



**Assistant Director of Legal, Governance and  
Monitoring**

**Julie Muscroft**

Governance and Democratic Services Crown

Court Buildings

Princess Street

Huddersfield

HD1 2TT

**Tel:** 01484 221000 Ext 1783

**Direct Line:** 01484 221000

**Fax:** 01484 221707

## Decision Summary

**Committee:**

**Date:**

**Committee Clerk:**

**TEL:**

**ANNUAL COUNCIL**

**WEDNESDAY 20 MAY 2015**

**Andrea Woodside**

**01484 221000**

**Chair**

**Councillors Attended**

**Attendees**

**Co-optees**

**Apologies**

**Observers**

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

To note.

That Councillor Paul Kane be elected as Mayor for the 2015-2016 Municipal Year.

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**2 To appoint a Deputy Mayor for the ensuing year**

To note.

That Councillor Jim Dodds be appointed as Deputy Mayor for the 2015-2016 Municipal Year.

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**3 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**

To agree and authorise the Mayor to sign as a correct record.

That the Minutes of the Meeting of Council held on 11 March 2015 be approved as a correct record.

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**4 Interests**

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

No interests were declared.

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**5 Announcements by the Mayor and Chief Executive**

To note, including the results of the Local Council Elections held on 7 May 2015, and the acceptance of the Office of Councillors elected.

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.

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**6 To receive any apologies for absence from Elected Members**

To note.

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

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**7 Election of Leader of the Council**

To elect the Leader of the Council, in accordance with Article 7 of the Constitution.

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

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## **8 Notification of Deputy Leader, Cabinet Membership and Delegation of Executive Functions**

The Leader will advise Council on the appointment of (i) the Deputy Leader and (ii) Cabinet portfolios 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)
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## **9 Proposed Amendments to the Council's Constitution (Reference from Corporate Governance and Audit Committee)**

To consider and determine amendments to the Constitution of Kirklees Council.

(Report attached)

Contact: Julie Muscroft, Head of Legal, Governance and Monitoring - 01484 221000

(9A) 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.

(9B) 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.

(9C)

(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 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.

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

(Report Attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

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

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**11 Committees of the Council**

To determine for the Municipal Year 2015/2016 the Committees of the Council.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

That approval be given to the establishment of the Committees/Panel/Boards for the ensuing year, in accordance with the report at item 11 of the Council Summons.

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**12 Allocation of Seats**

To determine for the Municipal Year 2015/16 the allocation of seats on Committees to any Political Groups formed under the Local Government (Committees and Political Groups) Regulation 1990 or any substituted regulations and the allocation of seats to any Members of the Council who are not Members of any such Political Groups.

(Schedule attached)

Members are informed that it is proposed that arrangements for representation of Political Groups on the Committees and Panel listed below should NOT be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 but should be as set out in the report to be circulated at this item:

Corporate Governance and Audit Committee  
Health and Wellbeing Board  
Overview and Scrutiny Management Committee

This notice is given in accordance with Section 17 of the 1989 Act and Regulation 20 of the Local Government (Committee and Political Groups) Regulations 1990. Each proposal will require approval with no Members of the Council voting against.

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

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.

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

To determine for the Municipal Year 2015/2016

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

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

To determine for the Municipal Year 2015/16 the Membership of the Committees, Board and Panels in accordance with nominations from Group Business Managers, and the ratio of the Panel of Substitute Members for each Political Group.

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

(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 of 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.

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

To determine for the Municipal Year 2015/16 arrangements for the allocation of seats on Joint Authorities.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

- 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).
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## **16 Appointment to Outside Bodies/Other Committees**

To determine for the Municipal Year 2015/16 the appointment of representatives to other Committees, Outside Bodies etc. except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

(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.

(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.

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## **17 Spokespersons of Joint Committees and External Bodies**

To determine, for the Municipal Year 2015/16 the Council's spokespersons nominated to reply to oral questions at Council meetings upon any service provided by various organisations.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

(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.



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**18 To appoint the Chairs and, if considered appropriate, the Deputy Chairs of the following Committees etc for the Municipal Year 2015/16**

To determine for:-

- (a) Appeals Panel
- (b) Corporate Governance and Audit Committee
- (c) Health and Wellbeing Board
- (d) Licensing and Safety Committee
- (e) Overview and Scrutiny Management Committee
- (f) Personnel Committee
- (g) Policy Committee
- (h) Standards Committee
- (i) District Committees for:-
  - (i) Batley and Spen
  - (ii) Dewsbury and Mirfield
  - (iii) Huddersfield
  - (iv) Kirklees Rural
- (j) Strategic Planning Committee

Note: This list is based upon the approval of the proposal as set out at Agenda Item 11.

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

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
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

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