

# Public Document Pack

Kirklees Council



Council Chamber - Town Hall, Huddersfield

Tuesday 15 May 2018

Dear Member

**The Council will meet on Wednesday 23 May 2018 at 12.30 pm in the Main Hall – Town Hall, Huddersfield.**

**(Note: Agenda Items 1 to 3 will be considered in the Main Hall at 12.30pm. The meeting will then adjourn until 2.30pm and the remaining items of business will be considered in the Council Chamber, Huddersfield Town Hall).**

This meeting will be webcast live from 2.30pm and will be available to view via the Council's website.

The following matters will be debated:

**Pages**

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

To elect Mayor for the 2018/19 Municipal Year.

---

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

To appoint Deputy Mayor for the 2018/19 Municipal Year.

---

**3: To approve as a correct record the Minutes of the Ordinary Meeting of the Council held on 21 March 2018**

To agree as a correct record.

---

1 - 12

**4: Interests** 13 - 14

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** 15 - 18

To receive announcements, including the results of the Local Council Elections held on 3 May 2018.

---

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

To receive any apologies for absence.

---

**7: Election of Leader of the Council**

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

---

**8: Proposed Amendments to the Council's Constitution (Reference from Corporate Governance and Audit Committee)** 19 - 88

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

(Report attached)

Contact: Julie Muscroft, Service Director, Legal, Governance and Commissioning

---

**9: Proposed Amendments to the Council Financial Procedure Rules (Reference from Corporate Governance and Audit Committee)** 89 - 142

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

(Report attached)

Contact: Martin Dearnley, Head of Audit and Risk

---

**10: Meetings of Council 2018/19 (Reference from Corporate Governance and Audit Committee)** 143 - 146

To determine the schedule of meetings of Council for the 2018/19 Municipal Year.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer

---

**11: Committees of the Council** 147 - 150

To determine the Committees of the Council for the 2018/19 Municipal Year.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer

---

**12: Re-establishment of Corporate Parenting Board** 151 - 156

To consider the re-establishment of Corporate Parenting Board for the 2018/19 Municipal Year, including amended Terms of Reference.

(Report attached)

Contact: Helen Kilroy, Principal Governance Officer

---

- 13: Re-establishment of Regional Issues Working Party** 157 -  
160
- To consider the re-establishment of the Regional Issues Working Party.
- (Report attached)
- Contact: Alaina McGlade, Governance Officer
- 
- 14: Re-establishment of Kirklees Democracy Commission Working Party** 161 -  
164
- To consider the re-establishment of Kirklees Democracy Commission Working Party.
- (Report Attached)
- 
- 15: Proposed revisions to Terms of Reference - Health and Wellbeing Board** 165 -  
170
- To consider the amended Terms of Reference of the Health and Wellbeing Board.
- Contact: Jenny Bryce-Chan, Principal Governance Officer
- 
- 16: Allocation of Seats**
- To determine for the Municipal Year 2018/19 the allocation of seats on Committees and 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 to follow)
- 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

---

**17: Membership of Committees, Boards, Panels and Ratio of Substitutes Panel**

To determine for the Municipal Year 2018/19 the Membership of the Committees, Boards and Panel in accordance with nominations from Group Business Managers, and the ratio of the Panel of Substitute Members for each Political Group.

(Schedule to follow)

Contact: Andrea Woodside, Principal Governance Officer

---

**18: Dates/Times of Committees, Boards and Panels**

171 -  
180

To determine for the Municipal Year 2018/19.

(Schedule attached)

Contact: Andrea Woodside, Principal Governance Officer

---

**19: Appointment of Members to Joint Authorities**

181 -  
184

To determine for the Municipal Year 2018/19 arrangements for the allocation of seats on Joint Authorities.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer

---

**20: Appointment to Outside Bodies/Other Committees**

185 -  
192

To determine for the Municipal Year 2018/19 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

---

**21: Spokespersons of Joint Committees and External Bodies**

193 -  
196

To determine, for the Municipal Year 2018/19 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

---

**22: Appointment of Chairs of Committees**

To appoint Chairs of the following Committees for the 2018/19 Municipal Year;

- (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) Standards Committee
- (h) Strategic Planning Committee

(Note: This schedule is based upon the approval of the proposed as set out at Agenda Item 11)

---

By Order of the Council



Chief Executive

Contact Officer: Andrea Woodside

## **COUNCIL**

### **KIRKLEES COUNCIL**

**At the Meeting of the Council of the Borough of Kirklees held at  
Council Chamber - Town Hall, Huddersfield on Wednesday 21 March 2018**

## **PRESENT**

**The Mayor (Councillor Christine Iredale) in the Chair**

## **COUNCILLORS**

Councillor Masood Ahmed	Councillor Mahmood Akhtar
Councillor Karen Allison	Councillor Bill Armer
Councillor Gulfam Asif	Councillor Donna Bellamy
Councillor Martyn Bolt	Councillor Cahal Burke
Councillor Jean Calvert	Councillor Nosheen Dad
Councillor Jim Dodds	Councillor Richard Eastwood
Councillor Eric Firth	Councillor Donald Firth
Councillor Michelle Grainger-Mead	Councillor Charles Greaves
Councillor David Hall	Councillor Steve Hall
Councillor Lisa Holmes	Councillor Edgar Holroyd-Doveton
Councillor James Homewood	Councillor Judith Hughes
Councillor Mumtaz Hussain	Councillor Paul Kane
Councillor Manisha Roma Kaushik	Councillor Viv Kendrick
Councillor Musarrat Khan	Councillor John Lawson
Councillor Vivien Lees-Hamilton	Councillor Robert Light
Councillor Fazila Loonat	Councillor Gwen Lowe
Councillor Terry Lyons	Councillor Andrew Marchington
Councillor Naheed Mather	Councillor Peter McBride
Councillor Bernard McGuin	Councillor Darren O'Donovan
Councillor Shabir Pandor	Councillor Nigel Patrick
Councillor Carole Pattison	Councillor Mussarat Pervaiz
Councillor Amanda Pinnock	Councillor Andrew Pinnock
Councillor Kath Pinnock	Councillor Hilary Richards
Councillor Mohammad Sarwar	Councillor Cathy Scott
Councillor David Sheard	Councillor Ken Sims
Councillor Elizabeth Smaje	Councillor Richard Smith
Councillor Mohan Sokhal	Councillor Julie Stewart-Turner
Councillor John Taylor	Councillor Kath Taylor
Councillor Graham Turner	Councillor Nicola Turner
Councillor Sheikh Ullah	Councillor Rob Walker
Councillor Michael Watson	Councillor Gemma Wilson
Councillor Linda Wilkinson	Councillor Habiban Zaman

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

The Mayor invited Members to pay tribute to the Elected Members who would not be seeking re-election at the end of the municipal year; Councillors Calvert, Dodds and Wilkinson. The Chief Executive also announced that she had received notice that Councillor Palfreeman would be resigning as a councillor and Members were invited to pay tribute to Councillor Palfreeman also.

**142 Apologies for absence**

Apologies for absence were received on behalf of Councillors Cooper, Hill, O'Neill and Palfreeman.

**143 Minutes of Previous Meeting**

It was moved by the Mayor, seconded by the Deputy Mayor and;

**RESOLVED** - That the minutes of the meeting held on 14 February 2018 be approved as a correct record.

**144 Declaration of Interests**

There were no interests declared.

**145 Petitions (From Members of the Council)**

There were no petitions received.

**146 Deputations & Petitions (From Members of the Public)**

Council received (i) a deputation from Celia Moorhouse on behalf of Friends of Batley Library in regards to Batley Library, (ii) a deputation and petition from Leif Wilks on behalf of Friends of Birstall Library in regards to Birstall Library and, (iii) a deputation and petition from Brian Coleman on behalf of Grange Moor Community Association in regards to consultation on play areas.

Councillor Graham Turner, Joint Cabinet Portfolio Holder for Corporate responded to the deputations relating to libraries and Councillor Musarrat Khan, Joint Cabinet Portfolio Holder for Corporate responded to the deputation relating to play areas.

**147 Public Question Time**

There were no questions received.

**At this stage of the Meeting, Council moved to the consideration of Agenda Item No. 19 (Minute No. 159 refers) and Agenda Item No. 18 (Minute No. 158 refers)**

**148 Devolution Report**

It was moved by Councillor Pandor, seconded by Councillor Sheard, and;

**RESOLVED** - That the report be received and noted.



149 **Constitution - Proposed Changes to Terms of Reference of Corporate Governance and Audit Committee (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards, seconded by Councillor Stewart-Turner, and;

**RESOLVED** - That;

- (1) The amended Terms of Reference providing authority to Corporate Governance and Audit Committee to receive regular updates and to monitor the Council's use of RIPA during the year be approved.
- (2) Authority be delegated to the Service Director – Legal, Governance & Commissioning to make the amendments to the constitution to reflect the changes set out above.

150 **Report of Members Allowances Independent Review Panel (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards, seconded by Councillor Lawson, and;

**RESOLVED** - That the recommendations of both the Corporate Governance and Audit Committee and the Members' Allowances Independent Review Panel regarding the Members' Allowances Scheme for 2018/19, be approved with effect from 1 April 2018.

151 **Amendment to Officer Scheme of Delegation (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards, seconded by Councillor Lawson, and;

**RESOLVED** - That Council;

- (1) Note the appointment of the Acting Service Director – Finance, IT and Transactional Services as the Section 151 statutory officer;
- (2) Agree the proposed changes to the responsibility for non-executive functions, as set out in the report; and
- (3) Delegate authority to the Monitoring Officer to make the necessary amendments to the Constitution to do this.

152 **Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons**

(1) Question by Councillor Rob Walker to the Cabinet Member for Children (Councillor Masood Ahmed)

"Following the government's announcement on the 13<sup>th</sup> March of changes to the eligibility for free school meals for working families in receipt of Universal Credit how many children in Kirklees are set to lose out on free school meals"?

The Cabinet Member replied thereto

## Council - 21 March 2018

(2) Question by Councillor Habiban Zaman to Cabinet Member for Corporate  
(Councillor Graham Turner and Councillor Musarrat Khan)

“Why are the nation’s roads getting worse”?

The Cabinet Member replied thereto

(3) Question by Councillor Richard Smith to Cabinet Member for Economy  
(Cllr Peter McBride)

“Given that the Secretary of State for Transport has recently announced a specific Bypass Fund” has the Cabinet Member looked at the criteria to see if Flockton or other proposed schemes fit and can the Cabinet Member inform members of his view on an application for a Flockton Bypass”?

The Cabinet Member replied thereto

(4) Question by Councillor Richard Smith to Cabinet Member for Economy  
(Cllr Peter McBride)

“Can the Cabinet member provide timescales and confirm the route for the widely publicised £77M A62 Cooper Bridge Bypass”?

Question not considered (due to time constraints)

(5) Question by Councillor Richard Smith to Cabinet Member for Economy  
(Cllr Peter McBride)

“Could the Cabinet Member explain what Kirklees Council is doing to take advantage of the Major Road Network funding”?

Question not considered (due to time constraints)

(6) Question by Councillor James Homewood to Cabinet Member for Economy  
(Councillor Naheed Mather)

“Cllr Mather, in this chamber members of the opposition have said that you would not deliver on housing, can you tell us what the council has delivered”

Question not considered (due to time constraints)

**Council - 21 March 2018**

(7) Question by Councillor Steve Hall to Councillor Darren O'Donovan, West Yorkshire Fire & Rescue Authority

Q1 "How has West Yorkshire Fire and Rescue Service responded to the needs of the community following critical incidents in Kirklees"?

Question not considered (due to time constraints)

(8) Question by Councillor Judith Hughes to Cabinet Member for Adults and Public Health – (Cllr Cathy Scott)

"Last week was the National Fire Chiefs Councils national sprinkler awareness week, could you tell me whether Kirklees Council & KNH are going to retro-fit sprinklers into the 4 High Rise buildings within Kirklees"?

Question not considered (due to time constraints)

(9) Question by Councillor Darren O'Donovan to the Cabinet Member for Economy (Cllr Naheed Mather)

"Cllr Mather, I was very encouraged to see that the Cabinet has agreed to invest significant sum into our Town Centres. Do you agree that this will re-vitalise Huddersfield and Dewsbury".

Question not considered (due to time constraints)

(10) Question by Councillor Martyn Bolt to the Leader (Cllr David Sheard)

"Can the Cabinet Member confirm if he still believes the Labour Cabinet's Local Plan as being investigated to be sound"?

Question not considered (due to time constraints)

(11) Question by Councillor Martyn Bolt to the Cabinet Members for Corporate – Councillors Graham Turner/Cllr Musarrat Khan

"How many contracts does the Cabinet have with the private sector, and in what Services Areas are they? Does he feel they give best value for money"?

Question not considered (due to time constraints)

## Council - 21 March 2018

(12) Question by Councillor Martyn Bolt to the Cabinet Member for Corporate –Cllr Musarrat Khan

“Does the Cabinet Member feel that they have sufficient capacity and are taking advantage within the Highways Service of developing new schemes for funding and the benefit of Kirklees residents”?

Question not considered (due to time constraints)

(13) Question by Councillor David Hall to The Leader

“What support is the Cabinet putting in place for Members of this Council, and our colleagues on the five Town/Parish Councils, in preparation for the GDPR law changes in May”?

Question not considered (due to time constraints)

(14) Question by Councillor Michael Watson to The Leader

“Defining one school day as one school being closed for all or part of a day how many school days have been lost in Kirklees as a consequence of weather related events since 1 January 2018”?

Question not considered (due to time constraints)

(15) Question by Councillor Michael Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“At present I am receiving a high number of calls from residents in the Emley area regarding potholes that have occurred as a consequence of the recent poor weather. I understand extra resources have been allocated by the Highways Team for repairing potholes and I wish them well with what is clearly a challenging project. Could the cabinet member give an indication of when it is anticipated the teams will be able to attend to the potholes in the Emley area”?

Question not considered (due to time constraints)

(16) Question by Councillor Michael Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“Does the council compensate motorists whose tyres are damaged as a consequence of potholes”?

Question not considered (due to time constraints)

## Council - 21 March 2018

(17) Question by Councillor Michael Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“It seems to me that key to keeping on top of the potholes issue is the reporting of potholes as soon as possible and to this end the residents of Kirklees can very much be our eyes and ears so to speak. One option for doing this would be to develop an app which would enable users to photograph a pothole and send its precise location at the click of a button. Does the cabinet member agree this could be a useful tool to assist the highways team”?

Question not considered (due to time constraints)

(18) Question by Councillor Michael Watson to Cabinet Member for Corporate (Place, Environment and Customer Contact Services) – Councillor Musarrat Khan

“Whilst out delivering leaflets in Denby Dale advising local residents of the work their Conservative Ward Councillors and Parish Councillors had been doing throughout the last year it came to my attention that the traffic lights at the pedestrian crossing near the library were not working. Clearly problems such as this should be reported as soon as possible and it would be in accord with the principles of new council to encourage members of the public to report faults. What is the best way for them to do this”?

Question not considered (due to time constraints)

(19) Question by Councillor Nicola Turner to Cabinet Member for Corporate Councillor Musarrat Khan

“What is the authority’s definition of a pothole and are potholes graded in any way?”

Question not considered (due to time constraints)

(20) Question by Councillor Nicola Turner Cabinet Member for Corporate Councillor Musarrat Khan

“Currently, how many reported potholes are there across Kirklees? On average, how long does it take for them to get filled, once reported? What was the longest time it took for a pothole to get filled in the past year after being reported?”

Question not considered (due to time constraints)

**Council - 21 March 2018**

(21) Question by Councillor Andrew Pinnock to Cabinet Member for Corporate Councillor Musarrat Khan

“Can we have an update on the trial of the pothole MultiHog machines?”

Question not considered (due to time constraints)

(22) Question by Nicola Turner to Cabinet Member for Economy – Councillor Naheed Mather

“You promised a review on waste services. Has this taken place?”

Question not considered (due to time constraints)

(23) Question withdrawn

(24) Question by Councillor Cahal Burke to the Deputy Leader of the Council Councillor Shabir Pandor

“You were recently part of a delegation from the Leeds City Region at an international property and investment event in Cannes, in France. Can you give us feedback about this event, whether anything is happening and whether it was a success for Kirklees?”

Question not considered (due to time constraints)

(25) Question by Councillor Nicola Turner to the Cabinet Member Corporate Councillor Graham Turner & Councillor Musarrat Khan

“Is there a policy on where beehives may be kept in Kirklees?”

Question not considered (due to time constraints)

(26) Question by Councillor Cahal Burke to the Cabinet Member for Adults and Public Health

“Campaigners fighting to save Huddersfield Royal Infirmary have been granted permission for a judicial review into the plan to downgrade the hospital and move A&E services. What else can the Council do to support the legal case?”

Question not considered (due to time constraints)

## Council - 21 March 2018

(27) Question by Councillor Cahal Burke to the Cabinet for Corporate Councillor Graham Turner and Councillor Musarrat Khan

“Air quality is a major local, regional and national issue. In Kirklees, there are 7 new areas where the National Air Quality Objectives are being breached, including Ainley Top in Lindley ward and Outlane in the Colne Valley ward, and these areas have been declared as Air Quality Management Areas. I understand that by law, the Council must produce action plans detailing measures it will take to improve the air quality in these areas.

Can you confirm that these Air Quality Management Areas have now been set up and how will they help to address the issue of poor air quality?”

Question not considered (due to time constraints)

(28) Question by Councillor Andrew Pinnock to Cabinet Member for Corporate Councillor Graham Turner & Councillor Musarrat Khan

“There are 7 new areas across Kirklees which have been declared as Air Quality Management Areas by council officers, because of poor air quality. Why isn't Chain Bar, in Cleckheaton, included in this list?”

Question not considered (due to time constraints)

(29) Question by Councillor Nicola Turner to Cabinet Member for Adults and Public Health Councillor Cathy Scott

“The decision to downgrade Huddersfield Royal Infirmary has been referred to Jeremy Hunt and the Independent Reconfiguration Panel. What else can the Council do?”

Question not considered (due to time constraints)

(30) Question by Councillor Lisa Holmes to Cabinet Member for Councillor Graham Turner & Councillor Musarrat Khan

“How many reports of fly tipping were received for the Liversedge & Gomersal Ward for the periods 17/3/2017 to 16/3/18 & 17/3/16 to 16/3/17”?

Question not considered (due to time constraints)

(31) Question by Councillor Lisa Holmes to Cabinet Member for Councillor Masood Ahmed & Cllr Viv Kendrick

“How effective is our CAMHS service in supporting vulnerable young people”?

Question not considered (due to time constraints)

## Council - 21 March 2018

(32) Question by Councillor Lisa Holmes to Cabinet Member for Children Councillor Masood Ahmed and Councillor Viv Kendrick

“What benefits will we see coming from the Healthy Child Program in the next 12 months”?

Question not considered (due to time constraints)

(33) Question by Councillor Fazila Fadia to Cabinet Member for Adults and Public Health Councillor Cathy Scott

"How many applications do we have currently for council housing and what stock is available?"

Question not considered (due to time constraints)

(34) Question by Councillor Eric Firth for to Cabinet Member for Adults and Public Health Councillor Cathy Scott

“Cllr Scott everyone recognises that Social Care needs a sustainable funding solution. This needs central government to act in the way that this council agreed last year. Whilst there has been some temporary money – how will you use it”?

Question not considered (due to time constraints)

(35) Question by Councillor Eric Firth to Cllr Darren O’Donovan – West Yorkshire Fire & Rescue Authority

“What is WYFRS doing to support the increasing vulnerability of people living across Kirklees communities”

Question not considered (due to time constraints)

### 153 **Minutes of Cabinet and Cabinet Committee Local Issues**

The Minutes of Cabinet held on 21 November, 8 December, 19 December 2017, 15 January, 23 January and 30 January 2018, and Cabinet Committee – Local Issues held on 24 January 2018 were received for information.

### 154 **West Yorkshire Combined Authority Minutes**

Item not considered (due to time constraints)

### 155 **Holding the Executive to Account**

Item not considered (due to time constraints)



**156 Minutes of Other Committees**

The undermentioned Minutes were received for information;

(a) Standards Committee – 17 January 2017, 24 May 2017 and 6 September 2017

(b) Health and Wellbeing Board – 28 September 2017

(c) Corporate Parenting Board – 13 November 2017 and 22 January 2018

(d) Corporate Governance and Audit Committee – 17 November 2017 and 30 January 2018

(e) Overview and Scrutiny Management Committee – 27 November 2017 and 15 January 2018

(f) Strategic Planning Committee – 30 November 2017, 21 December 2017, 11 January 2018 and 8 February 2018

(g) Appeals Panel – 14 December 2017 and 25 January 2018

(h) Personnel Committee – 18 December 2017

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

Item not considered (due to time constraints)

**158 Motion submitted in accordance with Council Procedure Rule 14 as to the Government's review of the Electrification of the Transpennine Railway**

It was moved by Councillor McBride, and seconded by Councillor Mather and;

**RESOLVED -**

“The Council calls on the Secretary of State for Transport to recommit to the electrification of Transpennine Railway. We note that on the day he confirmed support for the £30 billion Crossrail project he cancelled electrification of strategic significance to Yorkshire, the Midlands, North West and South West and deferred a decision on Transpennine.

As the Transpennine Railway is the main artery for rail freight and passenger movements in the North, we therefore seek the support of our Yorkshire MP's and particularly those in Kirklees, to join forces with the Mayors of Liverpool and Manchester and the Leader of Leeds Council, in stressing the urgency of this matter and its significance as a project which could in part redress the imbalance of regional investment in the UK and lend some meaning to the term Northern Powerhouse.”

**159 Motion submitted in Accordance with Council Procedure Rule 14 to address the Clean Air for Kirklees**

It was moved by Councillor Khan, and seconded by Councillor Kendrick that;

“This motion calls upon the Environment Secretary Michael Gove to urgently take further action to fix the dangerous growing problem of air pollution in our towns and cities. Following a third court order that slams the Government's Air Quality Plan as inadequate and unlawful, the UK Government has been urged to produce a national Clean Air Act which demonstrates the Government taking responsibility as well as local authorities.

## Council - 21 March 2018

Clean air is considered to be a basic requirement of human health and well-being. However, air pollution continues to pose a serious threat to health of the public. Air pollution is contributing to approximately 40,000 early deaths a year in the UK. When dissected down to a Kirklees level that was the equivalent to 137 deaths per year associated with poor air quality in 2015.

This Council believes that air pollution in the UK is a public health crisis, with the World Health Organisation and Public Health England describing it as the largest environmental risk to public health.

Kirklees is undertaking a number of projects and interventions to improve the health of our residents and improve the local environment. This includes everything from leading on the West Yorkshire ECO-Stars Freight Recognition scheme, retrofitting school transport buses, Smart Traffic Lights, encouraging low emission taxis, installing a strategic electric vehicle charging network across the District, assessing the impact of housing developments on air quality, and providing concessional parking for low emission vehicles.

This Council therefore requests the Chief Executive to write to the Secretary of State for Environment urging the Government to act immediately to protect the health, wellbeing and economic sustainability for our generation and those of the future. The Government must work with local authorities and industry to make sustainable evidence based changes supported by long-term consistent and stable funding.”

Whereupon it was moved by Councillor Smaje, and seconded by Councillor Bolt, by way of AMENDMENT that;

“Delete ALL text after ‘This motion..’ and replace with:

...recognises the urgent need to take further action to fix the dangerous growing problem of air pollution and calls on the Cabinet to prepare and bring to Council at the earliest opportunity an up-to-date Clean Air Strategy which covers the whole of the borough.”

Subsequent to this, in accordance with Council Procedure Rule 14 (11), the mover and seconder of the original motion, and with the consent of the meeting, indicated their acceptance to the inclusion of the amendment as an ADDENDUM to the original motion;

“This motion calls upon the Environment Secretary Michael Gove to urgently take further action to fix the dangerous growing problem of air pollution in our towns and cities. Following a third court order that slams the Government’s Air Quality Plan as inadequate and unlawful, the UK Government has been urged to produce a national Clean Air Act which demonstrates the Government taking responsibility as well as local authorities.

Clean air is considered to be a basic requirement of human health and well-being. However, air pollution continues to pose a serious threat to health of the public. Air pollution is contributing to approximately 40,000 early deaths a year in the UK.

## Council - 21 March 2018

When dissected down to a Kirklees level that was the equivalent to 137 deaths per year associated with poor air quality in 2015.

This Council believes that air pollution in the UK is a public health crisis, with the World Health Organisation and Public Health England describing it as the largest environmental risk to public health.

Kirklees is undertaking a number of projects and interventions to improve the health of our residents and improve the local environment. This includes everything from leading on the West Yorkshire ECO-Stars Freight Recognition scheme, retrofitting school transport buses, Smart Traffic Lights, encouraging low emission taxis, installing a strategic electric vehicle charging network across the District, assessing the impact of housing developments on air quality, and providing concessional parking for low emission vehicles.

This Council therefore requests the Chief Executive to write to the Secretary of State for Environment urging the Government to act immediately to protect the health, wellbeing and economic sustainability for our generation and those of the future. The Government must work with local authorities and industry to make sustainable evidence based changes supported by long-term consistent and stable funding.

This motion recognises the urgent need to take further action to fix the dangerous growing problem of air pollution and calls on the Cabinet to prepare and bring to Council at the earliest opportunity, an up-to-date Clean Air Strategy which covers the whole of the borough.”

The MOTION INCLUDING THE ADDENDUM, on being put to the vote, was CARRIED, and it was therefore RESOLVED -

That;

“This motion calls upon the Environment Secretary Michael Gove to urgently take further action to fix the dangerous growing problem of air pollution in our towns and cities. Following a third court order that slams the Government’s Air Quality Plan as inadequate and unlawful, the UK Government has been urged to produce a national Clean Air Act which demonstrates the Government taking responsibility as well as local authorities.

Clean air is considered to be a basic requirement of human health and well-being. However, air pollution continues to pose a serious threat to health of the public. Air pollution is contributing to approximately 40,000 early deaths a year in the UK. When dissected down to a Kirklees level that was the equivalent to 137 deaths per year associated with poor air quality in 2015.

This Council believes that air pollution in the UK is a public health crisis, with the World Health Organisation and Public Health England describing it as the largest environmental risk to public health.

## **Council - 21 March 2018**

Kirklees is undertaking a number of projects and interventions to improve the health of our residents and improve the local environment. This includes everything from leading on the West Yorkshire ECO-Stars Freight Recognition scheme, retrofitting school transport buses, Smart Traffic Lights, encouraging low emission taxis, installing a strategic electric vehicle charging network across the District, assessing the impact of housing developments on air quality, and providing concessional parking for low emission vehicles.

This Council therefore requests the Chief Executive to write to the Secretary of State for Environment urging the Government to act immediately to protect the health, wellbeing and economic sustainability for our generation and those of the future. The Government must work with local authorities and industry to make sustainable evidence based changes supported by long-term consistent and stable funding.

This motion recognises the urgent need to take further action to fix the dangerous growing problem of air pollution and calls on the Cabinet to prepare and bring to Council at the earliest opportunity, an up-to-date Clean Air Strategy which covers the whole of the borough.”

<b>KIRKLEES COUNCIL</b>			
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>			
<b>DECLARATION OF INTERESTS</b>			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]</b>	<b>Brief description of your interest</b>

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**DISTRICT COUNCIL ELECTIONS  
THURSDAY 3 MAY 2018  
RESULTS**

<b>Ward: Almondbury</b> <b>Party: Liberal Democrats</b>	Alison Munro 27 Penistone Road Fenay Bridge Huddersfield HD8 0AP
<b>Ward: Ashbrow</b> <b>Party: Labour</b>	Harpreet Kaur Uppal 293 Alder Street Fartown Huddersfield HD2 7AX
<b>Ward: Batley East</b> <b>Party: Labour</b>	Mahmood Akhtar 1 Nethercroft Soothill Batley WF17 6NZ
<b>Ward: Batley West</b> <b>Party: Labour and Co-operative</b>	Gwen Lowe 44 Deighton Lane Healey Batley WF17 7EU
<b>Ward: Birstall &amp; Birkenshaw</b> <b>Party: Conservative</b>	Liz Smaje 39 Kingsley Crescent Birkenshaw Bradford BD11 2NJ
<b>Ward: Birstall &amp; Birkenshaw</b> <b>Party: Conservative</b>	Mark Thompson 383 Bradford Road Gomersal BD19 4BQ
<b>Ward: Cleckheaton</b> <b>Party: Liberal Democrats</b>	John Lawson 1 Moorland Mount Cleckheaton BD19 6JY
<b>Ward: Colne Valley</b> <b>Party: Labour</b>	Nell Griffiths 35 Meltham Road Marsden Huddersfield HD7 6JZ

<b>Ward: Crosland Moor &amp; Netherton</b> <b>Party: Labour</b>	Erin Hill 81 Deighton Road Huddersfield HD2 1LS
<b>Ward: Dalton</b> <b>Party: Labour</b>	Peter McBride 18 Netheroyd Hill Road Huddersfield HD2 2LP
<b>Ward: Denby Dale</b> <b>Party: Conservative</b>	Billy Jewitt 24 Bilham Road Clayton West Huddersfield HD8 9PA
<b>Ward: Dewsbury East</b> <b>Party: Labour</b>	Cathy Scott 1040 Leeds Road Dewsbury WF12 7QR
<b>Ward: Dewsbury South</b> <b>Party: Labour</b>	Masood Ahmed 14 Pentland Road Dewsbury WF12 9JR
<b>Ward: Dewsbury West</b> <b>Party: Labour</b>	Mumtaz Hussain 2 Charles Street Ravensthorpe Dewsbury WF13 3LB
<b>Ward: Golcar</b> <b>Party: Labour</b>	Richard Murgatroyd 2 Ainley Park Golcar Huddersfield HD7 4HE
<b>Ward: Greenhead</b> <b>Party: Labour</b>	Mohan Sokhal 45 Hall Lee Road Lindley Huddersfield HD3 3NX
<b>Ward: Heckmondwike</b> <b>Party: Labour</b>	Viv Kendrick 8 Yew Grove Huddersfield HD4 5XG



<b>Ward: Holme Valley North</b> <b>Party: Independent</b>	Terry Lyons 81 Wessenden Head Road Meltham Holmfirth HD9 4HR
<b>Ward: Holme Valley South</b> <b>Party: Conservative</b>	Keith Nigel Patrick 5A Greenway Honley Holmfirth HD9 6NQ
<b>Ward: Kirkburton</b> <b>Party: Conservative</b>	Bill Armer 25 Warrenside Deighton Huddersfield HD2 1LW
<b>Ward: Lindley</b> <b>Party: Liberal Democrats</b>	Cahal Burke 16 Howard Avenue Lindley Huddersfield HD3 3DJ
<b>Ward: Liversedge &amp; Gomersal</b> <b>Party: Conservative</b>	David Hall 44 Sunnyside Avenue Roberttown Liversedge WF15 7NW
<b>Ward: Mirfield</b> <b>Party: Conservative</b>	Vivien Lees-Hamilton 36 Hopton Drive Upper Hopton Mirfield WF14 8JR
<b>Ward: Newsome</b> <b>Party: Green</b>	Karen Allison 70 Barcroft Road Newsome Huddersfield HD4 6LD

This page is intentionally left blank

**Name of meeting: Council (Annual)**

**Date: 23 May 2018**

**Title of report: Proposed changes to the Council's Constitution**

**Purpose of report**

To set out proposed changes to the Council's constitution as described in paragraph 2 and as set out in more detail in the attached Appendices, which show some of the proposed amendments.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a> ?	N/A
The Decision - Is it eligible for "call in" by Scrutiny?	N/A
Date signed off by Director & name	
Is it also signed off by the Head of Finance and Accountancy?	Eamonn Croston – 15 May 2018
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft – 15 May 2018
Cabinet member portfolio	Graham Turner

**Electoral wards affected: N/A**

**Ward councillors consulted: N/A**

**Public or private: Public**

**1. Summary**

- 1.1 To set out proposed changes in relation to different sections of the constitution and seek approval by members of those proposed changes at paragraph 2 marked with a double asterix. Each section of the Constitution is set out below with information setting out details of the proposed change for which approval and/or comments is sought.
- 1.2 There have been some minor changes using delegated authority granted to the Monitoring Officer by Council on 20 May 2015 to reflect changes to officer's titles, typing or grammatical errors, old references and new legislation. The list of changes made using the Monitoring Officer's delegation are set out in the attached Appendix A for information.
- 1.3 The constitution has been reviewed during the year in relation to some areas. This is an on-going process to ensure it is correct and up-to-date and reflects any changes to re-structure, procedures and legislation. The outcome of that review is set out in this report.

## 2. Information required to take a decision

### **PART 1 – SUMMARY AND EXPLANATION**

- 2.01 This provides a summary and explanation of what is included in the constitution. This has been reviewed and there are no requests for approval for any changes.

### **PART 2 – ARTICLES**

- 2.02 There are 17 articles that set out how the council operates. This has been reviewed and there are changes to the following:-

2.03 Article 7 – The Executive

Following the consideration given throughout the year to the change in approach to DBS checks, it is suggested the following wording is added

*‘The Leader shall require the Cabinet member post holders of Children’s and Adults to undertake an Enhanced DBS check in accordance with the DBS Policy’.*

The Leader following consultation has confirmed the approach which is to be taken and the amendment is attached for information at Appendix B.

A policy will be drafted that sets out the circumstances and procedure for carrying out those checks. In essence, this will affect the roles which are included within this report at section 2.03 and paragraph 2.12.

2.04 Article 13 – Decision Making Principles \*\*

Members are asked to consider and provide approval for the decision making principles. These have been reviewed and updated to simplify them and keep them in line with current good practice and improve the wording relating to the decision making principles. The changes were approved by Corporate, Governance and Audit committee on 9 March 2018 for agreement by Council and are attached at Appendix C.

Members are referred to paragraph 2.19 of the report which sets out the recommendations of the committee on 9<sup>th</sup> March about this matter.

### **PART 3 - RESPONSIBILITY FOR FUNCTIONS**

- 2.05 This part details the council’s cabinet, committees’ and other groups’ responsibilities. This section also contains each individual Cabinet Member’s specific responsibilities.

Section F sets out the scheme of delegation to officers. This includes executive and non-executive delegations to officers. There have been changes to titles and responsibilities following a review of the Senior Management structure and as a result of the s.151 officer leaving. The relevant amendments were made over the last year using the Monitoring Officers delegation and are set out in the attached Appendix A.

## PART 4 – RULES OF PROCEDURE

2.06 This section contains eight documents which describe how Councillors and Officers conduct themselves in meetings and make decisions about certain matters. The documents where amendments are sought are listed below.

### 2.07 Council Procedure Rules\*\*

CPR 12 (2) currently states '*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 within the preceding six months or the question appears~~ defamatory, vexatious or requires the disclosure of confidential or exempt information.'*

This will allow members who have follow on questions or questions that are similar to have an opportunity to put their question and aid discussion.

It is suggested the words are deleted as outlined above.

2.08 Rule 18 of the CPR's is in relation to the Rules of Debate. This amendment is to reflect current practice and allows for flexibility in terms of who presents the budget speech. CPR 18 (6) currently states:-  
*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, **or the Leader's nominee** annual budget speech on the setting of the amounts of Council Tax.*

2.09 CPR 19(3) currently states:

*'An amendment to a motion proposed under paragraph (1) above, cannot be moved unless it has been **submitted and deemed to be financially sound and sustainable by** the Chief Executive no later than 7 days prior to the date of the Budget Meeting. The Notice of 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 Budget Motion cannot be accepted unless the Chief Executive is satisfied, upon the advice of the Service Director - Finance, Information and Transactional Services, that the proposed amendment is financially sound and sustainable.'*

The proposed change is to delete "submitted to" and add the words in bold outlined above. This is to make the requirements regarding amendments clear and it is understood that they are required (within the 7 days) to be both:-

- i) submitted and
- ii) the Chief Executive satisfied that they are financially sustainable

2.10 CPR 19 (4) currently states:

*'The Chief Executive shall inform all Members of the Council of any amendments received'*

It is suggested to reflect current practice that the following words are added followed the word received '**..and the order of receipt. The amendments shall be considered at the meeting in the same order that they have been received by the Chief Executive..'**

2.11 CPR 19(5) currently states:

*Debating the Motion 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.*

*(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.*

*(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.*

It is suggested the following words are inserted to provide flexibility to aid debate and discussion when responding to budget motions and amendments

***(iv) In order to engage in a full debate about the Budget and amendments these rules will allow reference to be made by a member in the Budget debate, to the Budget Motion and / or any amendments submitted by a political group related to the budget during their contribution to the debate whether that be when speaking on the Budget Motion or an amendment to it.***

2.12 CPR 35 refers to the Appointment of Committees, Sub-Committees and Panels. Section 35 (2) is set out below:

*(2) The Council subject to any statutory provision:-*

*(i) Shall not appoint any Member of the 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*

Following the consideration given throughout the year to the change in approach to DBS checks, it is suggested the following words are added

***(iv) Shall require the post holders of Scrutiny Lead Panel Members – Children (including those who attend Children Homes Regulations 44 visits) and Adoption Panel Members to***

***undertake an Enhanced DBS check in accordance with the DBS policy***

As referred at 2.03 a policy will be drafted by the Monitoring Officer that will provide a framework and set out guidance, procedures and relevant legislation.

2.13 CPR 37 currently states:

*'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. This speaking right shall not apply to persons who have presented a deputation on the same subject matter at the same meeting. That person shall not be permitted to remain in the meeting when consideration is being given to confidential or exempt information.'*

The suggested changes are proposed so that it is clear to the public that they don't have individual speaking rights on particular items unlike attending Cabinet for example. At Council meetings the speaking is limited to deputations and petitions, unless express permission is proved as per above.

2.14 Access to Information Procedure Rules

This has been reviewed during the year and will be updated to reflect some changes in legislation and bring the rules up to date.

2.15 Budget and Policy Framework Rules

This is part of a wider piece of work which is under consideration and is currently being reviewed but there are no proposed amendments this year.

2.16 Executive Procedure Rules

This has been updated using the MO delegation to reflect the new officer titles. No further changes are proposed.

2.17 Financial Procedure Rules

There are proposed amendments and these will be the subject of a separate report to this committee

2.18 Contract Procedure Rules\*\*

There is usually a separate report on Contract Procedure Rule changes. This year however, there are no substantive amendments requiring a separate report.

The rules have been reviewed and updated with some minor amendments to titles following the senior management restructure and updating of the EU threshold figures, for both procedural and numerical purposes. Every two years and most recently on 1st January 2018 the English legislation resets its thresholds at the exchange rate then applicable.

The proposed changes are set out in Appendix D.

## 2.19 Overview and Scrutiny Procedure Rules\*\*

Following changes in relation to the structure of Scrutiny a piece of work was commissioned in 2015 by the Corporate, Governance and Audit committee to consider practice elsewhere and the development of options linked to the approach of scrutiny in Kirklees.

Following a report to CGA on 9 March 2018 a number of requirements were proposed as changes to support the principles of scrutiny. The committee did approve most of the recommendations made. A copy of the report is included at Appendix G for information. This committee recommended that Council approve the following:

- (1) *That the call in proforma be amended to include a section where a signatory may set out, where appropriate, any steps they have taken to try to resolve their concerns prior to calling in the cabinet decision.*
- (2) *That the Scrutiny Procedure Rules in the Constitution be amended to clarify that supporting evidence and reasons to illustrate how the decision making principle(s) has been breached should be included in the call in request. Officers to amend the call in proforma to allow for evidence to be included.*
- (3) *That the decision making principles in Article 13 of the constitution, as set out in appendix 2 of the report, be simplified in line with good practice and to ensure clarity of interpretation.*
- (4) *That the decision about the validity of a call in request will be determined by the Service Director, Legal, Governance and Commissioning in consultation with the Chair of Overview and Scrutiny.*
- (5) *That any required amendments to the constitution will be considered at the Annual Council Meeting.*

**Members are asked to agree the recommendations by the Corporate, Governance and Audit committee on 9<sup>th</sup> March and to approve the amended overview and scrutiny procedure rules attached at Appendix E.**

## 2.20 Officer Employment Procedure Rules

These have been updated during the year and the changes are set out within Appendix A.

## **PART 5 – CODES and PROTOCOLS**

2.21 This section sets out the Council's Codes and Protocols in relation to a number of areas.

## 2.22 Members Code of Conduct

The Members Code of Conduct has been subject to a Standards Review and recent updates to the code were approved by full Council on 26 April 2017. This has been reviewed and no changes are necessary.



2.23 Monitoring Officer Protocol

This has been reviewed and no changes are necessary.

2.24 Protocol for Planning Committees and Sub-Committees

This has been reviewed and no changes are necessary.

2.25 Decision Making On Ward Issues – Procedural Advice to Cabinet Members

This will be reviewed during 2018/19 and initially referred back to the Standards Committee for any proposed changes for consideration. Any recommended changes will be presented in a report to CGA and back to Council as appropriate.

2.26 Protocol on the role of Representatives and Key Outside Bodies in representing the interests of the Council\*\*

This has been reviewed during 2018/19 and updated, however, will be considered as part of a wider review during 2018/19. The proposed changes are set out in the attached Appendix F.

2.27 Officers Code of Conduct

This requires more comprehensive updating and will be subject to further report during 2018/19.

2.28 Protocol for Public Speaking at Planning Committees and Sub-Committees

This has been reviewed and no changes are necessary.

2.29 Licensing and Safety Committee Protocol

This has been reviewed following changes made to the statutory guidance and updated using the MO delegation to reflect new legislation and to bring it up to date.

2.30 Councillors and Officers in Kirklees – A Protocol for Working Effectively

No changes are proposed.

2.31 Safeguarding Protocol

No changes are proposed

**3. Implications for the Council**

**3.1 Early Intervention and Prevention (EIP)**

N/A

**3.2 Economic Resilience (ER)**

N/A

**3.3 Improving Outcomes for Children**

N/A

### **3.4 Reducing demand of services**

N/A

### **3.5 Other implications (Financial, legal etc...)**

It is essential 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 challenges, unnecessary procedural delays and less transparency in the Council's democratic process.

## **4. Consultees and their opinions**

The Chief Executive and various officers in Legal, Governance and Commissioning have been consulted. The Leader and the changes to DBS checks has been discussed on a number of occasions with Group Business Managers and at the Chief Executive's meeting with Leading Members.

The Corporate, Governance and Audit committee were in agreement to the changes proposed to the constitution at their meeting on 11<sup>th</sup> May 2018. Slight amendments to the proposed wording have been made to CPR 19(5) at paragraph 2.11 as a result of comments made by them to make the purpose clearer A very minor amendment was also suggested to Appendix C which is reflected in the draft as well.

## **5. Next steps**

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

## **6. Officer recommendations and reasons**

That Council:-

- a. Approve or note the proposed changes set out in the paragraphs marked with a double asterix at 2.04, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, 2.18, 2.19 and 2.26 and the accompanying relevant Appendices and having regard to the comments from Corporate, Governance and Audit Committee.
- b. Delegate authority to the Service Director – Legal, Governance and Commissioning 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.
- c. Delegate authority to the Service Director – Legal Governance and Commissioning to draft the DBS Policy as referred to in paragraphs 2.03 and 2.12.

## **7. Cabinet portfolio holder recommendation**

N/A

## **8. Contact officer**

Julie Muscroft – Service Director – Legal, Governance and Commissioning  
01484 221 000  
[julie.muscroft@kirklees.gov.uk](mailto:julie.muscroft@kirklees.gov.uk)

## **9. Background Papers and History of Decisions**

N/A

## **10. Service Director responsible**

Julie Muscroft – Service Director – Legal, Governance and Commissioning  
01484 221 000  
[julie.muscroft@kirklees.gov.uk](mailto:julie.muscroft@kirklees.gov.uk)

## **11. Appendices**

### **Appendices**

**Appendix A - Amendments 2017/18 (Information only)**

**Appendix B – Article 7 – The Executive (Information only)**

**Appendix C – Article 13 – Decision Making Principles**

**Appendix D – Contract Procedure Rules**

**Appendix E – Overview and Scrutiny Procedure Rules**

**Appendix F – Protocol on Representatives on Outside Bodies**

**Appendix G – Report on Amendment Options for the Scrutiny Call-in Process**



## APPENIDX A

### Amendments 2017 - 2018

Changes made to the Constitution authorised either by the Monitoring Officer (MO) under the delegation provided to her or authorised by Council following the relevant report are set out in the tables below for information only.

Amendment	Authorisation	Link to Report
<b>PART 1 – Summary and Explanation</b>		
Removal of references to District Committees	Council	24 May 2017  <a href="https://democracy.kirklees.gov.uk/documents/s18501/Draft%20Council%20report%2024%20May%202017Final%20redjm%20commnets.pdf">https://democracy.kirklees.gov.uk/documents/s18501/Draft%20Council%20report%2024%20May%202017Final%20redjm%20commnets.pdf</a>
<b>PART 2 – ARTICLES</b>		
Changes to reflect new officer titles at Heads of Service <ul style="list-style-type: none"> <li>- Head of Environmental Health to Head of Public Protection</li> <li>- Head of Building Control and Licensing to Head of Capital Delivery and Facilities Management</li> <li>- Head of Governance and Democratic Services to Head of Democracy</li> </ul>	Monitoring Officer delegation	-
Removal of reference to District Committee's	Council	24 May 2017 (see above link)
Add word 'Commissioning' Article 7, paragraph 7.2.4	Monitoring Officer delegation	-
Remove word 'support' in Article 14 from title of Service Director – Legal, Governance and Commissioning	Monitoring Officer delegation	-

<b>PART 3 – RESPONSIBILITY FOR FUNCTIONS</b>		
Changes to reflect the departure of the s.151 officer and change of non-exec and executive delegations	Non-Executive functions (Council)	21 March 2018 <a href="https://democracy.kirklees.gov.uk/documents/s21994/11.%20Council%20S151%20and%20non-exec%20decision.pdf">https://democracy.kirklees.gov.uk/documents/s21994/11.%20Council%20S151%20and%20non-exec%20decision.pdf</a>
	Executive changes	4 April 2018
Addition of Statutory Officer Dismissal Committee	Council	13 December 2017 <a href="https://democracy.kirklees.gov.uk/documents/s20962/ITEM%209%20Dismissal%20of%20Statutory%20Officers.pdf">https://democracy.kirklees.gov.uk/documents/s20962/ITEM%209%20Dismissal%20of%20Statutory%20Officers.pdf</a>
<b>PART 4 – RULES OF PROCEDURE</b>		
Removal of reference to District Committees in Council Procedure Rules	Council	24 May 2017 (see above link)
Update to Officer Employment Procedure Rules	Council	13 December 2017 <a href="https://democracy.kirklees.gov.uk/documents/s20962/ITEM%209%20Dismissal%20of%20Statutory%20Officers.pdf">https://democracy.kirklees.gov.uk/documents/s20962/ITEM%209%20Dismissal%20of%20Statutory%20Officers.pdf</a>
Update to change titles in Executive Procedure Rules	Monitoring Officer delegation	-
<b>PART 5 – CODES AND PROTOCOLS</b>		
Update to Licensing and Safety Committee Protocol to reflect changes in guidance and legislation	Monitoring Officer delegation	-

## **APPENDIX B**

### **ARTICLE 7 - THE EXECUTIVE**

#### **7.1 Title, Role and Transitional Provisions**

- 7.1.1 The leader of the Council and Cabinet who are in office at the time of the local elections in May 2010 shall remain in office until the annual meeting of the authority following those elections and the scheme of responsibility for the authority's executive functions set out in Part 3.3 of this constitution as at that time shall continue in force unless and until it is amended by the Leader appointed in accordance with article 7.2.2 below;
- 7.1.2 Subject to 7.1.1 above, the authority will operate executive arrangements under section 11(2A) of the Local Government Act 2000 (known as the leader and cabinet executive model) with effect from three days after the date of the ordinary elections of councillors to the authority to be held in May 2010.
- 7.1.3 Under the leader and cabinet executive model the Executive consists of a councillor elected as Leader by the authority and a minimum of two and a maximum of nine councillors appointed to the Cabinet by the Leader. The Executive will carry out all of the authority's functions which are not the responsibility of any other part of the authority, whether by law or under this constitution;

#### **7.2 Leader and Deputy Leader**

- 7.2.1 The Leader will be a councillor elected to the position of Leader by the authority.
- 7.2.2 The first Leader to be elected under the arrangements referred to at article 7.1.2 shall be elected at the annual meeting of the authority following the ordinary elections of councillors to the authority to be held in May 2010. If the authority fails to elect a Leader at that meeting the Leader shall be elected at a subsequent meeting of the authority.
- 7.2.3 Subsequent Leaders shall be elected by the authority whenever there is a vacancy in the office of Leader.
- 7.2.4 The Leader shall designate one of the other Cabinet members to be the Deputy Leader. The Leader shall give written notice to the authority's Chief Executive and Service Director – Legal, Governance and of the appointment of the Deputy Leader and the appointment shall take effect upon the day on which the Chief Executive gives written acknowledgment of receipt of the notice. The Leader, if they think fit, may remove the Deputy Leader from office and where a vacancy in the office of Deputy Leader occurs the Leader must appoint another person in their place. The Leader shall give written notice to the authority's Chief Executive and Service Director – Legal, Governance and Commissioning of any such removal of the Deputy Leader from office or appointment of a new Deputy Leader and the removal or appointment shall take effect upon the day on which the Chief Executive gives written acknowledgment of receipt of such notice.

7.2.5 If for any reason the Leader is unable to act the Deputy Leader must act in the Leader's place.

7.2.6 If for any reason the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in the Leader's place.

### **7.3 Form and Composition of Cabinet**

7.3.1 The Cabinet will consist of the Leader, together with at least two, but no more than nine councillors appointed to the Cabinet by the Leader. One of the Cabinet members must be the Deputy Leader.

7.3.2 The Leader may appoint each Cabinet member to be responsible for a specific portfolio of functions. The Leader may make adjustments to the detail of those portfolios or add additional responsibilities as they consider appropriate in the light of operational need. Any such changes shall be reported to the next meeting of the Cabinet.

7.3.3 The Leader shall appoint one Cabinet member to be "lead member for children's services" for the purposes of section 19(1) of the Children Act 2004.

7.3.4 The Leader shall, within five working days of being elected as Leader, give written notice to the local authority's Chief Executive and Service Director – Legal, Governance and Commissioning of the details of which councillors have been appointed to Cabinet, of any portfolios of functions which have been allocated to individual Cabinet members and of which Cabinet member has been appointed as lead member for Children's Services. The Leader shall also notify the Chief Executive and Service Director – Legal, Governance and Commissioning if and when he/she makes any changes to these arrangements. Such arrangements shall take effect upon the day on which the Chief Executive gives written acknowledgment of receipt of such notifications.

[7.3.5 The Leader shall require the Cabinet member post holders of Children's and Adults to undertake an Enhanced DBS check in accordance with the DBS Policy](#)

### **7.4 Other Cabinet Members**

7.4.1 Only councillors may be appointed to the Cabinet by the Leader. There may be no co-optees and no deputies or substitutes for Cabinet members. Neither the Mayor nor Deputy Mayor may be appointed to the Cabinet and members of the Cabinet (including the Leader) may not be members of the Overview and Scrutiny Management Committee, or its panels.

### **7.5 Terms of Office and Removal from Office**

7.5.1 The Leader's term of office shall commence upon the day of the Leader's election pursuant to article 7.2.1 or 7.2.2 and, unless article 7.5.2 applies, will expire on the day when the authority holds its first annual meeting after the Leader's normal day



of retirement as a councillor. Accordingly the maximum term of office for the Leader is 4 years.

7.5.2 The Leader's term of office will end before the time specified in article 7.5.1 in the following circumstances:

7.5.2.1 The Leader resigns from office. Such resignation shall be effective when the authority's Chief Executive receives written notice of the resignation from the Leader.

7.5.2.2 The Leader is removed from office by resolution of the authority under article 7.6.1.

7.5.2.3 The Leader resigns as a councillor.

7.5.2.4 The Leader otherwise ceases to be a councillor, except in the circumstances provided for in article 7.5.1.

7.5.3 During any period during which the Leader is suspended by the authority's standards committee or by the First-tier Tribunal (Local Government Standards in England) from being a member of the authority the Deputy Leader shall act in the Leader's place and the Leader shall not be a member of the Cabinet during the term of any such suspension.

7.5.4 The Leader may not be removed from office other than in accordance with this article.

7.5.5 The Deputy Leader is to hold office from the day when they are appointed by the Leader until the end of the term of office of the Leader, unless:

7.5.5.1 The Deputy Leader is removed from office by the Leader in accordance with article 7.2.4. Such removal from office shall be effective when the authority's Chief Executive receives written notice of the removal from the Leader;

7.5.5.2 The Deputy Leader resigns as Deputy Leader;

7.5.5.3 The Deputy Leader ceases to be a member of the authority;

7.5.5.4 The Deputy Leader is acting as Leader pursuant to article 7.6.3 during a vacancy in the office of Leader, in which case the Deputy Leader shall continue to hold office until the election of a new Leader; or

7.5.5.5 The Leader resigns from or dies in office in which case the Deputy Leader shall act as Leader and continue to hold office until the election of a new Leader.

And for the avoidance of doubt in the circumstances described in Articles 7.5.5.4 or 7.5.5.5 the Deputy Leader whilst acting as Leader shall be entitled to appoint a Cabinet in accordance with Article 7.3.

7.5.6 The individual Cabinet members are to hold office from the day when they are appointed by the Leader until the end of the term of office of the Leader, subject to article 7.5.6, unless:

7.5.6.1 They are removed from office by the Leader, or the Deputy Leader acting in the Leader's absence. Any such removal of a Cabinet member from office shall take effect upon the authority's Chief Executive receiving written notice of the removal from office, such notice to be given by the Leader or Deputy Leader as the case may be;

7.5.6.2 They resign as members of the Cabinet; or

7.5.6.3 They cease to be members of the authority.

## **7.6 Removal from Office of the Leader**

7.6.1 The Leader may be removed from office by resolution of the authority.

7.6.2 No such resolution may be considered by the authority unless a notice of motion has been submitted in writing and delivered to the Service Director – Legal, Governance and Commissioning by 10.00 am on the tenth day before the date of the council meeting at which the motion is to be considered. The notice of motion must be signed by not less than one third of the members of the authority.

7.6.3 Where the Leader is removed from office in accordance with article 7.6.1 the authority shall elect a new Leader at the meeting which the Leader is removed from office or at a subsequent meeting. During any period during which the office of Leader is vacant the Deputy Leader will act as Leader.

## **7.7 Proceedings of the Executive**

7.7.1 Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this constitution. The Access to Information Procedure Rules also contain requirements which apply to the Executive.

## **7.8 Responsibility for Functions**

7.8.1 The Leader will ensure that a list is maintained in Part 3 of this Constitution setting out which executive functions the Leader has allocated to himself / herself and which executive functions they have delegated to the Cabinet, specified individual members of the Cabinet, specified committees of the Cabinet or specified officers of the authority.

7.8.2 The Leader shall provide a copy of that list to the authority's Chief Executive and Service Director – Legal, Governance and Commissioning within five working days of being appointed as Leader and shall notify the Chief Executive and Service Director – Legal, Governance and Commissioning Support in writing of any amendments to that list. Following the appointment of a new Leader, all executive functions will vest in the Leader until the day upon which the Chief Executive gives written acknowledgment of receipt of such a list and any amendments to the list

will not take effect until the day upon which the Chief Executive gives written acknowledgment of receipt of such notice of amendment.

7.8.3 Unless the Leader otherwise directs:

7.8.3.1 The Cabinet may arrange for the discharge of any of the executive functions delegated to it by the Leader to be exercised by a committee of the Cabinet or by an officer of the authority.

7.8.3.2 Any member of the Cabinet who has been delegated executive functions may arrange for any of those functions to be exercised by an officer.

7.8.3.3 Any committee of the Cabinet which has been delegated functions may arrange for any of its executive functions to be carried out by an officer

7.8.4 Article 7.8.2 shall not prevent the Leader, the Cabinet, a member of the Cabinet or a committee of the Cabinet from exercising functions which they have previously delegated.

## **7.9 Executive arrangements in the event of no leader being elected**

7.9.1 If at any time there is no leader and no Deputy Leader in office, any act or function that could otherwise be performed by the Leader may be performed by the Chief Executive

[ who will act in consultation with the leaders of all political parties ]



## APPENDIX C

# ARTICLE 13 – DECISION MAKING

### 13.1 Responsibility for decision making

The council will issue and keep up to date a record of which part of the council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this constitution. A record will also be kept (see Section G of Part 3 of the Constitution) of those bodies / working groups / boards within the council which do not have formal decision making roles but which have advisory responsibilities and functions.

### 13.2 Principles of decision making

The following principles apply to decision-making:-

- a. ~~due regard to all~~ **Relevant Considerations** – ~~Due regard to all relevant considerations~~ and disregard of all irrelevant factors;
- b. **Proportionality** – ~~(i.e. The~~ the action must be proportionate to the desired outcome);
- c. **Consultation** – ~~There will be appropriate consultation and professional advice obtained from officers~~  
~~lawfulness and financial propriety and prudence;~~
- d. ~~all due consultation;~~
- e. ~~the taking of professional advice from officers;~~
- f. ~~respect for~~ **Human Rights** – ~~All decisions should reflect respect and application of the~~ ~~for~~ ~~h~~ ~~Human~~ ~~Rights~~ ~~1998~~;
- g. **Openness** – ~~Be open about the decisions and actions the council takes a presumption in favour of openness;~~
- h. **Clarity** - ~~Be clear in our aims and what the Council wants to achieve~~ ~~clarity of aims and desired outcomes;~~
- i. **Options** – ~~An explanation of the~~ ~~the ability to explain the~~ options considered and the reasons for decisions.
- j. **Lawfulness and Financial Propriety** – ~~Decisions should be consistent with relevant legislation, common law and within the powers of the Council. Resources will be used carefully, lawfully and in the interests of the community we serve~~

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

### 13.3 Types of decision

- a. **Decisions reserved to full council.** Decisions relating to the functions listed in Article 4.2 will be made by the full council and not delegated.
- b. **Key decisions**, which means an executive decision which is likely:
  - to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
  - to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

The meaning for the purposes of this Council's functions is set out in rule 12 of the Access to Information Rules in Part 4 of this constitution.

A decision maker may make a key decision only in accordance with the requirements of the Access to Information Procedure Rules and the Executive Procedure Rules in Part 4 of this constitution.

### 13.4 Decision making by the full Council

Subject to Article 13.8, the council meeting will follow the Council Procedures Rules set out in Part 4 of this constitution when considering any matter.

### 13.5 Decision making by the Executive

Decision making in relation to the discharge of executive functions is the responsibility of the Leader. The Leader may discharge executive functions personally, or may arrange for the discharge of those functions by the Cabinet, another Cabinet member, a committee of the Cabinet or an officer of the Council.

### 13.6 Decision making by officers

The delegation scheme for officers set out in Part 3 of the Constitution provides for the delegation of Council and Executive functions to the Council's chief officers and the Service Director – Legal, Governance and Commissioning as set out in Article 12.16. The chief officers may arrange for their delegated powers to be exercised by an officer of suitable experience and seniority. However the Chief Officer or Service Director – Legal, Governance and Commissioning remains responsible for any decision taken pursuant to the delegation arrangements.

### 13.7 Decision making by the Overview and Scrutiny Committees and scrutiny panels and commissions

The Overview and Scrutiny Committee and scrutiny panels and commissions will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this constitution when considering any matter.

### **13.8 Decision making by other committees and sub-committees established by the council**

Subject to Article 13.9, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this constitution which apply to them

### **13.9 Decision making by Council bodies acting as tribunals**

The council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

### **13.10 Decision making by boards of council officers**

The chief executive has delegated authority to establish such officer boards as he/she considers necessary to oversee the proper administration, management and strategic direction of the Council and its service delivery functions and responsibilities. Details of the currently established officer boards together with their terms of reference and decision making powers are set out in Section H of Part 3 of the Constitution.

### **13.11 Access to Information**

The Access to Information Procedure Rules set out in Part 4 of this constitution apply to all decision-making processes as specified in those Rules.

Revised 26 April 2018

4



# APPENDIX D

## KIRKLEES COUNCIL

### CONTRACT PROCEDURE RULES

JUNE 20187

## **CONTRACT PROCEDURE RULES**

Definitions

Introduction

1. **CONDUCT AND COMPLIANCE AND WAIVER**
2. **PREPARATION AND PROCESS**
3. **CHOICE OF PROCUREMENT PROCESS**
4. **ADVERTISING**
5. **COMPETITION AND SUPPLIER SELECTION**
6. **QUOTATION RECEIPT & EVALUATION**
7. **STANDING LISTS, DYNAMIC PURCHASING SYSTEMS AND FRAMEWORK AGREEMENTS: CREATION AND USAGE**
8. **EXCEPTIONS FROM COMPETITION**
9. **RECORD KEEPING AND REPORTING**
10. **INCOME CONTRACTS (INCLUDING NIL VALUE AND DISPOSAL CONTRACTS)**
11. **LAND**
12. **EXECUTING CONTRACTS**
13. **VARIATION AND TERMINATION OF CONTRACTS AND RELEASE OF BONDS**
14. **MISCELLANEOUS**

## **DEFINITIONS**

<b>Award Criteria</b>	relate directly to the goods, services or works to be provided. Award criteria evaluate supplier's offers made in relation to fulfilling the Council's requirements for the Supply, in particular the Specification.
<b>Chief Executive</b>	The Chief Executive is the head of the Council's paid staff and its principal adviser on policy matters and leads the discharge of Council strategy and responsibilities.
<b>Chief Finance Officer</b>	Means the Service Director – Finance, Professional & Transactional Services
<b>Commissioning</b>	The relationship between commissioning and procurement is described in the diagram in Appendix 4.
<b>Conflict of Interest</b>	Means any interest outside of the Council which may appear to an objective bystander to affect the fair judgment of an Officer or Member or any other person acting on the Council's behalf in the Procurement of a Supply or the disposal of property (including Land). The concept of conflict of interest shall at least cover any situation where relevant person has, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise his or her impartiality and independence in the context of a Procurement or sale procedure.
<b>Concession</b>	Is where a Supplier is remunerated mostly through being permitted to run and exploit the work or service and is exposed to a potential loss on its investment.
<b>CPR</b>	Means these Contract Procedure Rules.
<b>Data Protection Legislation</b>	Means the Data Protection Act 1998, the EU Data Protection Directive 95/46/EC, and all other laws and regulations relating to the processing of personal data and privacy, and also where applicable the guidance and codes of practice issued by the Information Commissioner.
<b>Dynamic Purchasing System</b>	is a procurement tool available for contracts for works, services and goods commonly available on the market. It has its own specific set of requirements (as set out in Regulation 34 of the Public Contracts Regulations 2015); for example, it must be run as a completely electronic process, must remain open to new entrants, all suppliers on the relevant category in the Dynamic Purchasing System must be invited to quote for contracts, and it should be set up using the restricted procedure.
<b>European Single Procurement Document</b>	is a standard electronic document that a tenderer for a contract to which the EU Procurement Rules apply may use to declare that none of the exclusion grounds apply to it and that it meets the necessary regulatory criteria or relevant commercial capability requirements. Only the preferred bidder will be required to submit all documentation to evidence the content of the form.

<b>EU Procurement Rules</b>	The rules on procurement for Supplies above the EU Threshold prescribed by the EU in Directives relating to public contracts - as amended and supplemented by the European Court of Justice. These rules also normally extend to the WTO Government Procurement Agreement signatories, which (in 2016) are Armenia, Aruba, Canada, the EU, Iceland, Israel, Japan, Hong Kong China, Liechtenstein, Montenegro, New Zealand, Norway, Singapore, South Korea, Switzerland, Chinese Taipei, and the US.
<b>EU Threshold (or *)</b>	The financial threshold from time to time at which the EU Procurement Rules are applicable to a Supply. Recent and current EU Thresholds are set out in Appendix 2.
<b>Financial Ratio</b>	Is a pre-set method of determining a supplier's financial standing, such as turnover, net asset value, and profitability.
<b>FPR</b>	The Financial Procedure Rules.
<b>Framework Agreement</b>	Means an agreement between the Council and one or more Suppliers which operates as a Procurement tool through which contracts for Supplies can be sourced. Framework Agreements which deal with Supplies that are above, or aggregate above, the EU Threshold are subject to the EU Procurement Rules. They set out the terms for the Supply (often including the price) and the method for calling off orders. 'Framework' and 'Framework Suppliers' shall be construed accordingly.
<b>Grant</b>	<p>A grant is a gift which may be linked to outputs and outcomes, but is not a contract for works, goods or services. A contract for Supplies involves the exchange of works, goods or services for money (or money's worth) or a Concession. The distinction is crucial:</p> <ul style="list-style-type: none"> <li>• for contracts these CPR apply; for grants see FPR 4 for rules about accepting grants and FPR 20 about giving grants;</li> <li>• The remedies in respect of failure are very different;</li> <li>• The EU Procurement Rules do not apply to Grants;</li> <li>• State aid rules may apply to gratuitous benefit but not to purchases at market rate.</li> </ul>
<b>Head of Corporate Property Management</b>	Means the officer appointed by the Service Director – Economy, Regeneration & Culture who is responsible for corporate property management functions.
<b>Head of Internal Audit</b>	Means the officer appointed by the Chief Executive who is responsible for internal audit.
<b>Head of Procurement</b>	Means the officer appointed by the Service Director – Legal, Governance & Commissioning who is responsible for Corporate Procurement.
<b>Local Government Transparency Requirements</b>	Means the statutory codes and legislation requiring the Council to publish information, such as <sup>†</sup> the Local Government Transparency Code and certain Regulations within the Public Contracts Regulations 2015.
<b>Income Contract</b>	An Income Contract is one where the main object of the contract is that the Council does something listed in CPR 10.1.1 – 10.1.23 <a href="#"><u>in relation to a Council</u></a>

asset<sup>1</sup> and includes situations where the Council does so at nil value (subject to this not being a Grant – see CPR 10.2).

<b>Official Council Order</b>	A standard form of contract for a Supply for a value of less than £160,000 currently approved by the <del>Head of Legal Services</del> <u>Solicitor to the Council</u> whether attached electronically or by paper to an order for Supplies.
<b>Personal Data</b>	means data which relate to a living individual who can be identified— (a) from those data, or (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual (e.g. references) and any indication of the intentions of the data controller or any other person in respect of the individual.
<b>Procurement</b>	The purchase, contract hire, lease, rental <sup>2</sup> or any other form of acquisition which results in a contract for Supplies where the Council is the buyer (therefore, in the context of the CPR, this does not include the Council providing the Supply to itself or gifts). Procurement also includes the establishment of Standing Lists, Framework Agreements and Dynamic Purchasing Systems. 'Procurement' and 'Procured' shall be construed accordingly.
<b>Procurement Strategy</b>	The Council's Corporate Procurement Strategy 2013-2017, which can be found here: <a href="http://www.kirklees.gov.uk/business/businessWithCouncil/pdf/procurementStrategy.pdf">http://www.kirklees.gov.uk/business/businessWithCouncil/pdf/procurementStrategy.pdf</a>
<b>Quotation:</b>	A written offer in relation to a Supply or Disposal of Assets making reference to a price and (where applicable) other information.
<b>Service</b>	A grouping of departments or other sections of the Council which is under the overall responsibility of a Service Director (see Appendix 5).
<b>Senior Manager</b>	Means an officer who reports directly to a Head of Service.
<b>Service Director</b>	Means the most senior officer responsible for the day to day functions of each Service. The Service Directorates as at 1 April 2017 are shown in the Council Structure diagram in Appendix 5.
<b><del>Head of Legal Services</del><u>Solicitor to the Council</u></b>	Means the Service Director – Legal, Governance & Commissioning in her role as legal advisor to the Council.
<b>Specification</b>	A written document detailing the Council's requirements. This can include things such as definitions, acceptance test methods, material requirements or characteristics, drawings, plans, certifications of compliance with standards, workmanship, data security measures, quality control including performance testing and KPIs, completion, delivery, safety, timing, key

<sup>1</sup> For contracts where the Council provides services to another body, please refer to FPRs 20.4-20.6

<sup>2</sup> Note: Contract hire, lease and rental agreements require the specific advance approval of the Director of Resources or his delegate [See the FPR].

personnel qualities, communication requirements, returns policies and tolerances.

**Special Purpose Vehicle** Companies (limited by shares, or otherwise) or any other legal entity, established by or in which the Council participates whether alone or with others to provide specific Supplies to the Council.

**Standing List** A list of suppliers who are assessed as suitable to provide Supplies to the Council prepared in accordance with CPR 7.

**Suitability Criteria** Relate to the assessment or vetting of suppliers' general capability, fidelity, skill, competence, etc. to carry out the contract. 'Suitability' shall be interpreted accordingly.

**Supply** Means the supply of any works, goods, or services; being provided, or to be provided, to or on behalf of the Council (whether by purchase, lease, hire or any other arrangement).

**Supplier** Any person, partnership, company, or other organisation, which provides or contractually offers to provide any Supply to the Council or on behalf of the Council.

**Value for Money** Securing the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought.

**Whole Life Costing Approach** is an approach which addresses all the elements of a Supply over its life cycle such as:—

- costs relating to acquisition,
- costs of use, such as consumption of energy and other resources,
- maintenance costs,
- end of life costs, such as collection and recycling costs

which can be used to produce a spend profile of the Supply over its anticipated lifespan.

**YORTender** The on-line Supplier and Contract Management System used by the Council to operate e-tenders and for the online management of suppliers and contracts and to advertise contracts.

\* In the text a \* means the value will track the EU threshold rounded down to the nearest ~~£10,000~~£5,000. Also, see "EU threshold"

† The words "including", "include", "for example", "e.g.", and "such as" in these CPRs indicate examples and are not intended to be limiting

## **INTRODUCTION**

These Contract Procedure Rules aim to promote the highest standard of probity, integrity, and impartiality in making a clear, understandable and fair selection of Suppliers and Supplies to the Council. Equally important are the delivery of best value through competitive procedures and the avoidance of practices which may restrict, prevent or distort competition. To that end procurers shall follow the 'Procurement Principles' referred to below.

These Contract Procedure Rules cover the Procurement of all Supplies (goods, works and services) and Income Contracts. Service Directors should recognise the Council's view of the difference between Commissioning and Procurement (see Appendix 4).

These Contract Procedure Rules must be complied with strictly. They are minimum requirements. A more thorough procedure may be appropriate for particular Supplies. However, when designing the Procurement within the parameters of these CPRs, the process and the Specification should be clearly related to and proportional to the need which the Supply fulfils and should appropriately balance the value of and risks associated with any proposed action.

EU Procurement Rules, which are often more onerous, also apply to the procurement of all works, goods and services exceeding the EU Threshold, and where there is a conflict between these Contract Procedure Rules and the EU Procurement Rules, the EU Procurement Rules prevail. The GDPR principles of data protection by design and by default and by minimization should also be taken into consideration in the context of contracts and their award procedures that involve the transfer of personal data.

The Council's Financial Procedure Rules must also be complied with. In particular if you are giving a Grant then FPR 20 will apply.

### **Procurement Principles:**

The aim of every procurement exercise should be value for money. In pursuit of that aim, procurers shall endeavour to treat market operators equally and without discrimination, and to act in a transparent and proportionate manner. Without detracting from those principles, procurers should consider how social value might be enhanced in contracts and procurement processes, including encouraging the participation of local businesses in Council tenders



## RULE 1 – CONDUCT AND COMPLIANCE

- 1.1. All Council employees, and any person or organisation working on behalf of the Council in Procuring or managing a Supply, must comply with these CPRs.
- 1.2. Cabinet may waive any parts of these CPRs on a case by case basis following consideration of a detailed report setting out in particular:
  - 1.2.1. the legality of the proposed non-compliant process or action; and
  - 1.2.2. the reputational and financial risks associated with the proposed non-compliant process or action.
- 1.3. Failure to comply with these CPRs without a valid waiver may result in disciplinary action against the officers concerned and may in some cases constitute a criminal offence.
- 1.4. Each Service Director must ensure: -
  - 1.4.1. Compliance with these CPRs and the FPRs, using training, instruction and internal control processes
  - 1.4.2. Appropriate supervision and performance management to ensure that decisions taken are subject to authorisation and quality control procedures
- 1.5. When authorizing staff to procure Supplies on his or her behalf, each Service Director must set a financial (or other) limit on the authority vested in individual officers to procure Supplies. Such limits must be recorded in the relevant Scheme of Officer delegations.
- 1.6. The Head of Procurement may
  - 1.6.1. authorise officers who are not procurement officers under his or her managerial responsibility to act on his or her behalf in respect of any role assigned to the Head of Procurement in these CPRs;
  - 1.6.2. issue waivers in relation to the need to consult him or her under CPR 2.3.

The Head of Procurement must record the precise extent of such authorizations and the officer to which roles have been delegated and share these authorizations with the [Head of Legal Services Solicitor to the Council](#) and the Head of Internal Audit.
- 1.7. A Service Director has authority to commence any Procurement subject to:
  - compliance with these CPRs and FPRs, and
  - having appropriate delegated authority, and
  - compliance with management processes designed to ensure that proposed projects meet the Council's business needs, and
  - seeking Value for Money
- 1.8. These CPRs are a minimum standard and a more prescriptive procurement regime must be followed where this is required by European and UK law and agreements with Grant funding organisations.
- 1.9. The Head of Procurement, the [Head of Legal Services Solicitor to the Council](#) and the Head of Internal Audit may each issue Guidance Notes to aid the interpretation of these CPRs, with the following leading responsibilities:



- 1.9.1. The Head of Procurement – Good Procurement Practice;
- 1.9.2. ~~Head of Legal Services~~Solicitor to the Council – The EU Procurement Rules and other laws and Corporate Governance;
- 1.9.3. Head of Internal Audit – Procurement project related financial management, Best Value and Risk.

1.10. Any dispute concerning interpretation of these CPRs must be referred to the Head of Internal Audit who, in consultation with the ~~Head of Legal Services~~Solicitor to the Council, may provide clarification and determination.

1.11. Subject to Part 3 of the Council’s constitution and without prejudice to the role of the Monitoring Officer or the Chief Finance Officer, the Chief Executive may reassign specific duties delegated in these CPRs to the Head of Procurement, the Head of Internal Audit, ~~the Head of Legal Services~~, and the ~~Head of Legal Services~~Solicitor to the Council provided that:

- 1.11.1. the post holders to whom these duties are assigned must hold general competencies in respect of:
  - Public sector procurement in respect of duties reassigned from the Head of Procurement;
  - Finance in respect of duties reassigned from the Head of Internal Audit;
  - Law and Court procedure in respect of duties reassigned from ~~Head of~~Legal ServicesSolicitor to the Council.

1.11.2. the same degree of separation of officer responsibility for the duties is maintained.

1.12. **Conflicts of Interest and Integrity<sup>3</sup>:**

1.12.1. Service Directors shall take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators.

1.12.2. Any Officer, Member or other person acting on the Council’s behalf in Procuring a Supply must declare any potential Conflict of Interest as soon as he or she becomes aware of a potential Conflict of Interest and update the declaration in the event of any changes.

1.12.3. Service Directors must record such declarations and in each case decide whether safeguards need to be put in place or the Officer or Member concerned should be removed from the Procurement or Disposal process.

1.12.4. In exercising the decisions delegated to them, the Head of Procurement, Head of Internal Audit and Solicitor to the Council (or any other persons undertaking their responsibilities by application of CPR 1.11 or CPR 1.6) must reach their decisions independently.

## RULE 2 – PREPARATION AND PROCESS

2.1 Each Service Director must ensure:-

- (1) That Supplies of a similar type are procured together where it is sensible to do so. A Procurement must not be subdivided with the effect of preventing it from falling within

<sup>3</sup> Officers should also familiarise themselves with the FPRs 17 and 18, Chapter 7 of the Employee Handbook and Part 5.7 of the Council’s Constitution and Members should also refer to Part 5.1 of the Constitution.

the scope of these CPR or the EU Procurement Rules, unless justified by objective reasons.

- (2) Each Procurement complies with the following:
  - a. It is justified by a business case (that includes a risk assessment) approved personally by a Senior Manager with relevant authority to purchase, and
  - b. A Whole Life Costing Approach underpins the specification of the Supply and
  - c. It aligns with the Procurement Strategy, and
  - d. It complies with any requirements or agreements regarding the use of in-house Service suppliers (see CPR 8.12), consortia and other suppliers (Service Directors should, for example, consult the Head of Procurement about decisions that have been made under CPRs 8.10 & 8.11 and contracted suppliers).
- (3) The Supply is likely to be within budgetary provision (see CPR 12.1).
- (4) An estimate of the full cost of the Supply contract or Framework Agreement which is as accurate as possible is made. Valuations must:
  - a. be estimated by reference to the gross value of the Supply contract (including installation, supplier maintenance, options, and any income gained by all Suppliers involved in the agreement);
  - b. assess the gross value of a Framework Agreement to be the reasonably estimated value of all Supply contracts which might be made through it;
  - c. where the Supply contract includes a fixed duration, cover the entire possible duration of the contract (i.e. including any options, such as for extension or renewal);
  - d. where a maximum contract duration is not certain, treat the contract as if it lasts for 4 years;
  - e. include any Grant funding;
  - f. exclude VAT.
- (5) Where the cost of the Supply is less than the EU Threshold and an approved Framework Agreement or Dynamic Purchasing System is not being used, there must be consultation with the Head of Procurement to see whether the value of the Supply needs to be aggregated with any other similar Supplies for the purposes of the EU Procurement Rules.
- (6) Regard is given to Best Value and the Public Sector Equality Duty and consultations with the public have been carried out as required.
- (7) The process can be adequately resourced.
- (8) The preparation of appropriate Specifications, costs/pricing document(s), contract terms (other than Land Contracts and subject to CPR 2.1(10) below) and other procurement documentation. The documents must be likely to be understandable by all reasonably well informed people in the relevant industry in the same way.
- (9) For contracts up to £160,000, other than Land Contracts (as to which see CPR 11); where an appropriate Official Council Order exists, the Service Director shall wherever possible use such contract terms. Otherwise every contract for Supplies or Income Contract must set out:
  - a. Details of the Supply to be made or to be disposed of;

- b. The price or prices to be paid or received and/or the amounts and frequency or the method of calculation of contract payments with a statement of discounts or other deductions;
  - c. The time(s) within which the contract is to be performed;
  - d. Termination provisions and break clauses, if appropriate;
  - e. Appropriate data protection clauses where personal data is involved; and
  - f. Such other matters as the Head of Legal Services Solicitor to the Council considers to be necessary (the Head of Legal Services Solicitor to the Council need not be consulted, but guidance must be followed).
- (10) For contracts above £160,000, other than Land Contracts (as to which see CPR 11); the Service Director must consult with the Head of Legal Services Solicitor to the Council who will prepare contract documentation appropriate for the contract.
- (11) Where a competitive process is being carried out: a transparent, unambiguous and clearly set out schedule of Award Criteria, which are objectively verifiable and non-discriminatory and are appropriately prioritised, must be prepared and advertised. These criteria must be linked to the subject matter of the contract, must not include unlawful non-commercial considerations or Suitability Criteria (which should be identified separately and must follow CPR 5.2 – 5.7) and must be proportional to the contract's main objectives.
- (12) Consideration of whether it would be appropriate to divide large procurements into contract Lots<sup>4</sup> and must record the decision and reasoning.
- (13) The Head of Internal Audit is satisfied regarding the financial standing of a proposed Supplier for any contract exceeding ~~£160~~£180,000\*.
- (14) The appointment of an officer to carry out supervision of the resulting contract(s) in accordance with Financial Procedure Rule 21.8.
- (15) That (unless Cabinet authorises otherwise) the formal Council policies and/or guides referred to in Appendix 1 are followed.
- (16) All supply contracts in excess of £300,000 will be bonded in the sum of 10% of the Quotation value, except where the Head of Legal Services Solicitor to the Council and Head of Internal Audit agree either:
- a. No bond is necessary; or
  - b. A different value (or percentage) is appropriate; and or
  - c. A parent company guarantee or other form of surety can be accepted instead.
- (17) A risk log is maintained during the Procurement process.

2.2 If you are considering conducting interviews or receiving presentations you should discuss this with the Head of Procurement at the preparatory stage (also see CPRs 6.16-6.18)..

2.3 Before commencing any process to obtain any Supply having an estimated cost exceeding £20,000, the Service Director must consult with the Head of Procurement. The Head of Procurement must consider if any issues relating to the procurement may create risks that require

---

<sup>4</sup> This is not the same thing as disaggregation. Please contact Corporate Procurement if there is any doubt about what this means.

consultation with the ~~Head of Legal Services~~ Solicitor to the Council and / or the Head of Internal Audit, and undertake these consultations as necessary.

- 2.4 The Service Director must provide to the Head of Procurement information necessary to enable the Council to comply with EU Procurement Rules. The Head of Procurement is responsible for ensuring the appropriate placing of notices in the Official Journal of the European Union (OJEU) and Contract Finder. Such notices may only be placed by officers authorised to do so by the Head of Procurement.
- 2.5 Consultation with suppliers in the relevant market is permitted but it must not prejudice any potential Supplier, and no technical advice may be sought or accepted from any supplier in relation to the preparation of any specification or contract documentation where this may distort competition, provide any unfair advantage or prejudice the equal treatment of all potential Suppliers.
- 2.6 In preparing a Specification, the Service Director should consider how the procurement activity might meet the Council's wider policy and strategy but subject always to ensuring full compliance with EU and UK procurement legislation. In respect of contracts for services, Service Directors must also consider (a) how what is proposed to be procured might improve the economic, social and environmental well-being of Kirklees, (b) which proportionate actions (which must comply with the EU Procurement Rules) might be taken in the Procurement with a view to securing that improvement, and (c) whether any consultation might be needed to inform them in relation to 2.6(b).
- 2.7 Where any Supplier is given possession of or access to any personal data, the Service Director must have regard to the Council's obligations as regards the Data Protection Legislation, any Information Commissioner's Office directions to the Council and the undertaking which the Chief Executive gave to the Information Commissioner in July 2011. The Service Director must follow the Council's Information Security Policy, in particular regarding contracting with data processors and sharing data, and consult with the Information Governance Team. The Service Director must ensure that:
- A. the Supplier is verified as suitable to be trusted with the personal data before allowing the Supplier access to the data;
  - B. appropriate guarantees of the security of the personal data are included within a written contract;
  - C. the performance of the contract is appropriately monitored;
  - D. appropriate steps are taken to enforce the contract where the information security guarantees are not being met;
  - E. appropriate steps are taken to minimise as far as possible the impact of a breach of data security.
  - F. arrangements that appropriately deal with the transfer, return or deletion of the information at the end of the contract are established.
- All contracts that involve the processing or sharing of personal data must be reported to the Information Governance Team, who will keep a log of these contracts. The log will be reviewed by the Information Governance Board on a six-monthly basis.

### **Collaboration**

- 2.8 The potential for genuine collaboration with other public bodies must be considered when planning a procurement exercise.



2.9 However, the EU Procurement Rules provide for joint liability where one authority procures on behalf another (other than as a central purchasing organisation, e.g. YPO). This increases the risks for the passive partner(s). So when taking any benefit from a procurement in which a third party takes any degree of control, Service Directors must ensure that appropriate due diligence steps are taken to be sure that all arrangements are appropriate and compliant. Apart from in the case of Central Purchasing Organisations (like the Yorkshire Purchasing Organization and the Crown Commercial Service); addition to procurements on a speculative basis (for example, where the Council is added as a user to a third party framework without a likelihood the Council will use it) must be approved by the Head of Procurement.

**RULE 3 - CHOICE OF PROCUREMENT PROCESS**

3.1 Subject to complying with the law, the process for procurement must comply with the following:

Value of Supplies	Requirement
Up to £200	Any Procurement means is permitted
between £200 and £20,000	<p>Any reasonable means to select the Supply is permitted. Reasons to justify the decision taken must be recorded. Where practicable Supplies from a Supplier within the Council’s area must be considered in addition to Supplies from Suppliers outside the area (although the best value Supply must always be chosen).</p> <p><b>Reasonable Means to Select;</b> this requires methods of selection which reflect reasonable trade practice. For Supplies below £20,000, it might include informal briefs, supplier written quotations or proposals, verbal or telephone quotes (which are then written down), comparative pricing for suitable supplies over the internet. The Service Director remains responsible for ensuring that the supplier selected is appropriate in terms of Suitability.</p>
above £20,000	<p>One of the following:</p> <ul style="list-style-type: none"> <li>◆ Quotations (CPRs 4 - 6)</li> <li>◆ Framework Suppliers, Standing Lists, Etc. (CPR 7)</li> <li>◆ Exemptions (CPR 8)</li> <li>◆ Internal, Consortia &amp; Compulsory (CPR 8)</li> </ul>

3.2 These CPRs also apply to the selection of any nominated or named sub-contractor, product or manufacturer whose use by a supplier is a requirement of a contract specification.

## RULE 4 - ADVERTISING

4.1 The Service Director must advertise for Suppliers and/or quotations as follows.

Estimated Value of Contract <sup>5</sup>		Advertising Requirement
Works; above £4, <del>100</del> <u>550</u> ,000* Goods; above £ <del>160</del> <u>180</u> ,000* Services other than 'Light Touch Regime' services; above £ <del>160</del> <u>180</u> ,000* 'Light Touch Regime' services; above £ <del>580</del> <u>615</u> ,000*		Advertise on YORTender, Contracts Finder and OJEU- and in other media if appropriate (OJEU first); or Use approved Framework Agreement; or Use approved Dynamic Purchasing System
<u>From</u>  Works £100,001  Goods £20,001  Services £20,001	<u>Up to</u>  Works; £4, <del>100</del> <u>550</u> ,000*  Goods; £ <del>160</del> <u>180</u> ,000*  Services other than 'Light Touch Regime' services; £ <del>160</del> <u>180</u> ,000*  'Light Touch Regime' services; £ <del>580</del> <u>615</u> ,000*	<b>If Standing List Exists</b> From standing list; or Use approved Framework Agreement; or Use approved Dynamic Purchasing System  <b>If Standing List Does Not Exist</b> Advertise on YORTender, Contracts Finder PLUS other reasonable advertising means; or Use approved Framework Agreement; or Use approved Dynamic Purchasing System
<u>Goods or services from £200 up to £20,000</u> <u>Works from £200 to £100,000</u>		Any reasonable means.
<u>Below £200</u>		Any means (advertising is not necessary)

## RULE 5 – COMPETITION AND SUPPLIER SELECTION

### Number of Quotations

5.1 A Service Director must invite at least the following number of suppliers to submit a written Quotation:

Estimated Value of Contract	Minimum Number

<sup>5</sup> Please refer to CPRs 2.1(1) and 2.1(4)

£20,000 to £99,999	3
£100,000 up to EU Threshold or <del>£160,180</del> £180,000* (whichever is lower)	4
Above EU Threshold or <del>£160,180</del> £180,000* (whichever is lower)	5

Unless

- 5.1.1 an **approved**<sup>6</sup> Framework Agreement or Dynamic Purchasing System is being used (and in which case the rules of the Framework Agreement or the Dynamic Purchasing System must be followed); or
- 5.1.2 it is otherwise agreed with the Head of Internal Audit in consultation with the ~~Head of Legal Services~~ Solicitor to the Council,

The Suppliers must have indicated that they are willing to submit a Quotation. If it is not possible to identify the number of willing prospective suppliers indicated above, the Service Director must retain a record of the efforts made and reasons why an appropriate number of suppliers could not be identified.

### Supplier Selection

- 5.2 Service Directors must satisfy themselves that Suppliers have relevant and proportional minimum levels of Suitability.
- 5.3 Where the procurement process has an overall value of less than ~~£181,302~~ £164,176, a qualification stage must not be used, although key, proportional, Suitability questions linked to the subject matter of the contract should, as appropriate, be used to establish the Suitability of the supplier. The questions (or absence of any) must be approved by the Head of Procurement.
- 5.4 When operating a procurement process with a value of ~~£181,302~~ £164,176 or above, and subject to CPR 5.5, the Service Director must use the Council's standard form of Suitability questionnaire (which is based on the 'selection questionnaire' requirements of procurement policy note 8/16) to establish Suitability and/or to establish a shortlist. Any variations to this must be agreed with the Head of Procurement who will notify relevant authorities as necessary (e.g. through [mysteryshopper@crowncommercial.gov.uk](mailto:mysteryshopper@crowncommercial.gov.uk)).
- 5.5 The European Single Procurement Document must be accepted where applicable.
- 5.6 The selection of any potential Supplier to submit a Quotation must be on the basis of a consistent, fair, justifiable and rational method, approved by the Head of Procurement. Selection Criteria must be transparent and financial ratios to be used as part of the evaluation must be disclosed. When conducting a procurement process which is subject to the EU Procurement Rules, minimum standard and/or pass marks must be published in the relevant OJEU contract notice or invitation to confirm interest.

<sup>6</sup> See CPR 7.17~~8~~

- 5.7 Before any self-employed supplier is awarded a contract, the supplier's details must be obtained and assessed through the HMRC Employment Status Indicator (ESI) Tool. The results of this should be reported to the Head of Procurement. The Service Director and the Head of Procurement must agree on the approach to procurement if the assessment suggests that the Council faces any risk. Any proposal to engage a self-employed person must be agreed with the Head of Procurement.

**RULE 6 – QUOTATION RECEIPT & EVALUATION**

- 6.1 For Procurements which are valued above ~~£160~~**£180,000\***, suppliers must be required to submit Quotations by electronic means of communication unless the Head of Procurement agrees otherwise. This must be through the YORTender system unless the Head of Procurement agrees otherwise.
- 6.2 All invitations must state clearly the date and time of return. Electronic quotations must be returned in accordance with the approved tendering system requirements. Paper quotations must be returned to:-

Estimated Value	Returned to
£20,000 to £99,999	Service
£100,000 and above	Head of Procurement

- 6.3 Paper quotations must be returned in a sealed envelope inscribed with the words: "Quotation for ....." and contain no other wording or marking to identify the sender.
- 6.4 All of the paper quotations must be kept securely and unopened. If any quotation bears any name or identifying mark of the bidder, this should be removed or obliterated.
- 6.5 All paper and electronic quotations received by the appointed time will be opened at the same time by:

	Estimated Value	Representatives (at least)
A	£20,000 to £99,999	Two Service based officers who are independent of the procurement
B	£100,000 and above	One Internal Audit representative & One Corporate Procurement officer

A Legal Services Officer can act as substitute for one of the officers in C above.

- 6.6 At the quotation opening the Service Director (quotations estimated under £100,000) or Head of Procurement (quotations estimated at £100,000 or over) will maintain a written record of the:-
- 6.6.1 Nature of the Supply
  - 6.6.2 Name of each supplier submitting a Quotation and the date/time of receipt
  - 6.6.3 Name of suppliers failing to submit prices/proposal
  - 6.6.4 Prices from each supplier
  - 6.6.5 Names of the persons present at the opening
  - 6.6.6 Date and time of opening of Quotations
  - 6.6.7 Any reason for rejecting any Quotation

Each person present at the opening will initial each paper Quotation document, alongside the submitted price.



- 6.7. Late Quotations must not be accepted unless the lateness is caused by the Council or other matters reasonably outside of the control of the tenderer AND no unfair advantage is given to the bidder which submits the late Quotation. Any decision to accept a late quotation will be made by the Head of Procurement following both (a) such verification as he or she feels appropriate and (b) approval by the Head of Internal Audit. However, deadlines may be extended at any time prior to their arrival so long as this complies with the principle of equal treatment and non-discrimination between tenderers.
- 6.8. Suppliers must always be required to submit bids which comply with the tender documents. Variant bids may be permitted providing that the tender documents:
- Say whether a standard or reference bid is also required;
  - Include the minimum requirements to be met by the variants;
  - set award criteria which can be applied to the variants;
- and the variants which are submitted must conform to the requirements of the tender documents.
- Quotations which do not comply with the above in this CPR 6.8 may be accepted by the Service Director, only after approval by the Head of Internal Audit.
- 6.9. The Service Director will carry out an evaluation of the Quotations received against the pre-set Award Criteria (CPR 2.1(11)) and keep a written record of the analysis and outcome.
- 6.10. The use of or participation in e-auctions to set prices is permitted where:
- I. bids can be ranked automatically and
  - II. the mathematical formula to determine the rankings of the bids (or each variant where variants are permitted) is disclosed, and
  - III. the written agreement of the Head of Internal Audit has been given, and
  - IV. the process is subject to supervision by the Head of Procurement.
- 6.11. The Service Director will require tenderers to explain the price or costs proposed in their tender where tenders appear to be abnormally low.
- 6.12. The Service Director must ensure that, where required by EU procurement rules, appropriate notices of intention to award a contract to a particular supplier, or group of suppliers, are issued, and the necessary standstill period observed, prior to formal acceptance of the tender. The Head of Procurement will supervise the production and issuance of the mandatory debrief letters and inform the Head of Legal Services Solicitor to the Council that the debrief process has completed satisfactorily prior to formal acceptance of any quotation.
- 6.13. Any complaint or challenge to the procurement process at any stage must immediately be referred to the Head of Procurement, who must take steps to investigate and (subject to CPR 6.15) take action as necessary, taking guidance from the Head of Legal Services Solicitor to the Council and the Head of Internal Audit.
- 6.14. If a formal challenge is initiated (e.g. a formal letter before Court action is received or Court or arbitration proceedings are commenced) the Head of Legal Services Solicitor to the Council must be informed immediately with full objective disclosure of the facts relating to the issue(s), who will manage the claim. At this stage information exchange should be restricted and Service Directors must not copy dispute related information to anybody who has not seen it before until the Head of Legal Services Solicitor to the Council advises about confidentiality and Legal Privilege.

#### Clarifications, Presentations and Interviews

- 6.15. Where information or documentation submitted by a bidder is or appears to be incomplete (including where specific documents are missing) or erroneous or unclear, Service Directors may request the bidder concerned to submit, supplement, clarify or complete the relevant information or documentation, provided that requests for clarification:
- 6.15.1. Set an appropriate time limit for a reply; and
  - 6.15.2. Do not request changes or otherwise seek to influence the bidder; and
  - 6.15.3. Deal with all of the matters in the Quotation which are incomplete or erroneous or unclear; and
  - 6.15.4. Treat all tenderers equally and fairly and so, for example, the request:
    - 6.15.4.1. Must not occur before all of the bids have been subject to an initial evaluation
    - 6.15.4.2. must not unduly favour or disadvantage the bidder to whom the request is addressed, and
    - 6.15.4.3. must be sent in the same way to all bidders unless there is an objectively verifiable ground justifying different treatment.
- 6.16. Clarity may also be facilitated through planned presentations designed to assist in understanding or verifying submitted bids. Clarification questions may be asked during such presentations and prior scoring may be appropriately moderated (but the presentation itself must not be scored). All key information given in the presentation must be recorded thoroughly and any clarifications must be confirmed in writing.
- 6.17. Interviews and / or presentations which form part of the bid (rather than clarification of a submission) are discouraged and must be authorized by the Head of Procurement in writing. They must also be:
- 6.17.1. comprehensively recorded; and
  - 6.17.2. assessed according to transparent and objectively verifiable criteria connected to the subject matter of the contract; and
  - 6.17.3. supervised by the Head of Procurement.
- 6.18. Where interviews and / or presentations are to be used, unless the Head of Procurement agrees otherwise, all bidders must be invited to participate.

## **RULE 7 –STANDING LISTS, DYNAMIC PURCHASING SYSTEMS AND FRAMEWORK AGREEMENTS: CREATION AND USAGE**

- 7.1. The Head of Procurement will maintain a list of approved central purchasing organisations, purchasing consortia and Council "trading services".

### **Standing Lists**

- 7.2. The Head of Procurement will determine for which types of Supply Council-wide Standing Lists must be kept (see CPR 8.10). The Head of Procurement will notify the relevant Service Director of such decisions where the Standing List is Service specific and be responsible for creation and maintenance of Standing Lists which will be used Council-wide by any Service Director requiring Supplies of that type.
- 7.3. Standing Lists may be used for Supplies where the aggregated value (in compliance with the EU Procurement Rules) of the Supply in question does not exceed the relevant EU Threshold.

Framework Agreement or a Dynamic Purchasing System can be used where the aggregated value exceeds the relevant EU Threshold.

- 7.4. Standing Lists will be created by the selection of suppliers to be included from those responding to advertisements placed on at least the YORTender web site, Contracts Finder and one appropriate printed newspaper or journal. Standing Lists will remain valid for five years from creation. During that period the Standing List will remain open to the addition of further suppliers meeting the appropriate admission requirements and will remain advertised on the Council's web site for that time. Standing Lists must be renewed every 5 years.
- 7.5. Admission to a Standing List should be on the basis of a transparent, rational, justifiable evaluation, of information submitted by prospective Suppliers relating to technical, financial and any other relevant matters determined by the Head of Procurement.
- 7.6. The Head of Procurement (in consultation with the ~~Head of Legal Services~~Solicitor to the Council) may delete a supplier from a Standing List only where there is appropriate evidence and a written report justifying the action.
- 7.7. If there are insufficient suppliers on a Standing List, or too few are willing to submit Quotations, to meet the CPR's quotation requirements potential Suppliers must be sought as if a Standing List is not maintained.
- 7.8. Each Service Director must establish and advertise a set of fair, proportionate and transparent rules that reflect these CPRs which set out how Supplies will be procured through each Standing List which they are responsible for.

### **Council Framework Agreements and Dynamic Purchasing Systems**

- 7.9. Framework Agreements and Dynamic Purchasing Systems may be used to source contracts for appropriate types of Supplies (subject to compliance with the EU Procurement Rules, as applicable). However they must not be used to attempt to create further Framework Agreements or Dynamic Purchasing Systems.
- 7.10. Framework Suppliers will be chosen by a competitive process in accordance with these rules as if they were a Supply contract (but must not be procured through a standing list, another framework agreement or a Dynamic purchasing system) and in accordance with the EU Procurement Rules.
- 7.11. All Framework Agreements will be in the form of a written contract detailing the method by which the Council will call off Supplies during the duration of the Framework Agreement and stating that there will be no obligation to order any Supplies of any type from a Framework Supplier.
- 7.12. Framework Agreements above the EU Threshold must be closed to new entrants and must not last longer than 4 years without this being justified in a written assessment of the exceptional factors present and the approval of the Head of Procurement.
- 7.13. Contracts created through Framework Agreements must not be greater than 4 years in duration without being justified in a written assessment of the exceptional factors present and the approval of the Head of Procurement.
- 7.14. Dynamic Purchasing Systems must:
  - 7.14.1. be set up by an advertised competitive process which is approved by the Head of Procurement; and

- 7.14.2. remain advertised; and
  - 7.14.3. not limit the number of suppliers admitted to the system (but the system may be split into categories); and
  - 7.14.4. be set up with clear operative rules which involve obtaining quotations from all suppliers on the system, or on the relevant category on the system, as appropriate; and
  - 7.14.5. be operated wholly electronically; and
  - 7.14.6. be open to new entrants; and
  - 7.14.7. not last longer than 5 years.
- 7.15. When using Framework Agreements or Dynamic Purchasing Systems, the Council must follow the procurement rules set out in the Framework Agreement or the Dynamic Purchasing System.
- 7.16. The Head of Procurement will ensure that the use of Framework Suppliers and Dynamic Purchasing Systems provide value for money, considering all procurement costs and alternative approaches.
- 7.17. The Head of Procurement will maintain a list of all approved Framework Agreements and Dynamic Purchasing Systems (noting which of these comply with the EU Procurement Rules) which Service Directors are permitted to use.

### **Use of Third Party Procurement Facilities**

- 7.18. Supplies may be obtained through third party Frameworks Agreements that:
- 7.18.1. Are created by a public body or a private sector party as agent of a public sector body which is approved by the Head of Procurement (see also CPR 7.1);
  - 7.18.2. Have valid mechanisms that exist to enable the Council to use the Framework Agreement (including appropriate transparent referencing in the procurement documents and inclusion in the framework call of conditions);
  - 7.18.3. Comply with the Council's Contract Procedure Rules, or in the opinion of the Head of Internal Audit, rules which are broadly comparable;
  - 7.18.4. Are included in the CPR 7.17~~8~~ approved list (and, if the Supply which is to be procured is above the EU Threshold, is noted in the list as being compliant with the EU Procurement Rules);
  - 7.18.5. Where the EU procurement Rules apply, the procurement will not take the use of the framework more than 10% over the framework's advertised value.

### **RULE 8 – EXCEPTIONS FROM COMPETITION**

- 8.1 Subject to compliance with the EU Procurement Rules the following are exempted from the competitive requirements of these CPR <sup>7</sup>:
- 8.1.1 Where there is genuinely only one potential Supplier, such as for works of art and copyrighted material or unique technology, where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.

---

<sup>7</sup> When the EU Procurement Rules apply, these exemptions may not be permitted (Directors must check this)



- 8.1.2 Items purchased or sold by public auction (in accordance with arrangements agreed by the Head of Internal Audit).
- 8.1.3 The selection of a supplier whose usage is a condition of a Grant funding approval.
- 8.1.4 The selection of a supplier on the instruction of a third party, providing the whole of the funding is met by the third party.
- 8.1.5 Where CPR 8.10 applies.
- 8.1.6 Counsel or other external legal advice, provided that the Head of Legal Services Solicitor to the Council takes steps to ensure that value for money is being obtained.
- 8.1.7 A necessary Supply required extremely urgently, not due to any action or inaction of the Council, with the prior agreement of the Head of Internal Audit.
- 8.1.8 Direct award from an approved Framework Agreement (see CPR 7.18) which has validly been set up to be called off on a non-competitive basis and which was set up in accordance with the requirements of these CPR and the EU Procurement Rules.

The Service Director must make a written record of the justification for the selection of the Supplier. The Service Director must obtain the approval of the Head of Procurement before exercising the decision to apply an exception in respect of a supply valued in excess of £100,000.

- 8.2 **Trial Purchases:** Service Directors may purchase a trial of a Supply which is new to the Council up to £100,000, to ascertain if the Supply is of interest to the Council, without competition. Where an exception to competition in CPR 8.1 does not apply, a full competition compliant with the CPR must be held following the trial if the Service Director wishes to continue with the type of Supply. Arrangements must be made to ensure that the Supplier involved in the trial has not acquired any advantage through that involvement when compared to any alternative suppliers of a similar product. The Head of Procurement must approve any proposed trial arrangement exceeding £20,000.

**< There are substantial restrictions on the use of negotiated contracts where EU Procurement Rules apply >**

- 8.3 The procuring Service Director and the Head of Procurement may decide that;
  - 8.3.1 an alternative means of selection of Suppliers to those required by these CPRs is appropriate (e.g. a Supplier shortlist other than described in these CPRs, negotiation with a single supplier not otherwise permitted, etc.) but they must record the reason for their decision and obtain the approval of the Head of Internal Audit.
  - 8.3.2 Following receipt of Quotations for the Supply, it is appropriate to seek to reduce the overall cost, or change other terms of the Supply by negotiation with one or more suppliers which have submitted Quotations.
  - 8.3.3 It is appropriate to negotiate a repeat, continuation or serial contract with an existing Supplier, by reference to the original Quotation for the Supply.
  - 8.3.4 The use of another local authority as a supplier of services by its own labour or as a procurement agent acting on behalf of the council without competition is appropriate (although subject to EU Procurement Rules).

**Note in the above,** in order to achieve internal check, the Head of Procurement alone cannot reach such decisions. Where the Head of Procurement is making a decision in relation to a Procurement exercise by his or her own Service Director, there must be consultation with the Head of Internal Audit.

- 8.4 Verbal negotiation must be undertaken by at least two Council Officers at least one of whom must be independent of the process and approved by (or included on a list of negotiators kept by) the Head of Procurement.
- 8.5 Written negotiation must be subject to evidenced independent check of process, calculation and overall value for money.
- 8.6 For any contract valued at above £100,000 the Service Director must obtain the approval of the Head of Internal Audit of the proposed terms of the negotiated Supply including its cost and the reason for choice before the contract is entered into.

#### **Legal Issues**

- 8.7 The ~~Head of Legal Services~~Solicitor to the Council must be consulted in advance of any negotiation in respect of any contract estimated to exceed £160,000 (except those in relation to Land where the Head for Corporate Property Management should be consulted irrespective of value).
- 8.8 Before a decision pursuant to CPRs 8.1 to 8.3 is made, the Head of Procurement will determine whether the likely level of interest from suppliers based in other EU Member States is sufficiently low so that the EU Procurement Rules do not require the Procurement to be advertised.
- 8.9 Before a decision pursuant to CPRs 8.1 to 8.3 is made, the Head of Procurement will decide whether the purchase is likely to be on terms which would be acceptable to a private buyer operating under normal market economy conditions. If the Head of Procurement does not think that this is likely to be achieved, he/she must consult with the ~~Head of Legal Services~~Solicitor to the Council about the possibility of state aid before approving the exemption from competition.

#### **MANDATORY SUPPLIERS, FRAMEWORKS AGREEMENTS OR DYNAMIC PURCHASING SYSTEMS**

- 8.10 In respect of defined categories of goods, works and services the Head of Procurement may determine (following a written risk assessment which, as appropriate, deals with the EU Procurement Rules and the possibility of state aid) that the use of one (or more) Suppliers is compulsory.
- 8.11 The Head of Procurement may also determine that Supplies of a particular type are to be obtained from Suppliers via a Framework Agreement or a Dynamic Purchasing System or Standing Lists, and set standards to be established in those arrangements.
- 8.12 Supplies must be obtained from internal Council Services (which are capable of supplying them directly) without competition except:
  - 8.12.1 Where Cabinet has determined that Supplies of a particular kind will be subject to a competitive process;
  - 8.12.2 In respect of the outsourcing of an activity having a value below £100,000;
  - 8.12.3 In respect of services provided within schools;
  - 8.12.4 In respect of ad hoc services for the design and construction of buildings or parts of buildings.

#### **RULE 9 - RECORD KEEPING AND REPORTING.**

- 9.1 Service Directors must keep detailed written records of the progress of all procurement or disposal procedures (including negotiation).

To that end, Service Directors must ensure that they keep sufficient documentation to justify decisions taken in all stages of the procedure, such as documentation on —

- 9.1.1 communications with economic operators and internal deliberations,
- 9.1.2 preparation of the procurement or sale documents,
- 9.1.3 any interviews, other dialogue or negotiation,
- 9.1.4 supplier vetting, and
- 9.1.5 reasons for award of the contract.

The documentation must be kept for a period of at least 3 years from the date of award of the contract.

- 9.2 A full trail of electronic quotations received must be recorded in YORTender or retained in a database approved by the Head of Internal Audit.
- 9.3 All contracts over £5,000 must be reported to the Head of Procurement who will arrange to publish these transactions on the statutory contracts register (also see Appendix 3).
- 9.4 The relevant Service Director must complete the Council's standard 'Regulation 84 Report' template by the end of each procurement process which is subject the EU Procurement Rules.
- 9.5 Each Service Director must promptly provide to the Head of Procurement the information specified in Appendix 3.
- 9.6 The Head of Procurement must ensure that the appropriate publications are made to comply with the Local Government Transparency Requirements (and each Service Director will notify the Head of Procurement of any expenditure above £500; also see CPR 9.3 above).
- 9.7 The Service Director must keep a written record of the reasons for using a negotiated procedure

## **RULE 10 - INCOME CONTRACTS & CONCESSIONS**

10.1. CPRs 10.2 to 10.6 apply when the Council intends to derive income from:

- 10.1.1. The disposal of property (other than Land);
- 10.1.2. The sale of a right to exploit a business opportunity;
- 10.1.3. The operation of business activity.

CPR 10 does not apply to Land (See CPR 11).

10.2. Where the Council is proposing to enter into an Income Contract at manifestly less than market value where the market value is estimated at £1,000 or more, the Head of Internal Audit must be consulted and he will decide whether this amounts to a Grant (and so FPR 20 applies instead of CPR 10).

### The disposal of an asset

10.3. The procedure for the Disposal of assets is;

- 10.3.1. Assets valued at below £200 may be disposed of by any means.
- 10.3.2. Assets valued at between £200 and up to £20,000 must be disposed of by a method chosen by the Service Director and a written justification of the choice retained.
- 10.3.3. Assets valued above £20,000 must be disposed of following public notice either by open quotation process, closed quotation process involving at least 3 prospective

purchasers or public auction. The use of the Council web site is permissible for this purpose.

Leased assets must be disposed of only in accordance with the instruction of the lessor.

#### The sale of a right to exploit a business opportunity

- 10.4. The letting of rights to exploit a business opportunity for the contractor's own benefit (for example, advertisement space on Council Land) (a 'business opportunity contract') must be subject to a written contract and must only take place following a competitive selection process as set out below or written approval of other means from the Head of Procurement based on a detailed business case which, where appropriate, includes consideration of matters such as state aid.
- 10.4.1. A business opportunity contract that will not generate income in excess of £20,000 over the duration of the contract may be sourced by any reasonable means to select (see an explanation of this phrase in respect of Supplies in CPR 3.1) arranged and undertaken by the Service Director responsible for the activity.
- 10.4.2. The Head of Procurement must direct and supervise the tendering of any arrangement expected to generate income in excess of £20,000.

#### The operation of business activity, beyond that normally undertaken by a local authority.

- 10.5. If ~~the income from~~ an Income Contract (~~e.g. a traded service~~) is intended to be or become profitable or be commercial in nature, advice must be obtained from the Head of Legal Services Solicitor to the Council.
- 10.6. If an Income Contract has any potential to distort the relevant market (~~e.g. service provision at below market rate costs~~) advice must be obtained from the Head of Legal Services Solicitor to the Council.

#### Concession Contracts

- 10.7. Concession contracts for works or services are a type of Supply contract and the procurement of all Concessions shall follow the competitive and contracting requirements in these CPRs for Supplies.

Concession contracts for works or services with a value of £4,104,000 or more are subject to the Public Concessions Regulations 2016 and will be subject to such additional procurement process requirement(s) as the Head of Procurement feels are necessary to comply with these Regulations.

#### Valuation

- 10.8. The value of a Concession contract shall be the total turnover of the concessionaire generated over the duration of the contract, net of VAT, in consideration for the Supplies which are the object of the Concession contract and for any ancillary Supplies.
- 10.9. The value of an Income Contracts is the gross income generated by the Council as a result of the rights granted, or goods, works or services supplied by the Council.



- 10.10. When calculating the estimated value of a Concession contract or Income Contract, Service Directors shall, where applicable, take into account: -
- 10.10.1. the value of any form of option and any extension of the duration of the contract;
  - 10.10.2. revenue from the payment of fees and fines by the users of the works or services or public other than those collected on behalf of the Council;
  - 10.10.3. payments or any other financial advantages, in any form, from the Council or any other public authority to the contractor;
  - 10.10.4. the value of grants or any other financial advantages, in any form, from third parties for the performance of the contract;
  - 10.10.5. revenue from sales of any assets which are part of the contract;
  - 10.10.6. the value of all the supplies and services that are made available to the contractor by the Council, provided that they are necessary for executing the works or providing the services;
  - 10.10.7. any prizes or payments to candidates or tenderers.

## **RULE 11 - LAND**

- 11.1 Procurement of Land will generally be by the means described in this CPR 11. The Head of Corporate Property Management must be consulted in respect of all Land transactions of any value except where the ~~Head of Legal Services~~Solicitor to the Council authorises other nominated officers to deal with tenancies or licences for specific purposes.
- 11.2 The Head of Corporate Property Management (and any other Director authorised so to do) will arrange the acquisition or disposal of estates or interests in land (including any buildings erected on it) either pursuant to the authority delegated to him by a Service Director in accordance with Part 3 (Section F) of the Constitution or, in the case of a decision made by Cabinet then in accordance with the authority delegated to him from the Cabinet.
- 11.3 Where any proposed land transaction cannot be executed within the terms established in this rule, arrangements must be agreed between the Head of Corporate Property Management and the ~~Head of Legal Services~~Solicitor to the Council, and details of the process leading to the transaction must be recorded, and the circumstances reported to Cabinet either for information, if falling within the delegated authority of officers, or in order to secure the relevant authority to give effect to the transaction.
- 11.4 Where Land is sold at a public auction, the Head of Corporate Property Management must submit a sealed reserve price (prepared by a qualified valuer on a professional basis) for consideration alongside the bids submitted or made. If a successful bid is less than the reserve price then the Head of Corporate Property Management may accept a lower bid provided that such lower bid is not less than 10% below the professional valuation of the reserve price.

## **RULE 12 – EXECUTING CONTRACTS**

### **SUPPLIES**

- 12.1. A contract may only be awarded where the Service Director has sufficient approved budget to meet the first year costs and is satisfied that there is likely to be sufficient ongoing funding to meet the contractual cost through the anticipated life of the contract.
- 12.2. Contracts for all Supplies (which includes call-offs from Framework Agreements and Dynamic Purchasing Systems), Concessions, Income Contracts and Framework Agreements up to and including £160,000 must be in writing and can be made by the Service Director either:-

- 12.2.1. where appropriate, by issuing the order through the Council's electronic purchasing system (currently SAP) and incorporating the correct standard terms;  
or
- 12.2.2. By issuing (electronically or on paper) contract terms which the Service Director has assessed as being appropriate both in terms of suitability and risk.

If the Service Director and Head of Legal Services Solicitor to the Council decides that it is appropriate for the contract to be sealed (or if it is required by law), the contract will be executed by the Head of Legal Services Solicitor to the Council.

The Head of Procurement must ensure that the Councils electronic procurement systems are set up so that the most appropriate Official Council Order are available to be attached to the supply being purchased.

- 12.3. Contracts for all Supplies (which includes call-offs from Framework Agreements and Dynamic Purchasing Systems), Concessions, Income Contracts and every Framework Agreement with an estimated value of more than £160,000 must be in writing and must (subject to CPR 12.4) be either:-
  - (a) Made under the corporate common seal of the Council, attested by one legal officer,  
or
  - (b) Signed by two legal officers

who have been nominated as contract signatories by the Head of Legal Services Solicitor to the Council under her Scheme of Officer Delegations.

- 12.4. Notwithstanding CPR 12.3, the Head of Legal Services Solicitor to the Council may authorise officers who are not Legal Officers to sign specific or specialist contracts for Supplies of above £160,000. Two authorised officers must sign each such contract.
- 12.5. The Head of Legal Services Solicitor to the Council may, subject to including appropriate restrictions and/or instructions designed to achieve valid execution of the relevant contracts and suitable record keeping, provide third parties with a power of attorney to sign Council contracts of £160,000 or below.

## LAND

- 12.6. The Head of Legal Services Solicitor to the Council will complete all land transactions, including acquisition or disposal by way of freehold or leasehold purchase or sale or the taking or granting of all short or long term leases or tenancies (with the exception of the granting of tenancies for housing and associated properties for rent which is delegated to Kirklees Neighbourhood Housing Ltd) and other deeds and documents associated with Land. The Head of Legal Services Solicitor to the Council may nominate other officers to enter into Land commitments and arrangements using documentation previously approved by the Head of Legal Services Solicitor to the Council.
- 12.7. Any contract for the sale or acquisition of, or any other deed or document relating to, Land must either be signed by, or have the corporate common seal affixed in the presence of, the Head of Legal Services Solicitor to the Council (or by a legal officer nominated by him or her).

Additionally, the Head of Legal Services Solicitor to the Council may authorise other nominated officers to be authorised signatories to tenancies or licences for specific purposes as referred to in CPR11.1.

## GENERAL

- 12.8. The ~~Head of Legal Services~~Solicitor to the Council is entitled to sign any agreement in any way related to Procurement, Supplies, Concessions or Income Contracts or any security instrument (regardless of whether another officer including the Chief Executive may sign such things), subject to CPR 12.3 and provided that this is not subject to any contrary direction from the Council or Cabinet.

## RULE 13 – VARIATION AND TERMINATION OF CONTRACTS AND RELEASE OF BONDS

- 13.1. A Service Director may terminate any contract strictly in accordance with any contractual provision which allows for termination without fault, but with prior consultation with the Head of Procurement if alternative Supplies would be required.
- 13.2. A Service Director, in consultation with the ~~Head of Legal Services~~Solicitor to the Council, has the power to terminate any contract in the event of any breach of contract justifying termination, where in the opinion of these officers no other remedy is appropriate. Where the financial implications of a decision to terminate a contract exceed, or may exceed £100,000, the reason for termination and any consequences must be reported to the next meeting of the Cabinet.
- 13.3. The ~~Head of Legal Services~~Solicitor to the Council may release any bond held by the Council, on request from the Head of Procurement.
- 13.4. The Head of Internal Audit is entitled to negotiate with any bond issuer on sums of settlement proposed, and in consultation with the ~~Head of Legal Services~~Solicitor to the Council accept such proposed sums.
- 13.5. Service Directors may vary contracts by operating 'clear, precise and unequivocal contractual review clauses' which were advertised in the original Procurement, strictly in accordance with the contract.
- 13.6. Any variation with a value above £20,000 to a contract which cannot be fulfilled by following CPR 13.5 must be subject to the approval of the Head of Procurement.
- 13.7. Any variation to a contract which cannot be fulfilled by following CPR 13.5 must be made in writing and signed in accordance with CPR 12 even if it does not need a competitive Procurement process.

## RULE 14 - MISCELLANEOUS

- 14.1 A Special Purpose Vehicle (as a limited liability company or otherwise) to be wholly or partially owned or controlled by the Council, will only be formed or joined on the approval of the Cabinet, following a detailed evaluation by the ~~Head of Legal Services~~Solicitor to the Council and the Chief Finance Officer. This does not apply to any purchase of shares or similar for the purpose of investment.

Approved by Council ~~24 May 2017 and Corporate Governance & Audit Committee 12 May 2017~~2018  
Apply from 1 June 20187

Contact Officer:  
Mark Barnes

## Appendix 1

### Examples of Policies which are relevant to CPR 2.1(15)

Kirklees Council Social Value Policy Statement (see: <a href="http://www.kirklees.gov.uk/business/businessWithCouncil/pdf/socialValuePolicyStatement.pdf">http://www.kirklees.gov.uk/business/businessWithCouncil/pdf/socialValuePolicyStatement.pdf</a> )
Information Security Policy
The Council's "Project Management Handbook" and "Framework for Successful Projects" when the Head of Procurement advises that they are relevant
Evaluation Panel Guide

## Appendix 2

### EU Procurement Rules Thresholds

	EU Thresholds 2014-2015	EU Thresholds 1 Jan 2016 –31 Dec 2017	EU Thresholds 1 Jan 2016 –31 Dec 2017
Supply and service contracts	£172,514	£164,176	<u>£181,302 (£180,000*)</u>
Light Touch Regime Contracts (Annex XIV)	£625,050	£589,148	<u>£615,278 (£615,000*)</u>
Works contracts	£4,322,012	£4,104,394	<u>£4,551,413 (£4,550,000*)</u>
Small lots – supplies & services	£66,672	£62,842	<u>£65,630 (£65,000*)</u>
Small lots – works	£833,400	£785,530	<u>£820,370 (£820,000*)</u>

\* These are current the values for the purposes of these CPRs.

## Appendix 3

### Information to be Reported to the Head of Procurement (CPR 11)

	Information	When
A.	Details of all contracts awarded for Supplies of £100,000 or above following a competitive process including the name of the Supplier, and amount of the Quotation and if the chosen supplier was not the cheapest, then the same information in relation to unsuccessful Suppliers, and the reason why the successful Supplier was chosen.	When Requested

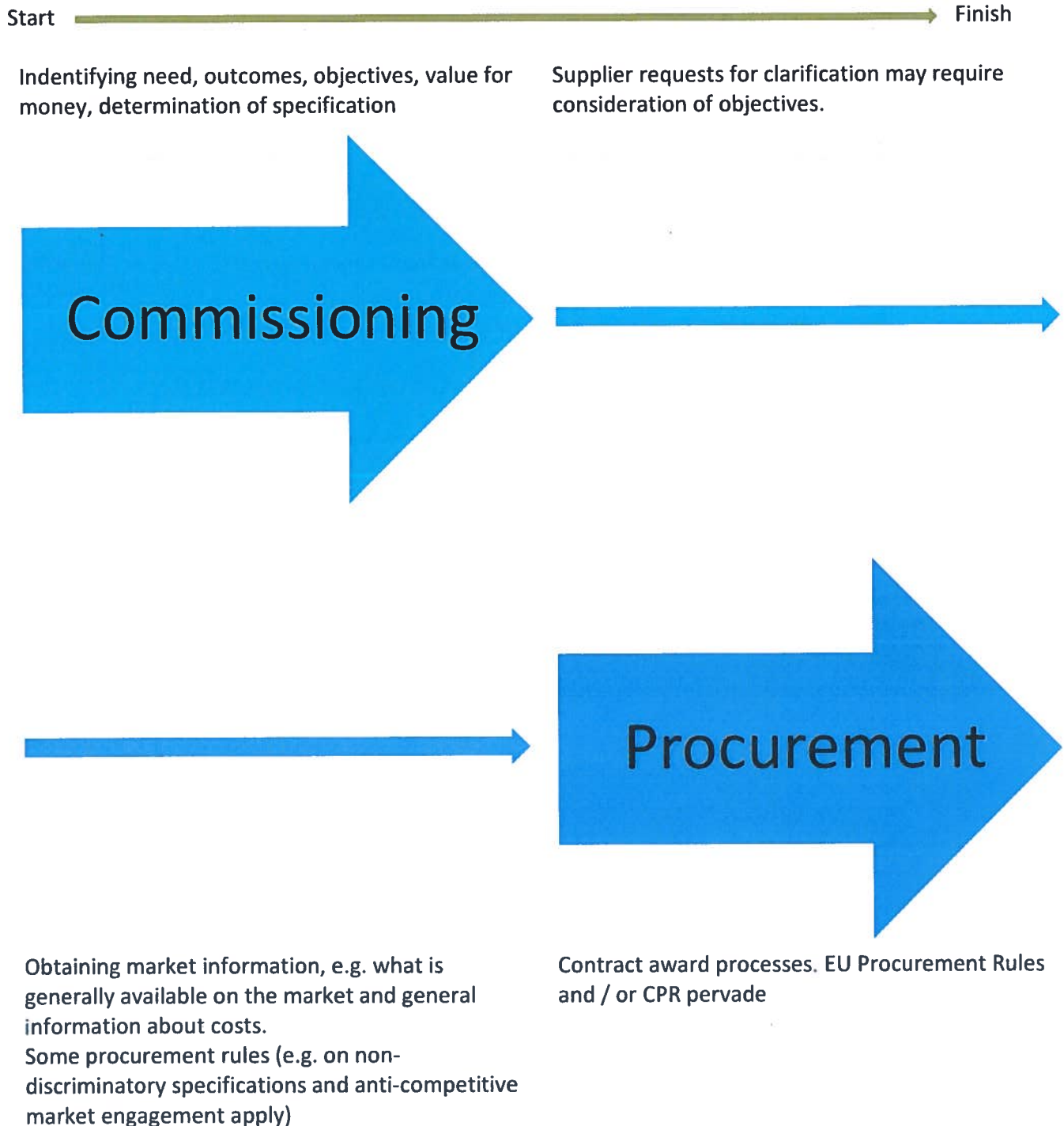


B.	Details of all contracts awarded for Supplies of £100,000 or above, which result from negotiation including the reason for negotiation and the name of the successful Supplier and value of the contract.	When Requested
C.	Details of all contracts awarded for supplies of £20,000 or above which a Service Director considered to be exempt from the competitive requirements by virtue of CPR 7.1, including the reason for the exemption.	When Requested
D.	Contracts with a value of £5,000 or more (see CPR 11.1), with the following information: 1. reference number 2. title of agreement 3. local authority department responsible 4. description of the goods and/or services being provided 5. Supplier name and details 6. sum to be paid over the length of the contract (or if unknown, the estimated annual spending or budget for the contract) 7. Value Added Tax that cannot be recovered 8. start, end and review dates 9. whether or not the contract was the result of an invitation to quote or a published invitation to tender, and 10. whether or not the Supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number	In All Cases On Contract Award
E.	all other information necessary to enable compliance with the Council's obligations under legislation and regulation to publish data about its contractual arrangements and payments.	In All Cases On Request
F.	Copies of Regulation 84 reports	All cases where the EU Procurement Rules apply On Contract Award

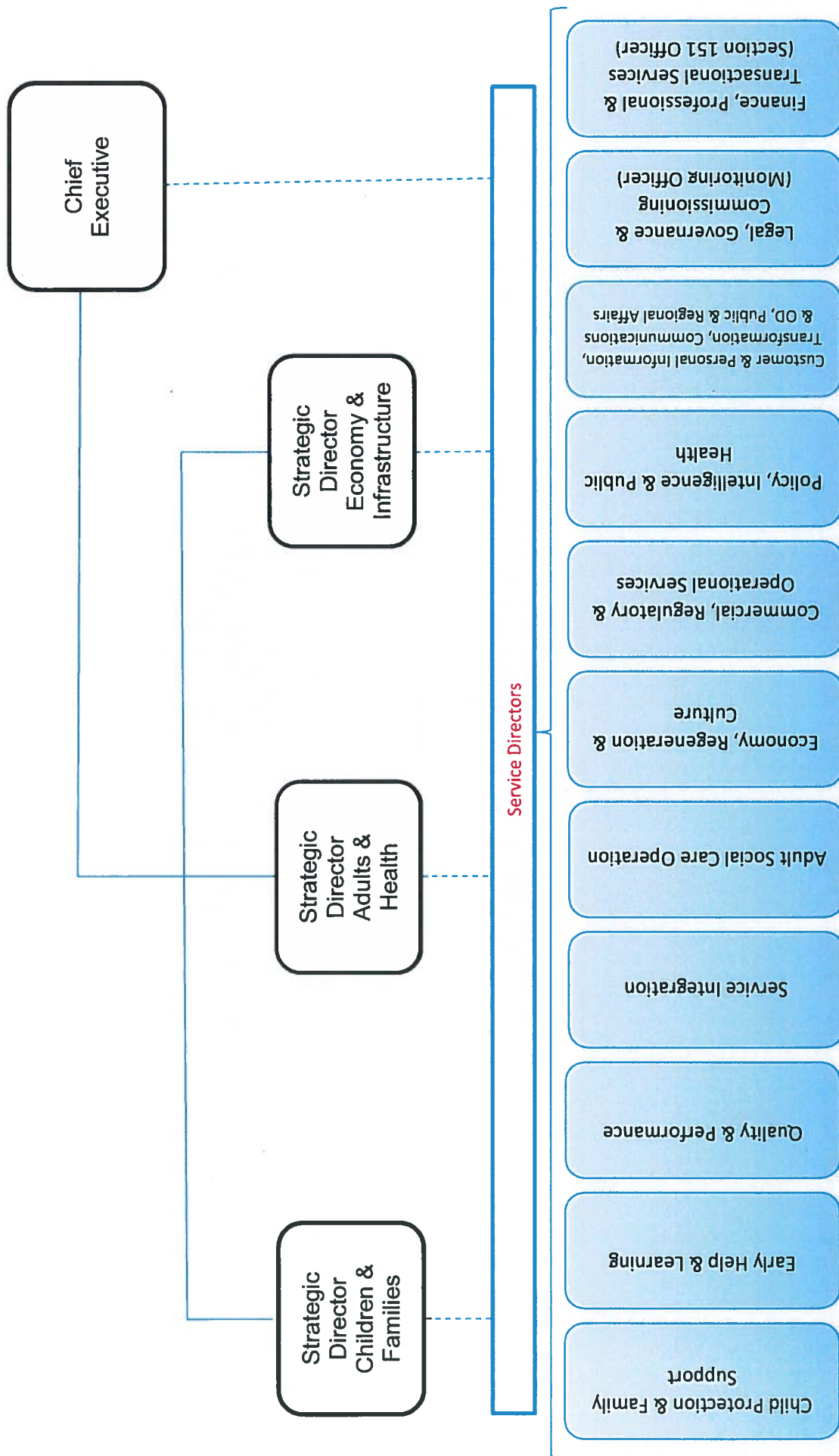
## Appendix 4

### Relationship between Commissioning and Procurement

The arrows indicate the stages of the whole resourcing process



Appendix 5  
Council Structure as at 1 April 2017







**OVERVIEW AND SCRUTINY  
PROCEDURE RULES**

**Formatted:** ConArticleStyle, Indent: Left: 0 cm, First line: 0 cm, Tab stops: Not at 1 cm

## 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 (eg 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~~ ~~18.3~~ —To call in an executive or a delegated executive decision, the following will apply:-

- (i) written notice must be given to the Service Director Legal, Governance and Commissioning 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 Governance Team to make this easier.
- (ii) The notice shall (where possible) include supporting evidence and reasons to illustrate how the decision making principle(s) have been breached
- (iii) the validity of a call in request will be considered and determined by Service Director, Legal Governance and Commissioning in consultation with the Chair of Overview and Scrutiny.

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 Service Director Legal, Governance and Commissioning Monitoring will take the advice of the Overview and Scrutiny

Revised June 2017

**Formatted:** Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 3 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.74 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 2.54 cm

**Formatted:** Font: 11 pt

**Formatted:** Justified, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 2.54 cm, Tab stops: Not at 1 cm

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 Service Director Legal, Governance and Commissioning 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 Service Director Legal, Governance and Commissioning will also notify all Members that this decision has been called-in.
- 18.8 The Service Director of Legal, Governance and Commissioning, and in his/her absence the Chief Executive - 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 Service Director of Legal, Governance and Commissioning, 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 Service Director of Legal, Governance and Commissioning or in his/her absence the Chief Executive.
- 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 Service Director Legal, Governance and Commissioning.

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 Head of Governance and Democratic

Services 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.



**PROTOCOL ON THE ROLE OF  
REPRESENTATIVES ON KEY OUTSIDE  
BODIES IN REPRESENTING THE  
INTERESTS OF THE COUNCIL**

## **The role of representatives on key outside bodies in representing the interests of the Council**

The role of Leader of the Council requires that the post holder should represent the interests of the Council and the Kirklees community as a whole through contacts with statutory external agencies and partnerships, neighbouring councils, sub-regional, regional, national and international bodies. The Deputy Leader is expected to fulfil the same role when the Leader is not available or when deputed to do so.

Similar expectations apply to Cabinet Members where the external contacts relate to their portfolios or at the Leader's request and other Members representing the Council.

The prime source of the authority of the Leader, Deputy Leader, Cabinet member and other representatives in these external contacts derives from his or her status as the person elected to the role by the full Council.

The Leaders and portfolio holders of all Groups have a duty to ensure that their Members views are openly and fully expressed in these briefings and meetings.

Steps should be taken by all representatives to make sure that they report as accurately as possible the balance of views across the Council and the community as a whole. They may also wish to indicate a distinct view based on discussions within the Executive.

All representatives must ensure that a record is available of significant discussions with external bodies, either in the form of minutes or meeting notes, or in the form of a personally prepared note, subject to constraints of confidentiality.

Cabinet Committee All-party Briefings on portfolio issues should be used to report back issues which may be of **substantial** interest across the Council.

All representatives will be expected to keep the Council informed of significant issues arising from external contacts and to respond at Cabinet and Cabinet Committee All-party Briefings to questions arising from such contacts.

### **Process**

- As a standard item on Cabinet Committee All-party Briefings this will cover feedback on activity undertaken in the previous period and activity planned in the next period. Depending on timescale this will be written feedback, using an agreed simple template, or a verbal report.
- The Council Meeting procedure rules include provision for Members to ask questions about this activity.
- A feedback form will be required when Members are involved in informal discussions on issues of major concern outside formal meetings and when they are representing the views of Council.
- This process has to be subject to the confidentiality rules of organisations and to the requirements of Company Law.



- When the representatives are not members of the Cabinet they will be expected to attend the appropriate meeting of the Cabinet Committee All-party Briefings when **substantial** issues have been raised. These meetings provide an opportunity for an in-depth assessment of what Kirklees is trying to achieve, how successfully we are doing that and future tactics.
- If there is more than one representative at a meeting they can either all complete a pro-forma to feedback or agree a common collective one (if there is a designated lead member s/he could take the lead on this, if not it should be the cabinet member or other senior member).

- Any members nominated to any associated party (being a public body, or other unincorporated organisation) must follow the principles contained within this document-, particularly in ensuring an approach that aligns with council policy, recognises the position of all parts of the council (especially if views are not unanimous) and specifically not represent a personal partisan approach.

- Those nominated to companies and charitable bodies should attempt to achieve broadly the same intentions, but recognise that in acting as a director, or trustee, the needs and interests of the ~~body~~ party must be the primary consideration. Any doubts or concerns about an approach to be taken should be discussed with the monitoring officer.

- 

Formatted: Font color: Red

Formatted: Font: Calibri, 11 pt

Formatted: Indent: Left: 0.63 cm, No bullets or numbering

Formatted: Font color: Red

Formatted: Font color: Red



**Name of meeting: Corporate Governance and Audit Committee**

**Date: 9 March 2018**

**Title of report: Amendment Options for the Scrutiny Call in Process**

**Purpose of report:**

Following previous discussions at the Committee to consider the findings of more detailed work into options for the call in process in Kirklees.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	Not applicable
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	Not applicable
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Not applicable
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	No – n/a
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	Yes 1 March 2018
<b>Cabinet member <a href="#">portfolio</a></b>	Cllr Graham Turner

**Electoral wards affected:** All

**Ward councillors consulted:** Not applicable

**Public or private:** Public

**1. Summary**

- 1.1 In 2015, following a number of call in hearings, the Corporate Governance and Audit Committee (CGA) requested that a piece of work be undertaken to examine the approach to Call-in in Kirklees to determine whether any changes or clarification of current arrangements were required.

An initial report to CGA set out a number of recommendations to refine the approach to call in which aimed to address learning from the recent call in meetings whilst ensuring a transparent process going forward. The amendments fell within the remit of the Overview and Scrutiny Management Committee to implement and did not require any amendments to the Constitution.

Whilst officers were working on implementing the decision of CGA there were a number

of changes in relation to the structure of Scrutiny. As a result of these changes there is now a greater emphasis on pre-decision scrutiny. The CGA asked for further detailed work to look at call in practice elsewhere and the development of potential options which linked to the approach to Scrutiny in Kirklees.

This report sets out the findings of benchmarking work and potential options as to how the call in process might be amended in line with the principles that underpin Scrutiny practice in Kirklees.

## **2. Information required to take a decision**

### **Principles of Scrutiny**

2.1 Since its formal establishment in 2000, Overview and Scrutiny in Kirklees has always operated under a number of key principles which include:

- Leave the party politics at the door
- Wherever possible influence the decision before it is made
- Scrutiny findings and recommendations are evidence based

National Government guidance emphasises that the power of call in should be exercised infrequently and only as a last resort when there is a clear and demonstrable breach of the decision making principles. Like any other process, Call in requires Scrutiny to look at the evidence; to look at how a decision has breached the decision making principles; rather than providing a platform to air differing points of view on a decision.

## **3. Current Position**

- 3.1 Officers have considered the approach to call in in light of the above principles. Benchmarking has been undertaken to look at practice elsewhere. Officers have also reviewed the decision making principles to bring them in line with current best practice and provide a clear explanation of the meaning of each.
- 3.2 Research has indicated that in most local authorities in the region there is a more robust approach to determining whether a call in request is valid. A summary is attached at appendix 1. In Kirklees validation has been limited to meeting current process requirements, i.e. number of signatories, submission within the deadline etc. From the research sample it can be seen that the majority have additional considerations as part of the initial call in request. There are also a number of steps required prior to holding a call in meeting, to evidence that there have been efforts to try and resolve concerns before moving to a call in hearing e.g. having discussions with Cabinet portfolio holder(s) and lead Directors.
- 3.3 In an economic climate where delaying an executive decision due to call in can also have financial implications for achieving budgetary savings within necessary timescales, then a process that tries to resolve concerns before the decision is made, is prudent.
- 3.4 In the same way that Scrutiny already has the opportunity to consider the information that Cabinet used to reach its decision, so in a balanced process Scrutiny should also be able to see any evidence that the call in is based on. If a reason for call in refers to specific information, outside of the Cabinet papers, then the Scrutiny Panel / Committee should be able to see that evidence.

- 3.5 It is suggested that one of the measures of validity is that the call in pro forma includes reasons why the signatories to the call in believe the decision making principle (s) have been breached. If reference is made to evidence to support the signatories views then that should be made available for Scrutiny to consider.
- 3.6 Previous call ins illustrated that some of the decision making principles had been open to individual interpretation which led to confusion. It is suggested that it is timely to update the decision making principles in line with good practice and provide a narrative to clarify the legal interpretation. A copy of the revised decision making principles is attached at appendix 2.
- 3.7 The other Scrutiny principle which might form part of the approach to call in, is the principle of trying to influence the decision before it is made. Most call in requests in Kirklees are not generated by the scrutiny panels. All consultees recognised that discussion to try to resolve an issue without the need for call in is desirable. The initial discussion paper suggested that councillors who were considering calling in a Cabinet decision should try to resolve concerns before submitting a call in request by talking to the portfolio holder and the Strategic / Service Director. This could also include speaking at the Cabinet meeting before the decision has been taken and responding to ward member consultation on the proposals. The call in proforma would include a space to summarise actions taken to address concerns prior to call in.

Feedback on this option was mixed, with particular concern that this should not be a barrier to calling in a decision. Some felt it should be a recommended course of action rather than a requirement. It should be noted that previous optional steps in the call in process have not usually been followed.

- 3.8 It is proposed that the decision about the validity of a call in request will be determined by the Service Director, Legal Governance and Commissioning in consultation with the Chair of Overview and Scrutiny.

### **3. Implications for the Council**

- 3.1 **Early Intervention and Prevention (EIP)**  
None specific
- 3.2 **Economic Resilience (ER)**  
None specific
- 3.3 **Improving Outcomes for Children**  
None specific
- 3.4 **Reducing demand of services**  
None specific
- 3.5 **Other (eg Legal/Financial or Human Resources)**  
None specific

#### **4. Consultees and their opinions**

In preparing this report, the views of the Overview and Scrutiny Management Committee, the Leadership Management Team and political groups have been sought. A summary of views is set out below:

i. LMT was supportive of a discussion prior to call in to try to resolve the concerns. The clarification of the decision making principles was welcomed to try and ensure consistent interpretation by all parties.

ii The Scrutiny Committee was supportive of a balanced process based on Scrutiny principles. Whilst agreeing that trying to avoid call in by resolving concerns through discussion was desirable, the OSMC had reservations about making it a formal requirement. It was suggested that if there were to be a requirement to try to resolve concerns then consideration should be given to the length of timescale in which to carry out this requirement. The OSMC was keen to ensure that there are no obstructive barriers to legitimate call ins. The OSMC also welcomed the clarification and updating of the decision making principles.

iii The Independent Group: Fine with the proposals

iv The views of the Conservative Group are:

- As there have been no call-ins in the last year, we don't feel the need to change the system for call-in as there is no evidence that it is being used inappropriately. The proposals seem to be geared towards discouraging and disallowing call-in requests, and this is not helpful to the openness or reputation of the scrutiny process.
- We would agree that conversations before the decision are helpful, and that this is one of the purposes of Scrutiny, but that most Cabinet papers are released with only one week's notice. This gives little time to be able to affect the decision, apart from coming to the cabinet meeting to speak. So demonstrating how one has tried to influence a decision will not be useful in most cases.
- We do not agree that call-in lead signatories should have to put their arguments in the call-in papers. That is the purpose of holding a call-in meeting.
- There would be more pressure on the OSMC Chair and Head of Governance to allow/disallow a call-in request.
- We have no problem with up-dating decision-making principles

v. Cllr Andrew Cooper responded:

My own personal view is that we need to stress the 'Critical Friend' role of Scrutiny explicitly so people pursuing a Call in are very clear about the spirit in which they are submitting it.

Perhaps stressing what the overtly party political alternatives are to a Call in might also be of value so members are directed towards more appropriate routes if needed.

#### **5. Next steps**

Following discussions at the CGA Committee, any consequential changes to the Council's Constitution will be prepared for consideration at the Annual Council meeting. Any update in practice, including supporting guidance notes, will be implemented from the beginning of the new municipal year.

## 6. **Officer recommendations and reasons**

That consideration be given to the options set out in the report and pending the outcomes of the discussion, any consequent changes to the constitution be presented to Council for consideration. In summary the options are:

- a. In line with trying to influence the decision before it is made, introduce a requirement for the Lead Councillor (signatory) to the call in to demonstrate the steps taken to raise / resolve concerns prior to the Cabinet decision being called in. This would require a change to the Constitution.
- b. To amend the constitution to clarify that supporting evidence and reasons to illustrate which decision making principle(s) has been breached is included in the call in request.
- c. If a and b above are agreed then the Call in proforma would be amended to introduce a requirement for signatories to provide this information. This would be an administrative change as the proforma is not part to the constitution.
- d. To update the decision making principles in Article 13 of the constitution as set out in appendix 2, to simplify in line with current good practice and ensure clarity of interpretation.
- e. That the decision about the validity of a call in request will be determined by the Service Director, Legal Governance and Commissioning in consultation with the Chair of Overview and Scrutiny.

Following discussion any options agreed which require amendments to the Council's constitution will be considered at Annual Council with other changes to the constitution.

## 7. **Cabinet portfolio holder's recommendations**

Not applicable

## 8. **Contact officer**

Penny Bunker - Governance and Democratic Engagement Manager  
Samantha Lawton - Senior Legal Officer

## 9. **Background Papers and History of Decisions**

Briefing note "Proposals to Amend the Call In Process"

## 10. **Service Director responsible**

Julie Muscroft – Service Director for Legal, Governance and Commissioning

This page is intentionally left blank



**Name of meeting: Annual Council**

**Date: 23<sup>rd</sup> May 2018**

**Title of report: Proposed Revisions to Financial Procedure Rules**

**Purpose of report; To provide information on proposed changes to Financial Procedure Rules for the municipal year 2018/19**

Key Decision - 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
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)?</a>	Not applicable
The Decision - Is it eligible for "call in" by Scrutiny?	Not applicable
Date signed off by Director & name  Is it also signed off by the Service Director for Finance, IT & Transactional Services  Is it also signed off by the Service Director - Legal Governance and Commissioning?	J Muscroft Service Director - Legal Governance and Commissioning Yes (acting CFO)
Cabinet member portfolio	Not applicable

**Electoral wards affected: All**

**Ward councillors consulted: Not applicable**

**Public**

---

## 1. Summary

- 1.1 This report sets out information on proposed changes to Financial Procedure Rules.
- 1.2 The main areas proposed for amendment relate to procedures relating revenue and capital management.
- 1.3 A small number of other changes are also proposed. These are marked on the attached documents.
- 1.4 These proposals were considered, and recommended to Annual Council by the Corporate Governance & Audit Committee at its meeting on the 11<sup>th</sup> May 2018

## 2. Information required to take a decision

- 2.1 The detail is contained within the attachment. This attachment contains track changes and the paragraph numbers shown on the track change version, although some of the paragraph numbers will change in the final version.
- 2.2 Section 2.0 in the track changed version includes suggested amendments to reflect the practical time periods for budgeting and medium term financial planning can be between 2 and 4 years.

- 2.3 The existing FPRs at 2.23 allow for the identification, by officers, or cabinet, of revenue contributions to capital projects funded by revenue virements. The proposal in these changes is that this practice during year is restricted somewhat, so that resources can only be identified either through the council annual budget process or by way of approved virement in respect of existing programmes or projects, and then subject to the approval of both the Executive Team and the Chief Financial Officer. Text at 3.12 makes the same change to the rules as they relate to capital.
- 2.4 At present rollover (the taking of underspends, or overspends forward at year end) is presumed based on the separate budgets of each directorate. A change is proposed that ends this directorate based assessments, but instead expects executive team to collectively make proposals about which over or underspends should be rolled forward. (2.30 )
- 2.5 The council has officer arrangements in place to identify, assess and then control individual capital projects and programmes to deliver effective investments decisions., some minor changes to wordings are suggested to strengthen the approach at 3.17 and 3.18 track changed version and to allow the incurring of some design fees to ensure that projects included in the capital plan are appropriately costed.
- 2.6 Additional text at 3.11track changes makes clear that capital virement transfers must not impact on funding sources (eg capital is not moved between the HRA and general fund)
- 2.7 A further change is proposed at 2.36 and 3.21 in the track changed version that makes clear that the chief finance officer is authorised to make changes to funding streams (mainly between capital and revenue) in order to maximise the councils financial position .
- 2.8 Other changes include making responsibility for establishing an effective internal audit operations a responsibility of the chief executive, in consultation with the chief finance officer and monitoring officer.
- 2.9 The council follows CIPFAs treasury management policies. FPRs 3.1 and 9.1 are recommended for minor drafting changes.
- 2.10 There are also a small number of minor wording changes for example at 5.7, 6, 12.11, 20.5 and definitions.

### **3. Implications for the Council**

- 3.1 Early Intervention and Prevention (EIP) -None directly
- 3.2 Economic Resilience (ER) -None directly
- 3.3 Improving Outcomes for Children -None directly
- 3.4 Reducing demand of services -None directly
- 3.5 Although each of the sub categorisations above suggest no direct implications, the financial procedure rules are important rules that dictate the processes and procedures to be followed by officers in delivering sound governance and control.

### **4. Consultees and their opinions**

- 4.1 The chief executive and strategic directors, and acting chief finance officer have been involved in the drafting of these proposals. Corporate Governance and Audit Committee considered the amendments at their meeting on 11<sup>th</sup> May 2018 and recommended them to Annual Council for approval.

**5. Next steps**

5.1 If agreed the Constitution will be amended to reflect the changes.

**6. Officer recommendations and reasons**

6.1 Members are asked to consider and approve the proposed changes to Financial Procedure Rules.

**7. Cabinet portfolio holder recommendation**

7.1 Not applicable.

**8. Contact officer**

Martin Dearnley, Head of Risk (01484 221000; x 73672)

**9. Background Papers and History of Decisions**

The attached document includes track changes

**10. Director responsible**

Service Director of Legal Governance & Commissioning.



# KIRKLEES COUNCIL

## FINANCIAL PROCEDURE RULES

June ~~2017~~2018

## **Financial Procedure Rules**

### **Introduction**

These Financial Procedure Rules set out the framework which the Council will use in managing its financial affairs. They set out levels of responsibility and give authority to the Cabinet, Members and Officers and are intended to promote good practice in the use of public funds.

A guide to the Financial Procedure Rules will be published on the Intranet to help users understand and implement good financial management. Users should contact the Chief Finance Officer or their staff if assistance or clarification is needed.

### **Contents**

1. Financial Governance
2. Revenue Budget Preparation and Management Revenue Budget
3. Capital Investment Plan Preparation and Management
4. Financial Systems, Procedures and Grants
5. Internal Audit
6. Insurance
7. Assets
8. Security
9. Treasury Management
10. Banking Arrangements, Cheque Signing and Imprest Accounts
11. Income
12. Payment of Invoices
13. Payment Cards
14. Salaries, Wages and Pensions
15. Travel, Subsistence and other Allowances
16. Taxation
17. Gifts and Hospitality
18. Working with Clients and Contractors
19. Unofficial and Voluntary Funds
20. Financial Control of Partnerships, Joint Ventures, Associated Organisations and Similar Arrangements.
21. Purchasing of Works, Goods and Services

**Financial Procedure Rules**  
**Definitions**

Activity	A standard sub division of a Strategic Director's budgets; normally equivalent to the service portfolio operationally managed at Service Director level;
Asset	An item belonging to the Council that has a value ; It can include buildings, equipment, vehicles, stocks, stores, money and items of intellectual value
Associated Organisation	An organisation in which the Council has a majority or substantial shareholding, or exercises substantial influence through its funding of the organisation.
Business Case	A written document, setting out the reasons for a project, including analysis of options, risks and resources needed.
Cabinet Member	A single member of the Cabinet.
Central Budget	A budget which is held centrally and for which statutory Chief Finance Officer is accountable (in accordance with any rules established in these procedures, or by Council, or Cabinet)
Chief Finance Officer	The person so designated as the section 151 of the Local Government Act 1972 from time to time by the Chief Executive, <del>currently the Service Director Finance, IT and Transactional Services</del>
Controllable Budget	A budget which is allocated to a Director , and for which the Director is accountable, in accordance with any rules established in these procedures, or by the Chief Finance Officer, or by Council, or Cabinet
Directorate	The consolidated group of Service plans and activity budgets that fall within the responsibility of any one Strategic Director, including the Chief Executive
<u>Executive Team</u>	<u>The Council's most senior officer leadership team</u>
Fixed Asset	Any physical item having a long term value –such as a vehicle, or property.
<u>Head of Risk</u>	<u>The officer currently holding the role of Head of Internal Audit , as required by Public Sector Internal Audit Standards</u>
His or her Nominees	Refers to the 'Head of Service level' to which Service Directors, including the Chief Finance Officer can nominate on their behalf, to enact Service Director delegated authorities as set out in these FPR's
Irregularity	An unexpected or inappropriate event or behaviour
Land Asset	Means the property of the Council that is freehold or leasehold property (including any buildings on it), rights of possession of land, easements and/or other estates or interests in land.
Medium Term Financial Plan (MTFP)	Revenue Budget Plan, <u>normally between 2 and 4 years,</u> and Capital Investment Plan, <u>up to 5 years</u>

Monitoring Officer	The person appointed under section 5 of the Local Government & Housing Act 1989, currently the Service Director, Legal, Governance & Commissioning
Named Project	A project (forming part of a Capital Programme) identified by Cabinet (or any other body or person so authorised by Cabinet) for inclusion in the Capital Plan.
Officer	An employee of the Council or other person contracted to



	carry out functions where these Financial Procedure Rules apply.
Partnership	Any organisation with which the Council has a formal or informal agreement to act together.
Programme Area	A group of projects having a similar purpose in the Capital Investment Plan, <a href="#">or a major project listed separately within the Capital investment Plan-</a>
Project	A single scheme included separately in the Capital Investment Plan, or as a part of a programme area.
Rollover	A mechanism for transferring budgets between financial years.
Service Director	The person responsible for the proper compliance with these procedures whose name is included on a schedule approved by the Chief Executive.
Service Plan	A statement of objectives plans, performance measures and the use of resources for a Service.
Specified Project	A project specified by Council for inclusion in the Capital Plan.
Strategic Director	The person responsible for the commissioning of activity at a Directorate level, and includes the Chief Executive
Virement	The transfer of resources from one budget to another.

## 1. **FINANCIAL GOVERNANCE**

- 1.1 The Council has a statutory duty to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has responsibility for the administration of those affairs. The Council has resolved that the Chief Finance Officer is the responsible officer.
- 1.2 The Council will approve Financial Procedure Rules to be used by all members and officers.
- 1.3 The Corporate Governance & Audit Committee is responsible for approving the Council's Annual Statement of Accounts
- 1.4 The Cabinet is responsible for ensuring that the Financial Procedure Rules are followed across the Council. The Corporate Governance & Audit Committee is also responsible for reviewing the Financial Procedure Rules annually and for making recommendations for any changes to the Council.
- 1.5 The Corporate Governance & Audit Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management arrangements. The Cabinet is responsible for assessing the risk of activity undertaken by the Council.
- 1.6 The Chief Finance Officer is responsible for the proper administration of the Council's financial affairs, and particularly for:-
  - a) Providing financial advice and information to members and officers;

- b) Setting standards for good financial management and monitoring compliance with those standards;
- c) Advising on the key financial controls necessary to secure sound financial management;
- d) Ensuring that proper systems of internal control are operated;
- e) Co-ordinating the preparation of the Revenue Budgets and the Capital Investment Plan;
- f) Determining the accounting policies and financial procedures and records for the Council;
- g) Preparing the annual financial statements in accordance with the relevant accounting standards and codes of practice;
- h) Treasury management activities;
- i) Preparing a risk management policy statement and promoting it throughout the Council;
- j) Maintaining an effective internal audit function, jointly with the Chief Executive, ~~and Service Director of Legal Governance & Commissioning;~~
- k) Ensuring proper professional practices are maintained within the finance function; and
- l) Managing the Council's taxation affairs.

1.7 The Chief Finance Officer must report to the Council's Monitoring Officer and to the Council if:-

- a) A decision has been made, or is about to be made, which involves the incurring of expenditure which is unlawful; or
- b) There has been, or is about to be, an unlawful action resulting in a financial loss to the Council;

and the Council's Monitoring Officer will take all appropriate and necessary steps to deal with the matter.

1.8 The Chief Finance Officer may issue any instruction intended to fulfil these responsibilities and is entitled to any information or explanations as he/she may require. The Head of -Risk, and the Service Director Legal, Governance & Commissioning may also issue instructions or guidance in relation to these financial procedure rules.

1.9 Service Directors must ensure that financial systems and procedures used in their service areas are adequate to record and control all transactions and to achieve adequate levels of internal check and control.

1.10 Service Directors must make arrangements to ensure that all officers involved in financial matters are aware of, and competent in the use of, these Financial Procedure Rules. The extent of delegated authority to officers must be recorded.

1.11 Strategic Directors must ensure that any report to Cabinet contains the financial implications of any proposals. These financial implications must be agreed with the Chief Finance Officer.

- 1.12 Where, as a result of legislation or decision of the Council, part of the Council's functions are delivered by an associated organisation including any partnerships of which the Council is a member or participant, funded partly or wholly by the Council, the organisation must submit for approval by the Council its own arrangements for corporate governance. These arrangements will incorporate the spirit of the Council's Financial Procedure Rules, and will include the Council's right of access to financial information about the associated organisation.
- 1.13 Schools with delegated budgets are subject to, and must comply with, the 'Kirklees Scheme for Financing Schools', which has tailored these Financial Procedure Rules for use in those Schools.
- 1.14 A reference in the Financial Procedure Rules:-
- a) To the Cabinet includes Cabinet Committees;
  - b) To a Strategic Director includes where appropriate the Chief Executive.
  - c) To a Service Director includes his or her nominees (except where otherwise specifically forbidden);
  - d) To the Chief Finance Officer includes his or her nominees; and
  - e) To an officer means any employee of the Council, or other persons contracted to carry out functions where these Financial Procedure Rules apply.

## 2. **REVENUE BUDGET PREPARATION AND MANAGEMENT**

### **Responsibilities**

**2.1**—The Council is responsible for determining the Council's Medium Term Financial Plan (MTFP) comprising a multi-year General Fund Revenue Budget Plan, which will normally cover a period between 2 and 4 years (including the revenue consequences from the Capital Investment Plan), a multi-year capital budget plan of up to 5 years, and setting the level of Council Tax for the following financial year. ~~The multi-year plan will normally be for a period of four years.~~

**2.22.1** The Cabinet is responsible for recommending to the Council a Medium Term Financial Plan comprising a multi-year General Fund Revenue Budget Plan and Capital Investment Plan and for implementing it when determined.

**2.32.2** The Cabinet is responsible for approving the setting of Council Tenant Rents, and other rents and service charges within the Housing Revenue Account (HRA), each year, within the scope of existing HRA rent and charging policies.

**Budget Preparation**

~~2.42.3~~ The Cabinet will submit no later than the October meeting of the Council each year a provisional budget strategy, ~~for a minimum of the following period of between 2 years and 4 years the following four years.~~ The starting point will be the existing multi-year plans rolled forward from the previous year, including a high level review of Council funding and spend assumptions, ~~as a minimum, across the next four two years.~~ Any resultant gap between funding and spend forecasts will inform target spending controls over the new MTFP period

~~2.52.4~~ The Chief Finance Officer is responsible for establishing budget procedures, including determination of the following:

- i) target spending controls for the Council budget over the MTFP, and their allocation to Directors, as appropriate,
- ii) the format for budget documentation,
- iii) a corporate budget timetable, and
- iv) to report on any amendments put forward as part of the Council's budget process

~~2.62.5~~ The provisional budget strategy will include arrangements for wider public engagement on budget options being considered.

~~2.72.6~~ Strategic Directors will produce draft budget proposals to meet target spending controls for Council budgets over the MTFP, in accordance with budget procedures and the annual budget timetable as set out by the Chief Finance Officer. These draft budget proposals will show how resources are to be allocated across activities, taking into account any service changes, performance targets, and the specific requirements of any relevant legislation, including service equalities impacts, in formulating budget options for Cabinet consideration.

~~2.82.7~~ The Cabinet will consider these proposals in detail and make its recommendations to the Council at least 14 days before the date set for the meeting of the Council which will determine the Council's Budget for the next financial year.

~~2.9~~ The Chief Finance Officer will advise the Cabinet and the Council on the overall budget, the levels of Council Tax, the use of reserves and the need for contingency budgets, and on the risks involved in the forecasts of spending levels and income. The annual budget report must make reference to all matters required by legislation or appropriate professional guidance, ~~including matters such as the Pay Policy Statement and strategy.~~

## Budget Management

~~2.102.8~~ The Cabinet is responsible for implementing the Corporate Plan within the resources allocated in the Revenue Budget. The Cabinet will provide summary revenue monitoring information to the Council at least twice per year.

~~2.112.9~~ The Chief Finance Officer will determine which budgets are

“controllable” by Strategic Directors, and will allocate the specific budgets that each Strategic Director has responsibility to manage.

2.122.10 These budgets will normally align with the Directorate structure of the Council, but may also reflect the cross council (transformational) structure of the Council. The Chief Finance Officer will determine which budgets may be considered together for the purposes of delegated virement authority (per FPR 2.20 to 2.24 below).

2.132.11 Service Directors are responsible for managing controllable budgets within their delegated authority and should exercise proper budgetary control in order to achieve Corporate Plan and Service Plan objectives.

2.142.12 Service Directors are authorised to incur any expenditure included in the approved revenue budget, as amended by any Virement including obtaining and accepting quotations and providing grants and loans, subject to other requirements of CPRs and FPRs.

2.152.13 Service Directors must report on budget management. They must take action to avoid overspending budgets and report any difficulties to the appropriate Strategic Director and the Chief Finance Officer. These reports must be in a format and to a timetable prescribed by the Chief Finance Officer.

2.162.14 Where a Service Director is reporting a projected overspending of more than £500,000 on an activity that cannot be addressed through budget virement, this will be highlighted by the Chief Finance Officer as part of the report to the Cabinet on the overall management of the Revenue Budget on a quarterly basis through the year, setting out the reasons for the overspending and management options for eliminating or reducing the overspending.

The Cabinet is responsible for reviewing management options -and for recommending such further steps as are necessary to align activity with resources.

2.172.15 The Chief Finance Officer is accountable for all central budgets, which will be managed in the same way as activity budgets.

2.182.16 The Chief Finance Officer has delegated authority to review the requirement for existing Council Provisions and earmarked Reserves, in-year, and to report any new Reserves or Provisions requirements to Cabinet.

2.192.17 Service Directors should delegate authority to commit budgets to the appropriate level of management, make arrangements to set out clearly the extent of authority of managers, and review the performance of managers in managing these budgets.

## **Virements**

2.202.18 Service Directors are authorised to transfer resources within an activity budget without limit providing the Service Plan for the activity is not changed in a material way.



Virement which is associated with a change in the level of service from that set out in the service plan must be approved by the Cabinet.

2.212.19 Virements must recognise funding arrangements. Virement is not permitted between HRA funded and General Fund funding streams

2.222.20 Strategic Directors, in consultation with the appropriate executive member(s), are authorised to transfer resources between controllable activity budgets subject only to the cumulative Virements on any one activity not exceeding 10% of the original net controllable Directorate budget or £1,000,000, whichever is the smaller.

2. 223 The Cabinet is authorised to transfer resources (undertake a Virement) of more than £1,000,000 between activity budgets, subject only to the cumulative Virements on any one Directorate not exceeding 10% of the original gross budget, or £2m, whichever is the smaller. Cumulative Virements above these thresholds requires Council approval.

2.23 ~~The Cabinet may authorise the transfer of up to £1,000,000, cumulative in any~~ The transfer of ~~one~~ revenue resources in any one financial year, from the revenue budget to add additional resources to the capital plan, will only be allowed if:

(a) there is explicit prior year approval as part of the approved budget plans of the Council, for the following financial year; or

(b) Service Directors can ~~authorise the transfer of~~ identify up to £500,000- cumulative in any one financial year, from the revenue budget (up to £500,000 cumulative virement in any one financial year) to add additional resources to the capital plan, in respect of approved programmes and projects, ~~but and~~ subject to approval by the Executive Team and the Chief Finance Officer; and compliance with FPR 3.17 and 3.18-

2.24 Virement is specifically not allowed where the transfer of resources is from budgets for capital charges, Council support functions or statutory taxes and levies.

2.25 All Virements will be recorded in a way prescribed by the Chief Finance Officer who will arrange for Virements to be incorporated into subsequent financial monitoring reported to the Cabinet.

### **Rollover**

2.26 Rollover is a mechanism for transferring budget provisions from one year to the next, or vice versa. Rollover arrangements apply equally to the General Fund and the Housing Revenue Account.

2.27 The Council, in determining the Revenue Budget for a particular year, will also determine the arrangements for rollover for that year. The Council will determine changes to the Council's Revenue Budget arising from the rollover process.

2.28 The Cabinet is responsible for recommending changes to the Revenue Budget arising from the rollover process.

2.29 In the rollover process, ~~there will be a presumption that~~ the overall level of resources available to support rollover proposals will not exceed any reported net underspend of the Council as a whole for that year. If the Council as a

whole does not have a reported under spend, the presumption is that there will be no revenue rollover for that year.

2.30 Subject to the parameters set out in FPR's ~~2.28 and 2.29~~ above, ~~there will be a presumption that~~ rollover entitlement proposals will be considered at a ~~Directorate level~~ Executive Team in the first instance, ~~and will not exceed the Directorate's net under spend position for that year.~~

### Other

- 2.31 Where during any year a material change of funding (and or any change associated activity) arises this must be reported to Cabinet along with a statement of any associated change in the risk profile. (for example a change from outsourced to direct employment may have the same overall cost, but may significantly increase the Council's risk).
- 2.32 Where, as a result of a mistake or error by an officer, the Council becomes liable for any charges, penalties or additional expenses, such costs will be met by the activity in which the error is made.
- 2.33 Whenever the Cabinet becomes aware –following a report from the Chief Financial Officer- that a reduction in resources during the current or future years may impact on the Councils financial position, it may take such steps as it considers necessary to reduce activity immediately or at a stage prior to the next budget Council in order to address this factor.
- 2.34 The Chief Finance Officer will report to the Cabinet on the overall management of the Revenue Budget on a quarterly basis through the year. At least a summary of this information will be published on the council website.
- 2.35 After the end of each financial year, the Chief Finance Officer will report to the Cabinet and the Council on the outturn financial performance and any proposed rollover, subject to the parameters set out in FPR 2.29 above. ~~of each Directorate and of the Council as a whole.~~

2.352.36 The Chief Finance Officer is permitted to make variations to revenue funding as necessary in order to ensure that the council funding position is optimised, subject to reporting such actions to Cabinet and Council.

## **3. CAPITAL INVESTMENT PLAN PREPARATION AND MANAGEMENT**

### **General**

- 3.1 All capital investment must be made in recognition of the CIPFA 'Prudential Code for Capital Expenditure and associated statutory Government guidance', ~~and take account of affordability, prudence and financial sustainability, value for money, stewardship, organisational objectives, and practicality.~~

### **Responsibilities**

- 3.2 The Council is responsible for determining the Council's Capital Investment Plan and approving the prudential indicators and limits that support the capital investment.
- 3.3 The Cabinet is responsible for recommending to the Council at the same time

as the proposed Revenue Budget, a multi-year Capital Investment Plan and the prudential indicators and limits that support the recommended capital investment.

- 3.4 The Council will determine allocations of capital resources to programme areas, or to specified projects.
- 3.5 The Cabinet is responsible for implementing the Capital Plan approved by Council, in line with any stated Council policies, or strategies
- 3.6 The Chief Finance Officer will advise the Cabinet and the Council on the overall Capital Investment Plan and levels of funding available. The Chief Finance Officer must confirm the robustness of the capital plan and assess and report to Cabinet on the revenue effects of the capital plan (financing, additional running costs, savings and income) and indicating the prudential indicators and limits that support the capital investment.

#### **Capital Investment Plan Preparation.**

- 3.7 The Chief Finance Officer will prepare draft investment plans in accordance (where set) with the planning totals. Service Directors are responsible for providing details of all programmes and projects in a format prescribed by the Chief Finance Officer.

#### **Plan Management**

- 3.8 Where the Council has allocated resources to a programme area, the Cabinet will determine the allocation of resources from the programme area to named projects.
- 3.9 The Cabinet is authorised to;
  - (1) Transfer resources within a programme area without restrictions.
  - (2) Transfer resources between any project or programme area up to a maximum of £1,000,000 in any financial year.
- 3.10 Service Directors are responsible for managing programmes and projects, and must make appropriate arrangements to control projects and avoid overspending.

Service Directors are authorised to transfer resources to or from any project, or to or from any unallocated resources within a programme area up to a maximum of £500,000 in any financial year, subject to the approval of the Chief Finance Officer and notification to the relevant Cabinet Member and appropriate ward Members

[3.11 Transfers under 3.9 and 3.10 require the approval of the Chief Finance officer who must be satisfied that there is no impact on capital funding stream as a result of the changes.](#)

[3.12 The transfer of revenue resources in any one financial year from the revenue budget to add additional resources to the capital plan, will only be allowed if ;  
\(a\) there is explicit prior year approval as part of the approved budget plans of](#)

the Council for the following financial year; or:

(b) Service Directors can identify from the revenue budget (up to £500,000 cumulative virement in any one financial year) to add additional resources to the capital plan, in respect of approved programmes and projects, but subject to approval by the Executive Team and the Chief Finance Officer; and compliance with FPR 3.17 and 3.18.-

~~4. Cabinet may transfer up to £1,000,000 and Service Directors up to £500,000, cumulatively in any one year, from the revenue budget to add resources to provide additional resources to current or new projects included in the capital plan. Service Director transfers are subject to approval from the Chief Finance Officer.~~

4.43.13 Transfer of resources must recognise funding arrangements. Transfer is not permitted between HRA funded and General Fund funding streams, nor in respect of any project to the extent that it is funded by a project specific third party grant.

4.23.14 The Cabinet may delegate its authority under Financial Procedure Rules 3.9 and 3.10 to the Board of Kirklees Neighbourhood Housing Limited. The Cabinet may also allow additional delegated authority to Service Directors. This is to be agreed on an annual basis.

4.33.15 Any decision on resource allocation by Cabinet, Strategic and Service Directors or Subsidiary Organisations (3.9 to 3.12) must recognise any policy decisions of Council; any decision on resource allocation by Strategic and Service Directors or Subsidiary Organisations (3.10-3.12) must recognise any policy decisions of Cabinet.

3.16 The Chief Finance Officer will report to the Cabinet on the overall management of the Capital Investment Plan on a quarterly basis through the year (including the reporting of virements in respect of each transfer of resources within or between programmes and project. The Cabinet will provide summary monitoring information to the Council at least twice per year.

### Initiating and Progressing Investment Decisions

4.43.17 The Chief Executive will establish arrangements, delegated as appropriate to a lead Strategic Director in conjunction with the Chief Finance Officer, to ensure effective deployment of capital resources, ensuring that these align with council priorities and including the preparation of business cases and/or, option appraisals etc designed to ensure project effectiveness and value for money, and to assist Council to determine its Capital Investment Plan, and assist Cabinet with the allocation of programme area budgets to specific projects. For these purpose the Strategic Director and Chief Finance Officer may approve the incurring of fees for option appraisal or initial design fees, subject to the identification of an appropriate funding source.

4.53.18 A capital outlay report will be prepared for each specific project. It will be signed off by the relevant programme manager and approved by the Chief Finance Officer, who will grant approval to each specific project when satisfied that:

- a) The project appears on a schedule of named projects (approved by Council or Cabinet, or by officers under a scheme approved by Cabinet).
- b) That the total costs of a project are estimated to be less than or equal to the amount approved in the Capital Investment Plan;  
or  
Where the total costs of a project exceed the amount approved in the Capital Investment Plan the excess is within agreed tolerance levels and the appropriate additional resources has been approved; (3.9, 3.10),

- c) Any necessary external approval have been obtained;
- d) The project will not lead to any unexpected or unplanned costs, not envisaged by the business case or optional appraisal.

4.63.19 Service Directors have authority to progress projects once the approvals at 3.1716\_ has been given. They must ensure compliance also with Contract



Procedure Rule.

3.20 Strategic Directors are responsible for post implementation reviews of capital projects to assess the outcome of investment programmes and projects, and the extent to which these achieved the planned objectives set out in the business case, this assessment to be used in summary to Cabinet as a part of the capital investment planning process.

3.21 The Chief Finance Officer is permitted to make variations to capital funding as necessary in order to ensure that the council funding position is optimised, subject to reporting such actions to Cabinet and Council.

#### 5.4. FINANCIAL SYSTEMS, PROCEDURES AND GRANTS

5.14.1 The Chief Finance Officer is responsible for the operation of the Councils accounting systems, the form of accounts and the supporting financial records. Any changes to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer.

5.24.2 Any changes to financial procedures to meet the specific needs of a Service must be agreed between the Service Director and the Chief Finance Officer.

5.34.3 Service Directors must ensure that officers understand and are competent to undertake their financial responsibilities and receive relevant financial training that has been approved by the Chief Finance Officer.

5.44.4 Service Directors are responsible for the proper operation of financial processes in their own activity and must ensure that all financial, costing, and other statistical information is recorded fully and accurately.

5.54.5 Service Directors must ensure that financial documents are retained in accordance with the Council's approved retention schedule.

5.64.6 As far as practicable, Service Directors must make arrangements for the separation of duties between the carrying out of transactions and the examining and checking of transactions.

5.74.7 Service Directors in consultation with the appropriate Strategic Director and Cabinet Members may apply for grants from any funding body, providing the proposed activity is consistent with the approved service plan and Council policy.

5.84.8 Service Directors must ensure a detailed business case is prepared, in consultation with the Chief Finance Officer, in respect of any grant offer. Any material grant conditions must be agreed with the Service Director Legal Governance & Commissioning

5.94.9 Service Directors are authorised to accept any offer of grant and subsequent grant conditions up to a maximum of £100,000. Strategic Directors are authorised to accept a grant of up to 5% of the gross revenue budget (or for capital projects, up to 5% of the activity capital plan where the grant funding is for capital

purposes) for the activity. (This includes grants from government and third parties which do not involve an application process)

5.104.10 The Chief Finance Officer in consultation with the Service Director Legal Governance & Commissioning and the appropriate Strategic Director is

authorised to apply for, and or approve the acceptance of grants in all other circumstances.

5.114.11 Grant claims, financial returns and submissions must be completed by the relevant Service Director and the Chief Finance Officer for submission to the relevant government department, agency or organisation.

## 6-5. INTERNAL AUDIT

### **Responsibility & Authority**

6.15.1 The Chief Executive, ~~and Chief Finance Officer (has this changed as part of the revised delegations ?)~~ ( in consultation with the Chief Finance Officer and Monitoring Officer) must arrange ~~and direct~~ a continuous internal audit, which is an independent review of the accounting, financial and other operations of the Council.

6.25.2 The Head of Risk will report directly to the Chief Executive, the Chair of the Corporate Governance & Audit Committee or the External Auditor in any circumstance where the functions and responsibilities of the Chief Finance Officer are being reviewed. (other than routine reporting of work carried out )

6.35.3 The Head of Risk has authority to:-

- (a) Enter at all times any Council premises or land or location from which Council services are provided;
- (b) Have access to all property, records, documents and correspondence relating to all activities of the Council;
- (c) Require and receive explanations concerning any matter; and
- (d) Require any employee of the Council, without prior notice, to produce cash, stores or any other property for which they are responsible.

The Chief Finance Officer has the same authority for any accounting or associated purpose.

### **Planning & Reporting**

6.45.4 The Head of Risk must plan and report (in accordance with the approved Audit Strategy and Charter, Public Sector Internal Audit Standards and any instruction from the Councils Corporate Governance & Audit Committee) upon:-

- a) The risks inherent in and associated with each system;
- b) The soundness, adequacy and application of the financial and other management controls and systems within each Service;
- c) The extent of compliance with, and the financial effects of, established policies, plans and procedures;

- d) The extent to which the organisation's assets and interests are accounted for and safeguarded from losses of all kinds arising from fraud, other offences, waste, extravagance and inefficient administration, poor value for money and other cause;
- e) The suitability, accuracy and reliability of financial and other management data within the organisation; and
- f) Value for money aspects of service provision.

6-55.5 In respect of any audit report or communication issued, the Director must reply within 4 weeks indicating the action proposed or taken, by whom and including target dates. Where a draft report is issued for initial comments a reply must be made within 2 weeks of issue.

6-65.6 The Head of Audit & Risk will provide a written summary of the activities of the Internal Audit function to the Corporate Governance & Audit Committee at least four times per year and an Annual Report produced for consideration by, Cabinet and Corporate Governance & Audit Committee, including an audit opinion on the adequacy and effectiveness of the Council's risk management systems and internal control environment.

The Head of Risk will review the system of internal audit on an annual basis (and arrange for an external assessment once every 5 years) and report the outcome to the Corporate Governance & Audit Committee.

### **Investigations and Suspected Fraud, Corruption or Bribery.**

6-75.7 The Chief Executive and Directors must ensure that all Members and employees are:-

- a) Aware of the Council's Anti-Fraud, Anti-Corruption and Anti-Bribery Strategy;
- b) Aware of the Whistleblowing Strategy; and
- c) Operating in a way that maximises internal check against inappropriate behaviour.

The Head of Risk~~The Chief Finance Officer, and Service Director Legal, Governance & Commissioning~~ is responsible for the development and maintenance of the Anti-Fraud, Anti-Corruption and Anti Bribery Strategy and Whistleblowing Strategy and for directing the Council's efforts in fraud investigation.

6-85.8 It is the duty of any officer who suspects or becomes aware of any matter which may involve loss or irregularity concerning cash, stores or other property of the Council or any suspected irregularity in the operations or exercise of the functions of the Council to immediately advise the Director. The Director concerned must immediately notify the Head of Risk who may take action by way of investigation and report.

[6.95.9](#) Where, following investigation, the Head of Risk considers that there

are reasonable grounds for suspecting that a loss has occurred as a result of misappropriation, irregular expenditure or fraud, consultations will be held with the Director on the relevant courses of action, including the possibility of police involvement and the invoking of any internal disciplinary procedure in accordance with the relevant conditions of service.

(Claimant fraud in respect of Housing Benefit and Council Tax Reduction and Discounts (where the claimant is not an employee or Member of the Council) is currently investigated by the Revenues & Benefits Service).

## 7.6. INSURANCE

7.16.1 The ~~Chief Finance Officer and~~ Service Director Legal, Governance & Commissioning, in consultation with Service Directors is responsible for assessing insurable risks and for arranging all insurance cover, including the management and control of the insurance fund. He/she will control all claims and maintain records of them. He/she has authority to receive or make claims on behalf of the council and negotiate and agree all settlements.

7.26.2 Service Directors must promptly notify the ~~Chief Finance Officer and~~ Service Director Legal, Governance & Commissioning in writing of all new risks or Assets to be insured and of any alterations affecting existing insurances. All insurances held must be reviewed on an annual basis.

7.36.3 In the event of any insurance claim or occurrence Service Directors must:-

- a) Not admit liability where this may prejudice the outcome of any settlement;
- b) Promptly notify the Insurance Team, in writing, of any loss, liability, damage or any event likely to lead to a claim; and
- c) Inform the Police in the case of loss or malicious damage to Council property.

7.46.4 Service Directors must consult ~~the Chief Finance Officer and~~ the Service Director Legal Governance & Commissioning as to the terms of any indemnity the Council is required to give.

7.56.5 The Service Director in consultation with the Insurance Team will determine the extent of insurance cover which must be provided for in any external contract for the supply of goods, works or services. The Service Director, in consultation with ~~the the Chief Finance Officer and~~ Service Director Legal Governance & Commissioning, may reduce the cover requirements in respect of specific contracts.

## 8.7. ASSETS

8.17.1 Service Directors are responsible for the care and custody of all current and Fixed Assets of the relevant service (including stocks, stores, inventory items and all other items used for the Council's purposes, including property). These items must only be used for the authorised purposes of the Council.

8-27.2 Service Directors must ensure that contingency plans exist for the security of Assets and the continuity of service in the event of any disaster, significant event, or system failure.

### **Disposal of Assets**

8-37.3 Surplus or obsolete goods, materials and inventory items are to be disposed of by agreed transfer to another Service, or disposal in accordance with Contract Procedure Rules, except when the Cabinet instructs otherwise.

8-47.4 Leased items (excluding Land Assets) should only be disposed of in accordance with instructions of the lessor.

### **Stores**

8-57.5 Service Directors must keep records of all stock held. The Chief Finance Officer will determine which items will be subject to stock accounting, the methods of recording and valuation. An appropriate system of continuous stock taking must be agreed with the Chief Finance Officer.

8-67.6 Service Directors must arrange periodical or continuous checks of stock. This should be by persons independent of the management of the stock. These arrangements must ensure that all items of stock are checked at least once per year. The Chief Finance Officer will be notified of any discrepancies revealed by periodic checks, and is authorised to amend records accordingly.

8-77.7 Stock holdings should be kept at minimum levels consistent with normal working practices

### **Inventories**

8-87.8 Service Directors are responsible for ensuring that detailed inventories of all land, buildings, equipment, specialist furniture, specialist fittings, vehicles, plant and machinery are compiled and kept up-to-date. New inventory items must be entered promptly and redundant items (other than Land Assets) deleted and disposed of in accordance with Financial Procedure Rule 7.3. The form of inventory and the type of Assets recorded thereon will be determined by the Chief Finance Officer after consultation with the appropriate Service Director.

8-97.9 The inventory should include:-

- a) The nature, type, model, serial number, location, quantity, value, date of acquisition;
- b) All items valued at, more than £100;
- c) Items of a lesser value which are portable and attractive; and
- d) Evidence to indicate an inspection has been carried out.

~~8.107.10~~ Service Directors are responsible for ensuring that inventory items owned by another Directorate, but used operationally by their service areas are subject to an appropriate risk based level of control. When Assets are loaned to employees, or other organisations, the Service Director must record the reason for the loan, date/periods and name of the receiver, and ensure recovery at the end of the period at which the purpose of the loan has expired.

~~8.117.11~~ Inventory items must (where appropriate) be security marked, stamped or engraved with the Council's name.

~~8.127.12~~ Each Service Director is responsible for ensuring risk based checking of the inventory and must notify the Chief Finance Officer, and the Head of Internal Risk of any discrepancies revealed by these checks.

### **Fixed Assets Register**

~~8.137.13~~ The Chief Finance Officer must ensure that a Register of Fixed Assets is maintained.

~~8.147.14~~ Each Service Director must notify the Chief Finance Officer of the:

- (1) Acquisition of any land, property or vehicle and any other assets having a value of more than £10,000.
- (2) Disposal (or transfer to another Service) of any Asset (or part of any Asset) which is included on the Register of Fixed Assets.

7.16 In respect of any item acquired by lease (other than a Land Asset) the inventory must be marked with the name of the leasing company and the date of expiry of the lease agreement. When requested by the leasing company the item must be suitably marked as the property of that company.

### **Land Assets**

7.17 The Service Director responsible must maintain a detailed record of all Land Assets owned by the Council (except dwellings provided for general letting) and is responsible for the security and custody of all title deeds and must maintain a suitable register of Land Assets.

7.18 The disposal of Land Assets is dealt with in the Contract Procedure Rules.

### **Information Assets**

Service Directors are responsible for ensuring that inventories of all information Assets are compiled and kept up-to-date. New inventory items must be entered promptly and redundant items deleted and disposed of in accordance with the Council's Information Security Policy Records Management Policy and the appropriate Retention and Disposal Schedule. The form of inventory and the type of Assets recorded thereon will be determined by the Chief Finance Officer

## **9.8. SECURITY**



## **Security of Assets**

**9.18.1** Service Directors are responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash and any other assets for which they are responsible. The Chief Finance Officer must be consulted to establish adequate security arrangements except in relation to Land Assets that are the responsibility of the Service Director responsible for them, 8.2 All keys to safes and other places containing money, goods or other valuables are to be the responsibility of specified officers who must retain possession of such keys at all times.

A register of keys and their holders must be maintained by each Service Director. The loss of any key must be reported immediately to the Service Director who must record details of the circumstances of the loss, and take such action as is necessary to protect the property of the Council.

8.3 Maximum levels for cash holdings in each separate location are to be established in line with insurance limits.

## **Security of Information**

8.4 Service Directors must maintain proper security, privacy and use of data and information held in any media including, but not inclusively, documents, magnetic, digital,(such as laptop and tablet computers, mobile phones, memory cards)

Service Directors must ensure that:-

- a) All employees are aware of and comply with the Council's Information Security and Records Management policies;
- b) All sensitive information is protected from unauthorised disclosure;
- c) The accuracy and completeness of information and software is safeguarded;
- d) Software and other intellectual property is used only in accordance with licensing agreements;
- e) Data Protection legislation is complied with;
- f) The Freedom of Information Act is complied with;
- g) Proper controls to system and physical access are in place; and
- h) The Councils intellectual property rights are protected.

## **Security of Property Relating to Clients and Customers**

8.5 Service Directors must provide detailed written instructions on the collection, custody, investment, recording, safekeeping and disposal of customer/clients'

property (including instructions on the disposal of property of deceased clients) for all staff whose duty is to administer, in any way, the property of clients. Due care should be exercised in the management of a customer or clients' money in order to maximise the benefits to the customer/client.

- 8.6 The Council is responsible for taking reasonable care of all items of property found by staff or members of the public on Council premises until the items are reclaimed or disposed of. Each Service Director must nominate officers who are responsible for the custody of lost property and keep a register of such property received, detailing the item, date, time, name and address of finder and how and to whom the property is returned or disposed of.
- 8.7 Service Directors may seek approval from the appropriate Strategic Director and Executive Member, on how lost property will be dealt with. Otherwise, if the lost property is not claimed within three months the Service Director will then determine if the item is of value for use by the Council, and arrange for its use for this purpose. All other items are to be disposed of in accordance with Contract Procedure Rules and the proceeds allocated to an appropriate council income code.

## 10.9. TREASURY MANAGEMENT

### Policies and Strategies

10.19.1 The Council ~~has adopted the key recommendations of~~will adopt both the Code of Practice for Treasury Management in the Public Services, published by the Chartered Institute of Public Finance and Accountancy, and any associated statutory Government guidance, as issued from time to time.

10.29.2 The Council is responsible for adopting a treasury management policy statement, setting out the policies and objectives of its treasury management activities, and treasury management practices, setting out how those policies and objectives will be achieved and how treasury management will be managed and controlled.

10.39.3 The Cabinet is responsible for the implementation and monitoring of the treasury management policies, practices and performance. The Corporate Governance & Audit Committee has responsibility for scrutinizing treasury management policies and practices.

10.49.4 The Chief Finance Officer is responsible for the execution and administration of treasury management decisions in accordance with the policy statement and agreed practices.

10.59.5 The Chief Finance Officer will report to the Council (via the Corporate Governance & Audit Committee and Cabinet);

- (a) before each financial year recommending a treasury management strategy and plan;
- (b) at least once in relation to treasury management activity during the year;
- (c) by way of an annual report after the end of the year.

This will include the planned and actual performance in respect of the prudential indicators and limits

### **Administration**

~~9.6~~ All money under the management of the Council is to be aggregated for the purposes of treasury management and will be controlled by the Chief Finance Officer

~~40.69.7~~ Investments other than bearer securities are to be in the name of the Council or nominee approved by the Cabinet. All borrowings are to be in the name of the Council.

~~40.79.8~~ The Chief Finance Officer will select the Council's Registrar of stocks, bonds and mortgages and must maintain records of all borrowings by the Council.

~~40.89.9~~ A suitable register must be maintained in respect of all investments, securities, bearer securities and borrowings.

~~40.99.10~~ The Chief Finance Officer will arrange all loans and leases including operating leases.

### **Trust Funds**

~~40.109.11~~ All trust funds are to be, wherever possible, in the name of the Council, except where charities legislation dictates otherwise. Officers acting as trustees by virtue of their official position must deposit all documents of title relating to the trust with the Service Director, Legal Governance & Commissioning (unless the Trust Deed otherwise directs) who must maintain a register of all such documents deposited.

## **41.10. BANKING ARRANGEMENTS, CHEQUE SIGNING AND IMPREST ACCOUNTS**

### **Banking Arrangements**

~~41.110.1~~ All of the Council's banking arrangements are to be approved by the Chief Finance Officer, who is authorised to operate such bank accounts as he or she considers appropriate.

~~41.210.2~~ Bank accounts must not be opened without the approval of the Chief Finance Officer. Where a bank account is opened, the account name must describe the purpose of the account. All new accounts should be named in the format 'KC, XYZ Unit Account'.

### **Cheques and Electronic Payments**

~~41.310.3~~ Payments to suppliers and employees will be made by electronic means unless there are good reasons to use a different method.

[41.410.4](#) All cheques are to be ordered only in accordance with arrangements approved by the Chief Finance Officer, who is to ensure their safe custody. Cheques drawn on the Council's main bank accounts must either bear the facsimile signature of the Chief Finance Officer or be signed in manuscript by him/her or other authorised officers. All alterations and amendments are to be signed in manuscript by the Chief Finance Officer, or other authorised officers.

[41.510.5](#) Banking arrangements made for authorisation of payments to be made or received under electronic transfer are to be in a form approved by the Chief Finance Officer.

[41.610.6](#) Service Directors must maintain a register of all officers authorised to sign cheques and other bank documents together with specimen signatures

### **Imprest Accounts**

[41.710.7](#) Service Directors will determine what amount is appropriate for an individual imprest account and keep a record of every imprest issued, including the name of the imprest holder, amount and location.

[41.810.8](#) Any imprest holder (or sub imprest - see rule 10.10) must at any time account for the total imprest if requested to do so by the Chief Finance Officer and keep adequate records in a form approved by the Chief Finance Officer and supported by valid (VAT) receipts. On ceasing to be responsible for an imprest account the officer must account promptly to the Service Director for the amount advanced.

[41.910.9](#) Payments from imprest accounts are to be limited to minor items of expenditure and to any other items approved by the Chief Finance Officer. Where deemed appropriate by an imprest account holder a sub- imprest may be provided to another officer for which the main imprest account holder must obtain and retain an acknowledgement. In all cases where this occurs the main imprest holder must notify the Service Director.

## **42.11. INCOME**

[42.411.1](#) Fees and charges must be reviewed at least once per annum. Service Directors have authority to amend fees and charges to achieve budget targets and in line with the annual budget strategy, and are permitted to freeze or raise charges by an amount up to the equivalent to the consumer price index. Changes to charges may also reflect reasonable rounding to relevant prices which might in some cases mean that certain prices rise by more than the consumer price index or the budget strategy

Service Directors may make amendments to existing Fees and Charges during the financial year to account for changes in legislation, market conditions or to support the local communities or local business following the completion of an appropriate business case, in consultation with the appropriate Strategic Director, relevant Portfolio Holder and Chief Finance Officer.

Any proposal to implement new fees or charges must be approved by Cabinet.(unless the making and quantum of the charge is a statutory obligation). See also Contract Procedure Rules.

[42.211.2](#) The methods of collecting, recording and banking of all income due to the Council are to be approved by the Chief Finance Officer.

[42.311.3](#) The Chief Finance Officer must be notified, in accordance with practices agreed with the relevant Service Director, of all income due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council.

[42.411.4](#) Service Directors must ensure that to the maximum extent possible income is collected by electronic means. This means that positive action should be taken to promote the use of customer payment by direct debit at the point of order for one off items, and continuous debit arrangements for ongoing services provision. Service Directors must ensure full compliance with all practices necessary to fully protect the banking data of the council's customers.

### **Collection and Banking of Income**

[42.511.5](#) Service Directors must make appropriate arrangements for the control and issue of all receipt forms, books, tickets, ticket machines or other acknowledgements for money.

[42.611.6](#) All income received by the Council must be acknowledged by the issue of an official receipt or by another approved method indicating payment has been received. In order to ensure compliance with relevant money laundering regulations, the Council must not accept any cash payment in excess of 15,000 euros (£11,700) in respect of one single transaction on one occasion. The exception to this rule is that in the case of a disposal of a Land Asset by way of public auction, or under auction conditions, the Council may accept a cash payment in excess of 15,000 Euros where the Land Asset being disposed of exceeds a sale price of 150,000 Euros. Anti-money laundering compliance is the responsibility of the Service Director of Legal Governance & Commissioning who is entitled to issue instruction relating to this matter.

[42.711.7](#) All money received by an officer on behalf of the Council must either be paid to the Chief Finance Officer or to the Council's bank account as the Chief Finance Officer may determine, at intervals taking account of the security of the premises. No deductions are to be made from such monies unless specifically authorised by the Chief Finance Officer. Personal cheques must not be cashed out of monies held on behalf of the Council. Refunds must be made through the payments system.

[42.811.8](#) Arrangements for opening incoming mail must ensure that any money so received is immediately recorded.

[42.911.9](#) Every transfer of official money from one officer to another must be evidenced in the records of the Services concerned by the signature of the receiving officer.

## **Cash discrepancies**

~~42.10~~11.10 Each Director must maintain a detailed record of all cash surpluses and deficiencies in a manner approved by the Chief Finance Officer.

~~42.11~~11.11 The Service Director must investigate any apparent patterns of discrepancies

~~42.12~~11.12 Where such discrepancies are in excess of £100 individually, or in total within any period of 1 month, the Director concerned must immediately investigate and notify the Head of Risk who may undertake such investigations as he/she deems appropriate.

## **Debtors**

~~42.13~~11.13 Wherever possible, payment should be obtained in advance, or at the time of provision of a service, goods, letting or works. Where credit is given, Directors must ensure that the credit status of each customer is satisfactory. Directors are responsible for issuing debtor accounts in a form approved by the Chief Finance Officer immediately a debt falls due. Each Director, in conjunction with the Chief Finance Officer must maintain adequate records to ensure that all credit income due to the Council is promptly recovered.

~~42.14~~11.14 Service Directors must regularly consider debts due and ensure adequate year end provisions for bad and doubtful debts. Service Directors are authorised to write off all individual bad debts subject to the approval of the Chief Finance Officer. A report on the details of all debts written off under delegated authority must be prepared and formally noted by the Service Director in consultation with the Cabinet Member. The Chief Finance Officer must prepare an annual consolidated report of all debts written off for consideration by the Corporate Governance & Audit Committee. Service Directors must ensure that appropriate accounting entries are made following write off actions.

~~42.15~~11.15 The 'writing off' of a debt does not absolve a Service Director of the responsibility to collect such debts, and the position in relation to such debtors is to be monitored by the Service Director.

## **43.12. PAYMENT OF INVOICES**

All payments must be made through the councils accounting system (SAP) and should be made by electronic transfer except where there are substantial over riding reasons for alternative means of payment. Service Directors must ensure through a review, at least annually, that SAP authorisations are appropriate to the needs of the service, maintaining an adequate degree of separation of duties and internal control.

~~43.1~~12.1 Service Directors must ensure that all valid invoices are paid within 30 days of receipt.

~~43.2~~12.2 The Chief Finance Officer will determine the method and frequency of

payment from one of the Council's main bank accounts, except for:-

- Petty cash and other imprest accounts
- Delegated bank accounts approved by the Chief Finance Officer

### **Automated Payments**

- 12.3 When an invoice is matched through the automated procurement and payment system, it will be paid in line with the councils determined procedures.
- 12.4 Any invoices rejected by the automated system must be subject to thorough checking by the Director to determine the reason for variance, and the cause recorded.

### **Certification & Processing (paper records)**

- 12.5 Service Directors must approve a schedule of officers authorised to certify invoices, (names and specimen signatures). This must be supplied if requested to the Chief Finance Officer. The schedule must be reviewed at least once per year.
- 12.6 All invoices- that are not the subject of automated processing- must be certified in manuscript, unless an alternative method is expressly authorised by the Chief Finance Officer.

By certifying an account for payment the authorised officer indicates that satisfactory checks have been carried out to ensure that:-

- (a) The work, goods or services to which the account relates have been received or carried out, examined and approved;
  - (b) Prices, extensions, calculations, discounts, other allowances and tax are correct;
  - (c) There is a proper tax invoice when appropriate;
  - (d) The relevant expenditure has been properly incurred, is within budget, and is charged to the appropriate budget;
  - (e) Entries have been made in Asset registers, inventories, stores and other records as appropriate; and
  - (f) The account has not previously been paid.
- 12.7 Where errors on an invoice are detected manual adjustments which reduce the total payment are permissible, provided that this does not change the total amount of VAT payable. In all cases where the amount due increases, or changes the amount of VAT, a replacement invoice and/or credit note must be obtained before payment is made.
- 12.8 The Service Director must where possible achieve an adequate level of



internal check. At least two officers should be involved. The officer certifying the account for payment should not be the same officer who received or checked the items, goods, works or services.

No officer may certify any invoice involving payment to himself or herself.

- 12.9 All forms of account submitted for payment to a supplier or contractor other than on the original invoice must be accompanied by a special certification stating that the original invoice has not been paid and will not be paid subsequently. The certificate must be signed by an officer authorised to certify accounts for payment.
- 12.10 The Chief Finance Officer may withhold payment of any invoice where there is evidence to suggest that it is not in order. The Chief Finance Officer must establish rules that control the use of pro-forma invoices, to ensure that these are not used to circumvent council procedures,

### **Advance Payments**

- 12.11 The council should not pay for any goods or service prior to receipt of the items, and not without an invoice. Where a supplier or contractor requires payment prior to the ~~despatch~~dispatch of goods or the provision of services, an official order signed by a duly authorised officer and clearly marked that payment is to be made before receipt of the goods or services must be completed. Whenever possible a supplier's invoice must be obtained, and payment made on this. In exceptional circumstances only, a pro forma invoice or supplier's order form detailing fully the goods/service to be obtained may be used. This must be approved by an officer authorised to certify invoices and retained as a record of the payment made, Where VAT features in the advance payment, the issuing officer must then obtain a VAT invoice or authenticated receipt for the transaction, and arrange for its processing to facilitate the recovery of VAT.

### **Discounts**

- 12.12 All discounts available from a supplier are to be taken as a deduction against the cost of goods purchased and must appear on the invoice. Where a supplier provides any free item, or discount is available in the form of goods these are the property of the Council, as are loyalty or bonus points or other rewards earned.

### **Payment by Direct Debit/Standing Order**

- 12.13 The Service Director (or Designated Finance Officer) must approve all requests for creation of a Direct Debit mandate, and supply to the Chief Finance Officer such information as is deemed necessary (e.g. codes, profit centre(s) to be charged, a copy of a recent bill, showing signatory certification, for the account in question). If the payment method is Standing Order, the requestor must also specify the frequency of payment and, where appropriate, a termination date.

12.14 The Service Director must inform the Chief Finance Officer when any payment is to be terminated.

12.15 Services must retain all statements relating to accounts paid by Direct Debit /Standing Order for current plus three previous financial years in order to substantiate the authority's claim for VAT on these accounts.

### **13. PURCHASING CARDS**

13.1 All arrangements regarding purchasing cards must be approved by the Chief Finance Officer.(as set out in the Purchasing Card Procedure Manual)

13.2 Service Directors in conjunction with the Chief Finance Officer will determine the monthly credit limit, any cash limits and permissible purchasing categories for individual payment and procurement cards.

13.3 Each cardholder must ensure safe custody of the card at all times.

13.4 Cards may be used only in accordance with the approved scheme and for legitimate expenses incurred by the cardholder in the course of official Council business.

They must not be used:-

- a) To avoid any corporate rules on procurement and purchasing (for example to purchase only from approved suppliers)
- b) To circumvent the procedures for the ordering of and payment for, goods and services under these regulations; or
- c) To purchase items for the private or personal use of cardholders.

13.5 Each cardholder must ensure that all expenditure incurred using a purchasing card is supported by adequate records and a VAT receipt is obtained to support all expenditure.

### **14. SALARIES, WAGES AND PENSIONS**

Service Directors must ensure through a review, at least annually, that SAP authorisations are appropriate to the needs of the service, maintaining an adequate degree of separation of duties and internal control.

14.1 All payments of salaries, wages, pensions, compensations, gratuities, allowances and other emoluments to current or former employees are to be made by the Chief Finance Officer in accordance with information supplied by the Director. All payroll transactions must be processed through the Council's SAP payroll system.

14.2 Service Directors must ensure that appointments of all employees are in accordance with the appropriate Conditions of Service of the Council or any approved scheme of delegation, and within the approved budgets, grades and rates of pay. Any variations of terms and conditions must be in accordance with arrangements approved by the Cabinet.

#### **Records**

14.3 Service Directors must maintain adequate records to notify the Chief Finance Officer of all appointments, resignations, dismissals, and retirements together

with changes in pay rates, bonuses due, overtime worked and other matters affecting remuneration, and provide all information to ensure that the correct adjustments are made in respect of absences, pensions, income tax, national insurance, sickness and maternity pay and any other additions to or deductions from pay. Service Directors must also advise the Chief Finance Officer of any employee benefit in kind to enable reporting for taxation purposes.

- 14.4 All officers must complete a time record of actual times of attendance at work, except where a time clock is used. Paper records should be signed by the officer as a correct statement. It is the responsibility of each manager to check time records of officers for which that manager has responsibility.
- 14.5 Time records and other pay documents must be maintained in a manner approved by the Chief Finance Officer and be certified by the Service Director or other authorised officers. The Service Director must maintain a list of officers who are permitted to certify payroll documentation –either electronically or by manuscript (and their specimen signatures) and these authorisations must be reviewed at least annually by the Service Director. Details of officers authorised must be supplied to the Chief Finance Officer

### **Overpayments**

- 14.6 The Service Director, in consultation with the Head of Human Resources, is entitled to write off any employee debt on compassionate grounds. All other overpayments of pay must be treated for the purposes of recovery and write off in accordance with Financial Procedure Rule 11.

## **15. TRAVEL, SUBSISTENCE AND OTHER ALLOWANCES**

- 15.1 Service Directors must ensure through a review, at least annually, that SAP authorisations are appropriate to the needs of the service, maintaining an adequate degree of separation of duties and internal control.
- 15.2 Payment of all claims must be in accordance with Schemes of Conditions of Service adopted in respect of the employee to which the payment relates, and will be paid through the councils SAP payroll system unless otherwise agreed by the Chief Finance Officer
- 15.3 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses must be made electronically, or where authorised, on a paper form approved by Chief Finance Officer. The form must provide for certification in manuscript by the Service Director or authorised officer.
- 15.4 The Service Director must maintain a list of officers who are permitted to authorise expenses claims electronically and by paper (and their specimen signatures) and these authorisations must be reviewed at least annually by the Service Director. Details of officers authorised to sign such expense claims must be supplied to the Chief Finance Officer on request.
- 15.5 The certification (or electronic approval) of a claim by or on behalf of a Service Director is taken to mean that the certifying officer is satisfied that the journeys

were authorised, the expenses properly and necessarily incurred

and that the allowances are properly payable by the Council.

## 16 **TAXATION**

- 16.1 The Chief Finance Officer is responsible for advising the Council on all taxation issues that affect the Council.
- 16.2 Each Director must ensure taxation is treated correctly and consult with the Chief Finance Officer in the event of any uncertainty as to any taxation treatment.
- 16.3 The Chief Finance Officer will lead and co-ordinate discussion or negotiations with HM Revenue and Customs about any taxation matter.
- 16.4 The Chief Finance Officer will complete all of the Council's tax returns.

## 17. **GIFTS AND HOSPITALITY**

- 17.1 Officers must ensure that it is apparent that no cause could reasonably arise for adverse criticism or suggestion of improper influence about the acceptance of any gift or hospitality. They must ensure that in accepting any offer of gifts and or hospitality to do so would not infringe the requirements of the Bribery Act 2010.
- 17.2 Service Directors must maintain a central record of all gifts, invitations and hospitality offered and or received, including items of token value.
- 17.3 The receipt of personal gifts should be discouraged, but if an officer, during the course of, or as a result of, official duties, receives any personal gift, other than one of only token value (less than £25), the matter must be reported to the Service Director who will decide if the item is to be returned or forwarded to some charitable cause, and the Director must inform the donor what has happened to the gift and explain the reason why gifts should not be sent in the future.
- 17.4 Service Directors and other officers with the permission of the Service Director may accept invitations to events and associated hospitality of any value where this relates to a function promoted by an organisation with which the Council has formal links and attendance constitutes a demonstration of faith in that organisation. It will not normally be appropriate for attendance by a companion. A Service Director must agree that they are satisfied that attendance by the companion is appropriate.
- 17.5 Hospitality must only be given or accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. Particular care must be taken when this involves potential customers or suppliers. The circumstances and the type of hospitality are to be recorded in the central record maintained by the Service Director concerned.

## 18. **WORKING WITH CLIENTS AND CONTRACTORS**

- 18.1 Officers who, in accordance with their conditions of service, are permitted to carry out private or other paid work must not do so during Council time, and must not use any Council premises, resources or facilities for the execution of such work. No stationery or publicity material is to indicate that the person is a Council employee nor should the address or any telephone number of the Council be stated. Officers must declare to their Service Director in writing the nature and duration of such private work.
- 18.2 Officers must declare to their Service Director any circumstance where they believe that they may have a pecuniary or non-pecuniary interest in any proposed supply contract, grant award or other transaction for which they have involvement or responsibility.
- 18.3 Officers must not work for any current or prospective supplier or contractor to the Council.
- 18.4 All intellectual property created by employees in the course of their duties is, and remains, the property of the Council. The copyright or equivalent of any material cannot be sold without the permission of Cabinet. Any article, book or similar material for publication that is prepared in the Council's time is the property of the Council. Any disposal of intellectual property must be made in accordance with contract procedure rules. Any article, book or similar material for publication prepared by an employee (relating to their official duties) requires the written approval of the Service Director prior to publication.

## 19. **UNOFFICIAL AND VOLUNTARY FUNDS**

*These regulations relate to funds administered by officers of the Council, the accounts of which are not included in the Authority's accounts.*

- 19.1 Any proposed unofficial funds require the prior approval of the Director concerned who must maintain a record of all such funds and ensure that officers are appointed to administer each fund.
- 19.2 A separate bank account must be maintained for each fund (in the name of the fund) and fund monies must be kept separate from Council monies. Alternatively, the fund may be administered through the Council's bank account and general ledger but should be separately identifiable.
- 19.3 Where a separate bank account is maintained, directors must ensure that they receive a copy of the accounts of each fund and a certificate in the prescribed form from the auditors or independent examiners of each fund that has to be audited or independently examined. Such accounts are to be prepared annually, and at the completion of the purpose for which the fund was set up.
- 19.4 The Chief Finance Officer is to have access to any records relating to such funds, and be immediately informed of any irregularities which arise in connection with them.

## 20. **FINANCIAL CONTROL OF PARTNERSHIPS, JOINT VENTURES**

## **ASSOCIATED ORGANISATIONS AND SIMILAR ARRANGEMENTS**

### **Working in Partnership with Associated Organisations**

- 20.1 The Chief Finance Officer is responsible for promoting and maintaining the same high standards of financial administration in partnerships that apply throughout the Council, or advising the Cabinet where he/she is aware that arrangements within a partnership are in conflict or are uncertain compared with the practices adopted by the Council.
- 20.2 The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory, and must:-
- a) Consider the overall corporate governance arrangements and legal issues when arranging contracts with the partner/joint venture or associated organisation.
  - b) Ensure that the risks have been fully appraised before agreements are entered into with the partner/joint venture or associated organisation.
- 20.3 Service Directors must ensure that in all grant agreements, contribution to partnerships and where appropriate in agreed contracts for the supply of works, goods and services the Chief Finance Officer has access to the accounts, records and all other documentation, and is entitled to seek explanations from Officers of the funded organisation regarding the deployment of the Council's funding payment.

### **Working for Other Organisations**

- 20.4 Service Directors are responsible for ensuring that approval is obtained from the Chief Finance Officer and the Service Director Legal Governance & Commissioning before any negotiations commence in relation to the provision of new or additional works or services to other organisations expected to exceed £20,000.
- 20.5 The Cabinet is responsible for approving any ~~new contractual~~ arrangements for any new work for other organisations expected to exceed £100,000 per annum. The Chief Finance Officer may agree contractual arrangements below this level.
- 20.6 Service Directors must ensure that any proposed arrangement to work for other organisations does not impact adversely upon the Services provided to or by the Council. All agreements, contracts or arrangements must be properly documented and appropriate information must be provided to the Chief Finance Officer to enable a note to be entered into the Council Statement of Accounts concerning material items.

### **Grants and Loans to Other Organisations**

- 20.7 Except where the Chief Finance Officer agrees otherwise competitive procurement aligning with the councils contract procedure rules must be used



In respect of any goods, works or services obtained by another organisation, where the Council is providing a loan or making a grant contribution of £100,000 or more.

20.8 A Service Director may issue a:

a) Grant or loan of any value provided that it is offered fully in accordance with a scheme of grants or loans that has been approved by the Cabinet.

Or

b) A grant or grants of up to £10,000 cumulative in any one year for any single purpose

Subject to:

c) There is sufficient budget provision.

d) Grants awarded under clause (b) above in aggregate may not exceed £10,000 in any one financial year for the same beneficiary (either jointly or individually)

20.9 Where a Service Director proposes to offer a grant, or loan to any organisation which is not covered by 20.8 above he/she may do so only following:

a) A full financial appraisal of the project to which the grant or loan relates, by the Chief Finance Officer;

b) A full financial appraisal of the organisation to which the grant or loan is to be granted, by the Chief Finance Officer;

c) The preparation of a written report that establishes the justification for the financial assistance.

d) Consultation with the Executive Member responsible for the budget area which is to offer the grant or loan.

And

e) Establishing that there is sufficient budget provision.

In carrying out the evaluation at (a) and (b) above the Chief Finance Officer will consider if any surety (legal charges on assets, bonds and or guarantees) is required of the applicant (see 20.10)

20.10 A District Committee- or other member lead forum- may issue a grant of any value provided that;

a) It accords with, or is not in contravention of, any general scheme rules which are established by the Cabinet;

And

b) There is sufficient budget provision.

20.11 The Service Director Legal Governance & Commissioning will execute any legal agreement in respect of any grant or loan exceeding £160,000.

The Service Director who is offering the grant or loan may issue any grant or loan agreement below this value (using standard documents where required by the Service Director Legal Governance & Commissioning), except where the Chief Finance Officer considers that a loan or grant should be subject to a surety from the applicant. In such cases grants or loans must then be executed by the Service Director Legal Governance & Commissioning

The Service Director Legal Governance & Commissioning has discretion to delegate the right to enter into such agreements as they think appropriate.

20.12 When offering grants or other forms of assistance to entities that operate on a commercial basis Service Directors must ensure that no assistance will infringe EU Procurement or State Aid requirements. In the event of any doubt about the matter advice must be sought from the Service Director Legal Governance & Commissioning.

20.13 Service Directors must ensure that appropriate records are retained to publish details of grants in accordance with the Local Government Transparency Code.

20.14 In some cases, an agreed asset transfer, or the transfer of a right to a third party may constitute a form of grant, and these types of transactions must accord both with these FPRs and CPR 10.

## 21. **PURCHASING OF WORKS, GOODS AND SERVICES**

Service Directors must ensure through a review, at least annually, that SAP authorisations are appropriate to the needs of the service, maintaining an adequate degree of separation of duties and internal control.

These procedure rules must be read alongside the Contract Procedure Rules which establish the framework that controls the Council's arrangements for procurement

### **Orders**

21.1 Before any official order is issued for works, goods or services, the Service Director or other authorised officer must ensure that:-

- (a) The works, goods or services, are necessary for the discharge of the responsibilities of the Council;
- (b) Sufficient budget is available to fund the expenditure; and
- (c) The Contract Procedure Rules (which apply to all purchasing decisions irrespective of value) have been complied with.

- 21.2 Service Directors are responsible for all orders issued. Order will be issued electronically using the SAP system. Paper orders must only be used when authorised by the Chief Finance Officer. Paper orders may only be issued and signed in manuscript by officers authorised by the Service Director. The items, quantities and prices must be accurately recorded.
- 21.3 Service Directors must keep a record of who is authorised to sign order documentation or issue orders electronically and the extent of this authority. This list must be reviewed at least once per year.
- 21.4 Except where there is a formal contract, in which case work instructions and orders must conform with the provisions of the contract, official orders will be issued for all works, goods or services to be supplied to the Council, except for supplies of continuous services (such as gas), and statutory taxes, for petty cash purchases and other exceptions as the Chief Finance Officer may approve. Orders must clearly indicate the nature and quantity of the work/services/items/supplies required, any related contract or agreed prices, discounts receivable and dates or periods of delivery, and where applicable make specific requirements to obligations placed on the contractor, such as those relating to Data Protection
- 21.5 Verbal orders must be kept to a minimum and be confirmed either the same or next working day by written orders which must be marked as a confirmatory order.
- 21.6 Records of all non-computerised order books must be kept by the Director. Copies of orders must be retained. All copies of spoilt, incorrect or un-issued orders must be appropriately marked and retained in any order book.
- 21.7 The Service Director must record the receipt of the goods, works or services electronically (or where applicable on paper) and (where applicable) all payments made in respect of an order. All Goods Received Notes must be retained.

### **Management of Suppliers**

- 21.8 In respect of each order or contract for construction work, and any order or contract for services exceeding £20,000 the Service Director responsible must appoint an authorised officer, directly employed or otherwise to carry out supervision of the contract. All orders must provide for the reasonable inspection of progression of activity at any stage that the council (acting reasonably) chooses.

### **Specification**

- 21.9 In respect of each order or contract exceeding £20,000 the Service Director must prepare or agree a written brief stating the objective of the order or contract and the sources of funding to meet the estimated cost of the project and appoint an authorised officer.

- 21.10 Unless otherwise agreed with the Chief Finance Officer, the authorised officer

must prepare a specification which will indicate relevant issues for the supply, (for example type, quantity, quality, time, location, occasions), and the risks and obligations placed on the supplier including data protection and management where applicable.. Specifications should set outcomes or outputs, and be prepared on a generic basis and not include named products except where this can be justified on technical grounds. They should be prepared in a way which is likely to bring about the most economically advantageous solution whilst ensuring compliance with minimum statutory requirements and Council policy. The specification may only be altered on the basis of written instructions from the Service Director, who must justify the reason for change and sources of funding.

### **Variations**

- 21.11 The authorised officer may, subject to the provisions of the contract, make any variations essential to the achievement of the objectives of the contract but must have regard to the budget provision. The authorised officer must not issue any variation likely to increase the approved cost of the project without the written agreement of the Service Director responsible, who must state the authority and source of financial provision for the additional expenditure.
- 21.12 Every variation must be immediately recorded in writing by the authorised officer.

### **Overspending**

- 21.13 Any variation to a contract which results or will result in additional costs being incurred on a contract of more than 5% of the contract sum will be reported to the budget holding Service Director and Chief Finance Officer as soon as practicable.

### **Recording of Contractual Payments**

- 21.14 Service Directors must ensure that a Contract Register is kept which shows details of all payments made against any contract. Any payments on account to contractors against a formal contract are to be made only on an approved certificate issued and checked by the authorised officer which must be passed to the Chief Finance Officer.
- 21.15 The certificate authorising final financial settlement of any contract will not be issued until the appropriate officer has produced a detailed statement of account and all necessary supporting documents, and these have been checked in accordance with arrangements approved by the Chief Finance Officer and the final payment agreed by the budget holding Director.

### **Claims**

- 21.16 All claims (or prospective claims) from contractors for loss and expense will be considered by the authorised officer who will immediately advise the client Director and they will jointly consider methods for cost reduction to achieve the budgetary provision.

- 21.17 The budget holding Director and the Chief Finance Officer must be consulted in respect of any claim (or prospective claim) from a contractor for loss and expense in excess of £10,000.
- 21.18 The Service Director will report in detail to the Cabinet if the financial consequences of the claim cannot be accommodated within the approved project budget.
- 21.19 Any claim from a contractor outside the terms of the contract, or under any statutory instrument or any claim for an ex-gratia payment will be jointly considered by the Service Director Legal Governance & Commissioning, Chief Finance Officer and Service Director(s) of the appropriate Service(s) before any recommendation is made to the Cabinet.

**Codes of Practice**

- 21.20 All procurement must accord with the Contract Procedure Rules, Procurement Policy and all relevant Procedure Guidelines.

*Approved by Council XX May 2018*  
*MED*

This page is intentionally left blank

**Name of meeting: Annual Council**

**Date: 23 May 2018**

**Title of report: Dates of Council Meetings – 2018 to 2019 Municipal Year**

**Purpose of report:**

**To determine dates and times for meetings of Council for the 2018-2019 municipal year**

Key Decision - 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
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)?</a>	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Director & name	N/A
Is it also signed off by the Service Director for Financial Management, IT, Risk and Performance?	N/A
Is it also signed off by the Service Director - Legal Governance and Commissioning	Julie Muscroft
Cabinet Member portfolio	Not applicable

**Electoral wards affected: Not applicable**

**Ward councillors consulted: Not applicable**

**Public or Private Status: Public**

## 1. Summary

Council Procedure Rule 2 (1) advises that the dates of 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 at 5.30pm.

The meeting of Annual Council, scheduled for 22 May 2019, will commence (with a civic ceremony) at 12.30pm.

Date	Council Meeting
2018	
Wednesday 11 <sup>th</sup> July	Holding Executive to Account
Wednesday 12 <sup>th</sup> September	Key Discussion
Wednesday 10 <sup>th</sup> October	Holding Executive to Account
Wednesday 7 <sup>th</sup> November	Key Discussion
Wednesday 12 <sup>th</sup> December	Holding Executive to Account
2019	
Wednesday 16 <sup>th</sup> January	Key Discussion
Wednesday 13 <sup>th</sup> February	Budget Council
Wednesday 20 <sup>th</sup> March	Holding Executive to Account
Wednesday 22 <sup>nd</sup> May	Annual Council

## 2. Information required to take a decision

Not applicable

## 3. Implications for the Council

### 3.1 Early Intervention and Prevention (EIP)

Not applicable



**3.2 Economic Resilience (ER)**

Not applicable

**3.3 Improving Outcomes for Children**

Not applicable

**3.4 Reducing demand of services**

Not applicable

**4. Consultees**

- Leading Members
- Corporate Governance and Audit Committee – 20 April 2018 (recommended to Council for approval)

**5. Next steps**

That, subject to approval, the dates be confirmed for 2018/2019.

**6. Officer recommendations and reasons**

That the schedule of Council meetings for the 2018-2019 municipal year be approved.

**7. Cabinet portfolio holder recommendation**

Not applicable.

**8. Contact officer**

Andrea Woodside, Governance Officer

**9. Background Papers and History of Decisions**

Not applicable.

**10. Assistant Director responsible**

Julie Muscroft, Service Director - Legal, Governance and Commissioning

This page is intentionally left blank

**Name of meeting: Annual Council**

**Date: 23 May 2018**

**Title of report: Committees of Council**

To determine the appointment of the Committees of Council for the 2018/2019 Municipal Year.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	N/A
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	No
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	No
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	N/A
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	N/A
<b>Is it also signed off by the Service Director for Legal, Governance and Commissioning Support?</b>	Julie Muscroft
<b>Cabinet member <a href="#">portfolio</a></b>	N/A

**Electoral wards affected: Not applicable**

**Ward councillors consulted: Not applicable**

**Public or private: Public**

## 1. **Summary**

Council is asked to determine the appointment of the Committees of Council for the 2018/2019 Municipal Year.

## 2. **Information required to take a decision**

Council Procedure Rule 35 (1) requires the Council to establish Regulatory Committees and any other Committees which it considers to be necessary in order to discharge the functions of the Local Authority.

The structure proposed for the 2018/2019 Municipal Year is a proposal in line with the Council/Executive/Overview and Scrutiny Arrangements, as described within the Council's Constitution.

All Committees, the Appeals Panel and Health and Wellbeing Board Council require approval by Council in accordance with Council Procedure Rule 35 (1). Any Sub-Committees of these Committees and Panels are established/approved by their parent Committee or Panel.

Appeals Panel  
Corporate Governance & Audit Committee  
Health & Wellbeing Board  
Licensing & Safety Committee  
Overview & Scrutiny Management Committee  
Personnel Committee  
Standards Committee  
Strategic Planning Committee  
Statutory Officer Disciplinary Committee

## 3. **Implications for the Council**

### 3.1 **Early Intervention and Prevention (EIP)**

Not applicable

### 3.2 **Economic Resilience (ER)**

Not applicable

### 3.3 **Improving Outcomes for Children**

Not applicable

### 3.4 **Reducing demand of services**

Not applicable

### 3.5 **Other (eg Legal/Financial or Human Resources)**

Not applicable

4. **Consultees and their opinions**

Not applicable

5. **Next steps**

The Committees/Panels/Boards will be established in accordance with the decision of Council.

6. **Officer recommendations and reasons**

That approval be given to the establishment of the Committees, Boards and Panels as detailed within this report, in accordance with the Council's Constitution.

7. **Cabinet portfolio holder's recommendation**

Not applicable

8. **Contact officer**

Andrea Woodside, Principal Governance Officer

9. **Background Papers and History of Decisions**

Not applicable

10. **Service Director responsible**

Julie Muscroft – Legal, Governance and Commissioning

This page is intentionally left blank

**Name of meeting:** Annual Council

**Date:** 23 May 2018

**Title of report:** Corporate Parenting Board

**Purpose of report:** To re-establish Corporate Parenting Board for the 2018-2019 Municipal Year and to note the updated Terms of Reference

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	No
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a>?</b>	No
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	No
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	S Tariq (E McShane) – 15.5.18
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	Not applicable
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	J Muscroft – 15.5.18
<b>Cabinet member portfolio</b>	Cllr Viv Kendrick – Children (Statutory responsibility for Children)

**Electoral wards affected:** All

**Ward councillors consulted:** Not applicable

**Public or private:** Public

## 1. Summary

At the meeting of Council on 24 June 2015, a decision was taken to establish a Corporate Parenting Board and since then the Board has been reconstituted annually and the Terms of Reference updated. This Board is non-decision making and is not subject to access information rules. This report seeks approval for the Board to be re-constituted for the 2018-2019 Municipal Year on a 1:1:1:1 ratio based upon the Terms of Reference as amended and set out in this report at Appendix 1. The changes made to the Terms of Reference are highlighted in red at Appendix 1.

## **2. Information required to take a decision**

The Corporate Parenting Board supports the delivery of a Corporate Parenting Strategy across the Council and is driving the improvements in corporate parenting as identified in the Improvement Action Plan arising from the recommendations made by Ofsted following their Inspection in September 2016.

## **3. Implications for the Council**

### **3.1 Early Intervention and Prevention (EIP)**

The Corporate Parenting Board supports the delivery of EIP for children on the edge of care, those looked after by the Local Authority and those who have left the care of the Local Authority. The Board seeks to ensure that young people receive the most appropriate interventions which will minimise the risks they face and which secure the best outcomes for them in the long-term.

### **3.2 Economic Resilience (ER)**

The Corporate Parenting Board is responsible for securing the best educational, training and employment outcomes for looked after children and care leavers. Specific improvements are being overseen by the Board in relation to the high numbers of care leavers who are not in education, employment or training (NEET).

### **3.3 Improving Outcomes for Children**

The Corporate Parenting Board, through its corporate parenting strategy, is directly responsible for improving outcomes for looked after children and care leavers.

### **3.4 Reducing demand of services**

The Corporate Parenting Board works across the children's services landscape to ensure that children are only brought into care if that is the right decision for them and their families. A key priority for the Board is that of placement / fostering sufficiency in order that young people stay within Kirklees, where appropriate, and the demand for high cost placements outside the district is reduced.

## **4. Consultees and their opinions**

Not applicable

## **5. Next steps**

If approved, the Board will be re-constituted on a 1:1:1:1 political ratio.

## **6. Officer recommendations and reasons**

- 1) That approval be given to the re-establishment of the Corporate Parenting Board for the 2018-2019 Municipal Year.
- 2) That approval be given to the membership of the Board being on a 1:1:1:1 ratio.



3) That the Terms of Reference of the Board be updated from those previously approved on 24 May 2017, as set out in this report at Appendix 1.

## **7. Cabinet portfolio holder recommendation**

The Cabinet portfolio holder recommends that the Corporate Parenting Board is re-established for the 2018-19 Municipal Year with membership on a 1:1:1:1 ratio and with the updated Terms of Reference at Appendix 1.

## **8. Contact officer**

Steve Comb  
Interim Head of Corporate Parenting Board

## **9. Background Papers and History of Decisions**

Annual Council 2015 – Establishment of Corporate Parenting Board  
Annual Council 2016 – Re-establishment of Corporate Parenting Board and update to Terms of Reference  
Annual Council 2017 - Re-establishment of Corporate Parenting Board and update to Terms of Reference

## **10. Service Director responsible**

Elaine McShane Service Director (Family Protection and Child Protection)

## CORPORATE PARENTING BOARD TERMS OF REFERENCE

**Purpose:** To ensure that the Council fulfills its responsibilities as good corporate parents for all their children in care.

The Corporate Parenting Board is accountable to Full Council through its Cabinet. Initial reporting of concerns will be escalated by the cabinet portfolio holder to appropriate governance bodies including Cabinet.

The Board will meet for a minimum of six times per annum.

### Membership:

Cabinet Portfolio Holder Member  
 Elected Members representing all political parties  
 Service Director (Family Support and Child Protection)  
 Service Director (Learning and Early Support)  
 Head of Corporate Parenting  
 Virtual School Head Teacher  
 Virtual School Chair of Governing Body  
 Health Commissioning Representative  
 Head of Localities Offer (Children and Families)  
 Head Safeguarding and Quality Assurance  
 Service Manager, Safeguarding Services  
 Designated Nurse for Looked after children  
 Representative from Kirklees Fostering Network  
 Representative from Children in Care Council  
 Representative from Care Leavers Forum

Representatives from a range of services and partner agencies will be invited as appropriate and will receive papers including: Director of Children's Services, Kirklees College, Calderdale and Kirklees Careers, Multi-Agency Safeguarding Hub, Sufficiency Team, Performance Team, Kirklees Foster Carers Network and Kirklees Neighbourhood Housing

### Terms of Reference:

- 1 To consider and recommend ways in which the Council can improve the life chances of all children in care and care leavers.
- 2 To advise the Council's Cabinet and other governance bodies of actions that need to be taken.
- 3 To bring to the attention of the Council's Overview and Scrutiny Management Committee any areas which may warrant Scrutiny consideration
- 4 To ensure there are good partnerships between council departments and partner agencies and that Council services and partners are held to account for their strategies and operational delivery.
- 5 To provide an opportunity for the voice of our children and young people to inform the considerations and recommendations of the Board.
- 6 To maintain a strategic overview of new developments, initiatives, plans, policies and strategies that impact on services for children and young people in or leaving our care.

- 7 To monitor the performance of the Council by receiving regular progress reports on all performance data relating to Corporate Parenting Services.
- 8 To receive regular reports on the progress and needs of care leavers including employment, further education, training, housing and health.
9. To consider statutory reports from the Adoption and Fostering Services, Independent Reviewing Officers, Residential and Youth Offending Teams and make recommendations.
10. To agree an annual work programme setting out its key priorities and areas for action.
11. To prepare an Annual Report on the areas considered by the Board, including its work programme, for presentation to Council and Kirklees Health and Wellbeing Board.
- 11 To acknowledge and celebrate in the achievements of children and young people in care and support and participate in annual celebration events.
- 12 Review on an annual basis the Statements of Purpose of the Kirklees Fostering Service and Kirklees Registered Children's Homes.
- 13 The Corporate Parenting Board will receive assurance that the health needs of LAC are being met as per the statutory responsibility placed on local CCG's. Regular performance updates will be provided to the Board alongside the LAC annual report. The findings of CQC inspections into the health needs of LAC will also be brought to the Board's attention.
- 14 To receive an Annual Report on:-
  - One Adoption (West Yorkshire)
  - Children who go missing from care
  - Health of looked after children
  - The educational outcomes for looked after children
  - The work of the Leaving Care Service
  - Children and young people placed outside the Kirklees boundary
  - Youth Offending Team relating to their work with children in care
  - Private Fostering Service
  - Children's Rights and Advocacy
  - Complaints and Compliments
  - Membership and Terms of Reference of the Board
  - The Sufficiency of Placements for Children in Care

This page is intentionally left blank

**Name of meeting: Annual Council**

**Date: 23 May 2018**

**Title of report: Re-establishment of Regional Issues Working Party for the 2018-2019 Municipal Year**

To consider the re-establishment of the Regional Issues Working Party.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	N/A
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	No
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	No
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	N/A
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	N/A
<b>Is it also signed off by the Service Director for Legal, Governance and Commissioning Support?</b>	Julie Muscroft
<b>Cabinet member <a href="#">portfolio</a></b>	N/A

**Electoral wards affected: Not applicable**

**Ward councillors consulted: Not applicable**

**Public or private: Public**

## 1. **Summary**

To consider the re-establishment of the Regional Issues Working Party for the 2018/2019 Municipal Year.

## 2. **Information required to take a decision**

At the meeting of Council on 22 March 2017 a decision was taken to establish the Regional Issues Working Party. This report seeks approval for the Working Party to be re-constituted for the 2018-2019 Municipal Year.

The current Membership and Terms of Reference are as below;

Leader and Deputy Leader

Cabinet Portfolio Holder - Economy, Skills, Transformation and Planning

Councillors who are not members of the Executive on a 2:2:2:1:1 ratio.

1. To act as a forum for discussing and sharing information on regional infrastructure issues that have long term implications and/or opportunities for Kirklees.
2. To assist in informing the Leader, Deputy Leader and other Councillors who are participating in Regional decision making, on the best interests of Kirklees and its communities.
3. To provide a cross party opportunity for the raising of issues of concern on Regional issues with the Councils representatives at the West Yorkshire Combined Authority and other Regional Bodies.

This Board is non-decision making and is not subject to access information rules.

## 3. **Implications for the Council**

### 3.1 **Early Intervention and Prevention (EIP)**

Not applicable

### 3.2 **Economic Resilience (ER)**

Not applicable

### 3.3 **Improving Outcomes for Children**

Not applicable

### 3.4 **Reducing demand of services**

Not applicable

### 3.5 **Other (eg Legal/Financial or Human Resources)**

Not applicable

4. **Consultees and their opinions**

Not applicable

5. **Next steps**

The Working Party will be re-established in accordance with the decision of Council.

6. **Officer recommendations and reasons**

- 1) That approval be given to the re-establishment of the Regional Issues Working Party for the 2018/19 municipal year in accordance with the Membership and Terms of Reference as set out above.
- 2) That authority be delegated to Group Business Managers to determine the Members of the Working Party.

7. **Cabinet portfolio holder's recommendation**

Not applicable

8. **Contact officer**

Andrea Woodside, Principal Governance Officer

9. **Background Papers and History of Decisions**

Not applicable

10. **Service Director responsible**

Julie Muscroft – Legal, Governance and Commissioning

This page is intentionally left blank



**Name of meeting: Annual Council**

**Date: 23 May 2018**

**Title of report: Re-establishment of Kirklees Democracy Commission Working Party for the 2018-2019 Municipal Year**

To consider the re-establishment of the Kirklees Democracy Commission Working Party.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	N/A
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	No
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	No
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	N/A
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	N/A
<b>Is it also signed off by the Service Director for Legal, Governance and Commissioning Support?</b>	N/A
<b>Cabinet member <a href="#">portfolio</a></b>	N/A

**Electoral wards affected: Not applicable**

**Ward councillors consulted: Not applicable**

**Public or private: Public**

## 1. **Summary**

To consider the re-establishment of the Kirklees Democracy Commission Working Party for the 2018/2019 Municipal Year.

## 2. **Information required to take a decision**

At the meeting of Council on 15 November 2017 a decision was taken to establish the Kirklees Democracy Commission Working Party. This report seeks approval for the Working Party to be re-constituted for the 2018-2019 Municipal Year on a 3:2:1:1 ratio.

## 3. **Implications for the Council**

### 3.1 **Early Intervention and Prevention (EIP)**

Not applicable

### 3.2 **Economic Resilience (ER)**

Not applicable

### 3.3 **Improving Outcomes for Children**

Not applicable

### 3.4 **Reducing demand of services**

Not applicable

### 3.5 **Other (eg Legal/Financial or Human Resources)**

Not applicable

## 4. **Consultees and their opinions**

Not applicable

## 5. **Next steps**

The Working Party will be re-established in accordance with the decision of Council.

## 6. **Officer recommendations and reasons**

- 1) That approval be given to the re-establishment of the Democracy Commission Working Party for the 2018/19 municipal year in accordance with the Membership and as set out above.

2) That authority be delegated to Group Business Managers to determine the Members of the Working Party.

7. **Cabinet portfolio holder's recommendation**

Not applicable

8. **Contact officer**

Andrea Woodside, Principal Governance Officer

9. **Background Papers and History of Decisions**

Not applicable

10. **Service Director responsible**

Julie Muscroft – Legal, Governance and Commissioning

This page is intentionally left blank



**Name of meeting: Annual Council**

**Date: 23 May 2018**

**Title of report: Proposed revisions to the Terms of Reference for the Health & Wellbeing Board**

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Is it in the <a href="#">Council's Forward Plan</a> ?	N/A
Is it eligible for "call in" by <a href="#">Scrutiny</a> ?	N/A
Date signed off by <u>Director</u> & name	Richard Parry 11/4/18
Is it signed off by the Director of Resources?	N/A
Is it signed off by the Assistant Director – Legal, Governance and Monitoring?	Julie Muscroft 11/4/18
Cabinet member <a href="#">portfolio</a>	

Electoral [wards](#) affected: N/A

Ward councillors consulted: N/A

Public or private: **Public**

## 1. Purpose of report

The purpose of this report is to seek approval to the proposed amendments to the Terms of Reference for the Health and Wellbeing Board.

## 2. Key points

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

On the 22 March 2018 the Health and Wellbeing Board, considered and approved the amendments to the terms of reference.

The proposed revision to the Terms of Reference (TOR) (see attached) aims to:

- Clarify the role, purpose and reflect the full range of the Board's responsibilities
- Improve understanding of the purpose and role of other boards and organisations
- Build constructive relationships across these bodies

In addition, changes to the management structure at Greater Huddersfield and North Kirklees CCGs which now has one Chief Officer and Lay Member representing both organisations has also been reflected in the TOR. This has implications for voting as they would hold a vote for each CCG. The Health and Social Care Act states at s.194 (7) that:

*'A person may, with the agreement of the Health and Wellbeing Board, represent more than one clinical commissioning group on the Board'*

### **3. Implications for the Council**

That the existing partnership arrangements between the council and health providers be strengthened.

### **4. Consultees and their opinions**

Health and Wellbeing Board and Corporate Governance and Audit Committee agreed the revisions.

### **5. Next steps**

To implement the revisions, subject to approval of Council.

### **6. Officer recommendations and reasons**

That the revised Terms of Reference of the Health and Wellbeing Board be approved.

### **7. Cabinet portfolio holder recommendation**

Not applicable.

### **8. Contact officer and relevant papers**

Phil Longworth, Health Policy Officer Tel: 01484 221000  
Jenny Bryce-Chan, Governance Officer Tel: 01484 2210020

### **9. Service Director responsible**

Julie Muscroft, Service Director, Legal Governance and Commissioning

## Health and Wellbeing Board

### Membership

Membership of the Board includes **voting and non-voting members as set out below:-**

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 **Services**
- Director for Public Health
- Director of 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

**Invited observers from key local partners to promote integration:**

Chief Executive or nominated representative of significant partners:

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

## Terms of Reference

The Health and Wellbeing Board is a statutory Committee of the Council bringing together the NHS, the Council and partners to:

- Improve the health and wellbeing of the people in their area, reduce health inequalities and promote the integration of services.
- 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.
- Publish and maintain a statement of needs for pharmaceutical services across the Kirklees area.
- Develop, publish and own the Joint Health and Wellbeing Strategy for Kirklees, based on the JSNA and other local intelligence, to provide the overarching framework for planning, commissioning and delivery of services.
- Provide the structure for overseeing local and regional planning and accountabilities for health and wellbeing related services and interventions and the development of sustainable integrated health and social care systems.
- Promote integration and partnership working with the NHS, social care, public health and other bodies in the planning, commissioning and delivery of services to improve the wellbeing of the whole population of Kirklees, including as part of regional working.
- Ensure the involvement and engagement of service users, patients and the wider public in planning, commissioning and delivery of services to improve the wellbeing of the whole population of Kirklees.
- Provide leadership and oversight of key strategic programmes, such as the Kirklees Health and Wellbeing Plan, Better Care Fund, and to encourage use of associated pooled fund arrangements where appropriate.
- Provide assurance that the commissioning and delivery of plans of partners have taken sufficient account of the Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.
- 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.
- Exercise any other functions of the Council delegated to the Board by the Council.



## **Voting Rights**

[See membership list](#)

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 and membership 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.

This page is intentionally left blank

# KIRKLEES COUNCIL - CALENDAR OF MEETINGS 2018/2019

DAY	DATE	TIME	MEETING
Wednesday	23 May 2018	12.30pm	Annual Council
Thursday	24 May 2018		
Friday	25 May 2018		Councillor Training - Planning and Licensing
Monday	28 May 2018		<b>BANK HOLIDAY</b>
Tuesday	29 May 2018		Councillor Training - Planning and Licensing
Wednesday	30 May 2018	12:30pm	Cabinet Committee Local Issues
Thursday	31 May 2018		
Friday	01 June 2018	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Monday	04 June 2018		
Tuesday	05 June 2018		
Wednesday	06 June 2018		
Thursday	07 June 2018	1.00pm	Strategic Planning Committee
Friday	08 June 2018		
Monday	11 June 2018		
Tuesday	12 June 2018	4.00pm	Cabinet
Wednesday	13 June 2018		
Thursday	14 June 2018		
Friday	15 June 2018	10.00am	Overview and Scrutiny Management Committee
Monday	18 June 2018		
Tuesday	19 June 2018		
Wednesday	20 June 2018		
Thursday	21 June 2018	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	22 June 2018		
Monday	25 June 2018		
Tuesday	26 June 2018		
Wednesday	27 June 2018		

18/01/173

Thursday	28 June 2018	1:00pm	Health & Wellbeing Board
Friday	29 June 2018		
Monday	02 July 2018		
Tuesday	03 July 2018		
Wednesday	04 July 2018		
Thursday	05 July 2018	1.00pm	Strategic Planning Committee
Friday	06 July 2018		
Monday	09 July 2018	10.00am	Corporate Parenting Board
Tuesday	10 July 2018	4:00pm	Cabinet
Wednesday	11 July 2018	5.30pm	Council (Holding Executive to Account)
Thursday	12 July 2018	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	13 July 2018		
Monday	16 July 2018	10.00am	Overview and Scrutiny Management Committee
Tuesday	17 July 2018		
Wednesday	18 July 2018		
Thursday	19 July 2018		
Friday	20 July 2018		
Monday	23 July 2018		
Tuesday	24 July 2018		
Wednesday	25 July 2018	12:30pm	Cabinet Committee Local issues
Thursday	26 July 2018	1:00pm	Health and Wellbeing Board
Friday	27 July 2018	10.30am	Corporate Governance and Audit Committee
Monday	30 July 2018		
Tuesday	31 July 2018		
Wednesday	01 August 2018		
Thursday	02 August 2018	1.00pm	Strategic Planning Committee
Friday	03 August 2018		
Monday	06 August 2018		
Tuesday	07 August 2018		

Wednesday	08 August 2018		
Thursday	09 August 2018	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	10 August 2018		

Monday	13 August 2018		
Tuesday	14 August 2018		
Wednesday	15 August 2018		
Thursday	16 August 2018		
Friday	17 August 2018		

Monday	20 August 2018		
Tuesday	21 August 2018	4:00pm	Cabinet
Wednesday	22 August 2018		
Thursday	23 August 2018	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	24 August 2018		

Monday	27 August 2018		<b>BANK HOLIDAY</b>
Tuesday	28 August 2018		
Wednesday	29 August 2018		
Thursday	30 August 2018	1.00pm	Strategic Planning Committee
Friday	31 August 2018		

Monday	03 September 2018	10.00am	Overview and Scrutiny Management Committee
Tuesday	04 September 2018		
Wednesday	05 September 2018	10.00am	Standards Committee
Thursday	06 September 2018	1:00pm	Health and Wellbeing Board
Friday	07 September 2018	10.30am	Corporate Governance and Audit Committee

Monday	10 September 2018		
Tuesday	11 September 2018		
Wednesday	12 September 2018	5.30pm	Council (Key Discussion)
Thursday	13 September 2018		
Friday	14 September 2018		

Monday	17 September 2018		
--------	-------------------	--	--

Tuesday 18 September 2018 4:00pm Cabinet  
Wednesday 19 September 2018  
Thursday 20 September 2018 1.00pm Planning Sub Committee (Huddersfield Area)  
Friday 21 September 2018

Monday 24 September 2018 10.00am Corporate Parenting Board  
Tuesday 25 September 2018  
Wednesday 26 September 2018 12:30pm Cabinet Committee Local Issues  
Thursday 27 September 2018 1.00pm Strategic Planning Committee  
Friday 28 September 2018

Monday 01 October 2018  
Tuesday 02 October 2018  
Wednesday 03 October 2018  
Thursday 04 October 2018 1.00pm Planning Sub Committee (Heavy Woollen Area)  
Friday 05 October 2018

Monday 08 October 2018  
Tuesday 09 October 2018  
Wednesday 10 October 2018 5.30pm Council (Holding Executive to Account)  
Thursday 11 October 2018  
Friday 12 October 2018

Monday 15 October 2018  
Tuesday 16 October 2018 4:00pm Cabinet  
Wednesday 17 October 2018  
Thursday 18 October 2018  
Friday 19 October 2018

Monday 22 October 2018  
Tuesday 23 October 2018  
Wednesday 24 October 2018  
Thursday 25 October 2018 1.00pm Strategic Planning Committee  
Friday 26 October 2018

Monday	29 October 2018		
Tuesday	30 October 2018		
Wednesday	31 October 2018		
Thursday	01 November 2018	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	02 November 2018		
Monday	05 November 2018	10.00am	Overview and Scrutiny Management Committee
Tuesday	06 November 2018		
Wednesday	07 November 2018	5.30pm	Council (Key Discussion)
Thursday	08 November 2018		
Friday	09 November 2018		
Monday	12 November 2018		
Tuesday	13 November 2018	4:00pm	Cabinet
Wednesday	14 November 2018		
Thursday	15 November 2018	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	16 November 2018	10.30am	Corporate Governance and Audit Committee
Monday	19 November 2018	10.00am	Corporate Parenting Board
Tuesday	20 November 2018		
Wednesday	21 November 2018		
Thursday	22 November 2018	1.00pm	Strategic Planning Committee/Health and Wellbeing Board Dews
Friday	23 November 2018		
Monday	26 November 2018		
Tuesday	27 November 2018		
Wednesday	28 November 2018	12:30pm	Cabinet Committee Local Issues
Thursday	29 November 2018		
Friday	30 November 2018		
Monday	03 December 2018		
Tuesday	04 December 2018		
Wednesday	05 December 2018		
Thursday	06 December 2018		
Friday	07 December 2018		

Monday	10 December 2018	
Tuesday	11 December 2018 4:00pm	Cabinet
Wednesday	12 December 2018 5.30pm	Council (Holding Executive to Account)
Thursday	13 December 2018 1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	14 December 2018	

Monday	17 December 2018	
Tuesday	18 December 2018	
Wednesday	19 December 2018	
Thursday	20 December 2018 1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	21 December 2018	

Monday	24 December 2018	
Tuesday	25 December 2018	<b>BANK HOLIDAY</b>
Wednesday	26 December 2018	<b>BANK HOLIDAY</b>
Thursday	27 December 2018	
Friday	28 December 2018	

Monday	31 January 2019	
Tuesday	01 February 2019	<b>BANK HOLIDAY</b>
Wednesday	02 February 2019	
Thursday	03 February 2019	
Friday	04 February 2019	

Monday	07 January 2019 10.00am	Overview and Scrutiny Management Committee
Tuesday	08 January 2019	
Wednesday	09 January 2019	
Thursday	10 January 2019 1.00pm	Strategic Planning Committee
Friday	11 January 2019	

Monday	14 January 2019	
Tuesday	15 January 2019	
Wednesday	16 January 2019 5.30pm	Council (Key Discussion)
Thursday	17 January 2019	



Friday 18 January 2019

Monday 21 January 2019 10.00am Corporate Parenting Board  
Tuesday 22 January 2019 4:00pm Cabinet  
Wednesday 23 January 2019  
Thursday 24 January 2019 1.00pm Planning Sub Committee (Huddersfield Area)  
Friday 25 January 2019 10.30am Corporate Governance and Audit Committee

Monday 28 January 2019  
Tuesday 29 January 2019 4:00pm Budget Cabinet  
Wednesday 30 January 2019 12:30pm Cabinet Committee Local Issues  
Thursday 31 January 2019 1:00pm Health and Wellbeing Board  
Friday 01 February 2019

Monday 04 February 2019  
Tuesday 05 February 2019  
Wednesday 06 February 2019  
Thursday 07 February 2019 1.00pm Planning Sub Committee (Heavy Woollen Area)  
Friday 08 February 2019

Monday 11 February 2019  
Tuesday 12 February 2019  
Wednesday 13 February 2019 5.30pm Council (Budget)  
Thursday 14 February 2019  
Friday 15 February 2019 1.00pm Strategic Planning Committee

Monday 18 February 2019  
Tuesday 19 February 2019 4:00pm Cabinet  
Wednesday 20 February 2019  
Thursday 21 February 2019  
Friday 22 February 2019


Monday 25 February 2019  
Tuesday 26 February 2019  
Wednesday 27 February 2019

Thursday	28 February 2019		
Friday	01 March 2019		
Monday	04 March 2019	10.00am	Overview and Scrutiny Management Committee
Tuesday	05 March 2019		
Wednesday	06 March 2019	10.00am	Standards Committee
Thursday	07 March 2019	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	08 March 2019	10.30am	Corporate Governance and Audit Committee
Monday	11 March 2019	10.00am	Corporate Parenting Board
Tuesday	12 March 2019		
Wednesday	13 March 2019		
Thursday	14 March 2019	1.00pm	Strategic Planning Committee
Friday	15 March 2019		
Monday	18 March 2019		
Tuesday	19 March 2019	4:00pm	Cabinet
Wednesday	20 March 2019	5.30pm	Council (Holding Executive to Account)
Thursday	21 March 2019	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	22 March 2019		
Monday	25 March 2019		
Tuesday	26 March 2019		
Wednesday	27 March 2019	12:30pm	Cabinet Committee Local Issues
Thursday	28 March 2019	1:00pm	Health and Wellbeing Board
Friday	29 March 2019		
Monday	01 April 2019		
Tuesday	02 April 2019		
Wednesday	03 April 2019		
Thursday	04 April 2019		
Friday	05 April 2019		
Monday	08 April 2019		
Tuesday	09 April 2019		

Wednesday	10 April 2019		
Thursday	11 April 2019	1.00pm	Strategic Planning Committee
Friday	12 April 2019		
Monday	15 April 2019	10.00am	Corporate Parenting Board
		10.00am	Overview and Scrutiny Management Committee
Tuesday	16 April 2019	4:00pm	Cabinet
Wednesday	17 April 2019		
Thursday	18 April 2019	1.00pm	Planning Sub Committee (Huddersfield Area)
Friday	19 April 2019		<b>BANK HOLIDAY</b>
Monday	22 April 2019		<b>BANK HOLIDAY</b>
Tuesday	23 April 2019		
Wednesday	24 April 2019		
Thursday	25 April 2019	1.00pm	Planning Sub Committee (Heavy Woollen Area)
Friday	26 April 2019	10.30am	Corporate Governance and Audit Committee
Monday	29 April 2019		
Tuesday	30 April 2019		
Wednesday	01 May 2019		
Thursday	02 May 2019		LOCAL ELECTIONS
Friday	03 May 2019		
Monday	06 May 2019		<b>BANK HOLIDAY</b>
Tuesday	07 May 2019		
Wednesday	08 May 2019		
Thursday	09 May 2019	1.00pm	Strategic Planning Committee
Friday	10 May 2019		
Monday	13 May 2019		
Tuesday	14 May 2019		
Wednesday	15 May 2019		
Thursday	16 May 2019		
Friday	17 May 2019		

181

Monday	20 May 2019	
Tuesday	21 May 2019 4:00pm	Cabinet
Wednesday	22 May 2019 12:30pm	ANNUAL COUNCIL
Thursday	23 May 2019	
Friday	24 May 2019	



**Name of meeting: Annual Council**

**Date: 23 May 2018**

**Title of report: To determine the Appointment of Members to Joint Authorities for the 2018/19 Municipal Year**

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	N/A
Is it also signed off by the Service Director for Finance IT and Transactional Services?	N/A
Is it also signed off by the Service Director for Legal, Governance and Commissioning?	Julie Muscroft
Cabinet member <a href="#">portfolio</a>	N/A

**Electoral wards affected: Not applicable**

**Ward councillors consulted: Not applicable**

**Public or private: Public**

## 1. Summary

To consider and determine the membership of Joint Authorities in 2018/2019.

## 2. Information required to take a decision

### **West Yorkshire Fire & Rescue Authority**

The Council is entitled to appoint four Members (on a ratio of 3:1) 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 the majority of the seats on this body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership. Council is asked to delegate authority to Group Business Managers to determine the appointments in accordance with these principles.

### **West Yorkshire Combined Authority**

The Elected Members of the West Yorkshire Combined Authority (WYCA) 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:

- (1) Appoint the Leader as Kirklees Council's Elected Member for the WYCA, with the Deputy Leader as the WYCA Substitute Member.
- (2) delegate authority to the Chief Executive, in consultation with Group Leaders, WYCA's Managing Director and other West Yorkshire Chief Executives, the appointment of the 3 additional Members to WYCA and their substitutes, so that the 8 constituent council members taken as a whole reflect the balance of political parties for the time being among members of WYCA's constituent councils so far as reasonably practicable.
- (3) delegate authority to Group Business Managers to determine members to WYCA's Transport Committee (on a ratio of 2:1).
- (4) delegate authority to Group Business Managers to determine three members and their substitutes to WYCA's Overview and Scrutiny Committee.
- (5) note that the Council's relevant Cabinet Portfolio holder will be co-opted by WYCA to the West Yorkshire and York Investment Committee (no nomination required).
- (6) note that the WYCA Member appointed by this Council will be appointed (in their capacity as WYCA Member), to WYCA's Leeds City Region Partnership Committee.
- (7) delegate authority to the Chief Executive, in consultation with Group Business Managers to:
  - confirm any relevant portfolio holder to be appointed, or
  - make any additional nomination

to any WYCA committee or panel, as requested by WYCA after this council's annual meeting.

## **Leeds City Region Enterprise Partnership (LEP) Board**

Council is asked to delegate authority to the Chief Executive to appoint a local authority representative and substitute to the LEP Board.

## **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, having regard to the need to reflect overall political balance.

## **Other Joint Authorities**

Council is asked to delegate authority to Group Business Managers to determine the appointment of Elected Members/Representatives to the remaining Joint Authorities not otherwise set out in this report.

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

Not applicable

#### **3.2 Economic Resilience (ER)**

Not applicable

#### **3.3 Improving Outcomes for Children**

Not applicable

#### **3.4 Reducing demand of services**

Not applicable

#### **3.5 Other (eg Legal/Financial or Human Resources)**

Not applicable

### **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;

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

- (2) Council appoint the Leader as Kirklees Council's Elected Member for the WYCA, with the Deputy Leader as the WYCA Substitute Member.
- (3) Council delegate authority to the Chief Executive, in consultation with Group Leaders, WYCA's Managing Director and other West Yorkshire Chief Executives, the appointment of the 3 additional Members to WYCA and their substitutes, so that the 8 constituent council members taken as a whole reflect the balance of political parties for the time being among members of WYCA's constituent councils so far as reasonably practicable.
- (4) Council delegate authority to Group Business Managers to determine members to WYCA's Transport Committee (on a ratio of 2:1).
- (5) Council delegate authority to Group Business Managers to determine three members and their substitutes to WYCA's Overview and Scrutiny Committee.
- (6) Council note that the Council's relevant Cabinet Portfolio holder will be co-opted by WYCA to the West Yorkshire and York Investment Committee (no nomination required)
- (7) Council note that the WYCA Member appointed by this Council will be appointed (in their capacity as WYCA Member), to WYCA's Leeds City Region Partnership Committee.
- (8) Council delegate authority to the Chief Executive, in consultation with Group Business Managers to:
  - Confirm any relevant portfolio holder to be appointed, or
  - Make any additional nomination

to any WYCA committee or panel, as requested by WYCA after this council's annual meeting.
- (9) Council delegate authority to the Chief Executive to appoint a local authority representative and substitute to the LEP Board.
- (10) Council delegate authority to Group Business Managers to determine the appointment of Elected Members/Representatives to the remaining Joint Authorities not otherwise set out in this report.

7. **Cabinet portfolio holder's recommendation**

Not applicable

8. **Contact officer**

Andrea Woodside, Principal Governance Officer

9. **Background Papers and History of Decisions**

Not applicable

10. **Service Director responsible**

Julie Muscroft – Legal, Governance and Commissioning



**Name of meeting: Annual Council**

**Date: 23 May 2018**

**Title of report: Appointment to Outside Bodies/Other Committees**

**To determine the appointment of representatives to Outside Bodies/Other Committees for the 2018/2019 Municipal Year**

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	
Is it also signed off by the Service Director for Finance IT and Transactional Services?	N/A
Is it also signed off by the Service Director for Governance and Commissioning Support?	Julie Muscroft
Cabinet member <a href="#">portfolio</a>	N/A

**Electoral wards affected: Not applicable**

**Ward councillors consulted: Not applicable**

**Public or private: Public**

## 1. Summary

To consider and determine the allocation of places/ratios, as appropriate, to the Outside Bodies as detailed within this report, for the 2018/2019 municipal year.

## 2. Information required to take a decision

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. This report relates to (ii) and (iii) above, representation on outside bodies and charities.

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 Service Director – Legal, Governance and Commissioning has delegated authority, in consultation with Group Business Managers, to receive and process nominations. The attached schedule sets out the list of bodies to which the Council is asked to make 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 delegate to Group Business Managers 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.

In relation to **Kirklees Stadium Development Ltd**, Council is asked to note that Paul Kemp, Service Director – Economy, Regeneration and Culture, is Company Secretary for Kirklees Stadium Development Ltd.

In relation to **Kirklees Theatre Trust**, Council is asked to note that Julie Muscroft, Service Director – Legal, Governance and Commissioning, is Company Secretary for Kirklees Theatre Trust.

### 3. **Implications for the Council**

#### 3.1 **Early Intervention and Prevention (EIP)**

Not applicable

#### 3.2 **Economic Resilience (ER)**

Not applicable

#### 3.3 **Improving Outcomes for Children**

Not applicable

#### 3.4 **Reducing demand of services**

Not applicable

#### 3.5 **Other (eg Legal/Financial or Human Resources)**

Not applicable

### 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 Service Director – Legal, Governance and Commissioning to fill any vacancies or make any adjustments to nominees previously put forward, as appropriate.
- 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 determined 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.

- 5) That it be noted that Paul Kemp (Service Director – Economy, Regeneration and Culture) is the Company Secretary for Kirklees Stadium Development Limited.
- 6) That it be noted that Julie Muscroft (Service Director – Legal, Governance and Commissioning) is the Company Secretary for Kirklees Theatre Trust.

7. **Cabinet portfolio holder’s recommendation**

Not applicable

8. **Contact officer**

Andrea Woodside, Principal Governance Officer

9. **Background Papers and History of Decisions**

Not applicable

10. **Service Director responsible**

Julie Muscroft – Legal, Governance and Commissioning

	A	B	C	D	E
54	<b>OTHER PLACES - OTHER BODIES</b>				
55					
56	Chickenley Community Co-operative Trust	2 (Other Bodies)	1	Officer or Member	Mandy Cameron
57	Creative Media Centres Limited	2 (Other Bodies)	1	2 x 3yr terms (Board is looking to update their TOR)	Cllr Andrew Cooper
58	Dewsbury Endowed Schools Foundation Trust Advisory Committee	2 (Other Bodies)	8		Cllr Eric Firth Paul Ellis Cllr Paul Kane Cllr Masood Ahmed Salim Patel Mark Eastwood Bernard Diskin M Winterburn
59	Dewsbury Learning Trust	2 (Other Bodies)	1	1 (Member or Officer)	Martin Green
60	Globe Innovation Centre Ltd (previously Globe Environmental Business Centre Ltd)	2 (Other Bodies)	1	1 Director (Member or Officer)	Jacqui Gedman
61	Huddersfield Industrial Advisory Panel	2 (Other Bodies)	1	The Terms of Reference allow for a membership to be shared between more than one individual, should this be felt to appropriate by the Head of Department.	Cllr Andrew Cooper
62	Huddersfield Partnership (formerly know as Town Centre Partnership Limited)	2 (Other Bodies)	2	Normally 2 Members + 1 Officer	OFFICER VACANCY Cllr Julie Stewart-Turner Cllr Naheed Mather
63	Kirklees Active Leisure	2 (Other Bodies)	2	AGM refers decision to GBMs to identify who has vote at Member meetings	Cllr Mohan Sokhal (has vote at member meetings) VACANT (Was Cllr Jim Dodds)
64	Kirklees Churches Partnership Trust	2 (Other Bodies)		4 Members plus 1 Officer	Cllr David Hall Cllr Andrew Cooper Cllr Gwen Lowe Cllr Cahal Burke
65	Kirklees Community Association	2 (Other Bodies)	8		Peter Rock Cllr Eric Firth Cllr Mumtaz Hussain Cllr Carole Pattison Cllr Mussarat Pervaiz Cllr Musarrat Khan Robert Iredale Cllr Donald Firth
66	Kirklees Community Fund Grants Panel	2 (Other Bodies)	2		Cllr Mohan Sokhal Cllr Bill Armer

	A	B	C	D	E
67	Kirklees Henry Boot Partnership Ltd	2 (Other Bodies)		<b>WINDING UP</b>	<b>Cllr John Taylor</b> (Director) <b>Vacant</b> (Alt)
68	Kirklees Historic Buildings Trust Ltd	2 (Other Bodies)	6		<b>VACANT</b> (Was <b>Cllr Jim Dodds</b> ) <b>Cllr Hilary Richards</b> <b>Cllr Graham Turner</b> <b>Cllr Rob Walker</b> <b>Cllr Gwen Lowe</b> <b>Cllr Andrew Pinnock</b>
69	Kirklees Schools Services Ltd	2 (Other Bodies)	1	1 Director + 1 Alternate Director Director should be Cabinet Member with portfolio responsibility for Schools	<b>Cllr Masood Ahmed</b> Cllr Rob Walker (Alternate Director)
70	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	<b>Cllr Gemma Wilson</b> <b>Cllr Carole Pattison</b> <b>Cllr Karen Allison</b>
71	Learning Board	2 (Other Bodies)	4	To be chaired by Cabinet Portfolio holder	<b>Cllr Masood Ahmed</b> <b>VACANT</b> (Cllr Andrew Marchington) <b>Cllr Viv Kendrick</b> <b>Cllr Gemma Wilson</b>
72	Locala Community Partnership Members' Council	2 (Other Bodies)	2		<b>Cllr Gulfam Asif</b> <b>Cllr Gwen Lowe</b>
73	Musica Kirklees (formerly Kirklees Music School)	2 (Other Bodies)	4		<b>VACANT</b> (Cllr Andrew Palfreeman) <b>Cllr Carole Pattison</b> <b>Cllr Hilary Richards</b> <b>Cllr Andrew Pinnock</b>
74	National Association of British Market Authorities	2 (Other Bodies)	3	Must be an Elected Member	<b>Cllr Ken Sims</b> <b>Cllr Eric Firth</b> <b>Cllr Fazila Fadia</b>
75	National Coal Mining Museum for England Trust Ltd - Liaison Committee	2 (Other Bodies)	2		<b>Cllr Bill Armer</b> <b>Cllr Paul Kane</b>
76	Reserve Forces and Cadets Association for Yorkshire and the Humber	2 (Other Bodies)	1	1 Member (nominated to Ministry of Defence)	<b>VACANT</b> (Cllr Jim Dodds)
77	Rural Action Yorkshire	2 (Other Bodies)	1	Officer or Member	<b>Cllr Nigel Patrick</b>
78	School Organisation Advisory Group	2 (Other Bodies)	6	Ratio to reflect Council (now 3:2:1) <b>2016</b> - Lab - 2.96, Con 1.74, LD 0.78, G&I 0.44 1 Member should be Cabinet Member with responsibility for Schools	<b>Cllr Lisa Holmes</b> <b>Cllr Donna Bellamy</b> <b>Cllr Kath Pinnock</b> <b>Cllr Masood Ahmed</b> <b>Cllr Viv Kendrick</b> <b>Cllr Marielle O'Neill</b>
79	Spenborough Co-operative Trust	2 (Other Bodies)			Mandy Cameron
80	Standing Advisory Council for Religious Education	2 (Other Bodies)	4		<b>Cllr Nosheen Dad</b> <b>Cllr Darren O'Donovan</b> <b>VACANT</b> (Cllr Andrew Marchington) <b>VACANT</b> (Cllr Andrew Palfreeman)

	A	B	C	D	E
81	<b>OTHER PLACES - CHARITIES</b>				
82					
83	Batley Cricket, Athletic and Football Club (formerly Batley Bulldogs)	3 (Charities)	3	4 places but one has to be the Mayor Usually Batley East Members No time limit for appts - except Mayor who is appointed annually	Cllr Christine Iredale (mayor) Cllr Gwen Lowe VACANT VACANT
84	Batley Girls (Rae, Taylor, Hirst and Talbot) Leaving Scholarship Fund	3 (Charities)	1	Must reside in Batley Term of Office - 4yrs	Cllr Gwen Lowe
85	Batley Grammar School Trustees	3 (Charities)	1	Term of Office - 4yrs	VACANT
86	Charles Brook Convalescent Fund	3 (Charities)	1	Must be familiar with Huddersfield area Term of Office - 4yrs	VACANT
87	Dewsbury Guild of Help / Whittuck Charity	3 (Charities)	2	Term of Office - 4yrs	Cllr Darren O'Donovan Iris Bettney
88	Fletcher Charity	3 (Charities)	6	Term of Office - 4yrs Should live in Dewsbury Area	Cllr Darren O'Donovan Iris Bettney Terry Goodall Trevor Senior VACANT VACANT
89	George Beaumont Foundation	3 (Charities)	1	Term of Office - 3yrs	Cllr John Taylor
90	Golcar Township Lands Charity	3 (Charities)	2	Term of Office - 4yrs Should be associated with Golcar Area	Cllr Andrew Marchington Robert Iredale
91	Hall Education Charity	3 (Charities)	2	Term of Office - 4yrs Must have a special knowledge of the area of benefit	Mr C Beardsell Mr Bellamy
92	Holly Bank Trust	3 (Charities)	1	Term of Office - 3yrs Interest in Education	Joanne Alvy
93	Huddersfield Education Trust	3 (Charities)	2	Term of Office - 3yrs	VACANT VACANT

	A	B	C	D	E
94	Mirfield Educational Charity	3 (Charities)	3	Term of Office - 4yrs	Chris Oldfield Cllr Martyn Bolt Cllr Vivien Lees-Hamilton
95	R J Whitehead Almhouses	3 (Charities)	1	Term of Office - 4yrs	David Wright
96	Roebuck Memorial Homes	3 (Charities)	2	Term of Office - 4yrs	Mr R Ram Cliff Preest
97	The Thurstonland School with Ludlum and Horsfall Foundation	3 (Charities)	1	Term of Office - 4yrs	Mr M Greetham
98	Thornhill Pools Estate Charity	3 (Charities)	5	Continuous or until retire or appointing authority replace	Cllr Masood Ahmed Khizar Iqbal Mr B Pearson Mr R A Gibson Mr T Gowda
99	Walker and Greenwood Educational Charity	3 (Charities)	6	Term of Office - 3yrs	Cllr Gulfam Asif Cllr Masood Ahmed Cllr Nosheen Dad Iris Bettney VACANT VACANT
100	Wheelwright Old Boys War Memorial Charity	3 (Charities)	1	Term of Office - 3yrs	Cllr Mumtaz Hussain
101	Whitcliffe Mount School Scholarship Trust	3 (Charities)	1	No term of office - ongoing	Peter Ward
102	William Greenwood Homes	3 (Charities)	2	Term of Office - 4yrs	Cllr Eric Firth Cllr Paul Kane Betty Goodwin (co-opted) Mrs E Dyrilaga (co-opted) Shirley Swithenbank (co-opted)



**Name of meeting: Annual Council**

**Date: 23 May 2018**

**Title of report: Spokespersons of Joint Committees and External Bodies**

To appoint spokespersons of Joint Committees and External Bodies for the 2018/2019 Municipal Year.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	N/A
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	No
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	No
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	<b>Give name and date for Cabinet reports</b>
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	N/A
<b>Is it also signed off by the Service Director for Legal, Governance and Commissioning Support?</b>	Julie Muscroft
<b>Cabinet member <a href="#">portfolio</a></b>	N/A

**Electoral wards affected: Not applicable**

**Ward councillors consulted: Not applicable**

**Public or private: Public**

## 1. **Summary**

To consider the appointment of spokespersons for Joint Committees/External Bodies for the 2018/2019 Municipal Year.

## 2. **Information required to take a decision**

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 Adoption Joint Committee (One Adoption)
- West Yorkshire Combined Authority (and its Committees)
- 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**

### 3.1 **Early Intervention and Prevention (EIP)**

Not applicable

### 3.2 **Economic Resilience (ER)**

Not applicable

### 3.3 **Improving Outcomes for Children**

Not applicable

### 3.4 **Reducing demand of services**

Not applicable

### 3.5 **Other (eg Legal/Financial or Human Resources)**

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 the nomination of spokespersons to reply to oral questions at Council meetings for the following organisations; Kirklees Active Leisure, Kirklees Neighbourhood Housing and West Yorkshire Crime Panel, be referred to Group Business Managers for determination.
- 2) That it be noted that the spokespersons for the West Yorkshire Combined Authority (and its Committees); West Yorkshire Fire and Rescue Authority, and West Yorkshire Joint Services Committee will be notified by those bodies.
- 3) That the appointed spokesperson for the West Yorkshire Joint Adoption Committee be the relevant Cabinet Portfolio Holder.

7. **Cabinet portfolio holder's recommendation**

Not applicable

8. **Contact officer**

Andrea Woodside, Principal Governance Officer

9. **Background Papers and History of Decisions**

Not applicable

10. **Service Director responsible**

Julie Muscroft – Legal, Governance and Commissioning

This page is intentionally left blank