

Contact Officer: Andrea Woodside,

**COUNCIL**

**KIRKLEES COUNCIL**

**At the Annual Meeting of the Council of the Borough of Kirklees held at  
Council Chamber - Town Hall, Huddersfield on Wednesday 20 May 2015**

**PRESENT**

**The Mayor (Councillor Paul Kane) in the Chair**

**COUNCILLORS**

Councillor Masood Ahmed	Councillor Mahmood Akhtar
Councillor Karen Allison	Councillor Simon Alvy
Councillor Bill Armer	Councillor Robert Barraclough
Councillor Donna Bellamy	Councillor Martyn Bolt
Councillor Cahal Burke	Councillor Jean Calvert
Councillor Andrew Cooper	Councillor Nosheen Dad
Councillor Jim Dodds	Councillor Donald Firth
Councillor Eric Firth	Councillor Charles Greaves
Councillor Steve Hall	Councillor Mark Hemingway
Councillor Erin Hill	Councillor Lisa Holmes
Councillor Edgar Holroyd-Doveton	Councillor Judith Hughes
Councillor Mumtaz Hussain	Councillor Christine Iredale
Councillor Viv Kendrick	Councillor Musarrat Khan
Councillor John Lawson	Councillor Vivien Lees-Hamilton
Councillor Robert Light	Councillor Gwen Lowe
Councillor Terry Lyons	Councillor Andrew Marchington
Councillor Naheed Mather	Councillor Hanif Mayet
Councillor Peter McBride	Councillor Darren O'Donovan
Councillor Marielle O'Neill	Councillor Andrew Palfreeman
Councillor Shabir Pandor	Councillor Abdul Patel
Councillor Nigel Patrick	Councillor Carole Pattison
Councillor Amanda Pinnock	Councillor Andrew Pinnock
Councillor Kath Pinnock	Councillor Hilary Richards
Councillor David Ridgway	Councillor Karen Rowling
Councillor Mohammad Sarwar	Councillor Cathy Scott
Councillor Phil Scott	Councillor David Sheard
Councillor Ken Sims	Councillor Elizabeth Smaje
Councillor Ken Smith	Councillor Mohan Sokhal
Councillor Julie Stewart-Turner	Councillor Amanda Stubleby
Councillor John Taylor	Councillor Graham Turner
Councillor Sheikh Ullah	Councillor Molly Walton
Councillor Michael Watson	Councillor Linda Wilkinson
Councillor Gemma Wilson	

**1 To elect the Mayor for the ensuing year**

It was moved by Councillor E Firth, seconded by Councillor C Scott;

That Councillor Paul Kane is hereby elected Mayor of the Council of the Metropolitan Borough of Kirklees for the municipal year from now until his successor accepts office and signs the required declaration.

The Motion on being put to the meeting was CARRIED.

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Councillor Paul Kane then made the declaration of Acceptance of Office required by law, took the Chair and returned thanks for his election and named Mrs Susan Bedford as his Mayoress for the coming year.

**The Mayor (Councillor Paul Kane) in the Chair.**

### **2 Vote of Thanks to Retiring Mayor**

It was moved by Councillor Jean Calvert, seconded by Councillor Mohan Sokhal and

**RESOLVED -**

**(1) That the best thanks of the Council are due and are hereby tendered to Councillor Ken Smith for the efficient and dignified manner in which he has performed the important and varied duties of the Office of Mayor during the period June 2014 to May 2015.**

**(2) That the hearty thanks of the Council be tendered to Mrs Christine Smith for her services as Mayoress.**

Councillor Ken Smith then returned his thanks.

### **3 To appoint a Deputy Mayor for the ensuing year**

It was moved by Councillor Palfreeman, seconded by Councillor D Hall:

That Councillor Jim Dodds is hereby appointed Deputy Mayor of the Council of the Metropolitan Borough of Kirklees for the ensuing year.

The Motion on being put to the meeting was CARRIED.

Councillor Jim Dodds then made the declaration of Acceptance of Office as required by law and returned thanks for his appointment and named Mrs Carol Dodds as his Mayoress for the coming year.

### **4 To approve as a correct record and authorise the signing of the Minutes of the Ordinary Meeting of the Council held on 11 March 2015**

It was moved by The Mayor (Councillor Kane), seconded by the Deputy Mayor (Councillor Dodds) and

**RESOLVED - That the Minutes of the Ordinary Meeting of the Council held on 11 March 2015 be approved and signed as a correct record.**

### **5 Adjournment**

At this point the meeting adjourned for a short period of time.

(Upon resumption)

### **6 Interests**

No interests were declared.

### **7 Announcements by the Mayor and Chief Executive**

The Chief Executive advised of the official return of the election of Councillors held on 7 May 2015, as detailed within the considered report.

The Mayor conveyed congratulations to all newly elected and re-elected Councillors.

### **8 To receive any apologies for absence from Elected Members**

Apologies for absence were received on behalf of Councillors D Hall, K Taylor and N Turner.

### **9 Election of Leader of the Council**

It was moved by Councillor Calvert, seconded by Councillor McBride and;

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**RESOLVED - That Councillor David Sheard be elected as Leader of the Council in accordance with Article 7 of the Constitution.**

**10 Notification of Deputy Leader, Cabinet Membership and Delegation of Executive Functions**  
Councillor David Sheard (Leader) gave notice that under Article 7.2.4 and 7.3.4 of the Kirklees Council Constitution he would appoint the following Councillors to Cabinet with the portfolio of functions as set out below, including the Councillors appointed as Deputy Leader and with Statutory Responsibility for Children. He advised that Executive Functions and Delegations to the Cabinet and others (including Officers) would remain as set out within Part 3 of the Council's Constitution;

- Councillor Jean Calvert (Deputy Leader) (Community Development/Councillor Involvement in a New Council – including Councillor Development)
- Councillor Shabir Pandor (Schools and Learning)
- Councillor Peter McBride (Transportation, Skills, Jobs and Regional Affairs)
- Councillor Cathy Scott (Housing and the Relief of Poverty)
- Councillor Steve Hall (Place – Planning, Highways and Open Spaces)
- Councillor Viv Kendrick (Prevention, Early Intervention and Vulnerable Adults)
- Councillor Graham Turner (Resources and Community Safety)
- Councillor Erin Hill (Statutory Responsibility for Children) (Family Support and Child Protection)

**11 Proposed Amendments to the Council's Constitution (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards, seconded by Councillor Sokhal and;

(A) Proposed changes to Overview and Scrutiny

(1) That the refocused approach to Overview and Scrutiny be endorsed, and that the structural arrangements set out in Option 3, as detailed in Paragraph 2.7 of the report, be approved.

(2) That the Overview and Scrutiny Management Committee be constituted for the 2015/16 municipal year on a 1:1:1:1 ratio.

(3) That, pursuant to (1) above, the proposed revisions to Overview and Scrutiny Procedure Rules, and Article 6 of the Overview and Scrutiny function in the Council's Constitution, be approved.

(4) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to make the agreed amendments to the Constitution, and any further consequential amendments as required.

(5) That a Scrutiny Protocol be developed to clarify arrangements for Call in and to include a requirement that the Chair of any Call-in Scrutiny Hearing shall not belong to the same political group as the Executive or the Group that submitted the request for the Call-In.

(B) Proposed changes to the Council's Constitution – Report 2

(1) That the proposed changes to the Constitution, as set out in paragraphs 2.2 – 2.4 and Appendices 1 and 3 of the considered report be approved subject to the additions to the Policy Framework described at (6) below.

(2) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to make the agreed amendments to the Constitution, and any further consequential amendments as required.

(3) That a report be submitted to a future meeting of Corporate Governance and Audit Committee regarding the establishment of Corporate Parenting Panel.

(4) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to make drafting amendments to the Constitution, as described in paragraph 2.5 of the report.

(5) That the establishment of Policy Sub Committees be considered further at the next meeting of Corporate Governance and Audit Committee, and that a report setting out the detail of such a proposal be submitted to the meeting prior consideration at a future Council meeting.

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(6) That (i) Climate Change and Fuel Poverty Policy and (ii) Housing Policy (to include wider matters than the commissioning of housing) be included within the Council's Policy Framework.

(7) That further discussion regarding the development of a Leisure provision policy to cover leisure, library, parks and open spaces and similar to form part of the Council's Policy Framework be scheduled for consideration at Policy Committee.

(C)

(1) That the proposed changes to Council Procedure Rules, as set out in paragraph 2.2 and appendix 1, be approved subject to the removal of Council Procedure Rule 10 (2).

(2) That the information as set out in paragraph 2.3 regarding dismissing statutory officers be noted and that a further report be submitted to a future meeting of corporate governance and audit committee.

(3) That the Assistant Director (Legal, Governance and Monitoring), be authorised to make alterations to the constitution, and any consequential drafting amendments, to reflect the approved changes.

Whereupon it was moved by Councillor Marchington, and seconded by Councillor Burke, by way of AMENDMENT;

'That this Council whilst in agreement with the recommendations set out in the report to Kirklees Audit and Governance Committee on the 24 April 2015 (9c), is minded to reinstate the previous arrangements for the receipt of Public Questions, Members' Written Questions, Petitions and Deputations as they were prior to Council's decision on the 4 June 2014, that is:

- i) move the start time of Ordinary Meetings of Full Council back to 5pm
- ii) reinstate receipt of Public Questions, Members' Written Questions, Petitions and Deputations as standing items at all Ordinary Meetings of Full Council

And therefore:

- i) instructs the Assistant Director of Legal, Governance and Monitoring to make the changes to the Constitution as required by the above;
- ii) requests that Governance Officers amend plans for the servicing of Ordinary Full Council meetings in 2015/16 accordingly'

The Amendment, on being put to the vote was LOST

Whereupon it was moved by Councillor Light, and seconded by Councillor Bolt, by way of AMENDMENT;

'That in relation to CPR 15(10) consideration be given to changing the current public speaking arrangements within the Planning Protocol as part of a review of Planning Protocols'

The Amendment, on being put to the vote, was CARRIED

Whereupon it was moved by Councillor Light, and seconded by Councillor Bolt, by way of further AMENDMENT;

'That the first bullet point in paragraph 2.2 of the report requesting that 24 hours' notice be provided for any deputations, and not just those to Cabinet (Holding Executive to Account), be deleted'

The Amendment, on being put to the vote was CARRIED

There being no further amendments, the Motion was put to the vote and it was;

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### RESOLVED -

#### **(A) Proposed changes to Overview and Scrutiny**

**(1) That the refocused approach to Overview and Scrutiny be endorsed, and that the structural arrangements set out in Option 3, as detailed in Paragraph 2.7 of the report, be approved.**

**(2) That the Overview and Scrutiny Management Committee be constituted for the 2015/16 municipal year on a 1:1:1:1 ratio.**

**(3) That, pursuant to (1) above, the proposed revisions to Overview and Scrutiny Procedure Rules, and Article 6 of the Overview and Scrutiny function in the Council's Constitution, be approved.**

**(4) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to make the agreed amendments to the Constitution, and any further consequential amendments as required.**

**(5) That a Scrutiny Protocol be developed to clarify arrangements for Call in and to include a requirement that the Chair of any Call-in Scrutiny Hearing shall not belong to the same political group as the Executive or the Group that submitted the request for the Call-In.**

#### **(B) Proposed changes to the Council's Constitution – Report 2**

**(1) That the proposed changes to the Constitution, as set out in paragraphs 2.2 – 2.4 and Appendices 1 and 3 of the considered report be approved subject to the additions to the Policy Framework described at (6) below.**

**(2) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to make the agreed amendments to the Constitution, and any further consequential amendments as required.**

**(3) That a report be submitted to a future meeting of Corporate Governance and Audit Committee regarding the establishment of Corporate Parenting Panel.**

**(4) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to make drafting amendments to the Constitution, as described in paragraph 2.5 of the report.**

**(5) That the establishment of Policy Sub Committees be considered further at the next meeting of Corporate Governance and Audit Committee, and that a report setting out the detail of such a proposal be submitted to the meeting prior consideration at a future Council meeting.**

**(6) That (i) Climate Change and Fuel Poverty Policy and (ii) Housing Policy (to include wider matters than the commissioning of housing) be included within the Council's Policy Framework.**

**(7) That further discussion regarding the development of a Leisure provision policy to cover leisure, library, parks and open spaces and similar to form part of the Council's Policy Framework be scheduled for consideration at Policy Committee.**

#### **(C)**

**(1) That the proposed changes to Council Procedure Rules, as set out in paragraph 2.2 and appendix 1, be approved subject to the removal of Council Procedure Rule 10 (2).**

**(2) That the information as set out in paragraph 2.3 regarding dismissing statutory officers be noted and that a further report be submitted to a future meeting of corporate governance and audit committee.**

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**(3) That the proposed amendment regarding changes to Public Speaking within the Planning Protocol be considered within a review of Planning Protocols.**

**(4) That the Assistant Director (Legal, Governance and Monitoring), be authorised to make alterations to the constitution, and any consequential drafting amendments, to reflect the approved changes.**

### **12 Meetings of Council - 2015/2016 (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards, seconded by Councillor Sokhal and;

**RESOLVED - That the schedule of meetings of Council for the 2015/2016 municipal year be approved.**

### **13 Committees of the Council**

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

**RESOLVED - That approval be given to the establishment of the Committees / Boards / Panels for the ensuing year, in accordance with the report at item 11 of the Council Summons and as set out below;**

#### **Appeals Panels**

**Corporate Governance and Audit Committee**

**Health and Wellbeing Board**

**Kirklees Youth Council**

**Licensing and Safety**

**Overview and Scrutiny Management Committee**

**Personnel Committee**

**Strategic Planning Committee**

**District Committee - Batley and Spen**

**District Committee - Dewsbury and Mirfield**

**District Committee - Huddersfield**

**District Committee - Kirklees Rural**

### **14 Allocation of Seats**

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

**RESOLVED -**

**(1) That the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 shall not apply to the Corporate Governance and Audit Committee, Overview and Management Scrutiny Committee and Health and Wellbeing Board, for the ensuing Municipal Year.**

**(2) That the number and proportion of Members of Committees, Boards and Panels be in accordance with the schedule at item 12 of the Council Summons, subject to the amendment of the ratio of Overview and Scrutiny Management Committee being amended to 1:1:1:1 to reflect the decision taken at Agenda Item 9A (Minute No. 11 refers).**

### **15 Dates/Times of Committees, Boards and Panels**

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

**RESOLVED - That the dates and times of meetings of Committees, Boards and Panels be in accordance with the schedule at Agenda Item 13 of the Council Summons.**

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### **16 Membership of Committees, Boards and Panels and Ratio of Substitutes Panel**

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

**RESOLVED -**

**(1) That the Membership of Committees, Boards and Panels be determined in accordance with the schedule circulated to each Member and that the appointment of two Elected Parent Governors and the two denominational representatives to the Overview and Scrutiny Management Committee be agreed.**

**(2) That a panel of substitute Members for each Group be established on a 6:6:6:4 ratio; that any Member from such panel be authorised to substitute for Member(s) provided that details of substitutions, if any, are reported to the meeting, and that any such substitution shall be effective for the whole of that meeting only.**

**(3) That the provision of a 'Substitute Member' shall not apply to the Overview and Scrutiny Management Committee, Health Scrutiny Panel, District Committees, Standards Committee, Standards Sub-Committee and Health and Wellbeing Board.**

**(4) That the Business Manager to each Group be empowered to forward to the Assistant Director, Legal, Governance and Monitoring, no later than 9 days prior to a meeting of a Committee or Panel, any changes in the membership of a Committee or Panel which do not involve a Member of the Substitutes Panel and any change(s) to the names of those Members included on the panel of substitutes approved by the Annual Council meeting.**

### **17 Appointment of Members to Joint Authorities**

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

**RESOLVED -**

**(1) That, in regard to West Yorkshire Combined Authority, (i) the Leader of the Council be appointed as a Member, and (ii) that authority be delegated to the Chief Executive in consultation with political group leaders to jointly agree with the other constituent Councils the appointment of the three additional members of the Combined Authority for political balance in accordance with paragraph 1 (3) of Schedule 1 of the 2014 West Yorkshire Combined Authority Order, together with a substitute for each of the three members.**

**(2) That it be noted that, pursuant to (1) above, in the absence of any agreement between the West Yorkshire Councils, no additional West Yorkshire Combined Authority Members will be appointed for political balance.**

**(3) That the Council's appointments to (i) West Yorkshire Fire and Rescue Authority, (ii) West Yorkshire Combined Authority Transport Committee, (iii) West Yorkshire Combined Authority Overview and Scrutiny Committee and (iv) Substitute for Leader at West Yorkshire Combined Authority be referred to Group Business Managers for determination.**

**(4) That the Council's appointments to West Yorkshire Police and Crime Panel shall be Councillor M Ahmed (Labour Group nominee) and Councillor P Scott (Liberal Democrat Group nominee).**

### **18 Appointment to Outside Bodies/Other Committees**

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

**RESOLVED -**

**(1) That the allocation of places/ratios, as appropriate, in the report at item 16 of the Council Summons, be confirmed; that Group Business Managers put forward nominations to the Director of Resources to fill any vacancies or make any adjustments to nominees previously put forward, as appropriate, subject to (4) below.**

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(2) That those bodies with executive functions be referred to The Leader of the Council to put forward nominees.

(3) That in relation to the Yorkshire Purchasing Organisation Joint Committee, the Council agrees to waive political balance rules which apply in accordance with Section 17 of the Local Government and Housing Act 1989 and that the Leader of the Council, in determining the nominees, resolves which Member will have the one vote on behalf of the Council.

(4) That one of the Council Trustees on Kirklees Active Leisure, to be nominated by Group Business Managers, be authorised to represent the Council for the purposes of Member meetings, pursuant to Section 323 of the Companies Act 2006, to exercise a vote, and that Council notes that David Smith, Director of Resources, will continue as Company Secretary, with no director status or voting rights.

(5) Further, Council notes that Julie Muscroft, Assistant Director (Legal, Governance and Monitoring) and Paul Kemp, Acting Assistant Director (Investment and Regeneration) are respectively Company Secretaries for Kirklees Metropolitan Development Company Limited, and Kirklees Stadium Development Limited.

### 19 Spokespersons of Joint Committees and External Bodies

It was moved by Councillor Sokhal, seconded by Councillor Calvert and;

**RESOLVED -**

(1) That the nomination of Councillors to reply to oral questions at Council Meetings on behalf of (i) Kirklees Neighbourhood Housing and (ii) Kirklees Active Leisure referred to Group Business Managers for determination.

(2) That Council notes that spokespersons for the:-

West Yorkshire Combined Authority  
West Yorkshire Fire and Rescue Authority  
West Yorkshire Joint Services Committee; will be notified by those bodies

(3) That the spokesperson for the West Yorkshire Police and Crime Panel be Councillor M Ahmed.

### 20 To appoint the Chairs of the following Committees etc for the Municipal Year 2015/16

Following each of the appointments being moved and seconded it was;

**RESOLVED - That the appointment of Chairs of Committees and Panels be approved as below;**

Appeals Panel	Cllr M Bolt
Corporate Governance & Audit Committee	Cllr H Richards
Health and Wellbeing Board	Cllr V Kendrick
Licensing & Safety Committee	Cllr K Smith
Overview & Scrutiny Management Committee	Cllr J Stewart Turner
Personnel Committee	Cllr D Sheard
Policy Committee	Cllr C Pattison
Scrutiny Panel – Health	Cllr L Smaje



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Standards Committee	Cllr D Ridgway
Strategic Planning Committee	Cllr S Hall
District Committee – Batley & Spen	Cllr G Lowe
District Committee – Dewsbury & Mirfield	Cllr D O'Donovan
District Committee – Huddersfield	Cllr N Mather
District Committee – Kirklees Rural	Cllr E Holroyd-Doveton
Planning Sub Committee – Heavy Woollen	Cllr K Rowling
Planning Sub Committee – Huddersfield	Cllr T Lyons