



Assistant Director of Legal, Governance and Monitoring

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

ANNUAL COUNCIL

WEDNESDAY 25 MAY 2016

Andrea Woodside

01484 221000

Chair

Councillors Attended

M Ahmed, M Akhtar, K Allison, B Armer, D Bellamy, M Bolt, C Burke, J Calvert, A Cooper, N Dad, J Dodds, D Firth, E Firth, C Greaves, D Hall, S Hall, E Hill, L Holmes, E Holroyd-Doveton, M Hussain, C Iredale, P Kane, V Kendrick, M Khan, J Lawson, V Lees-Hamilton, R Light, G Lowe, T Lyons, A Marchington, N Mather, P McBride, D O'Donovan, M O'Neill, S Pandor, N Patrick, C Pattison, A U Pinnock, A Pinnock, K Pinnock, H Richards, M Sarwar, K Sims, E Smaje, M Sokhal, J Stewart-Turner, J Taylor, K Taylor, N Turner, S Ullah, M Watson, L Wilkinson and G Wilson

Attendees

Co-optees

Apologies

Councillor Judith Hughes, Councillor Andrew Palfreeman, Councillor Cathy Scott, Councillor David Sheard and Councillor Graham Turner

Observers

1 To elect the Mayor for the ensuing year

To note.

That Councillor Jim Dodds be elected as Mayor for the 2016-2017 Municipal Year.

2 To appoint a Deputy Mayor for the ensuing year

To note.

That Councillor Christine Iredale be appointed as Deputy Mayor for the 2016-2017 Municipal Year.

3 To approve as a correct record and authorise the signing of the Minutes of the Ordinary Meeting of the Council held on 23 March 2016

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

That the Minutes of the Meeting of Council held on 23 March 2016 be approved 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.

No declarations of interest were made.

5 Announcements by the Mayor and Chief Executive

To note, including the results of the Local Council Elections held on 5 May 2016 and the acceptance of the Office of Councillors elected.

The Chief Executive advised of the official return of the election of Councillors held on 5 May 2016, as detailed within the considered report.

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

The Chief Executive advised that Councillor David Sheard had submitted his resignation of the Leader of the Council and outlined the consequential implications upon the Council's executive arrangements.

Tributes were paid to Councillor Sheard in his capacity as former Council Leader by the Mayor and Councillors Pandor, Light, N Turner and Cooper.

6 To receive any apologies for absence from Elected Members

To note.

Apologies for absence were received on behalf of Councillors Hughes, C Scott, Sheard, G Turner and Palfreeman.

7 Election of Leader of the Council

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

No Leader was appointed.

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.

Item not considered (as a consequence of no appointment being made at Agenda Item 7.)

9 Proposed Amendments to Council Procedure Rules (Reference from Corporate Governance and Audit Committee)

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

(Report attached)

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

That the revisions to Council Procedure Rules, as set out in the considered report be approved, subject to the following amendments, and that authority be delegated to the Assistant Director – Legal, Governance and Monitoring, to make any consequential drafting changes;

(i) Remove paragraphs 9A and 9B.

(ii) Insert in Paragraph 5 (1) after (e):

(f) To consider 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;

(g) To consider any questions from the public in accordance with Rule 11; and

(h) To consider any questions by Members to the Leader or Cabinet Members in accordance with Rule 12

(and re-number subsequent paragraphs)

(iii) Insert after paragraph 5;

5B Petition Scheme Debates

In accordance with the Council's Petition Scheme, the Petition Organiser will be permitted five minutes to present their petition. The subject matter will then be debated by Council for a maximum of 15 minutes.

(iv) Paragraph 9

Delete “the HEA Cabinet meeting referred to in Rule 9A before”.

(v) Paragraph 10

Delete “a HEA Cabinet meeting referred to in Rule 9A” and insert: “Council (except the Annual Meeting and Budget Meeting)

10 Proposed Amendments to the Terms of Reference of Health and Wellbeing Board (Reference from Corporate and Audit Committee)

To consider and determine amendments to the Terms of Reference of Health and Wellbeing Board.

(Report attached)

Contact: Phil Longworth, Health Policy Officer

That approval be given to the revised the Terms of Reference of Health and Wellbeing Board as detailed within the considered report, subject to the amendment of 'Purpose and Functions of the Board; Para 2' to read 'To develop, publish and own the Joint Strategic Needs Assessment for Kirklees (JSNA) (which is known locally as the Kirklees Joint Strategic Assessment(KJSA)) to inform local planning, commissioning and delivery of services and meet the legal responsibilities of Kirklees Council and the Clinical Commissioning Groups.'

11 Proposed Amendments to Council Financial Procedure Rules (Reference from Corporate Governance and Audit Committee)

To consider and determine amendments to the Council's Financial Procedure Rules.

(Report Attached)

Contact: Martin Dearnley, Head of Audit and Risk

That the amendments to Council Financial Procedure Rules, as set out within the considered report, be approved.

12 Proposed Amendments to Council Contract Procedure Rules (Reference from Corporate Governance and Audit Committee)

To consider and determine amendments to the Council's Contract Procedure Rules.

(Report attached)

Contact: Julie Muscroft, Head of Legal Governance and Monitoring

That the amendments to Council Contract Procedure Rules, as set out within the considered report, be approved.

13 Meetings of Council - 2016/2017 (Reference from Corporate Governance and Audit Committee)
(Report Attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

That the Schedule of Council Meetings for the 2016-2017 municipal year, as listed within the considered report, be approved.

14 Committees of the Council

To determine for the Municipal Year 2016/2017 the Committees of the Council.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

That approval be given to the establishment of the Committees/Panel/Boards for the ensuing year, as detailed within the considered report.

15 Corporate Parenting Board

To consider the re-establishment of Corporate Parenting Board for the 2016-2017 Municipal Year.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer – 01484-221000

(1) That approval be given to the re-establishment of the Corporate Parenting Board for the 2016-2017 municipal year.

(2) That approval be given to the membership of the Board on a 1:1:1:1 ratio.

(3) That the Terms of Reference of the Board be unchanged from those previously approved on 24 June 2015, and as set out within the considered report.

16 Allocation of Seats

To determine for the Municipal Year 2016/17 the allocation of seats on Committees to any Political Groups formed under the Local Government (Committees and Political Groups) Regulation 1990 or any substituted regulations and the allocation of seats to any Members of the Council who are not Members of any such Political Groups.

(Schedule attached)

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

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

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

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

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

(2) That the number and proportion of Members of Committees, Boards and Panels be in accordance with the schedule as set out in the attached document.

(See attached document)

17 Dates/Times of Committees, Boards and Panels

To determine for the Municipal Year 2016/2017

(Schedule attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

That the dates and times of Committee, Boards and Panels be in accordance with the schedule as set out at Item 17 of the Council Summons.

18 Membership of Committees, Boards and Panels and Ratio of Substitutes Panel

To determine for the Municipal Year 2016/17 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.

(Report to follow)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

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

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

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

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

19 Appointment of Members to Joint Authorities

To determine for the Municipal Year 2016/17 arrangements for the allocation of seats on Joint Authorities.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

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

(2) That, in the event that a Leader of the Council is not appointed at the Annual Meeting, the Leader of the largest political group shall be appointed as the Member of West Yorkshire Combined Authority.

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

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

(5) That the Council's appointments to West Yorkshire Police and Crime Panel be referred to the Chief Executive, in consultation with Group Business Managers, to determine.

20 Appointment to Outside Bodies/Other Committees

To determine for the Municipal Year 2016/17 the appointment of representatives to other Committees, Outside Bodies etc. except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

(1) That the allocation of places/ratios, as appropriate, in the report at item 20 of the Council Summons, be confirmed; that Group Business Managers put forward nominations to the Director of Resources to fill any vacancies or make any adjustments to nominees previously put forward, as appropriate, subject to (4) below.

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

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

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

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

21 Spokespersons of Joint Committees and External Bodies

To determine, for the Municipal Year 2016/17 the Council's spokespersons nominated to reply to oral questions at Council meetings upon any service provided by various organisations.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

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

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

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

22 To appoint the Chairs of the following Committees etc for the Municipal Year 2016/17, if considered appropriate

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 14.

Contact: Andrea Woodside, Principal Governance Officer - 01484 221000

That the appointment of Chairs of Committees and Panels be approved as detailed in the attached report. (See attached document)
