

# KIRKLEES METROPOLITAN COUNCIL

## ANNUAL MEETING OF THE COUNCIL 21 MAY 2003

### REVIEW OF THE CONSTITUTION

#### STATUS OF REPORT – PUBLIC

#### INFORMATION

The Council needs from time to time to review the Constitution following its adoption in May 2002.

All Members, EMG and Heads of Service have been consulted on issues which they wished to raise over the operation of the Constitution. Proposals for amendments arising from that process were reported to the Council Business Committee on 1 April. That Committee agreed to recommend to the Annual Meeting the following proposals which, if approved, will require amendments to those parts of the Constitution indicated.

- (i) To include in Officer delegations provisions for the Chief Executive or Deputy Chief Executives in consultation with the Leader or relevant Committee Chair (unless the urgency makes this impractical) to make decisions on any issues in an emergency reporting to the Cabinet or relevant Committee as soon as possible thereafter. **[Officer Delegations]**
- (ii) To provide for a report back to the Council on action regarding deputations and petitions or resolutions from previous Council meetings. **[Council Procedure Rules]**
- (iii) To incorporate an obligation at Council etc meetings for Members to comply with the protocol on standards of conduct in public approved by the Standards Committee and incorporated in Part 5 of the Constitution. **[Council Procedure Rules]**
- (iv) Incorporate provision whereby the Council can adjourn for discussion in smaller groups or in some other form agreed by the Council Business Committee. **[Council Procedure Rules]**
- (v) That the Chair of Standards Committee should be from a Political Group not represented on the Cabinet (subject to a proviso that this will not apply where it is impractical eg following the adoption of a shared administration across all Groups). **[Article 9.2]** [a similar proviso should also apply to the Chairs of Overview and Scrutiny – **Article 6.1.2]**
- (vi) That **Standards Committee** should be excluded from those Committees for which substitutes can be appointed.
- (vii) The inclusion in **Part 5** of the Constitution of relevant protocols and procedures these to include the Member Protocol for dealing with Planning matters and the recently drafted advice to the Cabinet from the Standards Committee on dealing with Ward issues.

- (viii) A new Council Procedure Rule which would prevent deputations from speaking on the same subject matter at the next meeting of the Council, Cabinet or a Committee. **[Council Procedure Rules]**

The Chair of the Council Business Committee has also consulted all groups on proposals relating to the Council Procedure Rules dealing with the procedure for **questions by Members at Council meetings**. The agreed proposals are set out in Annex 1. If agreed relevant parts of the Council Procedure Rules would need to be amended to reflect them

Further amendments to the Constitution are also required to take account of:-

- Matters which have been amended since the last annual Council, such as the Management Structure;
- The extension of the Overview and Scrutiny function to cover scrutiny of the Health Service;
- any amendments to Cabinet portfolios or any other issues which may be approved by this meeting.

In addition, elsewhere on the agenda for this meeting is a revised version of the **Delegations to Officers** in Part 3 of the Constitution – Responsibility for Functions. These take account of amendments to the delegation scheme previously approved during the year by either the Council or the Cabinet, as appropriate. Highlighted are some new proposals to amend or update these. They largely relate to Cabinet functions, but need approval by the Council in respect of those elements which relate to non-executive functions.

Changes are also proposed to the terms of reference of **Devolution Advisory Committee and Grants Advisory Committee**. Those are attached to this report. (Annex 2.)

Finally, proposals for changes to the arrangements for **Area Committees** have been discussed with Group Leaders. These involve Huddersfield being covered by a single Area Committee and there are also proposals for amendments to terms of reference. The relevant parts of Article 10, incorporating the amendments, are attached to this report. (Annex 3.) They also include the amendments (particularly to parished wards) previously approved by the Council. In addition, changes to the delegation of decision-making functions to Area Committees have been considered by the Cabinet. Attached as Annex 4 are proposals for amendment to the relevant part of Part 3 of the Constitution (Responsibility for Functions) which need Cabinet approval.

## **RECOMMENDATION**

It is recommended that the Council agree the amendments to the Constitution set out or referred to in this report and the Solicitor to the Council and Head of Democratic Support Service be authorised to finalise and implement the drafting required to give effect to those amendments.

## **Contact Officer**

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## **Background Papers**

Report to Council Business Committee 1 April 2003

## Annex 1

### Proposals for the amendment of the Council agenda to take account of changes to the questioning of Cabinet by non Executive Members.

1. Announcements by the Mayor and Chief Executive.
2. Apologies.
3. Minutes of previous meeting of Council.
4. Interests.
5. Deputations (**with a response from the relevant Cabinet Member**)
6. Petitions.
7. Questions by members of the public.
8. To consider any matters referred to Council for approval by Cabinet or a Committee.
9. **To receive the reports or minutes of meetings of Cabinet and Committees.**

*These will appear under separate portfolio headings and will be taken INDIVIDUALLY with the Cabinet member, or Chair, responding after each. Members will be restricted to comments (NOT QUESTIONS) and will have a maximum of 5 minutes to speak.*

#### **10. Questions by members.**

- (i) Written questions to Cabinet Members be submitted by 12 noon on the day before the meeting.
- (ii) Oral questions to Cabinet members.  
*A total period of 1 hour will be devoted to oral questions. Up to 45 minutes for questions to Cabinet Members with up to a final 15 minutes at each meeting reserved for questions to the Leader of the Council.*

*At the start of the civic year the portfolios will appear in order and questions will be addressed to the Cabinet member whose portfolio is at the top of the list. Once questions to that Cabinet member have been completed, his or her portfolio will fall to the bottom of the list and questions will be addressed to the second,*

*third etc, until the allotted time is completed **whereupon the Cabinet member being questioned will fall to the bottom of the list.** At the next meeting the list will begin where it ended at the previous meeting.*

- (iii) Written questions to Chairs of Committees.
- (iv) Written questions to members of Joint Authorities.
- (v) Oral questions on public statements. (*restricted to 15 minutes*)

**Notes** : Procedure Rules will be amended to abolish the right of a respondent to refuse to answer a question.

Questions and answers will not be recorded verbatim but taped and the tape held by the Head of Democratic Support Services and made available for any member who wishes a written record of a particular question and answer **in a written form**.

- 11. Reports referred to Council by Overview and Scrutiny.**
- 12. Other matters for consideration by Council.
- 13. Motions.

## ANNEX 2

### GRANTS ADVISORY COMMITTEE

#### Membership & Members of the Council

#### Terms of Reference

#### For the purposes of this Committee the following definitions shall be used

**“Grants”** – any Local Authority funding given to a voluntary or community organisation. For the purpose of this Committee, this therefore does not mean grants such as those made to individuals or households (eg school clothing grants, foster carer grants, special adaptations grants).

**“Voluntary or Community Organisation”** – primarily any “not for profit” organisation. These can be charities, companies limited by guarantee, housing associations, trading subsidiaries of charities, unincorporated societies and associations not registered as charities, local branches of national or major charities and legally separate bodies which are not affiliated to major charities. Examples of these would include tenants and residents associations, voluntary sector play groups, sports associations, uniformed groups, self help groups.

1. To advise the Cabinet on Strategic Policy in relation to grant-aid;
2. To oversee the grant-aid review and annual audit of grant-aid across all KMC services and make recommendations to the Cabinet;
3. To make recommendations to the Cabinet on individual grant-aid applications over £3,000, except where budgets have been delegated to Area Committees who then make grants to voluntary and community organisations;
4. To oversee the implementation of District Audit recommendations and report to the Cabinet;]
5. To monitor and evaluate specific KMC grant-aid programmes against corporate objectives and priorities and report to the Cabinet.

### DEVOLUTION ADVISORY COMMITTEE

#### Membership

All Chairs of Area Committees, together with the Cabinet Member and Overview and Scrutiny Lead Member having responsibility for devolution issues.

#### Terms of Reference

1. To consider and advise the Council and the Cabinet (as appropriate) on:-
  - (i) the arrangements for involvement and consultation of local communities through Area Committees;
  - (ii) the structure and operations of those committees; and

- (iii) the progress being made by Area Committees on the phases and monitoring implementation of the community engagement and community action plans;
  - (iv) delegation of appropriate budgets and decision making powers to those committees.
2. To have discussions with key partner agencies and advise Area Committees on agreed mechanisms for their engagement.
  3. To encourage the sharing of good practice and learning both from within Kirklees and from other local authorities.
  4. To act as a reference group to the Democratic Renewal Board.

## ANNEX 3

### ARTICLE 10 – AREA COMMITTEES AND HOUSING MANAGEMENT COMMITTEES

#### 10.1 Appointment

The Council may appoint area committees and housing management committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value; more efficient, transparent and accountable decision making; and improved ways of identifying and meeting the needs of local people.

#### 10.2 Form, composition and function

##### a. Area Committees -

The Council may appoint the area committees as set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in the third column.

Each Area Committee will, on first appointment, progress through four stages of operation, as follows:-

**Stage 1** – Committees will set out proposed ways of working

**Stage 2** – Committees will set out their approach to community engagement

**Stage 3** - Committees will develop community action plans, discuss issues of importance to the community and contribute to scrutiny

**Stage 4** - Council and Cabinet confirm approach to devolution and support arrangements and may then allocate delegated powers to those area structures demonstrating that key tests are met and community plans developed. In order to move to this stage, an area would be expected to:-

- have agreed a community action plan
- be engaging with its communities
- have developed local partnerships
- demonstrate the relevance of its work and discussions
- demonstrate the quality of its contribution to scrutiny, best value and its influence on services and performance in the area

These key tests will be assessed by the Cabinet on the advice of the Devolution Advisory Committee.

The Cabinet or the Council (in respect of their different functions) may also provide small budgets prior to Stage 4 for spending on locally determined projects.

Name of Area Committee and Wards covered	Composition	Terms of Reference
<p>Batley Area Committee (Batley East and Batley West.)</p> <p>Birstall and Birkenshaw Area Committee (Birstall and Birkenshaw)</p> <p>Colne Valley Area Committee (Colne Valley West and Golcar)</p> <p>Dewsbury Area Committee (Dewsbury East, Dewsbury West and Thornhill)</p> <p>Mirfield Area Committee (Mirfield)</p> <p>Spennithorne Area Committee (Spennithorne, Cleckheaton and Heckmondwike)</p>	<p>All elected members from the relevant wards, together with co-optees as approved from time to time by the Council</p>	<p>To consider and report and make appropriate recommendations to the Council and the Cabinet on:-</p> <p>(i) (Within the context of the Kirklees community strategy and with partner organisations to develop a strategic direction and community plan for the township/area. The whole approach needs to be informed by community action plans which should be the basis for devolution and elements of funding.</p> <p>(ii) To be consulted on Kirklees wide strategic issues, budget setting and service plans.</p> <p>(iii) To contribute to service reviews and scrutiny processes. Also, for area committees reaching Stage 4, to propose scrutiny activities and the Overview &amp; Scrutiny Committee or Management Board may decide to draw the membership of ad hoc scrutiny panels or scrutiny commissions wholly from the membership of the relevant area committee, where considered appropriate.</p>
<p>Denby Dale Area Committee (Denby Dale)</p>	<p>All elected members from the relevant Ward together with:-</p> <ul style="list-style-type: none"> <li>• 5 Parish Councillors nominated by Denby Dale Parish Council.</li> <li>• 1 Parish Councillor nominated by Kirkburton Parish Council from its Shelley Ward.</li> <li>• Other co-optees as approved from time to time by the Council.</li> </ul>	<p>(iv) To work closely with other public, private and voluntary agencies in the area.</p> <p>(v) To oversee the development of community action plans for areas within the township / neighbourhood and monitor their implementation.</p>
<p>Holme Valley North Area Committee (Holme Valley North)</p>	<p>All elected members from the relevant Ward together with:-</p> <ul style="list-style-type: none"> <li>• 3 Town Councillors nominated by Meltham Town Council.</li> </ul>	<p>(vi) To be a focus for community involvement and consultation.</p>



Name of Area Committee and Wards covered	Composition	Terms of Reference
Cont'd .....	Cont'd ..... <ul style="list-style-type: none"> <li>• 3 Parish Councillors nominated by Holme Valley Parish Council from its Wards falling within the KMC Holme Valley North Ward.</li> <li>• Other co-optees as approved from time to time by the Council.</li> </ul>	cont'd ..... <p>(vii) To contribute, on the basis of local community engagement, to the work of the Kirklees Partnership.</p> <p>(viii) To carry out such delegated functions as may be determined by the Council and the Cabinet and set out in Part 3 of this Constitution.</p>
Holme Valley South Area Committee (Holme Valley South)	All elected members for the relevant Ward together with:- <ul style="list-style-type: none"> <li>• 6 Parish Councillors nominated by the Holme Valley Parish Council from its Wards falling within the KMC Holme Valley South Ward.</li> <li>• Other co-optees as approved from time-to-time by the Council.</li> </ul>	
Kirkburton Ward Committee (Kirkburton)	All elected members for the relevant Ward together with:- <ul style="list-style-type: none"> <li>• 6 Parish Councillors nominated by the Kirkburton Parish Council.</li> <li>• Other co-optees as approved from time-to-time by the Council.</li> </ul> <p>For each of the above four Area Committees, 3 of the parish/town council nominees have voting rights only in respect of decisions on matters lawfully delegated to those</p>	

Name of Area Committee and Wards covered	Composition	Terms of Reference
Cont'd .....	Cont'd .....  committees as joint committees with the relevant parish/town council. The method of selection of those 3 nominees is as agreed by the Council on 18 September 2002 subject to any amendment which may be subsequently so agreed	Cont'd .....
<p>Huddersfield Committee (Almondbury, Birkby, Crosland Moor, Dalton, Deighton, Lindley, Newsome and Paddock.)</p> <hr/> <p>Cont'd .....</p>	<p>All elected members from the relevant wards</p>	<p>(i) To carry out all the Area Committee functions set out above. For this purpose the Area Committee may make arrangements for community engagement and action planning to be worked up at Ward level for consideration by the Area Committee. A procedure for considering delegated budgets at Ward level is set out in the Area Committee delegated functions in Part 3 of this Constitution.</p> <p>(ii) To identify and consider issues of importance to Huddersfield as a whole, including strategic planning, economic development, health, strategic policing, etc.</p> <p>(iii) To provide Huddersfield-wide comments on district and regional issues and strategies</p> <p>(iv) To develop, discuss and adopt plans for issues best commissioned at Huddersfield level.</p> <p>(v) To contribute to Best Value reviews and scrutiny processes for issues affecting Huddersfield as a whole</p>

Name of Area Committee and Wards covered	Composition	Terms of Reference
	Cont'd .....	Cont'd .....  (vi) To consider Huddersfield town centre issues  (vii) To establish and commission sub-groups to work on specific issues and to engage with other agencies (such sub-groups not to constitute formal sub-committees)  (viii) To monitor and review the operation of devolution and community engagement arrangements across Huddersfield
Arrangements Sub-Committee of the Huddersfield Committee	The Chair of the Huddersfield Committee and one other member of the Huddersfield Committee from each other political group with representation in Huddersfield	Agenda planning for Huddersfield Committee and development of proposals for terms of reference and means of identifying membership of sub-groups

**b. Housing Management Committees**

the Council may appoint the housing management committees as set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in the third column. Each committee will deal with the area covered by the Area Housing Offices referred to, which includes all or part of each ward mentioned.

Name of Housing Management Committee and area covered and relevant ward	Composition	Terms of Reference
<p><u>Batley HMC</u> (Batley and Birstall Area Housing Offices)  (Batley East, Batley West and Birstall and Birkenshaw Wards)</p> <p><u>Calder HMC</u>  (Ravensthorpe and Thornhill Lees Area Housing Offices)  (Dewsbury West, Mirfield and Thornhill Wards)</p> <p><u>Colne Valley &amp; Crosland Moor HMC</u>  (Colne Valley and Crosland Moor Area Housing Offices)  (Colne Valley West, Crosland Moor, Golcar, Holme Valley North and Newsome Wards)</p> <p><u>Huddersfield South HMC</u>  (Almondbury and Dalton Area Housing Offices)  (Almondbury and Dalton Wards)</p> <p><u>Huddersfield North HMC</u>  (Deighton and Huddersfield Central Area Housing Offices)</p>	<p>All elected members from the relevant wards, together with co-optees as approved from time to time by the Council</p>	<p>Terms of reference as set out in Part 3 of this Constitution.</p>

Name of Housing Management Committee and area covered and relevant ward	Composition	Terms of Reference
<p>cont'd .....</p> <p>(Birkby, Deighton, Lindley and Paddock Wards)</p> <p><u>Holme Valley and Newsome HMC</u></p> <p>(Honley and Newsome Area Housing Offices)</p> <p>(Denby Dale, Holme Valley North, Holme Valley South, Kirkburton and Newsome Wards)</p> <p><u>Dewsbury HMC</u></p> <p>(Dewsbury Central and Chickenley Area Housing Offices)</p> <p>(Batley West, Dewsbury East and Dewsbury West Wards)</p> <p><u>Spen Valley HMC</u></p> <p>(Cleckheaton and Heckmondwike Area Housing Offices)</p> <p>(Batley West, Cleckheaton, Heckmondwike and Spen Wards)</p>		

The Council and the Cabinet will include details of the delegations to area committees and housing management committees in Part 3 of this Constitution, including the functions delegated, the composition and membership of the committees, budgets and any limitations on delegation

### **10.3 Conflicts of Interest - Membership of area committees and housing management committees and Scrutiny Committee and panels.**

Conflict of interest – If the Scrutiny Committee or a scrutiny panel is scrutinising specific decisions or proposals in relation to the business of an area committee or housing management committee of which the councillor concerned is a member, then the councillor must withdraw from the Scrutiny Committee or scrutiny panel meeting unless the member is attending for the purpose of answering questions or otherwise giving evidence.

### **10.4 Area Committees and housing management committees – access to information**

Area committees and housing management committees will comply with the Access to Information Rules in Part 4 of this Constitution. Agendas and notices for area committees which deal with both functions of the Cabinet and functions which are not the responsibility of the Cabinet will state clearly which items are which.

### **10.5 Cabinet members on area committees and housing management committees**

A member of the Cabinet may serve on an area committee or a housing management committee if otherwise eligible to do so as a councillor.

### **10.6 Area Committees as joint committees in parished areas**

In parished areas the Council may establish area committees as joint committees with the relevant parish or town council in respect of any functions which may, in accordance with the law, be the subject of joint arrangements between the Council and a parish council.

## ANNEX 4

### AREA COMMITTEES

Membership and Terms of Reference (except delegated functions) are set out in Article 10 of Part 2 of this Constitution.

#### Delegated Functions (Delegated by the Cabinet)

1. In accordance with any guidelines determined by the Cabinet:-
  - (i) to determine the allocation of delegated revenue budgets for purposes reflected in community action plans or, where these are not yet in place, for purposes arising from community engagement in the area and to account for allocations to Cabinet;
  - (ii) to determine the allocations of delegated capital budgets for streetlighting and minor roadworks in accordance with general guidance provided by the Head of Highways Services and to account for allocations to Cabinet.

The Huddersfield Committee may decide to allocate such budgets on a Ward basis and then consider recommendations made at a Ward level for spending on those budgets.

2. To receive summaries of expected levels of service, key performance targets and constraints relating to grounds maintenance and environmental services. To comment on priorities and implementation arrangements for relevant developments and to receive monitoring information.