

**FOR INFORMATION IN RELATION TO THE  
AGENDA OF THE ANNUAL COUNCIL MEETING**

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**KIRKLEES COUNCIL  
COUNCIL BUSINESS COMMITTEE**

**Monday 12 May 2008**

Present: Councillor D Firth in the Chair  
Councillors Dodds, E Firth, R Iredale, Light, Marchington, K Pinnock,  
Simpson, C Smith, J Smithson and Walton

Observer: Councillor K Hussain

**58 Membership of the Committee**

There were no changes to report.

**59 Minutes of Previous Meeting**

The Minutes of the previous meeting of the Committee held on 5 March 2008 were agreed as a correct record.

**60 Interests**

No interests were declared at the meeting.

**61 Admission of the Public**

The Committee agreed that all items of business on the Agenda be considered in public.

**62 Deputations/Petitions**

No deputations or petitions were received at the meeting.

**63 Public Question Time**

No questions were asked at the meeting.

**64 Review of the Council's Constitution**

In accordance with the annual requirement of the Council to review its Constitution the Committee considered a report of the Head of Legal Services setting out issues which had arisen through either practical problems, comment by Members or officers, legislative change since the last Annual Council Meeting, or decisions of this Committee arising from some of the foregoing. The report also included, for information and completeness, issues particularly relating to Cabinet responsibilities and delegations which were for Cabinet decision rather than the Council.

**ITEM 7  
REFERS**

The report set out recommendations relating to:-

- \* Standards Committee
- \* Officers
- \* Delegations to Officers
- \* Grant Agreements
- \* Council Business Committee
- \* Community Governance Reviews
- \* Local Area Agreement
- \* Youth Council
- \* Council Procedure Rules
- \* Area Committee Grants (delegated from Cabinet)
- \* Articles of the Constitution
- \* Area Committees Advisory Committee
- \* Consequential Amendments
- \* Overview and Scrutiny Management Committee

**RESOLVED** - That the recommendations contained within the report of the Head of Legal Services, as now amended, be endorsed and the necessary changes to the Constitution, as under, be recommended to the Annual Council Meeting:-

- \* Increase in the membership of the Standards Committee, as detailed in Section 1 of the report and that, in relation thereto, the Council be recommended to confirm the appointment of an external members namely Paul Blythe for a three year term and also confirm his appointment as Chair with effect from 1 August 2008 (Phil Marshall to continue as Chair until that time), and to confirm also the appointment of external member Reverend Mike Roberts, the Head of Legal Services to be authorised to determine his term of office to fit in appropriately with the terms of other external members; further, the Council to be requested to confirm the appointment of an additional Parish Council representative to be put forward by the Holme Valley Parish Council and reported to the Annual Meeting.
- \* Annual Council be recommended to confirm new officer posts, as set out in Section 2 of the report and, in particular, to confirm that the statutory post of Director of Adult Services comes under the remit of the Director of Adult and Community Services with effect from 1 October 2008.
- \* Annual Council be recommended to confirm the delegations to officers as set out in Section 3 of the report.
- \* Annual Council be recommended to approve the grant agreements as set out in Section 4 of the report.
- \* Annual Council be recommended to confirm the abolition of the Council Business Committee and the allocation of its functions between the

Corporate Governance and Audit Committee and the Head of Policy and Governance, as set out in Section 5 of the report; further, Group Deputy Leaders be permitted for appointment on the Corporate Governance and Audit Committee.

- \* Annual Council be recommended to agree that Community Governance Reviews be designated as a Council function and that Council retains the power to determine the outcome of reviews but will delegate the agreement of terms of reference and conduct of such reviews to the Corporate Governance and Audit Committee.
- \* Annual Council be recommended to approve that responsibility for the Local Area Agreement be a Council function but that Council will delegate authority to Cabinet within agreed parameters to agree minor amendments.
- \* Annual Council be recommended to approve the proposed terms of reference and membership arrangements for the Youth Council, in accordance with Section 8 of the report.
- \* Annual Council be recommended to approve the Council Procedure Rules as set out in Section 9 of the report, subject to

**COUNCIL  
PROCEDURE  
RULES  
ATTACHED**

- (a) written questions to Council being submitted to the Head of Policy and Governance Service by 10.00 am, one working day prior to the Council meeting;
- (b) provision being inserted in relation to five minute Motions for a Member to request referral of the subject matter for a fuller debate at the following Council meeting;
- (c) items for discussion at meetings designated as Key/Discussion meetings commencing at 6.00 pm;
- \* Annual Council be recommended to confirm Area Committee grants, for delegation from Cabinet, in accordance with Section 10 of the report.
- \* Annual Council be recommended to confirm changes to the Articles of the Constitution in accordance with Section 11 of the report.
- \* Annual Council be recommended to abolish the Area Committees Advisory Committee, in accordance with Section 12 of the report and to refer any outstanding business to the Area Committee Chairs' Reference Group.
- \* Annual Council be recommended to agree consequential amendments, in accordance with Section 13 of the report.

- \* Annual Council be recommended to agree the reduction of Overview and Scrutiny Management Committee to four Members in accordance with Section 14 of the report.

**65 Revisions to Contract Procedure Rules and Financial Procedure Rules 2008**

**ITEM 8** The Committee considered a report of the Director of Finance proposing a number of changes to Council Procedure Rules and Financial Procedure Rules.  
**REFERS**

In respect of Council Procedure Rules the EU thresholds for 2008 were £139,893 (goods and services) and £3,497,313 (works). The report also included a number of changes to titles following the transfer of responsibility for Procurement from "Partnership and Procurement Service" to Strategic Finance, and a reference to the need to ensure adequate control if there were potential conflicts in the role. There was also additional text relating to the incorporation of non-financial criteria in specification and evaluation which meet clearly expressed Council policy. Further, Section 11 on reporting had been rewritten to approve practicality of operation, and a new Section (14) included relating to land and property.

In respect of Financial Procedure Rules there were additional sections relating to the payments by direct debit, and using the new procurement to pay systems, additional text relating to accepting cash payments and encouraging debt collection by direct credit, and minor changes to text relating to Internal Audit reporting to align with advice from CIPFA. Also, some parts of the sections relating to revenue and capital budgets were amended to reflect existing or best practice.

The report also included a number of other minor changes set out in the schedule to the submitted report.

**RESOLVED** - That Annual Council be recommended to make changes to the Contract Procedure Rules and Financial Procedure Rules as described in the submitted report.

**66 Dates/Times/Venues of Council Meetings - 2008/9**

The Committee considered a report of the Head of Policy and Governance Service incorporating a proposed list of dates, times and venues of Council Meetings in 2008/9, having regard to previous discussions in a Councillor Reference Group and at leading Member level which had called for proposals to increase the frequency of Ordinary Meetings of the Council to enable a greater focus on Scrutiny and Executive business.  
**ITEM 9**  
**REFERS**

**RESOLVED** -

(1) That, in accordance with Council Procedure Rule 1(1)(k) the Annual Council Meeting be recommended to approve the programme of Ordinary Meetings of the Council in 2008/9, as set out in the submitted report.

(2) That the Annual Council Meeting be recommended to agree that the "Budget" Council Meeting be held on 25 February 2009 at 2.00 pm and that the provisions of Council Procedure Rule 3 should apply to this meeting.

(3) That the Annual Council Meeting be recommended to note the provisional date of the Annual Meeting for the Municipal Year 2009/10, namely 20 May 2009.

**67 Change of Terms of the Charitable Objects of the Batley Town Mission**

The Committee considered a report of the Head of Legal Services seeking the consent of the Committee to the proposed alteration of the aims and objectives of the Batley Town Mission Charity No. 225070, so as to provide that all the property of the Charity, as set out in the submitted report, be transferred to the Trustees of the Batley Sick Poor Fund.

**RESOLVED** - That the Committee approves the request for the transfer of the property of the Batley Town Mission to the trustees of the Batley Sick Poor Fund, subject to the acquiescence of the Birstall and Birkenshaw and Batley Area Committees and that, in the event of any dissension from either of those Area Committees, the matter be referred to the Corporate Governance and Audit Committee for determination.

(Additional item authorised by the Chair for consideration, in view of its urgency for a decision)

**68 Yorkshire Purchasing Organisation - Establishment of Staffing Sub-Committee**

The Committee was informed of a request by Yorkshire Purchasing Organisation for the establishment of a Sub-Committee to deal with staffing matters which could not be dealt with by officers of existing Management Committee Members, to include dealing with grievance, disciplinary matters and appeals for officers on Chief Officer Conditions of Service. It was proposed that one Elected Member be nominated from each West Yorkshire Authority. The matter was urgent as there was a pending staffing matter to be dealt with as soon as possible.

A nomination had been provisionally obtained, Councillor Palfreeman willing to fill this role.

**RESOLVED** - That Councillor Palfreeman be nominated to serve on the Staffing Sub-Committee for Yorkshire Purchasing Organisation with immediate effect and for 2008/9.