

Part 1

The Council And Its Principles Of Governance



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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 and Area Fora. 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, a Committee or an Area Forum.

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
 - Environmental Regulation
- (B) The Council will appoint a Standards Committee.
- (C) The Council will appoint other statutory bodies, viz. –
 - Members' Independent Remuneration Panel

Principle 5 - Area Fora

- (A) The Council will appoint a number of Area Fora to cover all areas of the Borough to promote the involvement of the citizens of the Borough in the processes leading up to its decision-making.

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 in the public libraries throughout the Borough. Personal copies may be obtained by contacting Democratic Services, Town Hall, Bolton, BL1 1RU (Tel: (01204) 331126). A charge for supplying personal copies of these documents will be made in accordance with the Council's Publication Strategy.

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

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