs Order 1992
- Dogs Act 1906
- Guard Dogs Act 1975
- Litter Act 1983
- Protection of Animals Act 1911
- Animal Welfare Act 2006
- Control of Pollution Act 1974 (Part I Waste)
- Anti-Social Behaviour Act 2003 (Part 6 Graffiti and Fly-posting)
- Criminal Damage Act 1971
- Highways Act 1980
- Town and Country Planning Act 1990
- Traffic Management Act 2004

14.12 To the following Officers of the Council: -

- Deputy Director of Place
- Design and Construction Manager (Highways)
- Asset Management and Development Manager (Highways)
- Network Manager (Highways)

- Drainage and Resilience Manager (Highways)
- Principal Engineer
- Senior Technical Supervisor
- Technical Supervisor
- Engineer (Career Grade)
- Technician (Career Grade)

authority to act as officers within the Borough under Section 287 of the Public Health Act 1936; Section 84 and Schedule 6 of the Water Industries Act 1991 and Section 64 of the Land Drainage Act 1991 and Sections 289, 290, 291, 293 and 294 of the Highways Act 1980.

14.13 To the Deputy Director of Place and the Assistant Director Transformation and Corporate Property, authority to act as officers responsible within the Borough as client under the Construction (Design and Management) Regulations 2015.

14.14 To the Deputy Director of Place and the Assistant Director Transformation and Corporate Property, authority to act as officers responsible within the Borough as Client's Agent, Principal Designer, Designer and Principal Contractor under the Construction (Design and Management Regulations) 2015.

**G (15) Powers to the Director of Place, Assistant Directors within the Department of Place and other Officers where specified, relating to Commercial Services**

**To the Director of Place and those Officers specified in writing by the said Director**

15.1 Authority to deal with routine applications for loan of floral decorations.

15.2 Authority to deal with applications from charitable organisations for free floral decorations.

15.3 Authority to approve and accept cemetery memorial designs/plans and inscriptions.

15.4 Authority to repurchase unused grave spaces.

15.5 Authority to provide free school meals.

15.6 Authority to approve the procurement of food and other supplier services for school meals providing there is an appropriate and identified budget.

15.7 Authority to vary Conditions of Hire in exceptional circumstances, and catering charges for catering use, and to waive or vary fees and charges of facilities under the control of the Directorate of Place.

**G (16) To the Director of Place and the following officers (acting individually):**

- Assistant Directors within the Directorate of Place

- Heads of Service within the Directorate of Place
- Interim Waste Manager

16.1 Authority to negotiate the terms of and enter into Trade Waste Collection Contracts.

16.2 Authority to negotiate and approve a discount to the Council's pricing structure on Trade Waste Collection Contracts in order to remain competitive in the marketplace.

**G (17) Powers to the Director of Place, the Deputy Director of Place and other Officers where specified, relating to Highways and Engineering Matters**

17.1 Authority to issue instructions in pursuance of the provisions of the Highways Act 1980.

17.2 Authority to issue or refuse licences and consents in accordance with the provisions of the Highways Act 1980 subject to such conditions as appear to be appropriate.

17.3 Authority to authorise in writing persons to enter onto land for purposes permitted by the Highways Act 1980, Public Health Act 1936, Water Industry Act 1991, Land Drainage Act 1991 and Flood and Water Management Act 2010.

17.4 Authority to erect flagpoles for the display of decorations in pursuance of Section 144 of the Highways Act 1980.

17.5 Authority to carry out works and to place objects and structures on any highway and to provide maintain and operate facilities for recreation or refreshment on any highway in pursuance of Section 115B and Section 115C of the Highways Act 1980.

17.6 Authority to erect street furniture and install refuse or storage bins.

17.7 Authority to remove obstructions from the highway in pursuance of Section 149 and 150 of the Highways Act 1980 and to remove a structure from the highway in pursuance of Section 143 of the Highways Act 1980.

17.8 Authority to remove unauthorised signs from the highway in pursuance of Section 132 of the Highways Act 1980.

17.9 Authority to remove or reposition skips in accordance with Section 140 of the Highways Act 1980.

17.10 Authority to enter into agreements relating to the construction and adoption of new streets in pursuance of Section 38 of the Highways Act 1980 and to enter into agreements for the execution of highways works under Section 228 and Section 278 of the Highways Act 1980 and to enter into agreements under Section 25 of the Highways Act 1980 for the creation of public footpaths,

bridleways and restricted byways.

17.11 Authority to adopt streets.

17.12 Authority to Adopt culvert and surface water drains under the adopted highway not part of the highway drainage. Where advantageous to the Highway Authority to protect the asset, with due commuted sums in place.

17.13 Authority to Adopt highway structures from third party owners where it is advantageous for the Highway Authority to do so, with due commuted sums in place.

17.14 Authority, in conjunction with the Borough Solicitor, to institute legal proceedings in pursuance of Section 28 of the Town Police Clauses Act 1847.

17.15 Authority to deal with trade effluent agreements.

17.16 Authority to authorise applications to the Magistrates' Court for the stopping up of highways within Clearance Areas and where highways are considered to be unnecessary in pursuance of Section 116 of the Highways Act 1980.

17.17 Authority to make arrangements for Temporary Traffic Regulation Orders, Emergency Notices and Special Events Orders under the Road Traffic Regulations Act 1984.

17.18 Authority to lodge with the Traffic Commissioners objections to applications under the Transport Act 1968 for the grant or renewal of Goods Vehicle Operators Licences.

17.19 Authority to deal with matters concerning the width of pedestrian crossings.

17.20 Authority to institute legal proceedings under the Road Traffic Regulation Act 1984 or Transport Act 1992.

17.21 Authority to authorise a person or persons to promote or take part in a trial of any description between motor vehicles on a footpath or bridleway in accordance with the provisions of Section 35 of the Road Traffic Act 1972.

17.22 Authority to enter into temporary agreements for the use of land for Christmas car parking.

17.23 Arrangements in respect of the provision or amendment of taxi stands.

17.1 Authority to undertake the following with respect to the civil parking enforcement scheme and, where applicable, civil bus lane enforcement and moving traffic offences

(a) the agreement of contractual variations with the Council's enforcement contractor.
(b) the ability to enter into agreements including Penalty Tribunal

(c) Schemes for the purpose of carrying out a scheme of civil parking enforcement;

17.2 Authority to undertake the following with respect to the civil parking enforcement scheme and, where applicable, civil bus lane enforcement and moving traffic offences for the following is delegated to Customer Services Officer :-

(a) the review of representations received from motorists;
(b) the cancellation of penalty charge notices;
(c) the temporary suspension of parking bays and parking restrictions;
(d) the issue of dispensations from parking restrictions;

17.3 Authority to undertake the following with respect to the civil parking enforcement scheme and, where applicable, civil bus lane enforcement and moving traffic offences for the following is delegated to senior Customer Services Officer and Operations and Performance Manager

(a) the authorisation of persons to appear before the Traffic Penalty Tribunal;
(b) the issue of all legal proceedings required for the scheme;
(c) the payment or repayment of any sums of money including adjudication or court costs;

(d) the issuing of operational instructions to the Council's enforcement contractor;

17.4 Subject to consultation with those ward members affected by the proposals, authority to promote and implement non- strategic traffic regulation orders, public rights of way diversions and closures and compulsory creation orders for public rights of way, subject to any objections being referred to the relevant Executive Cabinet Member for consideration.

17.5 Subject to consultation with those ward members affected by the proposals, authority to promote and implement non-strategic street closures, it being noted that any determination of objection is within the legal process responsibility of either the Magistrates Court or the Secretary of State.

17.6 Authority to approve applications for the free use of car parking areas for charity events.

17.7 Authority to take urgent action to waive/suspend parking regulations necessary in his/her opinion to support the delivery of the Emergency Plan.

17.8 Authority to take all such steps as necessary to comply with the obligations imposed upon the Council by the Reservoirs Act 1975 as owners/undertakers of Doffcocker Lodge and Mortfield Lodge, including authority to appoint a Supervising Engineer and an Inspecting Engineer.

17.9 Authority to deal with applications for the placement of bus shelters on the highway and adjoining land.

17.10 Authority to deal with matters relating to new 'bus routes on highways'.

17.11 Authority to:-

a) submit to the Traffic Commissioner a request, under Section 7 of the Transport Act 1985, for a Traffic Regulation Order to be imposed upon a registered, or intended registered local service, where there is concern over matters of road safety or traffic congestion in relation to the local service;

b) approve, in consultation with those Ward councillors for the area affected by the proposal, the Greater Manchester Police and Transport for Greater Manchester, applications for additional Bus Timing Points (BTPs) for inclusion in the schedule of Approved Timing Points in cases where the Traffic Regulation order has reference to an exemption for public service vehicles, provided that, if the Ward councillors consulted do not agree to the

inclusion of the BTP in the Schedule, the matter be referred to the first convenient meeting of the Planning Committee which shall have delegated authority to determine the matter; and

c) refuse any such application referred to in (b) above without consultation with the relevant ward councillors.

17.12 Authority to negotiate and enter into agreements to enable the delivery, installation, commissioning, operation, maintenance and removal of electric vehicle charging points on the highway.

17.13 Authority to enter into a water adoption agreement under the Water Industry Act 1991 for the connection of water main and associated infrastructure (other than an agreement under Section 104 of the Water Industry Act 1991).

17.14 Authority to enter into section 228 agreements under section 228 of the Highways Act 1980.

17.15 Authority to enter into Delivery Agreements with Transport for Greater Manchester and Greater Manchester Combined Authority (GMCA) for the delivery of highways capital projects funded by the GMCA.

17.16 Authority to approve applications of landowner deposits under s31(6) of the Highways Act 1980 and S15 15A(1) of the Commons Act 2006.

**G (18) Powers to the Director of Place relating to General Matters**
**To the Director of Place**

18.1 Authority to approve grants under appropriate funding schemes up to a maximum level of £5,000 for the development and promotion of schemes or works of environmental improvement provided suitable grant terms and conditions are imposed on the recipient.

18.2 Authority to waive or vary any fees and charges levied by their Directorate**.**

18.3 Authority to certify the results of local land charge searches.

18.4 Authority to approve the procurement of food and other supplier services for school meals providing there is an appropriate and identified budget.