

Kirklees Council



Council Chamber - Town Hall, Huddersfield

Tuesday 12 May 2015

Dear Member

The Council will meet on Wednesday 20 May 2015 at 1.00 pm at Council Chamber - Town Hall, Huddersfield.

The following matters will be debated:

Pages

1: To elect the Mayor for the ensuing year

To note.

2: To appoint a Deputy Mayor for the ensuing year

To note.

3: To approve as a correct record and authorise the signing of the Minutes of the Ordinary Meeting of the

1 - 8

Council held on 11 March 2015

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

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.

5: Announcements by the Mayor and Chief Executive

9 - 10

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

6: To receive any apologies for absence from Elected Members

To note.

7: Election of Leader of the Council

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

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.

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

11 - 110

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

(Report attached)

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

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

111 -
114

(Report Attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484
221000

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

12: Allocation of Seats

115 -
116

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

13: Dates/Times of Committees, Boards and Panels 117 -
124

To determine for the Municipal Year 2015/2016

Contact: Andrea Woodside, Principal Governance Officer - 01484
221000

**14: Membership of Committees, Boards and Panels and
Ratio of Substitutes Panel** 125 -
144

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

15: Appointment of Members to Joint Authorities 145 -
146

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

16: Appointment to Outside Bodies/Other Committees 147 -
158

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

17: Spokespersons of Joint Committees and External Bodies

159 -
160

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

18: To appoint the 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

By Order of the Council



Chief Executive

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Contact Officer: Andrea Woodside, Tel. 01484 221715

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
The Town Hall, Huddersfield on Wednesday 11 March 2015**

PRESENT

The Mayor (Councillor Ken Smith) in the Chair

COUNCILLORS

M AHMED
M AKHTAR
K ALLISON
S ALVY
B ARMER
R BARRACLOUGH
D K BELLAMY
M BOLT
T BRICE
C BURKE
J CALVERT
A V COOPER
W J DODDS
D FIRTH
E FIRTH
C GREAVES
D HALL
S HALL
D HARDCASTLE
E HILL
L J HOLMES
E HOLROYD-DOVETON
M HUSSAIN
C M IREDALE
P KANE
V KENDRICK
J LAWSON
V LEES-HAMILTON
R LIGHT
G LOWE

T LYONS
P McBRIDE
A C G MARCHINGTON
N MATHER
H MAYET
D O'DONOVAN
P O'NEILL
A PALFREEMAN
S PANDOR
A PATEL
N PATRICK
A C PINNOCK
K M PINNOCK
H S RICHARDS
D RIDGWAY
K ROWLING
M SARWAR
C SCOTT
P SCOTT
K SIMS
D SHEARD
E SMAJE
M S SOKHAL
J STEWART TURNER
A STUBLEY
K TAYLOR
N TURNER
G TURNER
E WARD
L M WILKINSON

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

The Mayor informed Council of the Authority's success in being awarded a national 'GO award' for Excellence in Procurement Practice.

The Mayor also conveyed thanks and invited tributes to the Members of the Council who

shall not be seeking re-election at the forthcoming local elections, namely; Councillors Blanchard, Brice, Harris, O'Neill, Preest and Ward.

96 Apologies for absence

Apologies for absence were received from Councillors Blanchard, Harris, Hemingway, Hughes, Khan, A Patel and Preest.

97 Minutes of Previous Meeting

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

RESOLVED - That the Minutes of the meeting held on 18 February 2015 be approved as a correct record.

98 Declaration of Interests

No declarations of interest were made.

99 Tackling Low Pay in Kirklees Council

It was moved by Councillor G Turner, seconded by Councillor Sheard, and

RESOLVED –

(1) That the report be endorsed and that the revised Pay Policy Statement be approved.

(2) That Personnel Committee be requested to consider a report to approve the changes to Terms and Conditions to facilitate the introduction of a Living Wage for all Council employees.

(3) That the Council give support to helping individuals move out of low paid jobs, via the provision of training and personal development, if they would wish to.

(4) That a review of how the Council communicates with front line and/or low paid workers to ensure awareness of non-beneficial benefits, training and development opportunities, be undertaken.

(5) That the impact of the introduction of a living wage for Kirklees employees be monitored in terms of the benefits to the organisation.

(6) That the link between health inequalities and a living wage be recognised and that the health benefits of paying a living wage be noted in the Council's commitment to the health and wellbeing of its workforce.

(7) That the promotion of a living wage be recognised as a key feature of the Council's strategy to improve health and wellbeing in Kirklees.

(8) That a 'A Living Wage – Good for Business Campaign' as detailed in paragraph 2.73 of the report be supported.

(9) That the work being undertaken in regards to the feasibility of appointing a dedicated officer to advise on benefits for staff, specifically in assisting low-paid workers, be noted, and that a further report on this matter be submitted to a future meeting.

(10) That endorsement be given to the Council participating in a West Yorkshire wide initiative looking at non-financial benefits for staff, and exploring the potential of a greater combined bargaining power to realise further non-financial benefits.

100 Corporate Plan

It was moved by Councillor G Turner, seconded by Councillor Sheard, and

RESOLVED - That the Corporate Plan 2015-2016 be approved.

- 101 Safeguarding Protocol**
It was moved by Councillor Richards, seconded by Councillor Hardcastle, and
- RESOLVED -**
(1) That the Safeguarding Protocol, as attached as an appendix to the report, be approved.
(2) That future Member training regarding Safeguarding be incorporated within the Annual Calendar of meetings (2015/2016) to be considered at the meeting of Annual Council.
- 102 Protocol for Officer/Member Working**
It was moved by Councillor Richards, seconded by Councillor Hardcastle, and
- RESOLVED -** That the revised Officer/Member Protocol, as attached at Appendix B to the considered report, be approved and incorporated within Part 5 of the Council's Constitution.
- 103 Report of Members' Allowances Independent Review Panel**
It was moved by Councillor Richards, seconded by Councillor Hardcastle, and
- RESOLVED -**
(1) That the recommendations of the Members' Allowances Independent Review Panel, as set out in Appendix A, be noted.
(2) That the Members' Allowances Scheme for 2015/2016, as attached at Appendix B of the report, be approved and adopted with effect from 1 April 2015.
- 104 Strategic Planning Committee and Development Management Changes**
It was moved by Councillor Richards, seconded by Councillor Hardcastle, and
- RESOLVED -**
(1) That the changes to the Terms of Reference and Scheme of Delegation set out in paragraphs 2.5 and 2.7 of Appendix 1 to the report be approved.
(2) That the points of clarification, as set out at paragraph 2.8 of Appendix 1, relating to the way in which business is managed between the Strategic Planning Committee, the Area Sub-Committees and Council Officers, be approved.
(3) That the impending changes to the way in which conditions are discharged in the future be noted.
(4) That consideration be given to a lower and more flexible threshold for the referral of provisional open land applications to Strategic Planning Committee.
(5) That authority be delegated to the Council's Monitoring Officer to make all necessary amendments to the Council's Constitution to facilitate the implementation of the changes.
- 105 Proposed Amendments to Contract Procedure Rules and Financial Procedure Rules**
It was moved by Councillor Richards, seconded by Councillor Hardcastle, and
- RESOLVED -**
(1) That the recommended changes in Contract Procedure Rules and Financial Procedure Rules, as set out in the considered report, be approved.
(2) That the Director of Resources be delegated authority to make any future amendments to the Contract or Financial Procedure Rules created by EU or UK legislation, if required, and that any such changes be submitted to Corporate Governance and Audit Committee.

106 Appointment of Chair of Licensing and Safety Committee

It was moved by Councillor Sheard, and seconded by Councillor Calvert, that Councillor Erin Hill be appointed as Chair of Licensing and Safety Committee.

It was moved by Councillor P Scott, and seconded by Councillor Iredale, that Councillor David Ridgway be appointed as Chair of Licensing and Safety Committee.

At the request of a Member, supported by at least five other Members, a recorded vote was taken on this item in accordance with Council Procedure Rule 24(3)

For Councillor Erin Hill:

Councillors Ahmed, Akhtar, Allison, Alvy, Calvert, Cooper, E Firth, S Hall, Hill, Holroyd-Doveton, Hussain, Kane, Kendrick, Lowe, Lyons, Mather, Mayet, McBride, O'Donovan, O'Neill, Pandor, Richards, Rowling, Sarwar, C Scott, Sheard, Smith, Sokhal, Stewart-Turner, Stubley and G Turner

(31 VOTES)

For Councillor David Ridgway:

Councillors Armer, Bellamy, Bolt, Brice, Burke, Dodds, D Firth, D Hall, Hardcastle, Holmes, Iredale, Lawson, Lees-Hamilton, Light, Marchington, Palfreeman, S Patel, Patrick, A Pinnock, K Pinnock, Ridgway, P Scott, Sims, Smaje, Taylor, N Turner, Ward and Wilkinson

(28 VOTES)

ABSTAINED: Councillors Barraclough and Greaves

RESOLVED - That Councillor Erin Hill be appointed as Chair of Licensing and Safety Committee, with immediate effect, for the remainder of the municipal year.

107 Written Questions to Committee Chairs and Nominated Spokespersons of Joint Committees/External Bodies

(1) Question by Councillor Light to the Chair of Licensing and Safety Committee (Councillor Hill)

"(a) How many applications for Taxi Licences have been considered by Kirklees Licensing from individuals refused licences by other Councils?
(b) How many of these have been approved?
(c) Which other Councils refused the individuals applications?
(d) Does this Council ask applicants if they have applied to other Councils?
(e) How many taxi licences have been granted in the last 10 years to people with convictions for crimes of a sexual or violent nature?"

Councillor Hill replied thereto.

(2) Question by Councillor Bolt to the Chair of Strategic Planning Committee (Councillor S Hall)

"Please can you confirm the date and meeting at which the provision of a pedestrian refuge on the A62 at Slipper Lane Mirfield was included in the agreement for Mirfield 25?"

Councillor S Hall replied thereto.

108 Minutes of Cabinet

Council received and noted the Minutes of the meeting of Cabinet that had been held on 2 December, 16 December 2014, 13 January, 27 January and 3 February 2015.

Holding the Executive to Account**(A) Corporate Priorities Update**

The Corporate Priorities Update, relating to the West Yorkshire Combined Authority, was received and noted.

(B) Oral Questions/ Comments to Cabinet Members on their portfolios and on relevant Cabinet Minutes

(i) Resources Portfolio

(a) Councillor P Scott make reference to the York City Council Community Model for operating local libraries and other community services and asked the Cabinet Member to confirm whether they intend to visit York to look at this model.

The Cabinet Member (Councillor G Turner) replied thereto.

(ii) Children's Services

(a) Councillor Burke commented with regard to the adjudicator's report regarding changes to school organisation matters relating to Reinwood Infant and Nursery School and Royds Hall High School.

The Cabinet Member (Councillor Pandor) replied thereto.

(b) Councillors Light, K Pinnock, Holmes, Smaje, Cooper, Hill, Stewart-Turner, Marchington, Sims and Rowling commented upon issues relating to Child Sexual Exploitation, namely the Council's processes for dealing with the outcomes of the Casey Report, and the provision of appropriate training for Members

The Cabinet Member (Councillor Calvert) replied thereto.

(iii) Health, Wellbeing and Communities

(a) Councillor Palfreeman made reference to the forthcoming retirement of John Fletcher, Head of Parks and Landscapes, David Morby, Head of Active and Creative Communities, and asked the Cabinet Member to join him in paying tribute and thanks to both long-serving Council employees on behalf of the Council.

The Cabinet Member (Councillor O'Neill) replied thereto.

(iv) Place

(a) Councillor Ridgway referred to traffic control problems between Leeds Road and Shorehead roundabout and asked the Cabinet Member to comment.

The Cabinet Member (Councillor Ridgway) replied thereto.

(b) Councillor Light made reference to recent housing need statistics in the West Yorkshire area and asked whether the Kirklees figures would be appropriately reassessed.

The Cabinet Member (Councillor McBride) replied thereto.

(c) Councillor N Turner asked, whether, pursuant to the meeting of Council in January, the Cabinet Member had undertaken a review on the use of white grit.

The Cabinet Member (Councillor S Hall) replied thereto.

(d) Councillor D Hall asked the Cabinet Member if she was aware of the current back-log in the issuing of blue badges and cited examples of problems with service provision.

The Cabinet Member (Councillor C Scott) replied thereto.

Minutes of Other Committees

The Minutes of the undermentioned meetings were received for information;

- (a) Appeals Panel - 22 January and 19 February 2015.
- (b) Corporate Governance and Audit Committee - 14 November 2014 and 14 January 2015.
- (c) District Committee – Batley and Spen - 11 November 2014 and 20 January 2015.
- (d) Health and Wellbeing Board - 27 November 2014 and 29 January 2015.
- (e) Licensing and Safety Committee - 11 February 2015.
- (f) Overview and Scrutiny Management Committee - 8 December 2014, 12 January and 9 February 2015.
- (g) Personnel Committee - 24 November and 17 December 2014, 11 February 2015.
- (h) Policy Committee - 12 November and 17 December 2014, 21 January 2015.
- (i) Standards Committee - 12 February 2015.
- (j) Strategic Planning Committee - 11 December 2014 and 22 January 2015.

111 Oral Questions to Committee Chairs and Nominated Spokespersons of Joint Committees/External Bodies

(a) Councillor N Turner asked the following question to the Chair of District Committee - Batley and Spen (Councillor Alvy);

"What progress have you made towards devolution?"

Councillor Alvy replied thereto.

(b) Councillor Smaje asked the following question to the Chair of District Committee - Batley and Spen (Councillor Alvy);

"In your Chair's report you refer to working in partnership; can you outline when you've had discussions with Members of the Committee and the proposals that you've put in the report?"

Councillor Alvy replied thereto.

(c) Councillor N Turner asked the following question to the Chair of District Committee - Batley and Spen (Councillor Alvy);

"Could you tell us what political groups have been involved in your fortnightly meetings with the cabinet regarding devolution?"

Councillor Alvy replied thereto.

(d) Councillor N Turner asked the following question to the Chair of District Committee - Dewsbury and Mirfield (Councillor O'Donovan);

"Could you tell us what your personal contribution has been to this process and what your Committee has brought to the process?"

Councillor O'Donovan replied thereto.

(e) Councillor Ridgway made reference to the responses to questions (a) to (d) above and asked for greater engagement of Members from all political groups in the ongoing discussions.

Councillor O'Donovan replied thereto.

(f) Councillor Calvert asked the following question to the Chair of District Committee - Dewsbury and Mirfield (Councillor O'Donovan);

"Regarding the budgets for next year, would you like to remind Members what was agreed at Cabinet yesterday about the amount of money that is in the budget for District Committees for next year?"

Councillor O'Donovan replied thereto.

(g) Councillor Smaje asked the following question to the Chair of District Committee - Dewsbury and Mirfield (Councillor O'Donovan);

"Can you confirm how many of the District Committee decisions on budgets will have to go to Cabinet for ratification?"

Councillor O'Donovan replied thereto.

(h) Councillor Light asked the following question to the Chair of District Committee - Dewsbury and Mirfield (Councillor O'Donovan);

"Can you reflect on how important it would have been to invite all groups of the Council to discussions on devolution?"

Councillor O'Donovan replied thereto.

(i) Councillor N Turner asked the following question to the Chair of District Committee - Dewsbury and Mirfield (Councillor O'Donovan);

"Do you not think that you've disadvantaged certain areas, such as Kirklees Rural District Committee, by equally dividing the highways budget for new roads and the new homes bonus?"

Councillor O'Donovan replied thereto.

(The meeting concluded during this Agenda Item due to time constraints)

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**DISTRICT COUNCIL ELECTIONS
THURSDAY 7 MAY 2015
RESULTS**

Ward: Almondbury Party: Labour	Judith Hughes
Ward: Ashbrow Party: Labour	Amanda Pinnock
Ward: Batley East Party: Labour	Amanda Stubley
Ward: Batley West Party: Labour and Co-operative	Marielle O'Neill
Ward: Birstall & Birkenshaw Party: Conservative	Robert Light
Ward: Cleckheaton Party: Liberal Democrat	Andrew Pinnock
Ward: Colne Valley Party: Conservative	Donna Bellamy
Ward: Crosland Moor & Netherton Party: Labour	Mohammad Sarwar
Ward: Dalton Party: Labour	Mus Khan
Ward: Denby Dale Party: Conservative	Michael Watson
Ward: Dewsbury East Party: Labour	Eric Firth
Ward: Dewsbury South Party: Labour	Nosheen Dad
Ward: Dewsbury West Party: Labour	Darren O'Donovan
Ward: Golcar Party: Labour	Hilary Richards
Ward: Greenhead Party: Labour	Carole Pattison
Ward: Greenhead Party: Labour	Sheikh Noor Ullah
Ward: Heckmondwike Party: Labour	David Sheard
Ward: Holme Valley North Party: Valley Independent	Edgar Holroyd-Doveton
Ward: Holme Valley South Party: Conservative	Ken Sims
Ward: Kirkburton Party: Conservative	John Taylor
Ward: Lindley Party: Conservative	Gemma Wilson
Ward: Liversedge & Gomersal Party: Conservative	Lisa Holmes

Ward: Mirfield Party: Conservative	Kath Taylor
Ward: Newsome Party: Green	Julie Stewart-Turner



Name of meeting: Corporate Governance and Audit Committee (CGA) / Council

Date: 15 May 2015 and 20 May 2015 (respectively)

Title of report: Proposed changes to Overview and Scrutiny

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	Not applicable
Is it eligible for "call in" by Scrutiny ?	Not applicable
Date signed off by <u>Director</u> & name	David Smith
Is it signed off by the Director of Resources?	
Is it signed off by the Assistant Director - Legal & Governance?	
Cabinet member portfolio	Resources

Electoral [wards](#) affected: All

Ward councillors consulted: Not applicable

Public report:

1. Purpose of report

1.1 To inform the Committee and Council on the outcomes of the Scrutiny Refresh work and propose revised structures for Overview and Scrutiny from the 2015/16 municipal year. The report also includes proposed amendments to the Scrutiny Procedure Rules and Article 6 of the Constitution, should the proposed revised approach and structure be approved.

1.2 Members should note that due to the timing of the CGA meeting and the Council meeting the same report is being tabled for both meetings. Any comments/ observations from CGA will be given verbally and/or in a short update note at Council.

2. Key points

2.1 The 2014/15 Council budget decision included the need to consider governance arrangements within the new Council, including Overview and Scrutiny. The Overview and Scrutiny Management Committee has led a piece

of work aimed at refreshing the Scrutiny function to ensure it is fit for purpose going forward.

2.2 Attached at appendix 1 is a report of the findings of the OSMC Scrutiny Refresh project, including a summary of the views of key stakeholders and the conclusions reached by the Overview and Scrutiny Management Committee on options for the way forward. The OSMC sought the views of political groups, Director Group, Council Management Group, scrutiny co-optees and officers who support overview and scrutiny work. In addition there was a discussion with leading councillors on the findings of the refresh work and the preferred way forward.

2.3 It is acknowledged that as long as an Executive model of governance is in place in Kirklees, there are statutory requirements that have to be incorporated in any Scrutiny arrangements. When reflecting on recent national reports and the views of stakeholders, there is an acknowledgement of the importance of the Scrutiny role in Kirklees. However it is recognised that there is scope to refocus and rationalise the current arrangements, in order to have a flexible and proportionate approach within the new Council

The proposals recognise the need to refocus the approach and priorities for Overview and Scrutiny. However in order to achieve a refocused approach it is the view of the OSMC that there needs to be support from across the organisation and political leadership.

Conclusions of OSMC:

2.4 Having considered the views expressed by stakeholders the OSMC concluded that the approach to overview and scrutiny should:

- Continue to maintain the independent, cross party nature of Scrutiny – leaving the party politics at the door. However, independence does not mean isolation and moving forward Scrutiny has to re-establish an appropriate relationship with the Executive and senior officers.
- Ensure that scrutiny of Executive decision making is a priority focus for the Scrutiny work programme
- Recognise that indepth scrutiny work is valued but needs to be managed in such a way that the topics are areas of priority, where scrutiny can make a difference. Reviews must be underpinned by effective scoping and planning and officer resources to support the work (both from the Governance Team but also other council services as appropriate).
- Have an effectively co-ordinated and managed overall Scrutiny work programme so issues can keep to the approved terms of reference and the use of resources can be planned and co-ordinated. In planning reviews consideration will be given to gathering a range of evidence including views of councillors and the public.
- Continue to have voluntary co-optees as a key part of overview and scrutiny work. The stakeholder feedback indicated that co-optees

played a valuable role in bring an independent lay person perspective to discussions.

- Be clear about the role of Scrutiny in policy development, as set out in the Scrutiny Procedure Rules.
- Ensure that there is an improved understanding by both officers and councillors on the approach and work of Overview and Scrutiny.

2.5 Within the Council there is a move away from the current directorate silo approach, to working in a more cross cutting and thematic way, for example on issues related to early intervention and prevention. The current approach to scrutiny, reinforced by its structures, is not as agile or responsive when looking at cross cutting issues.

2.6 A range of structural options are set out section 7 of appendix 1 with indicative costings. The OSMC supports option 3; A Management Committee, a Health Committee and issue specific Ad Hoc Scrutiny Panels, but overall wants the most effective Scrutiny function that can be delivered within the available resources.

2.7 Option 3 will allow for a stronger coordination of the work programme and ensure a more prioritised and strategic approach to identifying Scrutiny issues. Members of the OSMC should lead the Ad Hoc Review Panels, with the OSMC ensuring effectively planning and adherence to terms of reference as part of the review process. The option recognises that resources should be prioritised to include a separate Health Scrutiny Panel to continue its good work in holding health partners to account and ensuring the effective working together of Health and Social Care.

2.8 When the findings report was discussed with leading councillors, there was cross party support for option 3 with a recommended ratio of 1:1:1:1 on the Management Committee

Constitutional implications:

2.9 Attached at appendices 2 and 3 are Article 6, Overview and Scrutiny Function and the Overview and Scrutiny Procedure Rules which include proposed amendments should option 3 be approved. The opportunity has also be taken to do some minor updating of the sections to reflect recent changes in the council. Most of the suggested amendments are self explanatory but proposed changes to highlight are:

Article 6 (Appx 2)

6.1.2 A proposal to have a 1:1:1:1 ratio on the Overview and Scrutiny Management Committee

6.1.3 / 6.2 A renaming of the former Wellbeing and Communities Scrutiny Panel to the Health and Social Care Scrutiny Panel to reflect the adjusting of portfolios to focus on health, social care and public health issues. The Panel will also be responsible for the statutory scrutiny of health responsibilities

6.2.2 Revisions to how the statutory education representatives (co-optees) will be included in scrutiny discussions on education related matters. Given

that we have struggled to appoint parent governor representatives, the proposal is to reduce the number appointed from 3 to the minimum legal requirement of 2.

6.3.2 To clarify the proportion of voluntary co-optees to elected councillors on Ad Hoc Panels, to reflect good practice.

Overview and Scrutiny Procedure Rules: (Appx 3)

2.3.1 Removal of reference to Assigned Tasks. There has been a blurring of the distinction between Assigned Tasks and Ad Hoc Panels. It is felt that Ad Hoc Panels are the appropriate mechanism for future ways of working.

5.1

Clarification of how statutory education representatives will be integrated into the revised approach. (Consistent with 6.2 above)

8.5 A proposal that Ad Hoc Panels will be chaired by members of the OSMC. This will result in a saving in councillor allowances and is part of the Management Committee ensuring a consistent approach to Scrutiny work.

18.7 A proposed amendment to add an expectation that at least one signatory to a call in will be present at the call in hearing. That person may change through the day. It is important that a signatory is present to clarify issues regarding the grounds for call in and other questions that may arise in the course of the meeting.

3. Implications for the Council

If an Executive model of governance is maintained then a Scrutiny function is a statutory requirement. The proposed option seeks to establish a more focused approach to Scrutiny that can adapt to the ongoing changes to the Council whilst undertaking statutory requirements.

4. Consultees and their opinions

The Overview and Scrutiny Management Committee supported option 3 as a way forward, subject to the appropriate indicative costings (included in appendix 1).

Leading councillors of all parties supported option 3 and acknowledged the need for a separate Health Panel given the need to scrutinise the current high levels of change within local health services.

5. Officer recommendations and reasons

- (1) That the refocused approach to Overview and Scrutiny be supported with approval to the implementation of option 3 structural arrangements from the 2015/16 municipal year
- (2) That that the Overview and Scrutiny Management Committee be constituted on a 1:1:1:1 ratio as proposed at the meeting of leading councillors.

- (3) Subject to approval of (1), approve the proposed revisions to the Overview and Scrutiny Procedure Rules and Article 6 The Overview and Scrutiny Function in the Council's Constitution
- (4) That delegated authority be given to the Assistant Director – Legal, Governance and Monitoring to make the amendments agreed to the constitution as well as any further consequential amendments which may be required to update the constitution in respect of the agreed changes to Overview and Scrutiny rules

6. Cabinet portfolio holder recommendation

Not applicable.

7. Contact officer and relevant papers

Penny Bunker: Governance and Democratic Engagement Manager

Tel: 01484 221000

8. Assistant director responsible

Julie Muscroft - Assistant Director Legal, Governance and Monitoring

Options for Overview and Scrutiny in the New Council.

1. Purpose of Report

1.1 The 2014/15 Council budget decision included the need to consider governance arrangements within the new Council, including Overview and Scrutiny. This report summarises the views of key stakeholders and sets out the conclusions reached by the Overview and Scrutiny Management Committee on options for the way forward.

The proposals recognise the need to refocus the approach and priorities for Overview and Scrutiny. However in order to achieve a refocused approach there needs to be support from across the organisation and political leadership.

2. Background:

2.1 Overview and Scrutiny is a function that has always divided opinion amongst councillors, not only in Kirklees but nationally. The Association for Public Service Excellence (APSE) recently produced the Two Tribes report looking at the local government modernisation agenda including the cabinet and overview and scrutiny model. The 2577 responses to an online survey indicated a perception of disengagement and a “waning influence” among non-executive councillors. A third did not believe that scrutiny committees were an effective means of holding the executive to account.

2.2 This has to be contrasted with the expectations placed on Overview and Scrutiny in holding a critical role in challenging decision makers and performance by digging under the headlines. For example the Francis Report identified the importance of the statutory health scrutiny role in proactively seeking information about the performance of local health services ...; in challenging the information provided to it by commissioners and providers of services ...and testing this information by drawing on different sources of intelligence¹

2.3 Most recently the reports on Rotherham Council have highlighted the need for an effective challenge from elected members both at Cabinet and Scrutiny level. The Casey report defined that challenge as “ setting aspirational targets, knowing how far to stretch the organisation, asking searching questions, drilling down into information and data, ensuring targets are kept to and agreed actions implemented”

The preceding Alexis Jay report had identified that “ more significant is the apparent lack of effective scrutiny exercised by several groups or bodies, and least of all by the Scrutiny Panels. Scrutiny in its widest sense is an essential component of Cabinet government.”

¹ Dept of Health : Local Authority Health Scrutiny - Guidance to support Local Authorities and their partners to deliver effective health scrutiny June 2014

2.4 Following the budget decision for the 2014/ 15 municipal year, it was recognised that governance structures, including Overview and Scrutiny, would require consideration to ensure that they are fit for purpose within the new, smaller Council. It was acknowledged that as long as an Executive model of governance was in place in Kirklees, there are statutory requirements that have to be incorporated in any Scrutiny arrangements. When reflecting on recent reports (as mentioned above) and the views of stakeholders, there is an acknowledgement of the importance of the Scrutiny role in Kirklees. However it is recognised that there is scope to refocus and rationalise the current arrangements, in order to have a flexible and proportionate approach within the new Council.

2.5 Given that constitutionally the Overview and Scrutiny Management Committee (OSMC) is charged with:

- Reviewing the experience and developing learning in relation to the overview and scrutiny role:
- Undertaking an annual review of the effectiveness of the overview and scrutiny role;

the OSMC resolved to lead a scrutiny refresh piece of work. The work included gathering the views of key stakeholders, and developing potential options for consideration by Council.

2.6 The design principles of the refresh work agreed that any revised approach to Overview and Scrutiny must:

- Meet the statutory requirements in respect of Scrutiny within an Executive model of governance
- Be deliverable within the available resources, both the direct support provided by Governance and Democratic Services, but also the resources required from across Council services (and partners) to support individual pieces of work.
- Be flexible to be able to respond to fluctuating demands and competing priorities as they emerge.

3. Legislative requirements

3.1 The majority of legislative Scrutiny requirements are reconfirmed in the Localism Act 2011. The primary requirements are summarised below and apply where the council operates an executive model of governance. If a Committee model is introduced then some requirements will need to be vested in a committee, in particular those relating to health scrutiny.

- The requirement to have a minimum of one Committee to carry out scrutiny functions
- The power to review or scrutinise decisions made by the Executive

- One statutory Scrutiny Officer post (cannot be Chief Executive or Monitoring Officer) (the post can be part of an officer’s wider responsibilities).
- A statutory requirement to respond to recommendations.
- The local authority is required to invest formal health scrutiny powers (in Kirklees this is in the current Wellbeing and Communities Scrutiny Panel)
 - The health scrutiny body has statutory powers to set up Joint Health Scrutiny Committees to investigate significant variations in health services, where the proposals cut across local authority areas.
- Executive/Officer requirement to attend scrutiny to answer questions.
- Ability to refer issues to O&S (A panel member or member of LA) (O&S to determine if appropriate issue for scrutiny)
- Crime and Disorder – devote at least one meeting a year to consideration of crime and disorder issues. This may include Scrutiny of the CSP partners in the context of the Community Safety Plan
- Flood risk – must scrutinise flood risk management functions
- Must have a Councillor call for action mechanism

4. The Structure of Scrutiny in Kirklees

4.1 Scrutiny has a long tradition in Kirklees Council which started informally in the 1980s with single topic Scrutiny Commissions, quality and policy reviews. The number of councillors involved varied from 3 to 7 councillors on a political ratio determined by Council. Each commission or review produced a findings report for consideration by Council or the appropriate committee.

4.2 When the Local Government Act 2000 introduced the Executive / Scrutiny model of governance, a dedicated scrutiny system was established in Kirklees. Initially the Council established a single committee with one member from each of the political parties represented on the Council. A dedicated Chair of Scrutiny post was created to lead the development of Overview and Scrutiny. The OSC commissioned pieces work, considered requests for scrutiny and coordinated the strategic approach to scrutiny in Kirklees.

4.3 In 2001 a number of Scrutiny Panels were created and these were broadly aligned with council service areas. At its largest there were 9 Overview and Scrutiny Panels. Heads of Service (on a voluntary basis) advised scrutiny panels and Committee Officers provided administrative support. The panels could determine their work programmes independent of the executive with councillors suggesting areas for scrutiny, such as underperformance and service priorities and provision.

4.4 The 2002/03 budget process saw the funding of a dedicated officer support team. In place for January 2003 until March 2013, when a decision to make budget savings in Governance and Democratic Services meant a more generic approach to governance support was reintroduced.

4.5 As the structure of Scrutiny evolved it settled as a management committee supported by a number of service based panels. This system perpetuated a 'silo' approach to Scrutiny which made it difficult to respond to cross cutting issues of service delivery and policy.

This led to a shift to a thematic panel approach and a reduction to four thematic panels and one for corporate issues. In addition to standing panels, Ad Hoc Panels were set up by the management committee to look at issues in depth and make recommendations to Cabinet or the appropriate body.

4.6 The current structure comprises Overview and Scrutiny Management Committee and four thematic standing panels which when established broadly mirrored the directorate structure of the Council. Each Scrutiny Panel has the option to use an assigned task approach to carrying out overview or Scrutiny work. In recent years this has evolved into a Task Group approach, which is in effect an ad hoc panel.

Current officer support is provided through the Governance and Democratic Engagement Team. Since April 2013, there has been a generic approach to governance support which means that in addition to supporting Scrutiny Panels, officers have a portfolio of responsibilities across the wider range of governance activities.

5. What did stakeholders say about Overview and Scrutiny?

5.1 As part of developing options for a way forward, the OSMC wanted to understand the views of stakeholders regarding the current approach to Scrutiny in Kirklees and what needs to be considered for the future. Political groups, Director Group, Scrutiny co-optees, Council Management Group and staff that support scrutiny work put forward their views.

Areas of focus were:

Whether Scrutiny is considered an important part of governance
What are its strengths and where is it not effective
The approach to work programmes and identifying the right issues
The quality of relationships
The principles / focus for the future - O&S in a new Council
The functions of O&S going forward

Below is not a complete analysis of the responses but seeks to pull out some of the common themes / views expressed. Not all of the views expressed are shared by the OSMC.

5.2 The general view of Scrutiny as part of governance

5.2.1 The majority of respondents felt that Overview and Scrutiny did have a valuable role in decision making processes. However, there are definite areas for improvement, including more effectively scrutinising and holding the Executive to account and in the planning of work programmes. The importance of constructive relationships was highlighted repeatedly.

5.3 The role of O&S

5.3.1 Respondents thought that the role of O&S was as a “critical friend” to provide a constructive challenge to the executive, whilst recognising that the current approach largely holds senior officers to account rather than executive members. Scrutiny should be a check and balance on issues of major concern and be seen as more important than currently seems to be the case. The principle of enabling Scrutiny early involvement to influence issues needs to be re-established within the organisation.

5.3.2 Scrutiny should add value to the decision making process and the organisation. In order to add value Scrutiny needs to more effectively prioritise the issues it looks at. In adding value Scrutiny should also be about organisational learning not just challenge. Scrutiny should also consider the impact of decisions and policies and whether they are having the desired outcomes.

5.4 What works well / is valued?

5.4.1 The independent nature of Scrutiny in Kirklees is valued. The emphasis on early involvement and influence was also seen as a positive aspect of Scrutiny’s approach, although as referenced in 5.3 this is not working as effectively as it should. The role of scrutiny in bringing a fresh pair of eyes to an issue was valued, together with the constructive challenge Scrutiny can bring. If working well Scrutiny can achieve positive change.

5.4.2 The cross party nature of Scrutiny was seen as a strength, providing an opportunity for non executive councillors to influence issues and as a good “apprenticeship” for new councillors. Respondents valued the contribution made by the statutory and voluntary co-optees who were able to bring a different, independent perspective to discussions.

5.4.3 The indepth Ad Hoc Panel work (Task Groups) was seen as valuable. Equally the Health Scrutiny work, including the Joint Health Overview and Scrutiny Panels were identified as good scrutiny practice in Kirklees.

5.5 What is not working?

5.5.1 The majority of respondents felt that Scrutiny had largely moved away from its key role in holding decision makers to account, with the exception being call in meetings. It was felt that Scrutiny was no longer effectively integrated in decision

making processes. In order to maximise effectiveness and contribution it needs to have a more proactive than reactive approach.

5.5.2 In some cases the style and tone of panel meetings is not felt to be constructive and can be a barrier to effective relationships. Where work programme issues are not seen as a priority for most councillors, Scrutiny may not seem like a worthwhile use of councillor or officer time.

5.5.3 A view was expressed that the overall scrutiny work programme has become too large. The Lead Member plays an important role in managing the work programme. It was felt in some panels that “pet projects” are being considered at the expense of scrutinising strategic priorities and decisions to be made by Cabinet. It is felt that there is little or no decision by decision involvement by scrutiny panels. Where terms of reference are agreed by Panels for specific pieces of work, they are not always adhered to. However, there is also a view that in some cases there is no clear purpose or rationale behind work being undertaken.

5.6 What is needed for the future?

5.6.1 It was recognised that the gap between scrutiny maintaining an independent challenge, whilst still being integrated into decision making arrangements had become too wide. There is a need to address this as part of new arrangements, which will require engagement across the organisation.

5.6.2 The Scrutiny refresh provides an opportunity to create greater clarity and better coordination. Within the Council there is a move away from the current directorate silo approach, to working in a more cross cutting and thematic way, for example on issues related to early intervention and prevention. The current approach to scrutiny, reinforced by its structures, is not as agile or responsive when looking at cross cutting issues.

5.6.3 There should be a clear rationale behind the selection of work programme issues. Effectiveness in holding the decision-makers to account should be linked to establishing the priorities of the Cabinet and matching the work programme to those areas. In developing the work programme, consideration should be given to the views of others, including councillors and the public.

5.6.4 Time needs to be built-in to effectively prepare and plan for pieces of scrutiny work. The external focus of scrutiny is currently limited and further consideration should be given to this as part of refreshing the approach.

6. Benchmarking

6.1 The national picture in relation to the approach to Overview and Scrutiny across the country continues to change. At one end of the spectrum, some smaller Councils, including county councils have reverted to a committee model and only do the mandatory requirements in respect of health scrutiny. Other Councils who have reverted to a committee model have chosen to incorporate a Scrutiny Committee or carry out scrutiny reviews through the committee structure. Thereby trying to retain what they see as the added value of the scrutiny system.

6.2 Where an Executive model has remained (the majority of cases) then some councils have already reviewed the approach to scrutiny work. The outcomes are very diverse, but given that the primary reason for review is usually resource driven, then structures reduce, in some cases significantly. It is unusual to have the statutory single committee only. Usually a Scrutiny Committee is supported by at least one other committee, generally Health, and the ability for the Managing Committee to establish Task Groups to undertake specific, indepth, priority pieces of work. Examples of this can be seen in, Barnsley, Newcastle, Bury and Rochdale.

Below are examples of scrutiny structures in comparator authorities as identified by CIPFA benchmarking.

Name of Council	Scrutiny Structure
Calderdale	5 Scrutiny Panels
Bolton	4 Scrutiny Committees
Medway	4 Scrutiny Panels (+ 3 in depth reviews per annum)
Bury	1 Scrutiny Committee, 1 Health Panel and 1 Task Group
Dudley	1 Management Committee, 5 Scrutiny Committees
Derby	5 Scrutiny Committees
Rotherham	1 Management Board, 4 Select Commissions
Wigan	Chair and Vice Chairs Meeting, 4 Scrutiny Committees
Wakefield	5 Scrutiny Committees
Doncaster	1 Management Committee, 4 Scrutiny Panels
Rochdale	1 Management Committee, 1 Health Committee
Stockton on Tees	7 Select Committees
Telford and Wrekin	1 Scrutiny Management Board, 5 Scrutiny Committees
Barnsley	1 Scrutiny Committee, 1 Children and Young People's Scrutiny Panel + 3 Task Groups per annum
Newcastle	1 Scrutiny Management Committee, 1 Health Scrutiny Committee
Sheffield	1 Scrutiny Management Committee , 4 Scrutiny and Policy Development Committees.

6.3 It can be seen that there are a range of approaches that the Council may wish to consider as future options. However, in determining what is appropriate for Scrutiny

in Kirklees in the current climate, significant factors are sustainability within shrinking resources and flexibility to be able to respond to the changing structure of the Council over the coming years.

7. Views of OSMC

7.1 In considering the views of stakeholders, the OSMC has reached conclusions concerning how Scrutiny could operate going forward. The fundamental principles that underpin overview and scrutiny remain unchanged, but there is a need to change the emphasis and refocus in some key areas.

The views expressed indicate that practice varies between Scrutiny Panels and there is a need to redefine expectations and be clear about how Scrutiny operates going forward.

Role:

- To carry out the statutory requirements in relation to O&S in a Council with an Executive model of Governance
- To act as a check and balance to the decision makers
- To act constructively as a critical friend, recognising that this may involve a robust challenge and at times the use of more formal powers to review decisions
- Wherever possible, through early involvement, to influence decisions before they are made
- As an arena for the engagement of non executive councillors to consider areas of strategic priority and operational significance.
- To scrutinise the work of partner organisations that have a significant impact on the lives of citizens in Kirklees, including statutory scrutiny of Health partners.
- To add value to the work of the Council through influencing decisions and making recommendations for improvements to the benefit of the residents of Kirklees
- To ensure a breadth of views inform Scrutiny work and that the experiences of stakeholders and residents are considered in reaching conclusions and making recommendations.

Approach:

- To continue to maintain the independent, cross party nature of Scrutiny – leaving the party politics at the door. However, independence does not mean isolation and moving forward Scrutiny has to re-establish an appropriate relationship with the Executive and senior officers.
- To ensure that scrutiny of Executive decision making is a priority focus for the Scrutiny work programme
- In depth scrutiny work is valued but needs to be managed in such a way that the topics are areas of priority, where scrutiny can make a difference. Reviews must be underpinned by effective scoping and planning and officer resources to support the work (both from the Governance Team but also other council services as appropriate).

- There must be effective co-ordination and management of the overall Scrutiny work programme so issues can keep to the approved terms of reference and the use of resources can be effectively planned and co-ordinated. In planning reviews consideration will be given to gathering a range of evidence including views of councillors and the public.
- Voluntary co-optees should continue to have a role in overview and scrutiny work. The stakeholder feedback indicated that co-optees played a valuable role in bring an independent lay person perspective to discussions.
- Feedback indicated a range of views on the role of Scrutiny of policy, going forward there needs to be clarity in this area of work.
- Feedback indicated the need to improve the understanding of both officers and councillors on the approach and work of Overview and Scrutiny.

Policy Development:

7.2 The OSMC considers that the current Constitution provides clarity on the role of Overview and Scrutiny in policy review and development.

Section 11 of the Overview and Scrutiny Procedure Rules states:

The Management Committee and Standing Panels have a function to scrutinise policy outcomes and advise on policy development within their remit. They are a key mechanism for enabling Councillors to represent the views of their constituents and other organisations to the Cabinet, partnership body structures and Council and hence to ensure that these views are taken into account in policy development.

The Cabinet is responsible for the development and implementation of policy, in which role it shall consult and involve Overview and Scrutiny in developing draft policies for adoption or, where required as part of the budget and policy framework, recommendation to Council.

Co-optees:

7.3 The current role of co-optees was identified as a positive aspect of Scrutiny. The OSMC feels the role needs to continue, although dependent on structure, consideration will be needed on how the role will work. Legislatively there is still a requirement to have statutory Education co-optees who must be invited to attend every time Scrutiny considers an education related issue.

In terms of the cost of co-optees, the recent total of claims for travel and subsistence by co-optees was: 2012/13 - £625 2013/14 - £422

The Structure:

7.4 Structurally there are a range of options that could be used to deliver Overview and Scrutiny. Set out below are some options and the pros and cons of each. Indicative costings have been provided, based on a combination of the estimated cost of governance support and councillors allowances. It is not possible to quantify

the cost of support provided by services as this varies dependent on the issue being considered.

A breakdown of the indicative costings of each model, including councillor allowances is attached at appendix 1 of the report. Councillor allowances are based on the current rates, but it is recognised that once the structure and councillor roles within it are clear, there will be a need for further consideration by the Independent Review Panel.

Option 1 : No change - A Management Committee supported by 4 standing panels, which also undertake Ad Hoc Panel work
Pros: This option allows for continuity
Cons: This option does not meet the design principles set out in 6.2 of the report. Stakeholder views expressed in the consultation indicate a lack of consistency in approach and work programming. The pressure on officer resources in some areas to continue to support multiple on going pieces of scrutiny work is unsustainable as services continue to reduce. The current structures perpetuate a silo approach to scrutiny, that the Council is moving away from. The structure lacks flexibility to effectively respond to cross cutting, thematic issues or to reprioritise resources to respond to urgent pieces of work.
Indicative cost of model: £90,965

Option 2: The statutory minimum: A single committee that carries out statutory scrutiny functions
Pros: Moving to a single committee would lead to savings in officer resources, although it would need to meet more frequently than the current OSMC. It would involve a smaller number of councillors and a reduction in the amount of special responsibility allowances payable. It would create a single point of contact for all scrutiny issues and a centralised management of the work programme.
Cons: Whilst this option meets the design principle regarding delivering statutory minimum requirements, it is questionable about the quality and depth of scrutiny that could be achieved through a single committee. Scrutiny of Health is a large and important area of statutory work at the current time and recognised by stakeholders as an area of good practice. With 3 statutory Joint Health Overview and Scrutiny Committees currently meeting and smaller pieces of statutory work being undertaken by the Panel, it is difficult to see how this could be incorporated in a single Committee's work load. A statutory minimum model would limit the number of non-executive councillors who

are involved in O&S work.

The model also potentially limits the amount of indepth scrutiny work that could be undertaken as the committee focuses on holding the decision makers to account . The Committee would lack flexibility to respond to priority pieces of work in a timely manner.

Indicative cost of model: £43,405

Option 3: A Management Committee, a Health Committee and issue specific Ad Hoc Scrutiny Panels.

Pros: The Management Committee can co-ordinate all scrutiny work, both overview and in depth scrutiny work, which will address concerns about inconsistency of approach. Co-ordinated allocation of resources.

A dedicated health scrutiny committee will enable councillors to develop expertise in this complex area. It will allow the management committee to focus on other functions including statutory scrutiny of crime and disorder and scrutiny of decision makers.

Non executive councillors will be able to get involved in ad hoc panels which were identified as an area of good practice by stakeholders, where scrutiny can add value. Working on ad hoc panels which focus on single issues will allow for more positive engagement from committed councillors.

As the Council changes there is no need to keep reviewing structures (standing panels) to ensure they are appropriate. There will be a single point of reference for scrutiny work. It will be more effective in looking at cross cutting issues

Cons: The Management Committee will have to manage a heavy workload and will need to prioritise effectively. However if a Health Committee incorporates Adult Social Care and Public Health, where there are clear linked agendas, then this will help the overall work load of the Management Committee.

Indicative cost of model: £58,460

Option 4: Standing Panels (4) but no Management Committee or Ad Hoc Panels

Pros: Small saving in resources

Cons: The model would meet some of the design principles with statutory requirements being met. However it has already been seen that the silo panel structure lacks the agility and responsiveness required within the changing organisation.

Overall it is unlikely to reduce the resources implications for the organisation and will become increasingly unsustainable as the council reduces. It removes the overall co-ordination role of a management committee and maintains the silo approach as highlighted option 1. It is likely to lead to more variation / inconsistency in approach.

Indicative cost of model: £69,155

Option 5: A Management Committee and single issue Ad Hoc Panels

Pros: This option meets some of the design principles, with statutory Scrutiny requirements being met. There will be some resource savings

The Management Committee would ensure effective co-ordination of a single Scrutiny work programme. The structure allows for the engagement of non executive councillors in ad hoc panels

Cons: As with option 2, this option presents considerable difficulties in a single Committee carrying out all the essential scrutiny work in holding executive to account as well as the statutory health scrutiny work.

Indicative cost of model: £54,379

Indicative Costings of Overview and Scrutiny Structural Models

Option	Core costs	Allowances	Total
Option 1: - No Change to current structure: Management Committee, 4 standing Panels (including additional Task Group) work)	£ 52,605	£38,360	£90,965
Option 2: - the statutory minimum - A single Committee carrying out statutory functions	£24,996	£18,409	£43,405
Option 3: - a Management Committee, a Health Committee and issue specific Ad Hoc Scrutiny Panels	£34,258	£24,203	£58,460
Option 4: -Standings Panels (4) only (no Management Committee or Ad Hoc Panels)	£43,337	£25,818	£69,155
Option 5: - a Management Committee and single issue Ad Hoc Panels	£35,087	£19,292	£54,379

OSMC Conclusions and preferred option:

The OSMC feels there is a need to clarify the principles and priorities for Overview and Scrutiny in a new Council. As part of this the OSMC recognises that there are areas for improvement and a need for change but feels this is not all down to OSMC to achieve. Other areas of the Council need to recognise the importance of effective Overview and Scrutiny and make sure it is embedded in corporate decision making processes.

For OSMC the main focus of any change must be about achieving high standards and an effective O&S function. As part of this political groups need to give careful consideration to the individuals participating in Scrutiny. Effective Scrutiny is not about the number of councillors involved, but that the right councillors are involved. Councillors need to be engaged in issues that are of interest to them, which will support the aim of enabling the Council to achieve the high standard of scrutiny work that the OSMC is aiming for.

The OSMC recognises there will be concerns from some councillors about the effectiveness of Overview and Scrutiny without a supporting standing panel structure. The national Centre for Public Scrutiny has looked at the issue of the effectiveness of reduced Scrutiny structures and concluded:

“ Committee size appears to have little effect on the effectiveness of scrutiny, but councils with fewer committees tend to be more effective. CfPS has long argued for a “less is more” approach to scrutiny, where councils focus their resources and work on the most important issues.

Scrutiny structures – the size of committees, the number of committees and so on – do have some effect on scrutiny’s effectiveness. But they ultimately come second to culture.”

(Annual Survey of Overview and Scrutiny in Local Government 2012/13- key highlights)

The refresh provides the opportunity to not only develop a more appropriate focus and structure to Overview and Scrutiny but to also address some of the culture issues that have impacted on the effectiveness of Scrutiny in recent years.

OSMC preferred option:

The OSMC supports option 3, A Management Committee, a Health Committee and issue specific Ad Hoc Scrutiny Panels, but overall wants the most effective Scrutiny function that can be delivered within the available resources.

Option 3 will allow for a stronger coordination of the work programme and ensure a more prioritised and strategic approach to identifying Scrutiny issues. Members of the OSMC will lead the Ad Hoc Review Panels, with the OSMC ensuring effectively planning and adherence to terms of reference as part of the review process.

The option recognises that resources should be prioritised to include a separate Health Scrutiny Panel to continue its good work in holding health partners to account and ensuring the effective working together of Health and Social Care.

ARTICLE 6 – THE OVERVIEW AND SCRUTINY FUNCTION

6.1 Overview and Scrutiny Management Committee

6.1.1 The council will appoint the Overview and Scrutiny Management Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations under Section 32 of that Act and any subsequent legislation conferring overview and scrutiny functions, including that relating to scrutiny of health service provision. The Overview and Scrutiny Management Committee will have responsibility for the statutory requirements in relation to scrutiny of crime and disorder matters and the Flood Risk Management Strategy.

Comment [KC1]: Additional text to clarify statutory responsibilities of Management Committee

The Management Committee will also co-ordinate, oversee and manage the performance of those functions carried out by any overview and scrutiny panels or ad hoc scrutiny panels. There shall be at least 6 ordinary meetings of the Management Committee and any Standing Panel each year.

Comment [KC2]: Clarification of management of Ad Hoc Panels

The council will appoint the Chair of Overview and Scrutiny. The Chair of Overview and Scrutiny shall not be the Lead Member of a standing panel. The Chair of Overview and Scrutiny will be from a different political group from that of the Leader of the council.

Membership

6.1.2 The Management Committee shall be made up of four members on a 1:1:1:1 ratio, comprising the Chair of Overview and Scrutiny and the Lead Member of any standing scrutiny panel. Any councillor, except a member of Cabinet, may be a member of the Management Committee. The council shall appoint the Lead Member (Chairs) of any standing Overview and Scrutiny Panels, including the Health and Social Care Scrutiny Panel listed below.

Comment [KC3]: Proposed ratio and makeup of Management Committee

Panels and Sub-Committees

6.1.3 The Overview and Scrutiny Management Committee will appoint a Health and Social Care Scrutiny Panel to carry out overview and scrutiny work in line with statutory health scrutiny requirements. All scrutiny panels will constitute formal subcommittees of the Overview and Scrutiny Management Committee. The Management Committee will appoint single issue Ad Hoc Scrutiny Panels to carry out in depth scrutiny work and appoint members and co-optees to those panels. It will also appoint members to joint health scrutiny panels with neighbouring authorities where required to carry out scrutiny of cross boundary health issues.

Comment [KC4]: Clarification of renamed Health and Social Care Scrutiny Panel. Role of Panel set out in 6.2.1

6.2 Health and Social Care Scrutiny Panel

6.2.1 The Health and Social Care Scrutiny Panel will discharge an overview and scrutiny function in relation to the following matters:

All matters, Cabinet decisions, service provision (in particular those services that the relevant Cabinet Member(s) is responsible for), relating to the health and social care portfolio, Including Public Health matters and activities relating to health partner bodies.

The Panel's role includes the specific statutory responsibilities of the council for scrutiny of health matters which are:

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(i) To review and scrutinise matters relating to the planning, provision and operation of the health service in the local authority area.

(ii) To request information to be provided by the relevant NHS body or health service provider, in relation to (i) above

(iii) To make reports and recommendations to the relevant NHS body or health service provider

(iv) In certain circumstances to refer NHS substantial configuration proposals to the Secretary of State for Health.

Membership

6.2.2 The membership of each standing panel (with the exceptions set out below) will consist of the Panel Chair, 5 other elected Members, and co-opted members. Other elected members and members of the public will be encouraged to attend.

Exceptions:

~~The Children and Young People's Overview and Scrutiny Panel may also include one additional elected member, whose role will be to be a member of the council's Adoption Panel~~

There is a statutory requirement that when an issue is discussed relating to education matters, the **Committee** shall include in its membership (if nominated by the relevant body) the following representatives with rights to vote on education matters:-

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) ~~2~~ **3** parent governor representatives.

Any Ad Hoc Panel or Councillor Call for Action Scrutiny Panel relating to education matters shall also include the above representatives with rights to vote on education matters in their membership (if nominated by the relevant body).

Comment [KC5]: Remove as this does not reflect current practice. Appointments are made by group business managers

Comment [KC6]: Revised wording to ensure statutory requirements are met when education issues are discussed

Comment [KC7]: As there is difficulty in recruiting to the statutory representative roles, reduce to 2 parent governors as this is the statutory requirement..

6.2.3 The Chairs of the standing Overview and Scrutiny Panels will be known as Lead Members for the relevant functions.

6.2.4 The Chairs of the standing Overview and Scrutiny Panels shall not be members of the corresponding partnership bodies.

6.3 Ad-hoc Scrutiny Panels and Joint Health Panels

6.3.1 The Overview and Scrutiny Management Committee will appoint single issue ad-hoc scrutiny panels to review in depth, investigate and report on a particular topic related to the functions of the council and issues affecting the community, with such terms of reference and duration as it considers appropriate to that topic.

Membership

6.3.2 The Overview and Scrutiny Management Committee will appoint the membership of each panel (both elected members and co-opted members). Any councillor, except a member of the Cabinet, may be a member. The number of members will be proportionate to the nature and requirements of the task, though no panel shall consist of less than two elected members and the number of co-opted members shall not exceed the number of elected members. Any panel dealing with education matters must also include the church and parent governor statutory representatives.

Comment [KC8]: Clarification to ensure appropriate balance of elected members and voluntary co-optees for Ad Hoc Panels

Joint Health Committees

6.3.3 The Overview and Scrutiny Management Committee will appoint members to any Joint Health Scrutiny Committees which may be required with neighbouring authorities. Terms of reference and all connected matters may be agreed by the Overview and Scrutiny Management Committee. In arrangements with other West Yorkshire Authorities it is anticipated that this will be done in accordance with the protocol for such matters which has been agreed between all the West Yorkshire District Councils.

Councillor Call for Action Scrutiny Panels

6.3.4 The Overview and Scrutiny Management Committee will appoint members to any Councillor Call for Action Scrutiny Panels, established as a result of a councillor call for action. Terms of reference and all connected matters will be agreed by the Overview and Scrutiny Management Committee.

6.4 Political Balance

6.4.1 The Overview & Scrutiny Management Committee may, subject to compliance with legal procedures, decide that the normal political balance requirements shall not apply to scrutiny panels. In that case the Management Committee may determine an alternative distribution of membership between political groups.

6.5 General Role of the Scrutiny Function

- a) Review and scrutinise decisions made or actions taken in connection with the discharge of the council's functions
- b) On behalf of the council review or scrutinise all Cabinet / Cabinet Committees recommendations to the council, including policy and budgetary proposals.
- c) Exercise the right to call-in and review Executive decisions (see Scrutiny Procedure Rules 2.2.3 for definition of Executive decisions) in line with the procedure for the 'call-in' of decisions set out in the Overview & Scrutiny Procedure Rules in Part 4 of this Constitution.
- d) Review and scrutinise the performance of the council in relation to its policy objectives, performance targets and / or particular service areas.
- e) Review and scrutinise decisions made or actions taken by partnership bodies, in relation to shared partnership priorities.
- f) Consider any matter affecting the area or its inhabitants.

- g) Consider how the services and resources of other organisations in the district impact on Kirklees residents and liaise with other external organisations operating in the District, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.
- h) Make reports or recommendations to the full Council, the Cabinet / Cabinet Committees or any joint or area committee on the outcomes of the scrutiny process and in connection with the discharge of any function.
- i) Assist the council and the Cabinet / Cabinet Committees in the development of the budget and policy framework.
- j) Conduct research, involve the community and undertake other relevant consultation.
- k) Invite attendance by appropriate individuals (with the agreement of the Overview and Scrutiny Management Committee) to advise them (as an expert witness). Such individuals will have expertise in the area being scrutinised, e.g. they may be a service user or a professional or academic in the relevant discipline.
- l) Question Cabinet Members in relation to the overview and scrutiny of Cabinet / Cabinet Committee recommendations and the performance of Council services. (In the case of Cabinet / Cabinet Committee recommendations to Council, scrutiny will take place before the recommendations are considered by full Council). Cabinet Members and appropriate officers are required to be available to attend meetings of the relevant Overview and Scrutiny Management Committee / Panel if so requested.
- m) Question Council Officers in relation to the overview and scrutiny of service performance / delivery and the reports on which executive decisions are based, including those executive decisions taken by individual officers. Such officers are required to attend meetings of the relevant Overview and Scrutiny Management Committee / Panel if so requested.
- n) Request attendance by the council's section 41 representatives (joint authorities) in connection with the scrutiny of those bodies.
- o) Invite attendance by senior representatives of outside organisations and invite reports from them on their activities and performance, where necessary, in accordance with the Management Committee's / Panel's terms of reference.
- p) Question and gather evidence from any person (with their consent)
- q) Make recommendations to Cabinet / Cabinet Committee and / or Council on issues arising from the overview and scrutiny of Cabinet / Cabinet Committee decisions, recommendations and performance, including for example recommendations that an area of Council policy should be reviewed.
- r) Identify issues for attention within the terms of reference of overview and scrutiny.

OVERVIEW AND SCRUTINY PROCEDURE RULES

Overview and Scrutiny Procedure Rules

1. The number and arrangements for Overview and Scrutiny Committee and Panels

1.1 The council will appoint the Overview and Scrutiny Management Committee, and any scrutiny standing panel Lead Members, to oversee the management, co-ordination and development of the overview and scrutiny function. The Committee will appoint Standing Panels, Ad-Hoc Panels, Councillor Call for Action Scrutiny Panels, and members of Joint Health Scrutiny Committees as set out in Article 6 of the Constitution and will appoint to them as it considers appropriate from time to time. The Overview and Scrutiny Management Committee may appoint further sub-committees as may be required.

2. Terms of Reference & Functions of Committee & Panels

2.1 The Overview and Scrutiny Management Committee

2.1.1 The Overview and Scrutiny Management Committee will:

- (i) ~~Have the power to exercise overall responsibility for the finances made available to it, and have the power to exercise overall responsibility for the work programme of the officers employed to support its work.~~
- (ii) Have overall responsibility for the management, co-ordination and development of the scrutiny function through which the decisions taken by the Cabinet and by committees and officers of the council are scrutinised and the use of resources / provision of services are reviewed.
- (iii) ~~Have overall responsibility for the work programme and c~~Co-ordinate and monitor progress on the the work programmes of any Overview and Scrutiny Panels ~~and monitor progress.~~
- (iv) ~~Co-ordinate the activity of Overview and Scrutiny Panels in relation to reviews of issues and service provision within the terms of reference of more than one panel.~~
- (iv) Exercise the right to submit a “notice of concern” on proposed decisions and “call-in” and review Executive decisions (see definition at 2.2.3) as set out in the procedures in these rules, particularly on issues that fall between the responsibilities of the separate panels.
- (v) Agree arrangements for managing overview and scrutiny business (including the call-in of Executive decisions) within the scope of more than one panel.
- (vi) Receive requests from members of the public / councillors / officers of the council / co-optees /other organisations for particular topics to be scrutinised and determine the appropriate action.
- (vii) Undertake initial explorations on requests / proposals for scrutiny reviews and recommend appropriate action.

Comment [C1]: There is no longer a dedicated Scrutiny budget. Responsibility for the work programme is included at iii below

Comment [C2]: Duplication

- (viii) Receive proposals from the [Health and Social Care Scrutiny Panel](#) ~~overview and scrutiny panels~~ for planned in-depth scrutiny reviews, investigations and reports on issues relating to the council's functions, and determine the appropriate action.
- (ix) Appoint task-orientated, ~~time-limited~~ ('ad-hoc') overview and scrutiny panels to review in depth, investigate and report on a particular topic with such terms of reference and duration as it considers appropriate to that topic.
- (x) Agree terms of reference and work plans of ad-hoc review panels and Councillor Call for Action Scrutiny Panels, and monitor their progress.
- (xi) Advise ad-hoc review panels and Councillor Call for Action Scrutiny Panels on the contents of reports.
- (xii) Consider and formally agree the reports of all Ad-Hoc Panels and Councillor Call for Action Scrutiny Panels, and submit them to Cabinet and or relevant agencies for response and action.
- (xiii) Consider and formally agree the reports of all Ad-Hoc Panels and Councillor Call for Action Scrutiny Panels, and submit them to the Council and/or Cabinet for consideration.
- (xiv) Establish and develop effective working relationships between the Overview and Scrutiny Management Committee and Panels, local partnership body structures, the Cabinet and its members, committees and sub-committees of the Council and its officers.
- (xv) Co-ordinate training and development arrangements for Overview and Scrutiny Management Committee and panel members and co-opted members.
- (xvi) Review experience and develop learning in relation to the overview and scrutiny role.
- (xvii) Identify good practice in relation to the overview and scrutiny role and develop common practices for all panels that reflect good practice.
- (xviii) Recommend to the Council the protocols and procedure rules through which the scrutiny function will operate.
- (xix) Monitor and review the effect of and consequence of the call-in of Executive decisions , including those taken through the scheme of delegation.
- (xx) Undertake an annual review of the effectiveness of the overview and scrutiny role.
- (xxi) Co-ordinate the production of an annual report to Council at the end of each municipal year on the activity of the overview and scrutiny function.
- (xxii) Review the constitution relating to overview and scrutiny and make recommendations for modification and improvement.

- (xxiii) Have responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies.
- (xxiv) Have responsibility for progressing and monitoring the overall objectives of the overview and scrutiny function

2.2 Standing Overview and Scrutiny Panels

2.2.1 ~~Any~~The Overview and Scrutiny panels will:

- (i) Be aware of the 'forward plan', the forward work programme and other anticipated executive decisions, including those taken under the Scheme of Delegation.
- (ii) Scrutinise, advise and contribute to the Cabinet / Cabinet Committee and any relevant Council Committees in relation to issues arising from its work programme;
- (iii) Monitor the decisions taken by or on behalf of the Cabinet and the activities of service areas;
- (iv) Exercise the right to submit a "notice of concern" on proposed decisions and "call-in" and review decisions taken by or on behalf of the Executive as set out in the Overview & Scrutiny Procedure Rules.
- (v) Have an overview of the practice and policy of the relevant service areas;
- (vi) Identify areas of service practice and implementation or of policy that cause concern to members of the public and councillors and report these to the Overview & Scrutiny Management Committee to determine what action should be taken;
- (vii) Receive internal and external inspection reports on the services and challenge the action plans drawn up in response to problems that have been identified; monitor progress in implementing the action plans;
- (viii) Ensure that the communities of Kirklees and specific users of services are able to be involved in and inform the work of the panels;
- (ix) Promote the work of the panels, including through the local media.
- (x) Develop focused programmes of work and identify the most appropriate means of progressing such work including assigned task based approaches.
- (xi) Scrutinise the work of the Local Strategic Partnership and its structures and the council's contribution to them, specifically in relation to shared partnership priorities.
- (xii) To scrutinise the effectiveness of the council's representatives in regional/sub regional and national forums.

2.2.2 NOTE: The role of the ~~Health and Social Care Scrutiny Panel~~ ~~Well Being and Communities Panel~~ will in addition include the specific responsibilities of the

Council for the scrutiny of health. Statutory responsibilities in respect of the Crime and Disorder Partnership will be vested in the [Overview and Scrutiny Management Committee Development and Environment Panel](#).

- 2.2.3 Executive decisions: Executive decisions may be discharged by Cabinet/ Cabinet Committees / Cabinet member or an officer of the Council in line with Executive Procedure Rule 1.2.5. Scrutiny powers also apply to those decisions taken by officers that are as a result of further delegation of the Cabinet, a Committee of the Cabinet or a member of the Cabinet.

2.3 Ad-hoc Overview & Scrutiny Panels

- 2.3.1 The Overview and Scrutiny Management Committee will appoint task-orientated, ~~time limited~~ ('ad-hoc') scrutiny panels to review in depth, investigate and report on particular topics related to the functions of the council, with such terms of reference and duration as it considers appropriate to the relevant topic.

NOTE: Within panels ~~assigned tasks can be used to divide larger pieces of scrutiny work into smaller tasks to be allocated to panel members and findings reported back to panels to enable recommendations to be agreed.~~

Comment [C3]: There has been a blurring of the distinction between assigned tasks and Ad Hoc Panels. In future Ad Hoc Panels will be used and established by the Management Committee.

2.4 Councillor Call for Action Scrutiny Panel

- 2.4.1 The Overview and Scrutiny Management Committee will appoint time limited Councillor Call for Action Scrutiny Panels to consider issues arising from a Councillor Call for Action request, where the Committee considers it appropriate. Councillor Call for Action Scrutiny Panels shall include a non executive councillor from the affected locality and a scrutiny voluntary co-optee (or statutory education co-optees if the issue includes education matters).

2.5 Joint Health Scrutiny Committee

- 2.5.1 The Overview and Scrutiny Management Committee will [make the necessary arrangements appoint members to to establish](#) any Joint Health Scrutiny Committees which may be required with neighbouring authorities [including the appointment of members](#). Terms of reference and all connected matters may be agreed by the Overview and Scrutiny Management Committee. In arrangements with other West Yorkshire Authorities it is anticipated that this will be done in accordance with the protocol for such matters which has been agreed between all the West Yorkshire District Councils.

3. Membership of Overview and Scrutiny

- 3.1 Subject to Article 6.1, any Councillor, except a member of the Cabinet, may be a member of the Overview and Scrutiny Management Committee or its panel(s) or ad hocs.
- 3.2 No member, however, may be involved in scrutinising a decision in which s/he has been directly involved. In addition, each member of an Overview and Scrutiny Management Committee / panel is required to consider whether s/he has a personal interest in an issue to be examined by that Committee / Panel and to declare any such interest. If s/he determines that the interest is prejudicial and financial in nature, s/he must not participate in the debate on the issue and must leave the room during that debate. These requirements are set out in detail in

paragraphs 11 and 12 of the council's Code of Conduct for members in Part 5 of the Constitution.

- 3.3 The membership of the Overview and Scrutiny Management Committee will reflect the political composition of the council, unless the council decides otherwise in accordance with the appropriate legal procedures.

4. Co-optees

- 4.1 The Overview and Scrutiny Management Committee will agree the appointment of non voting co-optees for each Overview and Scrutiny Panel / Ad Hoc / Councillor Call for Action Scrutiny Panel.

5. Education representatives

- 5.1 When the Overview and Scrutiny Management Committee, an Ad Hoc Panel or a Councillor Call for Action Panel meets to discuss any issue ~~The Children and Young People's Overview and Scrutiny Panel and any Ad Hoc Panel or Councillor Call for Action Scrutiny Panel~~ relating to education matters it shall include in its membership the following voting representatives (if appointed by the relevant group):

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) ~~2~~ 3 parent governor representatives.

- 5.2 The above-mentioned representatives shall have voting rights only in connection with matters relating to education functions and if the Committee or Panel deals with other matters, those representatives shall not vote on those other matters, though they may stay in the meeting and speak.

6. Meetings of the Overview and Scrutiny Management Committee and Panels

- 6.1 The Overview and Scrutiny Management Committee and its Panel(s) will meet as required to conduct the necessary business efficiently and effectively. There shall be at least 6 ordinary meetings of the Management Committee and each Standing Panel each year. The Ad-Hoc Panels will be time limited and will meet as required to fulfil the task allocated to them.

- 6.2 In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chair of the relevant Overview and Scrutiny Management Committee/Panel, by any 3 members of the body or by the Assistant Director Legal, Governance and Monitoring or the Scrutiny Office if he/she considers it necessary or appropriate.

7. Quorum

The quorum for overview and scrutiny meetings shall be as set out for committees and sub-committees in the council Procedure Rules in Part 4 of this Constitution.

8. Chairs of Overview and Scrutiny Management Committee / Panels

Comment [C4]: Clarification on how statutory education representatives will be incorporated within revised structures.

Comment [C5]: Reduce to statutory minimum of 2 parent governor representatives.

- 8.1 The council will appoint the Chair of Overview and Scrutiny. The Chair of Overview and Scrutiny shall not be the Lead Member of a Standing Panel.
- 8.2 The Chair of Overview and Scrutiny will be from a different political group to that of the Leader of the council.
- 8.3 The Chair of Overview and Scrutiny will chair the Overview and Scrutiny Management Committee.
- 8.4 The Council will appoint the Lead Members of the Standing Panels who will chair those panels.
- 8.5 The Overview and Scrutiny Management Committee will appoint the Chairs of Ad-Hoc Panels. These will be drawn from the may be from the membership of the Overview and Scrutiny Management Committee. ~~Standing Panels or other members of the council with the necessary expertise.~~ Chairs of Joint Health Overview and Scrutiny Committees may also be drawn from other members of the Council with the necessary expertise.

Comment [C6]: Proposal that Ad Hoc Panels are chaired by a member of the Management Committee

9. Work programme

- 9.1 The Overview and Scrutiny Management Committee will be responsible for setting its own objectives and work programme and in doing so shall take into account wishes of members on that Committee who are not members of the largest political group on the council.
- 9.2 The Standing Panels (subject to the agreement ~~co-ordination~~ and monitoring of the Overview and Scrutiny Management Committee) shall be responsible for setting their own work programme to overview and scrutinise the work of the Cabinet, Cabinet Committees, partnership body structures, relevant Council Committees and services and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the council.
- 9.3 Ad Hoc Panels will be set up by Overview and Scrutiny Management Committee with specified terms of reference to scrutinise and review in-depth particular issues.

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10. Agenda items

- 10.1 Agenda items for the Management Committee and panels shall be set by members identifying issues which they wish to consider in line with the agreed approach to developing scrutiny work programmes, for example through reviewing the Council's priorities, Cabinet's forward work programme of items for consideration or through their overview of service issues and performance, or through calling in particular executive decisions.
- 10.2 Any member of the Overview and Scrutiny Management Committee or panels (including the statutory education representatives) shall be entitled to give notice to the Scrutiny Office that s/he wishes an item relevant to its functions to be included on the agenda for the next available meeting. On receipt of such a request the Governance ~~Scrutiny~~ Office will ensure that it is included on the next available agenda. The Committee / Panel shall then determine whether it wishes to pursue the item suggested by the member and, if appropriate, whether it should be referred to the Overview & Scrutiny Management Committee.

- 10.3 The council is keen to encourage members of the public, community and voluntary groups, other agencies, all Councillors, and officers of the council to suggest issues to be considered by Overview and Scrutiny. All such referrals will usually be considered by the Management Committee who will determine the appropriate action to take.
- 10.4 The Management Committee and Panels shall also respond, as soon as their work programme permits, to requests from the council and if it considers it appropriate, the Cabinet / Cabinet Committee, to review particular areas of Council activity.
- 10.5 District Area Committees shall have the right to draw matters to the attention of the Management Committee and panels.

11. Policy review and development

- 11.1 The Management Committee and Standing Panels have a function to scrutinise policy outcomes and advise on policy development within their remit. They are key mechanisms for enabling Councillors to represent the views of their constituents and other organisations to the Cabinet, partnership body structures and Council and hence to ensure that these views are taken into account in policy development.
- 11.2 The Cabinet is responsible for the development and implementation of policy, in which role it shall consult and involve Overview and Scrutiny in developing draft policies for adoption or, where required as part of the budget and policy framework, recommendation to Council.
- 11.3 The minimum role of Overview and Scrutiny in relation to the development of the council's budget and policy framework is set out in Rule 2 of the Budget and Policy Framework Procedure Rules and in Rule 11.2 above.
- 11.4 In relation to the development of the council's approach to other matters not forming part of its Policy and Budget Framework, Overview and Scrutiny may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 11.5 If there are concerns about the implementation or subsequent outcomes of an agreed policy the Overview and Scrutiny Management Committee may commission standing panels or appoint Ad-Hoc Panels to hold enquiries and investigate the available options to recommend changes / improvements to the policy to make it more effective.

12. Reports from Overview and Scrutiny Management Committee

- 12.1 Once an Ad Hoc Panel (or in some instances a Standing Panel) has formed recommendations on proposals for development, a report will be prepared for informal consultation with the Overview and Scrutiny Management Committee.
- 12.2 Once the Overview and Scrutiny Management Committee's comments have been taken into account, the draft report shall be submitted by the Overview and Scrutiny Office, to be considered informally by the relevant officers / Cabinet Member / Cabinet / Cabinet Committee / or partnership body.
- 12.3 The Cabinet member (portfolio holder) / Cabinet / Cabinet Committee / partnership body / officers shall comment on any issues or factual inaccuracy within the report. Scrutiny shall consider the comments and make changes to the report as it considers appropriate. The Cabinet portfolio holder, in consultation with the relevant

Director / Asst Director(s) shall prepare a draft response to the scrutiny recommendations in the form of an action plan. For each recommendation that is accepted they shall state when and how it will be implemented. For those that are not accepted the relevant reasons must be set out.

The draft response to the recommendations, set out in the form of an action plan, should be completed within three weeks of receipt of the Scrutiny report. During that time the portfolio holder, senior officers and the councillor who chaired the scrutiny investigation, may meet to discuss or clarify any aspects of the report.

- 12.4 The report, together with the portfolio holder's draft response will be submitted to Cabinet for debate and approval of the action plan response to the recommendations. Once the response to the report is approved the report is considered final and may be submitted to Council and / or any appropriate Committee or partnership body for information or debate, particularly on issues of difference.
- 12.5 The reports of Overview and Scrutiny referred to Cabinet shall be given consideration as soon as practicable following the receipt of the draft portfolio response. If the Cabinet does not consider the report and reach a final agreement on the response to the recommendations within one month, the Overview and Scrutiny Management Committee will have the right to refer the report direct to Council without following the procedure set out above.
- 12.6 If any recommendations would require a departure from or a change to the Budget and Policy Framework these must be considered by Council
- 12.6 If a significant minority of a Scrutiny Management Committee / Panel cannot agree on the final recommendations of the report to the Cabinet / Cabinet Committee / Council as appropriate, then the report will indicate where the major differences lie. Minority reports will not be accepted.
- 12.7 The Cabinet / Cabinet Committee and where appropriate Council shall consider any report of Overview and Scrutiny as soon as practicable following its submission.

13. Rights of Overview and Scrutiny Management Committee & Panel members to documents

- 13.1 In addition to their rights as councillors, members of Overview and Scrutiny Management Committee / Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 13.2 Nothing in this section prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Management Committee and Panels as appropriate depending on the particular matter under consideration. Indeed this liaison is encouraged to enable members of scrutiny panels to develop an effective overview of services, developments, and issues for consideration.
- 13.3 All members of the council will have access in accordance with the Access to Information Procedure Rules to agendas, reports in support of decisions to be made and notices of decisions (to be posted within 3 working days) through the intranet.
- 13.4 Overview and Scrutiny Members will also be informed of decisions made by officers under the scheme of delegation.

14. Members and officers giving account

14.1 Overview and Scrutiny Management Committee or any panel may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service, senior officers, or other officers if necessary to attend before it to explain in relation to matters within their remit:

- a) any particular decision or series of decisions;
- b) the extent to which the actions taken implement Council policy; and/or
- c) their performance.

14.2 By virtue of the provisions of the Local Government Act 2000, [and the Localism Act 2011](#) the Overview and Scrutiny Management Committee / Panels can require officers and Cabinet Members to respond to their requests and attend their meetings, and (by virtue of the Act) it is the duty of those persons to attend if so required.

Comment [C7]: Update on legislative references

14.3 Requests for attendance of officers or the provision of information to Overview and Scrutiny shall generally be channelled through the Council's Directors/Heads of Service who will identify appropriate officers to respond to the requests. Services shall also identify contact officers for each Overview and Scrutiny Management Committee/Panel.

14.4 Such requests will be made in writing by or on behalf of the Chair of the relevant Management Committee / panel and as much notice of the meeting as practicable will be given allowing for the need to gather information and/or prepare a report.

14.5 Where, in exceptional circumstances, a Cabinet Member or officer is unable to attend on the required date, then the Chair of the relevant Overview and Scrutiny Management Committee / panel shall, in consultation with the Member or officer, arrange an alternative date for attendance to take place as soon as practicable from the date of the original request.

Where a Cabinet Member in response to a request from the Overview and Scrutiny Management Committee / panels refuses to attend or fails to confirm that they will be that they will be present, the Leader will attend to explain the reasons for the Cabinet Member's absence.

15. Attendance by others

15.1 Once an issue has been agreed for consideration terms of reference shall be agreed which identify the aims and objectives of the review, the lines of enquiry to be pursued, how the review will be carried out, and who shall be invited to participate in the consideration of the issue.

15.2 The Overview and Scrutiny Management Committee/panels shall be expected to seek to consult widely on the issues which they are considering and this would include inviting people other than those people referred to in section 14 above to discuss issues of concern and/or answer questions. This could include [District Area Committees](#) and Parish / Town Councils where appropriate, other public, private and voluntary / community organisations with an interest in the issue, residents and service users and may involve inviting experienced / knowledgeable individuals to

attend meetings. On occasions the Overview and Scrutiny Management Committee / panels may seek the views of members of the public through a variety of consultation methods.

15.3 External experts and other persons identified as possible contributors shall be invited to attend meetings to give evidence and advice, but the Overview and Scrutiny Management Committee / panels cannot require them to do so and therefore their participation will be on a voluntary basis.

16. Decision-Making and Call-in

16.1 A key function of overview and scrutiny is to hold the Cabinet to account for the discharge of its functions. Two of the principal elements of this are:

- Scrutinising decisions which are proposed to be taken by or on behalf of the Executive, and
- Scrutinising executive decisions before they are implemented (a so-called 'call-in' mechanism)

16.2 One of the basic principles that has been important to the development of scrutiny in Kirklees is that the council is one body and it is in the interests of all councillors and the public that the council makes the right decision first time. This implies a constructive role for Overview and Scrutiny, as it would be perverse to wait until the point of decision-making (or after) to raise concerns.

16.3 The roles of the Overview and Scrutiny Panels and their Chairs make it clear that they should be working with the Cabinet Member, and the Heads of Service that report to her/him, to build up an understanding of the work programme in that portfolio, the issues that are around, and the decisions that are on the horizon.

16.4 This will mean that the Overview and Scrutiny Panel Chair and the Panel will be aware at an early stage of the issues that the Cabinet / Cabinet Committee will be addressing. They must use this knowledge to identify at an early stage to the Cabinet Member the issues that they are concerned about, particularly if the work is focussed on a particular option and likely decision. Grounds for concern could include that all the options are not being explored adequately, or the proposed action is not in the best interests of the public, or there may not be adequate public consultation, or that independent professional advice is needed.

16.5 Through early involvement it should be possible to take on board the concerns of scrutiny and ensure that the right decision is taken first time. However, there may be times when differences will not be resolved, or when an item surfaces at short notice on an agenda. In these circumstances Overview and Scrutiny and non-executive councillors should follow the procedure set out below. This procedure gives Overview and Scrutiny the opportunity before a decision is taken to issue a formal 'notice of concern' which will be recorded, and after a decision is taken, but before it is implemented, to 'call-in' a decision.

16.6 It is fundamental to remember that:

- the Cabinet Member is responsible for the work programme within her / his portfolio and to determine, in consultation with the Leader of the council, the items that will be on the Cabinet / Cabinet Committee agenda, and

- the Cabinet / Cabinet Committee has the responsibility to make decisions within its remit, and to oversee and be accountable for the taking of decisions on its behalf by officers, joint committees or area committees.

16.7 The procedure set out in this section is designed to give Overview and Scrutiny a proper role in having an overview of decision-making.

17. Notice of Concern - Procedure

17.1 The Overview and Scrutiny Panel Chair will receive the Forward Plan, information about other decisions to be taken, papers in support of a decision to be considered by the Cabinet Member / Cabinet / Cabinet Committee, including the reports containing the Cabinet Member's recommendation or details of a delegated Executive decision to be made by an officer.

17.2 If the Overview and Scrutiny Panel Chair or Chair of Overview and Scrutiny at this stage feels that scrutiny's concerns have not been adequately addressed or it is an item brought forward late at short notice, and the Scrutiny Panel Chair or Chair of Overview and Scrutiny is unhappy with the Cabinet Member or officer's recommendation, the Scrutiny Panel Chair or Chair of Scrutiny should issue a 'notice of concern'. This must be sent in writing to the Assistant Director Legal, Governance and Monitoring, the main recipient and also for information to the Cabinet Member and, if appropriate, the Chair of Overview and Scrutiny within 3 working days starting the day after the Cabinet / Cabinet Committee agenda is published and finishing at 5.30 p.m. on the third day.

17.3 If possible, all efforts should be made by a Lead Member to consult with panel members before issuing a 'notice of concern'. If not possible, there must at least be consultation with the Chair of the Overview and Scrutiny Management Committee.

17.4 All Councillors who are not in the Cabinet can contribute to Overview and Scrutiny and can request Overview and Scrutiny to issue a 'notice of concern'.

17.5 The notice must set out the grounds that cause the concern.

17.6 The notice will have more strength if it also indicates a proposed course of action and the further considerations that should be taken into account.

17.7 The Cabinet Member in consultation with the relevant member of Director Group and the Leader of the Council will have full discretion on how to proceed. The item could be deferred for further consideration or continue on the agenda.

17.8 If the concerns set out in the notice of concern are adequately addressed prior to the meeting, the Overview and Scrutiny Panel Chair / Chair of Overview and Scrutiny may withdraw the notice of concern.

17.9 If the item is kept on the agenda for the Cabinet Member / Cabinet / Cabinet Committee, the 'notice of concern' will be indicated on the agenda. At the meeting, when that item is taken, the Assistant Director Legal, Governance and Monitoring will formally announce that Overview and Scrutiny had placed a 'notice of concern' on that item and the reasons given. The meeting will consider the item in the light of that knowledge.

17.10 Under the delegated authority of the Cabinet / Cabinet Committee the decision that is made at the meeting will be the final recorded decision, subject to the call-in procedures below. The minutes though will record the 'notice of concern'.

17.11 However, if the Cabinet / Cabinet Committee at its meeting had agreed an amendment to the Chair's recommendation, the Scrutiny Panel Chair / Chair of Overview and Scrutiny in consultation with panel members may, after the meeting and within 5 working days, withdraw the 'notice of concern', if it is felt that the concerns have been adequately addressed. A note will be added to the minutes to this effect.

17.12 If the decision is a delegated executive decision to be made by an officer on a specified date, then consideration must be given to the issues raised in the notice of concern prior to the decision being made. The consideration procedure set out in 17.9 and 17.10 should also be applied to the delegated executive decision. The delegated executive decision is also subject to the call-in procedures.

18. Call-in - procedure

18.1 The decision summary of Cabinet / Cabinet Committee and any other executive decision will be published within 2 working days of the decision and sent to the members of the appropriate Overview and Scrutiny Panel – e.g. this will be the Friday following a Cabinet Meeting on Wednesday.

18.2 There will be a standard period of 5 full working days (commencing the next working day following the day the decision is taken and ending at 5.30 p.m. on the fifth working day) before decisions can be implemented (e.g. call in period will end at 5.30 p.m. on Tuesday following a Cabinet / Cabinet Committee meeting the previous Tuesday). A decision can be called-in only during this period.

18.3 To call in an executive or a delegated executive decision, written notice must be given to the Assistant Director Legal, Governance and Monitoring as the main recipient, with a copy for information to the Chief Executive and the Chair of the Overview and Scrutiny Management Committee. An electronic pro-forma and guidance information will be made available from the Scrutiny Office to make this easier.

18.4 A decision can be called in by:

- either, 5 non executive Councillors
- or 2 members of the Overview and Scrutiny Management Committee, one of whom should be the Chair
- or 2 Members of the relevant Overview and Scrutiny Panel, one of whom should be the Chair

All efforts should be made to consult with the Chair of the Overview and Scrutiny Management Committee.

18.5 To be valid a call in must be submitted in writing (on paper or electronically) on the proforma provided signed by all parties to the call in and must state the reasons for the suspension of the decision and request for a review.

18.6 When a valid written notice is received within the period referred to above, all action to implement the decision must be suspended for 2 weeks from the end of the call in period, during which time the appropriate Overview and Scrutiny Panel must meet. If the issue that has been called-in falls between or overlaps with the responsibility of more than one panel, the Assistant Director Legal, Governance and Monitoring will take the advice of the Overview and Scrutiny Management Committee, which will determine which Panel to refer the matter to or indeed

whether it should be considered by the Overview and Scrutiny Management Committee.

18.7 When a valid written notice is received the Assistant Director Legal, Governance and Monitoring will notify all Cabinet Members and the Leader of the council. A meeting of the appropriate Overview and Scrutiny Panel will take place within two weeks of the call in, giving notice required by Rule 4 of the Access to Information Procedure Rules. If the decision has been called-in by 5 non-executive Members they must attend, if possible, the Overview and Scrutiny Panel Meeting. At least one signatory to the call in notice is required to be present during the call in hearing. The Assistant Director Legal, Governance and Monitoring will also notify all Members that this decision has been called-in.

Comment [C8]: To strengthen the requirement for at least one signatory to the call in to be present during the call in hearing. The signatory may change during the meeting

18.8 The Assistant Director of Legal, Governance and Monitoring, and in his/her absence the Director for Resources, shall have discretion to extend the period during which the appropriate Overview and Scrutiny Panel must meet, where in his/her opinion, exceptional circumstances so require.

18.9 Once signed and submitted to the Assistant Director of Legal, Governance and Monitoring, a Notice of Call In cannot be withdrawn unless all five signatories to the call in submit, in writing, their agreement to withdraw the call in.

18.10 When the Overview and Scrutiny Panel meets it will have access to all papers considered by the decision maker . The Panel can invite witnesses appropriate to the grounds of the call in to assist them in their review of the decision. Decisions as to the individuals to be invited shall be made in consultation with the Assistant Director of Legal, Governance and Monitoring, or in his/her absence the Director for Resources.

18.11 In the case of delegated executive decisions, made by an officer, the Leader / Cabinet Member is accountable for the decision (see section 16.6). However the officer who made the decision should also be present at the call in hearing wherever possible.

18.12 Having considered the decision in question, the Overview and Scrutiny Panel must resolve either to

- Free the decision for implementation; or,
- Refer it back to the Cabinet / Cabinet Committee or decision-maker with a recommendation for amendment; or,
- In exceptional circumstances, refer the issue to the next Council Meeting if the decision is not consistent with the budget or any policy previously agreed by the council. This can only be done with advice from the relevant senior officers and the Assistant Director Legal, Governance and Monitoring.

If the Overview and Scrutiny Panel refers the decision back to Cabinet / Cabinet Committee with a recommendation, it will be considered at the next meeting of the Cabinet / Cabinet Committee. The Cabinet/Cabinet Committee may:

- Accept the recommendation in full or in part of the Overview and Scrutiny panel and amend its decision accordingly;
- Decide that further work needs to be done and defer the item until this is completed. The Overview and Scrutiny Panel/non-executive members should

be kept informed of the work as it progresses and be formally notified of when it is to be reconsidered;

- Not accept the view of the overview and scrutiny panel and confirm its original decision;
- Refer the issue for discussion at the next appropriate Council meeting.

18.13 If the Cabinet / Cabinet Committee rejects the recommendation from the Overview and Scrutiny Panel and confirms its decision it can be implemented immediately as there is no scope for further review and challenge. Whilst unable to challenge the final decision, the outcome of called-in decisions will be reported to the next Council meeting and Scrutiny can use its time to explain its views to Council.

18.14 A decision may only be reviewed once.

18.15 Urgent decisions that require quick implementation - The right to suspend and review an executive decision cannot be exercised where the Cabinet / Cabinet Committee or the decision-maker, with the agreement of the Chair of the Overview and Scrutiny Management Committee or his/her nominee, resolves that the decision is urgent for reasons stated in the resolution.

18.16 Once decisions have been taken and recorded, and are being implemented Overview and Scrutiny has the subsequent right to programme reviews on any matters decided by the Executive.

18.17 The Chair of the Overview and Scrutiny Management Committee will be responsible in consultation with the Leader and the Chief Executive for monitoring the use of call-in and reviewing the procedure to ensure that it does not unduly defer or disrupt proper decision-making processes but rather plays its proper role in overseeing and holding to account the Cabinet/Cabinet Committee in a constructive and supportive way.

18.18 Delegated executive decisions taken by officers – If an executive decision is to be taken by an officer under the scheme of delegation, all councillors and Overview and Scrutiny will have the same rights to information and to use the procedures set out above for the call-in of decisions.

19. Call-in of decisions outside the budget or policy framework.

19.1 Where the stated reason for a request for call-in made under Rule 19 is that the decision is contrary to the budget or policy framework, the procedure in Rule 19 will apply, but with the following amendments.

19.2 Before considering a request, the Overview and Scrutiny Panel must seek the advice of the Monitoring Officer and/or the Director of Resources and any other relevant officer. If that advice is that the decision is not outside the framework, the Panel may either:-

- Accept that advice and free the decision for implementation; or
- Decide to follow the procedure set out in Rule 19.3.

19.3 If the advice is that the decision is or may be outside the budget or policy framework, the Overview & Scrutiny Panel must resolve either:-

- To refer the decision to the Cabinet / Cabinet Committee, with a recommendation for amendment to comply with the budget and policy framework; or
- Refer the issue to the next Council meeting.

19.4 If the Panel refers the decision back to the Cabinet / Cabinet Committee, it will be considered at the next meeting of the Cabinet / Cabinet Committee. The Cabinet / Cabinet Committee may take any of the actions set out in Rule 18 other than to confirm its original decision.

19.5 If the decision is referred to the Council, it will be considered at the next ordinary Council meeting, or, if urgent, at an additional meeting to be called as early as practicable. The council will receive reports from the Overview & Scrutiny Panel and the Cabinet / Cabinet Committee. The council may either:-

- Decide that the decision is within the existing budget and policy framework, in which case it will be freed for implementation;
- Decide that the decision is contrary to the budget and policy framework, but agree to the decision, with immediate effect; or;
- Decide that the decision is contrary to the budget and policy framework; that the council is not prepared to agree to the decision; and require the Cabinet / Cabinet Committee to re-consider the matter in accordance with the advice of the Monitoring Officer and/or Chief Finance Officer.

20. The Group Business Manager

20.1 The Council views whipping as incompatible with overview and scrutiny. Therefore, the political groups shall not give any instruction to any councillor as to how that councillor shall speak or vote on any matter before overview and scrutiny, nor apply any sanction in respect of that councillor should he/she speak or vote in any particular manner.

21. Procedure at overview and scrutiny meetings

21.1 The Overview and Scrutiny Management Committee and its Panels are encouraged to develop less formal approaches to meetings that support the reflection required by the Overview and Scrutiny role. In doing so the Management Committee and Standing Panels will ensure the inclusion of some basic items, such as minutes of the last meeting; declarations of interest; consideration of any decisions that have been called in; issues from the Cabinet's forward plan and/or of service delivery; responses of the Cabinet to reports of the Overview and Scrutiny Management Committee; and the business otherwise set out on the agenda for the meeting.

21.2 Where Ad-Hoc Panels or Councillor Call for Action Panels conduct investigations, they or the Overview and Scrutiny Management Committee may also ask people to attend to give evidence at panel meetings which are to be conducted in accordance with the following principles:

- i) that the investigation be conducted fairly and all members of the panel be given the opportunity to ask questions of attendees, and to contribute and speak;

- ii) that those assisting the panel by giving evidence be treated with respect and courtesy; and
- iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

21.3 Following any investigation or review, the Panel in consultation with the Overview and Scrutiny Management Committee shall prepare a report for submission to the Cabinet / Cabinet Committee and/or Council as appropriate and shall make its report and findings public.

22. Matters within the remit of more than one overview and scrutiny panel

22.1 Where a matter for consideration by overview and scrutiny falls within the remit of one or more overview and scrutiny panels, the decision as to the best approach to take will be resolved by the Overview and Scrutiny Management Committee.

22.2 Once decided, it may be appropriate to draw on the knowledge and expertise of all panels affected by the issue and to report the outcomes to all such panels.

Name of meeting: Corporate Governance & Audit Committee (CGA) and Council

Date: 15 May 2015 and 20 May 2015 (CGA and Council respectively)

Title of report: Proposed Changes to the Council's Constitution Report 2

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Is it in the Council's Forward Plan ?	Not Applicable
Is it eligible for "call in" by Scrutiny ?	Not Applicable
Date signed off by <u>Director</u> & name	
Is it signed off by the Director of Resources?	No Financial Implications
Is it signed off by the Assistant Director – Legal, Governance & Monitoring	Yes
Cabinet member portfolio	Resources

Electoral [wards](#) affected: All
Ward councillors consulted:

Public or private: Public

1. Purpose of report

- 1.1 To set out the proposed changes to the Council's Constitution as described in paragraph 2 and as set out in more detail in the attached Appendices 1 and 3 which show some of the proposed amendments. .
- 1.2 In the case of Corporate Governance & Audit Committee (CGA) to seek Members approval and/or comments and/or recommendations in relation to these proposed changes to make to Annual Council on 20 May 2015 and in the case of Annual Council to consider a verbal update/written report with any comments from CGA and to approve and/or make recommendations in relation to the proposed changes.
- 1.3 To delegate authority to the Assistant Director -Legal, Governance and Monitoring to make appropriate amendments to the constitution

which are agreed by Council as well as any consequential amendments to the constitution to reflect the changes agreed.

- 1.4 To delegate general authority to the Assistant Director – Legal, Governance and Monitoring to make minor drafting / tidying up amendments to the Constitution.
- 1.5 It should be noted that on this occasion this report is the same for both CGA and Council because there is insufficient time for a report from CGA with their comments to be produced before the relevant time that the agenda for Annual Council will need to be published. Instead, a verbal update and/ or a short written note with any CGA comments/ observations will be provided for the Annual Council meeting.

2. Key points

- 2.1 This report considers changes to:
 - 2.1.1 Article 4 (Part 2 of the Constitution) relating to Policy Framework
 - 2.1.2 The terms of reference of the Health and Wellbeing Board
 - 2.1.3 To Article 12 (Part 2) and the scheme of delegation to Directors in section F of Part 3 of the Constitution to reflect the changes to needed to the Proper Officers and delegations to Directors and Assistant Directors since the change to Directors/ Assistant Directors in Adults, Social services and Public Health as well as small changes to titles/ responsibilities of the assistant Directors in the Place directorate: **AND**
 - 2.1.4 Asks members to note that a future report will be brought to CGA and Council with proposals for a Corporate Parenting Panel and requests that the Assistant Director – Legal Governance and Monitoring be given a general delegated authority to make drafting / tidying up amendments to the Constitution during the year as may be required from time to time

2.2 Article 4 of the Constitution - Policy Framework

The Policy Framework as set out in Article 4 of the Constitution was last reviewed at annual Council in May 2013. The Policy Framework consists of a number of statutory policies/ strategies which the Council is required to have and others included through the Council's own choice / discretion. A number of the policies /strategies have been reviewed recently as we are required to do (e.g. Licencing) or are reviewed annually (e.g. Corporate Plan). Others currently included have not been reviewed for a number of years e.g. the Waste Management strategy and require updating/ review. The Children and young people's plan incorporates the council's corporate parenting responsibilities which do fall to every member of council and it is included for that reason

The Policy Framework requires review in the light of the Council adopting both its Health and Wellbeing, and Economic strategies. It is proposed that these should form the backbone of the Policy Framework reserved for Council complemented only by additional statutory plans that support their implementation or are of District Wide significance. Appendix 1 contains suggested amendments to the Policy Framework as well as some general tidying up in track change for discussion. Two policies are shown in square brackets for discussion – Community Cohesion and Early Learning and Childcare.

The inclusion of the Economic Strategy is new to the Policy Framework. It feeds into and responds to the Strategic Economic plan adopted by the LEP and CA which Council should consider in considering where the money comes from for the Economic Strategy.

Members are asked to consider and agree the proposed amendments to the Policy Framework and to consider whether the two in square brackets referred to above should be included in the Policy Framework. It should be noted also that a number of the policies/ strategies need a review/refresh. The current Terms of Reference of the Policy Committee (attached as Appendix 2 to this report) enable revised policies to be considered in that forum and/ or the Policy Committee to establish Sub Committees to consider proposed new or revisions to policies /strategies should it so wish to.

2.3 Terms of Reference of the Health and Wellbeing Board

The Health and Wellbeing Board's (HWB) terms of reference were agreed by Council in March 2013 in time to meet the legal requirement for the Board to be a constituted Committee of Council by 1 April 2013. There is one addition proposed to the terms of reference, namely;

- To provide leadership and oversight of key strategic programmes, such as the Better Care Fund, and associated pooled fund arrangements.

This reflects national requirements regarding the oversight role of the HWB in relation to the Better Care Fund.

Appendix 3 to this report shows the proposed amendment in red underline.

2.4 Proper Officer and Delegations changes

Article 12 of the Councils Constitution amongst other things sets out the roles in general terms of Chief Officers, designates Statutory officers and also contains a Schedule of Proper Officer appointments. These are where a Proper Officer is required under legislation to carry out certain actions -for example agree to something or accept service of a document. In light of the recent changes to Director and Assistant Director roles in Adults, social care and Public health as well as some small changes in the responsibilities of the Assistant Directors in the Place Directorate, Article 12 needs updating to reflect these changes.

Similarly the delegations to Chief Officers in Section F of Part 3 (Responsibility for Functions) of the Constitution also needs updating to reflect these changes.

2.5 Other Matters

Members are asked to note that there will be a report brought to CGA and Council in the coming months which relate to the formation of a Corporate Parenting Board. It is considered that such a Board could assist in ensuring (alongside the role of Scrutiny) that Corporate Parenting is given both vigorous challenge alongside effective, coordinated leadership across the council. It would also help to formalize governance arrangements for the Virtual School which is currently working to an interim model with Learning Senior Leadership Team filling this role in the short term.

There are a number of drafting and tidying up amendments which are still required to the Constitution and which crop up during the year – e.g. cross references, formatting, minor changes which do not change content but which are helpful to make better sense of the Constitution. A good example of this is the amendments to Proper Officer drafting to reflect the new senior officer appointments/ changes set out in paragraph 2.4 above. A general delegated authority is requested to the Assistant Director- Legal Governance and Monitoring to make such drafting and tidying up amendments to the Constitution.

3. Implications for the Council

It is essential that the Council's Constitution is regularly reviewed and updated to ensure that it remains fit for purpose and to enable Council meetings to be conducted in a fair, business like and effective manner. It is also essential that the Constitution complies with current legislation. Failure to do so could lead to legal challenges, unnecessary procedural delays and less transparency in the Council's democratic practices.

4. Consultees and their opinions

Chief Executive and various officers in Legal, Governance & Monitoring Service and Resources have been consulted as well as the Policy Unit.

5. Next steps

This will be considered by Annual Council on 20 May 2015. Any feedback and comments or recommendations from CGA meeting will be included in that report.

Any amendments agreed by Council will be made to the Constitution.

6. Officer recommendations and reasons

That CGA:

6.1 Consider the proposed changes set out in paragraphs 2.2 -2.5 and Appendices1 and 3 and make any comments/observations before the **Page 54**

changes are considered by Council and note that a further report will follow relating to the establishment of Corporate parenting Panel

That Council:

- 6.2 consider the proposed changes set out in paragraphs 2.2- 2.4 and Appendices 1 and 3 as well as any comments from CGA and agree to the proposed amendments
- 6.3 delegate authority to the Assistant Director -Legal, Governance and Monitoring to make appropriate amendments to the constitution which are agreed by Council as well as any consequential amendments to the constitution to reflect the changes agreed.
- 6.4 note that a further report will follow relating to the establishment of Corporate parenting Panel
- 6.5 delegate general authority to the Assistant Director – Legal, Governance and Monitoring to make drafting / tidying up amendments to the Constitution as described in paragraph 2.5

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer and relevant papers

Julie Muscroft, Assistant Director, Legal, Governance & Monitoring.

9. Assistant director responsible

Julie Muscroft, Assistant Director, Legal, Governance & Monitoring, 3rd Floor North, Civic Centre I. Telephone: 01484 221000. Email: julie.muscroft@kirklees.gov.uk

Appendix 1

Proposed amendments to Article 4 of Part 2 of Kirklees Constitution to consider at Corporate Governance and Audit Committee on 15th May 2015 and Annual Council Meeting on 20th May 2105

ARTICLE 4 - THE FULL COUNCIL

4.1 Meanings:

- a. **Policy Framework** – The policy framework means the following plans and strategies:

Children and Young People's Plan
Community Safety Partnership Plan
Sustainable Community Strategy
West Yorkshire Local Transport Plan 3
Plans and strategies which together comprise the Development Plan
Youth Justice Plan 2011/12
The Council's Corporate Plan
~~Equality and Diversity Strategy~~
~~Statement of Licensing Policy under the Licensing Act 2003~~
~~Three year Licensing Policy under the Gambling Act 2005~~

Customer Service Strategy
~~Environment Vision 2025~~
Municipal Waste Management Strategy
~~Integrated Investment Strategy~~
~~Statement of Licensing Policy under the Licensing Act 2003~~
~~Three year Licensing Policy under the Gambling Act 2005~~
~~Equality and Diversity Strategy~~
Joint Health and Wellbeing Strategy
~~Making it Personal – Commissioning Strategy for Adults~~
~~Commissioning Plans for Adult Social Care~~
[Community Cohesion Strategy]
Commissioning Housing Strategy
~~Carbon Reduction Strategy~~
[Early Learning and Childcare 2011-2014]
~~Economic Strategy~~

- b. **Budget** – The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the council's borrowing requirement. It also includes the council's capital plan, the control of its capital expenditure and investments, and the setting of virement limits.
- c. **Housing Land Transfer** – Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 50 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of

land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Council

Only the ~~council~~Council will exercise the following functions:-

- a. Adopting and changing those parts of the constitution that relate to non-executive functions.
- b. Approving or adopting the ~~policy~~Policy Framework, the ~~budget~~Budget (including the capital plan) and any application to the Secretary of State in respect of any housing land transfer.
- c. Subject to the urgency procedure contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the ~~policy~~Policy framework-Framework or contrary to or not wholly in accordance with the ~~budget~~Budget.
- d. Appointing the Leader.
- e. Agreeing or amending the terms of reference for committees, deciding on their composition and making appointments to them.
- f. Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council.
- g. Adopting an allowances scheme under Article 2.5.
- h. Changing the name of the area, conferring the title of honorary alderman or the freedom of the borough.
- i. Confirming the appointment of the Head of Paid Service.
- j. Making, amending, revoking, re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or personal bills.
- k. All local choice functions set out in Part 3 of this ~~constitution~~Constitution which the ~~council~~Council decides should be undertaken by itself rather than the Executive and which it has not delegated to a committee.
- l. Receive reports and recommendations from the Overview and Scrutiny Management Committee and scrutiny panels and commissions in connection with the discharge of functions.
- m. Resolution under s.166 of the Gambling Act 2005 not to issue casino premises licences.
- n. All other matters which, by law, must be reserved to the ~~council~~Council.

4.3 Council Meetings

There are three types of ~~council~~Council meeting:

The ~~annual~~Annual meeting

Ordinary meetings

Extraordinary (additional) meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

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4.4 Responsibility for Functions

The council will maintain the delegation arrangements in Part 3 of this Constitution setting out the responsibilities for the council's functions which are not the responsibility of the Cabinet.

Appendix 2

Policy Committee

Membership

Policy Committee will comprise 11 members on a ratio of 5:3:2:1.

Areas of Business

Policy Committee activity will/can focus on the following areas:

- Development of new policy or reviewing existing policy having regard to the Policy Framework set out in Article 4 of the Constitution
- Executive business outside the Council's Policy Framework commissioned by Cabinet
- Policy overview/review work as referred by Council or Overview and Scrutiny, not covered by the above arrangements

Meeting and Reporting Arrangements

Policy Committees will be time-limited and recommendations will be reported to Council. Thereafter Council will require the Cabinet, where appropriate, to develop an action plan for implementation. Where the matter of policy is referred by Cabinet the outcomes of Policy Committee work will be reported to Cabinet.

Overview and Scrutiny

Consultation will take place with the Chair of Overview and Scrutiny in respect of the areas of proposed activity in order to avoid duplication across work programmes. Policy Committees and Overview and Scrutiny should not consider the same issue in the same Municipal Year/within 12 months.

APPENDIX 3

Health and Wellbeing Board

Membership

Membership of the Board includes Councillors, NHS Clinical Commissioning Group representatives, Healthwatch and Council Directors.

Voting members

- Three Members of Kirklees Council's cabinet, one of whom may be the Leader
- One Senior Councillor from the main opposition group
- One Councillor from a political group other than the administration and main opposition group
- Director for Children and Young People
- Director for Public Health
- Director for Commissioning, Public Health and Adult Social Care
- One representative of local Kirklees Healthwatch
- Three representatives of North Kirklees Clinical Commissioning Group
- Three representatives of Greater Huddersfield Clinical Commissioning Group

Non voting members

- Chief Executive Kirklees Council
- Member of NHS England (Statutory requirement: to participate in the board's preparation of JSNA / JHWS and if requested to participate in exercise of the commissioning functions of the Board in relation to the Kirklees HWB Area)

Invited observers

Chief Executive or nominated representative of significant health partners:

- Mid Yorkshire Hospitals Trust
- Calderdale and Huddersfield Foundation Trust
- South West Yorkshire Partnership Foundation Trust
- Current community health provider

Terms of Reference

The Health and Wellbeing Board is a statutory Committee of the Council. The Board brings together the NHS and the Council to provide leadership in ensuring a strategic approach to providing integrated health and the local government services.

Purpose and Functions of the Board

- To be responsible for the health and wellbeing of the people of Kirklees, using collective resources to reduce health inequalities and address variances in the quality of health and social care.
- To provide the structure for overseeing local planning and accountabilities for health and wellbeing related services and interventions
- To bring together key NHS, public health and social care leaders across the Kirklees area
- To develop the Joint Strategic Needs Assessment for Kirklees (JSNA) to meet the legal responsibilities of Kirklees Council and the Clinical Commissioning Groups.
- To develop and own the Joint Health and Wellbeing Strategy for Kirklees, based on the JSNA and other local intelligence to provide the overarching framework for joint commissioning plans, including consideration of the pooling of budgets
- To publish and maintain a statement of needs for pharmaceutical services across the Kirklees area.
- To promote an ethos of integration and partnership in the planning, commissioning and delivery of services to improve the wellbeing of the whole population of Kirklees.
- To consider how best to ensure more collaborative working to reduce duplication and improve productivity within health and social care services, with appropriate reinvestment within this economy.
- To provide leadership and oversight of key strategic programmes, such as the Better Care Fund, and associated pooled fund arrangements.
- Have the flexibility to go beyond its minimum statutory duties to promote joining-up of a much broader range of local services (i.e. further integration of health with more services around the wider determinants of health and wellbeing).

- To involve and engage service users, patients and the wider public in order to influence and inform the broader work of the Board.
- To ensure that the Council's statutory duties in relation to health protection arrangements and plans are delivered through the work of its sub committee, the Kirklees Health Protection Board.

Voting Rights

All statutory members of the Health and Wellbeing Board have voting rights.

In accordance with The Local Authority (Public Health, Health and Wellbeing boards and Health Scrutiny) Regulations 2013, if the Council's wishes to alter the voting rights, the board must first be consulted on any proposed amendments.

Substitute Members

Voting Board Members can send a substitute to represent them should they be unable to attend and if appropriate cast their vote.

Quorum

The quorum for the board will be attendance by 50% of the accountable bodies and 50% of the membership.

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Name of meeting: Council

Date: 20 May 2015

Title of report: Proposed Changes to the Council's Constitution

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Is it in the Council's Forward Plan ?	Not Applicable
Is it eligible for "call in" by Scrutiny ?	Not Applicable
Date signed off by <u>Director</u> & name Is it signed off by the Director of Resources? Is it signed off by the Assistant Director – Legal, Governance & Monitoring	David Smith 29.4.2015 No Financial Implications Yes
Cabinet member portfolio	Resources

Electoral [wards](#) affected:

All Ward councillors consulted:

Public or private:

Public

1. Purpose of report

- 1.1 To set out the proposed changes to the Council's Constitution as described in the following paragraphs and as set out in more detail in the attached Appendix which shows the proposed amendments.
- 1.2 To seek Members approval and/or comments and/or recommendations in relation to these proposed changes.
- 1.3 To authorise the Assistant Director (Legal, Governance and Monitoring), to make alterations to the constitution, and any consequential drafting amendments, to reflect the approved changes.

2. Key points

2.1 This report considers changes to:

- 2.1.1 Council Procedure Rules (Part 4 of the Constitution).

- 2.1.2 Reflect new legislation relating to the procedures which would need to be adopted by the Council in the event that there were allegations of misconduct about statutory officers.

2.2 Council Procedure Rules

The majority of the proposed changes to Council Procedure Rules are drafting amendments for tidiness/consistency and to provide clarification in parts for example, there are a number of changes to tidy up the drafting in relation to the Cabinet (Holding Executive to Account) meeting. The changes to the Council Procedure Rules are set out in Appendix 1 of this report and the proposed amendments are shown in track change. Key changes are as follows:

- CPR 10(2) to request that 24 hours' notice is given for any deputation, not just those to be submitted to HEA Cabinet. This notice is also requested to be given in writing
- The addition of CPR 10(6) to replicate the wording, for consistency, provided at 11(8) in respect of oral questions
- The removal of CPR 11(10) as it is no longer applicable
- The amendment of CPR 12(12) to take account of webcasting facilities
- CPR 13(5)(i) to clarify the time permitted for comments/questions to Cabinet portfolio holders
- The addition of CPR 19(5)(i) to set out the precedent
- The addition of CPR 19(5)(iii) to clarify (for the avoidance of doubt) the voting procedure at meetings of Council to determine the budget
- CPR 38(9) updates the list of Committees/Panels upon which a member of Cabinet should not be appointed as Chair
- The amendment of CPR 42(5) to reflect the changes regarding the introduction of recorded voting at Planning Committees

2.3 Changes to the Constitution to Reflect New Legislation Relating to Dismissing Statutory Officers

Members are asked to note that the recent Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) require Local Authorities to amend their standing orders to incorporate the new arrangements for taking disciplinary action against the most senior Council staff. This modification must be made by the first Ordinary Council meeting held after 7 May 2015 Elections. This is the meeting after Annual Council. The new regulations replace the requirement for a Designated Independent Person (DIP) to investigate allegations of misconduct by senior Local Government officers in England by an Independent Panel (IP). A further report will be brought to this Committee with more details of changes at a later date.

3. Implications for the Council

It is essential that the Council's Constitution is regularly reviewed and updated to ensure that it remains fit for purpose and to enable Council meetings to be conducted in a fair, business like and effective manner. It is also essential that the Constitution complies with current legislation. Failure to do so could lead to legal challenges, unnecessary procedural delays and less transparency in the Council's democratic practices.

4. Consultees and their opinions

Various officers in Legal, Governance & Monitoring Service and Resources.

The report was submitted to the meeting of Corporate Governance and Audit Committee on 24 April 2015, where Members;

- (i) noted the proposals and requested that the wording of CPR 13(2)(ii) be changed to provide clarification that, the total time for this item, including presentations and questions should not exceed 60 minutes whereby Cabinet Members shall be entitled to a maximum time of 30 minutes to make Portfolio presentations to Council, and the remainder of the 60 minutes shall be allocated to comments/questions. The attached appendix has been amended to reflect this.
- (ii) noted the detail of the new legislation in regards to the dismissal of Statutory Officers, and that a further report would be submitted to a future meeting.
- (iii) endorsed the amendments relating to CPR 19 but requested that Leading Members given consideration to the format of the meeting of Budget Council.
- (iv) requested that, pursuant to CPR 10(2), consideration be given to the introduction of a facility to enable members of the public wishing to submit a deputation to register their intention via the online agenda.

5. Next steps

Subject to approval, to update the Constitution.

6. Officer recommendations and reasons

- (i) That the proposed changes to Council Procedure Rules, as set out in paragraph 2.2 and Appendix 1, be approved.
- (ii) 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.
- (iii) That the Assistant Director (Legal, Governance and Monitoring), be authorized to make alterations to the constitution, and any consequential drafting amendments, to reflect the approved changes.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer and relevant papers

Julie Muscroft, Assistant Director, Legal, Governance & Monitoring.

Appendix A.

9. Assistant director responsible

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COUNCIL PROCEDURE RULES
~~(Approved by Council on 4 June 2014)~~

Revised June 2014

(A) Meetings of the Council

1. Annual Meeting of the Council

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(1) Timing and Business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May. Within those limits the date, time and venue may be proposed by the Corporate Governance and Audit Committee and will be determined by the Council.

At the Annual Meeting the agenda will be as follows:

CIVIC AND PROCEDURAL

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- (a) choose a person to preside if the Mayor and Deputy Mayor are absent;
- (b) elect the Mayor;
- (c) appoint the Deputy Mayor;
- (d) approve as a correct record the Minutes of the previous meeting of the Council;
- (e) receive any announcements from the Mayor and the Chief Executive
- (f) following a local election (other than a by-election) receive the report of the Chief Executive upon:
 - a) The result of the elections of Councillors to the Wards of the Council
 - b) The acceptance of office of Councillors elected

ELECTION OF THE EXECUTIVE

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- (g) elect the Leader of the Council and determine his/her term of office (as necessary);

CONSTITUTIONAL BUSINESS

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- (h) appoint, in accordance with paragraph (2) of this Rule the Overview and Scrutiny Management Committee, the Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, of this Constitution);
- (i) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (j) approve a programme of ordinary meetings of the Council for the year;

- (k) consider any other business set out in the notice convening the meeting; and
- (l) no other business will be considered at the Annual Meeting other than in exceptional circumstances to be determined by the Mayor in consultation with the Chief Executive.

(2) **Selection of Councillors on Committees**

At the Annual Meeting, the Council will:

- (i) decide the size and terms of reference for those Committees to be established for the municipal year;
- (ii) decide, when relevant, the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (iii) receive nominations from Group Business Managers of Councillors to serve on each Committee;
- (iv) determine representation on outside bodies and where appropriate political ratios;
- (v) elect Chairs and appoint Deputy Chairs (where appropriate) of the Council's Committees for the ensuing municipal year. If the Council does not make these appointments, Committees may appoint their own Chair and Deputy Chair (where appropriate) subject to confirmation at the next meeting of the Council;
- (vi) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

| 2. **~~Time and Place of~~ Ordinary and Additional Meetings of Council, ~~and~~ Notice of and Summons to Meetings**

Dates of Council Meetings

- (1) All meetings of the Council, with the exception of:
 - any called as Extraordinary Meetings; or
 - changes made to meeting dates as proposed by the Corporate Governance and Audit Committee and agreed by Council during the municipal year,

shall be held on dates fixed by the Council at the Annual Meeting on the recommendation of the Corporate Governance and Audit Committee

Extraordinary Meetings

- (2) Those listed below may request the Assistant Director - Legal, Governance and Monitoring to call Council meetings in addition to ordinary meetings:
 - (a) the Council by resolution;

- (b) the Mayor, following consultation with the Chief Executive or following a written requisition signed by five Members of the Council;
- (c) the Chief Executive, the monitoring officer and section 151 officer; or
- (d) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;

And any petitions, deputations or questions considered at the HEA Cabinet meeting before such Extraordinary meeting will be limited to the issue being considered at such meeting

Venue and Start Time

- (3) All ordinary meetings of the Council will be held at 6.00 p.m. in the Town Hall, Huddersfield, or at such other times and places as may be agreed in respect of particular meetings by the Mayor and the Leader of the Council or on the recommendation of the Corporate Governance and Audit Committee.

Council Summons

- (4) The date, time and venue for each Council meeting will be shown in the summons for the meeting which will be issued by the Assistant Director - Legal, Governance and Monitoring at least 5 clear days before a meeting. The summons will specify the business to be transacted and will be accompanied by reports where appropriate.

Chair of Meeting

- (5) Any power or duty of the Mayor in relation to the conduct of a meeting shall be exercised by the Deputy Mayor or in their absence the person elected to preside at the meeting.

3. Budget Meeting

The Council may specify that one meeting will solely be the Council's budget meeting. At that meeting the only items will be to agree the budget, the capital programme and the level of Council tax for the following financial year, together with any issues connected with the budget and anything else which the Mayor in consultation with the Chief Executive considers appropriate for inclusion.

4. Quorum of Council

- (1) The quorum for a Council meeting shall be one quarter of the total number of the Members of the Council.
- (2) If there is not a quorum at a meeting, then consideration of any items of business not dealt with shall be adjourned to a date and time to be chosen by

the Mayor at the time when the meeting is adjourned or to the next meeting of the Council.

5. Order of Business

- (1) There shall be two types of ordinary meeting of the Council,
- one which focuses on **Holding the Executive to Account** and
 - one which focuses on **Key Discussions**.

The designation of each Council meeting shall be set (and published) at the start of the municipal year by the Chief Executive in consultation with the Group Leaders, but may be changed during the course of the year by the Chief Executive in consultation with the Group Leaders if it is considered necessary for the efficient operation of the Council, provided that no less than four ordinary meetings are designated as **Holding the Executive to Account**.

The content and running order of the business to be transacted at each ordinary meeting of Council may be altered in advance by the Chief Executive in consultation with the Mayor and Group Leaders if it is considered necessary or appropriate for the efficient operation of the Council.

The following items shall be included in all ordinary meetings of the Council in the order shown:

PROCEDURAL

- a) To choose a person to preside if the Mayor and Deputy Mayor are absent.
- b) Announcements by the Mayor or the Chief Executive.
- c) To receive apologies.
- d) To approve as a correct record and sign the Minutes of the previous meeting of the Council.
- e) To receive declarations of interest.

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DECISION MAKING

- f) To deal with any matters expressly referred by Cabinet or a Committee to Council for approval.
- (2) In addition to those items at (1) of this Rule, the following items shall be included in meetings designated as **Holding the Executive to Account** meetings (provided that there is sufficient such business at any one meeting), and such business shall follow on from that set out in (1) of this Rule as follows:

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CABINET AND COMMITTEES

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- g) To deal with written questions by Members to the following under Rule 12:
- Chairs of Committees, **Sub Committees and Panels**
 - Spokespersons of Joint Authorities and External Bodies (as defined at Rule 13)
- h) To hear reports from Cabinet members in accordance with Rule 13.
- i) To deal with questions to Cabinet members generally, or in relation to minutes of Cabinet put to Council for information or to hear statements from Cabinet members in accordance with Rule 13.

MEMBER MOTIONS

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- j) To consider motions issued under Rule 14, if any, in the order which they have been received by the Assistant Director – Legal, Governance and Monitoring.

GENERAL

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- k) Other matters for consideration by Council including reports back on Resolutions from previous Council meetings **and action regarding any deputations or petitions received by Council**
- l) To deal with any business expressly required by statute to be dealt with by the Council
- (3) In addition to those items at (1) of this Rule, the following items shall be included in meetings designated as **Key Discussion Meetings** (provided that there is sufficient such business at any one meeting) and such business shall follow on from that set out in (1) of this Rule as follows:

KEY ISSUES

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- m) To receive presentations and/or reports on key issues and debate the same in accordance with Rule 18 (23).

OVERVIEW & SCRUTINY

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- n) To receive reports from Overview & Scrutiny Management Committee and its panels and to hold a debate in accordance with Rule (18 (22))

MEMBER MOTIONS

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- o) To consider motions issued under Rule 14, if any, in the order which they have been received by the Assistant Director – Legal, Governance and Monitoring.

GENERAL

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- p) Other matters for consideration by Council including reports back on Resolutions from previous Council meetings ~~and action regarding any deputations or petitions received by Council.~~
 - q) To deal with any business expressly required by statute to be dealt with by the Council.
- (4) The order of items (f) to (h) or (i) (as appropriate) or (f) to (m) or (n) (as appropriate in the case of Key Discussion Meetings) may be changed or any of the items omitted at any one meeting:
- a) by the meeting by means of a motion passed without discussion;
 - b) by the Chief Executive in consultation with the Mayor.
- (5) Any discussion falling within (p_m) above shall begin no later than 7:00 pm irrespective of whether the business before it on the agenda has concluded, ~~that~~ such other business shall resume once the key discussion issue is complete.

6. Limitation of Business

The items of business for consideration at the Council meeting will be limited to those set out in the agenda for the meeting, with the exception of:-

- (a) items of business required by these Rules to be dealt with at the meeting or
- (b) items of urgent business for which the Mayor and Chief Executive shall have prior notice and which the Mayor in consultation with the Chief Executive considers appropriate for discussion at the meeting.

7. Minutes

Correct Record

- (1) The Mayor shall put the motion "that the Minutes of the previous meeting or meetings be approved and signed as a correct record."

Accuracy

- (2) No discussion shall take place on those Minutes except on their accuracy, and any questions on their accuracy shall be raised by motion. After any questions on the Minutes have been dealt with the Mayor shall sign the Minutes.

Submission to Council

- (3) The Minutes of each Council meeting (including Extraordinary Council meetings convened in accordance with paragraph 3 of Schedule 12 to the Local Government Act 1972) shall be presented to the next scheduled Council meeting for approval.

8. **Announcements by the Mayor, Leader of the Council, Cabinet Members and Chief Executive**

- (1) No discussion shall take place on any announcement made by the Mayor or Chief Executive.
- (2) Any Member may propose that the subject matter of any announcement be referred to Cabinet or an appropriate Committee, Sub-Committee, or Panel and such a motion, on being seconded, shall be put to the vote immediately.

9A. **Presentation of Petitions /Deputations and Questions to 'Holding the Executive to Account Cabinet' ~~on Council day~~ (HEA Cabinet)**

There shall be a meeting of Cabinet (Holding the Executive to Account) convened to take place for at least an hour immediately before each meeting of Council (other than the Annual ~~M~~meeting, ~~or the~~ Budget ~~M~~meeting or any Extraordinary Meetings) at which it will consider :

- (1) any petitions and deputations on which the Council has powers or duties or which affect the area of Kirklees in accordance with Rules 9 and 10;
- (2) any questions from the public in accordance with Rule 11; and
- (3) any questions by Members to the Leader or Cabinet Members in accordance with Rule 12

~~These meetings of cabinet shall be called Cabinet (Holding Executive to Account) meetings ("HEA Cabinet meeting").~~

9. **Presentation of Petitions by Members of the Council**

Presentation of Petitions

- (1) Petitions on issues on which the Council has powers or duties or which affect the area of Kirklees may be presented by a Member or any member of the public to the HEA Cabinet meeting referred to in Rule 9A before any meeting of the Council (except the Annual Council meeting or the Budget Meeting) or an appropriate Committee, Sub-Committee or Panel meeting.
- (2) When a petition is received at a ~~HEA Cabinet~~ meeting ~~prior to a Council meeting~~ no discussion shall take place on the item.

Referral of Subject Matter

- (3) The Chair may direct that the subject matter of a petition be referred to an appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee.

10. **Deputations**

Receiving of Deputations

- (1) Deputations on issues on which the Council has powers or duties or which

affect the area of Kirklees may be received at any meeting of a HEA Cabinet meeting referred to in Rule 9A, ~~before a Council meeting (except the Annual Meeting or the Budget Meeting)~~ or at any meeting of an appropriate Committee, or Sub-Committee. The Chair in consultation with the Chief Executive shall have discretion to decide whether or not to ~~receive~~ hear the deputation.

- (2) ~~Those Members of the public~~ wishing to make a deputation to ~~a the HEA Cabinet~~ meeting should give notice in writing at least 24 hours prior to the start of the meeting to the Assistant Director – Legal, Governance and Monitoring, indicating their intention to make the deputation and ~~an outline~~ ing of the substance of it.
- (3) The Chair shall have the discretion to hear a deputation for which the appropriate notice has not been given. The Chair shall also have the discretion to limit the number of deputations which may be received, ~~at a HEA Cabinet meeting prior to an Ordinary Council meeting~~ together with the time allowed for each deputation, particularly in relation to deputations concerning the same subject matter.

Deputations which will not be received

- (4) A deputation will not be received if the Chief Executive considers that it includes references to the following:
 - (a) Matters which in the opinion of the Chief Executive are likely to involve the disclosure of confidential or exempt information.
 - (b) Information relating to complaints made under statutory provisions which have not been finally dealt with.
 - (c) Information concerning the merit of applications or other matters currently before the Council, Cabinet or a Committee, Sub-committee, Panel or Officers for determination in respect of which the Council is under a duty to act quasi judicially.
 - (d) Information of a personal nature or which is defamatory, offensive, frivolous, repetitive or vexatious.

~~(5)~~ Deputations with the sole or predominant purpose of promoting any company's or individual's own business interests or financial position will not be permitted.

~~(5)~~ (6) If the Chair is of the opinion that the deputation is of a personal nature, or that in the interests of the Council it is undesirable or is otherwise out of order, he or she shall not allow the deputation to be put.

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Size of Deputation and Speech

- (6) The deputation shall not exceed five persons. Only one person shall speak, and the speech shall not exceed five minutes.
- (7) When a deputation is received at a ~~HEA Cabinet~~ meeting, no discussion shall take place on the item but the relevant Cabinet Member shall respond to the deputation. The Cabinet Member's response shall not exceed five minutes.

- (8) The Chair shall have the discretion to allow any other Cabinet Member to respond to a deputation ~~in exceptional circumstances if appropriate~~. For example, in order to respond to personal attacks made during the course of a deputation. Such response shall not exceed five minutes.

Referral of Subject Matter

- (9) The Chair may direct that the subject matter of a deputation be referred to an appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee.

11. Questions by Members of the Public at HEA Cabinet, Committee, Sub-Committee and Panel meetings

Who Can Ask A Question?

- (1) At a HEA Cabinet meeting ~~(as referred to in Rule 9)~~~~A prior to a Council meeting~~ any Member of the public resident in Kirklees may subject to the provisions of this Rule ask, the Leader, or any Members of Cabinet, a question on any issue which comes within that individual's area of responsibility and which affects the area of Kirklees. They may also, subject to the provisions of this Rule, ask that a question be referred to the Mayor or any Chairs of a Committee or any joint authority spokesperson and the Mayor, Chair or joint authority spokesperson shall respond within a reasonable period of time to such question.

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At any ~~C~~committee, ~~S~~sub-~~C~~committee or ~~P~~panel meeting, any such Member of the public may similarly ask the Chair of that body a question on any issue over which that body has any powers or duties.

When Questions Cannot Be Asked

- (2) Questions may not be asked at the HEA Cabinet meeting before:-

- (a) the Annual Council Meeting
- (b) the Budget Meeting ;f

or during the period from:

- (c) the announcement of a General Election to polling day (inclusive) or
- (d) the publication of the notice of ordinary elections for the Council to polling day (inclusive).

Questions Which Will Not Be Answered

- (3) Questions will not be answered if the Chief Executive considers that they include references to the following:-

- (a) Matters which in the opinion of the Chief Executive are likely to involve the disclosure of confidential or exempt information.
- (b) Questions relating to complaints made under statutory provisions which have not been finally dealt with.
- (c) Questions about the merit of applications or other matters currently before the Council, Cabinet or a Committee, Sub-Committee, Panel or Officers for determination in respect of which the Council is under a duty to act quasi judicially.
- (d) Questions of a personal nature or which are defamatory, offensive, frivolous, repetitive or vexatious.

Questions To Be Within Terms of Reference

- (4) The Chair or Leader may decline to answer a proposed question if in his or her opinion it is not within the terms of reference of the Cabinet, Committee, Sub-Committee or Panel concerned or is not relevant to the functions of the Cabinet, Committee, Sub-Committee or Panel concerned.

Time Allowed for Questions

- (5) The period allowed for the asking and answering of public questions at any one meeting shall not exceed 15 minutes. Any Member of the ~~HEA Cabinet, Committee or Panel meeting~~ may move an extension of this period should there be questions unanswered. Such a motion shall be moved and seconded and be put without discussion. At any one meeting no person may ask more than two questions and no more than two questions may be asked on behalf of one organisation. A questioner may also put one supplementary question to the Member for each original question asked. Any question which cannot be dealt with during public question time will be dealt with by a written answer.

Answers to Questions

- (6) The Member to whom the question has been put may nominate another Member to answer (if that Member agrees).

The Member to whom the question has been put may not refuse to answer the question.

An answer may take the form of:

- (a) a direct oral answer; or
- (b) a reference to a publication, where the desired information is contained in a publication of the Council, the Cabinet or a Committee, Sub-Committee or Panel

- (c) a written answer where the reply to the question cannot conveniently be given orally.

Recording in Minutes

- (7) The Assistant Director - Legal, Governance and Monitoring shall record in the Minutes of the meeting the question(s) and the name of the respondent.

Questions Ruled Out of Order

- (8) If the Chair is of the opinion that the question is of a personal nature, or that in the interests of the Council it is undesirable or is otherwise out of order, he or she shall not allow the question to be put. This right of refusal also applies to the Chair at a Committee, Sub-Committee or Panel meeting.

Referral of Subject Matter

- (9) In the case of **public** questions presented to **Council-HEA Cabinet** meetings, there shall be no discussion on the question or the answer but a Member may propose that the subject matter of the question be placed on the Agenda for the next ordinary meeting of Cabinet or an appropriate Committee, Sub-Committee or Panel. Such a motion shall be moved and seconded and put without discussion.

Mayor's Discretion

- ~~(10) The Mayor shall have the discretion not to allow public questions to be asked where they relate to the same subject matter as a deputation that has earlier been received at the same Ordinary Council meeting.~~

12. Written Questions by Members

(for procedure see Rules 5(2) (j) and 9A)

The Exemptions as set out at CPR 11 (3) also apply to this Rule (CPR 12)

The following provisions shall apply to written questions by Members which must be received by the Assistant Director - Legal, Governance and Monitoring by 10.00 a.m. on the working day before the Council meeting. (In the case of written questions to the Leader or a **M**ember of Cabinet the questions will be considered at the HEA Cabinet as referred to in Rule 9A and ~~the rest of this Rule 12 shall be read accordingly for such questions. As set out below~~)

- (1) Any member of Council may put a written question to the Leader of the Council, a member of the Cabinet, a Chair of a Committee, Sub-Committee or Panel or a spokesperson of a Joint Committee or External Body, as defined at Rule 13 (4). Subject to the Mayor's/Chair's discretion, a 3 minute time limit applies for individual questions to be put.
- (2) The Mayor/Chair in consultation with the Chief Executive may determine that a question shall not be put where the question is substantially the

same as a question put at a meeting of the Council/HEA Cabinet within the preceding six months or the question appears defamatory, vexatious or requires the disclosure of confidential or exempt information.

- (3) Priority will be given to questions submitted previously to Cabinet or any Cabinet Committee which have not been answered at the relevant meeting due to time constraints.
- (4) Following consideration of any questions arising from Rule 12 (1) above, questions will be timetabled in the order which they are received by the Governance Team.
- (5) If a Member who has submitted a question in accordance with ~~this~~ Rule 12 is not present at the meeting at the time when the question(s) submitted is/are due to be put to a Member the question(s) will fall.
- (6) The Member to whom the question has been put shall give an oral answer at the Council/HEA Cabinet meeting or may nominate at any time before or during a meeting another Member to answer if that Member agrees.
- (7) An answer may take the form of:
 - (a) a direct oral answer; or
 - (b) a reference to a publication of the Council which contains the desired information; or
 - (c) a written answer circulated to all Members within 7 days of the Council/HEA Cabinet meeting.
- (8) The period allowed for written questions at any one meeting shall not exceed 30 minutes. A 5 minute time limit shall apply for individual responses to questions. The same time limit shall also apply to individual responses to supplementary questions, subject in both cases to the Mayor's discretion to increase the time allowed for responses in appropriate circumstances.
- (9) Where written questions are not addressed within the above timescale, then the question will be referred to the next relevant Cabinet / Committee / Sub-Committee / Panel meeting for reply. Any such questions will only be responded to if the Member who put forward the original question to the Council meeting is in attendance at the Cabinet / Committee / Sub-Committee / Panel meeting to ask the question or if the Member, within 7 days of the Council/HEA Cabinet meeting, has requested a written response to his / her question. Written questions to spokespersons of Joint Authorities or any Other Bodies not dealt with within the above timescale will be answered by means of a written reply within 7 days of the meeting and be circulated to all Members of the Council.
- (10) When an answer to a written question has been given, the Member who asked it may ask one supplementary question relating to the same topic. Such a supplementary question must follow straight on from the Member's answer to the original question. In circumstances where the responding

Councillor has elected, pursuant to Rule 12(76)(c), to provide a written answer to a question, no supplementary question will be permitted.

- (11) A written question, as well as any supplementary question, must be relevant to the Terms of Reference or powers or duties of Cabinet or of the relevant Committee / Sub-Committee / Panel / Joint Committee or External Body or affect the area of Kirklees and should not be of a personal nature or one which is defamatory, offensive, frivolous, repetitive or vexatious.
- (12) The Assistant Director - Legal, Governance and Monitoring shall record in the Minutes of the meeting the question(s) and the name of the respondent. This will not include any supplementary question and the answer thereto. Supplementary questions and answers will be recorded ~~and held by the Assistant Director – Legal, Governance and Monitoring until the time of the next Council meeting and made available for any Member who wishes to make a written record of a particular supplementary question and answer. as part of the webcast and held on the public webcast facility for a period of 12 months.~~

13. Procedure at Council Meetings in Relation to Reports and/or Minutes of Cabinet and Committees

- (1) *Minutes for Information / Reports which require approval*
 - (i) Any matter expressly referred to Council by Cabinet or a Committee for determination shall be dealt with first.
 - (ii) Minutes of meetings of Cabinet and Committees shall be presented to Council meetings for information as a basis for questioning and comment. There shall be no need for any motion or vote to receive them. If the minutes are not considered due to lack of time they shall be deemed to have been presented to Council and will not, therefore, require resubmission.
- (2) *Questions / Comments on Cabinet Minutes*
 - (i) The Minutes of Cabinet shall be submitted to Ordinary meetings of the Council followed by those of the Cabinet Committee ~~– Local Issues. s in alphabetical order.~~
 - (ii) Prior to the start of questions to Cabinet Members, ~~a~~Portfolio Holders may make a report, not exceeding 10 minutes in length per Cabinet Member, setting out his / her Portfolio Plan for the municipal year, or on progress against that Plan. Comments and statements by Cabinet Members shall not exceed 30 minutes in duration. All Cabinet Members will be required to make Council aware of their Portfolio Plan at the start of the municipal year either verbally or in writing circulated to all Members and to report on progress against that Plan at least once in the municipal year.

- (iii) Questions may be asked by any Member of any Cabinet Members whether on a specific matter contained within the minutes or any matter generally which is in the portfolio of the Cabinet Member. There is no restriction on the number of questions Members may ask within the allotted time but each individual Member is only permitted to ask one question together with one supplementary question at any one time.
 - (iv) Any member may, in addition to or instead of exercising their rights under Rule 13(2)(iii), comment once for a maximum of five minutes on any item within the Cabinet minutes presented to the meeting.
 - (v) The portfolios will appear in alphabetical order on the Agenda 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 portfolio of 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, subject to the portfolio which is the subject of a progress report to the meeting being at the top of the list. During this item Members will have the opportunity to question Cabinet Members (and other Members appearing on the schedule) on meetings/discussions with external organisations. Any such question will be answered immediately in the manner provided for in Rule 13(4).
 - (v) Subject to 5(i) of this Rule, Cabinet members will have a right of reply before questions are put to the Cabinet member next in alphabetical order.
 - (vi) In circumstances where the Leader has no specific portfolio allocated to him/her the Agenda will provide that he/she heads the list of Cabinet Members for the purposes of Rule 13(2)(v). Once questions to the Leader have been completed he/she will fall to the bottom of the list and questions to Cabinet Members with specific portfolios will proceed in accordance with the provisions of Rule 13(2)(v).
- (3) *Questions / Comments on Committee Minutes*
- (i) The Minutes of other Committees submitted to Ordinary meetings of the Council shall be set out in alphabetical order.
 - (ii) Any Member may comment on any item within the Committee minutes presented to the meeting
 - (iii) Any Member may ask the chair of the relevant Committee a question upon any item within that Committee's Terms of Reference .
 - (iv) The Chair of Cabinet, a Cabinet Committee or Cabinet Member or the Chair of a Committee may make a statement at the time that the report/Minutes is/are considered on any matter within the Terms of Reference or which is relevant to the function of Cabinet or that Committee, or which is a matter of importance.

(4) *Questions to Chairs of Committees/Sub-Committees/Panels, Lead Members of Standing Scrutiny Panels and Spokespersons of Joint Committees and External Bodies*

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(The Exemptions as set out at CPR 11 (3) also apply to this Rule (CPR 13))

- (i) Any Member may ask the Chair of the relevant Committee/Sub-Committee/Panel or the Lead Member of a Standing Scrutiny Panel a question upon any item within the Terms of Reference of that Committee/Sub-Committee/ Panel or Standing Scrutiny Panel (as applicable). Any Member may also ask a question of the relevant spokesperson for any of the Joint Committees or external bodies (including regional and sub-regional bodies) identified in Rule 13(4)(ii).
- (ii) For the purposes of this Rule, questions may be asked of spokespersons or representatives of the following Joint Committees or External Bodies:
- (a) Kirklees Neighbourhood Housing
 - (b) Kirklees Active Leisure
 - (c) West Yorkshire Combined Authority (and its Committees)
 - (d) West Yorkshire Fire and Rescue Authority
 - (e) West Yorkshire Police and Crime Panel
 - (f) West Yorkshire Joint Services Committee
 - (g) ~~Leeds City Region Leaders Board~~

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(The Council's Monitoring Officer may update the above list as appropriate).

(5) *Time Permitted*

- (i) ~~The time permitted for consideration of comments and questions on Minutes to Cabinet members shall be a maximum of 60 minutes (such period to commence upon the conclusion of any Portfolio Holder's report made under Rule 13(2)(iii)) and for comments and questions to Chairs of Committees / Sub-Committees / Panels and representatives on outside bodies shall be a maximum of 30 minutes, provided that there is provision under Rule 5 for consideration of issues under Rule 13 at that meeting.~~

Subject to the time limit for speaking set out in CPR 13 (2) the maximum time permitted for consideration of matters in CPR (1)-(3), including comments and questions on Minutes to Cabinet members shall be a maximum of 60 minutes, (such period to commence upon the conclusion of any Portfolio Holder's report made under Rule 13(2)(iii)) and the time permitted for comments and questions to Chairs of Committees / Sub-Committees / Panels and representatives on outside bodies shall be a maximum of 30 minutes, provided that there is provision under Rule 5 for consideration of issues under CRP 13.

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14. Notices of Motion

Submission of Motions

- (1) Every notice of motion (with the exception of those proposed in accordance with Rules 15, 18(16) and 19) shall be submitted in writing and delivered to the Assistant Director - Legal, Governance and Monitoring by 9.00 a.m. on the sixth working day before the date of the Council meeting. Each motion must be signed by not less than two Members of the Council.

Recording of Motions

- (2) The Assistant Director - Legal, Governance and Monitoring will record the date and time of receipt of each motion in a register. This register shall be open to inspection to every Member of the Council.

Motions Which Have Revenue Effects

- (3) No Motion may have the effect of increasing the expenditure or reducing the revenue of the Council other than in the form of a reference to Cabinet or the appropriate Committee for consideration. (This provision does not apply for the setting of the Council Tax).

Relevance

- (4) Every motion shall be relevant to some matter in relation to which the Council has powers or duties and which affects the area of Kirklees.

Motions Not Accepted

- (5) If notice is given of any motion which, in the opinion of the Chief Executive is out of order, illegal, irregular or improper, the Chief Executive in consultation with the Mayor shall determine whether to accept its inclusion on the agenda. If a motion is not deemed acceptable the Chief Executive shall inform the Members who gave notice of the item.

Withdrawal

- (6) A Member who has given notice of motion may subsequently withdraw by writing to the Assistant Director - Legal, Governance and Monitoring.

Inclusion on Council Agenda

- (7) The Assistant Director - Legal, Governance and Monitoring shall set out in the agenda for each Council meeting the motions received and accepted in the order they were received. A Member may, at the time when a motion is delivered to the Assistant Director - Legal, Governance and Monitoring also give written notice of a request for the motion to be considered as a later item on the Council agenda.

Moving of Motions

- (8) If a motion set out in the summons is not moved either by the Member who gave notice or by another Member on their behalf, it shall be treated as withdrawn and shall not be considered again without fresh notice. Alternatively, the Council may consent to postpone consideration of a motion to the next meeting.

Receipt of Amendments

- (9) Any proposed amendment to a motion which has been included in the summons for a meeting, shall be delivered to the Assistant Director - Legal, Governance and Monitoring in accordance with the following timescales:-
- (a) by 10.00am on the day of Council if the meeting is to start at ~~6~~5.00 p.m. or
 - (b) by 2.00 p.m. on the day before a Council meeting which is to start in a morning.

Motions on Identical Subjects

- (10) Where motions have been submitted to Council by different groups which relate to the same subject matter, then the movers shall be given the opportunity to agree a composite motion by 2.00 p.m. on the second working day before the date of the Council meeting. Notice of the composite shall be given to the Assistant Director - Legal, Governance and Monitoring who will notify the groups or individual Members to allow them to consider the proposals.

Alterations to Motions and Amendments

- (11) Alterations to the wording of any motion or amendment (made in accordance with Council Procedure Rule 18:11) may be made with the agreement of the Members moving and seconding the motion or amendment and with the meeting's consent provided that when such alterations are agreed copies shall be made available. Only alterations which could be made as an amendment may be made.
- (12) With the exception of those moved under (5) of this Rule, no motion made under this Rule may be voted on unless there has been a debate.

15. Motions and Amendments Which May Be Moved Without Notice

The following motions and amendments may be moved without notice:

- (1) Appointment of a Chair of the meeting at which the motion is moved.
- (2) Questioning the accuracy of the Minutes of the previous meeting of the Council.
- (3) To change the order of business in the Agenda.

- (4) Reference to Cabinet a Committee, Sub-Committee or Panel for further consideration.
- (5) Appointment of Leader or a Committee, or Member thereof arising from an item on the Agenda for the meeting.
- (6) That leave be given to withdraw a motion.
- (7) Motions and amendments in respect of urgent business under Rule 6.
- (8) That the Council proceed to the next business.
- (9) Motions under Rule 11(5) and 11(9) as to questions by electors at Council Meetings.
- (10) Amendments to any motion to approve the recommendations of Cabinet or a Committee.
- (11) That the question be now put.
- (12) Amendments to any Motion except amendments to notices of motion pursuant to Rule 14(8) and (9) or where notice is required under Rule 19.
- (13) That the debate be now adjourned.
- (14) That the Council do now adjourn.
- (15) Adoption of reports of Officers and any consequent resolutions.
- (16) Suspending these Rules in accordance with Rule 47.
- (17) Motion to exclude the public.
- (18) That a Member named under Rule 21 be not heard further or leave the meeting.
- (19) Giving consent or leave of the Council where the consent or leave of the Council is required by these Rules.
- (20) That the subject matter of an announcement made by the Mayor, or the Chief Executive under Rule 8 be referred to Cabinet or the appropriate Committee, Sub-Committee or Panel.
- (21) Motions under Rule 16 to continue a Council meeting after 9.00 p.m.
- (22) That the Council do now adjourn for discussion in smaller groups or in some other form.

16. Termination and Adjournment of Meeting

- (1) The Mayor, in consultation with the Chief Executive, may adjourn the meeting at any time.

- (2) A meeting of the Council (except the Annual Meeting) shall terminate at 9.00 p.m. unless a Member moves a motion that the meeting shall continue until (i) a later time (to be specified in the motion) or (ii) the conclusion of the business of the meeting. If the motion is seconded it shall be put to the meeting without comment.
- (3) If the motion is passed the meeting shall continue until the time specified or until the conclusion of the business of the meeting.
- (4) At 9.00 p.m. or such later time as the Council has agreed, the Mayor shall have discretion to grant an additional period of time to allow the item under consideration at that time to be concluded. Otherwise, the Mayor shall
 - a) allow no further points of order to be raised by any other Member.
 - b) interrupt the discussion of the item being considered by the meeting.
 - c) allow the proposer of the motion then under consideration a maximum of five minutes to reply to the debate unless he/she seeks leave to withdraw the motion.
 - d) put (without discussion) all of the questions necessary to dispose of that motion, unless the motion is withdrawn.
 - e) put (without discussion) all of the questions necessary to complete the consideration of any reports of Cabinet or any Committee, which are on the Agenda for the meeting, unless the Member appointed to preside in any such body (or a person on his/her behalf) indicates a wish to the contrary.
- (5) Any Motion given under Rule 14 not considered at an Ordinary Council meeting due to time constraints shall automatically be deemed withdrawn unless the Assistant Director – Legal, Governance and Monitoring receives written confirmation (from the Member or Group who submitted the Motion) by 5pm on the fifth working day following that Council meeting that the Motion should be rolled over for consideration at the next Ordinary Council meeting.
- (6) Where proceedings are in progress either at 9.00 p.m. or at a later time (specifically agreed by the Council in accordance with a motion to that effect), the provisions of Rule 24(3) as to recorded votes shall not apply.
- (7) Following any processes outlined above, the Mayor shall finally close the meeting.

17. Opposition Priority Business

- (1) This Rule applies where there is a majority group of members of the Council.
- (2) A minority group may require that any one item of business placed on the Agenda for any Council meeting be treated as opposition priority business. Such a requirement will only be considered if the Leader of that Group has submitted it in writing to the Chief Executive at least seven days before the Council meeting.

- (3) Where the Chief Executive receives more than one such request for a meeting, he/she shall decide which shall be selected so as to ensure that as far as is possible each minority group's share of opposition priority business reflects the relative size of those groups in the period from the last Annual Meeting of the Council.
- (4) Assistant Director - Legal, Governance and Monitoring shall indicate on the Agenda which item of business (if any) is to be treated as opposition priority business.
- (5) If consideration of an item of opposition priority business has not begun two hours after the start of the meeting it will be brought forward and considered immediately after the conclusion of the item of business then under discussion.

18. Rules of Debate

Motions and Amendments

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice of the motion or amendment has already been submitted in accordance with Rules 14 and 19, the Mayor may also require that it be written out and handed to him/her before it is discussed further or put to the meeting.
- (2) Members when seconding a motion or amendment may, if they then declare their intention to do so, reserve their right to speak until a later period in the debate on the motion or any amendment.

Seconders Speech

- (3) The Member seconding the motion or amendment and reserving the right to speak shall further indicate to the Mayor during the debate when he/she wishes to speak.

List of Names of Those Wishing to Speak

- (4) During the debate Members should indicate their wish to speak by use of their individual voting console. The Mayor shall have absolute discretion to alter the order of those wishing to speak and may close the list at any time. This provision does not apply to:
 - the Mayor
 - the mover of the original motion
 - the seconder of the original motion who has reserved the right to speak
 - Members rising on a point of order or to provide a personal explanation
 - persons moving motions and amendments under Rule 15

Addressing the Mayor

- (5) Unless the Mayor indicates otherwise, a Member must stand and address the Mayor while speaking. If two or more Members rise, the Mayor shall request one to speak and the other(s) to be seated. While a Member is speaking the other Members shall remain seated and be silent, unless rising on a point of order or in personal explanation.

Content and Length of Speeches

- (6) No speech of a Member of the Council in moving a motion to adopt the report of Cabinet or a Committee, or a motion under Rule 14 shall exceed 10 minutes and no other speech on any item before Council shall exceed 5 minutes, except:-
 - (a) by consent of the Council, or
 - (b) the Leader's annual budget speech on the setting of the amounts of Council Tax.

Additional Time For Speeches

- (7) If the Mayor is of the opinion that the subject matter is of special importance or the Member requests additional time, the Mayor may permit the Member to continue for as long as the he/she allows.

When a Member May Speak Again - Adoption of Reports

- (8) On a motion to adopt the report of Cabinet or a Committee, a Member may speak once in general regarding the report. In addition, he/she may move or second or speak to one amendment only on each item in the report requiring a decision by the Council.

When a Member May Speak Again - Other Motions

- (9) On any other motion a Member shall speak only once whilst the motion is the subject of debate. A Member may also move, second or speak to one amendment. If consideration of an amendment begins before a Member has had the opportunity to speak on the motion he/she may still exercise the right to speak on the motion.

Exceptions to Speaking Only Once

- (10) The requirement that a Member shall only speak once shall not prevent a Member from speaking:
 - (i) in exercise of a right to reply,
 - (ii) on a point of order,

- (iii) by way of personal explanation.

Amendments to Motions

- (11) An amendment shall be relevant to the motion and shall be either:
 - (a) to refer a subject of debate to Cabinet or a Committee, for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others;
 - (d) to insert or add words;

The omission, insertion or addition of words must not have the effect of blocking the motion which is under consideration by the Council. In addition the amendment must not have the effect of increasing the expenditure or reducing the revenue of the Council other than in the form of a referral to Cabinet or the relevant Committee for consideration. (This provision does not apply for the setting of the Council Tax).

Discussion of Amendments

- (12) Except where the voting procedure in Rule 24(6) applies only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. However, the Mayor may permit two or more amendments to be discussed together if he/she considers that this would be helpful in the circumstances. Where two or more amendments are discussed together they shall be voted upon in the order in which they were moved.

Motion as Amended

- (13) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Withdrawal of Motion/Amendment

- (14) A motion or an amendment may be withdrawn by the proposer with the consent of the seconder and of the Council (which shall be decided upon without debate). No Member may speak on it after the proposer has been granted permission for its withdrawal.

Right of Reply

- (15) The proposer of a motion shall have the right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the proposer of the original motion shall have also the right to reply at the close of such debate on the amendment, and shall not

otherwise speak on the amendment. Such a reply shall be confined to matters raised in the debate on the motion or amendment, as the case may be. The proposer of an amendment shall have no right to reply to the debate on the amendment. However where an amendment is carried the proposer of that amendment (now the substantive motion) shall have a right of reply at the close of the debate on any subsequent amendment.

Motions which may be moved during debate

(16) When a motion is under debate no other motion shall be moved except the following:-

- (a) to amend or withdraw the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business
- (e) that the question be now put;
- (f) that a Member be not further heard on the item of business before the Council;
- (g) by the Mayor under Rule 21(2);
- (h) to exclude the public;
- (i) to withdraw or amend proceedings in accordance with paragraph (14) of this Rule.

Closure Motion

(17) A Member may move without comment at the conclusion of a speech of another Member "That the question be now put", "That the debate be now adjourned" or "That the Council do now adjourn". If such a motion is seconded, the Mayor shall proceed as follows:-

- (a) On a motion "that the question be now put" ~~the~~ The Mayor shall put this motion to the vote, unless he or she is of the opinion that the matter before the meeting has not been discussed sufficiently. If the motion "that the question be now put" is voted on and carried, the Mayor will allow the proposer of the original motion the right to reply under paragraph (15) above before putting the motion under discussion to the vote.
- (b) On a motion "to adjourn the debate or meeting". The Mayor shall put the motion for an adjournment to the vote without giving the mover of the original motion the right to reply, if he or she is of the opinion that the matter before the meeting has not been sufficiently discussed and cannot reasonably be discussed at that meeting.

Point of Order and Personal Explanation

(18) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of one of these Rules or the law and the Member shall specify the Rule or the law and the way in which it has been broken. A personal explanation shall be confined to some material part of a speech by the Member in the Council meeting which may appear to have been

misunderstood in the present debate. A personal explanation may not be made in any other circumstances and in particular reference in a speech to another Member does not give that Member any right of personal explanation except in circumstances specified above.

- (19) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation will be final.

Relaxation by the Mayor of Rules of Debate

- (20) Before the start of the debate on any item or motion the Mayor may determine, after consultation with the Chief Executive, that any of the requirements of this Rule shall be relaxed or waived during the debate on that item or motion.

Mayor's Authority

- (21) Whenever the Mayor rises during a debate, a Member who is standing and speaking shall sit down and the Council shall be silent. Afterwards, a Member may continue his or her speech unless the Mayor determines otherwise.
- (22) The time permitted for consideration of scrutiny reports under Rule 5 (3) (~~19~~) shall be a maximum of 60 minutes.
- (23) The time permitted for consideration of key issues shall be a maximum of 60 minutes
- (24) The time permitted under (22) and (23) of this Rule may be extended at the discretion of the Mayor in consultation with the Chief Executive.

Mayor's Casting Vote

- (25) The Mayor, or in their absence, the person presiding at the Council meeting, shall have a second or casting vote in the case of an equality of votes.

19. Motion to Make Statutory Calculations and to set Amounts of Council Tax

Motion referred from Cabinet

- (1) At least 14 days before the date fixed for calculating the amounts required under Sections 32 to 36 of the Local Government Finance Act, 1992, and setting the amounts of Council Tax, the Chief Executive shall distribute to all Members of the Council the motion which has been proposed by the Cabinet for the Council, together with the draft Revenue Budget.

Motion distributed by ~~Chair of Cabinet~~ the Leader

- (2) If the Cabinet is not able to recommend a motion ~~for to~~ the Council meeting, the ~~Chair of Cabinet Leader~~ shall distribute to all Members of the Council at least 14 days in advance a motion to be presented to the Council meeting together with the draft Revenue Budget. This motion must be presented in the names of the Chair of the Cabinet and be supported by at least two other Members of the Council.

Amendments

- (3) An amendment to a motion proposed under paragraph (1) above, cannot be moved unless it has been approved by the Chief Executive at least 7 days prior to the date of the Budget Meeting. at least 7 days notice has been given in writing. The nNotice of ~~for~~ such an amendment must be delivered to the Chief Executive and must specify the terms of the proposed amendment and the effect which it will have on the draft Revenue Budget.

Amendments to the ~~B~~udget ~~M~~otion cannot be accepted unless the Chief Executive is satisfied, upon the advice of the Director of Resources, that the proposed amendment is financially sound and sustainable.

Notification of Amendments

- (4) The Chief Executive shall inform ~~the Leader of the Council and the Leader of each Opposition Group~~ all Members of the Council of any amendment/s received.

~~Debating the Motion~~ Submission of Further Motions and Amendments

- (5) (i) The Mover of any Amendment to the Budget Motion shall speak for no longer than ten minutes, or for the same time taken by the Mover of the Budget Motion, whichever is the longer.

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(ii) If a motion or an amendment described in paragraph (1), (2) and (3) above is not carried at the Council meeting, further motions and amendments may be moved and seconded without notice for consideration and determination. Copies of these additional motions or amendments must be made available to each Member of the Council by the mover or seconder before any debate begins.

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(iii) In the event that an amendment is approved, thereby becoming the substantive motion, this resolution shall become the Council's budget and no further amendments shall be debated or voted upon.

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Limitations

- (6) The introduction of a new motion or amendment on the day of the Council meeting by a Political Group represented on the Council will not be permitted unless it gave notice of a motion or an amendment under paragraph (1), (2) and (3) above for inclusion on the summons for the meeting.

Recording of Votes relating to Council Tax etc.

- (7) Immediately after any vote is taken at a Budget Decision Meeting of the Council on any decision or amendment relating to the approval of the General Fund Revenue, or the statutory calculation for the setting of the Council Tax. there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against

the decision or who abstained from voting,

(8) For the purposes of Rule 19 (7)

a) "Budget Decision" means a meeting of the Council at which it:

(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(b); or

(ii) issues a precept under Chapter 4 of the Part 1 of that Act;

and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting; and

~~b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.~~

20. Motion affecting persons employed by the Council

If a question arises at a meeting of the Council on the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, it shall not be considered until the Council has determined whether or not the public and press shall be excluded.

21. Members Conduct

Member not be heard

(1) If at a Council meeting any Member of the Council (in the opinion of the Mayor) persistently disregards the ruling of the Mayor or behaves irregularly, improperly, offensively or obstructs the business of the Council, the Mayor or any other Member may move "That the Member named be not heard further on the item of business before the Council". If the motion is seconded it shall be determined without discussion.

Member to leave the meeting

(2) If the named Member continues his or her misconduct after a motion under paragraph (1) above has been carried, the Mayor shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting for as long as he/she considers necessary.

General Disturbance

(3) In the event of general disturbance which in the opinion of the Mayor renders the despatch of business impossible, the Mayor may decide to adjourn the meeting of the Council for as long as he/she considers necessary.

Mayor's Power to Adjourn

- (4) The provisions of this Rule do not limit the Mayor's power to adjourn the meeting at any time under Rule 16(1).

22. Disturbance by the Public

If members of the public interrupt the proceedings of any meeting, the Mayor shall warn them regarding their conduct. If they continue the interruption, the Mayor shall order their removal from the room. In case of general disturbance in any part of the room open to the public, the Mayor shall order that part to be cleared.

23. Previous Decisions and Motions

Motion to rescind a previous decision

- (1) No motion to rescind any decision taken within the preceding six months, and no motion or amendment with the same effect as one which has been rejected within the preceding six months, shall be proposed unless notice has been given in accordance with Rule 14 and has been signed by at least 10 Members of the Council. When any such motion or amendment has been disposed of by the Council, no similar motion may be proposed within a further period of six months.

Motion similar to the one previously rejected - exceptions

- (2) This Rule shall not apply to motions moved on a recommendation of Cabinet or a Committee, or to motions or amendments moved in accordance with Rule 19.

24. Voting

Show of Hands / Voting Equipment

- (1) Voting at Council meetings shall be as directed by the Mayor, either by a show of hands or by use of the electronic voting equipment unless a Ballot is agreed under paragraph (5). Where a recorded vote is taken under paragraphs (3) and (4) below, then the result of the vote shall be recorded by the process under paragraph (4) below.

Casting Vote

- (2) The Mayor, or in his/her absence the Deputy Mayor or the Chair at the time the vote is taken shall have a second or casting vote.

Recorded Vote

- (3) Any Member of the Council may request that a recorded vote be taken on an item to record how each Member present at the meeting intended or decided to vote. This request for a recorded vote will only be acceptable if it is supported by at least five other Members and is made before the Mayor has announced the result of the vote.

Ballots

- (4) The vote will take place by ballot at the request of any Member supported by at least five other Members. The Mayor/Chair will announce the numerical result of the ballot immediately the result is known.

Right to require individual votes to be recorded

- (5) At any meeting of the Council a Member may require that his or her decision in voting for or against or abstaining on an item on the Agenda be recorded in the Minutes of the meeting. This will be effective only if it is proposed by the Member before the Mayor has announced the result of the vote.

Voting on Appointments (including Mayor and Leader)

- (6) If there are more than two persons nominated for any appointment to be filled by the Council (including the election of the Mayor and the Leader) and there is no overall majority vote in favour of one person, the following procedure will apply. The name of the person who has received the least number of votes will be struck off the list of nominations and a fresh vote will be taken. This procedure will continue until a majority vote is given in support of one of the persons nominated.

25. Failure to Attend Meetings

- (1) In accordance with the Local Government Act 1972, if a Councillor attends no meetings of the Authority for six months the Chief Executive will tell the Council (unless the Member has been granted leave of absence by the Council). The Council will consider whether the absence was caused by some reason approved by them. If they are not satisfied about the cause of the failure, the Member will cease to be a Member of the Council.
- (2) For the purpose of this Rule a meeting of the Authority shall include:-
 - * the Council, Cabinet or any Committee, Sub-Committee or Panel; or
 - * any Joint Committee or Joint Board which has Council functions delegated to it;
 - * any other body at which the Member represents the Council.

26. Interests of Members which are not Disclosable Pecuniary Interests

- (1) Any Member who has an interest which is not a Disclosable Pecuniary Interest as described in paragraph 5 of the Council's Code of Conduct in any matter shall comply with the requirements of that Code in respect of that interest ("Other Interest").
- (2) A Member of the Council may declare in a register kept by the Assistant Director - Legal, Governance and Monitoring his/her membership of any organisation which requires details of its aims, duties or membership to be kept secret. This register will be open to public inspection during office hours.

27. Interpretation of these Rules

The ruling of the Mayor, after consultation with the Chief Executive, as to the construction or application of any of these Rules, or as to any proceedings of the Council shall be final.

(B) Members and Officers Etc

28. Leaders and Business Managers

- (1) Members of the Council may be chosen by each of the political groups on the Council to act as the Leaders, Deputy Leaders and Business Managers of those groups.
- (2) The names of the Leader, Deputy Leader and Business Manager appointed by a political group represented on the Council shall be notified to the Chief Executive. The powers of a Leader shall also be exercisable by the Deputy Leader in the absence of the Leader.

29. Inspection of Documents

- (1) A Member of the Council may, for the purposes of his/her duty as a Councillor, on application to the Assistant Director – Legal, Governance and Monitoring, inspect any document which has been considered by the following subject to the provisions of the Local Government (Access to Information) Act 1985 and the Local Government Act 2000 being met in relation to items determined as exempt information:

Council
a Committee
a Sub-Committee
a Panel

For the same purposes a Member may also request that he or she be supplied with a copy of the document. This will be provided if it is practicable.

- (2) Members should not inspect or request a copy of any document relating to a matter in which they have a prejudicial interest as defined in the Council's Code of Conduct. The Assistant Director – Legal, Governance and Monitoring may decline an application from a Member to inspect a document which would be protected by privilege arising from the relationship of solicitor and client in the event of legal proceedings.
- (3) Copies of all reports and minutes associated with the following meetings shall be kept by the Assistant Director – Legal, Governance and Monitoring in accordance with the requirements of the Local Government (Access to Information) Act 1985 and the Local Government Act 2000.

Council
a Committee
a Sub-Committee
a Panel

These shall be open to inspection by any Member of the Council during office

hours subject to the provisions of those Acts being met in relation to items determined as exempt information.

- (4) The Chief Executive or any Officer of the Council may decline a Member's request to inspect a document, if it contains confidential information. The only exceptions to this rule will be if the Member has a legal right to inspect a document or has obtained the consent of the Cabinet (for matters within its remit) or the Corporate Governance & Audit Committee (for all other matters).
- (5) Rights in respect of documents under the control of the Cabinet are set out in Rules 24 and 25 of the Access to Information Procedure Rules.

30. Orders Regarding Works; Inspection of Lands, Premises, etc.

A Member of the Council shall not issue any order regarding any works which are being carried out by or on behalf of the Council. In addition he or she shall not claim, by virtue of being a Member of the Council, any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter.

31. Representation of the Council on Other Bodies

If any Member of the Council is nominated or appointed by or on behalf of the Council to serve as a Member of another body, the appointment shall stand until the next Annual Meeting of the Council or until the first meeting thereafter of the Cabinet or Committee making the nomination or appointment unless:

- (a) the constitution of the other body makes different provisions, or
- (b) the Council (or the Cabinet, in the case of nominations made by it) at any other time resolves otherwise.
- (c) the Member resigns from the outside body by the method required by the body or, if none, by notifying in writing to the Assistant Director - Legal, Governance and Monitoring.

32. Interest of Officers in Contracts

The Assistant Director - Legal, Governance and Monitoring shall keep a register to record the details of any Officer of the Council who has given notice of a pecuniary interest in a contract as described by Section 117 of the Local Government Act 1972. This register shall be open to inspection by any Member of the Council during office hours.

33. Third Party Recording¹ of Committees, Boards and Panels

- (1) The Council wants to be open and transparent in the way in which it conducts its decision-making.
- (2) Recording is allowed at all meetings of the authority² to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings.

¹ This includes both video and audio recording.

² Including full Council, committees (boards and panels) established by full Council.

- (3) Filming or other recording of all meetings of the authority, whilst those meetings are to the public, is permitted^{3 4}.
- (4) Those wishing to record proceedings should, as a courtesy, inform the chair (or clerk) of the meeting of their intentions to record prior to the commencement of the meeting.
- (5) Recordings may only be taken overtly from the area designated for the public and;
 - a. Recording devices must be in silent mode;
 - b. No flash or additional lighting is permitted;
 - c. Recordings must be taken from one fixed position and must not obstruct others from observing proceedings.
- (6) The Chair of a meeting has the authority to instruct that recordings be stopped where⁵:
 - a. The press and public have been excluded from the meeting due to the nature of (exempt or confidential) business being discussed;
 - b. There is public disturbance or a suspension/ adjournment of a meeting;
 - c. The recording has become disruptive or distracting to the good order and conduct of the meeting;
 - d. Continued recording is against the wishes of an individual⁶.

34. Confidentiality of Meetings and Recording of Proceedings

- (1) The Council's meetings will be held in public unless the Access to Information Procedure Rules permit the public to be excluded. Those Rules also deal with public access to documents.
- (2) Any person attending a meeting may take written notes of the proceedings.
- (3) A Member or employee of the Council shall not disclose to any person any document or any matter contained in any document which is marked "Confidential" or "not for publication" except with the permission of the Council, Cabinet, Committee, Sub-Committee, or Panel which considered the item, or if the person concerned has a legal right to inspect the document.

(C) Relating To Committees, Sub-Committees, Panels Etc

35. Appointment of Committees, Sub-Committees and Panels

- (1) The Council at its Annual Meeting will establish those Committees which are required by law and such other Committees as are deemed necessary to carry out the work of the Council during the municipal year. The Council may at any other time establish new Committees, which are considered necessary

³ In accordance with any regulations relating to such matters.

⁴ All agendas will indicate that records may be made at the meeting by third parties; signage will also be displayed indicating this.

⁵ In all cases recording equipment must be switched off.

⁶ Where members of the public raise an objection to being recorded, then those individuals will not be filmed. However continued audio recording will be permitted where the contributions are material to the resolutions to be made.

to carry out the work of the Council.

- (2) The Council subject to any statutory provision:-
- (i) shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting of the Council;
 - (ii) may at any time dissolve a Committee, or alter its membership.
 - (iii) shall not appoint the Leader, the Deputy Leader of the Council or any Members of the Cabinet as members of the Overview and Scrutiny Committee or its Panels.

Appointment of Sub-Committees, Panels etc

- (3) At the first meeting of a Committee in the municipal year, it shall establish such Sub-Committees or Panels as are considered necessary. Committees subject to any statutory provision,
- (i) shall not appoint any Member of a Sub-Committee or Panel so as to hold office later than the next Annual Meeting of the Council.
 - (ii) may at any time dissolve a Sub-Committee or Panel or alter its membership, and
 - (iii) may delegate to any such Sub-Committee or Panel any power or duty delegated to the Committee by the Council.
- (4) A Committee may establish other Sub-Committees or Panels at any time in the municipal year.

Membership of Committees, Sub-Committees, Panels etc.

- (5) The Members on each Committee, or Sub-Committee or Panel shall (so far as legally required) be selected by each of the Political Groups represented on the Council, on the basis of their proportional representation at the date that the Committee, or Sub-Committee, or Panel is appointed.

Proportional Representation of Political Groups not to apply

- (6) The Council may determine that proportional representation shall not apply to any Committee, and any Committee may make a similar determination with respect to any of its Sub-Committees or Panels subject to compliance with the requirements of Section 17 of the Local Government and Housing Act 1989.

Substitute Members

- (7) At the Annual Meeting of the Council a panel of substitute Members will be established, to be available to replace Members of Committees, and Sub-Committees, (except the Health and Well-being Board, the Overview and Scrutiny Management Committee, ~~the Budget Advisory Board~~, the Overview

and Scrutiny Panels, District Committees, Employee Relations Sub Committee, the Standards Committee and the Standards Sub-Committee) at each meeting during the municipal year as and when required. The names of those Members included on the panel of substitutes will be placed on every notice for a relevant Committee, or Sub-Committee meeting.

Changes to the Substitute Panel and Members of a Committee, Sub-Committee and Panel

- (8) The Business Manager to each Group shall provide the Assistant Director - Legal, Governance and Monitoring within nine days of notice of
- (i) any change(s) to the names of those Members included on the panel of substitutes approved by the Annual Council Meeting.
 - (ii) any change(s) to the membership of a Committee or Sub-Committee, which do not involve a member of that substitutes panel.

Notice of Substitutes cannot be revoked

- (9) After notice of a substitution has been given for a Committee, Sub-Committee, or Panel meeting it cannot be revoked. Once a Committee or Sub-Committee, or Panel has begun the Member who has been substituted will only be entitled to attend the meeting as an observer. If a Committee or Sub-Committee or Panel meeting is adjourned the change(s) in membership will stand for the purpose of the reconvened meeting.

Membership of a Sub-Committee or Panel to include persons who are not Members of the parent Committee

- (10) The membership of a Sub-Committee or Panel may include persons who are not Members of the Committee by which the Sub-Committee or Panel was appointed.
- (11) Except in cases required by law, or permitted by law and agreed by the appointing body, no co-opted member of any Committee, Sub-Committee or Panel shall be entitled to vote on any matter considered by it.

36. Observer Attendance by Councillors at Committees, Sub-Committees or Panels

- (1) Subject to paragraphs (3) and (4) below a Councillor who is not a Member of a Committee, Sub-Committee, or Panel may attend any meeting as an observer. That Councillor shall have the same speaking rights as any Member of that Committee Sub-Committee or Panel. The Councillor cannot:-
- (a) speak on any item considered in the private session of the meeting.
 - (b) attend for any item of business in which he or she has a disclosable pecuniary interest as defined in the Council's Code of Conduct for Members and Co-optees ("the Code") unless an appropriate dispensation has been granted by the Council's Monitoring Officer.

- (c) attend for any item of business on the Committee, Sub-Committee or Panel agenda which personally relates to them as a Councillor or otherwise.
 - (d) remain in a meeting of the Committee, Sub-Committee, or Panel after receiving advice from the Assistant Director – Legal, Governance and Monitoring that he or she should be excluded from the meeting.
 - (e) retire with a Committee, Sub-Committee, or Panel which is exercising a quasi judicial or administrative function when it is considering its decision.
- (2) Any Member attending a meeting of a Committee, Sub-Committee, or Panel shall under the Agenda Item of "Membership of Committees, Sub-Committees etc." identify themselves as an observer.
- (3) Councillors who attend a Planning Committee or Sub-Committee but who:
- (a) Are not members of that Planning Committee or Sub-Committee; or
 - (b) Are members of that Planning Committee or Sub-Committee but who have indicated that they will not be voting on an application because, for example, they believe that they may have predetermined it or wish to make representations rather than participate in the determination of the application

shall be entitled to speak once for a maximum of five minutes.

37. Attendance by Members of the Public - Permission to Speak

Any member of the public attending a meeting of the Council (with the exception of the Annual Meeting or the Budget Council) a Committee, Sub-Committee, or Panel (or any other meeting open to the public) may, with the permission of the Mayor/Chair, speak on any item of business to be transacted at that meeting. That person shall not be permitted to remain in the meeting when consideration is being given to confidential or exempt information.

38. Appointment of Chairs and Deputy Chairs of Committees and Sub-Committees/Panels, Lead Members of Scrutiny Panels and Appointments to Outside Bodies, etc

- (1) At the Annual Meeting of the Council, the Council will -
- (i) appoint the Chairs and if considered appropriate the Deputy Chairs of Committees. In default of such appointments by the Council, every Committee, shall be empowered to make the appointment subject to confirmation by the Council;
 - (ii) appoint the Lead Members of the Standing Overview and Scrutiny Panels;
 - (iii) appoint the Members of Outside Bodies, except where membership is appointable by the Cabinet or a Committee, and

- (iv) agree the dates of meetings of Committees, Sub-Committees, and Panels for the Municipal Year. The alteration of a date may be determined by the respective Chair in consultation with the Assistant Director - Legal, Governance and Monitoring provided that 7 days notice of the revised date can be given.
- (2) The Council may at any other time appoint the Chairs (and if considered appropriate the Deputy Chairs of Committees) and the Lead Members of Scrutiny Panels, for the remainder of the Municipal Year.
- (3) At the first meeting of each Committee in the Municipal Year the Chair and if considered appropriate Deputy Chair of its Sub-Committees or Panels shall be appointed for that year.
- (4) Any Committee shall when appointing a Sub-Committee, or Panel under Rule 35(4), also appoint a Chair and if considered necessary a Deputy Chair.
- (5) In the absence of the Chair and Deputy Chair or Lead Member of the Scrutiny Panel (where appropriate) from a meeting, a Chair shall be chosen for the duration of that particular meeting or until the official Chair, Deputy or Lead Member (as recognised by Council) arrives. The Chair, Deputy Chair or Lead Member (as appropriate) will then assume the Chair when the item under discussion at the time of his or her arrival has been dealt with.
- (6) The Chair and Deputy Chair of every Committee, Sub-Committee/ Panel and the Lead Member of each Scrutiny Panel shall be a Member of the Council.
- (7) A Member of a Committee, Sub-Committee, or Panel may resign membership and the Chair or Deputy Chair of a Committee, Sub-Committee/Panel/ Sub-Group or the Lead Member of a Scrutiny Panel, may resign office by giving notice in writing to the Chief Executive. Any such resignation shall take effect on the date of receipt of the notice.
- (8) The removal from office of the Chair or Deputy Chair of a Committee may only be agreed by the Council on the recommendation of the Corporate Governance & Audit Committee. The removal from office of the Chair of the Overview and Scrutiny Management Committee or any Lead Member of a Scrutiny Panel may only be agreed by Council on the recommendation of that Committee. Only the Committee which appointed a Sub-Committee or Panel may remove the Chair or Deputy Chair of that Sub-Committee or Panel from office.
- (9) No Member of the Cabinet may be appointed as Chair of ~~an~~ Appeals Panel, Corporate Governance and Audit Committee, the Licensing and Safety Committee, an Planning Area Sub-Committee, ~~or the~~ Overview and Scrutiny Management Committee (or as a Lead Member of a Scrutiny Panel), or Standards Committee.

39. Quorum of Committees, Management Boards, Sub-Committees and Panels

- (1) Except where ordered by the Council, or authorised by statute, business shall not be transacted at a meeting of any Committee, unless at least one third of

the number of the body are present.

- (2) Except where ordered by the Council, or authorised by statute or by the Committee which has appointed it, business shall not be transacted at a meeting of any Sub-Committee or Panel unless at least one third of the number of the Sub-Committee or Panel are present.
- (3) If the Chair declares there is not a quorum present then the meeting will adjourn immediately. Remaining business will be considered at a date and time fixed by the Chair. If no such date is fixed the business will be considered at the next meeting.
- (4) Where a Committee or Sub-Committee sits to consider an appeal, only those Members who are eligible to attend shall count for the purpose of a quorum.
- (5) No quorum may be less than two Members.
- (6) Committees, Sub-Committees and Panels shall be entitled to meet and transact business prior to the appointment of Co-opted Members.
- (7) Co-opted Members of a Committee, Sub-Committee or Panel shall only be counted for the purposes of a quorum at a meeting, if the Committee, Sub-Committee or Panel has no delegated powers and can only make recommendations.

40. Meetings of Committees, Sub-Committees and Panels and Agenda Papers

- (1) Every scheduled meeting of a Committee, Sub-Committee or Panel shall be summoned by the Assistant Director - Legal, Governance and Monitoring through the issue of a notice for the meeting where practical at least 7 days prior to the meeting. The items of business for consideration at the meeting will be set out in the Agenda for the meeting. No additional items of business will be allowed unless the Chair for the meeting determines that they are urgent.
- (2) The Leader of each Political Group (or in his/her absence the Deputy Leader of each Group) shall notify the Chief Executive, in writing, not less than 14 days before the date of the intended meeting to which the item should be submitted of any item(s) which he/she wishes to include on the Agenda of any Committee, Sub-Committee or Panel of the Council. The notification shall include such information as is necessary to enable the Chief Executive to determine whether the subject matter requires consideration by the Committee, Sub-Committee or Panel. The Chief Executive shall determine the appropriate body to which the item shall be referred and notify the Group Leader (Deputy Group Leader) of the date of that meeting which shall be the next available meeting. Any item which, in the opinion of the Chief Executive is out of order, illegal, irregular or improper shall not be accepted and the decision of the Chief Executive shall be final.
- (3) The Chair (or Deputy Chair) of a Committee, Sub-Committee or Panel with the approval of the Leader of the Council, may instruct the Assistant Director – Legal, Governance and Monitoring to call a meeting of a Committee, Sub-Committee or Panel at any time.

- (4) An additional meeting of a Committee, Sub-Committee or Panel can be summoned if the Assistant Director - Legal, Governance and Monitoring receives a request in writing from at least half of the Members of the Committee, Sub-Committee or Panel to do so. Assistant Director - Legal, Governance and Monitoring in consultation with the Chair may also summon a special meeting upon any emergency. The summons for such meetings shall set out the business for the meeting and no other items of business will be considered.

41. Procedure Rules to apply to Committees, Sub-Committees and Panels

Procedure Rules 9, 10, 11, 15 and 18 (except those parts which relate to speaking more than once) 20, 21, 22, 25, 26, 27 and 34 shall, with any necessary modifications, apply to meetings of Committees, Sub-Committees and Panels.

42. Voting in Committees, Sub-Committees or Panels

- (1) Voting at a meeting of a Committee, Sub-Committee or Panel shall be by a show of hands or by use of the electronic voting equipment, where appropriate. Alternatively the Committee, Sub-Committee or Panel may require the Assistant Director - Legal, Governance and Monitoring to take a vote by ballot on any motion or amendment which is put to the meeting.
- (2) The Chair at a Committee, Sub-Committee or Panel meeting shall have a second or casting vote in the case of an equality of votes.
- (3) If there are more than two persons nominated for any appointment to be filled and there is no overall majority in favour of one person the following procedure will apply. The name of the person (or persons, if equal) who has received the least number of votes will be struck off the list of nominations and a fresh vote will be taken. This procedure will continue until a majority vote is given in support of one of the persons nominated.
- (4) At any meeting of a Committee, Sub-Committee or Panel (including joint bodies etc.) a Member may require that his or her decision in voting for or against a question (or his or her abstention from voting) be recorded in the Minutes of the meeting. Such a requirement must be proposed by the Member immediately after the vote is taken.
- (5) At any meeting of a Strategic Planning Committee or a Planning Sub-Committee, ~~the Chair may propose that a recorded vote is taken on an item. This proposal for a recorded vote will only be effective if it is supported by at least two other Members of the Committee or Sub-Committee and is made before any votes have been cast. a recorded vote of decisions on Planning Applications shall take place.~~

43. Working Parties, etc

- (1) Any Committee, Sub-Committee or Panel may establish a Working Party or Sub-Group (which may include Officers) to undertake a detailed study of any matter(s). A Working Party or Sub-Group shall not have delegated powers and shall not constitute a formal Sub-Committee.

- (2) The terms of reference for any Working Party or Sub-Group shall state their objectives and dates etc. for reporting on their findings.
- (3) The Chair (and Deputy Chair) of a Committee, Sub-Committee or Panel responsible for establishing a Working Party or Sub-Group if not appointed in their own right, shall be entitled to attend and speak at all meetings.

44. Reports to Council

- (1) The Chair may request the Assistant Director - Legal, Governance and Monitoring to include in the report of a Committee, a reference to any particular matters which were considered in the meeting.
- (2) In accordance with the Agenda for the Council meeting.
 - (a) The Chair of a Committee, (or in their absence any other Member of the Committee) shall propose a motion to seek the Council's approval on any matter expressly referred by the Committee, to Council for determination.
 - (b) The Mayor (or in his/her absence the Deputy Mayor or any other Member of the Council) shall propose a motion to seek the Council's approval to the receipt of any report of a meeting of Cabinet or any Committee.

45. Reports of Sub-Committees and Panels

A report of the proceedings of a Sub-Committee or Panel meeting shall be presented to the next convenient meeting of the parent Committee or Cabinet.

(D) Miscellaneous

46. Variation and Revocation of Procedure Rules

- (1) Any motion to add to, vary or revoke these or any other Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- (2) Paragraph (1) of this Rule shall not apply to any review of Procedure Rules proposed at the Annual Meeting of the Council or to a specific recommendation by the Cabinet or a Committee to the Council to add to, vary or revoke any Procedure Rules.

47. Suspension of Procedure Rules

- (1) At any meeting a motion may be moved to suspend the use of any of the preceding Procedure Rules for any item(s) of business included on the Agenda for that meeting.
- (2) A motion to suspend Procedure Rules shall not be moved without notice unless at least one half of the Members of the Council, Committee, Sub-

Committee or Panel are present.

48. Standards of Conduct in Public when representing the Council

Members have an obligation when taking part in Council and Committee meetings etc, held in public to comply with the protocol on standards of conduct in public approved by the Standards Committee and incorporated in Part 5 of the Constitution.

49. Appointment of Leader or Mayor Other than at Annual Meetings of Council

- (1) In the event that the Leader of the Council resigns part way through his or her term of office, or is incapacitated (to such an extent that they are no longer able to reasonably carry out their duties and responsibilities as Leader) or otherwise dies in office the Deputy Leader will act as Leader of the Council in accordance with Article 7 of the Council Constitution until such time as an election takes place and a new Leader of the Council is successfully elected. Such an election shall take place at the next possible meeting of Council or at an Extraordinary Meeting of Council convened for such a purpose.
- (2) In the event that the Mayor resigns from office part way through his or her term of office or otherwise dies in office the Deputy Mayor shall act in his or her place for the remainder of the Mayors term of office.

50. Relevant Definitions

“Municipal Year” ~~means~~ defines the period between each meeting of Annual ~~Meetings of the~~ Council, which ~~will~~ normally take place during ~~in~~ May.

“Group Leaders” ~~means the~~ is the term referring to the Leader of each political Group which is represented on the Council. leaders of each recognised political Group from time to time of the Council.

“Key Discussions” is the description of format for a presentation followed by a discussion and debate which takes place ~~over 60 minutes~~ at ordinary meetings of the Council which are designated as Key Discussion meetings.

AGENDA ITEM 9 – PROPOSED AMENDMENTS TO THE COUNCIL’S CONSTITUTION

UPDATED RECOMMENDATIONS FOLLOWING THE MEETING OF CORPORATE GOVERNANCE & AUDIT COMMITTEE ON 15 MAY 2015

Following the meeting of Corporate Governance and Audit Committee on 15 May 2015, the recommendation in respect of the above Item is now as follows (the additions to the original recommendation are highlighted in red);

(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.

**Corporate Governance and Audit Committee - 15 May 2015
Annual Council – 20 May 2015**

Council Meetings - 2015/16

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No, as it is a decision for Council
Date signed off by <u>Director</u> & name	David Smith, Director of Resources
Is it signed off by the Director of Resources?	21.4.2015
Is it signed off by the Acting Assistant Director - Legal & Governance?	21.4.2015
Cabinet member portfolio	Resources

Electoral [wards](#) affected: All

Ward councillors consulted: Not applicable

Public or private: Public

1. Purpose of report

To recommend dates, times and venues of Council meetings in 2015/16

2. Key points

Council Procedure Rule 2 (1) states "The dates for the ordinary Council Meetings in each Municipal Year will be determined by the Council following recommendations made by the Corporate Governance and Audit Committee".

Council Procedure Rule 5(1) states that there shall be two types of ordinary meeting of the Council, one which focuses on Holding the Executive to Account, and the other for Key Discussions. No less than four ordinary meetings must be designated as Holding the Executive to Account.

The following dates/times are proposed, all meetings to be held in Huddersfield Town Hall:-

Date (Wednesdays, 6.00pm)	Council Meeting
20 May 2015	Annual Meeting of the Council (previously agreed)
24 June 2015	Key Discussion
29 July 2015	Key Discussion
2 September 2015	Holding Executive to Account
7 October 2015	Key Discussion
11 November 2015	Holding Executive to Account
9 December 2015	Key Discussion
20 January 2015	Holding Executive to Account
17 February 2015	Budget (5.00pm start)
23 March 2016	Holding Executive to Account
25 May 2016	Annual Meeting of the Council (1.00pm start)

In accordance with Council Procedure Rule 2(3), meetings of Council shall commence at 6.00pm.

3. Implications for the Council

None

4. Consultees and their opinions

None (report submitted to Corporate Governance and Audit Committee)

5. Next steps

Following a recommendation on the proposed programme of meetings, Annual Council will consider approval.

6. Officer recommendations and reasons

That the Committee considers the proposed programme of meetings and recommends approval to Annual Council.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer and relevant papers

Andrea Woodside, Principal Governance Officer, Legal, Governance and Monitoring.

9. Assistant director responsible

Julie Muscroft, Assistant Director, Legal Governance and Monitoring.

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CTE011 - as at 11 May 2015

Committees/Panels/Boards	Total No. of Members	Lab 34	Con 18	Lib Dem 10	Green Party and Valley Independents Group 7
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Appeals Panel	15	7	4	2	2
Corporate Governance and Audit Committee	7	2	2	2	1 (Non-proportional)
Licensing and Safety Committee	15	7	4	2	2
Overview and Scrutiny Management Committee	7	3	2	1	1 (Non-proportional)
Personnel Committee	9	5	2	1	1
Employee Relations Sub-Committee	8	4	2	1	1
Planning Sub-Committee (Heavy Woollen)	15	7	4	2	2
Planning Sub-Committee (Huddersfield)	15	7	4	2	2
Policy Committee	11	5	3	2	1
Standards Committee	6	3	1	1	1
Strategic Planning Committee	7	3	2	1	1

Committees/Panels/Boards	Total No. of Members	Lab	Con	Lib Dem	Green Party and Valley Independents Group	Day in Cycle	Time
Health and Wellbeing Board	5	3	1	1	(Non-proportional)		
Scrutiny Health Panel	6	3	1	1	1		

KIRKLEES COUNCIL - CALENDAR OF MEETINGS 2015/2016

DAY	DATE	TIME	MEETING
Mon	25 May		BANK HOLIDAY
Tues	26		
Wed	27		
Thurs	28		
Fri	29		

Mon	1 June		
Tues	2	4.00pm	Cabinet
Wed	3		
Thurs	4	1.00pm	Strategic Planning Committee
Friday	5		

Mon	8		
Tues	9		
Wed	10		
Thurs	11	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	12		

Mon	15	10.00am	Overview and Scrutiny Management Committee
Tues	16	4.00pm	Cabinet
Wed	17	12.30pm	Cabinet Committee - Local Issues
Thurs	18		
Friday	19		

Mon	22		
Tues	23		
Wed	24	4.45pm 6.00pm	Cabinet (Holding Executive to Account) Council
Thurs	25	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	26	2.00pm	Health and Wellbeing Board

Mon	29		
Tues	30	10.00am 4.00pm	Regulatory Panel Cabinet
Wed	1 July		
Thurs	2	1.00pm	Strategic Planning Committee
Friday	3		

Mon	6		
Tues	7		
Wed	8		
Thurs	9		
Friday	10	10.00am	Corporate Governance and Audit Committee

Mon	13	10.00am	Overview and Scrutiny Management Committee
Tues	14	4.00pm	Cabinet
Wed	15	12.30pm	Cabinet Committee - Local Issues
Thurs	16		
Friday	17		

Mon	20		
Tues	21		
Wed	22		
Thurs	23	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	24		

DAY	DATE	TIME	MEETING
Mon	27		
Tues	28	4.00pm	Cabinet
Wed	29	4.45pm 6.00pm	Cabinet (Holding Executive to Account) Council
Thurs	30	1.00pm 2.00pm	Strategic Planning Committee Health and Wellbeing Board
Friday	31		

Mon	3 August		
Tues	4		
Wed	5		
Thurs	6	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	7		

Mon	10	10.00am	Overview and Scrutiny Management Committee
Tues	11	10.00am 4.00pm	Regulatory Panel Cabinet
Wed	12	12.30pm	Cabinet Committee - Local Issues
Thurs	13		
Friday	14	10.00am	Corporate Governance and Audit Committee

Mon	17		
Tues	18		
Wed	19		
Thurs	20		
Friday	21		

Mon	24		
Tues	25	4.00pm	Cabinet
Wed	26		
Thurs	27	1.00pm 2.00pm	Strategic Planning Committee Health and Wellbeing Board
Friday	28		

Mon	31		BANK HOLIDAY
Tues	1 September		
Wed	2	4.45pm 6.00pm	Cabinet (Holding Executive to Account) Council
Thurs	3	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	4		

Mon	7	10.00am	Overview and Scrutiny Management Committee
Tues	8	4.00pm	Cabinet
Wed	9	12.30pm	Cabinet Committee - Local Issues
Thurs	10		
Friday	11		

Mon	14		
Tues	15		
Wed	16		
Thurs	17	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	18		

Mon	21		
Tues	22	10.00am 4.00pm	Regulatory Panel Cabinet
Wed	23		
Thurs	24	1.00pm 2.00pm	Strategic Planning Committee Health and Wellbeing Board
Friday	25	10.00am	Corporate Governance and Audit Committee

DAY	DATE	TIME	MEETING
Mon	28		
Tues	29		
Wed	30		
Thurs	1 October		
Friday	2		

Mon	5	10.00am	Overview and Scrutiny Management Committee
Tues	6	4.00pm	Cabinet
Wed	7	4.45pm 6.00pm	Cabinet (Holding Executive to Account) Council
Thurs	8		
Friday	9		

Mon	12		
Tues	13		
Wed	14	12.30pm	Cabinet Committee - Local Issues
Thurs	15	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	16		

Mon	19		
Tues	20	4.00pm	Cabinet
Wed	21		
Thurs	22	1.00pm	Strategic Planning Committee
Friday	23		

Mon	26		
Tues	27		
Wed	28		
Thurs	29	2.00pm	Health and Wellbeing Board
Friday	30	1.00pm	Planning Sub Committee (Heavy Woollen Area)

Mon	2 November	10.00am	Overview and Scrutiny Management Committee
Tues	3	10.00am 4.00pm	Regulatory Panel Cabinet
Wed	4		
Thurs	5		
Friday	6		

Mon	9		
Tues	10		
Wed	11	12.30pm 4.45pm 6.00pm	Cabinet Committee - Local Issues Cabinet (Holding Executive to Account) Council
Thurs	12		
Friday	13		

Mon	16		
Tues	17	4.00pm	Cabinet
Wed	18		
Thurs	19	1.00pm	Strategic Planning Committee
Friday	20	10.00am	Corporate Governance and Audit Committee

Mon	23		
Tues	24		
Wed	25		
Thurs	26	1.00pm 2.00pm	Planning Sub Committee (Huddersfield Area) Health and Wellbeing Board
Friday	27		

DAY	DATE	TIME	MEETING
Mon	30		
Tues	1 December	4.00pm	Cabinet
Wed	2		
Thurs	3		
Friday	4		

Mon	7		
Tues	8		
Wed	9	12.30pm	Cabinet Committee - Local Issues
		4.45pm	Cabinet (Holding Executive to Account)
		6.00pm	Council
Thurs	10	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	11		

Mon	14		
Tues	15		
Wed	16	10.00am	Regulatory Panel
		4.00pm	Cabinet
Thurs	17	1.00pm	Strategic Planning Committee
Friday	18		

Mon	21		
Tues	22		
Wed	23		
Thurs	24		
Friday	25		BANK HOLIDAY

Mon	28		BANK HOLIDAY
Tues	29		
Wed	30		
Thurs	31		
Friday	1 January 2015		BANK HOLIDAY

Mon	4		
Tues	5		
Wed	6		
Thurs	7	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	8		

Mon	11	10.00am	Overview and Scrutiny Management Committee
Tues	12	4.00pm	Cabinet
Wed	13	12.30pm	Cabinet Committee - Local Issues
Thurs	14	1.00pm	Strategic Planning Committee
Friday	15		

Mon	18		
Tues	19		
Wed	20	4.45pm	Cabinet (Holding Executive to Account)
		6.00pm	Council
Thurs	21	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	22		

Mon	25		
Tues	26	10.00am	Regulatory Panel
		4.00pm	Cabinet
Wed	27		
Thurs	28	2.00pm	Health and Wellbeing Board
Friday	29	10.00am	Corporate Governance and Audit Committee

DAY	DATE	TIME	MEETING
Mon	1 February		
Tues	2	4.00pm	Cabinet (Budget)
Wed	3		
Thurs	4		
Friday	5		

Mon	8	10.00am	Overview and Scrutiny Management Committee
Tues	9	4.00pm	Cabinet
Wed	10	12.30pm	Cabinet Committee - Local Issues
Thurs	11	1.00pm	Strategic Planning Committee
Friday	12		

Mon	15		
Tues	16		
Wed	17	5.00pm	Council (Budget)
Thurs	18	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	19		

Mon	22		
Tues	23	4.00pm	Cabinet
Wed	24		
Thurs	25	2.00pm	Health and Wellbeing Board
Friday	26		

Mon	29		
Tues	1 March		
Wed	2		
Thurs	3	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	4		

Mon	7	10.00am	Overview and Scrutiny Management Committee
Tues	8	10.00am	Regulatory Panel
		4.00pm	Cabinet
Wed	9	12.30pm	Cabinet Committee - Local Issues
Thurs	10	1.00pm	Strategic Planning Committee
Friday	11	10.00am	Corporate Governance and Audit Committee

Mon	14		
Tues	15		
Wed	16		
Thurs	17		
Friday	18		

Mon	21		
Tues	22	4.00pm	Cabinet
Wed	23	4.45pm	Cabinet (Holding Executive to Account)
		6.00pm	Council
Thurs	24		
Friday	25		BANK HOLIDAY

Mon	28		BANK HOLIDAY
Tues	29		
Wed	30		
Thurs	31	1.00pm	Planning Sub Committee (Huddersfield Area)
		2.00pm	Health and Wellbeing Board
Friday	1 April		

DAY	DATE	TIME	MEETING
Mon	4	10.00am	Overview and Scrutiny Management Committee
Tues	5	4.00pm	Cabinet
Wed	6		
Thurs	7	1.00pm	Strategic Planning Committee
Friday	8		

Mon	11		
Tues	12		
Wed	13	12.30pm	Cabinet Committee - Local Issues
Thurs	14	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	15		

Mon	18		
Tues	19	10.00am 4.00pm	Regulatory Panel Cabinet
Wed	20		
Thurs	21		
Friday	22	10.00am	Corporate Governance and Audit Committee

Mon	25		
Tues	26		
Wed	27		
Thurs	28	2.00pm	Health and Wellbeing Board
Friday	29		

Mon	2 May	BANK HOLIDAY	
Tues	3	4.00pm	Cabinet
Wed	4		
Thurs	5	Elections (to be confirmed)	
Friday	6		

Mon	9		
Tues	10		
Wed	11	12.30pm	Cabinet Committee - Local Issues
Thurs	12		
Friday	13		

Mon	16		
Tues	17	4.00pm	Cabinet
Wed	18		
Thurs	19		
Friday	20		

Mon	23		
Tues	24		
Wed	25	1.00pm	Annual Council
Thurs	26	2.00pm	Health and Wellbeing Board
Friday	27		

Mon	30	BANK HOLIDAY	
Tues	31	10.00am 4.00pm	Regulatory Panel Cabinet
Wed	1 June		
Thurs	2		
Friday	3		

**AGENDA ITEM 13 ADDENDUM –
DATES OF MEETINGS OF DISTRICT COMMITTEES**

Kirklees Rural
7 pm Thursdays
2nd July
24th September
26th November
25th February

Huddersfield
7pm Tuesdays
7th July
29th September
1st December
2nd February
22nd March

Dewsbury and Mirfield
5pm Tuesdays
21st July
13th October
19th January
1st March

Batley and Spen
7pm Tuesdays
28th July
15th October
19th January
17th March

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As at 20 May 2015

CTE010

KIRKLEES COUNCIL

MEMBERSHIP OF COMMITTEES AND PANELS 2015/16

	Page
Corporate Governance and Audit Committee	2
Licensing and Safety Committee	3
Overview and Scrutiny Management Committee	4
Personnel Committee	5
Employee Relations Sub-Committee	6
Strategic Planning Committee	7
Planning Sub-Committee (Heavy Woollen Area)	8
Planning Sub-Committee (Huddersfield Area)	9
Policy Committee	10
Standards Committee	11
Appeals Panel	12
District Committee - Batley and Spen	13
District Committee –Dewsbury and Mirfield	14
District Committee - Huddersfield	15
District Committee – Kirklees Rural	16
Health and Wellbeing Board	17
Scrutiny Panel (Health)	18
Substitutes Panel	19

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Members 7 (Non-proportional)

(Two from each of the three largest groups and one from the minority group (excluding group leaders), plus ex officio (non-voting) Members, namely Cabinet Portfolio holders for Resources; Chair of Overview and Scrutiny Management Committee; and Chair of Standards Committee and provision for Treasury Management expertise)

LABOUR (2)

N Mather
H Richards*

CONSERVATIVE (2)

D Hall
J Taylor

LIB DEM (2)

K Pinnock
L Wilkinson

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (1)

R Barraclough

* Chair

Ex-Officio

Resources Cabinet Portfolio Holder/s (Cllr G Turner)

Chair of Overview and Scrutiny Management Committee (Cllr J Stewart-Turner)

Chair of Standards Committee (Cllr D Ridgway)

LICENSING AND SAFETY COMMITTEE

Members 15

**LABOUR (8) CONSERVATIVE (4) LIB DEM (2) GREEN PARTY
AND VALLEY
INDEPENDENTS
GROUP (1)**

M Akhtar	B Armer	C Iredale	K Allison
M O'Neill	A Palfreeman	D Ridgway	
C Pattison	K Sims		
AU Pinnock	M Watson		
K Smith*			
M Sokhal			
A Stublely			
H Richards			

* Chair

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Members 4 (Non-proportional)

LABOUR (1)	CONSERVATIVE (1)	LIB DEM (1)	GREEN PARTY AND VALLEY INDEPENDENTS GROUP (1)
C Pattison	D Hall	C Burke	J Stewart-Turner*

* Chair

PERSONNEL COMMITTEE

Members 9

LABOUR (5)

J Calvert
P McBride
S Pandor
D Sheard*
G Turner

CONSERVATIVE (2)

D Hall
R Light

LIB DEM (1)

N Turner

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (1)

A Cooper

* Chair

EMPLOYEE RELATIONS SUB-COMMITTEE

Members 8

LABOUR (4)

J Calvert
S Pandor
D Sheard*
G Turner

CONSERVATIVE (2)

M Bolt
D Hall

LIB DEM (1)

A Marchington

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (1)

A Cooper

* Chair

STRATEGIC PLANNING COMMITTEE

Members 7

LABOUR (3)

S Hall*
C Pattison
G Turner

CONSERVATIVE (2)

D Bellamy
D Firth

LIB DEM (1)

A Pinnock

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (1)

A Cooper

* Chair

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Members 15

LABOUR (8)

C Scott
N Dad
S Hall
M O'Neill
K Rowling*
A Stublely
G Turner
Vacancy

CONSERVATIVE (4)

B Armer
L Holmes
N Patrick
K Taylor

LIB DEM (2)

J Lawson
A Pinnock

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (1)

R Barraclough

* Chair

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Members 15

LABOUR (7)

J Calvert
M Khan
C Pattison
AU Pinnock
M Sarwar
M Sokhal
M Walton

CONSERVATIVE (5)

D Bellamy
D Firth
M Hemingway
K Sims
J Taylor

LIB DEM (2)

A Marchington
L Wilkinson

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (1)

T Lyons*

* Chair

POLICY COMMITTEE

Members 11

LABOUR (5)

E Firth
N Mather
M O'Neill
C Pattison*
S Ullah

* Chair

CONSERVATIVE (3)

D Hall
R Light
A Palfreeman

LIB DEM (2)

A Marchington
N Turner

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (1)

A Cooper

STANDARDS COMMITTEE

Members 6

LABOUR (3)

CONSERVATIVE (1)

LIB DEM (1)

**GREEN PARTY
AND VALLEY
INDEPENDENTS
GROUP (1)**

E Firth
D Sheard
M Sokhal

N Patrick

D Ridgway*

A Cooper

* Chair

APPEALS PANEL

Members 15

LABOUR (7)

M Akhtar
M Khan
G Lowe
N Mather
H Richards
K Rowling
K Smith

CONSERVATIVE (4)

M Bolt*
J Dodds
V Lees-Hamilton
G Wilson

LIB DEM (2)

C Iredale
N Turner

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (2)

A Cooper
Vacancy

* Chair

DISTRICT COMMITTEE - BATLEY AND SPEN

Members 18

LABOUR (10)

M Akhtar
S Alvy
S Hall
V Kendrick
G Lowe*
H Mayet
O'Neill
S Pandor
D Sheard
A Stubley

CONSERVATIVE (5)

D Hall
L Holmes
R Light
A Palfreeman
E Smaje

LIB DEM (3)

J Lawson
A Pinnock
K Pinnock

* Chair

DISTRICT COMMITTEE – DEWSBURY AND MIRFIELD

Members 12

LABOUR (9)

M Ahmed
N Dad
E Firth
M Hussain
P Kane
D O'Donovan*
K Rowling
C Scott
A Patel

CONSERVATIVE (3)

M Bolt
V Lees-Hamilton
K Taylor

* Chair

DISTRICT COMMITTEE - HUDDERSFIELD

Members 21

LABOUR (13)

J Calvert
E Hill
J Hughes
M Khan
N Mather*
P McBride
C Pattison
A Pinnock
M Sarwar
K Smith
M Sokhal
S Ullah
M Walton

CONSERVATIVE (2)

M Hemingway
G Wilson

LIB DEM (3)

C Burke
P Scott
L Wilkinson

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (3)

K Allison
A Cooper
J Stewart-Turner

* Chair

DISTRICT COMMITTEE – KIRKLEES RURAL

Members 18

LABOUR (1)

H Richards
G Turner

CONSERVATIVE (9)

B Armer
D Bellamy
J Dodds
D Firth
N Patrick
K Sims
J Taylor
M Watson

LIB DEM (4)

C Iredale
A Marchington
D Ridgway
N Turner

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (4)

R Barraclough
C Greaves
E Holroyd-Doveton*
T Lyons

* Chair

HEALTH AND WELLBEING BOARD

Members 5 (Non-Proportional)

(3 from Cabinet, one of whom may be the Leader; 1 Senior Councillor from the main opposition group; and 1 Councillor from a political group other than the administration and main opposition group; plus 1 Councillor observer from a political group not otherwise represented) together with external/partner/officer representatives specified in the agreed constitution.

LABOUR (3)

J Calvert
E Hill
V Kendrick*

CONSERVATIVE (1)

D Bellamy

LIB DEM (1)

K Pinnock

* Chair

OBSERVER: GREEN PARTY AND VALLEY INDEPENDENTS (1)

Vacancy

Conservative Group Named Substitute: Councillor Wilson

SCRUTINY PANEL - HEALTH

Members 6

LABOUR (3)

CONSERVATIVE (1)

LIB DEM (1)

**GREEN PARTY
AND VALLEY
INDEPENDENTS
GROUP (1)**

M Khan
M Walton
S Ullah

E Smaje

A Marchington

R Barraclough

SUBSTITUTES PANEL 2015/16

LABOUR (6)

E Firth
S Hall
K Rowling
M Sokhal
G Turner
S Ullah

CONSERVATIVE (6)

B Armer
D Bellamy
N Patrick
K Sims
J Taylor
G Wilson

LIB DEM (6)

C Burke
J Lawson
A Marchington
A Pinnock
P Scott

GREEN PARTY AND VALLEY INDEPENDENTS GROUP (4)

K Allison
A Cooper
C Greaves
R Barraclough

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Name of meeting: Annual Council
Date: 20 May 2015

Title of report: Appointment of Members to Joint Authorities

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	Director of Resources, David Smith
Is it signed off by the Director of Resources?	5.5.15
Is it signed off by the Acting Assistant Director - Legal & Governance?	12.5.15
Cabinet member portfolio	Not applicable

Electoral [wards](#) affected: All
Ward councillors consulted: Not applicable

Status of Report : Public

1. Purpose of report

To consider and determine the membership of Joint Authorities in 2015/2016.

2. Key points

West Yorkshire Fire & Rescue Authority

The Council is entitled to appoint four Members under the Local Government Act 1985 to West Yorkshire Fire and Rescue Authority.

In making the appointments the Council is reminded of the provisions of Section 15 of the Local Government and Housing Act 1989, which sets out the principles for ensuring that, so far as possible, the balance of political groups currently represented on the Council is reflected in the appointment made to this body. Council is asked to delegate authority to Group Business Managers to determine the appointments in accordance with the applicable ratio following the 2015 Local Elections.

West Yorkshire Combined Authority

The Elected Members of the West Yorkshire Combined Authority are drawn from the five district authorities. Under the current legislation appointments have to reflect the balance of parties for the time being prevailing among the Members of the relevant Councils taken as a whole.

Council is asked to delegate authority to Group Business Managers to determine the appointments once the Authority has received notice from the Combined Authority of the number of places available.

West Yorkshire Police and Crime Panel

The 12 Elected Members of the West Yorkshire Police and Crime Panel are drawn from the five district authorities. Under the current legislation appointments have to reflect the balance of parties for the time being prevailing among the Members of the relevant Councils taken as a whole.

Council is asked to delegate authority to Group Business Managers to determine the appointments once the Authority has received notice of the number of places available.

3. Implications for the Council

The Council's interests will be represented by the appointed Members.

4. Consultees and their opinions

Not applicable.

5. Next steps

Subject to approval, the relevant organisations will be informed of the appointments.

6. Officer recommendations and reasons

That, in order to fill places on (i) West Yorkshire Fire and Rescue Authority, (ii) West Yorkshire Combined Authority, and its Committees and (iii) West Yorkshire Police and Crime Panel, Council is asked to refer the appointments to Group Business Managers for determination.

7. Contact officer and relevant papers

Andrea Woodside, Principal Governance Officer
01484 221715
andrea.woodside@kirklees.gov.uk



Name of meeting: Annual Council
Date: 20 May 2015

Title of report: Appointment to Outside Bodies/Other Committees

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	Director of Resources, David Smith
Is it signed off by the Director of Resources?	5.5.15
Is it signed off by the Assistant Director – Legal, Governance & Monitoring?	12.5.15
Cabinet member portfolio	Not applicable

Electoral [wards](#) affected: All
Ward councillors consulted: Not applicable

Status of Report : Public

1. Purpose of report

To consider and determine the allocation of places/ratios, as appropriate, to the Outside Bodies as detailed within this report.

2. Key points

The Council's representation on the various **Outside Bodies/other Committees** is comprised of three elements (i) Representation on Joint Authorities and Major Bodies (ii) Representation on Other Outside Bodies and (iii) Representation on Charities, for which nominations are submitted through Local Area Structures.

The Council is responsible for overall allocations/ratios, as appropriate for bodies within its remit, and Cabinet is responsible for nominations to bodies concerned with executive functions. The Director of Resources has delegated authority, in consultation with Group Business Managers, to receive and process nominations.

In relation to the **Yorkshire Purchasing Organisation Joint Committee**, the Council (along with the other constituent Authorities) is requested to pass a resolution to waive the applicability of political balance rules, and to also determine which of the Council's two nominees to the YPO Joint Committee will have the one vote on behalf of the Authority.

In relation to **Kirklees Active Leisure**, Council is asked to determine which of the two appointed Members will be authorised for the purposes of Member meetings (distinct from Director meetings) to exercise a vote, pursuant to Section 323 of the Companies Act 2006. Council is also asked to note that David Smith, Director of Resources, will continue as Company Secretary (with no director status or voting rights).

Other Kirklees Officer Company Secretaries to note are;

- *Julie Muscroft (Assistant Director – Legal, Governance and Monitoring) for Kirklees Metropolitan Development Company Ltd*
- *Paul Kemp (Acting Assistant Director – Investment & Regeneration) for Kirklees Stadium Development Ltd*

3. Implications for the Council

The Council's interests will be represented by the appointed persons.

4. Consultees and their opinions

Not applicable.

5. Next steps

Subject to approval, the relevant organisations will be informed of the appointments.

6. Officer recommendations and reasons

- 1) That Council confirms the allocation of places/ratios, as appropriate in the attached schedules, and notes that Group Business Managers will 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 nominations.
- 3) That, in relation to Yorkshire Purchasing Organisation Joint Committee, Council agrees to waive political balance rules which apply in accordance with Section 17 of the Local Government and Housing Act 1989 (this requires approval with no Member voting against); 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 the Group Business Managers, will 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) That it be noted that Julie Muscroft (Assistant Director - Legal, Governance & Monitoring) and Paul Kemp (Acting Assistant Director – Investment & Regeneration) be the respective Company Secretaries for Kirklees Metropolitan Development Company and Kirklees Stadium Development Limited.

7. Contact officer and relevant papers

Andrea Woodside, Principal Governance Officer
01484 221715
andrea.woodside@kirklees.gov.uk

Prescribed places

Name of Body	Schedule	No of Reps	Restriction
Association of West Yorkshire Authorities	1 (Joint Authorities)	1	Authority Leader
Leeds City Region Transport Panel	1 (Joint Authorities)	1	Portfolio Holder for Transport
Local Government Association – General Assembly	1 (Joint Authorities)	4	Group Leaders 9 votes at AGM 2015 vote split is 5,2,1,1
Combined Authority	1 (Joint Authorities)	2	Authority Leader and Opposition Leader plus subs
Combined Authority – Governance & Audit Committee	1 (Joint Authorities)	1	Chair of Corporate Governance & Audit Cttee
Combined Authority – Investment Committee	1 (Joint Authorities)	1	Portfolio holder for transport
Combined Authority – Kirklees District Engagement Committee	1 (Joint Authorities)		CA Transport Cttee Members plus another 4 nominations
Combined Authority – Overview & Scrutiny Committee	1 (Joint Authorities)	3	To Be Determined
Combined Authority – Transport Committee	1 (Joint Authorities)	3	To Be Determined Automatically Members of the CA District Engagement Cttee
Sam Whitehead Trust	2 (Other Bodies)	3 Members	Members who represent Colne Valley Ward
Deighton & Brackenhall Initiative Limited	2 (Other Bodies)	3 Members + 1 Senior Officer	Members who represent Ashbrow Ward
West Yorkshire Joint Services – Archives, Archaeology and Trading Standards Sub-Committee	1 (Joint Authorities)	3 Members	APPOINTMENTS DETERMINED BY JOINT CTTEE
West Yorkshire Joint Services – Grants Sub-	1 (Joint Authorities)	3 Members	APPOINTMENTS DETERMINED BY

Prescribed places

Committee			JOINT CTTEE
West Yorkshire Joint Services Sub-Committees – Appointment and Appeals Panel	1 (Joint Authorities)	2 Members	APPOINTMENTS DETERMINED BY JOINT CTTEE
West Yorkshire Joint Services Sub-Committees – Governance & Audit	1 (Joint Authorities)	1 Member	APPOINTMENTS DETERMINED BY JOINT CTTEE
West Yorkshire Joint Services Sub-Committees – Joint Consultative Committee	1 (Joint Authorities)	1 Member	APPOINTMENTS DETERMINED BY JOINT CTTEE

Prescribed places

Nominations by Cabinet

Parking & Traffic Regulations Outside London Adjudication Joint Committee	1 (Joint Authorities)	1 + 1 sub	NOMINATIONS BY CABINET
West Yorkshire Joint Services Committee	1 (Joint Authorities)	3 Members + Leader + 3 Subs	NOMINATIONS BY CABINET
Y & H Regional Broadband Joint Committee	1 (Joint Authorities)	1 – Must be Executive Member	NOMINATIONS BY CABINET
Yorkshire Purchasing Organisation	1 (Joint Authorities)	2 Members + 2 Subs	NOMINATIONS BY CABINET - Council AGM passes a resolution to waive the applicability of political balance rules
Yorkshire Purchasing Organisation – Trans-Pennine Properties	1 (Joint Authorities)	2 Members	Coincides with annual membership of YPO Management Committee

All other places

Name of Body	Schedule	No of Reps	Restriction
West Yorkshire Police & Crime Panel	1 (Joint Authorities)	2 Members (Ratio to comply with political balance across West Yorks)	To be determined
Calderdale & Kirklees Careers Limited	1 (Joint Authorities)	3 directors which may be Elected Members/ Officers/ Other nominees	
Calderdale & Huddersfield NHS Trust Board	1 (Joint Authorities)	1	TBC
Children's Trust (formerly Kirklees Partnership Children & Young People)	1 (Joint Authorities)	4 Members	2 from Cabinet 2 from opposition groups
Environment Agency – Yorkshire Regional Flood and Coastal Committee	1 (Joint Authorities)	1 + Deputy	
Huddersfield Town Centre Partnership Limited	1 (Joint Authorities)	3	Normally 2 Members + 1 Officer
Intruplas Limited	1 (Joint Authorities)	1	
Kirklees Neighbourhood Housing Limited	1 (Joint Authorities)	5 Members	
Kirklees Partnership Executive	1 (Joint Authorities)	1	
Kirklees Partnership Safer, Stronger Communities	1 (Joint Authorities)	4 Members	2 from Cabinet 2 from opposition groups
Kirklees Stadium Development Ltd	1 (Joint Authorities)	2 + 1 Alternate Director	Paul Kemp – Company Secretary to be agreed at Council AGM
Leeds Bradford International Airport: Consultative Committee	1 (Joint Authorities)	1	
Peak District National Park Authority	1 (Joint Authorities)	1	
Pennine Prospects (formerly South Pennine Rural Regeneration Company)	1 (Joint Authorities)	1 Member	
QED (KMC) Limited (Special Schools)	1 (Joint Authorities)	1 Member	Cabinet Member not appropriate
SITA (Kirklees) Limited	1 (Joint Authorities)	1 director + 1 alternate director	

All other places

Special Interest Group of Metropolitan Authorities (SIGMA)	1 (Joint Authorities)	1	
Trans Pennine Trail Members' Steering Group	1 (Joint Authorities)	2	
West Yorkshire Fire & Rescue Authority	1 (Joint Authorities)	4 Members	Reflect Council Ratio (2015 - 2:1:1) (1.97, 1.04, 0.81)
West Yorkshire Pension Fund Advisory Group – Joint Advisory Group	1 (Joint Authorities)	3 Members	
West Yorkshire Pension Fund Advisory Group – Pension Fund Investment Panel	1 (Joint Authorities)	2 Members	
Chickenley Community Co-operative Trust	2 (Other Bodies)	1	
CO2 Sense Limited	2 (Other Bodies)	2, including 1 non-executive member	
Dewsbury Endowed Schools Foundation Trust Advisory Committee	2 (Other Bodies)	8	
Dewsbury Learning Trust	2 (Other Bodies)	1 (Member or Officer)	
Globe Innovation Centre Ltd (previously Globe Environmental Business Centre Ltd)	2 (Other Bodies)	1 Director (Member or Officer)	
Huddersfield Mission Partnership Board	2 (Other Bodies)	1	
Kirklees Active Leisure	2 (Other Bodies)	2 Not Cabinet Member & advisable not to be Scrutiny Member	GBM's to identify who has vote @ Member meetings
Kirklees Churches Partnership Trust	2 (Other Bodies)	4 Members plus 1 Officer	
Kirklees Community Association	2 (Other Bodies)	7	
Kirklees Faiths Forum	2 (Other Bodies)	2	1 from North Kirklees

All other places

			1 from Huddersfield
Kirklees Henry Boot Partnership Ltd	2 (Other Bodies)	1 + 1 Alternate	
Kirklees Historic Buildings Trust Ltd	2 (Other Bodies)	6	
Kirklees Metropolitan Development Company Limited	2 (Other Bodies)	Max of 12 members (of which there is a max of 11 directors) – currently 6 members/ directors	Julie Muscroft – Company Secretary to be agreed at Council AGM
Kirklees Music School	2 (Other Bodies)	4	
Kirklees Schools Services Ltd	2 (Other Bodies)	1 Director + 1 Alt Director	
Kirklees Theatre Trust	2 (Other Bodies)	3	Need not be a Member but no automatic continuation if cease to be a Member; must be formally nominated
Learning Board	2 (Other Bodies)	4	To be chaired by Cabinet Portfolio Holder
Locala Community Partnership Members' Council	2 (Other Bodies)	2	
Media Centre Limited	2 (Other Bodies)	1	
National Association of British Market Authorities	2 (Other Bodies)	3	
National Coal Mining Museum for England Trust Ltd – Liaison Committee	2 (Other Bodies)	2	
Reserve Forces and Cadets Association for Yorkshire and the Humber	2 (Other Bodies)	1 Member (nominated to Ministry of Defence)	
Rural Action Yorkshire	2 (Other Bodies)	1	
School Organisation Advisory Group	2 (Other Bodies)	6	Ratio to reflect Council (now 3:1:1:1) 2015 Lab – 2.95 Con – 1.57 LD – 0.87 G&VI – 0.61

All other places

Spensorough Co-operative Trust	2 (Other Bodies)	1	
Standing Advisory Council for Religious Education	2 (Other Bodies)	4	
West Yorkshire Rural Partnership	2 (Other Bodies)	1 Member + 1 Sub	
Yorkshire & Humberside Grid for Learning	2 (Other Bodies)	1 Officer	
Yorkshire & Humber Region Home Safety Council	2 (Other Bodies)	1 Member 1 Officer	
Yorkshire & Humber Space Board (Regional Improvement & Efficiency Board)	2 (Other Bodies)	1 – Deputy Leader or Corporate Portfolio Holder + 1 Sub	
Yorkshire & Humberside Pest Liaison Group	2 (Other Bodies)	1 Officer	
Yorkshire & Humberside Pollution Advisory Council	2 (Other Bodies)	1 Officer	
Yorkshire Tourism Council	2 (Other Bodies)	1	

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Name of meeting: Annual Council
Date: 20 May 2015

Title of report: Spokesperson of Joint Committees and External Bodies

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	Director of Resources, David Smith
Is it signed off by the Director of Resources?	5.5.15
Is it signed off by the Assistant Director – Legal, Governance & Monitoring?	12.5.15
Cabinet member portfolio	Not applicable

Electoral [wards](#) affected: All
Ward councillors consulted: Not applicable

Status of Report : Public

1. Purpose of report

To consider the appointment of spokespersons for Joint Committees/External Bodies.

2. Key points

In accordance with Council Procedure Rules, oral questions may be asked at Council meetings of Council Members appointed to the undermentioned Joint Committees/External Bodies, namely;

- Kirklees Neighbourhood Housing
- Kirklees Active Leisure
- West Yorkshire Combined Authority
- West Yorkshire Fire and Rescue Authority
- West Yorkshire Police and Crime Panel
- West Yorkshire Joint Services Committee

For this purpose, spokespersons are appointed to respond to oral questions on behalf of each body.

3. Implications for the Council

Not applicable.

4. Consultees and their opinions

Not applicable.

5. Next steps

The appointed spokespersons will act as the organisations' representatives in terms of responding to questions at meetings of Council throughout the municipal year.

6. Officer recommendations and reasons

- 1) That Council nominates a spokesperson to reply to oral questions at Council meetings for the following organisations; Kirklees Active Leisure and Kirklees Neighbourhood Housing
- 2) That the spokespersons for the West Yorkshire Combined Authority; West Yorkshire Fire and Rescue Authority, and West Yorkshire Joint Services Committee will be notified by those bodies.
- 3) That Council determines a spokesperson for the West Yorkshire Police and Crime Panel for 2015/2016 (or at a later date if Council has not earlier approved its representatives.)

7. Contact officer and relevant papers

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