

# Public Document Pack

Kirklees Council



Main Hall - Town Hall, Huddersfield

Tuesday 14 May 2019

Dear Member

**The Council will meet on Wednesday 22 May 2019 at 12.30 pm at 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 the Mayor for the 2019/20 Municipal Year.

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

To appoint a Deputy Mayor for the 2019/20 Municipal Year.

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**3: To approve as a correct record and authorise the signing of the Minutes of the Ordinary Meeting of the Council held on 20 March 2019**

To agree as a correct record.

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1 - 6

**4: Interests** 7 - 8

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.

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**5: Announcements by the Mayor and Chief Executive** 9 - 10

To receive announcements, including the results of the Local Council Election held on 2 May 2019.

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

To receive any apologies for absence.

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**7: Ward and Place Partnerships** 11 - 16

To consider the proposals to support place based working.

Contact: Jacqui Gedman, Chief Executive.

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**8: Locality Lead Role (Reference from Corporate Governance and Audit Committee)** 17 - 24

To consider the creation of a new locality lead role for Councillors with effect from 2019/2020.

(Report attached).

Contact: Carl Whistlecraft, Head of Democracy.

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**9: Proposed Amendments to the Council's Constitution (Reference from Corporate Governance and Audit Committee)** 25 - 128

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

(Report attached)

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

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**10: Proposed Changes to the Code of Conduct (Reference From Corporate Governance and Audit Committee)** 129 - 152

To consider the proposed changes to the Council's Code of Conduct.

(Report attached).

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

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**11: Proposed Amendments to Contract Procedure Rules (Reference from Corporate Governance and Audit Committee)** 153 - 224

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

(Report attached)

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

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**12: Proposed Amendments to the Council Financial Procedure Rules (Reference from Corporate Governance and Audit Committee)** 225 - 274

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

(Report attached)

Contact: Martin Dearnley, Head of Audit and Risk

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**13: Meetings of Council 2019/20 (Reference from Corporate Governance and Audit Committee)** 275 - 284

To determine the schedule of meetings of Council for the 2019/20 Municipal Year.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer

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**14: Committees of the Council** 285 - 288

To determine the Committees of the Council for the 2019/20 Municipal Year.

(Report attached)

Contact: Andrea Woodside, Principal Governance Officer

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**15: Re-establishment of Boards and Working Parties 2019/2020** 289 - 296

To consider the re-establishment of Boards and Working Parties for the 2019/20 Municipal Year, including amended Terms of Reference.

(Report attached)

Contact: Helen Kilroy, Principal Governance Officer

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**16: Proposed revisions to Terms of Reference - Health and Wellbeing Board** 297 - 302

To consider the amended Terms of Reference of the Health and Wellbeing Board.

Contact: Jenny Bryce-Chan, Principal Governance Officer

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**17: Allocation of Seats** 303 - 304

To determine for the Municipal Year 2019/20 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 if there are any outstanding unallocated places.

(Schedule attached.)

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

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

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

Contact: Andrea Woodside, Principal Governance Officer

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**18: Membership of Committees, Boards, Panels and Ratio of Substitutes Panel** 305 - 320

To determine for the Municipal Year 2019/20 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

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**19: Dates/Times of Committees, Boards and Panels** 321 - 330

To determine for the Municipal Year 2019/20.

(Schedule attached)

Contact: Andrea Woodside, Principal Governance Officer

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**20: Appointment of Members to Joint Authorities** 331 - 336

To determine for the Municipal Year 2019/20 arrangements for the allocation of seats on Joint Authorities.

(Report attached)

Contact: Helen Kilroy, Principal Governance Officer

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**21: Appointment to Outside Bodies/Other Committees** 337 - 354

To determine for the Municipal Year 2019/20 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: Helen Kilroy, Principal Governance Officer

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**22: Spokespersons of Joint Committees and External Bodies** 355 - 358

To determine, for the Municipal Year 2019/20 the Council's spokespersons nominated to reply to oral questions at Council meetings upon any service provided by various organisations.

(Report attached)

Contact: Helen Kilroy, Principal Governance Officer

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## 23: Appointment of Chairs of Committees

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To appoint Chairs of the following Committees for the 2019/20 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
- (i) Statutory Officer Dismissal Committee
- (j) Scrutiny Panel – Childrens
- (k) Scrutiny Panel – Corporate
- (l) Scrutiny Panel – Economy & Neighbourhood
- (m) Scrutiny Panel – Health & Adult Social Care

(Note: This schedule is based upon the approval of the proposed as set out at Agenda Item 14).

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By Order of the Council



Chief Executive

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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 20 March 2019**

## **PRESENT**

**The Mayor (Councillor Gwen Lowe) 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 Andrew Cooper	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 Erin Hill
Councillor James Homewood	Councillor Judith Hughes
Councillor Christine Iredale	Councillor Manisha Roma Kaushik
Councillor Viv Kendrick	Councillor John Lawson
Councillor Vivien Lees-Hamilton	Councillor Fazila Loonat
Councillor Terry Lyons	Councillor Naheed Mather
Councillor Peter McBride	Councillor Bernard McGuin
Councillor Darren O'Donovan	Councillor Marielle O'Neill
Councillor Shabir Pandor	Councillor Nigel Patrick
Councillor Carole Pattison	Councillor Mussarat Pervaiz
Councillor Amanda Pinnock	Councillor Andrew Pinnock
Councillor Hilary Richards	Councillor Mohammad Sarwar
Councillor Cathy Scott	Councillor Will Simpson
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 Sheikh Ullah	Councillor Rob Walker
Councillor Habiban Zaman	Councillor Nell Griffiths
Councillor Alison Munro	Councillor Richard Murgatroyd
Councillor Mark Thompson	Councillor Harpreet Uppal

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

Council observed a minute of silence in recognition of the tragic events in New Zealand earlier in the week, following which the Leader paid tribute on behalf of the Council.

The Mayor informed Council that 25<sup>th</sup> March 2019 marked the 150<sup>th</sup> anniversary of the first meeting of Batley Borough Council, and paid thanks to West Yorkshire Archive Service who had begun work to restore the document which created the Borough of Batley 150 years ago, and which would be preserved as part of Batley's democratic heritage.

The Mayor conveyed the thanks of Council to those Members who would be retiring from Office at the forthcoming elections; Councillors Sheard, Hughes, Stewart-Turner, Wilson and Holroyd-Doveton. Tributes were paid by Councillors McBride, Pandor, Sims, D Hall, Kendrick, Lawson, S Hall, Cooper and Allison.

The Chief Executive gave acknowledgement and presented a certificate of thanks to Eleanor Brazil, Children's Commissioner, who had been supporting the Children's Services improvement journey since December 2016, and was now concluding her work with the Authority. Councillors Pandor, D Hall, Lawson, Kendrick and Hill also conveyed thanks for Eleanor's work on behalf of the Council.

**143 Apologies for absence**

Apologies for absence were received on behalf of Councillors Dad, Holroyd-Doveton, Kane, Khan, Hussain, K Pinnock, Sheard, Watson and Wilson.

**144 Minutes of Previous Meetings**

**RESOLVED** – That the Minutes of the meetings of (i) Budget Council held on 13 February 2019 and (ii) Extra-Ordinary Council held on 27 February 2019 be approved as a correct record.

**145 Declaration of Interests**

No interests were declared.

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

No petitions were submitted.

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

Council received a deputation from Ian Staples, on behalf of HRI Campaign Group, which sought the Council's support to challenge proposals for healthcare provision in the area and for the launch of a People's Commission.

A response was provided by the Leader of the Council.

**148 Public Question Time**

No questions were asked.

**149 Homelessness and Rough Sleeping Strategy (Reference from Cabinet)**

It was moved by Councillor Pandor, seconded by Councillor Scott, and

**RESOLVED** - That the consideration of the report be deferred until the next ordinary meeting of Council.

**150 Kirklees Economic Strategy (Reference from Cabinet)**

It was moved by Councillor McBride, seconded by Councillor Pandor, and

**RESOLVED** - That the Kirklees Economic Strategy be approved.

(At this stage of the meeting, the Mayor advised that Agenda Item 21 would be considered as the next item of business, in accordance with Council Procedure Rule 17 (Minute No. 151 refers).

**151 Motion Submitted in Accordance with Council Procedure Rule 14 as to Council Procedure Rules**

It was moved by Councillor Lawson and seconded by Councillor Hall that;

“This Council notes that:

The Extraordinary Council on 27th February 2019 to adopt the Local Development Plan was cut short by nearly an hour by a move to the vote even though there were many members left on the speakers list. This resulted in eight wards, a third of the Authority, having no representation in the debate for what was a decision to be made by whole of council.

This Council resolves that:

Corporate Governance and Audit Committee be asked to consider how council procedure rules can be amended to ensure members have been given a reasonable chance to speak and the public has been properly represented. This would apply to decisions that require ‘whole of council decisions’ such as the Budget, Setting of Council Tax and other statutory decisions.

Mayor’s discretion in these issues is essential and must be maintained – we intend that any amendments to Procedure Rules assist Mayors’ decisions making rather than interfere with current authority.”

Whereupon, it was moved by Councillor Cooper, and seconded by Councillor Lawson, that Council move to the vote, in accordance with Council Procedure Rule 15(ii).

The Motion, upon being put to the vote, was not carried.

It was then moved by Councillor Pandor, and seconded by Councillor McBride, by way of AMENDMENT, that;

## Council - 20 March 2019

'All words after 'This Council... ' (paragraph 1) be deleted and replaced with 'requests officers to undertake work to inform a report to Corporate Governance and Audit Committee on proposals to change Council Procedure Roles to allow a more meaningful and open debate at Council Meetings, with a report to come back to Council at the first meeting in the new Municipal Year.'

The Amendment, upon being put the vote, was CARRIED, and it was;

**RESOLVED** - That the Council requests Officers to undertake work to inform a report to Corporate Governance and Audit Committee on proposals to change Council Procedure Rules to allow more meaningful and open debate at Council meetings, with a report to come back to Council at the first meeting in the new municipal year.

**152 Pay Policy Statement (Reference from Personnel Committee)**

It was moved by Councillor Turner, seconded by Councillor Pandor, and

**RESOLVED** - That the Pay Policy Statement be approved, in accordance with the 2011 Localism Act.

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

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

(i) The current basic allowance be increased in line with the amount awarded to Kirklees Council Officers (2%) with effect from 1 April 2019.

(ii) All special responsibility allowances (SRAs) be increased in line with the amount awarded to Kirklees Council Officers (2%).

(iii) The SRA paid to the Chair of Standards Committee be paid at Band E, with effect from 1 April 2019, and reviewed in 12 months.

(iv) The SRA paid to Group Business Managers of small groups (3-6 members) be paid at Band E with effect from 1 April 2019.

Whereupon, it was Moved by Councillor D Hall, and seconded by Councillor Holmes, by way of AMENDMENT, that (iii) and (iv) be deleted. The Amendment, upon being put to the vote, was NOT CARRIED.

The SUBSTANTIVE MOTION, upon being put to the vote was CARRIED, and it was;

**RESOLVED –**

(i) That the current basic allowance be increased in line with the amount awarded to Kirklees Council Officers (2%) with effect from 1 April 2019.

## Council - 20 March 2019

(ii) That all special responsibility allowances (SRAs) be increased in line with the amount awarded to Kirklees Council Officers (2%).

(iii) That the SRA paid to the Chair of Standards Committee be paid at Band E, with effect from 1 April 2019, and reviewed in 12 months.

(iv) That the SRA paid to Group Business Managers of small groups (3-6 members) be paid at Band E with effect from 1 April 2019.

**154 Scrutiny Update**

Item not considered (due to time constraints).

**155 West Yorkshire Combined Authority - Minutes**

Item not considered (due to time constraints).

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

Item not considered (due to time constraints).

**157 Minutes of Cabinet and Cabinet Committee - Local Issues**

Item not considered (due to time constraints).

**158 Holding the Executive to Account**

Item not considered (due to time constraints).

**159 Minutes of Other Committees**

Item not considered (due to time constraints).

**160 Oral Questions to Committee/Sub Committee/Panel Chairs and Nominated Spokespersons of Joint Committees/External Bodies**

Item not considered (due to time constraints).

**161 Response to Motion of Council - Period Dignity**

Item not considered (due to time constraints).

**162 Motion submitted in accordance with Council Procedure Rule 14 as to Universal Credit**

Item not considered (due to time constraints).

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<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.



# Agenda Item 5

## DISTRICT COUNCIL ELECTIONS THURSDAY 2 MAY 2019 RESULTS

<b>Ward: Almondbury</b> <b>Party: Liberal Democrats</b>	Paola Antonia Convertino Davies
<b>Ward: Ashbrow</b> <b>Party: Labour</b>	Amanda Ursula Pinnock
<b>Ward: Batley East</b> <b>Party: Labour</b>	Habiban Nisa Zaman
<b>Ward: Batley West</b> <b>Party: Labour</b>	Yusra Hussain
<b>Ward: Birstall &amp; Birkenshaw</b> <b>Party: Conservative</b>	Charlotte Eleanor Goodwin
<b>Ward: Cleckheaton</b> <b>Party: Liberal Democrats</b>	Andrew Pinnock
<b>Ward: Colne Valley</b> <b>Party: Labour</b>	Lesley Anne Warner
<b>Ward: Crosland Moor &amp; Netherton</b> <b>Party: Labour</b>	Mohammad Sarwar
<b>Ward: Dalton</b> <b>Party: Labour</b>	Musarrat Khan
<b>Ward: Denby Dale</b> <b>Party: Conservative</b>	Michael Watson
<b>Ward: Dewsbury East</b> <b>Party: Heavy Woollen District Independents</b>	Aleksandar Lukic
<b>Ward: Dewsbury South</b> <b>Party: Labour</b>	Nosheen Dad
<b>Ward: Dewsbury West</b> <b>Party: Labour</b>	Darren Thomas Patrick O'Donovan
<b>Ward: Golcar</b> <b>Party: Liberal Democrats</b>	Andrew Clive Glover Marchington
<b>Ward: Greenhead</b> <b>Party: Labour</b>	Carole Ann Pattison

<b>Ward: Heckmondwike</b> <b>Party: Labour</b>	Aafaq Noor Butt
<b>Ward: Holme Valley North</b> <b>Party: Independent</b>	Paul Grenville White
<b>Ward: Holme Valley South</b> <b>Party: Labour</b>	Paul Davies
<b>Ward: Kirkburton</b> <b>Party: Conservative</b>	John Joseph Taylor
<b>Ward: Lindley</b> <b>Party: Liberal Democrats</b>	Anthony John Smith
<b>Ward: Liversedge &amp; Gomersal</b> <b>Party: Conservative</b>	Lisa Jayne Holmes
<b>Ward: Mirfield</b> <b>Party: Conservative</b>	Kathleen Taylor
<b>Ward: Newsome</b> <b>Party: Green</b>	Susan Jane Lee-Richards



**Name of meeting:** Annual Council  
**Date:** 22 May 2019  
**Title of report:** Ward and Place Partnerships

**Purpose of report**

To inform Council of proposed changes to working at a ward and place level

<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>	No
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Jacqui Gedman – Chief Executive</b> <b>14 May 2019</b>
<b>Is it also signed off by the Service Director for Finance?</b>	
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	
Cabinet member <a href="#">portfolio</a>	Shabir Pandor

**Electoral wards affected:** All

**Ward councillors consulted:** All

**Public or private:** Public Report

**GDPR has been considered when preparing this report and there are no implications**

**1. Summary**

1.1 Kirklees Council’s Corporate Plan 2018-2020 recognises the borough for its diversity, its distinct communities and the strength that brings. It describes its vision for “A district which combines a strong sustainable economy with a great quality of life – leading to thriving communities, growing businesses, high prosperity and low inequality where people enjoy better health throughout their lives.”

1.2 Councillors are central to this vision and are actively leading and advocating on behalf of the communities they serve within their wards, with members valued for the intelligence and insight they hold about places and their roles at the heart of local communities. Over the past 12 months this has been further facilitated through a suite of initiatives, including the Place Standard tool, visits to wards by the Chief Executive, member-led activity from a dedicated Greenspace Action Team and a ward-based budget allocation.

- 1.3 An update to the Corporate Plan, due to be reported at Full Council in July 2019, is anticipated to focus further on the 7 key partnership outcomes and will build on the level of ambition set out in the 2019-22 Council Budget.

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

### **Place Based Citizen Engagement using Place Standard**

- 2.1 To deliver the Vision the intention is to move into the next phase of developing the Council to be one that focuses on delivering against the 7 key outcomes for Kirklees citizens. This will be achieved by: Working 'with' People rather than 'doing to' them (also known as working restoratively); working with Partners; recognising the importance of local identity and how needs differ in different Places.
- 2.2 In approving the recommendations of the Kirklees Democracy Commission, Council placed a firm focus on a new approach to citizen engagement that harnesses the strengths and aspirations of the towns, villages and communities of Kirklees. We have made a conscious decision to move away from traditional consultation to place based engagement. The Cross Party Working Group has developed and endorsed a set of citizen engagement principles and agreed that the Place Standard tool should be the principal means by which the Council undertakes place based engagement.
- 2.2 Over the past 12 months a number of wards and sub-wards have trialled the Place Standard. This is a well recognised tool for local place-based engagement. It is currently used in Scotland by both national and local government and it has proven to be very effective in engaging local people and public sector partners in developing a shared understanding of what is important in local place, both physically and socially.
- 2.3 The Place Standard enables the Council and partners to work with local people in the geography they identify with. Whilst Ward geography is clearly understood by the Council, there is not the same level of understanding/ownership for partners and citizens. Local identity at a sub ward level is important to citizens and should be recognised by the Place Standard engagement. However, we will still retain the electoral ward as the building block for delivery against ward priorities.
- 2.4 In the trials of the Place Standard that have taken place to date in Kirklees, some wards have had as few as 3 local areas that citizens identify with and some as many as 6. This level of diversity is expected. It is anticipated that when all the discussions have taken place, some of the priorities will be common across a ward area or indeed across Ward boundaries.
- 2.5 Kirklees as a place has always been seen as a difficult construct. People don't generally identify with Kirklees and as such all attempts at a top down, one size fits all model of formal and structured area working, has ultimately proved to be unsuccessful for a range of reasons. It is very clear that a borough of the size and diversity of Kirklees needs to build outwards from its towns, villages and communities. It needs to harness the strength of diversity and local identity through genuine engagement. The Place Standard will be a key tool to enable and encourage this.

- 2.6 Opportunities to use the Place Standard are being actively sought. It is anticipated that current consultation methods will be developed to ensure more meaningful engagement with local citizens. Local Councillors will play a central role in identifying opportunities.
- 2.7 Across the Council a number of staff have been trained to ensure Councillors will be effectively supported as the Place Standard engagement is developed across the borough.

### **Ward Partnerships**

- 2.8 It has been acknowledged that the role of an elected member has evolved over the past 8 years. The combined impact of national funding reductions and service pressures has meant that difficult decisions have had to be taken to balance the books whilst protecting frontline services and our more vulnerable residents. At the same time the pressures on Councillors have increased – they are community leaders at the heart of democratically elected local government but have not had the resources to make the impact they would have liked in their Wards.
- 2.9 A fundamental role of a Councillor is to work with and along side communities to build community capacity within their Wards, alongside the council and its partners, using the full totality resources available to facilitate activity. Councillors are best placed to identify where gaps in capacity exist, using the intelligence and insight they hold about local need and aspiration.
- 2.10 To address some of these opportunities it is proposed that for those wards that produce a Ward Plan with clear priorities. The Ward Plan will be a pre-cursor, if required, to a Ward Partnership, which can be established to deliver against those priorities.
- 2.11 Ward Partnerships are an opportunity for Councillors, Council staff from key service areas, the Police, the voluntary sector and other key stakeholders in a Ward to come together to ensure opportunities are identified and actions taken to deliver the aspirations and ambitions in the Ward plan.
- 2.10 It is recognised that the approach to Ward Partnerships will need to be flexible, with no set model. It is for the Ward members and partners to decide, but there will be a commitment to ensure resources are made available where possible to deliver local aspiration for Wards.

### **Place Based Working – Place Partnerships**

- 2.12 Whilst Ward Partnerships will be an important development, it is anticipated they will focus on place-fixing and place-shaping. However, there are more strategic issues that need to be responded to on a geography greater than a ward. This will involve a number of wards working together to address a strategic issue. This will be part of “Place Based Working” and the formal working together of wards will be known as Place Partnerships.
- 2.13 The intention is that intelligence/data will be used to determine the key theme to be considered at Place Partnership level. For 2019/20 the theme will be improving mental health outcomes and an additional £1m has been put in to the 2019/20 budget to support this.

- 2.14 Given that this is a data-led approach to maximise impact on outcomes, Place Partnerships will therefore for this year, cover the following geographies:
- Huddersfield North
  - Huddersfield Central
  - Huddersfield Rural
  - Colne Valley
  - Dewsbury
  - Spen Valley
  - Batley, Birstall and Birkenshaw
- 2.15 A place lead Councillor will be identified for each geography and as such their role will be to lead the development of place based working in their area.
- 2.16 Working with the Cabinet Lead Member for Place based working, the Place Lead member will work with ward Councillors using the data/intelligence to propose interventions that will lead to better outcomes. They will refer recommendations to Cabinet on how they additional £1m will be spent.
- 2.17 The funding is expected to support local mental health initiatives whilst also supporting and building local voluntary/community capacity.
- 2.18 The Place lead role is an extremely important role and it will evolve over time. A proposal to establish Place Lead Councillors will be considered at the Annual Meeting alongside this report

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

#### **3.1 Working with People**

Working in ward and place partnerships, and using the Place Standard, ensures that officers, members and citizens are working in partnership to deliver outcomes

#### **3.2 Working with Partners**

The success of ward and place partnerships is based on key partners being engaged and working together effectively to share intelligence and deliver interventions

#### **3.3 Place Based Working**

This paper sets out some fundamental building blocks to enable the delivery of place based working, and will be built on to ensure ward arrangements are suitably resourced and supported

#### **3.4 Improving outcomes for children**

Understanding what's important to families living in places within Kirklees, and working

#### **3.5 Other (e.g. Legal/Financial or Human Resources) N/A**

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

4.1 Consultation was carried out on the content of the report with members of Cabinet and Leaders of political groups.

#### **5 Next steps and timelines**

5.1 ET to make arrangements to ensure that place based working is supported as described in the report

#### **6. Officer recommendations**

##### **6.1 Recommendations**

6.2 That Council:

- Adopt the proposals to support place based working as set out in this report
- Request cabinet to make the necessary arrangements to put in place the proposals described in the report

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

That the proposals in the report be approved

#### **8. Contact officer**

Jacqui Gedman - 01484 221000  
[jacqui.gedman@kirklees.gov.uk](mailto:jacqui.gedman@kirklees.gov.uk)

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

None

#### **10. Service Director responsible**

Jacqui Gedman – Chief Executive

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**Name of meeting:** Annual Council

**Date:** Friday 22 May 2019

**Title of report:** Locality Lead Role

**Purpose of report**

To propose the creation of a new Locality Lead role for councillors with effect from the 2019/20 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>	No
<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 <a href="#">Strategic Director</a> &amp; name</b>	Rachel Spencer Henshall – 9 May 2019
<b>Is it also signed off by the Service Director (Finance)?</b>	Eamon Croston - 9 May 2019
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	Julie Muscroft - 9 May 2019
<b>Cabinet member <a href="#">portfolio</a></b>	Councillor Shabir Pandor, Leader of the Council

**Electoral wards affected:** All

**Ward councillors consulted:** Not applicable

**Public or private:** Public

## 1. Summary

In the context of the council's strategic approach to Place Based Working the Leader, in dialogue with the Chief Executive, has asked that a new councillor role of Locality Lead is created in the context of the wider Members Allowances Scheme.

This report seeks to explain the role and thereafter propose a mechanism for its creation and subsequent consideration by the Members Allowances Independent Review Panel.

## 2. Information required to take a decision

The Council's approach to place-based working is progressing. This involves the development of a locality based approach to exploring and progressing certain issues that are best addressed at this level. It acknowledges that not all issues and challenges are best addressed at either a Ward or borough-wide level. It is important that this work has cross-party councillor oversight in terms of its development and focus

As part of this developing approach the Leader of the Council, in dialogue with the Chief Executive, recognises the importance of elected councillor leadership at a locality level. He has therefore proposed the creation of a new role of Locality Lead (draft role profile attached) which would be allocated on a 4:1:1:1 ratio covering the following:

- Batley, Birstall and Birkenshaw;
- Spen Valley;
- Dewsbury;
- Huddersfield North;
- Huddersfield Central;
- Huddersfield Rural;
- Colne Valley

In the first instance the Leader wishes for these roles to be established and agreed by Council in order for Locality Leads to begin to take on new responsibilities and collectively work with officers to progress locality working in more detail. The intention is that they are in place at the beginning of the new Municipal Year

In the near future it is proposed that the role is considered by the Members Allowances Independent Review Panel who will determine where the role may sit in the banding arrangements in the Allowances Scheme

## 3. Implications for the Council

3.1 **Working with People** – Locality working, and our wider approach to place-based working, is wholly predicated on working outwards from

communities with a strong focus on genuine engagement and dialogue. The proposals set out in this report should be seen within this context.

- 3.2 **Working with Partners** – Locality working is being developed in a way that recognises the need for certain issues to be discussed and addressed at a locality level. They are of the type e.g. mental health that demand wider partnership dialogue, co-production and solutions. Partnership working will be at the heart of our developing approach to locality working.
- 3.3 **Place Based Working** – Locality working is an important part of our developing approach to place based working.
- 3.4 **Improving outcomes for children** – Locality working will inevitably incorporate the consideration, discussion and progression of issues that will improve outcomes for children within those seven localities.
- 3.5 **Other (eg Legal/Financial or Human Resources)** – The Members Allowances Independent Review Panel will consider the proposed role in the context of the wider Allowances Scheme.

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

The proposal to establish the role of Locality Lead was considered at the Chief Executive's Leading Members meeting on 1 April 2019 where indicative support was given.

The proposal will be considered by Corporate Governance and Audit Committee at its meeting on 17 May 2019. Given the overlap in terms of agenda dispatch any emerging comments will be fed into the discussion to be held at Annual Council on this matter.

The following have been consulted on the contents of this report and agree with the proposals contained therein:

The Leader of the Council;  
The Chief Executive;  
The Strategic Director for Corporate Strategy, Commissioning and Public Health

#### 5. **Next steps and timelines**

Should Council agree to the creation of the role of Locality Lead:

- Nominees will be sought from Group Business Managers;
- Steps will be taken to convene a meeting of the Members Allowances Independent Review Panel to determine the rate of allowance that the role may attract.

**6. Officer recommendations and reasons**

That Council:

- (i) Agree to establish the role of Locality Lead (as set out in the attached role profile) on a 4:1:1:1 basis. Nominations to be sought from Group Business Managers;
- (ii) Agree that the Members Allowances Independent Review Panel consider the role in the context of the wider scheme

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

Not applicable

**8. Contact officer**

Carl Whistlecraft, Head of Democracy  
[Carl.whistlecraft@kirklees.gov.uk](mailto:Carl.whistlecraft@kirklees.gov.uk)

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

Not applicable

**10. Service Director responsible**

Rachel Spencer Henshall, Strategic Director for Corporate Strategy,  
Commissioning and Public Health

# Locality Lead Councillor

## Leading, Representing and Working Together

A Kirklees Locality Lead Councillor will work with the designated Cabinet Lead Member to develop and implement Place Based Working within a geographical area using a topic or theme based approach. They will:

- Provide leadership at a locality level to facilitate the involvement of councillors, officers and partners;
- Commission intelligence and insight to facilitate the identification of topics that are a priority for the respective locality in the context of the 7 shared outcomes;
- Identifying, supporting and building community capacity in the context of locality working
- Inform the approach to citizen engagement and thereafter have oversight of the engagement activities that will be used to discuss the topic identified;
- Ensure that locality stakeholders, community organisations and the VCS are involved in such engagement;
- Develop and maintain effective working relationships with officers and partners to facilitate the delivery of locality responsibilities;
- Facilitate partnership working with other agencies in the context of citizen engagement activity and responding to the outcomes of such work;
- Oversee the development and implementation of identified actions, resource allocation and commissioned activity in response to commissioned work;
- Monitor progress against agreed actions in the context of delivering against outcomes;
- Work effectively with the media
- Be a confident and effective public speaker

# Locality Lead Councillor

## **Governance and Decision Making**

A Kirklees Locality Lead Councillor:

- Have responsibility for, and provide a lead on, the initiation and development of the approach within each locality.
- Ensure that the work taking place in the locality for which they are responsible is reported into the relevant council and partnership governance structures;
- Consider and have regard to professional officer advice when taking decisions.
- Work proactively and constructively with ward councilors within the respective locality.
- Attend Overview and Scrutiny Committee and Scrutiny Panels to discuss the work for which they are responsible (as appropriate)

## Agenda Item 8

<b>Place</b>	<b>Wards</b>	<b>Locality Lead Member</b>
Batley, Birstall & Birkenshaw	Batley East	<b>Cllr Gwen Lowe</b>
	Batley West	
	Birstall & Birkenshaw	
Colne Valley	Colne Valley	<b>Cllr Richard Murgatroyd</b>
	Golcar	
	Lindley	
Dewsbury	Dewsbury East	<b>Cllr Gulfam Asif</b>
	Dewsbury South	
	Dewsbury West	
Huddersfield Central	Almondbury	<b>Cllr Karen Alison</b>
	Dalton	
	Newsome	
Huddersfield North	Ashbrow	<b>Cllr Sheikh Ullah</b>
	Crosland Moor & Netherton	
	Greenhead	
Huddersfield Rural	Denby Dale	<b>Cllr Michael Watson</b>
	Holme Valley North	
	Holme Valley South	
	Kirkburton	
Spenn Valley	Cleckheaton	<b>Cllr Andrew Pinnock</b>
	Liversedge & Gomersal	
	Heckmondwike	
	Mirfield	

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

**Date: 22 May 2019**

**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?	No
Date signed off by Director & name	
Is it also signed off by the Head of Finance and Accountancy?	Eamonn Croston
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft
Cabinet member portfolio	Graham Turner

**Electoral wards affected: N/A**

**Ward councillors consulted: N/A**

**Public or private: Public**

**Have you considered GDPR? There are no GDPR implications relating to this report**

**1. Summary**

1.1 To set out, in section 2, the proposed changes in relation to the different parts of the Constitution and to seek approval by members of those proposed changes. Each section of the Constitution is set out below with information setting out details of the proposed change for which approval and/or comment 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 1 for information and members are asked to note those changes.

- 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 any re-structuring, 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 current proposed changes.

### **PART 2 – ARTICLES**

- 2.02 There are 17 articles that set out how the council operates. There has been one amendment made by the Monitoring Officer to correct minor errors, and this is shown in Appendix 1. There are no current requests for approval of any changes but members should be aware that the Policy Framework in Article 4 is currently being reviewed and a report will be brought to a future meeting of the Corporate Governance and Audit Committee and then to Council to consider this.

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

- 2.03 This part details the council's cabinet, committees' and other groups' responsibilities. This section also contains each individual Cabinet Member's specific responsibilities. There have been two amendments made by the Monitoring Officer to address minor errors and changes. These are detailed in Appendix 1.
- 2.04 There are proposed changes to the terms of reference for the Corporate Governance and Audit Committee (CGA). It is proposed to expand Section 7, so that it will read as follows:

7. To review the adequacy of the council's Corporate Governance arrangements. This will include (but not be limited to) the following:

- 7.1 internal control and risk management;
- 7.2 oversight of whistleblowing and the Council's whistleblowing policy;
- 7.3 oversight of the complaints process and the role of the Local Government Ombudsman;
- 7.4 oversight of Information Governance and the role of the ICO;
- 7.5 to review and approve the annual statement of Corporate Governance.

These are clarificatory amendments and reflect what the Committee is already doing.

- 2.05 Council is asked to note that there will be some proposed changes to the terms of reference of the Personnel Committee, which will be the subject of a further report in due course.

#### **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. There have been two amendments made by the Monitoring Officer to address minor errors and changes, and these are detailed in Appendix 1.

##### Council Procedure Rules

- 2.07 **CPR 5** does not currently list '*Public Question Time*' under the 'PROCEDURAL' heading.

**On the recommendation of the Corporate Governance and Audit Committee Members are asked to consider formally adding this to CPR 5.**

- 2.08 **CPR 9a** currently states '*if a validated petition contains more than 3000 signatures, the Petition Organiser will be permitted five minutes to present their petition to Council and the subject matter will then be debated by Council for a maximum of 15 minutes.*'

It is suggested that the CPR is amended to add the words '*(or their representative)*' after '*Petition Organiser*'. **On the recommendation of the Corporate Governance and Audit Committee Members are asked to approve the amendment.**

The amended CPR would therefore be;

*'if a validated petition contains more than 3000 signatures, the Petition Organiser (or their representative) will be permitted five minutes to present their petition to Council and the subject matter will then be debated by Council for a maximum of 15 minutes.'*

- 2.09 Following on from the debate at the Council meeting on 20 March 2019 at which it was agreed that Council Procedure Rules be reviewed with a view to improving Council meetings the following principles have been developed to be used to inform the changes to be made to the format of meetings:

- i. Enhancing the representational role of Councillors at Council Meetings
- ii. More time for consideration of motions and strategic discussions on matters of public interest
- iii. Create more opportunities for Council to influence policy formulation
- iv. Improvement to the quality of discussion on written questions

- 2.10 It is proposed that work be undertaken to develop a proposal that will allow for designated time in Council Meetings for the consideration of motions and strategic issues of public interest. It is intended that this work will be done in conjunction with Councillors and the Council's Democracy Commission and it is the intention that this will be reported for consideration at the meeting of Council to take place on 17 July 2019.
- 2.11 It was recommended that, in the short term, changes be made to Council Procedure Rules at Annual Council to ensure that written answers are provided in instances where written questions are not dealt with at meetings due to time constraints (CPR 12). It was also recommended that, in relation to CPR 18(17) (a) regarding the closure of a debate, that this be amended to require the Mayor to take account of the number of outstanding speakers who have indicated a wish to speak in a debate when considering if the matter under consideration has been sufficiently discussed, but this recommended change was **not** approved by the Corporate, Governance and Audit Committee. The view taken was that this rule should be considered as part of the wider review that will involve the Democracy Commission referred to above and that therefore any changes be deferred for consideration there.
- 2.12 The proposed changes to CPR12 that were recommended have been incorporated into the amended version of the Rules at Appendix 2. The proposed amendment to CPR18 that was not recommended by the Corporate Governance and Audit Committee is highlighted to ensure Council is aware of the proposed change that was not recommended by the Corporate Governance and Audit Committee but which it was suggested be considered with the Democracy Commission. For clarity and the purpose of the recommendations in section 6 the highlighted amendment to CPR 18 (17) (a) is included for information only and not approval at this stage.
- 2.13 Members will note that a number of typos and formatting errors have also been corrected in the Council Procedure Rules.

**Members are asked to give consideration to the proposed amendments to the Council Procedure Rules at CPR12 which is for approval and CPR18 for information and noting at this stage. A copy of the Council Procedure Rules showing the proposed amendments is attached at Appendix 2.**

Access to Information Procedure Rules

- 2.14 There have been amendments to the *Access to Information Procedure Rules*, made in accordance with a previous delegation, and a copy of it is attached at Appendix 3 for information.
- 2.15 The amendments incorporate the requirements of the *Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012* and the *Openness of Local Government Bodies Regulations 2014*.

2.16 They also clarify the exclusion of the public at meetings and rules on exempt information.

2.17 Budget and Policy Framework Rules

There are no proposed amendments to these rules.

2.18 Executive Procedure Rules

There are no proposed amendments to these rules.

2.19 Financial Procedure Rules

There are proposed amendments and these will be the subject of a separate report to Council.

2.20 Contract Procedure Rules

There are proposed amendments and these will be the subject of a separate report to Council.

2.21 Overview and Scrutiny Procedure Rules

There are no proposed amendments to these rules.

2.22 Officer Employment Procedure Rules

There are no proposed amendments to these rules.

**PART 5 – CODES and PROTOCOLS**

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

2.24 Members Code of Conduct

There are proposed amendments and these will be the subject of a separate report to Council.

2.25 Monitoring Officer Protocol

There are no proposed amendments to this protocol.

2.26 Protocol for Planning Committees and Sub-Committees

There are no proposed amendments to this protocol.

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

This will be reviewed during 2019/20 and initially referred back to the Standards Committee for any proposed changes for consideration. Any recommended changes will then be presented in a further report to the Corporate Governance and Audit Committee and then to Council as appropriate.

2.28 Protocol on the role of Representatives and Key Outside Bodies in representing the interests of the Council

This will be reviewed during 2019/20. Any recommended changes will then be presented in a further report to the Corporate Governance and Audit Committee and then to Council as appropriate.

2.29 Officers Code of Conduct

This requires more comprehensive updating and will be subject to further report during 2019/20.

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

This has been and updated using the Monitoring Officer delegation to reflect minor changes, as detailed in Appendix 1. There are no proposed further amendments.

2.31 Licensing and Safety Committee Protocol

There are no proposed amendments to this protocol.

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

This protocol is to be the subject of some work that will involve the Democracy Commission. Any proposed changes will be referred to the Corporate Governance and Audit Committee and then to Council as appropriate.

2.33 Safeguarding Protocol

There are no proposed amendments to this protocol.

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

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.

#### **3.1 Working with People** N/A

### **3.2 Working with Partners**

N/A

### **3.3 Place Based Working**

N/A

### **3.4 Improving Outcomes for Children**

N/A

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

N/A

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

The Chief Executive and various officers in Legal, Governance and Commissioning have been consulted.

Proposed changes to the Code of Conduct were discussed and agreed by the Standards Committee before being passed to the Corporate Governance and Audit Committee for discussion and recommendation.

The Corporate, Governance and Audit committee also discussed proposed changes to the Council Procedure Rules, including the Financial Procedure Rules and the Contract Procedure Rules and made recommendations.

The Corporate, Governance and Audit Committee were in agreement to most of the changes proposed to the constitution at their meeting on 26<sup>th</sup> April 2019. The only proposed change that was not agreed to be recommended to Council was that at CPR18, referred to in para 2.11 above.

## **5. Next steps**

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

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

That Council:-

- a. Note the changes made to the Constitution in 2018/2019 listed in Appendix 1.
- b. Approve the proposed changes to the Councils constitution as set out in the paragraphs 2.04, 2.07, 2.08, 2.09, 2.11, 2.12 and 2.13, and the accompanying relevant Appendices and having regard to the comments from Corporate, Governance and Audit Committee.
- c. Note the further work being undertaken to keep the Council's Constitution under review.
- d. 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.

**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**

Report to Corporate, Governance and Audit Committee dated 26<sup>th</sup> April 2019

**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 1 - Amendments 2018/19 (Information only)**

**Appendix 2 – Council Procedure Rules – track change copy**

**Appendix 3 – Access to Information Procedure Rules (information only)**



### Constitutional amendments 2018-2019

Changes made to the Constitution authorised by Council or by the Monitoring Officer under the delegation provided to her are set out in the table below.

Amendment	Authorisation	Date amended
<b>PART 2 Articles of the Constitution</b>		
Article 9. Minor amendment re Standards Committee	Monitoring Officer Delegation	17 <sup>th</sup> May 2018
Article 13 amended.	Approved at Annual Council	3 <sup>rd</sup> July 2018
<b>PART 3 Responsibility for Functions</b>		
Part 3.4 Section C amended	Approved at Annual Council	3 <sup>rd</sup> July 2018
Part 3.4 Section C addition	Monitoring Officer Delegation	12 <sup>th</sup> December 2018
Part 3.7 Scheme of Delegation renumbering	Monitoring officer Delegation	17 <sup>th</sup> May 2018
<b>PART 4 Rules of Procedure</b>		
Part 4.1 Council Procedure Rules amended	Approved at Annual Council	3 <sup>rd</sup> July 2018
Part 4.6 Financial Procedure Rules amended	Approved at Annual Council	31 <sup>st</sup> May 2018
Part 4.7 Contract Procedure Rules minor amendments	Monitoring Officer Delegation	1 <sup>st</sup> May 2018
Part 4.8 Officer Employment Procedure Rules amended	Monitoring Officer Delegation	16 <sup>th</sup> May 2018
<b>PART 5 Codes and Protocols</b>		
Part 5.7 Protocol for Public Speaking at Planning Committees and sub-committees amended to remove wording	Monitoring Officer Delegation	18 <sup>th</sup> September 2018

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**COUNCIL PROCEDURE RULES**  
(Approved by Council on )

## **(A) Meetings of the Council**

### **1. Annual Meeting of the Council**

#### **(1) Timing and Business**

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

At the Annual Meeting the agenda will be as follows:

#### **CIVIC AND PROCEDURAL**

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

#### **ELECTION OF THE EXECUTIVE**

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

#### **CONSTITUTIONAL BUSINESS**

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

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

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

At the Annual Meeting, the Council will:

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

**2. Ordinary and Additional Meetings of Council, Notice of and Summons to Meetings**

*Dates of Council Meetings*

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

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

*Extraordinary Meetings*

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

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

#### *Venue and Start Time*

- (3) All ordinary meetings of the Council will be held at 5.30 p.m. in the Town Hall, Huddersfield, or at such other times and places as may be agreed in respect of particular meetings by the Mayor and the Leader of the Council or on the recommendation of the Corporate Governance and Audit Committee.

#### *Council Summons*

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

#### *Chair of Meeting*

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

### **3. Budget Meeting**

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

### **4. Quorum of Council**

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

## 5. Order of Business

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

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

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

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

### **PROCEDURAL**

- a) To choose a person to preside if the Mayor and Deputy Mayor are absent.
- b) Announcements by the Mayor or the Chief Executive.
- c) To receive apologies.
- d) To approve as a correct record and sign the Minutes of the previous meeting of the Council.
- e) To receive declarations of interest.
- f) To receive petitions submitted by Members of the Council.
- g) To receive any petitions/hear depositions from Members of the Public.
- h) To receive any public questions.
- i) To receive and consider any petitions referred in accordance with the Council's Petitions Scheme.
- j) To receive Minutes of meetings of the West Yorkshire Combined Authority.

### **DECISION MAKING**

- k) To deal with any matters expressly referred by Cabinet or a Committee to Council for approval.

## WRITTEN QUESTIONS

l) To deal with written questions by Members to the following under Rule 12:

- The Leader, Deputy Leader and Cabinet Members
- Chairs of Committees, Sub Committees and Panels
- Spokespersons of Joint Authorities and External Bodies (as defined at Rule 13)

(2) In addition to those items at (1) of this Rule, the following items shall be included in meetings designated as **Holding the Executive to Account** meetings (provided that there is sufficient such business at any one meeting), and such business shall follow on from that set out in (1) of this Rule as follows:

## CABINET AND COMMITTEES

- m) To receive reports from Cabinet members in accordance with Rule 13.
- n) To deal with questions to Cabinet members generally, or in relation to minutes of Cabinet put to Council for information or to hear statements from Cabinet members in accordance with Rule 13.

## MEMBER MOTIONS

- o) To receive responses to Motions agreed at previous meetings of Council
- p) To consider motions issued under Rule 14, if any, in the order which they have been received by the Service Director – Legal, Governance and Commissioning.

## GENERAL

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

## KEY ISSUES

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

## OVERVIEW & SCRUTINY



- t) To receive reports from Overview & Scrutiny Management Committee and its panels and to hold a debate in accordance with Rule (18 (22)) (Move before key discussion).

### **MEMBER MOTIONS**

- u) To receive responses to Motions agreed at previous meetings of Council.
- v) To consider motions issued under Rule 14, if any, in the order which they have been received by the Service Director – Legal, Governance and Commissioning.

### **GENERAL**

- w) Other matters for consideration by Council including reports back on resolutions from previous Council meetings.
  - x) To deal with any business expressly required by statute to be dealt with by the Council.
- (4) The order of items (k) to (m) or (o) (as appropriate) or (k) to (s) or (t) (as appropriate in the case of Key Discussion Meetings) may be changed or any of the items omitted at any one meeting:
- a) by the meeting by means of a motion passed without discussion;
  - b) by the Chief Executive in consultation with the Mayor.
- (5) Any discussion falling within (s) above shall begin no later than 7:00 pm irrespective of whether the business before it on the agenda has concluded, such other business shall resume once the key discussion issue is complete.

## **6. Limitation of Business**

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

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

## **7. Minutes**

### *Correct Record*

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

### *Accuracy*

- (2) No discussion shall take place on those Minutes except on their accuracy,

and any questions on their accuracy shall be raised by motion. After any questions on the Minutes have been dealt with the Mayor shall sign the Minutes.

*Submission to Council*

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

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

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

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

*Presentation of Petitions*

- (1) Petitions on issues on which the Council has powers or duties or which affect the area of Kirklees may be presented by a Member or any member of the public to any meeting of the Council (except the meetings of Annual, Budget or Extra-ordinary Council) or an appropriate Committee, Sub-Committee or Panel meeting.
- (2) When a petition is received at a Council meeting no discussion shall take place on the item.

*Referral of Subject Matter*

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

**9a. Council's Petition Scheme – Council Debates**

In accordance with the Council's Petition Scheme (as approved by Cabinet on 6 June 2012), if a validated petition contains more than 3000 signatures, the Petition Organiser (or their representative) will be permitted five minutes to present their petition to Council and the subject matter will then be debated by Council for a maximum of 15 minutes.

**10. Deputations**

*Receiving of Deputations*

- (1) Deputations on issues on which the Council has powers or duties or which affect the area of Kirklees may be received at any meeting of the Council (except the meetings of Annual, Budget or Extra-Ordinary Council) or at any meeting of an appropriate Committee, or Sub-Committee. The Mayor/Chair in consultation with the Chief Executive shall have discretion to decide whether or not to hear the deputation.
- (2) All deputations should be submitted at least 24 hours prior to the meeting.

*Deputations which will not be received*

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

*Size of Deputation and Speech*

- (5) The deputation shall not exceed five persons and the speech shall not exceed five minutes.
- (6) When a deputation is received at a Council meeting, no discussion shall take place on the item but the relevant Cabinet Member shall respond to the deputation. The Cabinet Member's response shall not exceed five minutes.
- (7) The Mayor shall have the discretion to allow any other Member of the Council to respond to a deputation in exceptional circumstances. For example, in order to respond to personal attacks made during the course of a deputation. Such response shall not exceed five minutes.

*Referral of Subject Matter*

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

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

*Who Can Ask A Question?*

(1) (a) Any Member of the public resident in Kirklees may, subject to the provisions of this Rule, ask the Leader, or any Members of Cabinet, a question on any issue which comes within that individual's area of responsibility and which affects the area of Kirklees.

(b) The Cabinet Member may, subject to the provisions of this Rule, ask that a question be referred to the Mayor or any Chairs of a Committee or any joint authority spokesperson and the Mayor, Chair or joint authority spokesperson shall respond within a reasonable period of time to such question.

At any Committee, Sub-Committee or Panel meeting, any such Member of the public may similarly ask the Chair of that body a question on any issue over which that body has any powers or duties.

*When Questions Cannot Be Asked*

(2) Questions may not be asked at;

(a) the Annual Council Meeting

(b) the Budget Council Meeting;

or during the period from:

(c) the announcement of a General Election to polling day (inclusive) or

(d) the publication of the notice of ordinary elections for the Council to polling day (inclusive).

*Questions Which Will Not Be Answered*

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

(a) Matters which in the opinion of the Chief Executive are likely to involve the disclosure of confidential or exempt information.

(b) Questions relating to complaints made under statutory provisions which have not been finally dealt with.

(c) Questions about the merit of applications or other matters currently before the Council, Cabinet or a Committee, Sub-Committee, Panel or Officers for determination in respect of which the Council is under a duty to act quasi judicially.

(d) Questions of a personal nature or which are defamatory, offensive, frivolous, repetitive or vexatious.

*Questions To Be Within Terms of Reference*

(4) The Chair or Leader may decline to answer a proposed question if in his or her opinion it is not within the terms of reference of the Cabinet,

Committee, Sub-Committee or Panel concerned or is not relevant to the functions of the Cabinet, Committee, Sub-Committee or Panel concerned.

#### *Time Allowed for Questions*

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

#### *Answers to Questions*

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

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

An answer may take the form of:

- (a) a direct oral answer; or
- (b) a reference to a publication, where the desired information is contained in a publication of the Council, the Cabinet or a Committee, Sub-Committee or Panel; or
- (c) a written answer where the reply to the question cannot conveniently be given orally.

#### *Recording in Minutes*

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

#### *Questions Ruled Out of Order*

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

#### *Referral of Subject Matter*

- (9) In the case of public questions presented to Council meetings, there shall be no discussion on the question or the answer but a Member may propose that the subject matter of the question be placed on the Agenda for the next

ordinary meeting of Cabinet or an appropriate Committee, Sub-Committee or Panel. Such a motion shall be moved and seconded and put without discussion.

## **12. Written Questions by Members**

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

The following provisions shall apply to written questions by Members which must be received by the Service Director - Legal, Governance and Commissioning by 10.00 a.m. on the working day before the Council meeting.

- (1) Any member of Council may put a written question to the Leader of the Council, a member of the Cabinet, a Chair of a Committee, Sub-Committee or Panel or a spokesperson of a Joint Committee or External Body, as defined at Rule 13 (4). Subject to the Mayor's/Chair's discretion, a 3 minute time limit applies for individual questions to be put.
- (2) The Mayor/Chair in consultation with the Chief Executive may determine that a question shall not be put where the question appears defamatory, vexatious or requires the disclosure of confidential or exempt information.
- (3) Following consideration of any questions arising from Rule 12 (1) above, questions will be timetabled in the order which they are received by the Governance Team.
- (4) If a Member who has submitted a question in accordance with Rule 12 is not present at the meeting at the time when the question(s) submitted is/are due to be put to a Member the question(s) will fall.
- (5) The Member to whom the question has been put shall give an oral answer at the Council meeting or may nominate at any time before or during a meeting another Member to answer if that Member agrees.
- (6) An answer may take the form of:
  - (a) a direct oral answer; or
  - (b) a reference to a publication of the Council which contains the desired information; or
  - (c) a written answer circulated to all Members within 7 days of the Council meeting.
- (7) The period allowed for written questions at any one meeting shall not exceed 30 minutes. A 5 minute time limit shall apply for individual responses to questions. The same time limit shall also apply to individual responses to supplementary questions, subject in both cases to the Mayor's discretion to increase the time allowed for responses in appropriate circumstances.
- (8) Where written questions are not addressed within the above timescale, then the question will be answered by written reply, and the response shall be copied to all Members of the Council, unless the Member asking the question specifically requests (within 48 hours of the meeting concluding)

that the question is referred to the next relevant Cabinet / Committee / Sub-Committee / Panel meeting for reply. Any such questions will only be responded to if the Member who put forward the original question to the Council meeting is in attendance at the Cabinet / Committee / Sub-Committee / Panel meeting to ask the question.

Written questions to spokespersons of Joint Authorities or any Other Bodies not dealt with within the above timescale will be answered by means of a written reply within 7 days of the meeting and be circulated to all Members of the Council.

- (9) When an answer to a written question has been given, the Member who asked it may ask one supplementary question relating to the same topic. Such a supplementary question must follow straight on from the Member's answer to the original question. In circumstances where the responding Councillor has elected, pursuant to Rule 12(6)(c), to provide a written answer to a question, no supplementary question will be permitted.
- (10) A written question, as well as any supplementary question, must be relevant to the Terms of Reference or powers or duties of Cabinet or of the relevant Committee / Sub-Committee / Panel / Joint Committee or External Body or affect the area of Kirklees and should not be of a personal nature or one which is defamatory, offensive, frivolous, repetitive or vexatious.
- (11) The Service Director - Legal, Governance and Commissioning shall record in the Minutes of the meeting the question(s) and the name of the respondent. This will not include any supplementary question and the answer thereto. Supplementary questions and answers will be recorded as part of the webcast and held on the public webcast facility for a period of 12 months.

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

- (1) *Minutes for Information / Reports which require approval*
  - (i) Any matter expressly referred to Council by Cabinet or a Committee for determination shall be dealt with first.
  - (ii) Minutes of meetings of Cabinet, Committees, and WYCA meetings shall be presented to Council meetings for information and as a basis for questioning and comment. There shall be no need for any motion or vote to receive them. If the minutes are not considered due to lack of time they shall be deemed to have been presented to Council and will not, therefore, require resubmission.
- (2) *Questions / Comments on Cabinet Minutes*
  - (i) The Minutes of Cabinet shall be submitted to Ordinary meetings of the Council followed by those of the Cabinet Committee – Local Issues.
  - (ii) Prior to the start of questions to Cabinet Members, Portfolio Holders

may make a report, not exceeding 10 minutes in length per Cabinet Member, setting out his / her Portfolio Plan for the municipal year, or on progress against that Plan. Comments and statements by Cabinet Members shall not exceed 30 minutes in duration including any questions arising from the information provided. All Cabinet Members will be required to make Council aware of their Portfolio Plan at the start of the municipal year either verbally or in writing circulated to all Members and to report on progress against that Plan at least once in the municipal year.

- (iii) Questions may be asked by any Member of any Cabinet Members whether on a specific matter contained within the minutes or any matter generally which is in the portfolio of the Cabinet Member. There is no restriction on the number of questions Members may ask within the allotted time but each individual Member is only permitted to ask one question together with one supplementary question at any one time.
- (iv) Any member may, in addition to or instead of exercising their rights under Rule 13(2)(iii), comment once for a maximum of five minutes on any item within the Cabinet minutes presented to the meeting.
- (v) The portfolios will appear in alphabetical order on the Agenda and questions will be addressed to the Cabinet Member whose portfolio is at the top of the list. Once questions to that Cabinet Member have been completed, his or her portfolio will fall to the bottom of the list and questions will be addressed to the second, third etc., until the allotted time is completed whereupon the portfolio of the Cabinet Member being questioned will fall to the bottom of the list. At the next meeting the list will begin where it ended at the previous meeting, subject to the portfolio which is the subject of a progress report to the meeting being at the top of the list. During this item Members will have the opportunity to question Cabinet Members (and other Members appearing on the schedule) on meetings/discussions with external organisations. Any such question will be answered immediately in the manner provided for in Rule 13(4).
- (vi) Subject to 5(i) of this Rule, Cabinet members will have a right of reply before questions are put to the Cabinet member next in alphabetical order.
- (vii) In circumstances where the Leader has no specific portfolio allocated to him/her the Agenda will provide that he/she heads the list of Cabinet Members for the purposes of Rule 13(2)(v). Once questions to the Leader have been completed he/she will fall to the bottom of the list and questions to Cabinet Members with specific portfolios will proceed in accordance with the provisions of Rule 13(2)(v).

(3) *Questions / Comments on Committee Minutes*

- (i) The Minutes of other Committees submitted to Ordinary meetings of the Council shall be set out in alphabetical order.



- (ii) Any Member may comment on any item within the Committee minutes presented to the meeting
  - (iii) Any Member may ask the chair of the relevant Committee a question upon any item within that Committee's Terms of Reference.
  - (iv) The Chair of Cabinet, a Cabinet Committee or Cabinet Member or the Chair of a Committee may make a statement at the time that the report/Minutes is/are considered on any matter within the Terms of Reference or which is relevant to the function of Cabinet or that Committee, or which is a matter of importance.
- (4) *Questions to Chairs of Committees/Sub-Committees/Panels, Lead Members of Standing Scrutiny Panels and Spokespersons of Joint Committees and External Bodies*

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

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

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

- (iii) The list to persons (by virtue of position) to whom questions can be asked will be set out in the agenda in alphabetical order and questions will be addressed in the order listed. At the next meeting, the list will begin where it ended at the previous meeting.

(5) *Time Permitted*

- (i) Subject to the time limit for speaking set out in CPR 13 (2) the maximum time permitted for consideration of matters in CPR (1) – (3) including comments and questions on Minutes to Cabinet Members shall be a maximum of 60 minutes, and the time permitted for comments and questions to Chairs of Committees/Sub Committees/Panels and representatives on outside bodies shall be a

maximum of 30 minutes, provided that there is provision under Rule 5 for consideration of issues under CPR 13.

#### **14. Notices of Motion**

##### *Submission of Motions*

- (1) Every notice of motion (with the exception of those proposed in accordance with Rules 15, 18(16) and (19)) shall be submitted in writing and delivered to the Service Director - Legal, Governance and Commissioning by 9.00 a.m. on the sixth working day before the date of the Council meeting. Each motion must be signed by not less than two Members of the Council. Motions (including re-submitted Motions pursuant to CPR 16(5)) will only be accepted for the next scheduled Council meeting (except Annual and Budget Councils) from 10.00am onwards following the day of the previous Council meeting. Any motions re-submitted will be listed on the agenda in the same order as they were listed for the previous meeting. Any further (new) motions will be listed after re-submitted Motions. The Chief Executive, in consultation with the Mayor, shall have authority to re-order the Motions as appropriate. The Chief Executive will inform Group Leaders when such action is being taken.

##### *Recording of Motions*

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

##### *Motions Which Have Revenue Effects*

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

##### *Relevance*

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

##### *Motions Not Accepted*

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

##### *Withdrawal*

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

### *Inclusion on Council Agenda*

- (7) The Service Director - Legal, Governance and Commissioning shall set out in the agenda for each Council meeting the motions received and accepted in the order they were received.

### *Moving of Motions*

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

### *Receipt of Amendments*

- (9) Any proposed amendment to a motion which has been included in the summons for a meeting, shall be delivered to the Service Director - Legal, Governance and Commissioning in accordance with the following timescales:-
- (a) by 10.00am on the day of Council if the meeting is to start at 5.30 p.m.  
or
  - (b) by 2.00 p.m. on the day before a Council meeting which is to start in a morning.

### *Motions on Identical Subjects*

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

### *Alterations to Motions and Amendments*

- (11) Alterations to the wording of any motion or amendment (made in accordance with Council Procedure Rule 18(11)) may be made with the agreement of the Members moving and seconding the motion or amendment and with the meeting's consent' provided that when such alterations are agreed copies shall be made available. Only alterations which could be made as an amendment may be made.

### *Need for Debate*

- (12) With the exception of those moved under (5) of this Rule, no motion made under this Rule may be voted on unless there has been a debate.

## **15. Motions and Amendments Which May Be Moved Without Notice**

The following motions and amendments may be moved without notice:

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

- (21) Motions under Rule 16 to continue a Council meeting after 9.00 p.m.
- (22) That the Council do now adjourn for discussion in smaller groups or in some other form.

## **16. Termination and Adjournment of Meeting**

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

- (7) Following any processes outlined above, the Mayor shall finally close the meeting.

## **17. Opposition Priority Business**

- (1) This Rule applies where there is a majority group of members of the Council.
- (2) A minority group may require that any one item of business placed on the Agenda for any Council meeting be treated as opposition priority business. Such a requirement will only be considered if the Leader of that Group has submitted it in writing to the Chief Executive at least seven days before the Council meeting.
- (3) Where the Chief Executive receives more than one such request for a meeting, he/she shall decide which shall be selected so as to ensure that as far as is possible each minority group's share of opposition priority business reflects the relative size of those groups in the period from the last Annual Meeting of the Council.
- (4) Service Director - Legal, Governance and Commissioning shall indicate on the Agenda which item of business (if any) is to be treated as opposition priority business.
- (5) If consideration of an item of opposition priority business has not begun two hours after the start of the meeting it will be brought forward and considered immediately after the conclusion of the item of business then under discussion.

## **18. Rules of Debate**

### *Motions and Amendments*

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

### *Seconders Speech*

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

### *List of Names of Those Wishing to Speak*

- (4) During the debate Members should indicate their wish to speak by use of their individual voting console. The Mayor shall have absolute discretion to

alter the order of those wishing to speak and may close the list at any time. This provision does not apply to:

- the Mayor
- the mover of the original motion
- the seconder of the original motion who has reserved the right to speak
- Members rising on a point of order or to provide a personal explanation
- persons moving motions and amendments under Rule 15

#### *Addressing the Mayor*

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

#### *Content and Length of Speeches*

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

#### *Additional Time For Speeches*

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

#### *When a Member May Speak Again - Adoption of Reports*

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

#### *When a Member May Speak Again - Other Motions*

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

to speak on the motion.

#### *Exceptions to Speaking Only Once*

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

#### *Amendments to Motions*

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

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

#### *Discussion of Amendments*

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

#### *Motion as Amended*

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

#### *Withdrawal of Motion/Amendment*

- (14) A motion or an amendment may be withdrawn by the proposer with the



consent of the seconder and of the Council (which shall be decided upon without debate). No Member may speak on it after the proposer has been granted permission for its withdrawal.

#### *Right of Reply*

- (15) The proposer of a motion shall have the right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the proposer of the original motion shall have also the right to reply at the close of such debate on the amendment, and shall not otherwise speak on the amendment. Such a reply shall be confined to matters raised in the debate on the motion or amendment, as the case may be. The proposer of an amendment shall have no right to reply to the debate on the amendment. However where an amendment is carried the proposer of that amendment (now the substantive motion) shall have a right of reply at the close of the debate and on any subsequent amendment.

#### *Motions which may be moved during debate*

- (16) When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend or withdraw the motion;
  - (b) to adjourn the meeting;
  - (c) to adjourn the debate;
  - (d) to proceed to the next business
  - (e) that the question be now put;
  - (f) that a Member be not further heard on the item of business before the Council;
  - (g) by the Mayor under Rule 21(2);
  - (h) to exclude the public;
  - (i) to withdraw or amend proceedings in accordance with paragraph (14) of this Rule.

#### *Closure Motion*

- (17) A Member may move without comment at the conclusion of a speech of another Member "That the question be now put", "That the debate be now adjourned" or "That the Council do now adjourn". If such a motion is seconded, the Mayor shall proceed as follows:-
- (a) On a motion "that the question be now put", the Mayor shall put this motion to the vote, unless he or she is of the opinion that the matter before the meeting has not been discussed sufficiently. In coming to that opinion, the Mayor shall give consideration to the number of outstanding speakers who have indicated that they wish to contribute to the debate. If the motion 'that the question be now put' is voted on and carried, the Mayor will allow the proposer of the original motion the right to reply under paragraph (15) above before putting the motion under discussion to the vote.
  - (b) On a motion "to adjourn the debate or meeting". The Mayor shall put the motion for an adjournment to the vote without giving the mover of

the original motion the right to reply, if he or she is of the opinion that the matter before the meeting has not been sufficiently discussed and cannot reasonably be discussed at that meeting.

*Point of Order and Personal Explanation*

- (18) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of one of these Rules or the law and the Member shall specify the Rule or the law and the way in which it has been broken. A personal explanation shall be confined to some material part of a speech by the Member in the Council meeting which may appear to have been misunderstood in the present debate. A personal explanation may not be made in any other circumstances and in particular reference in a speech to another Member does not give that Member any right of personal explanation except in circumstances specified above.
- (19) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation will be final.

*Relaxation by the Mayor of Rules of Debate*

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

*Mayor's Authority*

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

*Mayor's Casting Vote*

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

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

*Motion referred from Cabinet*

- (1) At least 14 days before the date fixed for calculating the amounts required under Sections 32 to 36 of the Local Government Finance Act, 1992, and

setting the amounts of Council Tax, the Chief Executive shall distribute to all Members of the Council the motion which has been proposed by the Cabinet for the Council, together with the draft Revenue Budget.

*Motion distributed by the Leader*

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

*Amendments*

- (3) An amendment to a motion proposed under paragraph (1) above, cannot be moved unless it has been 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, that the proposed amendment is financially sound and sustainable.

*Notification of Amendments*

- (4) The Chief Executive shall inform all Members of the Council of any amendments 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.

*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.
  - (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.

#### *Limitations*

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

#### *Recording of Votes relating to Council Tax etc.*

- (7) Immediately after any vote is taken at a Budget Decision Meeting of the Council on any decision or amendment relating to the approval of the General Fund, or the statutory calculation for the setting of the Council Tax, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting,
- (8) For the purposes of Rule 19 (7)
- a) "Budget Decision" means a meeting of the Council at which it:
- (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(b); or
  - (ii) issues a precept under Chapter 4 of the Part 1 of that Act;
- and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting.

## **20. Motion affecting persons employed by the Council**

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

## **21. Members Conduct**

### *Member not be heard*

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

### *Member to leave the meeting*

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

*General Disturbance*

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

*Mayor's Power to Adjourn*

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

**22. Disturbance by the Public**

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

**23. Previous Decisions and Motions**

*Motion to rescind a previous decision*

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

*Motion similar to the one previously rejected - exceptions*

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

**24. Voting**

*Show of Hands / Voting Equipment*

- (1) Voting at Council meetings shall be as directed by the Mayor, either by a show of hands or by use of the electronic voting equipment unless a Ballot is agreed under paragraph (4).

*Casting Vote*

- (2) The Mayor, or in his/her absence the Deputy Mayor or the Chair at the time

the vote is taken shall have a second or casting vote.

#### *Recorded Vote*

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

#### *Ballots*

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

#### *Right to require individual votes to be recorded*

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

#### *Voting on Appointments (including Mayor and Leader)*

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

## **25. Failure to Attend Meetings**

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

## **26. Interests of Members which are not Disclosable Pecuniary Interests**

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

## **27. Interpretation of these Rules**

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

## **(B) Members and Officers Etc.**

### **28. Leaders and Business Managers**

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

### **29. Inspection of Documents**

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

Council  
a Committee  
a Sub-Committee  
a Panel

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

- (2) Members should not inspect or request a copy of any document relating to a matter in which they have an interest, either a disclosable pecuniary interest or an other interest, as defined in the Council's Code of Conduct. The Service Director – Legal, Governance and Commissioning may decline an application from a Member to inspect a document which would be protected by privilege

arising from the relationship of solicitor and client in the event of legal proceedings.

- (3) Copies of all reports and minutes associated with the following meetings shall be kept by the Service Director – Legal, Governance and Commissioning in accordance with the requirements of the Local Government (Access to Information) Act 1985 and the Local Government Act 2000.

Council  
a Committee  
a Sub-Committee  
a Panel

These shall be open to inspection by any Member of the Council during office hours subject to the provisions of those Acts being met in relation to items determined as exempt information.

- (4) The Chief Executive or any Officer of the Council may decline a Member's request to inspect a document, if it contains confidential information. The only exceptions to this rule will be if the Member has a legal right to inspect a document or has obtained the consent of the Cabinet (for matters within its remit) or the Corporate Governance & Audit Committee (for all other matters).
- (5) All requests to inspect documents will be dealt with in accordance with the Council's Access to Information Procedure Rules. Rights in respect of documents under the control of the Cabinet are set out in Rules 26 and 27 of the rules.

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

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

### **31. Representation of the Council on Other Bodies**

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

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

### **32. Interest of Officers in Contracts**



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

### **33. Third Party Recording<sup>1</sup> of Committees, Boards and Panels**

- (1) The Council wants to be open and transparent in the way in which it conducts its decision-making.
- (2) Recording is allowed at all meetings of the authority<sup>2</sup> to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings.
- (3) Filming or other recording of all meetings of the authority, whilst those meetings are to the public, is permitted<sup>3 4</sup>.
- (4) Those wishing to record proceedings should, as a courtesy, inform the chair (or clerk) of the meeting of their intentions to record prior to the commencement of the meeting.
- (5) Recordings may only be taken overtly from the area designated for the public and;
  - a. Recording devices must be in silent mode;
  - b. No flash or additional lighting is permitted;
  - c. Recordings must be taken from one fixed position and must not obstruct others from observing proceedings.
- (6) The Chair of a meeting has the authority to instruct that recordings be stopped where<sup>5</sup>:
  - a. The press and public have been excluded from the meeting due to the nature of (exempt or confidential) business being discussed;
  - b. There is public disturbance or a suspension/ adjournment of a meeting;
  - c. The recording has become disruptive or distracting to the good order and conduct of the meeting;
  - d. Continued recording is against the wishes of an individual<sup>6</sup>.

### **34. Confidentiality of Meetings and Recording of Proceedings**

- (1) The Council's meetings will be held in public unless the Access to Information Procedure Rules permit the public to be excluded. Those Rules also deal with public access to documents.

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<sup>1</sup> This includes both video and audio recording.

<sup>2</sup> Including full Council, committees (boards and panels) established by full Council.

<sup>3</sup> In accordance with any regulations relating to such matters.

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

<sup>5</sup> In all cases recording equipment must be switched off.

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

- (2) Any person attending a meeting may take written notes of the proceedings.
- (3) A Member or employee of the Council shall not disclose to any person any document or any matter contained in any document which is marked "Confidential" or "not for publication" except with the permission of the Council, Cabinet, Committee, Sub-Committee, or Panel which considered the item, or if the person concerned has a legal right to inspect the document.

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

### **35. Appointment of Committees, Sub-Committees and Panels**

- (1) The Council at its Annual Meeting will establish those Committees which are required by law and such other Committees as are deemed necessary to carry out the work of the Council during the municipal year. The Council may at any other time establish new Committees, which are considered necessary to carry out the work of the Council.
- (2) The Council subject to any statutory provision:-
  - (i) shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting of the Council;
  - (ii) may at any time dissolve a Committee, or alter its membership.
  - (iii) shall not appoint the Leader, the Deputy Leader of the Council or any Members of the Cabinet as members of the Overview and Scrutiny Committee or its Panels;
  - (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. The Monitoring Officer may require other members to undertake an enhanced DBS check at her discretion where such checks are justified.

#### Appointment of Sub-Committees, Panels etc.

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

the municipal year.

Membership of Committees, Sub-Committees, Panels etc.

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

Proportional Representation of Political Groups not to apply

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

Substitute Members

- (7) At the Annual Meeting of the Council a panel of substitute Members will be established, to be available to replace Members of Committees, and Sub-Committees, (except the Health and Well-being Board, the Overview and Scrutiny Management Committee, the Overview and Scrutiny Panels, District Committees, Employee Relations Sub Committee, the Standards Committee and the Standards Sub-Committee) at each meeting during the municipal year as and when required. The names of those Members included on the panel of substitutes will be placed on every notice for a relevant Committee, or Sub-Committee meeting.

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

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

Notice of Substitutes cannot be revoked

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

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

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

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

- (1) Subject to paragraphs (3) and (4) below a Councillor who is not a Member of a Committee, Sub-Committee, or Panel may attend any meeting as an observer. That Councillor shall have the same speaking rights as any Member of that Committee Sub-Committee or Panel. The Councillor cannot:-
  - (a) attend for any item of business in which he or she has a disclosable pecuniary interest as defined in the Council's Code of Conduct for Members and Co-optees ("the Code") unless an appropriate dispensation has been granted by the Council's Monitoring Officer.
  - (b) attend for any item of business on the Committee, Sub-Committee or Panel agenda which personally relates to them as a Councillor or otherwise.
  - (c) remain in a meeting of the Committee, Sub-Committee, or Panel after receiving advice from the Service Director – Legal, Governance and Commissioning that he or she should be excluded from the meeting.
  - (d) remain with a Committee, Sub-Committee, or Panel which is exercising a quasi- judicial or administrative function when it is considering its decision.
- (2) Any Member attending a meeting of a Committee, Sub-Committee, or Panel shall under the Agenda Item of "Membership of Committees, Sub-Committees etc." identify themselves as an observer.
- (3) Councillors who attend a Planning Committee or Sub-Committee but who:
  - (a) Are not members of that Planning Committee or Sub-Committee; or
  - (b) Are members of that Planning Committee or Sub-Committee but who have indicated that they will not be voting on an application because, for example, they believe that they may have predetermined it or wish to make representations rather than participate in the determination of the application,shall be entitled to speak once for a maximum of five minutes.

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

Any member of the public attending a 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.

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

- (1) At the Annual Meeting of the Council, the Council will -
  - (i) appoint the Chairs and if considered appropriate the Deputy Chairs of Committees. In default of such appointments by the Council, every Committee, shall be empowered to make the appointment subject to confirmation by the Council;
  - (ii) appoint the Lead Members of the Standing Overview and Scrutiny Panels;
  - (iii) appoint the Members of Outside Bodies, except where membership is appointable by the Cabinet or a Committee, and
  - (iv) agree the dates of meetings of Committees, Sub-Committees, and Panels for the Municipal Year. The alteration of a date may be determined by the respective Chair in consultation with the Service Director - Legal, Governance and Commissioning provided that 7 days' notice of the revised date can be given.
- (2) The Council may at any other time appoint the Chairs (and if considered appropriate the Deputy Chairs of Committees) and the Lead Members of Scrutiny Panels, for the remainder of the Municipal Year.
- (3) At the first meeting of each Committee in the Municipal Year the Chair and if considered appropriate Deputy Chair of its Sub-Committees or Panels shall be appointed for that year.
- (4) Any Committee shall when appointing a Sub-Committee, or Panel under Rule 35(4), also appoint a Chair and if considered necessary a Deputy Chair.
- (5) In the absence of the Chair and Deputy Chair or Lead Member of the Scrutiny Panel ( where appropriate) from a meeting, a Chair shall be chosen for the duration of that particular meeting or until the official Chair, Deputy or Lead Member (as recognised by Council) arrives. The Chair, Deputy Chair or Lead Member (as appropriate) will then assume the Chair when the item under discussion at the time of his or her arrival has been dealt with.
- (6) The Chair and Deputy Chair of every Committee, Sub-Committee/ Panel and the Lead Member of each Scrutiny Panel shall be a Member of the Council.
- (7) A Member of a Committee, Sub-Committee, or Panel may resign membership and the Chair or Deputy Chair of a Committee, Sub-

Committee/Panel/ Sub-Group or the Lead Member of a Scrutiny Panel, may resign office by giving notice in writing to the Chief Executive. Any such resignation shall take effect on the date of receipt of the notice.

- (8) The removal from office of the Chair or Deputy Chair of a Committee may only be agreed by the Council on the recommendation of the Corporate Governance & Audit Committee. The removal from office of the Chair of the Overview and Scrutiny Management Committee or any Lead Member of a Scrutiny Panel may only be agreed by Council on the recommendation of that Committee. Only the Committee which appointed a Sub-Committee or Panel may remove the Chair or Deputy Chair of that Sub-Committee or Panel from office.
- (9) No Member of the Cabinet may be appointed as Chair of Appeals Panel, Corporate Governance and Audit Committee, Licensing and Safety Committee, an Planning Area Sub-Committee, Overview and Scrutiny Management Committee (or as the Chair of Health Scrutiny Panel), or Standards Committee.

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

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

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

- (1) Every scheduled meeting of a Committee, Sub-Committee or Panel shall be

summoned by the Service Director - Legal, Governance and Commissioning through the issue of a notice for the meeting where practical at least 7 days prior to the meeting. The items of business for consideration at the meeting will be set out in the Agenda for the meeting. No additional items of business will be allowed unless the Chair for the meeting determines that they are urgent.

- (2) The Leader of each Political Group (or in his/her absence the Deputy Leader of each Group) shall notify the Chief Executive, in writing, not less than 14 days before the date of the intended meeting to which the item should be submitted of any item(s) which he/she wishes to include on the Agenda of any Committee, Sub-Committee or Panel of the Council. The notification shall include such information as is necessary to enable the Chief Executive to determine whether the subject matter requires consideration by the Committee, Sub-Committee or Panel. The Chief Executive shall determine the appropriate body to which the item shall be referred and notify the Group Leader (Deputy Group Leader) of the date of that meeting which shall be the next available meeting. Any item which, in the opinion of the Chief Executive is out of order, illegal, irregular or improper shall not be accepted and the decision of the Chief Executive shall be final.
- (3) The Chair (or Deputy Chair) of a Committee, Sub-Committee or Panel with the approval of the Leader of the Council, may instruct the Service Director – Legal, Governance and Commissioning to call a meeting of a Committee, Sub-Committee or Panel at any time.
- (4) An additional meeting of a Committee, Sub-Committee or Panel can be summoned if the Service Director - Legal, Governance and Commissioning receives a request in writing from at least half of the Members of the Committee, Sub-Committee or Panel to do so. Service Director - Legal, Governance and Commissioning in consultation with the Chair may also summon a special meeting upon any emergency. The summons for such meetings shall set out the business for the meeting and no other items of business will be considered.

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

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

#### **42. Voting in Committees, Sub-Committees or Panels**

- (1) Voting at a meeting of a Committee, Sub-Committee or Panel shall be by a show of hands or by use of the electronic voting equipment, where appropriate. Alternatively the Committee, Sub-Committee or Panel may require the Service Director - Legal, Governance and Commissioning to take a vote by ballot on any motion or amendment which is put to the meeting.
- (2) The Chair at a Committee, Sub-Committee or Panel meeting shall have a second or casting vote in the case of an equality of votes.

- (3) If there are more than two persons nominated for any appointment to be filled and there is no overall majority in favour of one person the following procedure will apply. The name of the person (or persons, if equal) who has received the least number of votes will be struck off the list of nominations and a fresh vote will be taken. This procedure will continue until a majority vote is given in support of one of the persons nominated.
- (4) At any meeting of a Committee, Sub-Committee or Panel (including joint bodies etc.) a Member may require that his or her decision in voting for or against a question (or his or her abstention from voting) be recorded in the Minutes of the meeting. Such a requirement must be proposed by the Member immediately after the vote is taken.
- (5) At any meeting of a Strategic Planning Committee or a Planning Sub-Committee a recorded vote of decisions on Planning Applications shall take place.

#### **43. Working Parties, etc.**

- (1) Any Committee, Sub-Committee or Panel may establish a Working Party or Sub-Group (which may include Officers) to undertake a detailed study of any matter(s). A Working Party or Sub-Group shall not have delegated powers and shall not constitute a formal Sub-Committee.
- (2) The terms of reference for any Working Party or Sub-Group shall state their objectives and dates etc. for reporting on their findings.
- (3) The Chair (and Deputy Chair) of a Committee, Sub-Committee or Panel responsible for establishing a Working Party or Sub-Group if not appointed in their own right, shall be entitled to attend and speak at all meetings.

#### **44. Reports to Council**

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

#### **45. Reports of Sub-Committees and Panels**

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



## **(D) Miscellaneous**

### **46. Variation and Revocation of Procedure Rules**

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

### **47. Suspension of Procedure Rules**

- (1) At any meeting a motion may be moved to suspend the use of any of the preceding Procedure Rules for any item(s) of business included on the Agenda for that meeting. The Motion should specify the relevant Council Procedure Rule/s to be suspended.
- (2) A motion to suspend Procedure Rules shall not be moved without notice unless at least one half of the Members of the Council, Committee, Sub-Committee or Panel are present.

### **48. Standards of Conduct in Public when representing the Council**

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

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

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

### **50. Relevant Definitions**

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

“Group Leaders” is the term referring to the Leader of each political group which is represented on the Council.

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

“Council Petitions Debate” is the description of part of the Council’s Petition Scheme as referred to in CPR 9a, which provides that if a petition is validated to be containing 3000 signatures (or more) from different persons on a subject matter that is relevant to the powers and duties of Kirklees, a debate on the matter shall be scheduled at a meeting of Council.

**ACCESS TO INFORMATION  
PROCEDURE RULES**

# **Access to Information Procedure Rules**

## **1. Scope of These Rules**

These rules apply to all meetings of the Council, the Overview and Scrutiny Management Committee and Scrutiny Panels, the Standards Committee and regulatory and other Council committees (together called meetings). Rule 14 provides for their application to meetings of the Cabinet, Cabinet committees and of individual Cabinet members with officers for decision-making.

The Council is governed by the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as amended and the Openness of Local Government Bodies Regulations 2014.

## **2. Additional Rights to Information**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

## **3. Rights to Attend Meetings**

Members of the public may attend all such meetings subject only to the exceptions in these rules.

## **4. Notices of Meeting**

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Town Hall, Ramsden Street, Huddersfield. Except in the case of a Council meeting, this requirement may be reduced when a meeting is called on shorter notice in cases of urgency. The notice will specify the business proposed be transacted at the meeting.

## **5. Access to Agenda and Reports before the Meeting**

Unless a meeting is called on shorter notice in cases of urgency, the Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.

Where reports are prepared after the summons has been sent out, the Head of Democracy shall make each such report available to the public as soon as the report is completed and sent to councillors.

Where copies of the agenda and reports open to the public are not made available for inspection in this way, an item of business will not be considered unless by reason of special circumstances, which shall be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

## **6. Supply of Copies**

Copies of those documents and notices which are published on the Council's website in accordance with these rules and also in accordance with the Executive Procedure Rules, will be made available on inspection by the public on request during office hours at the authority's offices at Town Hall, Ramsden Street, Huddersfield.

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs, if the Head of Democracy thinks fit.

The Council will make available for the use of members of the public present at meetings, a reasonable number of copies of the agenda and of those reports which are open to the public.

## **7. Access to Records of Decisions**

### **7.1 Records of Decisions Taken at Meetings**

For six years after a meeting, the Council will make available for inspection, and following a request made on behalf of a newspaper, and on payment being made of postage, copying or any other necessary charge, the Head of Democracy will arrange to supply copies of the following:

- (a) the minutes of the meeting (or records of decisions taken, together with reasons, for all meetings of the executive) excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public

### **7.2 Records of Decisions Taken By Officers<sup>1</sup>**

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<sup>1</sup> In accordance with The Openness of Local Government Bodies Regulations 2014, a written record of the decision and the reasons for it, together with the date of the decision, produced in accordance with any other statutory requirement, will be sufficient to satisfy the requirement to produce a written record set out in this rule,

As soon as reasonably practicable after a significant operational decision taken by an officer in relation to a Council Function, the officer will produce a written record of the decision and arrange for its publication on the Council's website together with the report in relation to the decision made. The record will include;

- A record of the decision including the date it was made,
- A statement of the reasons for it,
- Details of any alternative options considered and rejected by the officer at the time of making the decision, and
- A record of any interest declared by any Executive Member consulted by the officer who made the decision together with a note of any dispensation granted in respect of that interest.

The written record will be retained and made available for inspection by the public for a period of six years beginning with the date of the decision to which it relates.

Following a request and on payment being made of postage, copying or any other necessary charge, the Head of Democracy will arrange to supply a copy of the delegated decision notice and report in relation to an officer decision

## **8. Background Papers**

### **8.1. List of background papers**

The Head of Democracy will ensure that there is set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report.

This requirement does not include published works or those which disclose exempt or confidential information or in the case of Cabinet reports, the advice of a political advisor, if any, or any draft report or document.

### **8.2. Public inspection of background papers**

- (a) A copy of each of the documents listed will be:-
  - (i) published on the Council's website at the same time as the report is available for public inspection, and
  - (ii) made available to a member of the public during office hours at the authorities offices at the Town Hall, Ramsden Street on payment of the Council's reasonable fee.
- (b) The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Town Hall, Ramsden Street, Huddersfield. These Rules constitute that written summary.

## **10. Exclusion of Access by the Public to Meetings**

- 10.1 The Head of Democracy will exclude access by the public to reports which in his/her opinion contain confidential information, (as defined in Rule 11).
- 10.2 If the Head of Democracy thinks fit, access by the public may also be excluded in respect of reports which in his/her opinion relate to items during which, in accordance with exempt information rules, the meeting is likely not to be open to the public.
- 10.3 Such reports will be marked 'Not for publication' together with 'confidential information' or the exemption relied upon
- 10.4 Where an exemption is relied upon, any such report must contain the reasons why, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **11 Confidential Information – Requirement to Exclude Public Access**

The public<sup>2</sup> must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

Confidential information means<sup>3</sup>

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information which cannot be publicly disclosed by Court Order or another Act. Generally, personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

## **12 Exempt Information – Discretion to Exclude Public Access**

- 12.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

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<sup>2</sup> Members of the Council and officers attending the meeting in the course of their employment shall not be considered to be members of the public

<sup>3</sup> Care should be taken to ensure that partners are aware of this definition of Confidential Information which will apply to information which they choose to share with the Council

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 12.5 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

- 12.2 In these circumstances, public access to reports, background papers and minutes will also be excluded
- 12.3 Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 12.4 Exempt information means<sup>4</sup> information falling within the following categories, (subject to any relevant conditions specified below).

NB the numbering of the categories reflects that which is set out in schedule 12A to the Local Government Act 1972, as currently amended.

**12.5 Categories**

Category	Condition
1.Information relating to any individual	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information  Information within paragraph 3 is not exempt if it must be registered under

<sup>4</sup> Care should be taken to ensure that partners are aware of this definition of Exempt Information which will apply to information which they choose to share with the Council



	<p>various statutes, such as the Companies Acts or the Charities Act 2011.</p> <p>“Financial or business affairs” includes contemplated, as well as past or current, activities</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a minister of the crown and employees of, or office holders under the authority</p>	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>“Labour relations matters” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>
<p>6. (a) Information which reveals that the authority proposes -To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b)To make an order or direction under any enactment</p>	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention investigation or prosecution of crime</p>	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>

**Conditions**

Information falling within categories 1-7 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

### **13. Exclusion of Access by the Public to Reports**

If the Head of Democracy thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 12, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed and, where relevant, an explanation of why this is considered to be in the public interest.

### **14. Application of Rules to the Cabinet and Key Decisions**

**14.1** Rules 15 – 25 apply to the Cabinet and its committees and, unless otherwise stated, to executive decisions taken by individual Cabinet Members and Officers. Unless the Council otherwise agrees, Rules 1-13 will also apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 – 13 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. A key decision is 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.

These expressions are further explained in Rules 14.2, 14.3 and 14.4 below.

**14.2** For this purpose, expenditure or savings with a gross full year effect of over £250,000 in any one case will be regarded as significant. This figure applies to any service or function. However, this does not include:-

- Bids for funding of £250,000 or greater made by the Council to third parties where a further report will be submitted for approval of the scheme, should the bid be successful;
- Expenditure which is, in the view of the Service Director – Legal, Governance and Commissioning, inevitable for the day to day provision of services (e.g. day to day supplies, payment of energy bills etc.) provided that such expenditure could reasonably be regarded as having been in the contemplation of members when the revenue budget was approved.
- Expenditure incurred as a result of decisions made by the Director of Finance in accordance with the approved Treasury Management Policy.

- 14.3** A decision will be significant in terms of its effects on a community if it is likely to have a significant impact, whether positive or negative, (e.g. in environmental, physical, social or economic terms) on people living or working in that community. However, matters will not be key decisions simply because the result would be, for instance, that work would be carried out in two or more wards irrespective of the impact. A decision-maker may seek advice from the Chief Executive or the Service Director – Legal, Governance and Commissioning on whether any proposed decision should be regarded as significant for these purposes.
- 14.4** A decision will not be a key decision if it is a direct consequence of implementing a key decision. So, for example, once the details of a capital scheme of £250,000 have been approved, the submission of a report to approve a select list of tenderers for that scheme will not be a key decision.
- 14.5** If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the document by which it is to be decided, then it must also comply with Rules 1 – 13 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. This requirement does not include meetings whose sole purpose in respect of that particular decision is for officers to brief members and for members to seek further advice and information from officers to assist them in making a decision at the appropriate time.
- 14.6** Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.
- 14.7** It should be noted that the requirements relating to key decisions being taken in public do not apply when such decisions are taken by officers.

## **15. Procedure before taking Key Decisions**

Subject to Rule 16 (general exception) and Rule 17 (special urgency), a key decision may not be taken unless:

a document has been published in accordance with the requirements below, which state:

- That a key decision is to be made on behalf of the Council
- The matter in respect of which the decision is to be made
- Where the decision maker is a decision making body, its name and a list of its members and, where the decision maker is an individual, that individual's name, and title if any.
- The date on which, or the period within which, the decision is to be made

- A list of the documents submitted to the decision maker for consideration in relation to the matter on which the decision is to be made
- Details of any principal groups whom the decision maker intends to consult in relation to the intended decision

At least 28 clear days before a key decision is to be made, the document referred to in paragraph 15 will be made available for inspection by public notice.

## **16. General Exception**

If a matter which is likely to be a key decision has not been included in the document, then subject to Rule 17 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until for a period of 28 days to allow a notice of the intention to take a key decision in accordance with Rule 15;
- (b) the Head of Democracy has informed the chair of the Overview and Scrutiny Management Committee, or the relevant panel (or if there is no such person able to act, each member of that committee or panel) in writing, by notice, of the matter to which the decision is to be made;
- (c) the Head of Democracy has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the Head of Democracy complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

## **17. Special Urgency**

If by virtue of the date by which a decision must be taken Rule 16 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of the Overview and Scrutiny Management Committee or the relevant panel that the taking of the decision cannot be reasonably deferred. If there is no such chair, or if the chair is unable to act, then the agreement of the Mayor or in his/her absence the Deputy Mayor will suffice.

## **18. Report to Council**

### **18.1 When the Overview and Scrutiny Management Committee or Panel can require a report**

If the Overview and Scrutiny Management Committee or the relevant panel thinks that a key decision has been taken which was not:

- (a) included in the document; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Overview and Scrutiny Management Committee or panel chair, or the Mayor/Deputy Mayor under Rule 17;

the Committee or panel may require the executive to submit a report to the Council within such reasonable time as the committee or panel specifies. The power to require a report rests with the committee or panel, but is also delegated to the Head of Democracy, who shall require such a report on behalf of the committee or panel when so requested by the Chair.

Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Management Committee or panel.

Such a requirement should not be made without the advice of the Chief Executive and/or the Service Director – Legal, Governance and Commissioning having first been sought.

## **18.2 Cabinet's report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

If the Council takes the view that a decision was a key decision and that the appropriate procedure has not been followed, the validity of that decision will nevertheless not be affected.

## **19. Record of Decisions**

After any meeting of the Cabinet or any of its committees, whether held in public or private, the Head of Democracy will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

## **20. Cabinet Meetings Relating To Matters Which Are Not Key Decisions**

Cabinet meetings relating to matters that are not key decisions will be held in public..

## **21. Notice of Private Meeting of the Cabinet**

Members of the Cabinet or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

## **22. Attendance at Private Meetings of the Cabinet**

The Council may determine rules for the attendance of other Council members at permitted private meetings.

## **23. Executive Briefing**

Rule 3 of the Cabinet Procedure Rules provides for executive briefing meetings. Rule 14.6 of these Rules, insofar as it relates to the discussion of a key decision, will apply to such meetings, but otherwise these Rules shall not apply.

## **24. Decisions by Individual Members of the Executive**

### **24.1 Cabinet Member Decision Meetings**

An individual member of the Cabinet may take decisions on matters which have been delegated to him/her only at a meeting between that member and relevant Council officers at which he/she can receive and consider reports and advice. Such meetings will be treated in the same way as if they were meetings of the Cabinet or its committees and these Rules will therefore apply to such decision making as specified in Rule 14. No such decision may be made by an individual Cabinet member at any other time. Nor should any individual Cabinet member make any prior commitment to make any particular decision.

### **24.2 Record of individual decision**

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the Head of Democracy to prepare, a record of the decision, a statement of the reasons for it, any alternative options considered and rejected, any conflict of interest declared and a note of any dispensation granted by the local authority's standards committee. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant. Records of such decisions will also be reported to the next appropriate meeting of the Cabinet.

### **24.3 Access to reports before decisions made**

Where an individual member of the Cabinet or an officer receives a report which he/she intends to take into consideration when he/she makes a key decision, he/she shall not make that decision until the report has been available for public inspection for at least five clear days.

## **25. Overview and Scrutiny Management Committee - Access To Documents**

### **25.1 Rights to copies**

Subject to Rule 25.2 below, the Overview and Scrutiny Management Committee or an Overview and Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to any business transacted at a meeting of the Cabinet.

### **25.2 Limit on rights**

The Overview and Scrutiny Management Committee or panel will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser

The decision as to who is entitled to any Committee document is the responsibility of the Monitoring Officer.

## **26. Additional Rights of Access for Members**

### **26.1 Material relating to previous business**

Any member may, for the purposes of his/her duty as a councillor, inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) (b) or (c) below applies:

- (a) it contains exempt information other than information within category 6 set out in Rule 12 of these Rules, or within category 3 except information relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
- (b) it contains the advice of a political adviser; or

- (c) the member has a prejudicial interest in the matter to which the document relates, as defined in the Council's Code of Conduct for Councillors (see Part 5 of this Constitution).

## **26.2 Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or control of the Cabinet which relates to any key decision unless;

- (a) It contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
- (b) It contains the advice of a political adviser

The decision as to who is entitled to any Committee document is the responsibility of the Monitoring Officer.

## **26.3 Nature of rights**

These rights of a member are additional to any other right he/she may have.

## **26.4 Officer attendance at political group meetings**

Officers may be called upon to attend and report to meetings of political groups. Their input should be limited to providing information and advice on Council business. They should not be involved in advising on political business and should not be expected to be present at meetings or parts of meetings when matters of political business are to be discussed.



Appendix 2

# COUNCIL PROCEDURE RULES

(Approved by Council on ~~23 May 2018~~)

## **(A) Meetings of the Council**

### **1. Annual Meeting of the Council**

#### **(1) Timing and Business**

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

At the Annual Meeting the agenda will be as follows:

#### **CIVIC AND PROCEDURAL**

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

#### **ELECTION OF THE EXECUTIVE**

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

#### **CONSTITUTIONAL BUSINESS**

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

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

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

At the Annual Meeting, the Council will:

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

**2. Ordinary and Additional Meetings of Council, Notice of and Summons to Meetings**

*Dates of Council Meetings*

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

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

*Extraordinary Meetings*

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

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

#### *Venue and Start Time*

- (3) All ordinary meetings of the Council will be held at 5.30 p.m. in the Town Hall, Huddersfield, or at such other times and places as may be agreed in respect of particular meetings by the Mayor and the Leader of the Council or on the recommendation of the Corporate Governance and Audit Committee.

#### *Council Summons*

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

#### *Chair of Meeting*

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

### **3. Budget Meeting**

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

### **4. Quorum of Council**

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

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## 5. Order of Business

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

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

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

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

### PROCEDURAL

- a) To choose a person to preside if the Mayor and Deputy Mayor are absent.
- b) Announcements by the Mayor or the Chief Executive.
- c) To receive apologies.
- d) To approve as a correct record and sign the Minutes of the previous meeting of the Council.
- e) To receive declarations of interest.
- f) To receive petitions submitted by Members of the Council.
- g) To receive any petitions/hear deputations from Members of the Public.
- g)h) To receive any public questions.
- i) To receive and consider any petitions referred in accordance with the Council's Petitions Scheme.
- h) i) To receive Minutes of meetings of the West Yorkshire Combined Authority.

### DECISION MAKING

- j)k) To deal with any matters expressly referred by Cabinet or a Committee to Council for approval.

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## WRITTEN QUESTIONS

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l) To deal with written questions by Members to the following under Rule 12:

- The Leader, Deputy Leader and Cabinet Members
- Chairs of Committees, Sub Committees and Panels
- Spokespersons of Joint Authorities and External Bodies (as defined at Rule 13)

(2) In addition to those items at (1) of this Rule, the following items shall be included in meetings designated as **Holding the Executive to Account** meetings (provided that there is sufficient such business at any one meeting), and such business shall follow on from that set out in (1) of this Rule as follows:

### CABINET AND COMMITTEES

~~j)a) To deal with written questions by Members to the following under Rule 12:~~

~~a)~~

- ~~• a) The Leader, Deputy Leader and Cabinet Members~~
- ~~• a) Chairs of Committees, Sub Committees and Panels~~
- ~~• Spokespersons of Joint Authorities and External Bodies (as defined at Rule 13)~~

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k)m) To receive reports from Cabinet members in accordance with Rule 13.

l)n) To deal with questions to Cabinet members generally, or in relation to minutes of Cabinet put to Council for information or to hear statements from Cabinet members in accordance with Rule 13.

### MEMBER MOTIONS

~~o) To receive responses to Motions agreed at previous meetings of Council~~

~~m)p) To consider motions issued under Rule 14, if any, in the order which they have been received by the Service Director – Legal, Governance and Commissioning.~~

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~~e) To consider motions issued under Rule 14, if any, in the order which they have been received by the Service Director – Legal, Governance and Commissioning.~~

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### GENERAL

~~p) Other matters for consideration by Council including reports back on resolutions from previous Council meetings.~~

~~q) To deal with any business expressly required by statute to be dealt with by the Council~~

(3) In addition to those items at (1) of this Rule, the following items shall be included in meetings designated as **Key Discussion Meetings** (provided that there is sufficient such business at any one meeting) and such business shall follow on from that set out in (1) of this Rule as follows:

## KEY ISSUES

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

## OVERVIEW & SCRUTINY

- st)** To receive reports from Overview & Scrutiny Management Committee and its panels and to hold a debate in accordance with Rule (18 (22)) (Move before key discussion).

## MEMBER MOTIONS

- tu)** To receive responses to Motions agreed at previous meetings of Council.
- uv)** To consider motions issued under Rule 14, if any, in the order which they have been received by the Service Director – Legal, Governance and Commissioning.

## GENERAL

- w)** Other matters for consideration by Council including reports back on resolutions from previous Council meetings.
- x)** To deal with any business expressly required by statute to be dealt with by the Council.

- (4) The order of items (**jk**) to (**lm**) or (**mn**) (as appropriate) or (**jk**) to (**fs**) or (**st**) (as appropriate in the case of Key Discussion Meetings) may be changed or any of the items omitted at any one meeting:
- by the meeting by means of a motion passed without discussion;
  - by the Chief Executive in consultation with the Mayor.
- (5) Any discussion falling within (**fs**) above shall begin no later than 7:00 pm irrespective of whether the business before it on the agenda has concluded, such other business shall resume once the key discussion issue is complete.

## 6. Limitation of Business

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

- items of business required by these Rules to be dealt with at the meeting or
- items of urgent business for which the Mayor and Chief Executive shall have prior notice and which the Mayor in consultation with the Chief Executive

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considers appropriate for discussion at the meeting.

## **7. Minutes**

### *Correct Record*

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

### *Accuracy*

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

### *Submission to Council*

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

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

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

## **9. Presentation of Petitions by Members of the Council and Members of the Public**

### *Presentation of Petitions*

- (1) Petitions on issues on which the Council has powers or duties or which affect the area of Kirklees may be presented by a Member or any member of the public to any meeting of the Council (except the meetings of Annual, Budget or Extra-ordinary Council) or an appropriate Committee, Sub-Committee or Panel meeting.
- (2) When a petition is received at a Council meeting no discussion shall take place on the item.

### *Referral of Subject Matter*

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



## 9a. Council's Petition Scheme – Council Debates

In accordance with the Council's Petition Scheme (as approved by Cabinet on 6 June 2012), if a validated petition contains more than 3000 signatures, the Petition ~~Organiser~~ (or their representative) will be permitted five minutes to present their ~~petition~~ to Council and the ~~subject matter~~ will then be debated by Council for a maximum of 15 minutes.

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## 10. Deputations

### *Receiving of Deputations*

- (1) Deputations on issues on which the Council has powers or duties or which affect the area of Kirklees may be received at any meeting of the Council (except the meetings of Annual, Budget or Extra-Ordinary Council) or at any meeting of an appropriate Committee, or Sub-Committee. The Mayor/Chair in consultation with the Chief Executive shall have discretion to decide whether or not to hear the deputation.
- (2) All deputations should be submitted at least 24 hours prior to the meeting.

### *Deputations which will not be received*

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

### *Size of Deputation and Speech*

- (45) The deputation shall not exceed five persons and the speech shall not exceed five minutes.
- (56) When a deputation is received at a Council meeting, no discussion shall take place on the item but the relevant Cabinet Member shall respond to the deputation. The Cabinet Member's response shall not exceed five minutes.
- (67) The Mayor shall have the discretion to allow any other Member of the Council to respond to a deputation in exceptional circumstances. For example, in order to respond to personal attacks made during the course of a deputation.

Such response shall not exceed five minutes.

*Referral of Subject Matter*

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

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

*Who Can Ask A Question?*

(1) (a) Any Member of the public resident in Kirklees may, subject to the provisions of this Rule, ask the Leader, or any Members of Cabinet, a question on any issue which comes within that individual's area of responsibility and which affects the area of Kirklees.

(b) The Cabinet Member may, subject to the provisions of this Rule, ask that a question be referred to the Mayor or any Chairs of a Committee or any joint authority spokesperson and the Mayor, Chair or joint authority spokesperson shall respond within a reasonable period of time to such question.

At any Committee, Sub-Committee or Panel meeting, any such Member of the public may similarly ask the Chair of that body a question on any issue over which that body has any powers or duties.

*When Questions Cannot Be Asked*

(2) Questions may not be asked at;

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

or during the period from:

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

*Questions Which Will Not Be Answered*

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

- (a) Matters which in the opinion of the Chief Executive are likely to involve the disclosure of confidential or exempt information.
- (b) Questions relating to complaints made under statutory provisions which have not been finally dealt with.

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- (c) Questions about the merit of applications or other matters currently before the Council, Cabinet or a Committee, Sub-Committee, Panel or Officers for determination in respect of which the Council is under a duty to act quasi judicially.
- (d) Questions of a personal nature or which are defamatory, offensive, frivolous, repetitive or vexatious.

*Questions To Be Within Terms of Reference*

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

*Time Allowed for Questions*

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

*Answers to Questions*

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

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

An answer may take the form of:

- (a) a direct oral answer; or
- (b) a reference to a publication, where the desired information is contained in a publication of the Council, the Cabinet or a Committee, Sub-Committee or Panel; or
- (c) a written answer where the reply to the question cannot conveniently be given orally.

*Recording in Minutes*

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

### *Questions Ruled Out of Order*

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

### *Referral of Subject Matter*

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

## **12. Written Questions by Members**

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

The following provisions shall apply to written questions by Members which must be received by the Service Director - Legal, Governance and Commissioning by 10.00 a.m. on the working day before the Council meeting.

- (1) —Any member of Council may put a written question to the Leader of the Council, a member of the Cabinet, a Chair of a Committee, Sub-Committee or Panel or a spokesperson of a Joint Committee or External Body, as defined at Rule 13 (4). Subject to the Mayor's/Chair's discretion, a 3 minute time limit applies for individual questions to be put.
- (2) The Mayor/Chair in consultation with the Chief Executive may determine that a question shall not be put where the question appears defamatory, vexatious or requires the disclosure of confidential or exempt information.
- (3) Following consideration of any questions arising from Rule 12 (1) above, questions will be timetabled in the order which they are received by the Governance Team.
- (4) If a Member who has submitted a question in accordance with Rule 12 is not present at the meeting at the time when the question(s) submitted is/are due to be put to a Member the question(s) will fall.
- (5) The Member to whom the question has been put shall give an oral answer at the Council meeting or may nominate at any time before or during a meeting another Member to answer if that Member agrees.
- (6) An answer may take the form of:
- (a) a direct oral answer; or
  - (b) a reference to a publication of the Council which contains the desired information; or
  - (c) a written answer circulated to all Members within 7 days of the

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Council meeting.

- (7) The period allowed for written questions at any one meeting shall not exceed 30 minutes. A 5 minute time limit shall apply for individual responses to questions. -The same time limit shall also apply to individual responses to supplementary questions, subject in both cases to the Mayor's discretion to increase the time allowed for responses in appropriate circumstances.
- (8) ~~(i)~~ Where written questions are not addressed within the above timescale, then the question will be answered by written reply, and the response shall be copied to all Members of the Council, unless the Member asking the question specifically requests (within 48 hours of the meeting concluding) that the question is referred to the next ~~a future~~ relevant Cabinet / Committee / Sub-Committee / Panel meeting for reply. ~~Any~~ Any such questions will only be responded to if the Member who put forward the original question to the Council meeting is in attendance at the Cabinet / Committee / Sub-Committee / Panel meeting to ask the question. ~~or if the Member, within 7 days of the Council, Cabinet / Committee/ Sub-Committee /Panel meeting (as appropriate), has requested a written response to his / her question.~~
- ~~(ii)~~ Written questions to spokespersons of Joint Authorities or any Other Bodies not dealt with within the above timescale will be answered by means of a written reply within 7 days of the meeting and be circulated to all Members of the Council.
- (9) When an answer to a written question has been given, the Member who asked it may ask one supplementary question relating to the same topic. Such a supplementary question must follow straight on from the Member's answer to the original question. In circumstances where the responding Councillor has elected, pursuant to Rule 12(6)(c), to provide a written answer to a question, no supplementary question will be permitted.
- (10) A written question, as well as any supplementary question, must be relevant to the Terms of Reference or powers or duties of Cabinet or of the relevant Committee / Sub-Committee / Panel /Joint Committee or External Body or affect the area of Kirklees and should not be of a personal nature or one which is defamatory, offensive, frivolous, repetitive or vexatious.
- (11) The Service Director - Legal, Governance and Commissioning shall record in the Minutes of the meeting the question(s) and the name of the respondent. This will not include any supplementary question and the answer thereto. Supplementary questions and answers will be recorded as part of the webcast and held on the public webcast facility for a period of 12 months.

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

- (1) ~~(1)~~ *Minutes for Information / Reports which require approval*

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- (i) Any matter expressly referred to Council by Cabinet or a Committee for determination shall be dealt with first.
- (ii) Minutes of meetings of Cabinet, ~~and Committees~~, ~~and WYCA meetings~~ shall be presented to Council meetings for information ~~and~~ as a basis for questioning and comment. There shall be no need for any motion or vote to receive them. If the minutes are not considered due to lack of time they shall be deemed to have been presented to Council and will not, therefore, require resubmission.

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(2) *Questions / Comments on Cabinet Minutes*

- (i) The Minutes of Cabinet shall be submitted to Ordinary meetings of the Council followed by those of the Cabinet Committee – Local Issues.
- (ii) Prior to the start of questions to Cabinet Members, Portfolio Holders may make a report, not exceeding 10 minutes in length per Cabinet Member, setting out his / her Portfolio Plan for the municipal year, or on progress against that Plan. Comments and statements by Cabinet Members shall not exceed 30 minutes in duration including any questions arising from the information provided. All Cabinet Members will be required to make Council aware of their Portfolio Plan at the start of the municipal year either verbally or in writing circulated to all Members and to report on progress against that Plan at least once in the municipal year.
- (iii) Questions may be asked by any Member of any Cabinet Members whether on a specific matter contained within the minutes or any matter generally which is in the portfolio of the Cabinet Member. There is no restriction on the number of questions Members may ask within the allotted time but each individual Member is only permitted to ask one question together with one supplementary question at any one time.

(iv) Any member may, in addition to or instead of exercising their rights under Rule 13(2)(iii), comment once for a maximum of five minutes on any item within the Cabinet minutes presented to the meeting.

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(v) The portfolios will appear in alphabetical order on the Agenda and questions will be addressed to the Cabinet Member whose portfolio is at the top of the list. Once questions to that Cabinet Member have been completed, his or her portfolio will fall to the bottom of the list and questions will be addressed to the second, third etc., until the allotted time is completed whereupon the portfolio of the Cabinet Member being questioned will fall to the bottom of the list. At the next meeting the list will begin where it ended at the previous meeting, subject to the portfolio which is the subject of a progress report to the meeting being at the top of the list. During this item Members will have the opportunity to question Cabinet Members (and other Members appearing on the schedule) on meetings/discussions with external organisations. Any such question will be answered immediately in the manner provided for in Rule 13(4).

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~~(vi)~~ Subject to 5(i) of this Rule, Cabinet members will have a right of reply before questions are put to the Cabinet member next in alphabetical order.

~~(+)(vii)~~ In circumstances where the Leader has no specific portfolio allocated to him/her the Agenda will provide that he/she heads the list of Cabinet Members for the purposes of Rule 13(2)(v). Once questions to the Leader have been completed he/she will fall to the bottom of the list and questions to Cabinet Members with specific portfolios will proceed in accordance with the provisions of Rule 13(2)(v).

~~(v)~~

(3) *Questions / Comments on Committee Minutes*

- (i) The Minutes of other Committees submitted to Ordinary meetings of the Council shall be set out in alphabetical order.
- (ii) Any Member may comment on any item within the Committee minutes presented to the meeting
- (iii) Any Member may ask the chair of the relevant Committee a question upon any item within that Committee's Terms of Reference.
- (iv) The Chair of Cabinet, a Cabinet Committee or Cabinet Member or the Chair of a Committee may make a statement at the time that the report/Minutes is/are considered on any matter within the Terms of Reference or which is relevant to the function of Cabinet or that Committee, or which is a matter of importance.

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

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

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

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(f) West Yorkshire Joint Services Committee

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

(iii) The list to persons (by virtue of position) to whom questions can be asked

will be set out in the agenda in alphabetical order and questions will be addressed in the order listed. At the next meeting, the list will begin where it ended at the previous meeting.

(5) *Time Permitted*

(i) Subject to the time limit for speaking set out in CPR 13 (2) the maximum time permitted for consideration of matters in CPR (1) – (3) including comments and questions on Minutes to Cabinet Members shall be a maximum of 60 minutes, and the time permitted for comments and questions to Chairs of Committees/Sub Committees/Panels and representatives on outside bodies shall be a maximum of 30 minutes, provided that there is provision under Rule 5 for consideration of issues under CPR 13.

#### **14. Notices of Motion**

##### *Submission of Motions*

(1) Every notice of motion (with the exception of those proposed in accordance with Rules 15, 18(16) and 19) shall be submitted in writing and delivered to the Service Director - Legal, Governance and Commissioning by 9.00 a.m. on the sixth working day before the date of the Council meeting. Each motion must be signed by not less than two Members of the Council. Motions (including re-submitted Motions pursuant to CPR 16(5)) will only be accepted for the next scheduled Council meeting (except Annual and Budget Councils) from 10.00am onwards following the day of the previous Council meeting. Any motions re-submitted will be listed on the agenda in the same order as they were listed for the previous meeting. Any further (new) motions will be listed after re-submitted Motions. The Chief Executive, in consultation with the Mayor, shall have authority to re-order the Motions as appropriate. The Chief Executive will inform Group Leaders when such action is being taken.

##### *Recording of Motions*

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

##### *Motions Which Have Revenue Effects*

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



#### *Relevance*

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

#### *Motions Not Accepted*

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

#### *Withdrawal*

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

#### *Inclusion on Council Agenda*

- (7) The Service Director - Legal, Governance and Commissioning shall set out in the agenda for each Council meeting the motions received and accepted in the order they were received.

#### *Moving of Motions*

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

#### *Receipt of Amendments*

- (9) Any proposed amendment to a motion which has been included in the summons for a meeting, shall be delivered to the Service Director - Legal, Governance and Commissioning in accordance with the following timescales:-
  - (a) by 10.00am on the day of Council if the meeting is to start at 5.30 p.m. or
  - (b) by 2.00 p.m. on the day before a Council meeting which is to start in a morning.

#### *Motions on Identical Subjects*

- (10) Where motions have been submitted to Council by different groups which relate to the same subject matter, then the movers shall be given the opportunity to agree a composite motion by 2.00 p.m. on the second working day before the date of the Council meeting. Notice of the composite shall be

given to the Service Director - Legal, Governance and Commissioning who will notify the groups or individual Members to allow them to consider the proposals.

*Alterations to Motions and Amendments*

- (11) Alterations to the wording of any motion or amendment (made in accordance with Council Procedure Rule 18(11)) may be made with the agreement of the Members moving and seconding the motion or amendment and with the meeting's consent provided that when such alterations are agreed copies shall be made available. Only alterations which could be made as an amendment may be made.

*Need for Debate*

- (12) With the exception of those moved under (5) of this Rule, no motion made under this Rule may be voted on unless there has been a debate.

**15. Motions and Amendments Which May Be Moved Without Notice**

The following motions and amendments may be moved without notice:

- (1) Appointment of a Chair of the meeting at which the motion is moved.
- (2) Questioning the accuracy of the Minutes of the previous meeting of the Council.
- (3) To change the order of business in the Agenda.
- (4) Reference to Cabinet a Committee, Sub-Committee or Panel for further consideration.
- (5) Appointment of Leader or a Committee, or Member thereof arising from an item on the Agenda for the meeting.
- (6) That leave be given to withdraw a motion.
- (7) Motions and amendments in respect of urgent business under Rule 6.
- (8) That the Council proceed to the next business.
- (9) Motions under Rule 11(5) and 11(9) as to questions by electors at Council Meetings.
- (10) Amendments to any motion to approve the recommendations of Cabinet or a Committee.
- (11) That the question be now put.
- (12) Amendments to any Motion except amendments to notices of motion pursuant to Rule 14(8) and (9) or where notice is required under Rule 19.

- (13) That the debate be now adjourned.
- (14) That the Council do now adjourn.
- (15) Adoption of reports of Officers and any consequent resolutions.
- (16) Suspending these Rules in accordance with Rule 47.
- (17) Motion to exclude the public.
- (18) That a Member named under Rule 21 be not heard further or leave the meeting.
- (19) Giving consent or leave of the Council where the consent or leave of the Council is required by these Rules.
- (20) That the subject matter of an announcement made by the Mayor, or the Chief Executive under Rule 8 be referred to Cabinet or the appropriate Committee, Sub-Committee or Panel.
- (21) Motions under Rule 16 to continue a Council meeting after 9.00 p.m.
- (22) That the Council do now adjourn for discussion in smaller groups or in some other form.

**16. Termination and Adjournment of Meeting**

- (1) The Mayor, in consultation with the Chief Executive, may adjourn the meeting at any time and may incorporate a scheduled break of the meeting as required.
- (2) A meeting of the Council (except the Annual Meeting) shall terminate at 9.00 p.m. unless a Member moves, prior to 9.00pm, a motion that the meeting shall continue until (i) a later time (to be specified in the motion) or (ii) the conclusion of the business of the meeting. If the motion is seconded it shall be put to the meeting without comment.
- (3) If the motion is passed the meeting shall continue until the time specified or until the conclusion of the business of the meeting.
- (4) At 9.00 p.m. or such later time as the Council has agreed, the Mayor shall have discretion to grant an additional period of time to allow the item under consideration at that time to be concluded. Otherwise, the Mayor shall
  - a) allow no further points of order to be raised by any other Member.
  - b) interrupt the discussion of the item being considered by the meeting.
  - c) allow the proposer of the motion then under consideration a maximum of five minutes to reply to the debate unless he/she seeks leave to withdraw the motion.

- (d) put (without discussion) all of the questions necessary to dispose of that motion, unless the motion is withdrawn.
  - (e) put (without discussion) all of the questions necessary to complete the consideration of any reports of Cabinet or any Committee, which are on the Agenda for the meeting, unless the Member appointed to preside in any such body (or a person on his/her behalf) indicates a wish to the contrary.
- (5) Any Motion given under Rule 14 not considered at an Ordinary Council meeting due to time constraints shall automatically be deemed withdrawn unless the Service Director – Legal, Governance and Commissioning receives written confirmation (from the Member or Group who submitted the Motion) by 5pm on the fifth working day following that Council meeting that the Motion should be rolled over for consideration at the next Ordinary Council meeting.
  - (6) Where proceedings are in progress either at 9.00 p.m. or at a later time (specifically agreed by the Council in accordance with a motion to that effect), the provisions of Rule 24(3) as to recorded votes shall not apply.
  - (7) Following any processes outlined above, the Mayor shall finally close the meeting.

#### **17. Opposition Priority Business**

- (1) This Rule applies where there is a majority group of members of the Council.
- (2) A minority group may require that any one item of business placed on the Agenda for any Council meeting be treated as opposition priority business. Such a requirement will only be considered if the Leader of that Group has submitted it in writing to the Chief Executive at least seven days before the Council meeting.
- (3) Where the Chief Executive receives more than one such request for a meeting, he/she shall decide which shall be selected so as to ensure that as far as is possible each minority group's share of opposition priority business reflects the relative size of those groups in the period from the last Annual Meeting of the Council.
- (4) Service Director - Legal, Governance and Commissioning shall indicate on the Agenda which item of business (if any) is to be treated as opposition priority business.
- (5) If consideration of an item of opposition priority business has not begun two hours after the start of the meeting it will be brought forward and considered immediately after the conclusion of the item of business then under discussion.

#### **18. Rules of Debate**

##### *Motions and Amendments*

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

*Seconders Speech*

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

*List of Names of Those Wishing to Speak*

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

*Addressing the Mayor*

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

*Content and Length of Speeches*

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

- (b) The Leader, or the Leader's nominee's annual budget speech on the setting of the amounts of Council Tax.

*Additional Time For Speeches*

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

*When a Member May Speak Again - Adoption of Reports*

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

*When a Member May Speak Again - Other Motions*

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

*Exceptions to Speaking Only Once*

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

*Amendments to Motions*

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

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

Council Tax).

*Discussion of Amendments*

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

*Motion as Amended*

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

*Withdrawal of Motion/Amendment*

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

*Right of Reply*

- (15) The proposer of a motion shall have the right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the proposer of the original motion shall have also the right to reply at the close of such debate on the amendment, and shall not otherwise speak on the amendment. Such a reply shall be confined to matters raised in the debate on the motion or amendment, as the case may be. The proposer of an amendment shall have no right to reply to the debate on the amendment. However where an amendment is carried the proposer of that amendment (now the substantive motion) shall have a right of reply at the close of the debate and on any subsequent amendment.

*Motions which may be moved during debate*

- (16) When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend or withdraw the motion;
  - (b) to adjourn the meeting;
  - (c) to adjourn the debate;
  - (d) to proceed to the next business
  - (e) that the question be now put;
  - (f) that a Member be not further heard on the item of business before the Council;
  - (g) by the Mayor under Rule 21(2);
  - (h) to exclude the public;

- (i) to withdraw or amend proceedings in accordance with paragraph (14) of this Rule.

#### *Closure Motion*

- (17) A Member may move without comment at the conclusion of a speech of another Member "That the question be now put", "That the debate be now adjourned" or "That the Council do now adjourn". If such a motion is seconded, the Mayor shall proceed as follows:-
  - (a) On a motion "that the question be now put", the Mayor shall put this motion to the vote, unless he or she is of the opinion that the matter before the meeting has not been discussed sufficiently. **In coming to that opinion, the Mayor shall give consideration to the number of outstanding speakers who have indicated that they wish to contribute to the debate.** If the motion 'that the question be now put' is voted on and carried, the Mayor will allow the proposer of the original motion the right to reply under paragraph (15) above before putting the motion under discussion to the vote.
  - (b) On a motion "to adjourn the debate or meeting". The Mayor shall put the motion for an adjournment to the vote without giving the mover of the original motion the right to reply, if he or she is of the opinion that the matter before the meeting has not been sufficiently discussed and cannot reasonably be discussed at that meeting.

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#### *Point of Order and Personal Explanation*

- (18) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of one of these Rules or the law and the Member shall specify the Rule or the law and the way in which it has been broken. A personal explanation shall be confined to some material part of a speech by the Member in the Council meeting which may appear to have been misunderstood in the present debate. A personal explanation may not be made in any other circumstances and in particular reference in a speech to another Member does not give that Member any right of personal explanation except in circumstances specified above.
- (19) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation will be final.

#### *Relaxation by the Mayor of Rules of Debate*

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

#### *Mayor's Authority*

- (21) Whenever the Mayor rises during a debate, a Member who is standing and speaking shall sit down and the Council shall be silent. Afterwards, a Member



may continue his or her speech unless the Mayor determines otherwise.

- (22) The time permitted for consideration of scrutiny reports under Rule 5 (3) (n) shall be a maximum of 60 minutes.
- (23) The time permitted for consideration of key issues shall be a maximum of 60 minutes
- (24) The time permitted under (22) and (23) of this Rule may be extended at the discretion of the Mayor in consultation with the Chief Executive.

*Mayor's Casting Vote*

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

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

*Motion referred from Cabinet*

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

*Motion distributed by the Leader*

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

*Amendments*

- (3) An amendment to a motion proposed under paragraph (1) above, cannot be moved unless it has been 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.

*Notification of Amendments*

- (4) The Chief Executive shall inform all Members of the Council of any amendments 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.

#### *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.
- (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.

#### *Limitations*

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

#### *Recording of Votes relating to Council Tax etc.*

- (7) Immediately after any vote is taken at a Budget Decision Meeting of the Council on any decision or amendment relating to the approval of the General Fund, or the statutory calculation for the setting of the Council Tax, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting,
- (8) For the purposes of Rule 19 (7)
- a) "Budget Decision" means a meeting of the Council at which it:
- (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(b); or
- (ii) issues a precept under Chapter 4 of the Part 1 of that Act;
- and includes a meeting where making the calculation or issuing the precept

as the case may be was included as an item of business on the agenda for that meeting.

**20. Motion affecting persons employed by the Council**

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

**21. Members Conduct**

*Member not be heard*

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

*Member to leave the meeting*

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

*General Disturbance*

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

*Mayor's Power to Adjourn*

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

**22. Disturbance by the Public**

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

**23. Previous Decisions and Motions**

*Motion to rescind a previous decision*

- (1) No motion to rescind any decision taken within the preceding six months, and no motion or amendment with the same effect as one which has been

rejected within the preceding six months, shall be proposed unless notice has been given in accordance with Rule 14 and has been signed by at least 10 Members of the Council. When any such motion or amendment has been disposed of by the Council, no similar motion may be proposed within a further period of six months.

*Motion similar to the one previously rejected - exceptions*

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

## **24. Voting**

*Show of Hands / Voting Equipment*

- (1) Voting at Council meetings shall be as directed by the Mayor, either by a show of hands or by use of the electronic voting equipment unless a Ballot is agreed under paragraph (4).

*Casting Vote*

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

*Recorded Vote*

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

*Ballots*

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

*Right to require individual votes to be recorded*

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

*Voting on Appointments (including Mayor and Leader)*

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

This procedure will continue until a majority vote is given in support of one of the persons nominated.

#### **25. Failure to Attend Meetings**

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

#### **26. Interests of Members which are not Disclosable Pecuniary Interests**

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

#### **27. Interpretation of these Rules**

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

### **(B) Members and Officers Etc.**

#### **28. Leaders and Business Managers**

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

## 29. Inspection of Documents

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

Council  
a Committee  
a Sub-Committee  
a Panel

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

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

Council  
a Committee  
a Sub-Committee  
a Panel

These shall be open to inspection by any Member of the Council during office hours subject to the provisions of those Acts being met in relation to items determined as exempt information.

- ~~(4)~~ ~~(4)~~ The Chief Executive or any Officer of the Council may decline a Member's request to inspect a document, if it contains confidential information. The only exceptions to this rule will be if the Member has a legal right to inspect a document or has obtained the consent of the Cabinet (for matters within its remit) or the Corporate Governance & Audit Committee (for all other matters).

- (5) All requests to inspect documents will be dealt with in accordance with the Council's Access to Information Procedure Rules. Rights in respect of documents under the control of the Cabinet are set out in Rules 24-26 and 25-27 of the ~~Access to Information Procedure Rules~~.

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

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

### **31. Representation of the Council on Other Bodies**

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

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

### **32. Interest of Officers in Contracts**

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

### **33. Third Party Recording<sup>1</sup> of Committees, Boards and Panels**

- (1) The Council wants to be open and transparent in the way in which it conducts its decision-making.
- (2) Recording is allowed at all meetings of the authority<sup>2</sup> to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings.
- (3) Filming or other recording of all meetings of the authority, whilst those meetings are to the public, is permitted<sup>3 4</sup>.
- (4) Those wishing to record proceedings should, as a courtesy, inform the chair (or clerk) of the meeting of their intentions to record prior to the commencement of the meeting.

<sup>1</sup> This includes both video and audio recording.

<sup>2</sup> Including full Council, committees (boards and panels) established by full Council.

<sup>3</sup> In accordance with any regulations relating to such matters.

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

(5) Recordings may only be taken overtly from the area designated for the public and;

- a. Recording devices must be in silent mode;
- b. No flash or additional lighting is permitted;
- c. Recordings must be taken from one fixed position and must not obstruct others from observing proceedings.

(6) The Chair of a meeting has the authority to instruct that recordings be stopped where<sup>5</sup>:

- a. The press and public have been excluded from the meeting due to the nature of (exempt or confidential) business being discussed;
- b. There is public disturbance or a suspension/ adjournment of a meeting;
- c. The recording has become disruptive or distracting to the good order and conduct of the meeting;
- d. Continued recording is against the wishes of an individual<sup>6</sup>.

#### **34. Confidentiality of Meetings and Recording of Proceedings**

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

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

#### **35. Appointment of Committees, Sub-Committees and Panels**

- (1) The Council at its Annual Meeting will establish those Committees which are required by law and such other Committees as are deemed necessary to carry out the work of the Council during the municipal year. The Council may at any other time establish new Committees, which are considered necessary to carry out the work of the Council.
- (2) The Council subject to any statutory provision:-
  - (i) shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting of the Council;
  - (ii) may at any time dissolve a Committee, or alter its membership.

<sup>5</sup> In all cases recording equipment must be switched off.

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



- (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;
- (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. The Monitoring Officer may require other members to undertake an enhanced DBS check at her discretion where such checks are justified.

#### Appointment of Sub-Committees, Panels etc.

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

#### Membership of Committees, Sub-Committees, Panels etc.

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

#### Proportional Representation of Political Groups not to apply

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

#### Substitute Members

- (7) At the Annual Meeting of the Council a panel of substitute Members will be established, to be available to replace Members of Committees, and Sub-Committees, (except the Health and Well-being Board, the Overview and Scrutiny Management Committee, the Overview and Scrutiny Panels, District Committees, Employee Relations Sub Committee, the Standards Committee and the Standards Sub-Committee) at each meeting during the municipal year as and when required. The names of those Members included on the

panel of substitutes will be placed on every notice for a relevant Committee, or Sub-Committee meeting.

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

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

Notice of Substitutes cannot be revoked

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

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

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

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

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

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

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

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

Any member of the public attending a 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.

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

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

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

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

- (1) Except where ordered by the Council, or authorised by statute, business shall not be transacted at a meeting of any Committee, unless at least one third of the number of the body are present, rounded up to the next whole number if

one third is not a whole number.

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

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

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

Sub-Committee or Panel at any time.

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

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

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

#### **42. Voting in Committees, Sub-Committees or Panels**

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

#### **43. Working Parties, etc.**

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

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

#### **44. Reports to Council**

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

#### **45. Reports of Sub-Committees and Panels**

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

### **(D) Miscellaneous**

#### **46. Variation and Revocation of Procedure Rules**

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

#### **47. Suspension of Procedure Rules**

- (1) At any meeting a motion may be moved to suspend the use of any of the preceding Procedure Rules for any item(s) of business included on the Agenda for that meeting. The Motion should specify the relevant Council Procedure Rule/s to be suspended.
- (2) A motion to suspend Procedure Rules shall not be moved without notice unless at least one half of the Members of the Council, Committee, Sub-Committee or Panel are present.

#### **48. Standards of Conduct in Public when representing the Council**

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

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

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

#### **50. Relevant Definitions**

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

“Group Leaders” is the term referring to the Leader of each political group which is represented on the Council.

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

“Council Petitions Debate” is the description of part of the Council’s Petition Scheme as referred to in CPR 9a, which provides that if a petition is validated to be containing 3000 signatures (or more) from different persons on a subject matter that is relevant to the powers and duties of Kirklees, a debate on the matter shall be scheduled at a meeting of Council.



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

**Date: 22 May 2019**

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

**Purpose of report**

To set out proposed changes to the Council's Code of Conduct and standards process as described in paragraph 2 and as set out in more detail in the attached Appendices, which show 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?	NO
Date signed off by Director & name	
Is it also signed off by the Head of Finance and Accountancy?	Eamonn Croston
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft
Cabinet member portfolio	Graham Turner

**Electoral wards affected: N/A**

**Ward councillors consulted: N/A**

**Public or private: Public**

**Have you considered GDPR? There are no GDPR implications relating to this report**

**1. Summary**

1.1 To set out, in section 2, the proposed changes in relation to the Kirklees Code of Conduct and to seek approval by members of those proposed changes. A track change copy of the Code of Conduct showing the proposed amendments is appended to this report at Appendix 1.

1.2 The Code of Conduct is part of the Constitution and this report is part of the wider annual review of the Constitution.

1.3 The Committee on Standards in Public Life (CSPL) had undertaken a consultation on local authority standards, that Kirklees contributed to, and the report '*Local Government Ethical Standards*' was published in March 2019.

1.4 The CSPL report proposed a number of changes to codes of conduct, making both recommendations and best practice suggestions. The

report suggested that legislation would be needed for many of the recommendations to come into force, but that the best practice suggestions could be adopted voluntarily. Whilst it may be true that legislation may be required to make the recommendations compulsory, many of them are not currently prohibited, so could be voluntarily adopted.

- . 1.5 Publication of the report prompted a review of the current Kirklees Code of Practice with the Standards Committee with a view to giving consideration of what recommendations were already part of the Code of Conduct or the current standards process and whether any of the recommendations or best practice suggestions could or should be adopted. A copy of this is at Appendix 2.
- 1.6 Following this, a number of recommendations were made to Corporate, Governance and Audit Committee for amendments to the Code of Conduct and the standards process. These recommended changes are detailed below and in Appendices 1 & 3. Members are asked to note that the references in Appendix 3 relate to those in Appendix 2, with those listed at 2.1.4 relating to the CSPL recommendations and those at 2.1.3 relating to the best practice suggestions.
- 1.7 The Corporate, Governance and Audit Committee considered the proposed changes and resolved to recommend these to Council.

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

### **CODE OF CONDUCT**

The proposed changes to the Code of Conduct are set out in the track change copy at Appendix 1.

### **PART 1 – APPLICATION**

2.01 There are no proposed changes to this part of the code.

### **PART 2 - INTERPRETATION**

2.02 There are no proposed changes to this part of the code.

### **PARTs 3 and 3A – GENERAL PRINCIPLES**

2.03 Part 3A has been expanded to include a working definition of bullying and harassment. This follows the recommendation of the CSPL report and makes use of suggested wording from the report. It is intended to bring clarity to the code by providing a definition of what conduct would be considered to amount to bullying and harassment.

### **PART 4 – DISCLOSABLE PECUNIARY INTERESTS**

2.04 There are no proposed changes to this part of the code.

## **PART 5 – INTERESTS WHICH ARE NOT DISCLOSABLE PECUNIARY INTERESTS (OTHER INTERESTS)**

2.05 There are no proposed changes to this part of the code.

## **PART 6 – SENSITIVE INFORMATION**

2.06 There are no proposed changes to this part of the code.

## **PART 7 – GIFTS AND HOSPITALITY**

2.07 The CSPL report made recommendations concerning the declaration of gifts and hospitality. The existing code does already require members to declare such gifts and hospitality to the Monitoring Officer. There are some minor changes in the current process proposed, to reflect the CSPL recommendations.

2.08 The CSPL report had recommended setting £50 as the level at which a declaration would be required to be made, but the Standards Committee opted to recommend that it remain at £25, and this was approved by Corporate, Governance and Audit Committee. It was also recommended that aggregate gifts from the same source be declared, regardless of the size of the individual gifts, once the total in any 12 month period reached £100 or more.

2.09 It was also recommended that the register currently kept by the Monitoring Officer is made available on line at the Council's website.

## **Review**

2.10 The CSPL report recommended that councils should formally review their codes of conduct on an annual basis and seek to consult with the public, community organisations and neighbouring authorities when doing so. The Standards Committee took the view that any such wider review involving consultation should be bi-annual, noting that it could be a lengthy process. It was noted that there already exists the power to review the code should the need arise and that Corporate, Governance and Audit do have a duty to conduct an annual review of the constitution in any event.

## **Standards Process**

2.11 The council's standards process does not form part of the constitution, but it sits alongside the Code of Conduct. Many of the recommendations made by the CSPL concerned the standards process and these were reviewed and discussed by the Standards Committee.

2.12 It was noted that some of these recommendations were already part of the standards process. Those that were not were considered and the following recommendations were made to the Corporate, Governance and Audit Committee:

2.13 That Town and Parish Councils be recommended to adopt the Kirklees Code of Conduct. There are no restrictions on them being able to do so and there are a number of advantages to them doing so. These would include councillors who sit as Town or Parish Councillors, as well as

being Kirklees Councillors, having a single code, the Monitoring Officer would have a uniform code against which to consider all complaints concerning councillor conduct, and training given to Kirklees councillors can be extended to Town and Parish councils at a minimal cost. It was agreed that the Monitoring Officer write to Parish and Town Councils and ask that they consider adopting the Kirklees Council Code of Conduct and recommend that they consider the report of the CSPL and its recommendations at a Parish / Town Council meeting as soon as possible after the elections in May.

- 2.14 That Kirklees Council publishes a named contact at the Council's auditor in its whistleblowing policy. Contact details for the auditor are already in the existing policy and enquiries have been made of the auditor for a named contact. It is recommended that authority be given to the Monitoring Officer to update the policy with the details of the named contact.
- 2.15 That all councillors undertake formal standards induction training and that all members of the Standards Committee undertake annual refresher training. The training provided on the Code of Conduct and standards process has been redrafted and will be available to all members in the near future.
- 2.16 That printed copies of the Kirklees Code of Conduct be made available at council buildings, in addition to being published on the website. This will ensure that any members of the public who do not have access to the internet can still view the Code of Conduct and be provided with a printed copy.
- 2.17 Under the Localism Act, the council is required by law to appoint an Independent Person (IP). The role of the IP in Kirklees is to act as a point of consultation and to be a decision maker for any formal standards complaints. The CSPL made a number of recommendations about using IPs many of which the Council already adopts. It also recommended that Councils have more than one IP. Kirklees currently has one IP following the last recruitment process in 2016/17.
- 2.18 In August 2017 the Corporate, Governance and Audit Committee considered a report concerning the role of the IP and resolved to recommend to council the appointment of Michael Stow as IP for a period of two years. It is now recommended that authority be given for the contract of the current IP to be renewed for a further two years and that Council is recommended to approve the renewal.
- 2.19 It is also recommended that that a recruitment process should be agreed to recruit a second IP on the same terms as the current IP and the Monitoring Officer be delegated with authority to do that in consultation with the Chair of Standards and the Chair of the Corporate, Governance and Audit Committee.
- 2.20 That the council's Standards Process be updated to allow for the publication of any decision notices on the council's website. This is currently done by some local authorities and was a recommendation in the CSPL report. Subject to any privacy concerns and data protection legislation, it was recommended that Kirklees adopt this recommendation.

- 2.21 That the complaints process be made available as printed copies at council buildings in addition to being published on the website. As for 2.16, this will allow any members of the public who do not have access to the internet to be able to access the complaints process and to be provided with a hard copy of the documentation.
- 2.22 Following a CSPL recommendation, it is proposed that a public interest test be incorporated into the standards process. The wording will be based on that used by the CSPL report with some clarificatory notes and guidance to cover the need for discretion and to cover, for example, patterns of behaviour, such as various incidents over a time period.

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

Although the report of the CSPL has not yet resulted in legislation, it is important for the Council to be aware of its recommendations and to proactively consider these and to make a decision to implement any that are deemed to be good recommendations.

With regards to the best practice recommendations, the CSPL has indicated that it will be actively checking for compliance with these when performing any audits of local authority Codes of Conduct and standards processes. There is a clear expectation that these will be implemented.

It is also essential that the Constitution complies with current legislation. Failure to do so could lead to legal challenges, unnecessary procedural delays and less transparency in the Council's democratic process.

#### **3.1 Working with People**

N/A

#### **3.2 Working with Partners**

N/A

#### **3.3 Place Based Working**

N/A

#### **3.4 Improving Outcomes for Children**

N/A

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

N/A

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

The Chief Executive and various officers in Legal, Governance and Commissioning have been consulted.

Proposed changes to the Code of Conduct and standards process were discussed and agreed by the Standards Committee before being passed to the Corporate, Governance and Audit Committee for discussion and recommendation.

The Corporate, Governance and Audit committee recommended that the proposed changes be made.

**5. Next steps**

- 5.1 Any amendments agreed by Council will be made to the Code of Conduct.
- 5.2 Changes to the Standards process will be introduced from 1<sup>st</sup> June 2019.

**6. Officer recommendations and reasons**

That Council:-

- a. Approve the proposed changes to the Code of Conduct and the standards process set out in paragraphs 2.03, 2.07 to 2.10 and 2.13 to 2.22 above, and referenced in the accompanying relevant Appendices.
- 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.

**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**

Report of the Committee on Standards in Public Life '*Local Government Ethical Standards*'.

Report to the Standards Committee, dated the 6<sup>th</sup> March 2019.

Report to the Corporate, Governance and Audit Committee, dated the 26<sup>th</sup> April 2019.

**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 1 – Code of Conduct, with tracked changes**

**Appendix 2 – List of recommendations made by CSPL and best practice suggestions**

**Appendix 3 – List of Recommendations and Best Practice Suggestions discussed by Standards Committee 6<sup>th</sup> March 2019**

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# Code of Conduct for Members

## 1 Application

1.1 This Code applies to you as a member of Kirklees Council (“the authority”) and it is your personal responsibility to comply with the requirements of this Code. This Code sets out the standards of behaviour required of you and applies to you whenever you act in the capacity of an elected or co-opted member of the authority, including –

- 1.1.1 at meetings of the authority
- 1.1.2 when acting as a representative of the authority
- 1.1.3 in taking any decision as a Cabinet member or a Ward Councillor
- 1.1.4 in discharging your functions as a Ward Councillor
- 1.1.5 at briefing meetings with officers and
- 1.1.6 at site visits
- 1.1.7 when corresponding with the authority other than in a private capacity

1.2 Where you act as a representative of your authority on another local authority, you must, when acting for that other authority, comply with that other authority’s code of conduct.

1.3 Where you act as a representative of your authority on a body which is not another local authority you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## 2 Interpretation

For the purposes of this Code –

2.1 “member of the authority” includes:

- 2.1.1 elected members; and
- 2.1.2 co-opted members who are entitled to vote on any questions which fall to be determined by the committees, sub-committees, joint committee, joint subcommittees or area committees upon which they sit.

2.2 “meeting” means any meeting of:

- 2.2.1 the authority;
- 2.2.2 the executive of the authority; or
- 2.2.3 any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees or area committees.

2.3 “body” means any body of which you are a member or in a position of general control or management and –

- 2.3.1 to which you are appointed or nominated by your authority; or
- 2.3.2 which is a body –

- (a) exercising functions of a public nature; or
- (b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

2.4 “relevant person” for the purposes of paragraph 5 of this Code means any person or body with whom you have a family, social or business relationship.

### **3 General Principles**

Your conduct as a member should be consistent with the following principles –

#### **3.1 Preamble**

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, Non-Departmental Public Bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

#### **3.2 Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **3.3 Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **3.4 Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **3.5 Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **3.6 Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **3.7 Honesty**

Holders of public office should be truthful.

### 3.8 Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

#### **3A General Principles and Obligations**

1. You must treat others with respect.
2. You must not bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.

For the purposes of this code, bullying and harassment are defined as follows:

offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

3. You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of behaviour.
4. You must not do anything which may cause the Council to breach any of the equality duties. This includes refraining from behaviour or comments which might reasonably be regarded as being racist, sexist or otherwise discriminatory towards other people.
5. You must not conduct yourself in a manner which would reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute.
6. You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably be aware, is of a confidential nature, except where:-
  - (i) You have the consent of a person authorised to give it;
  - (ii) You are required by law to do so;
  - (iii) The disclosure is made by a third party for the purposes of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) The disclosure is –
    - (A) Reasonable and in the public interest
    - (B) Made in good faith and in compliance with the reasonable requirements of the authority; and
    - (C) You have consulted the Monitoring Office prior to its release.
7. You must not prevent another person gaining access to information which that person is entitled to by law.

8. You must be clear when communicating with the media or speaking in public that you do not give the impression you are acting in an official capacity when you are not. Nor should you express your own views in a way which misleads anyone reading or listening that it is official or agreed policy or position of the Council when it is your own personal view or those of a political party or group of people which you are a member.
9. You must respect the impartiality and integrity of the authority's statutory officers and its other employees. You must not do anything which compromises the impartiality and integrity of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality and integrity.
10. When you use or authorise the use by others of the resources of the Council you must:
  - (i) Abide by the Council's reasonable requirements; and
  - (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (iii) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
11. You must co-operate with the Standards process when you are the subject of a complaint and respond to a complaint that is brought against you, except where there are extenuating circumstances.
12. You must comply with the decision of the Standards process if you are found to be in breach of this Code of Conduct.
13. You must comply with the standards as described in the Council's Behaviours and in particular the protocol on Member/Officer Relations as well as all other relevant policies and guidance related to standards of appropriate behaviour and responsibilities from time to time agreed by the Council or which the Council is required to comply with or have appropriate regard to.
14. You must comply with the rules and procedures of meetings you attend. This includes compliance with the Council's Standing Orders and the authority and rulings of the Mayor or Chair.
15. When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's –
  - (a) chief finance officer (the statutory s.151 Officer); or
  - (b) monitoring officer (the Service Director of Legal, Governance and Commissioning), where that officer is acting pursuant to his or her statutory duties.

#### **4 Disclosable Pecuniary Interests**

4.1 Disclosable Pecuniary Interests ("DPIs") are those interests defined as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ("the 2012 Regulations") or in any subsequent regulations which amend, vary or revoke the 2012 Regulations. For the purposes of illustration only, a summary of the 2012 Regulations is set out in the Schedule to this Code of Conduct.

4.2 You must, within 28 days of:

- 4.2.1 adoption of this Code of Conduct by the authority; or
- 4.2.2 taking office as a member or co-opted member of the authority notify the authority's Monitoring Officer of any DPI, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

4.3 When you are present at a meeting of the authority and you have a DPI in any matter to be considered or being considered at the meeting, and where the matter does not relate to 'sensitive information' as defined below, you must disclose the existence and nature of the interest to the meeting.

4.4 Following any disclosure of a DPI not on the authority's register or the subject of pending notification, you must notify the authority's Monitoring Officer of that interest within 28 days beginning with the date of disclosure.

4.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a DPI and must withdraw from the meeting while the matter is under consideration.

4.6 You must within 28 days of becoming aware of any new DPI or the need to change or update a current DPI registration, notify the authority's Monitoring Officer of those new or revised register entries.

## **5 Interests which are not Disclosable Pecuniary Interests (Other Interests)**

5.1 In addition to the requirements relating to DPIs, if you attend a meeting at which any item of business is to be considered and you are aware that you have an interest which does not amount to a DPI you must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

5.2 You have an Other interest where –

(a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

(b) it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

5.2 In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

5.3 You do not have an Other interest if the interest relates to any business of the authority in respect of –

- 5.3.1 housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

- 5.3.2 school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- 5.3.3 statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- 5.3.4 an allowance, payment or indemnity given to members;
- 5.3.5 any ceremonial honour given to members; and
- 5.3.6 setting council tax or a precept under the Local Government Finance Act 1992.

## Sensitive Interests

5.4 Where you have an interest which is not a disclosable pecuniary interest and information relating to the interest is sensitive information, you must indicate to the meeting that you have an interest, the details of which are withheld.

## 6 Sensitive information

6.1 Where you consider that the information relating to any of your interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest under paragraph 4.

6.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 6.1 is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

6.3 In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person connected with you may be subjected to violence or intimidation.

## 7 Gifts and Hospitality

7.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value of £25 or over which you have accepted from or has been offered to you by any person or body other than the authority. You must also declare receipt of gifts or hospitality totalling £100 or over from any one single source in any 12 month period.

7.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality, such register to be available on line.

7.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

Disclosable Pecuniary Interests

Disclosable Pecuniary Interests are the interests specified in the second column of the following table and for the purposes of that table the following definitions apply:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) (Disclosure of pecuniary interests upon taking office) or section 31(7) (Interests not entered on the authority’s register and not subject to a pending notification), as the case may be, of the Act;

“relevant person” means M or M’s spouse or civil partner, a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table**

**Regulation 2**

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.  This includes any payment or financial benefit from a trade union

Contracts	<p>within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).  Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –</p> <ul style="list-style-type: none"> <li>(a) under which goods or services are to be provided or works are to be executed; and</li> <li>(b) which has not been fully discharged.</li> </ul>
Land	<p>Any beneficial interest in land which is within the area of the relevant authority.</p>
Licences	<p>Any licence (along or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to M's knowledge) –</p> <ul style="list-style-type: none"> <li>(a) the landlord is the relevant authority; and</li> <li>(b) the tenant is a body in which the relevant person has a beneficial interest.</li> </ul>
Securities	<p>Any beneficial interest in securities of a body where –</p> <ul style="list-style-type: none"> <li>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</li> <li>(b) either – <ul style="list-style-type: none"> <li>i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>ii. 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 the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul> </li> </ul>



Number	Recommendation	Responsible Body	Comments	Our Views
1.	The Local Government Association should create an updated model Code of Conduct, in consultation with representative bodies of Councillors and Officers of all tiers of Local Government.	Local Government Association	This is a recommendation for the LGA to comment upon. The LGA have responded, on the 30th of January, stating that in their view ' <i>A locally-led approach to standards – underpinned by a national framework – remains the right approach and the LGA is happy to play a leading role in updating a code of conduct to help guide our members</i> '.	Is this a move towards a standardised Code of Conduct? There is clearly no recommendation in the report to go back to the pre-Localism Act system and abolish the ability of authorities to determine their own codes, but is it the case that this could be the possible end result of the LGA producing a model code? Will there be pressure to adopt it? The stated purpose of the recommendation is to create some consistency and reflect common expectations across Local Authorities (and Town and Parish Councils). The Codes do vary considerably at the moment. A number of Model Codes were circulated when the Localism Act introduced the new approach to Standards in 2011/12. One Model Code which is then adapted therefore makes some sense and may avoid confusion. The report does appear to support Councils having final ownership - so using a "Model" Code as a starting point and then adding to it as appropriate. The report goes on to suggest that Codes are regularly reviewed and updated which would seem to support the view that it would be a starting point for Councils to adopt and amend as appropriate. This recommendation would be relatively easy to implement. We should watch what the LGA do.
2.	The Government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a Councillor does not need to register their home address on an authority's Register of Interests.	Government	Will require primary or secondary legislation	Members may already ask to have their home addresses withheld, but they have to request this and satisfy the Monitoring Officer that there are grounds for doing so - "sensitive Personal interests" . This proposal should lessen the potential risk to concerned members. We already relaxed the approach to this in Kirklees but the new approach is welcome. It is noted that recent changes to Electoral rules mean that candidates for local election (as is already is the case for parliamentary candidates) do not have to include their home address on nomination papers. We will continue to use the more relaxed approach that we introduced about 15 months ago.
3.	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit Local Authorities to presume so when deciding upon Code of Conduct breaches.	Government	Will require primary or secondary legislation	This is probably a welcome step that recognises the blurring that can occur in respect of a member's social media presence. Certainty on this can assist members in understanding how social media posts will be regarded. The proposal appears to come out of a look at what Wales and Northern Ireland do. The wording will require some clarity however to make it work in practice and could lead to some issues around interpretation (as it currently does in any event!) . The report itself refers to there being a "rebuttable presumption that a councillor's behaviour in public is in an official capacity. An individual's behaviour in private, in a personal capacity, should remain outside the scope of the Code". The distinction between public and private may be blurred however. What about a councillor who commits a criminal offence but whilst acting in private. what about a councillor in private uses threats like "...dont you know who i am ....". Lets see what the legislation says but its something that we wrestle with from time time and will continue to until we can acheive better clarity.
4.	Section 27(2) of the Localism Act 2011 should be amended to state that a Local Authority's Code of Conduct applies to a Member when they claim to act, or give the impression they are acting, in their capacity as a Member or as a representative of the Local Authority.	Government	Will require primary or secondary legislation	As above, some certainty must be welcomed.
5.	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a Charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government	Will require primary or secondary legislation	Clarity on disclosable interests is likely to be welcomed by members.
6.	Local Authorities should be required to establish a register of Gifts and Hospitality, with Councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model Code of Conduct.	Government	Will require primary or secondary legislation	This is something that isn't currently prohibited and some authorities do keep public registers. Kirklees Code of Conduct requires members to declare gifts and hospitality of £25 or more in any event. We could take a decision to change this to the recommended higher figure and be more explicit about making the register public. We dont need legislation to do this voluntarily.

7.	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that Councils include in their Code of Conduct that a Councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".	Government	Will require primary or secondary legislation	Clarity on disclosing interests is likely to be welcomed by members. Not sure however that this achieves it as it still requires a judgement call and different members of the public may have different views on what "so significant that it is likely to prejudice your consideration or decision-making in relation to that matter " means.
8.	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government	Will require primary or secondary legislation	Concerns were raised that a two year period was far too short, and four years was better. Concerns had also been raised about the difficulty in recruiting suitable IPs. Helpful to have some clarity and 2/4 years provides some consistency. Would probably favour slightly longer or at least have that flexibility - so three years and three years. We currently have one IP after we had only one applicant last time. We said we would review that and see if we should appoint another. We did that last year at Standards and decided for the time being to continue with one. Perhaps we could consider another recruitment exercise so that there is overlap between current IP and any new IP? We don't need to wait for legislation to do this.
9.	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government	Will require primary or secondary legislation	Decision notices that are currently produced do refer to the participation of the IP in the decision making process. The decisions are not published however - they are shared with a limited group of individuals who could choose to share the decisions. (see later recommendations )
10.	A Local Authority should only be able to suspend a Councillor where the Authority's Independent Person agrees both with the finding of a breach and that suspending the Councillor would be a proportionate sanction.	Government	Will require primary or secondary legislation	It is not unreasonable, where the harshest of sanctions is applied, that the decision should be unanimous. (See recommendation 16 below which proposes a new sanction be introduced )
11.	Local Authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The Government should require this through secondary legislation if needed.	Government/All Local Authorities	Will require primary or secondary legislation	This is not an unreasonable suggestion. It is also noted that the creation of a network for Independent Persons is suggested in the surrounding text to the recommendation. That would be a sensible idea. Also whilst there are networks for Monitoring Officers for best practice these could be strengthened and better formalised.
12.	Local Authorities should be given the discretionary power to establish a decision-making Standards Committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government	Will require primary or secondary legislation	This recommendation is made to change some of the gaps in the current legislation under the Localism Act. It is discretionary under the localism Act whether Councils have a Standards Committee. Standards Committees may be decision makers or they can play a role in monitoring behaviours / reporting back to Council. In Kirklees we have the second - advisory model. In current legislation Independent Persons can be non-voting members of the Standards Committee. Some respondents to the consultation also felt that it might be beneficial to have members from Town and Parish Councils on them too who were able to vote. This is the background to this recommendation. It isn't intended to be compulsory but corrects the previous approach and would allow those who wanted to adopt such an approach. Its a welcome update.
13.	Councillors should be given the right to appeal to the Local Government Ombudsman if their Local Authority imposes a period of suspension for breaching the Code of Conduct.	Government	Will require primary or secondary legislation	It is noted that the Ombudsman is proposed to only have a role where the most serious form of sanction has been applied. This is a sensible approach
14.	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a Code of Conduct breach by a Councillor and the appropriate sanction, on appeal by a Councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the Local Authority.	Government	Will require primary or secondary legislation	It is noted that there would be a power to impose an alternate sanction, as well as a power to determine if the allegation of breach was founded. This a sensible approach and would be welcome - although the extent to which the LGO could impose (and which) alternative sanctions will be interesting. Suspension should be a last option. It may be required after a series of other sanctions have been imposed but not carried out.

15.	The Local Government Transparency Code should be updated to require Councils to publish annually: the number of Code of Conduct complaints they receive; what the complaints broadly relate to (eg bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government	Will require primary or secondary legislation	This proposal is to compel authorities to publish. There is currently no prohibition on this and some authorities make their findings public. Kirklees could choose to follow this recommendation if they chose. We currently do six monthly reports with this information in them (which is therefore public) but we could be more proactive in publishing the statistics on line.
16.	Local authorities should be given the power to suspend Councillors, without allowances, for up to six months.	Government	Will require primary or secondary legislation The LGA are not wholly supportive of this, stating that, in their view, 'a number of adequate sanctions already exist to deal with the most serious issues and care needs to be taken to avoid adding to the current regime and causing unintended consequences. For example, suspending councillors for up to six months could see them lose their seat. This would pose a risk to the democratic process leaving residents without locally-elected representative.'	This is a welcome suggestion and appears to be in response to the strong views that were expressed during the consultation that there were not adequate sanctions available to local authorities. The report itself says that the 'current lack of robust sanctions damages public confidence in the standards system'. This appears to be in response to the views expressed. See comments earlier as well.
17.	The Government should clarify if Councils may lawfully bar Councillors from Council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government	May require primary or secondary legislation	Clarity is likely to be welcomed.
18.	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government	Will require primary or secondary legislation	This is welcome as its hasn't been wholly effective. Presumably, this proposal is made on the basis that Councils will have adequate sanctions in exchange for the abolition but it is unclear at present.
19.	Parish Council Clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish Councils	Unclear if this is really "good practice" recommendation rather than something requiring legislation	This should be beneficial to Town and Parish Councils for the reasons set out in the report. It may give more tools/ confidence to deal with tricky matters but won't stop poor behaviour by Parish/ Town councillors
20.	Section 27(3) of the Localism Act 2011 should be amended to state that Parish Councils must adopt the Code of Conduct of their principal authority, with the necessary amendments, or the new model code.	Government	Will require primary or secondary legislation	There is likely to be a positive benefit to this, especially where members sit on both Kirklees and a Town or Parish Council. It will also be beneficial to the Monitoring Officer when dealing with any conduct complaints.
21.	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a Parish Councillor following the finding of a breach is to be determined by the relevant principal authority.	Government	Will require primary or secondary legislation	There is currently a lack of clarity about the extent to which Town and Parish Councils must impose a sanction recommended by the principal authority. This is proposal is intended to clarify that.
22.	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government	Will require primary or secondary legislation	This is a welcome step to protect the independence of statutory officers.
23.	The Local Government Transparency Code should be updated to provide that Local Authorities must ensure that their Whistleblowing Policy specifies a named contact for the external auditor alongside their contact details, which should be available on the Authority's website.	Government	Will require primary or secondary legislation	This is already part of Kirklees' whistleblowing policy.

24.	Councillors should be listed as "prescribed persons" for the purposes of the Public Interest Disclosure Act 1998.	Government	Will require primary or secondary legislation to make it compulsory.	Kirklees' whistleblowing policy does treat members as prescribed persons, listing them as alternative contacts for employees wishing to make disclosures.
25.	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties	Unclear what's needed to make this a requirement across groups / parties	We already have induction training for new Councillors and so far have had full attendance or we have managed to meet with Councillors unable to make induction in the first week. This appears to be over and above that with an obligation on group and national parties. This is a welcome recommendation but unclear how this will work in practice. The training and induction of members is important and it is welcomed that there is a proposal to make this a requirement. Not clear what will happen with independents.
26.	Local Government Association corporate peer reviews should also include consideration of a Local Authority's processes for maintaining Ethical Standards.	Local Government Association	Legislation not required	The LGA haven't commented directly on this proposal. Do local authorities want their codes and processes subject to such review? What powers would be given to the LGA if they decided they weren't suitable? In theory a good idea.

Number	Best practice	Responsible Body	Comments	Our Views
1.	Local Authorities should include prohibitions on bullying and harassment in Codes of Conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	Local authority	No legislation would be required - an authority can choose the contents of its own code of conduct.	Kirklees already says (3A.2) "You must not bully or intimidate any person or attempt to bully or intimidate them" . The report provides some good examples of the type of thing that should be included in Codes however as examples of what that might mean in practice. It is proposed that we consider this in more detail and look at amending the Code in Kirklees to give more specific references to what might amount to bullying. There is also reference to social media in the report and the need to provide appropriate guidance - it doesn't form part of the best practice/ recommendations but it is suggested. This should be picked up by the standards committee and more help and guidance given to members as it overlaps with issues around behaviours and has led to a significant number of complaints.
2.	Councils should include provisions in their Code of Conduct requiring Councillors to comply with any formal Standards investigation and prohibiting trivial or malicious allegations by Councillors.	Local authority	No legislation would be required - an authority can choose the contents of its own code of conduct.	the Kirklees code already contains this but the sanctions for not complying are weak.
3.	Principle Authorities should review their Code of Conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring Authorities.	Local authority	No legislation would be required - an authority can choose how often it reviews its own code of conduct.	seeking the views of the public etc would be a sensible idea but an annual review may be too often ? Perhaps bi annually would be more sensible - otherwise no sooner is something reviewed then we would be reviewing again.
4.	An Authority's Code should be readily accessible to both Councillors and the public, in a prominent position on a Council's website and available in Council premises.	Local authority		Kirklees' Code of Conduct is published on its website. Perhaps there could be a link from the home page. We can look at other ways to make it prominent.
5.	Local Authorities should update their gifts and hospitality register at least once per quarter and publish it in an accessible format, such as CSV.	Local authority		See earlier comments in the recommendations. Suggest that this is something we can do quickly.
6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Local authority		Yes agreed we should consider what that might look like as part of a discussion with members of the Standards committee and recommend that to Council. The report makes reference to one which is used in Northern Ireland which we could explore as a starting point.
7.	Local Authorities should have access to at least two Independent Persons.	Local authority	There are no restrictions on the numbers of Independent persons that an authority can appoint.	This may be an ideal, but may not reflect the difficulty in recruiting suitable IPs. As referred to earlier - suggest that we consider another recruitment to overlap with the current IP.

8.	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	Local authority		Kirklees already involve their IP at the first 'sift' stage in the complaints process as well as later on in the process.
9.	Where a Local Authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of fact, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	Local authority		Some thought needs to be given as to whether Kirklees wants to publish its decision notices. Currently, these are only made available to the member's group leader and GBM and the member complained of, plus the complainant. Currently, the other GBMs don't see the decision notice. This may be something which is worth considering as an additional way of getting compliance with recommendations. One for further discussion.
10.	A local authority should have straightforward accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	Local authority		Kirklees does have this, but perhaps there could be a direct link to this from the homepage.
11.	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	Town or parish council	This is a matter for the individual Town or Parish Councils to adopt.	This looks like a sensible suggestion - it may be worth a conversation with Parish and Town Councils about this
12.	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	Local authority		Currently, the Monitoring Officer does deal with complaints made about Town or Parish council members. This does impact on resources - significantly at times.
13.	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	Local authority		This is a sensible suggestion. To raise at the WYLAW group.
14.	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	Local authority		Yes a sensible idea. Discuss with head of Audit and Risk and include in the AGS
15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Local authority		The Monitoring Officer regularly meets with the GBMs and the Chief Exec meets regularly with the Group Leaders.

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## ITEM 8

### 2.1.4

2	Noted that Kirklees has already changed its processes
6	Agree to maintain the current £25 limit and to publication of the register on line
11	Noted that Kirklees already does this
15	Agree to maintain the same 6 monthly publication process, but with some tables to make comparisons easier and trends more visible
20	Agree that Town and Parish Councils be asked to adopt KMC code of conduct (Monitoring Officer to contact Town/Parish Councils), and also suggest that discussion of the CSPL report is scheduled as an item of business on their agendas
23	Action noted, awaiting contact name from Grant Thornton
24	Noted that the current whistleblowing policy does treat members as such
25	Recommend to CGA that the Code of Conduct be amended to make formal induction for new Councillors mandatory Members of Standards Committee to undertake annual refresher training It was also noted that there may be an obligation imposed on national parties, if this recommendation is adopted
26	Noted

### 2.1.3

1	Recommend to CGA that the Code of Conduct is amended to include the examples of bullying and intimidation from page 33 of the CSPL report Bring report to a future Standards Committee re guidance on social media training
2	Noted
3	Agree bi-annual approach to code of conduct reviews (with any additional updates if and as required)
4	Noted that the Code of Conduct is on the website Agreed that copies should be made available in Council buildings
5	Agreed to publish on Council website (see point 6 above)
6	Agreed to publish as part of the standards process and the MO is asked to incorporate this into the standards process
7	Agree to recommend to CGA, for approval by full Council
8	Noted
9	Agreed to recommend to CGA
10	Kirklees does currently publish complaints process details on its website It is agreed to also make copies available at Council buildings
13	Noted that such arrangements do already exist within WYLAW
14	Agreed to ask the Head of Risk to look into this
15	Noted

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**Name of meeting: Annual Council**  
**Date: 22<sup>nd</sup> May2019**

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

**Purpose of report; To provide information on proposed changes to Contract Procedure Rules for the municipal year 2019/20**

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 ( CFO)  Yes
Cabinet member portfolio	Not applicable

**Electoral wards affected: All**  
**Ward councillors consulted: Not applicable**  
**Have you considered GDPR; Yes**  
**Public**

## 1. Summary

- 1.1 This report sets out information on proposed changes to Contract Procedure Rules. The main areas proposed for amendment relate to values. These are shown on the attached documents.
- 1.2 These changes were considered, and recommended, by Corporate Governance & Audit Committee on 26<sup>th</sup> April 2019.

## 2. Information required to take a decision

- 2.1 The detail is contained within the attachment. Because many of the changes are in tables in the text, these do not show up by track changes, so attention is drawn particularly to the Appendix A, which highlights the changes in a comparative form(2018 to 2019)
- 2.2 The main changes relate to values, aligning most actions to thresholds of £25,000, £100,000 and the EU goods/supplies thresholds- just over £180,000 at present. Other changes emphasise the need for electronic tendering, remove the role of Audit in opening tenders (the electronic portal system providing appropriate controls) and entitle the Head of Procurement to make supplier selections to submit tenders for jobs below a £100,000 threshold.

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

- 3.1 **Working with People** – None directly
- 3.2 **Working with Partners** – None directly
- 3.3 **Place Based Working** – None directly
- 3.4 **Improving outcomes for children**– None directly
- 3.5 **Other (eg Legal/Financial or Human Resources)**- Although each of the sub categorisations above suggest no direct implications, these Procedure Rules covers all aspects of the councils operations,.

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

- 4.1 The service directors for finance, and legal governance and commissioning, and legal and legal services advisers have been involved in the drafting of these proposals.

### **5. Next steps & Timelines**

- 5.1 If approved, these changes will be implemented from 1st June 2019

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

- 6.1 Council is asked to approve the changes recommended by the Corporate Governance & Audit Committee.

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

- 7.1 Not applicable.

### **8. Contact officer**

Jane Lockwood, Head of Procurement  
Martin Dearnley, Head of Risk

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

The attached document includes track changes, and a clean (new) version. The 2018 version of CPRs is available as a part of the council constitution.

Agenda of Corporate Governance & Audit Committee 22/4/2019

### **10. Service Director responsible**

Service Directors of Legal Governance & Commissioning,

## CPR Comparison Table

## APPENDIX A

This table is provided to give an overview of key suggested changes to the Council Procedure Rules (CPRs) for 2019. The table does not include minor amendments such as grammatical changes and changes in referencing.

CPR 2018	CPR 2019
Contents table	Contents table
3. Choice of Procurement Process 4. Advertising 5. Competition and Supplier Selection	These have been combined into one table; 3. Procurement Process (& renumbering of the contents table thereafter)
6. Quotation receipt & evaluation	Now 4. Quotation has been replaced with the word Tender throughout the CPRs
Definitions	Definitions
Data Protection Legislation Data Protection Act 1998	Change in date; Data Protection Act 2018
	Addition of; General Data Protection Regulation
Head of Corporate Property Management	Minor change
Official Council Order	Value/Threshold Change Supply for a value of less than £160,000 has changed to the current EU supplies and services threshold.
Procurement Strategy	Has been removed as out of date and under review
	Addition of; Reasonable means
Rule 1 – Conduct and Compliance	Rule 1 – Conduct and Compliance
	Head of Procurement may Addition of; 1.6.3 undertake a review of procurement arrangements and practices, and value for money within any service area, in consultation, as appropriate,

	with the Service Director, Solicitor to the Council, Chief Finance Officer and Head of Internal Audit
<b>Rule 2 – Preparation and Process</b>	<b>Rule 2 – Preparation and Process</b>
(3) Value £20,000 (9) For contracts up to £160,000 (10) For contracts above £160,000 (13) contract exceeding £180,000	(3) Value increased to £25,000 Change in values/threshold across the CPRs to align with existing EU thresholds for supplies and services. Implications of this are that the procurement team will now assume responsibility for contracts between £160,000 and EU threshold (currently at £181,302) Values for (9), (10) & (13) have been changed to; EU supplies and services threshold 2.1.9 slight change in wording
Rules 3 (Choice of Procurement Process, Rule 4 (Advertising) & Rule 5 (Competition & Supplier Section) have been consolidated into one table called Procurement Process Changes have been made to values to; <ul style="list-style-type: none"> <li>- align with requirements under Transparency Regulations (£25k)</li> <li>- to simplify the different bands and align with EU Threshold</li> </ul>	
<b>Rule 3 – Choice of Procurement Process</b>	<b>Rule 3 Procurement Process</b>
Value of Supplies <ul style="list-style-type: none"> <li>- Up to £200</li> <li>- Between £200 and £20,000</li> <li>- £20,000 to £99,999</li> <li>- £100,000 up to EU Threshold or £180,000 (whichever is lower)</li> <li>- Above EU Threshold or £180,000 (whichever is lower)</li> </ul>	Value of Supplies <ul style="list-style-type: none"> <li>- £0 - £24,999</li> <li>- £25,0000 – EU Threshold</li> <li>- Above EU Threshold</li> </ul> Changes have been made to values to align with requirements under Transparency Regulations (£25k) and in line with EU Thresholds. The Head of Procurement can determine a select list of contractors for projects below £100,000
Rules 4&5 – Advertising & Competition & Supplier Section	Rules 4&5 – Advertising & Competition & Supplier Section No substantial changes to the content of this section, just to how the

	information is displayed
<b>Rule 6 – Quotation Receipt &amp; Evaluation</b>	<b>Rule 4 – Tender Receipt &amp; Evaluation</b>
6.1 For Procurements which are valued above £180,000	4.1 For Procurements which are valued about £25,000, suppliers must be required to submit tenders by electronic means of communication.
6.2, 6.3 & 6.4 all relate to paper quotes – which have been removed as paper submissions no longer allowed	
6.5 Opening of tenders by procurement and audit	4.3 All electronic Tenders received by the appointed time will be opened at the same time by the Head of Procurement.  The procurement portal has a clear auditable pathways which have negated the need for audit to open tenders. Appropriate controls exist within the system.
<b>Rule 7 – Standing Lists, Dynamic Purchasing Systems and Framework Agreements</b>	<b>Rule 5 – Standing Lists, Dynamic Purchasing Systems and Framework Agreements</b>
7.4 .....and other appropriate printed newspaper or journal	5.4 changed to ...and other appropriate media as the Head of Procurement may determine
7.11 All Framework Agreements will be in the form of a written contract...	5.11 changed to All Framework Agreements will in the form of a written agreement
<b>Rule 8 – Exceptions from Competition</b>	<b>Rule 6 – Exceptions from Competition</b>
8.2 The Head of Procurement must approve any proposed trail arrangement exceeding £20,000	8.2 changed to ...arrangement exceeding £25,000
8.7 The Solicitor to the Council must be consulted in advance to any negotiation in respect of any contract estimated to exceed £160,000...	8.7 changed to .....contract estimated to exceed the EU supplies and services threshold
<b>Rule 9 – Record Keeping and Reporting</b>	<b>Rule 7 – Record Keeping and Reporting</b>
9.1 (last sentence) The documentation must be kept for a period of at least 3 years from the date of award of the contract	9.1 changed to ...documentation must be kept for a period as defined within the Councils

	relevant retention schedule
<b>Rule 10 – Income Contracts &amp; Concessions</b>	<b>Rule 8 – Income Contracts &amp; Concessions</b>
10.3.1 Assets valued at below £200 may be disposed of by any means 10.3.2 Assets valued between £200 and up to £20,000 must be disposed of by a method chosen by the Service Director....	10.3.1&2 changed to 8.3.1 Assets valued up to £25,000 must be disposed of by a method chosen by the Service Director 8.3.2 Assets valued above £25,000 must be disposed of following public notice....
10.4.1 & 2 relating to generating income... The Head of Procurement must direct and supervise the tendering arrangement expected to generate income in excess of £20,000	8.4.1 & 2 Change in threshold from £20,000 to £25,000
<b>Rule 12 – Executing Contracts</b>	<b>Rule 10 – Executing Contracts</b>
12.2 & 12.3 Contracts for all Supplies, Concessions, Income Contracts and Framework agreements up to and including £160,000	10.2 & 10.3 changed to ...agreements up to the EU supplies and services threshold
12.4 The Solicitor of the Council may authorise officers who are not Legal Officers to sign specific or specialist contracts for Supplies of above £160,000....	10.4 changed to ...contracts for Supplies above the EU supplies and services threshold
12.5 ....provide third parties with a power of attorney to sign Council contracts of £160,000 or below	10.5 changed to ...contracts of values below the EU suppliers and services threshold
<b>Appendix 1 – Examples of Policies which are relevant to CPR 2.1 (15)</b>	
Removed link to Project Management Handbook Added links to; <ul style="list-style-type: none"> <li>- Financial Procedure Rules</li> <li>- GDPR</li> </ul>	
<b>Appendix 2</b>	
Refreshed to show current EU Thresholds only. Some additional wording	
<b>Appendix 3 – Information to be reported to the Head of Procurement (CPR 11)...now (CPR 7)</b>	
A & C – Value changed so that procurement team are notified of all contracts awarded of £5,000 or above	
<b>Appendix 4 Relationship between Commissioning and Procurement</b>	
Diagram has been replaced to show the relationship between Commissioning, Procurement and Contract Management	



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**KIRKLEES COUNCIL**  
**CONTRACT PROCEDURE RULES**

**JUNE 20198**

## **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><u>GDPR</u></b>	<u><a href="#">The General Data Protection Regulations. The General Data Protection Regulation 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union and the European Economic Area. These are now incorporated into the Data Protection Act 2018.</a></u>
<b>Head of Corporate Property Management</b>	Means the officer appointed by the Service Director – <del>Economy, Regeneration &amp; Culture</del> 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 – 10.1.2 in relation to a Council 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 <del>£160,000</del> currently <u>the EU supplies and services threshold</u> approved by the Solicitor to the Council 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— <ul style="list-style-type: none"> <li>(a) from those data, or</li> <li>(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,</li> </ul> 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><u>Reasonable Means</u></b>	<u>Methods of selection or advertising which reflect reasonable trade practice. This 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.</u>
<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.

<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].

<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>Solicitor to the Council</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 personnel qualities, communication requirements, returns policies and tolerances.
<b>Special Purpose Vehicle</b>	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.
<b>Standing List</b>	A list of suppliers who are assessed as suitable to provide Supplies to the Council prepared in accordance with CPR 7.
<b>Suitability Criteria</b>	Relate to the assessment or vetting of suppliers’ general capability, fidelity, skill, competence, etc. to carry out the contract. ‘ <b>Suitability</b> ’ shall be interpreted accordingly.
<b>Supply</b>	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).
<b>Supplier</b>	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.
<b>Value for Money</b>	Securing the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought.
<b>Whole Life Costing Approach</b>	is an approach which addresses all the elements of a Supply over its life cycle such as:— <ul style="list-style-type: none"> <li>• costs relating to acquisition,</li> <li>• costs of use, such as consumption of energy and other resources,</li> <li>• maintenance costs,</li> <li>• end of life costs, such as collection and recycling costs</li> </ul> which can be used to produce a spend profile of the Supply over its anticipated lifespan.
<b>YORTender</b>	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 £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 proportionate 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 minimisation 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.
    - 1.6.3 undertake a review of procurement arrangements and practices, and value for money within any service area, in consultation , as appropriate, with the Service Director, Solicitor to the Council, Chief Finance Officer and Head of Internal Audit
- 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 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 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. 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 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, and the 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 Solicitor 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:-

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<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.

- (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 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~~ the EU supplies and services threshold, other than Land Contracts (as to which see CPR 11); the Service Director shall wherever possible use appropriate standard contract terms ~~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 Solicitor to the Council considers to be necessary (the Solicitor to the Council need not be consulted, but guidance must be followed).

(10) For contracts above ~~£160,000~~, other than ~~the EU supplies and services threshold~~ Land Contracts (as to which see CPR 11); the Service Director must consult with the 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.

~~(12)~~

~~(13)~~

~~(14)~~(13) The Head of Internal Audit is satisfied regarding the financial standing of a proposed Supplier for any contract exceeding ~~£180,000\*~~ the EU supplies and services threshold

~~(15)~~(14) The appointment of an officer to carry out supervision of the resulting contract(s) in accordance with Financial Procedure Rule 21.8.

~~(16)~~(15) That (unless Cabinet authorises otherwise) the formal Council policies and/or guides referred to in Appendix 1 are followed.

~~(17)~~(16) All supply contracts in excess of £300,000 will be bonded in the sum of 10% of the Quotation value, except where the 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.

~~(18)~~(17) A risk log is maintained during the Procurement process.

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

- 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 £250,000, 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 consultation with the 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~~ appendix XXg:

Value of Supplies	Requirement
Up to £200	<del>Any Procurement means is permitted</del>
<del>Up to between £200 and £250,000</del>	<p><del>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).</del></p> <p><del><b>Reasonable Means to Select;</b> this requires methods of selection which reflect reasonable trade practice. For Supplies below £250,000, 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.</del></p> <p><del><u>All procurement activity in excess of £5,000 must be discussed with Corporate Procurement. There is an expectation, unless agreed otherwise (by Corporate Procurement) that at least 3 competitive quotes will be obtained for such procurements.</u></del></p>
above <u>£250,000</u>	<p>One of the following:</p> <p style="text-align: center;">◆ ————— Quotations ————— (CPRs 4 – 6)</p>

	◆ <del>Framework Suppliers, Standing Lists, Etc. (CPR 7)</del>
	◆ <del>Exemptions (CPR 8)</del>
	◆ <del>Internal, Consortia &amp; Compulsory (CPR 8)</del>

~~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.

~~3.3~~

#### **RULE 4 - ADVERTISING**

4.1 The Service Director must advertise for Suppliers and/or quotations as ~~follows detailed in appendix XX.~~

<del>Estimated Value of Contract<sup>5</sup></del>		<del>Advertising Requirement</del>
<del>Works; above £4,550,000*</del> <del>Goods; above £180,000*</del> <del>Services other than 'Light Touch Regime' services; above £180,000*</del> <del>'Light Touch Regime' services; above £615,000*</del>		<del>Advertise on YORTender, Contracts Finder and OJEU and in other media if appropriate (OJEU first); or</del> <del>Use approved Framework Agreement; or</del> <del>Use approved Dynamic Purchasing System</del>
<del>From</del>  <del>Works</del> <del>£100,001</del>  <del>Goods</del> <del>£250,001</del>  <del>Services</del> <del>£250,001</del>	<del>Up to</del>  <del>Works; £4,550,000*</del> <del>Goods; £180,000*</del> <del>Services other than 'Light Touch Regime' services; £180,000*</del> <del>'Light Touch Regime' services; £615,000*</del>	<del>As the Head of Procurement determines</del>  <del>1. From a standing list</del> <del>2. An approved Framework Agreement</del> <del>3. An approved Dynamic Purchasing System</del> <del>4. Advertise on YORTender, Contracts Finder PLUS other reasonable advertising means;</del>  <del>Or</del> <del>For value below £100,000 use of suppliers selected otherwise (except where the procurement applies to a grant obliging competition, or cross border competition may be compromised)</del>

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

<u>Goods or services from £200 up to £250,000</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 as detailed in appendix XX:-

<u>Estimated Value of Contract</u>	<u>Minimum Number</u>
<u>£250,000 to £99,999</u>	<u>3</u>
<u>£100,000 up to EU Threshold or £180,000* (whichever is lower)</u>	<u>4</u>
<u>Above EU Threshold or £180,000* (whichever is lower)</u>	<u>5</u>

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 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 the supplies and services EU threshold ~~£181,302~~, 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

<sup>6</sup> See CPR 7.17



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 at the supplies and services EU threshold of £181,302 or above, and subject to CPR 5.5, the Service Director must use the Council's standard selection 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@crownccommercial.gov.uk](mailto:mysteryshopper@crownccommercial.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.
- 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 £25,000-180,000\*, 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:-

<b>Estimated Value</b>	<b>Returned to</b>
<u>£20,000 to £99,999</u>	<u>Service</u>
<u>£100,000 and above</u>	<u>Head of Procurement</u>

- ~~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.~~

6.5-6.3. All ~~paper and~~ electronic quotations received by the appointed time will be opened at the same time by a Corporate Procurement Officer (who must be independent of the quotations that are to be opened):

<b>Estimated Value</b>	<b>Representatives (at least)</b>

A	£20,000 to £99,999	<del>Two Service based officers who are independent of the procurement</del>
B	£100,000 and above	<del>One Internal Audit representative &amp; One Corporate Procurement officer</del>

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

~~6.6.6.4.~~ 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:-

- ~~6.6.1.6.4.1.~~ Nature of the Supply
- ~~6.6.2.6.4.2.~~ Name of each supplier submitting a Quotation and the date/time of receipt
- ~~6.6.3.6.4.3.~~ Name of suppliers failing to submit prices/proposal
- ~~6.6.4.6.4.4.~~ Prices from each supplier
- ~~6.6.5.6.4.5.~~ Names of the persons present at the opening
- ~~6.6.6.6.4.6.~~ Date and time of opening of Quotations
- ~~6.6.7.6.4.7.~~ Any reason for rejecting any Quotation

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

~~6.7.6.5.~~ 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.

~~6.8.6.6.~~ 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.

~~6.9.6.7.~~ 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.

~~6.10.6.8.~~ 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.

~~6.11-6.9.~~ The Service Director will require tenderers to explain the price or costs proposed in their tender where tenders appear to be abnormally low.

~~6.12-6.10.~~ 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 Solicitor to the Council that the debrief process has completed satisfactorily prior to formal acceptance of any quotation.

~~6.13-6.11.~~ 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 Solicitor to the Council and the Head of Internal Audit.

~~6.14-6.12.~~ If a formal challenge is initiated (e.g. a formal letter before Court action is received or Court or arbitration proceedings are commenced) the 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 Solicitor to the Council advises about confidentiality and Legal Privilege.

### **Clarifications, Presentations and Interviews**

~~6.15-6.13.~~ 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:

~~6.15.1-6.13.1.~~ Set an appropriate time limit for a reply; and

~~6.15.2-6.13.2.~~ Do not request changes or otherwise seek to influence the bidder; and

~~6.15.3-6.13.3.~~ Deal with all of the matters in the Quotation which are incomplete or erroneous or unclear; and

~~6.15.4-6.13.4.~~ Treat all tenderers equally and fairly and so, for example, the request:

~~6.15.4.1-6.13.4.1.~~ Must not occur before all of the bids have been subject to an initial evaluation

~~6.15.4.2-6.13.4.2.~~ must not unduly favour or disadvantage the bidder to whom the request is addressed, and

~~6.15.4.3-6.13.4.3.~~ must be sent in the same way to all bidders unless there is an objectively verifiable ground justifying different treatment.

~~6.16-6.14.~~ 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.

~~6.17-6.15.~~ 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:

~~6.17.1-6.15.1.~~ comprehensively recorded; and

- ~~6.17.2-6.15.2.~~ assessed according to transparent and objectively verifiable criteria connected to the subject matter of the contract; and  
~~6.17.3-6.15.3.~~ supervised by the Head of Procurement.

~~6.18-6.16.~~ 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 ~~other ne~~ appropriate media as the Head of Procurement may determine. ~~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 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 ~~agreement~~ **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 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.
- 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 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 £250,000.

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

## < 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.

### **Negotiated Contracts**

- 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 Solicitor to the Council must be consulted in advance of any negotiation in respect of any contract estimated to exceed [the EU supplies and services threshold £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 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 as defined within the Councils relevant retention schedule. ~~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.~~ 10.3.1. Assets valued at between £200 and up to £250,000 must be disposed of by a method chosen by the Service Director and a written justification of the choice retained.
  - ~~10.3.3.~~ 10.3.2. Assets valued above £20,5,000 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 £250,000 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 £250,000.

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

- 10.5. If an Income Contract is intended to be or become profitable or be commercial in nature, advice must be obtained from the Solicitor to the Council.
- 10.6. If an Income Contract has any potential to distort the relevant market—advice must be obtained from the 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 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 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 the EU supplies and services threshold ~~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 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 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 the EU supplies and services threshold ~~£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 Solicitor to the Council under her Scheme of Officer Delegations.

12.4. Notwithstanding CPR 12.3, the Solicitor to the Council may authorise officers who are not Legal Officers to sign specific or specialist contracts for Supplies ~~of~~ above the EU supplies and services threshold £160,000. Two authorised officers must sign each such contract.

12.5. The 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 values~~ below the EU supplies and services threshold.

## LAND

12.6. The 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 Solicitor to the Council may nominate other officers to enter into Land commitments and arrangements using documentation previously approved by the 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 Solicitor to the Council (or by a legal officer nominated by him or her).

Additionally, the 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 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 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 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 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 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 May 2018~~

~~Apply from 1 June 2018~~

Approved by Council

Apply from 1 June 2019

~~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	£181,302 ( <b>£180,000*</b> )
Light Touch Regime Contracts (Annex XIV)	£625,050	£589,148	£615,278 ( <b>£615,000*</b> )
Works contracts	£4,322,012	£4,104,394	£4,551,413 ( <b>£4,550,000*</b> )
Small lots – supplies & services	£66,672	£62,842	£65,630 ( <b>£65,000*</b> )
Small lots – works	£833,400	£785,530	£820,370 ( <b>£820,000*</b> )

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

The threshold values to be used will be those applicable at the commencement of the procurement process. EU Procurement threshold values are revised every two years.

## Appendix 3

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

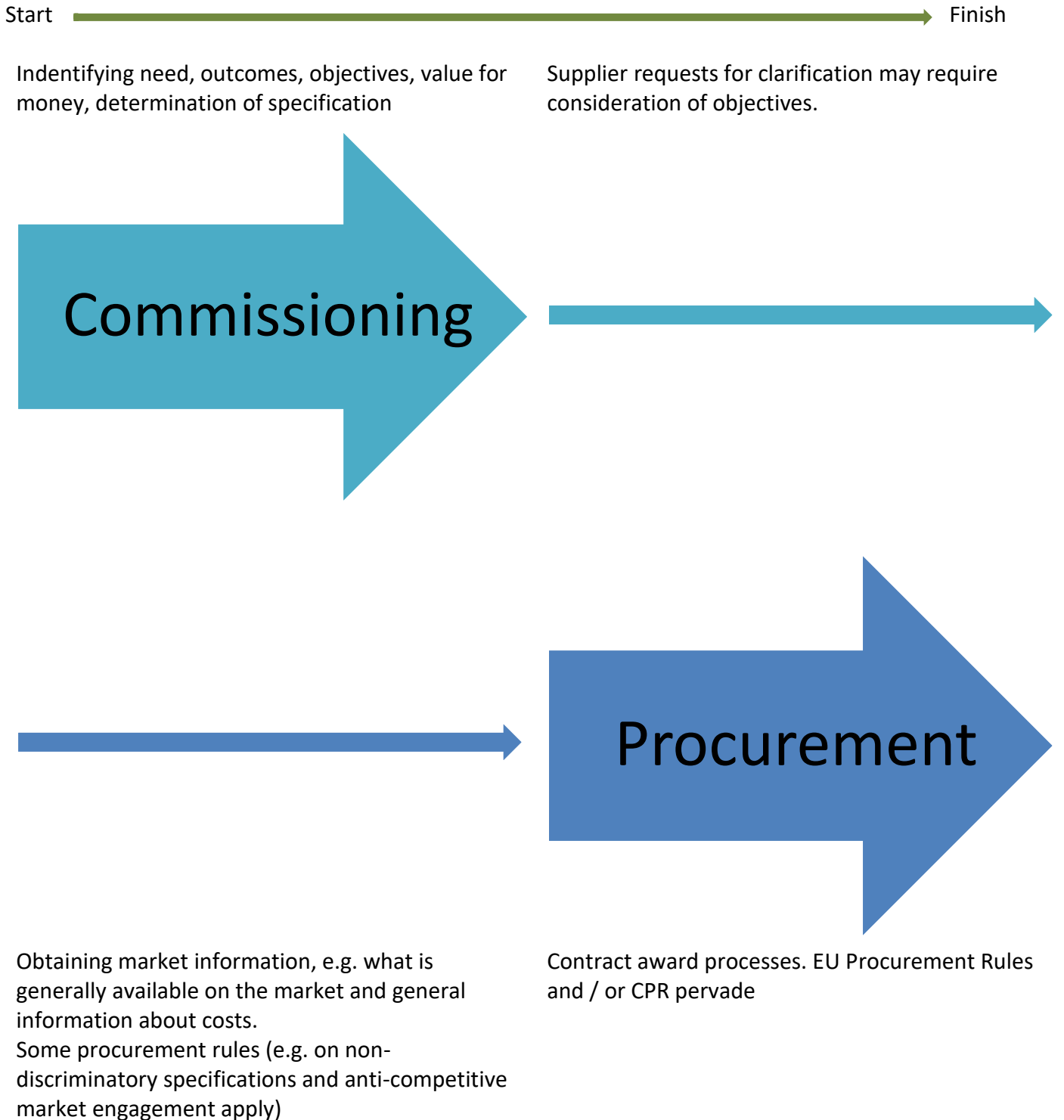
	Information	When
A.	Details of all contracts awarded for Supplies of £100,000 or above following a competitive process including the name of the Supplier, and amount of the Quotation and if the chosen supplier was not the cheapest, then the	When Requested

	same information in relation to unsuccessful Suppliers, and the reason why the successful Supplier was chosen.	
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 £250,000 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: <ol style="list-style-type: none"> <li>1. reference number</li> <li>2. title of agreement</li> <li>3. local authority department responsible</li> <li>4. description of the goods and/or services being provided</li> <li>5. Supplier name and details</li> <li>6. sum to be paid over the length of the contract (or if unknown, the estimated annual spending or budget for the contract)</li> <li>7. Value Added Tax that cannot be recovered</li> <li>8. start, end and review dates</li> <li>9. whether or not the contract was the result of an invitation to quote or a published invitation to tender, and</li> <li>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</li> </ol>	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

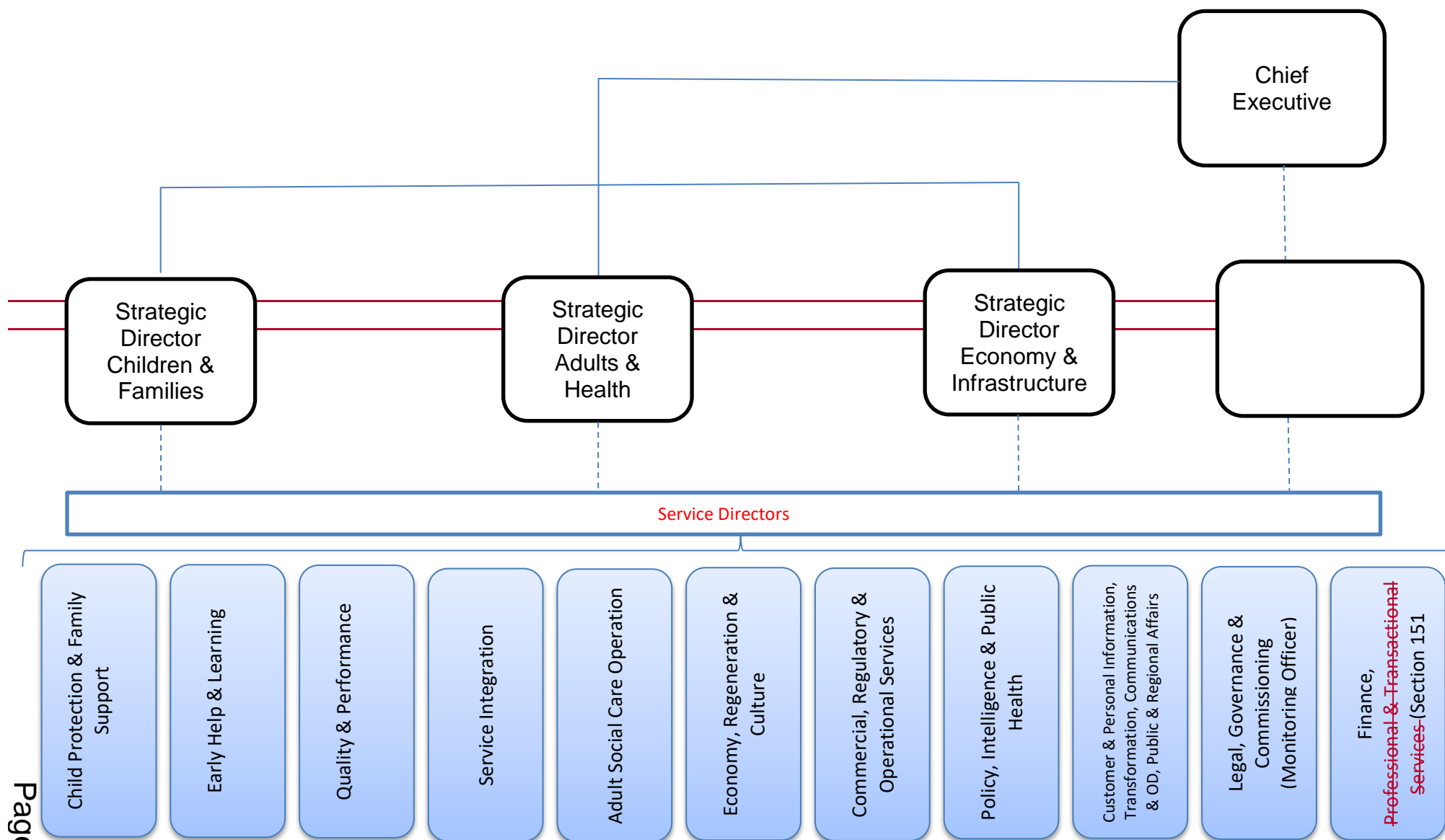
### Relationship between Commissioning and Procurement

The arrows indicate the stages of the whole resourcing process





Appendix 5  
Council Structure as at 1 April 2019~~7~~



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**KIRKLEES COUNCIL**  
**CONTRACT PROCEDURE RULES**

**JUNE 2019**

## **CONTRACT PROCEDURE RULES**

Definitions

Introduction

1. **CONDUCT AND COMPLIANCE AND WAIVER**
2. **PREPARATION AND PROCESS**
3. **PROCUREMENT PROCESS**
4. **TENDER RECEIPT & EVALUATION**
5. **STANDING LISTS, DYNAMIC PURCHASING SYSTEMS AND FRAMEWORK AGREEMENTS: CREATION AND USAGE**
6. **EXCEPTIONS FROM COMPETITION**
7. **RECORD KEEPING AND REPORTING**
8. **INCOME CONTRACTS & CONCESSIONS (INCLUDING NIL VALUE AND DISPOSAL CONTRACTS)**
9. **LAND**
10. **EXECUTING CONTRACTS**
11. **VARIATION AND TERMINATION OF CONTRACTS AND RELEASE OF BONDS**
12. **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 2018, 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. 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>GDPR</b>	The General Data Protection Regulations. The General Data Protection Regulation 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union and the European Economic Area. These are now incorporated into the Data Protection Act 2018.
<b>Head of Corporate Property Management</b>	Means the officer appointed by the Service Director 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 8.1.1 – 8.1.2 in relation to a Council asset <sup>1</sup> and includes situations where the Council does so at nil value (subject to this not being a Grant – see CPR 8.2).
<b>Official Council Order</b>	A standard form of contract for a Supply for a value of less than the current EU supplies and services threshold approved by the Solicitor to the Council 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— <ul style="list-style-type: none"> <li>(a) from those data, or</li> <li>(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,</li> </ul> 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>Reasonable Means</b>	Methods of selection or advertising which reflect reasonable trade practice. This might include informal briefs, supplier written Tenders or proposals, verbal or telephone quotes (which are then written down), comparative pricing for suitable supplies over the internet.
<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.
<b>Solicitor to the Council</b>	Means the Service Director – Legal, Governance & Commissioning in the 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 personnel qualities, communication requirements, returns policies and tolerances.

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<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].

<b>Special Purpose Vehicle</b>	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.
<b>Standing List</b>	A list of suppliers who are assessed as suitable to provide Supplies to the Council prepared in accordance with CPR 5.
<b>Suitability Criteria</b>	Relate to the assessment or vetting of suppliers' general capability, fidelity, skill, competence, etc. to carry out the contract. ' <b>Suitability</b> ' shall be interpreted accordingly.
<b>Supply</b>	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).
<b>Supplier</b>	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.
<b>Tender</b>	A written offer in relation to a Supply or Disposal of Assets making reference to a price and (where applicable) other information.
<b>Value for Money</b>	Securing the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought.
<b>Whole Life Costing Approach</b>	Is an approach which addresses all the elements of a Supply over its life cycle such as:- <ul style="list-style-type: none"> <li>• costs relating to acquisition,</li> <li>• costs of use, such as consumption of energy and other resources,</li> <li>• maintenance costs,</li> <li>• end of life costs, such as collection and recycling costs</li> </ul> which can be used to produce a spend profile of the Supply over its anticipated lifespan.
<b>YORTender</b>	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 £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 proportionate 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 minimisation 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 AND WAIVER**

- 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 authorising 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 1.3;
  - 1.6.3 undertake a review of procurement arrangements and practices, and value for money within any service area, in consultation , as appropriate, with the Service Director, Solicitor to the Council, Chief Finance Officer and Head of Internal Audit

The Head of Procurement must record the precise extent of such authorisations and the officer to which roles have been delegated and share these authorisations with the Solicitor to the Council and the Head of Internal Audit.
- 1.7 A Service Director has authority to commence any Procurement subject to:-
  - 1.7.1.1 compliance with these CPRs and FPRs; and
  - 1.7.1.2 having appropriate delegated authority; and
  - 1.7.1.3 compliance with management processes designed to ensure that proposed projects meet the Council’s business needs; and
  - 1.7.1.4 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 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 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 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, and the 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 Solicitor 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.

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<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.

## 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 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 6.12), consortia and other suppliers (Service Directors should, for example, consult the Head of Procurement about decisions that have been made under CPRs 6.10 & 6.11 and contracted suppliers).
- (3) The Supply is likely to be within budgetary provision (see CPR 10.1).
- (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 the EU supplies and services threshold, other than Land Contracts (as to which see CPR 9); the Service Director shall wherever possible use appropriate standard 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 Solicitor to the Council considers to be necessary (the Solicitor to the Council need not be consulted, but guidance must be followed).
- (10) For contracts above the EU supplies and services threshold, other than Land Contracts (as to which see CPR 9); the Service Director must consult with the 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 3.4 – 3.9) 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 the EU supplies and services threshold.
- (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 Tender value, except where the 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.

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

- 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 4.14-4.16).
- 2.3 Before commencing any process to obtain any Supply having an estimated cost exceeding £25,000, 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 consultation with the 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 Organisation 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 - PROCUREMENT PROCESS

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

Value of Supplies	Requirement		
	Procurement Process	Advertising	Min no. of Suppliers
<b>£0 - £24,999.99</b>	<p>Any Reasonable means to select are permitted. Reasons to justify the decision taken must be recorded.</p> <p>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>All contracts awarded in excess of £5,000 must be reported to Corporate Procurement.</p>	Any reasonable means	3
<b>£25,000 – EU Threshold</b>	<p>One of the following:-</p> <ul style="list-style-type: none"> <li>• Quotations (CPRs 3-4)</li> <li>• Framework Suppliers, Standing Lists, etc. (CPR 5)</li> <li>• Exemptions (CPR 6)</li> <li>• Internal, Consortia &amp; Compulsory (CPR 6)</li> </ul>	<p><b>As the Head of Procurement determines</b></p> <ol style="list-style-type: none"> <li>1. From a standing list</li> <li>2. An approved Framework Agreement</li> <li>3. An approved Dynamic Purchasing System</li> <li>4. Advertise on YORTender, Contracts Finder PLUS other</li> </ol>	<p>Below £100,000 – 3</p> <p>Above £100,000 – 4</p>

		<p>reasonable advertising means;</p> <p>Or</p> <p>For value below £100,000, use of suppliers selected otherwise (except where the procurement applies to a grant obliging competition, or cross border competition may be compromised)</p>	
<b>Above EU Threshold</b>	<p>One of the following:-</p> <ul style="list-style-type: none"> <li>• Tenders (CPRs 3 - 4)</li> <li>• Framework Suppliers, Standing Lists, etc. (CPR 5)</li> <li>• Exemptions (CPR 6)</li> <li>• Internal, Consortia &amp; Compulsory (CPR 6)</li> </ul>	<p>Advertise on YORtender, Contracts Finder and OJEU- and in other media if appropriate (OJEU first); or</p> <p>Use approved Framework Agreement; or</p> <p>Use approved Dynamic Purchasing System</p>	<p>(or £180,000 whichever is lower)</p> <p style="text-align: center;">5</p>

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.

3.3 A Service Director must invite at least the number above of suppliers to submit a written Tender, unless:-

3.3.1 an **approved**<sup>5</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

3.3.2 it is otherwise agreed with the Head of Internal Audit in consultation with the Solicitor to the Council.

The Suppliers must have indicated that they are willing to submit a Tender. 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

3.4 Service Directors must satisfy themselves that Suppliers have relevant and proportional minimum levels of Suitability.

<sup>5</sup> See CPR 5.17



- 3.5 Where the procurement process has an overall value of less than the supplies and services EU threshold, 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.
- 3.6 When operating a procurement process with a value above the supplies and services EU threshold, and subject to CPR 3.7, the Service Director must use the Council's standard selection questionnaire 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.
- 3.7 The European Single Procurement Document must be accepted where applicable.
- 3.8 The selection of any potential Supplier to submit a Tender 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.
- 3.9 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 4 –TENDER RECEIPT & EVALUATION**

- 4.1 For Procurements which are valued above £25,000, suppliers must be required to submit Tenders 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. (If the Head of Procurement approves another means, they will be required to agree and supervise a fair means of tender opening) .
- 4.2 All invitations must state clearly the date and time of return. Electronic Tenders must be returned in accordance with the approved tendering system requirements.
- 4.3 All electronic Tenders received by the appointed time will be opened at the same time by the Head of Procurement.
- 4.4 At the Tendering opening the Head of Procurement will maintain a written record of the:-
- 4.4.1 nature of the Supply;
  - 4.4.2 name of each supplier submitting a Tender and the date/time of receipt;
  - 4.4.3 name of suppliers failing to submit prices/proposal;
  - 4.4.4 prices from each supplier;
  - 4.4.5 names of the persons present at the opening;
  - 4.4.6 date and time of opening of Tenders;
  - 4.4.7 any reason for rejecting any Tender.
- 4.5 Late Tenders 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 Tender. Any decision to accept a late Tender 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.

4.6 Suppliers must always be required to submit bids which comply with the tender documents. Variant bids may be permitted providing that the tender documents:-

- 4.6.1 say whether a standard or reference bid is also required;
- 4.6.2 include the minimum requirements to be met by the variants;
- 4.6.3 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.

Tenders which do not comply with the above in this CPR 4.6 may be accepted by the Service Director, only after approval by the Head of Internal Audit.

4.7 The Service Director will carry out an evaluation of the Tenders received against the pre-set Award Criteria (CPR 2.1(11)) and keep a written record of the analysis and outcome.

4.8 The use of or participation in e-auctions to set prices is permitted where:-

- 4.8.1 bids can be ranked automatically; and
- 4.8.2 the mathematical formula to determine the rankings of the bids (or each variant where variants are permitted) is disclosed; and
- 4.8.3 the written agreement of the Head of Internal Audit has been given; and
- 4.8.4 the process is subject to supervision by the Head of Procurement.

4.9 The Service Director will require tenderers to explain the price or costs proposed in their tender where tenders appear to be abnormally low.

4.10 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 Solicitor to the Council that the debrief process has completed satisfactorily prior to formal acceptance of any Tender.

4.11 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 4.13) take action as necessary, taking guidance from the Solicitor to the Council and the Head of Internal Audit.

4.12 If a formal challenge is initiated (e.g. a formal letter before Court action is received or Court or arbitration proceedings are commenced) the 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 Solicitor to the Council advises about confidentiality and Legal Privilege.

## Clarifications, Presentations and Interviews

- 4.13 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:
- 4.13.1 set an appropriate time limit for a reply; and
  - 4.13.2 do not request changes or otherwise seek to influence the bidder; and
  - 4.13.3 deal with all of the matters in the Tender which are incomplete or erroneous or unclear; and
  - 4.13.4 treat all tenderers equally and fairly and so, for example, the request:-
    - 4.13.4.1 must not occur before all of the bids have been subject to an initial evaluation;
    - 4.13.4.2 must not unduly favour or disadvantage the bidder to whom the request is addressed; and
    - 4.13.4.3 must be sent in the same way to all bidders unless there is an objectively verifiable ground justifying different treatment.
- 4.14 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.
- 4.15 Interviews and / or presentations which form part of the bid (rather than clarification of a submission) are discouraged and must be authorised by the Head of Procurement in writing. They must also be:-
- 4.15.1 comprehensively recorded; and
  - 4.15.2 assessed according to transparent and objectively verifiable criteria connected to the subject matter of the contract; and
  - 4.15.3 supervised by the Head of Procurement.
- 4.16 Where interviews and / or presentations are to be used, unless the Head of Procurement agrees otherwise, all bidders must be invited to participate.

## **RULE 5 –STANDING LISTS, DYNAMIC PURCHASING SYSTEMS AND FRAMEWORK AGREEMENTS: CREATION AND USAGE**

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

### **Standing Lists**

- 5.2 The Head of Procurement will determine for which types of Supply Council-wide Standing Lists must be kept (see CPR 6.10). 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.

- 5.3 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.
- 5.4 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 other appropriate media as the Head of Procurement may determine. 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.
- 5.5 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.
- 5.6 The Head of Procurement (in consultation with the 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.
- 5.7 If there are insufficient suppliers on a Standing List, or too few are willing to submit Tenders, to meet the CPR's Tender requirements potential Suppliers must be sought as if a Standing List is not maintained.
- 5.8 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**

- 5.9 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.
- 5.10 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.
- 5.11 All Framework Agreements will be in the form of a written agreement 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.
- 5.12 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.
- 5.13 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.

- 5.14 Dynamic Purchasing Systems must:
- 5.14.1 be set up by an advertised competitive process which is approved by the Head of Procurement; and
  - 5.14.2 remain advertised; and
  - 5.14.3 not limit the number of suppliers admitted to the system (but the system may be split into categories); and
  - 5.14.4 be set up with clear operative rules which involve obtaining Tenders from all suppliers on the system, or on the relevant category on the system, as appropriate; and
  - 5.14.5 be operated wholly electronically; and
  - 5.14.6 be open to new entrants; and
  - 5.14.7 not last longer than 5 years.
- 5.15 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.
- 5.16 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.
- 5.17 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**

- 5.18 Supplies may be obtained through third party Frameworks Agreements that:-
- 5.18.1 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 5.1);
  - 5.18.2 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);
  - 5.18.3 comply with the Council's Contract Procedure Rules, or in the opinion of the Head of Internal Audit, rules which are broadly comparable;
  - 5.18.4 are included in the CPR 5.17 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);
  - 5.18.5 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 6 – EXCEPTIONS FROM COMPETITION**

- 6.1 Subject to compliance with the EU Procurement Rules the following are exempted from the competitive requirements of these CPR<sup>6</sup>:
- 6.1.1 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

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<sup>6</sup> When the EU Procurement Rules apply, these exemptions may not be permitted (Directors must check this)

- substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement;
- 6.1.2 items purchased or sold by public auction (in accordance with arrangements agreed by the Head of Internal Audit);
- 6.1.3 the selection of a supplier whose usage is a condition of a Grant funding approval;
- 6.1.4 the selection of a supplier on the instruction of a third party, providing the whole of the funding is met by the third party;
- 6.1.5 where CPR 6.10 applies;
- 6.1.6 counsel or other external legal advice, provided that the Solicitor to the Council takes steps to ensure that value for money is being obtained;
- 6.1.7 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;
- 6.1.8 direct award from an approved Framework Agreement (see CPR 5.18) 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.

- 6.2 **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 6.1 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 £25,000.

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

- 6.3 The procuring Service Director and the Head of Procurement may decide that;
- 6.3.1 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.
  - 6.3.2 Following receipt of Tenders 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 Tenders.
  - 6.3.3 It is appropriate to negotiate a repeat, continuation or serial contract with an existing Supplier, by reference to the original Tender for the Supply.
  - 6.3.4 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.

## **Negotiated Contracts**

- 6.4 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.
- 6.5 Written negotiation must be subject to evidenced independent check of process, calculation and overall value for money.
- 6.6 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**

- 6.7 The Solicitor to the Council must be consulted in advance of any negotiation in respect of any contract estimated to exceed the EU supplies and services threshold (except those in relation to Land where the Head for Corporate Property Management should be consulted irrespective of value).
- 6.8 Before a decision pursuant to CPRs 6.1 to 6.3 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.
- 6.9 Before a decision pursuant to CPRs 6.1 to 6.3 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 Solicitor to the Council about the possibility of state aid before approving the exemption from competition.

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

- 6.10 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.
- 6.11 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.
- 6.12 Supplies must be obtained from internal Council Services (which are capable of supplying them directly) without competition except:-
  - 6.12.1 where Cabinet has determined that Supplies of a particular kind will be subject to a competitive process;
  - 6.12.2 in respect of the outsourcing of an activity having a value below £100,000;
  - 6.12.3 in respect of services provided within schools;
  - 6.12.4 in respect of ad hoc services for the design and construction of buildings or parts of buildings.

## **RULE 7 - RECORD KEEPING AND REPORTING**

- 7.1 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:-

- 7.1.1 communications with economic operators and internal deliberations;
- 7.1.2 preparation of the procurement or sale documents;
- 7.1.3 any interviews, other dialogue or negotiation;
- 7.1.4 supplier vetting; and
- 7.1.5 reasons for award of the contract.

The documentation must be kept for a period as defined within the Councils relevant retention schedule.

- 7.2 A full trail of electronic Tenders received must be recorded in YORtender or retained in a database approved by the Head of Internal Audit.
- 7.3 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).
- 7.4 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.
- 7.5 Each Service Director must promptly provide to the Head of Procurement the information specified in Appendix 3.
- 7.6 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 7.3 above).
- 7.7 The Service Director must keep a written record of the reasons for using a negotiated procedure

## **RULE 8 - INCOME CONTRACTS & CONCESSIONS (INCLUDING NIL VALUE AND DISPOSAL CONTRACTS)**

- 8.1 CPRs 8.2 to 8.6 apply when the Council intends to derive income from:-

- 8.1.1 the disposal of property (other than Land);
- 8.1.2 the sale of a right to exploit a business opportunity;
- 8.1.3 the operation of business activity.

CPR 8 does not apply to Land (See CPR 9).

- 8.2 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 8).



### The disposal of an asset

8.3 The procedure for the Disposal of assets is:-

- 8.3.1 assets valued up to £25,000 must be disposed of by a method chosen by the Service Director and a written justification of the choice retained;
- 8.3.2 assets valued above £25,000 must be disposed of following public notice either by open Tender process, closed Tender 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

8.4 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.

- 8.4.1 A business opportunity contract that will not generate income in excess of £25,000 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 the Definitions section) arranged and undertaken by the Service Director responsible for the activity.
- 8.4.2 The Head of Procurement must direct and supervise the tendering of any arrangement expected to generate income in excess of £25,000.

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

- 8.5 If an Income Contract is intended to be or become profitable or be commercial in nature, advice must be obtained from the Solicitor to the Council.
- 8.6 If an Income Contract has any potential to distort the relevant market advice must be obtained from the Solicitor to the Council.

### Concession Contracts

8.7 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

8.8 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.

- 8.9 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.
- 8.10 When calculating the estimated value of a Concession contract or Income Contract, Service Directors shall, where applicable, take into account:-
- 8.10.1 the value of any form of option and any extension of the duration of the contract;
  - 8.10.2 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;
  - 8.10.3 payments or any other financial advantages, in any form, from the Council or any other public authority to the contractor;
  - 8.10.4 the value of grants or any other financial advantages, in any form, from third parties for the performance of the contract;
  - 8.10.5 revenue from sales of any assets which are part of the contract;
  - 8.10.6 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;
  - 8.10.7 any prizes or payments to candidates or tenderers.

## **RULE 9 - LAND**

- 9.1 Procurement of Land will generally be by the means described in this CPR 9. The Head of Corporate Property Management must be consulted in respect of all Land transactions of any value except where the Solicitor to the Council authorises other nominated officers to deal with tenancies or licences for specific purposes.
- 9.2 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.
- 9.3 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 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.
- 9.4 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 10 – EXECUTING CONTRACTS**

### **SUPPLIES**

- 10.1 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.

10.2 Contracts for all Supplies (which includes call-offs from Framework Agreements and Dynamic Purchasing Systems), Concessions, Income Contracts and Framework Agreements up to the EU supplies and services threshold must be in writing and can be made by the Service Director either:-

10.2.1 where appropriate, by issuing the order through the Council's electronic purchasing system (currently SAP) and incorporating the correct standard terms; or

10.2.2 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 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 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.

10.3 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 above the EU supplies and services threshold must be in writing and must (subject to CPR 10.4) 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 Solicitor to the Council under her Scheme of Officer Delegations.

10.4 Notwithstanding CPR 10.3, the Solicitor to the Council may authorise officers who are not Legal Officers to sign specific or specialist contracts for Supplies above the EU supplies and services threshold. Two authorised officers must sign each such contract.

10.5 The 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 values below the EU supplies and services threshold.

## **LAND**

10.6 The 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 Solicitor to the Council may nominate other officers to enter into Land commitments and arrangements using documentation previously approved by the Solicitor to the Council.

10.7 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 Solicitor to the Council (or by a legal officer nominated by him or her).

Additionally, the Solicitor to the Council may authorise other nominated officers to be authorised signatories to tenancies or licences for specific purposes as referred to in CPR9.1.

## **GENERAL**

- 10.8 The 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 10.3 and provided that this is not subject to any contrary direction from the Council or Cabinet.

## **RULE 11 – VARIATION AND TERMINATION OF CONTRACTS AND RELEASE OF BONDS**

- 11.1 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.
- 11.2 A Service Director, in consultation with the 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.
- 11.3 The Solicitor to the Council may release any bond held by the Council, on request from the Head of Procurement.
- 11.4 The Head of Internal Audit is entitled to negotiate with any bond issuer on sums of settlement proposed, and in consultation with the Solicitor to the Council accept such proposed sums.
- 11.5 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.
- 11.6 Any variation with a value above £25,000 to a contract which cannot be fulfilled by following CPR 11.5 must be subject to the approval of the Head of Procurement.
- 11.7 Any variation to a contract which cannot be fulfilled by following CPR 11.5 must be made in writing and signed in accordance with CPR 10 even if it does not need a competitive Procurement process.

## **RULE 12 - MISCELLANEOUS**

- 12.1 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 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  
Apply from 1 June 2019

## Appendix 1

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

- **Kirklees Financial Procedure Rules**  
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-46.pdf>
- **Social Value Policy Statement**  
<http://www.kirklees.gov.uk/beta/business-with-the-council/pdf/socialValuePolicyStatement.pdf>
- **General Data Protection Regulation (GDPR) Guidance**  
<http://www.kirklees.gov.uk/beta/information-and-data/general-data-protection-regulation.aspx>

## Appendix 2

EU Thresholds 1 Jan 2018 –31 Dec 2019	
Supply and service contracts	£181,302 ( <b>£180,000*</b> )
Light Touch Regime Contracts (Annex XIV)	£615,278 ( <b>£615,000*</b> )
Works contracts	£4,551,413 ( <b>£4,550,000*</b> )
Small lots – supplies & services	£65,630 ( <b>£65,000*</b> )
Small lots – works	£820,370 ( <b>£820,000*</b> )

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

The threshold values to be used will be those applicable at the commencement of the procurement process. EU Procurement threshold values are revised every two years.

## Appendix 3

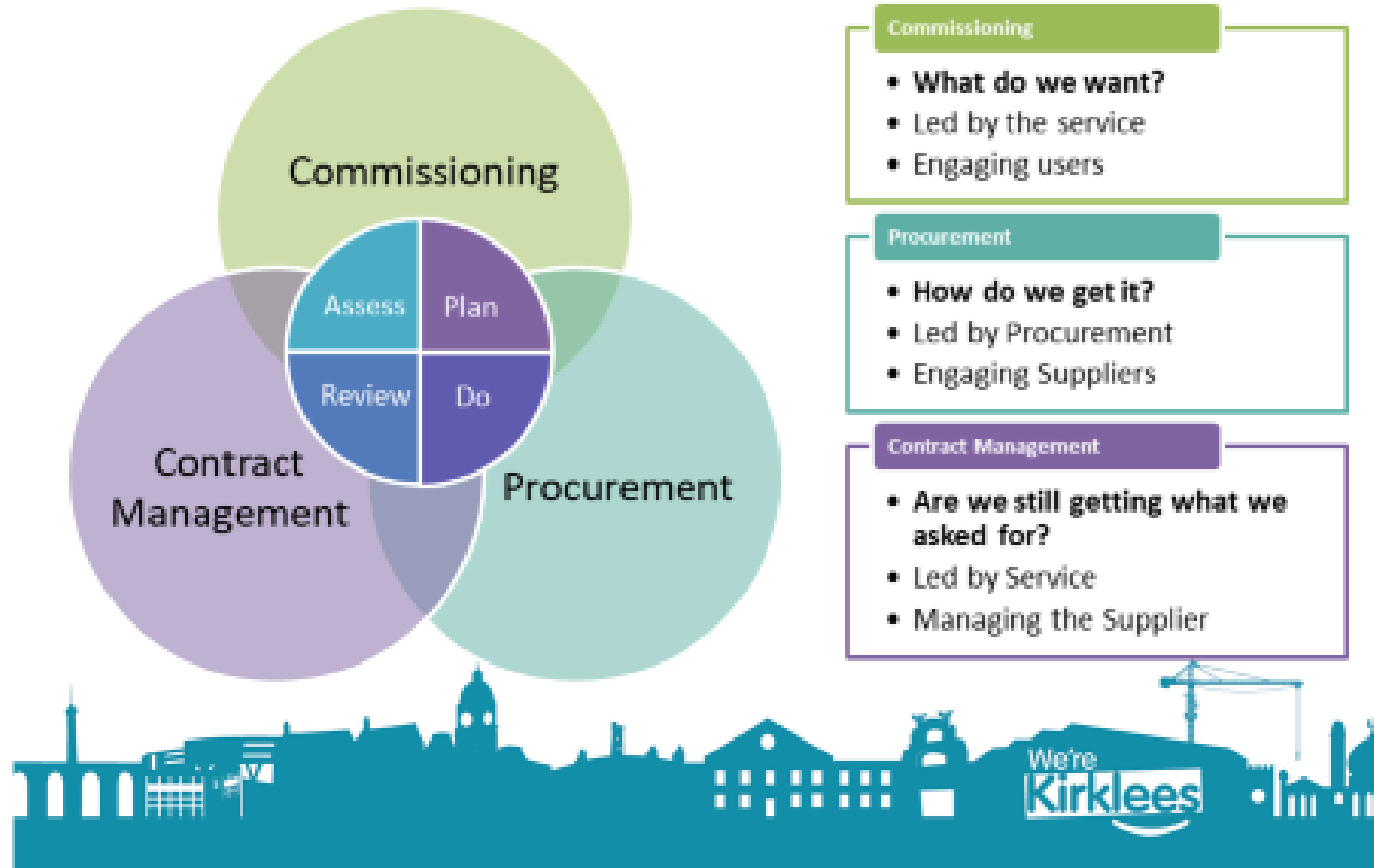
### Information to be Reported to the Head of Procurement (CPR 7)

	Information	When
A.	Details of all contracts awarded for Supplies of £5,000 or above following a competitive process including the name of the Supplier, and amount of the Tender 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 £5,000 or above which a Service Director considered to be exempt from the competitive requirements by virtue, including the reason for the exemption.	When Requested
D.	Contracts with a value of £5,000 or more see CPR, with the following information: 1. reference number	In All Cases On Contract Award

	<ol style="list-style-type: none"> <li>2. title of agreement</li> <li>3. local authority department responsible</li> <li>4. description of the goods and/or services being provided</li> <li>5. Supplier name and details</li> <li>6. sum to be paid over the length of the contract (or if unknown, the estimated annual spending or budget for the contract)</li> <li>7. Value Added Tax that cannot be recovered</li> <li>8. start, end and review dates</li> <li>9. whether or not the contract was the result of an invitation to quote or a published invitation to tender, and</li> <li>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</li> </ol>	
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



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**Name of meeting: Annual Council**  
**Date: 22<sup>nd</sup> May 2019**

**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 2019/20**

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 ( CFO)  Yes
Cabinet member portfolio	Not applicable

**Electoral wards affected: All**  
**Ward councillors consulted: Not applicable**  
**Have you considered GDPR; Yes**  
**Public**

## 1. Summary

- 1.1 This report sets out information on proposed changes to Financial Procedure Rules. The main areas proposed for amendment relate to procedures relating capital management and income management. These are marked on the attached documents.
- 1.2 These changes were considered, and recommended, by Corporate Governance & Audit Committee at their meeting on 22<sup>nd</sup> April 2019.

## 2. Information required to take a decision

- 2.1 The detail is contained within the attachment. Some paragraphs are renumbered, and numbers slightly differ between the track changed and clean versions attached. A large section of part 11(income) has been fully rewritten, and the former text is not shown by track change, although the text below indicates the key changes.

Section	Proposal
1.12	Minor changes to words to reflect a requirement that subsidiaries and associated parties need Governance arrangements that align with those of the Council
2.20	The words “Virements must recognise funding arrangements” are considered to be superfluous following paragraph reformatting
3.1/2	This is a new section making clear what Capital is, which incorporates the former 3.1
3.10(2)	The authority of Cabinet to transfer resources between projects and programmes be increased from £1.0m to £2.0m. (which more closely aligns with Revenue budget virement rules)
3.10(3)	This is a new paragraph entitling Cabinet to transfer resources between years, although this is still subject to control by the Chief finance officer
3.11	The authority of Directors to transfer resources between projects and programmes be increased from £0.5m to £1.0m. (which more closely aligns with Revenue budget virement rules)
3.16/17	The delegations to KNH and other subsidiary organisations are removed. Decisions will hence be taken by Cabinet, or as delegated to officers
3.24	This is a new paragraph that recognises that complex projects (usually related to major developments) can be delegated to officers, and that the Chief Finance Officer and Service Director Legal Governance & Commissioning must be consulted
3.25/6	This is an additional section reflecting the fact that accounting rules now require all leased assets to be incorporated on the councils balance sheet, and thus require an approval process as for other capital expenditure. 3.26 is as the previous 7.15
7.15	Edited version of previous text, mainly now at 3.26
11.6	A redrafted section designed to strengthen arrangements to prevent money laundering
11.14 & 11.15	Additional words to put timescales into this process, and to increase the authority of the Chief Finance Officer
20.11	Amended to £180,000 to align more closely with other legal agreements
Minor word changes	2.4, 2.34, 3.15, 3.22, 4.2,

### 3. Implications for the Council

- 3.1 **Working with People** – None directly
- 3.2 **Working with Partners** – None directly
- 3.3 **Place Based Working** – None directly
- 3.4 **Improving outcomes for children**– None directly
- 3.5 **Other (eg Legal/Financial or Human Resources)**- Although each of the sub categorisations above suggest no direct implications, these Procedure Rules covers all aspects of the councils operations,.

**4. Consultees and their opinions**

- 4.1 The chief finance officer, and heads of service, have been involved in the drafting of these proposals.

**5. Next steps & Timelines**

- 5.1 If approved, these changes will be implemented from 1<sup>st</sup> June 2019

**6. Officer recommendations and reasons**

- 6.1 Council is asked to approve the changes recommended by the Corporate Governance & Audit Committee.

**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, and a clean (new) version. The 2018 version of FPRs is available as a part of the council constitution.

Agenda of Corporate Governance & Audit Committee 22/4/2019

**10. Service Director responsible**

Service Directors of Legal Governance & Commissioning, and , Finance.

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# KIRKLEES COUNCIL

## FINANCIAL PROCEDURE RULES

June 20198

## **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.
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
Executive Team	The Council's most senior officer leadership team
Fixed Asset	Any physical item having a long term value –such as a vehicle, or property.
Head of Risk	The officer currently holding the role of Head of Internal Audit , as required by Public Sector Internal Audit Standards.
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, normally between 2 and 4 years, and Capital Investment Plan, up to 5 years
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
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, or a major project listed separately within the Capital investment Plan
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) Coordinating 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,
  - 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.

~~4.141.12~~ 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 agree with the Council its own arrangements for corporate governance, by way of an initial proposal. Subsequent authority to approve changes may be delegated to a strategic director. ~~These All partnership~~ 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.

~~4.121.13~~ 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.

~~4.131.14~~ 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**

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.

- 2.1 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.
- 2.2 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**

- 2.3 The Cabinet will submit no later than the October meeting of the Council each year a provisional budget strategy, for a period of between 2 years and 4 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. Any resultant gap between funding and spend forecasts will inform target spending controls over the new MTFP period.
- 2.4 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 Strategic 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
- 2.5 The provisional budget strategy will include arrangements for wider public engagement on budget options being considered.
- 2.6 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.

- 2.7 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.
- 2.8 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.

### **Budget Management**

- 2.9 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.
- 2.10 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.
- 2.11 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).
- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 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.

- 2.16 The Chief Finance Officer is accountable for all central budgets, which will be managed in the same way as activity budgets.
- 2.17 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.
- 2.18 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**

- 2.19 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.
- 2.20 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.

### **Virements must recognise funding arrangements**

- 2.21 Virement is not permitted between HRA funded and General Fund funding streams
- 2.22 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.
- 2.23 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.
- 2.24 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, and subject to approval by the Executive Team and the Chief Finance Officer; and compliance with FPR 3.17 and 3.18

- 2.25 Virement is specifically not allowed where the transfer of resources is from budgets for capital charges, Council support functions or statutory taxes and levies.
- 2.26 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**

- 2.27 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.
- 2.28 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.
- 2.29 The Cabinet is responsible for recommending changes to the Revenue Budget arising from the rollover process.
- 2.30 In the rollover process, 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.
- 2.31 Subject to the parameters set out in FPR 2.29 above, rollover proposals will be considered at Executive Team in the first instance.

### **Other**

- 2.32 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).
- 2.33 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.
- 2.34 Whenever the Cabinet becomes aware –following a report from the Chief  
22018

Financial Officer- that a reduction in resources during the current or future years may impact on the Council's 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.

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~~factor.~~

2.35 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.

2.36 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 2.29-304 above.

2.37 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 For the purposes of capital investment plan preparation and management, "capital" must meet the following criteria:-

(a) -the definition for capital as set out in relevant CIPFA accounting guidance and accounting standards, and any other statutory Government guidance as set from time to time ;

(b) Subject to (a) above, a minimum threshold or 'de minimus' -to be considered capital at an individual project level, as determined by the Chief Finance Officer. (The usual de minimus level is £10,000)

~~3.13.2~~ All capital investment must also be made in recognition of the CIPFA 'Prudential Code for Capital Expenditure with regard to prudence, affordability and sustainability, and any associated statutory Government guidance'. Council must approve an annual Investment Capital Strategy and annual (Non-Treasury) Investment Strategy in line with the guidance.

#### **Responsibilities**

~~3.23.3~~ The Council is responsible for determining the Council's Capital Investment Plan and approving the prudential indicators and limits that support the capital investment.

~~3.33.4~~ 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.

~~3.43.5~~ The Council will determine allocations of capital resources to programme areas, or to specified projects.



~~3.53.6~~ The Cabinet is responsible for implementing the Capital Plan approved by Council, in line with any stated Council policies, or strategies

~~3.63.7~~ 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.

3.8

### **Plan Management**

3.9 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.

3.10 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 £24,000,000 in any financial year.

~~(2)~~~~(3)~~ Transfer resources within programme areas between any year within the approved capital plan, subject to the overall resource limits of the approved capital plan not being exceeded in any single year, and compliance with 3.13 and 3.15

3.11 Service Directors are responsible for managing programmes and projects, and must make appropriate arrangements to control projects and avoid overspending.

~~3.124~~ 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 £5001,000,000 in any financial year, subject to the approval of the Chief Finance Officer and notification to the relevant Cabinet Member and appropriate ward Members.

~~3.13~~ Transfers under ~~3.109 to and~~ ~~3.120~~ 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.

~~3.14~~ 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) ~~(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 3.1987 and 3.20198.~~

3.15 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 (or programme) to the extent that it is funded by a project (or programme) specific third party grant.

3.16 The Cabinet may delegate its authority under Financial Procedure Rules 3.109 and 3.110 ~~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.

3.17 Any decision on resource allocation by Cabinet, Strategic and Service Directors ~~or Subsidiary Organisations (3.109 to 3.152)~~ must recognise any policy decisions of Council. Any decision on resource allocation by Strategic and Service Directors or Subsidiary Organisations (3.110-3.152) must recognise any policy decisions of Cabinet.

3.18 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 transfer of resources within or between programmes. The Cabinet will provide summary monitoring information to the Council at least twice per year

### **Initiating and Progressing Investment Decisions**

3.19 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 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 purposes 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.

3.20 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).
-

- a) —
- 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;
- b) —  
or  
Where the total costs of a project exceed the amount approved in the Capital Investment Plan the appropriate additional resources has been approved; (3.10 to 9, 3.150),
- 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.

3.21 Service Directors have authority to progress projects once the approvals at 3.20 has been given. They must ensure compliance also with Contract = Procedure Rules.

~~Service Directors have authority to progress projects once the approvals at 3.20 has been given. They must ensure compliance also with Contract Procedure Rules.~~

3.22 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 and Council as a part of the capital-overall financial reporting and monitoring investment-planning process.

3.23 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.

### **Complex Projects**

3.24 Cabinet may delegate decisions in relation to complex projects or schemes of projects(which might relate to expenditure, income, the creation of subsidiary or related organisations) to the Chief Executive( who may further delegate decisions to a Strategic Director, or as appropriate the Chief Finance Officer or Service Director Legal, Governance & Commissioning. The Chief Finance Officer and Service Director Legal, Governance & Commissioning must be consulted on any decision made by such a delegated party.

### **Leased Assets**

3.25 Accounting regulations (IFRS 16) makes an ongoing presumption that all leases (including those previously defined as operating leases) will need to be included on the Council's Balance Sheet. All lease arrangement need to follow

the same procedures, and have the same authority and approval, as for other items of capital expenditure

3.26 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.

#### **4. FINANCIAL SYSTEMS, PROCEDURES AND GRANTS**

- 4.1 The Chief Finance Officer is responsible for the operation of the Council's 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.
- 4.2 Any exceptions to financial procedures to meet the specific needs of a Service must be agreed between the Service Director and the Chief Finance Officer.
- 4.3 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.
- 4.4 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.
- 4.5 Service Directors must ensure that financial documents are retained in accordance with the Council's approved retention schedule.
- 4.6 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.
- 4.7 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.
- 4.8 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
- 4.9 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)
- 4.10 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.

- 4.11 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.

~~3.12~~

## 5 **INTERNAL AUDIT**

### **Responsibility & Authority**

- 5.1 The Chief Executive, (in consultation with the Chief Finance Officer and Monitoring Officer) must arrange a continuous internal audit, which is an independent review of the accounting, financial and other operations of the Council.
- 5.2 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)
- 5.3 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**

- 5.4 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.

5.5 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.

5.6 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.**

5.7 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 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.

5.8 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.

- 5.9 Where, following investigation, the Head of Audit & 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).

## 6 **INSURANCE**

- 6.1 The 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.
- 6.2 Service Directors must promptly notify the 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.
- 6.3 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.
- 6.4 Service Directors must consult the Service Director Legal Governance & Commissioning as to the terms of any indemnity the Council is required to give.
- 6.5 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 Service Director Legal Governance & Commissioning, may reduce the cover requirements in respect of specific contracts.

## 7 **ASSETS**

- 7.1 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.

- 7.2 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**

- 7.3 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.
- 7.4 Leased items (excluding Land Assets) should only be disposed of in accordance with instructions of the lessor.

### **Stores**

- 7.5 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.
-

- 7.6 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.
- 7.7 Stock holdings should be kept at minimum levels consistent with normal working practices

### **Inventories**

- 7.8 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.
- 7.9 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.

- 7.10 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.
- 7.11 Inventory items must (where appropriate) be security marked, stamped or engraved with the Council's name.
- 7.12 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**

- 7.13 The Chief Finance Officer must ensure that a Register of Fixed Assets is maintained.
- 3.12 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.
- 7.15 ~~Leased assets must also be included in this record (see part 3.25, 3.26) 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**

- 7.16 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.
- 7.17 The disposal of Land Assets is dealt with in the Contract Procedure Rules.

### **Information Assets**

- 7.18 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

## 8 **SECURITY**

### **Security of Assets**

- 8.1 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.
- 8.2 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.

## 9 **TREASURY MANAGEMENT**

### **Policies and Strategies**

- 9.1 The Council 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.
- 9.2 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.
- 9.3 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.
- 9.4 The Chief Finance Officer is responsible for the execution and administration of treasury management decisions in accordance with the policy statement and agreed practices.

- 9.5 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
- 9.7 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.
- 9.8 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.
- 9.9 A suitable register must be maintained in respect of all investments, securities, bearer securities and borrowings.
- 9.10 The Chief Finance Officer will arrange all loans and leases including operating leases. [\(see also 3.25, 3.26\)](#)

### **Trust Funds**

- 9.11 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.

## **10 BANKING ARRANGEMENTS, CHEQUE SIGNING AND IMPREST ACCOUNTS**

### **Banking Arrangements**

- 10.1 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.

- 10.2 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**

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



- 10.4 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.
- 10.5 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.
- 10.6 Service Directors must maintain a register of all officers authorised to sign cheques and other bank documents together with specimen signatures

### Imprest Accounts

- 10.7 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.
- 10.8 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.
- 10.9 Payments from imprest accounts are to be limited to minor items of expenditure and to any other items approved by the Chief Finance Officer
- 10.10 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.

## 11 **INCOME**

- 11.1 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.

- 11.2 The methods of collecting, recording and banking of all income due to the Council are to be approved by the Chief Finance Officer.
- 11.3 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.
- 11.4 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**

- 11.5 Service Directors must make appropriate arrangements for the control and issue of all receipt forms, books, tickets, ticket machines or other acknowledgements for money.
- 11.6 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 [the Anti-Money Laundering Procedures](#), [relevant money laundering regulations](#), [Service Directorsthe-Council](#) must not accept any cash payment in excess of 15,000 euros (£11,700) in respect of one single transaction on one occasion. [Any reasonable concerns about the source of monies to be paid to the Council](#)

should be raised in accordance with the Procedures. 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. If there is any doubt about whether or not to proceed with a transaction, a decision must not be taken until relevant approval has been obtained under the Procedures. 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.

- 11.7 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.
- 11.8 Arrangements for opening incoming mail must ensure that any money so received is immediately recorded.
- 11.9 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**

- 11.10 Each Director must maintain a detailed record of all cash surpluses and deficiencies in a manner approved by the Chief Finance Officer.
- 11.11 The Service Director must investigate any apparent patterns of discrepancies
- 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**

- 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, Service Directors must ensure that the credit status of each customer is satisfactory. Service Directors are responsible for issuing debtor accounts in a form approved by the Chief Finance Officer immediately a debt falls due. Each Service 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.
- 11.14 The Chief Finance Officer must be satisfied that Service Directors are taking appropriate measures to recover credit income due in a timely and efficient manner. The Chief Finance Officer, will take appropriate steps to monitor and review the effectiveness of recovery procedures in services, and in

conjunction with the relevant Service Director, implement any further actions as required to maximise income recovery within service to appropriate levels.

- 11.15 Service Directors must regularly ~~consider~~ review debts due and ensure adequate year end provisions for bad and doubtful debts. Service Directors are authorised to review and recommend for write off all individual bad debts in a timely manner, as a minimum every 6 months, and 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, in a manner prescribed by the Chief Finance Officer.
- 11.16 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.

## 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 overriding 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.
- 12.1 Service Directors must ensure that all valid invoices are paid within 30 days of receipt.
- 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 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 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
- e) £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 £1860,000.

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**

~~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*  
~~23 May 2018~~

*MED*

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**Name of meeting: Annual Council**

**Date: 22 May 2019**

**Title of report: Dates of Council Meetings – 2019 to 2020 Municipal Year**

**Purpose of report:**

**To determine dates and times for meetings of Council for the 2019-2020 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
Signed off by Director & name	Rachel Spencer-Henshall 13/5/19
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	Yes, 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 20 May 2020, will commence (with a civic ceremony) at 12.30pm.

Date	Council Meeting
2019	
Wednesday 17 <sup>th</sup> July	Holding Executive to Account
Wednesday 18 <sup>th</sup> September	Key Discussion
Wednesday 16 <sup>th</sup> October	Holding Executive to Account
Wednesday 13 <sup>th</sup> November	Key Discussion
Wednesday 11 <sup>th</sup> December	Holding Executive to Account
2020	
Wednesday 15 <sup>th</sup> January	Key Discussion
Wednesday 12 <sup>th</sup> February	Budget Council
Wednesday 18 <sup>th</sup> March	Holding Executive to Account
Wednesday 20 <sup>th</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**

- Engagement with Leading Members
- Corporate Governance and Audit Committee – 26 April 2019 (The Committee recommended that the proposed dates be approved).

**5. Next steps**

That, subject to approval, the dates be confirmed for 2019/2020.

**6. Officer recommendations and reasons**

That the schedule of Council meetings for the 2019-2020 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

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**Name of meeting: Annual Council**

**Date: 22 May 2019**

**Title of report: Committees of Council**

To determine the appointment of the Committees of Council for the 2019/2020 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 Legal, Governance and Commissioning Support?	Julie Muscroft – 7/5/19
Cabinet member <a href="#">portfolio</a>	N/A

**Electoral wards affected: Not applicable**

**Ward councillors consulted: Not applicable**

**Public or private: Public**

**(Have you considered GDPR?)**

Yes – no individuals have been identified in this report.

## 1. **Summary**

Council is asked to determine the appointment of the Committees of Council for the 2019/2020 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 2019/2020 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

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**Name of meeting:** Annual Council

**Date:** 22 May 2019

**Title of report:** Re-establishment of Boards and Working Parties for 2019-2020

**Purpose of report:** To re-establish the Corporate Parenting Board, the Kirklees Democracy Commission Working Party and the Climate Emergency Working Party for the 2019-2020 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>	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>	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 portfolio</b>	N/A

**Electoral wards affected:** All

**Ward councillors consulted:** Not applicable

**Public or private:** Public

**(Have you considered GDPR?)**

Yes – no individuals have been identified in this report.

## 1. Summary

To consider the re-establishment of (i) Corporate Parenting Board, (ii) Kirklees Democracy Commission Working Party and (iii) Climate Emergency Working Party for the 2019-2020 Municipal Year.

## 2. Information required to take a decision

### **(i) Corporate Parenting Board**

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.

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 to information rules. This report seeks approval for the Board to be re-constituted for the 2019-2020 Municipal Year on a 1:1:1:1 ratio and based upon the Terms of Reference as set out below;

**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 (bi-monthly).

### **Membership:**

Cabinet Portfolio Holder Member  
Elected Members representing all political parties  
Chair of Children's Scrutiny Panel (ex-officio Member) or his/her nominee  
Director of Children's Services  
Service Director, Family Support & Child Protection  
Service Director, Learning and Early Support  
Head of Corporate Parenting (Sufficiency)  
Head of Corporate Parenting (Children in Care and Care Leavers)  
Virtual School Head Teacher  
Virtual School Chair or Vice Chair of Governing Body  
Head of Joint Commissioning  
Head of Safeguarding and Quality Assurance  
Head of Localities Offer (Children and Families)  
Designated Nurse for Looked after children  
Representatives from Kirklees Fostering Network  
Service Manager (Kirklees Looked after Children Independent Services - Children's Rights Team)  
Care Leavers Advocate (Family Support and Child Protection)  
Head of Service, Assessment, Intervention and Front Door  
Head of Service, Assessment and Intervention

Representatives from a range of services and partner agencies will be invited as appropriate and will receive papers including: Kirklees College, Calderdale and Kirklees Careers, Multi-Agency Safeguarding Hub, Sufficiency Team, Performance Team and Kirklees Neighbourhood Housing

**Terms of Reference:**

- 1 There is a requirement that all Board Members will make enquiries or visit services and partners to assist in exploring the role of the Council as a Corporate Parent and report back to the Board.
- 2 To consider and recommend ways in which the Council can improve the life chances of all children in care and care leavers.
- 3 To advise the Council's Cabinet and other governance bodies of actions that need to be taken.
- 4 To bring to the attention of the Council's Overview and Scrutiny Management Committee any areas which may warrant Scrutiny consideration
- 5 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.
- 6 To provide an opportunity for the voice of our children and young people to inform the considerations and recommendations of the Board.
- 7 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.
- 8 To monitor the performance of the Council by receiving regular progress reports on all performance data relating to Corporate Parenting Services.
- 9 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 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

**(ii) Kirklees Democracy Commission Working Party**

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 2019-2020 Municipal Year on a 3:2:1:1 ratio and based upon the Terms of Reference as set out below;

1. *To provide a councillor steer and have oversight of the planning and delivery of the Commission's recommendations (as appropriate)*
2. *To inform, and as appropriate lead and champion, specific strands of work both inside and outside the Council;*
3. *To undertake or commission pilot work in order to test and prototype, from a councillor perspective, before wider roll out and implementation;*
4. *To be a conduit between the Working Group and respective political groups in order to inform work as it develops;*
5. *To work in a way that is consistent with the principles adopted by the Commission:*
  - *Everything starts with the citizen*
  - *Working in the open*
  - *Having a partnership approach*
  - *Evidence led*

*Meetings will provide an opportunity for the following:*

- *Prioritise recommendations and subsequent areas of work from a councillor perspective;*
- *Commission specific activity to progress recommendations;*
- *Receive an overview of progress in delivering the Commission's recommendations and an opportunity to raise any project or programme issues and risks;*

**(iii) Climate Emergency Working Party**

At the meeting of Council on 16 January 2019 a decision was taken to establish a Climate Emergency Working Party. This report seeks approval for the Working Party to be re-constituted for the 2019-2020 Municipal year on a 4:1:1:1 ratio and based upon the Terms of Reference as set out below;

1. *Declare a Climate Emergency and publicise this to the people of Kirklees to raise awareness, and support the public to take effective action.*

2. Request Cabinet initiate a full Environmental Audit of Kirklees Council to measure its carbon footprint, identify hotspots and work toward being carbon neutral in line with the latest targets set and agreed by the United Nations Intergovernmental Panel on Climate Change; with Cabinet to report to the first meeting of the working party, referred to at 4 below on the scope of the environmental audit.

3. Significantly improve our recycling rate to reach the target of 55% by 2025, and ask that the Cabinet implement a range of short term measures to improve recycling rates, in advance of a full review of the waste collection and disposal service.

4. To set up a Councillor Working Party including the appropriate Cabinet Lead with a remit to:

- a) Commission and oversee the Environmental Audit
- b) Consult expert opinion in the field, as appropriate
- c) Identify practical measures to reduce emissions and the Council's carbon footprint
- d) Encourage action in the wider community, businesses and other key organisations e.g. NHS and Educational Institutions
- e) Report to Council within six months with an action plan to address the Emergency and incorporating proposals on the investment implications of this proposed activity

5. The Council to consider Environmental Impact as part of any new policy.

6. The Council to seek to collaborate with other Local and Regional Authorities on emission reduction projects as appropriate. The Leader of the Council to write to the Minister of State for Climate Change and Industry requesting that national policy is urgently developed to reflect the seriousness of the current emergency and to release funds to local authorities that would allow them to take the necessary measures at local level.

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

#### **3.1 Working with People**

Not applicable

#### **3.2 Working with Partners**

Not applicable

#### **3.3 Place Based Working**

Not applicable

#### **3.4 Improving outcomes for children**

Not applicable

#### **3.5 Other (eg Legal/Financial or Human Resources)**

Not applicable

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

Not applicable

### **5. Next steps**

If approved, the Corporate Parenting Board and the Working Parties will be re-established in accordance with the Terms of Reference and Membership as set out in this report.

**6. Officer recommendations and reasons**

- 1) That approval be given to the re-establishment of the Corporate Parenting Board for the 2019-2020 Municipal Year in accordance with the Membership and Terms of Reference as set out above.
- 2) That approval be given to the re-establishment of the Democracy Commission Working Party for the 2019-2020 municipal year in accordance with the Membership and Terms of Reference as set out above.
- 3) That approval be given to the re-establishment of the Climate Emergency Working Party for the 2019-2020 municipal year in accordance with the Membership and Terms of Reference as set out above.
- 4) That authority be delegated to Group Business Managers to determine the Members of the Corporate Parenting Board and the Working Parties.

**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





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

**Date:** 26 April 2019 (CGA) & 22 May 2019 (Council)

**Title of report:** Proposed revisions to the terms of reference for the Health & Wellbeing Board

**Purpose of report:** The purpose of this report is to seek approval for the proposed revisions to the Terms of Reference for the Health and Wellbeing Board

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?	No
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?	N/A
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall - 11 April 2019
Is it also signed off by the Service Director (Finance)?	James Anderson - 11 April 2019
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 11 April 2019
Cabinet member <a href="#">portfolio</a>	Give name of Portfolio Holder  Cllr Musarrat Khan - Health and Social Care

**Electoral wards affected:** N/A

**Ward councillors consulted:** N/A

**Public or private:** PUBLIC

**(Have you considered GDPR?)**

**This report contains no information that falls within the scope of the General Data Protection Regulation**

## 1. Summary

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 the board must first be consulted on any proposed amendments.

On the 28 March 2019 the Health and Wellbeing Board, considered and approved the amendments to the terms of reference.

## 2. Information required to take a decision

- 2.1 The national, regional and local context the Board is operating within has undergone significant changes over the past 12-18 months, including:
- Publication of the NHS Long Term Plan with its emphasis on promoting collaboration
  - The West Yorkshire Health and Care Partnership has formally become an 'Integrated Care System' and the new Partnership Board will meet from June 2019
  - Creation of the West Yorkshire Joint Committee of Clinical Commissioning Groups, the West Yorkshire Association of Acute Trusts and the West Yorkshire Mental Health Services Collaborative
  - The emergence of Primary Care Networks, which has been formalised in the new GP Contract and our local arrangement will be confirmed in May
  - Establishment of the Kirklees Integrated Commissioning Board and the Kirklees Integrated Provider Board. The Integrated Provider Board includes senior representatives from across the Kirklees health and social care sector
  - The Kirklees Partnership arrangements are also being reviewed, and the Children and Young People's Partnership is being re-established
- 2.2 The current membership as set out in the Terms of Reference has not been changed since the Board was established in April 2013. The membership reflected the requirement as set out in the Health and Social Care Act 2012. Core membership that health and wellbeing boards must include:
- at least one councillor from the relevant council
  - the director of adult social services
  - the director of children's services
  - the director of public health
  - a representative of the local Healthwatch organisation
  - a representative of each relevant clinical commissioning group (CCG)
  - any other members considered appropriate by the council'
- 2.3 In addition there are 'invited observers' from all the key local health and care provider organisations in Kirklees. This has meant that provider organisations have not had a formal voice at the Board, and that representatives from Overview and Scrutiny have only been able to observe Board meetings as members of the public.
- 2.4 In light of the shift to a much more collaborative culture which is at the core of both the Kirklees Health and Wellbeing Plan and the NHS Long Term Plan it is timely to update the membership of the Board.

## 3. Proposals

- 3.1 Corporate Governance and Audit Committee and Council are asked to consider and agree the proposed revision to the Terms of Reference for 2019-20, specifically; (See appendix 1)

- extending the membership of the Board to include a nominated representative of the Kirklees Integrated Provider Board. The Integrated Commissioning Board joint chairs are the CCG Chief Officer and Director of Adult Social Care and are already Board members.
- Add a representative of Kirklees Overview and Scrutiny as an 'invited observer'.

3.2 The Health and Wellbeing Board has also agreed that a full review of the Board's Terms of Reference is undertaken and a report setting out proposed changes in light of the changing national, regional and local context set out above be presented to the Board in Autumn 2019.

#### 4. **Implications for the Council**

##### 4.1 **Working with People**

##### 4.2 **Working with Partners**

The existing partnership arrangements between the council and partners will be strengthened

##### 4.3 **Place Based Working**

##### 4.4 **Improving outcomes for children**

##### 4.5 **Other (eg Legal/Financial or Human Resources)**

#### 5. **Consultees and their opinions**

The Health and Wellbeing Board approved the revisions to the terms of reference

#### 6. **Next steps and timelines**

Following consideration by Corporate Governance and Audit Committee, on the 26 April 2019, the report will progress to Annual Council on 22 May 2019 for approval.

#### 7. **Officer recommendations and reasons**

That the revised Terms of Reference of the Health and Wellbeing Board be approved.

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

Not applicable

10. **Contact officer(s)**

Phil Longworth, Senior Manager – Integrated Support Kirklees Council

[Phil.longworth@kirklees.gov.uk](mailto:Phil.longworth@kirklees.gov.uk)

Tel : 01484 221000

Jenny Bryce-Chan, Principal Governance Officer

[Jenny.bryce-chan@kirklees.gov.uk](mailto:Jenny.bryce-chan@kirklees.gov.uk)

Tel: 01484 221000

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

12. **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:-

#### 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
- **One representative of Kirklees Integrated Provider Board**

#### Non-voting members

- Chief Executive Kirklees Council
- Representative 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
- **Representative of Kirklees Council Overview and Scrutiny**

#### 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.



**May-19**

<b>Committees/Panels/Boards</b>	<b>Total No. of members</b>	<b>Labour 36</b>	<b>Cons 16</b>	<b>Lib Dem 10</b>	<b>Green 3</b>	<b>Independent Group 3</b>	<b>Independent 1</b>	
Appeals Panel	16	8	3	2	1	1	1	
Statutory Officer Dismissal Committee	5	3	1	1				
Licensing and Safety Committee	17	9	4	2	1	1		
Standards Committee	7	4	2	1				
Personnel Committee	9	5	2	1	1			
Employee Relations Sub-Committee	9	5	2	1		1		
Strategic Planning Committee	7	4	2	1				
Planning Sub-Committee (Heavy Woollen)	13	7	3	2	1			
Planning Sub-Committee (Huddersfield)	13	7	3	2		1		
Overview and Scrutiny Panels (x4)	24	13	5	4	1	1		
Overview and Scrutiny Management Committee	5	2	1	1	1*	0		(Non-proportional)
Health and Wellbeing Board	5	3	1	1	0	0		(Non-proportional)
Corporate Governance and Audit Committee	7	2	2	2	1*	0		(Non-proportional)

\* One of the places marked \* is to be allocated to the Independent Group - the remaining place shall remain allocated to the Green Group

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22 May 2019

## KIRKLEES COUNCIL

### MEMBERSHIP OF COMMITTEES AND PANELS 2019/20

<b>Proportional Committees/Panels</b>	<b>Page</b>
Appeals Panel	2
Employee Relations Sub Committee	3
Licensing and Safety Committee	4
Personnel Committee	5
Planning Sub Committee (Heavy Woollen Area)	6
Planning Sub Committee (Huddersfield Area)	7
Standards Committee	8
Strategic Planning Committee	9
Statutory Officer Dismissal Committee	10
Substitutes Panel	11

<b>Non-Proportional Committees/Panels</b>	
Corporate Governance and Audit Committee	12
Health and Wellbeing Board	13
<b>Non Proportional Committees/Panels (Overview and Scrutiny)</b>	
Overview and Scrutiny Management Committee	14
Health and Adult Social Care Scrutiny Panel	15
Children's Scrutiny Panel	15
Economy and Neighbourhoods Scrutiny Panel	15
Corporate Scrutiny Panel	15
Calderdale and Kirklees Joint Health Scrutiny Committee	16
West Yorkshire Joint Health Overview and Scrutiny Committee	16
Wakefield and Kirklees Joint Health Scrutiny Committee	16

## APPEALS PANEL

Members 16

<b>LABOUR (8)</b>	<b>CONSERVATIVE (3)</b>	<b>LIB DEM (2)</b>	<b>GREEN (1)</b>	<b>IND (1)</b>	<b>DEW IND (1)</b>
N Dad	R Smith	C Iredale	S Lee-Richards	TBC	A Lukic
A U Pinnock	B McGuin	A Smith	-	-	-
S Ullah	V L Hamilton	-	-	-	-
M Kaushik	-	-	-	-	-
G Lowe	-	-	-	-	-
A Butt	-	-	-	-	-
L Warner	-	-	-	-	-
Y Hussain	-	-	-	-	-

## EMPLOYEE RELATIONS SUB-COMMITTEE

Members 9

LABOUR ( 5 )	CONSERVATIVE ( 2 )	LIB DEM ( 1 )	GREEN (-)	IND (1)
S Pandor	D Hall	J Lawson	-	TBC
G Turner	J Taylor	-	-	-
F Loonat	-	-	-	-
R Murgatroyd	-	-	-	-
G Lowe	-	-	-	-

## LICENSING AND SAFETY COMMITTEE

Members 17

<b>LABOUR ( 9 )</b>	<b>CONSERVATIVE ( 4 )</b>	<b>LIB DEM ( 2 )</b>	<b>GREEN (1)</b>	<b>IND (1)</b>
C Pattison	D Hall	C Iredale	K Allison	T Lyons
M Akhtar	K Taylor	P Davies	-	-
J Homewood	M Watson	-	-	-
M Kaushik	M Grainger-Mead	-	-	-
A U Pinnock	-	-	-	-
H Uppal	-	-	-	-
M Sokhal	-	-	-	-
M Hussain	-	-	-	-
<b>TBC</b>	-	-	-	-

## PERSONNEL COMMITTEE

Members 9

<b>LABOUR (5)</b>	<b>CONSERVATIVE (2)</b>	<b>LIB DEM (1)</b>	<b>GREEN (1)</b>	<b>IND (-)</b>
P McBride	D Hall	J Lawson	S Lee-Richards	-
S Pandor	J Taylor	-	-	-
G Turner	-	-	-	-
N Mather	-	-	-	-
R Walker	-	-	-	-

## PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Members 13

<b>LABOUR (7) +1</b>	<b>CONSERVATIVE (3)</b>	<b>LIB DEM (2 )</b>	<b>GREEN (1)</b>	<b>IND (-)</b>
P Kane	K Taylor	A Pinnock	Gifted to Lab	-
M Akhtar	C Goodwin	J Lawson	-	-
M Pervaiz	M Grainger-Mead	-	-	-
C Scott	-	-	-	-
G Turner	-	-	-	-
N Dad	-	-	-	-
S Hall	-	-	-	-
F Loonat	-	-	-	-



## PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Members 13

<b>LABOUR (7)</b>	<b>CONSERVATIVE (3)</b>	<b>LIB DEM (2)</b>	<b>GREEN (-)</b>	<b>IND (1)</b>
J Homewood	B McGuin	A Smith	-	T Lyons
M Sokhal	N Patrick	A Marchington	-	-
M Sarwar	D Firth	-	-	-
S Ullah	-	-	-	-
H Uppal	-	-	-	-
N Griffiths	-	-	-	-
P Davies	-	-	-	-

## STANDARDS COMMITTEE

Members 7

<b>LABOUR (4)</b>	<b>CONSERVATIVE ( 2 )</b>	<b>LIB DEM (1 )</b>	<b>GREEN (-)</b>	<b>IND (-)</b>
S Pandor	L Holmes	A Munro	-	-
M Sokhal	M Bolt	-	-	-
J Homewood	-	-	-	-
P Davies	-	-	-	-

## STRATEGIC PLANNING COMMITTEE

Members 7

<b>LABOUR (4)</b>	<b>CONSERVATIVE (2)</b>	<b>LIB DEM ( 1)</b>	<b>GREEN (-)</b>	<b>IND (-)</b>
S Hall	D Firth	A Pinnock	-	-
P Kane	C Goodwin	-	-	-
M Sokhal	-	-	-	-
C Pattison	-	-	-	-

## STATUTORY OFFICER DISMISSAL COMMITTEE

Members 5

<b>LABOUR ( 3 )</b>	<b>CONSERVATIVE ( 1 )</b>	<b>LIB DEM (1)</b>	<b>GREEN (-)</b>	<b>IND (-)</b>
A U Pinnock	D Hall	A Munro	-	-
S Pandor	-	-	-	-
G Lowe	-	-	-	-

## SUBSTITUTES PANEL

<b>LABOUR ( 6 )</b>	<b>CONSERVATIVE ( 6 )</b>	<b>LIB DEM ( 4 )</b>	<b>GREEN ( 2 )</b>	<b>IND ( 2 )</b>
S Hall	J Taylor	A Munro	K Allison	T Lyons
M Sokhal	R Smith	J Lawson	S Lee-Richards	C Greaves
M Kaushik	N Patrick	A Pinnock	-	-
E Hill	V Lees-Hamilton	A Marchington	-	-
W Simpson	M Thompson	-	-	-
A Butt	B Armer	-	-	-

## CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Members 7 (Non-proportional)

(Two from each of the three largest groups and one from the minority group excluding group leaders)

<b>LABOUR ( 2 )</b>	<b>CONSERVATIVE ( 2 )</b>	<b>LIB DEM ( 2 )</b>	<b>GREEN (0) +1</b>	<b>IND (1)</b>
W Simpson	J Taylor	K Pinnock	S Lee-Richards	Gifted to Green
S Hall	M Bolt	P Davies	-	-

### **Ex-Officio**

Resources Cabinet Portfolio Holder/s

Chair of Overview and Scrutiny Management Committee

Chair of Standards Committee

Ex officio (non-voting) Members - Cabinet Portfolio holders for Resources; Chair of Overview and Scrutiny Management Committee; and Chair of Standards Committee and provision for Treasury Management expertise)

## HEALTH AND WELLBEING BOARD (MEMBERSHIP SUBJECT TO THE APPOINTMENT OF LEADER AND CABINET)

Members 5 (Non-Proportional)

(3 from Cabinet, one of whom may be the Leader; 1 Councillor from the main opposition group; and 1 Councillor from a political group other than the administration and main opposition group)

<b>LABOUR ( 3 )</b>	<b>CONSERVATIVE ( 1 )</b>	<b>LIB DEM ( 1 )</b>	<b>GREEN ( 0 )</b>	<b>IND ( 0 )</b>
V Kendrick	M Thompson	K Pinnock	-	-
S Pandor	-	-	-	-
M Khan	-	-	-	-

## OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Members 5 (Non-proportional)

<b>LABOUR ( 2 )</b>	<b>CONSERVATIVE ( 1 )</b>	<b>LIB DEM ( 1 )</b>	<b>GREEN (1)</b>	<b>IND (-)</b>
H Uppal	L Smaje	C Burke	A Cooper	-
H Zaman	-	-	-	-



## SCRUTINY PANELS (TOTAL 24 – 4 PANELS COMPRISING 6 MEMBERS)

LABOUR ( 13 )	CONSERVATIVE ( 5 )	LIB DEM ( 4 )	GREEN (1)	IND (1)
H Uppal	R Smith	A Marchington	A Cooper	TBC
L Warner	V Lees-Hamilton	A Munro	-	-
N Griffiths	Bolt	R Eastwood	-	-
F Loonat	J Taylor (x2)	TBC	-	-
P Davies	-	-	-	-
A U Pinnock	-	-	-	-
A Butt	-	-	-	-
Y Hussain	-	-	-	-
H Zaman	-	-	-	-
R Murgatroyd	-	-	-	-
J Homewood	-	-	-	-
W Simpson	-	-	-	-
M Akhtar	-	-	-	-

### **ADULT HEALTH AND SOCIAL CARE SCRUTINY PANEL (6 - NON-PROPORTIONAL)**

LEAD MEMBER – Cllr Zaman

PANEL MEMBERS – Cllr Warner, Cllr Griffiths, Cllr Loonat, Cllr Munro, Cllr Lees-Hamilton (4 Lab: 1 Lib Dem: 1 Cons)

### **CHILDRENS SCRUTINY PANEL (6 - NON-PROPORTIONAL)**

LEAD MEMBER – Cllr Burke

PANEL MEMBERS – Cllr P Davies, Cllr A U Pinnock, Cllr A Butt, Cllr R Smith, TBC (3 Lab : 1 Lib Dem: 1 Cons: 1 Ind)

### **ECONOMY AND NEIGHBOURHOODS SCRUTINY PANEL (6 - NON-PROPORTIONAL)**

LEAD MEMBER – Cllr Uppal

PANEL MEMBERS – Cllr Murgatroyd, Cllr Y Hussain, Cllr Eastwood, Cllr Bolt, Cllr J Taylor (3 Lab: 1 Lib Dem: 2 Cons)

### **CORPORATE SCRUTINY PANEL (6 - NON-PROPORTIONAL)**

LEAD MEMBER – Cllr Cooper

PANEL MEMBERS – Cllr Homewood, Cllr Simpson, Cllr Akhtar, Cllr J Taylor, TBC (3 Lab: 1 Cons: 1 Green: 1 Lib)

## CALDERDALE & KIRKLEES JOINT HEALTH SCRUTINY COMMITTEE

Members 4 (Non-Proportional)

<b>LABOUR ( 1 )</b>	<b>CONSERVATIVE ( 1 )</b>	<b>LIB DEM ( 1 )</b>	<b>GREEN (1)</b>	<b>IND (0)</b>
W Simpson	E Smaje	R Eastwood	A Cooper	-

## WAKEFIELD AND KIRKLEES JOINT HEALTH SCRUTINY COMMITTEE

Members 4 (Non-Proportional)

<b>LABOUR ( 2 )</b>	<b>CONSERVATIVE ( 1 )</b>	<b>LIB DEM ( 1 )</b>	<b>GREEN (0)</b>	<b>IND (0)</b>
G Asif	E Smaje	A Pinnock	-	-
Y Hussain	-	-		

## WEST YORKSHIRE JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Members 2 (Non-Proportional)

<b>LABOUR ( 1 )</b>	<b>CONSERVATIVE ( 1 )</b>	<b>LIB DEM ( 0 )</b>	<b>GREEN (0)</b>	<b>IND (0)</b>
L Warner	E Smaje	-	-	-

# KIRKLEES COUNCIL - CALENDAR OF MEETINGS 2019/2020

DAY	DATE	TIME	MEETING
Wednesday	22 May 2019	12.30pm	ANNUAL COUNCIL
Thursday	23 May 2019		
Friday	24 May 2019		
Monday	27 May 2019		<b>BANK HOLIDAY</b>
Tuesday	28 May 2019	10.00am	Licensing and Planning Training (Dewsbury)
Wednesday	29 May 2019	4.00pm	Licensing and Planning Training (Huddersfield)
	29 May 2019	4.00pm	Cabinet
Thursday	30 May 2019	4:00pm	Licensing and Planning Training (Dewsbury)
Friday	31 May 2019	10:00am	Licensing and Planning Training (Huddersfield)
Monday	03 June 2019		
Tuesday	04 June 2019	10.00 am	
Wednesday	05 June 2019	9.30am	Licensing Panel
Thursday	06 June 2019	1.00pm	Planning Sub-Committee (Huddersfield)
Friday	07 June 2019		
Monday	10 June 2019	10.00 am	Overview and Scrutiny Management Committee
Tuesday	11 June 2019	10.00 am	Licensing & Safety Committee
Wednesday	12 June 2019		
Thursday	13 June 2019	2.00pm	Health and Wellbeing Board
Thursday	13 June 2019	1.00pm	Planning Sub-Committee (Heavy Woollen)
Friday	14 June 2019		
Monday	17 June 2019		
Tuesday	18 June 2019	4.30pm	Cabinet
Wednesday	19 June 2019		
Thursday	20 June 2019	1.00pm	Strategic Planning Committee
Friday	21 June 2019		
Monday	24 June 2019		

Tuesday 25 June 2019  
Wednesday 26 June 2019  
Thursday 27 June 2019  
Friday 28 June 2019

Monday 01 July 2019

Tuesday 02 July 2019

Wednesday 03 July 2019 9.30am Licensing Panel

Thursday 04 July 2019

Friday 05 July 2019 10.00am Corporate Governance and Audit Committee

Monday 08 July 2019

Tuesday 09 July 2019

Wednesday 10 July 2019

Thursday 11 July 2019 1.00pm Strategic Planning Committee

Friday 12 July 2019

Monday 15 July 2019

Tuesday 16 July 2019 4.00pm Cabinet

Wednesday 17 July 2019 5.30pm Council

Thursday 18 July 2019 1.00pm Planning Sub Committee (Huddersfield)

Friday 19 July 2019

Monday 22 July 2019 10.00am Overview and Scrutiny Management Committee

Tuesday 23 July 2019

Wednesday 24 July 2019

Thursday 25 July 2019 2.00 pm Health and Wellbeing Board

Thursday 25 July 2019 1.00pm Planning Sub Committee (Heavy Woollen)

Friday 26 July 2019 10.00am Corporate Governance and Audit Committee

Monday 29 July 2019

Tuesday 30 July 2019

Wednesday 31 July 2019

Thursday 01 August 2019 1.00pm Strategic Planning Committee

Friday 02 August 2019

Monday 05 August 2019  
Tuesday 06 August 2019  
Wednesday 07 August 2019 9.30am Licensing Panel  
Thursday 08 August 2019  
Friday 09 August 2019

Monday 12 August 2019  
Tuesday 13 August 2019 4.00pm Cabinet  
Wednesday 14 August 2019  
Thursday 15 August 2019  
Friday 16 August 2019

Monday 19 August 2019  
Tuesday 20 August 2019  
Wednesday 21 August 2019  
Thursday 22 August 2019 1.00pm Planning Sub Committee (Huddersfield)  
Friday 23 August 2019

Monday 26 August 2019 **BANK HOLIDAY**  
Tuesday 27 August 2019  
Wednesday 28 August 2019  
Thursday 29 August 2019 1.00pm Strategic Planning Committee  
Friday 30 August 2019

Monday 02 September 2019  
Tuesday 03 September 2019  
Wednesday 04 September 2019 9.30am Licensing Panel  
Thursday 05 September 2019 1.00pm Planning Sub Committee (Heavy Woollen)  
Friday 06 September 2019

Monday 09 September 2019 10.00 am Overview and Scrutiny Management Committee  
Tuesday 10 September 2019 4.00pm Cabinet  
Wednesday 11 September 2019 10.00am Standards Committee

Thursday 12 September 2019  
Friday 13 September 2019 10.00am Corporate Governance and Audit Committee

Monday 16 September 2019  
Tuesday 17 September 2019  
Wednesday 18 September 2019 5.30pm Council  
Thursday 19 September 2019  
Friday 20 September 2019

Monday 23 September 2019  
Tuesday 24 September 2019  
Wednesday 25 September 2019  
Thursday 26 September 2019 2.00 pm Health and Wellbeing Board  
Thursday 26 September 2019 1.00pm Strategic Planning Committee  
Friday 27 September 2019

Monday 30 September 2019  
Tuesday 01 October 2019  
Wednesday 02 October 2019 9.30am Licensing Panel  
Thursday 03 October 2019 1.00pm Planning Sub Committee (Huddersfield)  
Friday 04 October 2019

Monday 07 October 2019  
Tuesday 08 October 2019 4.00pm Cabinet  
Wednesday 09 October 2019  
Thursday 10 October 2019  
Friday 11 October 2019

Monday 14 October 2019  
Tuesday 15 October 2019  
Wednesday 16 October 2019 5.30pm Council  
Thursday 17 October 2019 1.00pm Planning Sub Committee (Heavy Woollen)  
Friday 18 October 2019

Monday	21 October 2019		
Tuesday	22 October 2019		
Wednesday	23 October 2019		
Thursday	24 October 2019	1.00pm	Strategic Planning Committee
Friday	25 October 2019		

Monday	28 October 2019		
Tuesday	29 October 2019		
Wednesday	30 October 2019		
Thursday	31 October 2019		
Friday	01 November 2019		

Monday	04 November 2019	10.00 am	Overview and Scrutiny Management Committee
Tuesday	05 November 2019	4.00pm	Cabinet
Wednesday	06 November 2019	9.30am	Licensing Panel
Thursday	07 November 2019	1.00pm	Planning Sub Committee (Huddersfield)
Friday	08 November 2019		

Monday	11 November 2019		
Tuesday	12 November 2019		
Wednesday	13 November 2019	5.30pm	Council
Thursday	14 November 2019		
Friday	15 November 2019	10.00am	Corporate Governance and Audit Committee

Monday	18 November 2019		
Tuesday	19 November 2019		
Wednesday	20 November 2019		
Thursday	21 November 2019	2.00 pm	Health and Wellbeing Board
Thursday	21 November 2019	1.00pm	Strategic Planning Committee
Friday	22 November 2019		

Monday	25 November 2019		
Tuesday	26 November 2019		
Wednesday	27 November 2019		

Thursday	28 November 2019	
Friday	29 November 2019	
Monday	02 December 2019	
Tuesday	03 December 2019 4.00pm	Cabinet
Wednesday	04 December 2019 9.30am	Licensing Panel
Thursday	05 December 2019 1.00pm	Planning Sub Committee (Heavy Woollen)
Friday	06 December 2019	
Monday	09 December 2019	
Tuesday	10 December 2019	
Wednesday	11 December 2019 5.30pm	Council
Thursday	12 December 2019 1.00pm	Planning Sub Committee (Huddersfield)
Friday	13 December 2019	
Monday	16 December 2019	
Tuesday	17 December 2019	
Wednesday	18 December 2019	
Thursday	19 December 2019 1.00pm	Strategic Planning Committee
Friday	20 December 2019	
Monday	23 December 2019	
Tuesday	24 December 2019	
Wednesday	25 December 2019	<b>BANK HOLIDAY</b>
Thursday	26 December 2019	<b>BANK HOLIDAY</b>
Friday	27 December 2019	
Monday	30 December 2019	
Tuesday	31 December 2019	
Wednesday	01 January 2020	<b>BANK HOLIDAY</b>
Thursday	02 January 2020	
Friday	03 January 2020	
Monday	06 January 2020	



Tuesday	07 January 2020		
Wednesday	08 January 2020		
Thursday	09 January 2020	1.00pm	Planning Sub Committee (Heavy Woollen)
Friday	10 January 2020		

Monday	13 January 2020	10.00 am	Overview and Scrutiny Management Committee
Tuesday	14 January 2020	9.30am	Licensing Panel
Wednesday	15 January 2020	5.30pm	Council
Thursday	16 January 2020		
Friday	17 January 2020		

Monday	20 January 2020		
Tuesday	21 January 2020		
Wednesday	22 January 2020		
Thursday	23 January 2020	1.00pm	Strategic Planning Committee
Friday	24 January 2020	10.00am	Corporate Governance and Audit Committee

Monday	27 January 2020		
Tuesday	28 January 2020	4.00pm	Cabinet (Budget)
Wednesday	29 January 2020		
Thursday	30 January 2020	2.00 pm	Health and Wellbeing Board
Thursday	30 January 2020	1.00pm	Planning Sub Committee (Huddersfield)
Friday	31 January 2020		

Monday	03 February 2020		
Tuesday	04 February 2020		
Wednesday	05 February 2020	9.30am	Licensing Panel
Thursday	06 February 2020		
Friday	07 February 2020		

Monday	10 February 2020		
Tuesday	11 February 2020		
Wednesday	12 February 2020	5.30pm	Council (Budget)
Thursday	13 February 2020	1.00pm	Planning Sub Committee (Heavy Woollen)

Friday 14 February 2020

Monday 17 February 2020

Tuesday 18 February 2020

Wednesday 19 February 2020

Thursday 20 February 2020

Friday 21 February 2020

Monday 24 February 2020

Tuesday 25 February 2020 4.00pm Cabinet

Wednesday 26 February 2020

Thursday 27 February 2020 1.00pm Strategic Planning Committee

Friday 28 February 2020

Monday 02 March 2020

Tuesday 03 March 2020

Wednesday 04 March 2020 9.30am Licensing Panel

Thursday 05 March 2020

Friday 06 March 2020 10.00am Corporate Governance and Audit Committee

Monday 09 March 2020 10.00 am Overview and Scrutiny Management Committee

Tuesday 10 March 2020

Wednesday 11 March 2020 10.00am Standards Committee

Thursday 12 March 2020

Friday 13 March 2020

Monday 16 March 2020

Tuesday 17 March 2020

Wednesday 18 March 2020 5.30pm Council

Thursday 19 March 2020 1.00pm Planning Sub Committee (Huddersfield)

Friday 20 March 2020

Monday 23 March 2020

Tuesday 24 March 2020 4.00pm Cabinet

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322

Wednesday	25 March 2020	
Thursday	26 March 2020 2.00 pm	Health and Wellbeing Board
Thursday	26 March 2020 1.00pm	Strategic Planning Committee
Friday	27 March 2020	
Monday	30 March 2020	
Tuesday	31 March 2020	
Wednesday	01 April 2020 9.30am	Licensing Panel
Thursday	02 April 2020 1.00pm	Planning Sub Committee (Heavy Woollen)
Friday	03 April 2020	
Monday	06 April 2020 10.00 am	Overview and Scrutiny Management Committee
Tuesday	07 April 2020	
Wednesday	08 April 2020	
Thursday	09 April 2020	
Friday	10 April 2020	<b>BANK HOLIDAY</b>
Monday	13 April 2020	<b>BANK HOLIDAY</b>
Tuesday	14 April 2020	
Wednesday	15 April 2020	
Thursday	16 April 2020	
Friday	17 April 2020	
Monday	20 April 2020	
Tuesday	21 April 2020 4.00pm	Cabinet
Wednesday	22 April 2020	
Thursday	23 April 2020 1.00pm	Strategic Planning Committee
Friday	24 April 2020 10.00am	Corporate Governance and Audit Committee
Monday	27 April 2020	
Tuesday	28 April 2020	
Wednesday	29 April 2020	
Thursday	30 April 2020 1.00pm	Planning Sub Committee (Huddersfield)
Friday	01 May 2020	

Monday	04 May 2020	<b>BANK HOLIDAY</b>
Tuesday	05 May 2020	
Wednesday	06 May 2020 9.30am	Licensing Panel
Thursday	07 May 2020	Local Elections
Friday	08 May 2020	
Monday	11 May 2020	
Tuesday	12 May 2020	
Wednesday	13 May 2020	
Thursday	14 May 2020	
Friday	15 May 2020	
Monday	18 May 2020	
Tuesday	19 May 2020 4.00pm	Cabinet
Wednesday	20 May 2020 12.30pm	ANNUAL COUNCIL
Thursday	21 May 2020	
Friday	22 May 2020	

**Name of meeting:** Annual Council

**Date:** 22 May 2019

**Title of report:** To determine the Appointment of Members to Joint Authorities for the 2019-20 Municipal Year

**Purpose of report:**

To consider and determine the membership of Joint Authorities in 2019/2020.

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

**(Have you considered GDPR?)**

Yes – no individuals have been identified in this report.

## 1. Summary

To consider and determine the membership of Joint Authorities in 2019/2020.

## 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 (on a ratio of 2:1).
- (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 (the Leader) 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. Kirklees has 1 place on each of the 5 WYCA Panels, which are advisory committees.

### **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 Working with People**

Not applicable

### **3.2 Working with Partners**

Not applicable

### **3.3 Place Based Working**

Not applicable

### **3.4 Improving outcomes for children**

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 nominationto 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

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**Name of meeting:** Annual Council

**Date:** 22 May 2019

**Title of report:** Appointment to Outside Bodies/Other Committees

**Purpose of Report**

To determine the appointment of representatives to Outside Bodies/Other Committees for the 2019/2020 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

**(Have you considered GDPR?)**

Yes – no individuals have been identified in this report.

## 1. Summary

To consider and determine the allocation of places/ratios, as appropriate, to the Outside Bodies as detailed within this report, for the 2019/2020 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 with the allocation of places and ratios. The nominations will be agreed by the Group Business Managers immediately following Council.

In relation to the **Yorkshire Purchasing Organisation Management Committee**, the Council (along with the other constituent Authorities) is requested to pass a resolution to waive the applicability of political balance rules, and the Leader will nominate two nominees (and their subs if agreed) to the YPO Management Committee (in consultation with Group Business Managers) and determine which of the Council's two nominees will have the one vote or whether the vote will be transferable between the two nominees (or their sub) 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 Eamonn Croston, Service Director (Finance), 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.

## 4. Implications for the Council

### 4.1 Early Intervention and Prevention (EIP)

Not applicable

### 4.2 Economic Resilience (ER)

Not applicable

#### **4.3 Improving Outcomes for Children**

Not applicable

#### **4.4 Reducing demand of services**

Not applicable

#### **4.5 Other (eg Legal/Financial or Human Resources)**

Not applicable

### **5. Consultees and their opinions**

Not applicable

### **6. Next steps**

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

### **7. 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, following Council.
- 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 Management 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 (in consultation with the Group Business Managers), resolves which Member will have the one vote or whether the vote will be transferable between the nominees (and their sub) 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 Eamonn Croston (Service Director – Finance) 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.

8. **Cabinet portfolio holder's recommendation**

Not applicable

9. **Contact officer**

Andrea Woodside, Principal Governance Officer

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

Not applicable

11. **Service Director responsible**

Julie Muscroft – Service Director (Legal, Governance and Commissioning)

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
Parking and Traffic Regulations Outside London Adjudication Joint Committee	1 (Joint Authorities)	1	NOMINATIONS BY CABINET  HAS TO BE A CABINET MEMBER  plus 1 sub	<b>Cllr P McBride</b> Cllr Naheed Mather (Sub)	
West Yorkshire Adoption Joint Committee ('WYAJC') ONE ADOPTION	1 (Joint Authorities)	1	NOMINATIONS BY CABINET	<b>Cllr V Kendrick</b> (Cllr M Ahmed SUB)	<p><b>1</b> a) WYAJC shall comprise one Member from each Participating Authority<sup>2</sup> ('the Principal Member').  b) Co-option of Members onto WYAJC is not permitted.  c) Each Participating Authority shall have a pool of up to two named substitute Members.. The clerk to WYAJC must be advised before the commencement of the meeting if a substitute is to attend in place of the Principal Member.  d) In the event of a Principal Member ceasing to be a member of the Participating Authority, he/she shall also cease to be a member of WYAJC</p> <p><b>2</b> The Leader of each authority shall make arrangements for the appointment of the Principal Member who may be the Lead Member for Children or another, and may be a Member of the Executive or of the authority.  <b>3</b> The Leader of each authority shall make arrangements for the appointment of substitute Members who may be Members of the Executive or of the authority</p>

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
West Yorkshire Joint Services Committee	1 (Joint Authorities) 2:1 ratio	3	NOMINATIONS BY CABINET	<b>Cllr S Pandor (LEADER EX-OFFICIO - not counted in ratios)</b> <b>Cllr Habiban Zaman</b> <b>Cllr Marielle O'Neill</b> <b>Cllr Bill Armer</b> Cllr Mohan Sokhal (Sub) Cllr Musarrat Pervaiz (Sub) Cllr Vivien Lees-Hamilton (Sub)	<b>2:1 ratio</b>  3 Members + Leader + 3 Subs Member nominations are from 'majority' parties. Mtgs of WYJSC take place on a Thurs each month.  A payment is made to the Chair of the Joint Service Committee. The special responsibility allowance of the relevant council is used and then recharged the cost to WYJS. - as per Karen Pearce - WYJS  WYJSC at their AGM nominate numbers of members and appointments to their Sub-Committees (no 24, 25, 26)
Yorkshire Purchasing Organisation Management Committee	1 (Joint Authorities)	2	Council AGM passes a resolution to waive the applicability of political balance rules and to determine who has the vote	<b>Cllr Gulfam Asif (HAS THE VOTE)</b> <b>VACANT</b> Cllr Judith Hughes (Sub) Cllr Darren O'Donovan (Sub)	All Members of the Management Committee are asked for their preferences regarding Sub-Committee membership – all Councillors must sit on a Sub-Committee as well as the Management Committee. YPO Management Committee make the final decision on which members sit on which Sub-Committees.  Sub-Committees are:- - YPO Exec Sub-Committee - YPO Audit and Scrutiny Sub-Committee - Joint Consultative Committee



Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
Yorkshire Purchasing Organisation - Holding Company	1 (Joint Authorities)	2	2 Members (as YPO) - One Director and Sub.  Coincides with annual membership of YPO Management Committee	<b>CLlr Gulfam Asif (Director)</b> <b>VACANT (Sub)</b>	
Yorkshire and Humber (Local Government) Employers Association	2 (Other Bodies)	1	1 Member	<b>CLlr Graham Turner</b>	
Migration Yorkshire Board	2 (Other Bodies)	1	Elected Member or Senior Officer	<b>CLlr Naheed Mather</b>	
C&K Careers Limited	1 (Joint Authorities)	3		<b>CLlr Peter McBride</b> <b>CLlr Rob Walker</b> <b>CLlr Hilary Richards</b>	3 directors which may be elected Members/Officers/Other nominees Name changed in June 2018

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
Calderdale and Huddersfield NHS Trust - Membership Council	1 (Joint Authorities)	1		<b>VACANT (Labour)</b>	<p>This place remained vacant during 2018/19</p> <p>C&amp;H NHS Trust Constitution advises that if a Member is employed by CHFT, is a Director of another NHS Trust or a Council Member/or Non-Executive Director of another NHS Foundation Trust (Section 16.1.4) they cannot be nominated due to a conflict of interest.</p> <p>Meetings held 4 times per year and there are a number of other meetings and workshops that Governors are invited to attend.</p>
Children's Partnership Board (formerly Children;s Trust)	1 (Joint Authorities)	4	2 from Cabinet 2 from opposition groups	<b>Cllr V Kendrick</b> <b>Cllr M Ahmed</b> <b>Cllr L Holmes</b> <b>Cllr J Lawson</b>	<b>CABINET MEMBERS TO BE CONFIRMED BY LEADER</b>  4 Members
Environment Agency - Yorkshire Regional Flood and Coastal Committee	1 (Joint Authorities)	1		<b>Cllr Donald Firth</b> Cllr Darren O'Donovan (Deputy)	1 + deputy

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
Kirklees Neighbourhood Housing Limited	1 (Joint Authorities)	5		Andrew Marchington Cllr Liz Smaje Molly Walton Paul White Dave Harris	5 Members
Kirklees Community Partnership Board (formerly Community Safety Partnership Executive)	1 (Joint Authorities)	4	2 from Cabinet (one has to be portfolio holder) 2 from opposition groups	Cllr Naheed Mather Cllr Masood Ahmed Cllr Mohan Sokhal Cllr Nigel Patrick	4 Members. Police and Crime Panel Members are automatically on this body, in addition to the nominated Members, will be advised.
Kirklees Theatre Trust	2 (Joint Authorities)	3		Cllr Karen Allison Cllr Carole Pattison Cllr Bernard McGuin	Julie Muscroft is the Company Secretary
Leeds Bradford International Airport: Consultative Committee	1 (Joint Authorities)	1		Cllr Peter McBride	
Peak District National Park Authority	1 (Joint Authorities)	1		Cllr Rob Walker	Term of office up until 2022 (appointed for 4 years)
Pennine Prospects (formerly South Pennine Rural Regeneration Company)	1 (Joint Authorities)	1		Cllr John Lawson	1 Member

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
QED (KMC) Limited (Special Schools)	1 (Joint Authorities)	1	Cabinet Member not appropriate	<b>Clr Habiban Zaman</b>	1 Member
SUEZ (Kirklees) Limited	1 (Joint Authorities)	1	Main member usually Cabinet Portfolio Holder	<b>Clr Naheed Mather</b> (Director) Clr Michael Watson (alternate Director)	<b>PORTFOLIO HOLDER TO BE CONFIRMED BY LEADER</b>  1 director + 1 alternate director
Special Interest Group of Metropolitan Authorities (SIGOMA)	1 (Joint Authorities)	1	Leader or nominee	<b>Clr Shabir Pandor</b>	
Trans Pennine Trail Members' Steering Group	1 (Joint Authorities)	2		<b>Clr Martyn Bolt</b> <b>Clr Gulfam Asif</b>	
South West Yorkshire Partnership Foundation Trust - Members' Council	1 (Joint Authorities)	1		<b>Clr Richard Smith</b>	

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
West Yorkshire One Adoption - <b>Adoption Panels</b>	1 (Joint Authorities)	2	2 Members  Panels are not sub-committees of the Joint Committee and proportionality rules do not apply.	<b>Cllr Habiban Zaman (Hudds Panel)</b> <b>Cllr Richard Smith (Leeds Panel)</b>	<p><b>Meeting frequency</b> 1 Member place on the Hudds Panel and 1 Member place on the Leeds Panel Huddersfield Panel meets on the 2nd Monday of the Month and the Leeds Panel meets on the 2nd Friday of the month.</p> <p><b>Time commitment</b> Panel's start at 9.30 and can run until 4.30 depending on the agenda, is a large reading commitment for panels with it taking around a day to read the panel paperwork and prepare questions/notes. There is also one day of panel training a year.</p> <p><b>Panel Member requirement</b> In order for panels to be quorate One Adoption require a level of consistency in regards to attendance so panel members are expected to attend 75% of panels annually.</p> <p>SRA Annual Allowance of £1227</p>
West Yorkshire Pension Fund Advisory Group - Joint Advisory Group	1 (Joint Authorities)	3		<b>Cllr Hilary Richards</b> <b>Cllr Eric Firth</b> <b>Cllr Fazila Fadia</b>	3 Members

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
West Yorkshire Pension Fund Advisory Group - Pension Fund Investment Panel	1 (Joint Authorities)	2		<b>Cllr Eric Firth</b> <b>Cllr Hilary Richards</b>	2 Members
Creative Media Centres Limited	2 (Other Bodies)	1	2 x 3yr terms (Board is looking to update their TOR)	<b>Cllr Andrew Cooper</b>	
Dewsbury Endowed Schools Foundation Trust Advisory Committee	2 (Other Bodies)	8		<b>Cllr Eric Firth</b> <b>Paul Ellis</b> <b>Cllr Paul Kane</b> <b>Cllr Masood Ahmed</b> <b>Salim Patel</b> <b>Mark Eastwood</b> <b>Bernard Diskin</b> <b>M Winterburn</b>	
Dewsbury Learning Trust	2 (Other Bodies)	1	1 (Member or Officer)	<b>Martin Green</b>	Martin Green replaced Carol Lancaster at request of Jo-Anne Sanders 17/10/17  GBM's approved nomination
Globe Innovation Centre Ltd (previously Globe Environmental Business Centre Ltd)	2 (Other Bodies)	1	1 Director (Member or Officer)	<b>Jacqui Gedman</b>	

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
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.	<b>CLlr Andrew Cooper</b>	<p>Professor Glover, Head of the Department of Engineering and Technology has advised that he would be satisfied with Cllr Cooper taking up the main position, with Cllr Stewart-Turner acting as his deputy, when required.</p> <p>Members would normally be expected to serve for a minimum term of three years, subject to renewal by mutual agreement for a maximum of three terms.</p>
Huddersfield Partnership (formerly know as Town Centre Partnership Limited)	2 (Other Bodies)	2	Normally 2 Members + 1 Officer	<b>OFFICER VACANCY</b> <b>CLlr Julie Stewart-Turner</b> <b>CLlr Naheed Mather</b>	Liz Jefferson advised no need to fill the officer vacancy at current time.
Kirklees Active Leisure	2 (Other Bodies)	2	AGM refers decision to GBMs to identify who has vote at Member meetings	<b>CLlr Mohan Sokhal</b> (has vote at member meetings <b>CLlr Mark Thompson</b>	2 (Not Cabinet Member and advisable not to be Scrutiny Member)

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
Kirklees Community Association	2 (Other Bodies)	8		<b>Peter Rock</b> <b>CLlr Eric Firth</b> <b>CLlr Nell Griffiths</b> <b>CLlr Carole Pattison</b> <b>CLlr Mussarat Pervaiz</b> <b>CLlr Musarrat Khan</b> <b>Robert Iredale</b> <b>CLlr Donald Firth</b>	No need to be elected Member
Kirklees Community Fund Grants Panel	2 (Other Bodies)	2		<b>CLlr Mohan Sokhal</b> <b>CLlr Bill Armer</b>	
Kirklees Historic Buildings Trust Ltd	2 (Other Bodies)	6		<b>VACANT (Cons)</b> <b>VACANT</b> <b>CLlr Graham Turner</b> <b>CLlr Rob Walker</b> <b>CLlr Gwen Lowe</b> <b>CLlr Andrew Pinnock</b>	
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)	



Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
Kirklees Stadium Development Ltd	1 (Joint Authorities)	2	Eamon Croston - Company Secretary as agreed at Council AGM	<b>ClIr Ken Sims</b> <b>ClIr Peter McBride</b> ClIr Bernard McGuin (Alt Dir)	2 + 1 Alternate Director
Learning Board	2 (Other Bodies)	4	To be chaired by Cabinet Portfolio holder	<b>ClIr Masood Ahmed</b> <b>ClIr John Lawton</b> <b>ClIr Viv Kendrick</b> <b>Vacant (Cons)</b>	<b>PORTFOLIO HOLDER TO BE CONFIRMED BY LEADER</b>
Locala Community Partnership Members' Council	2 (Other Bodies)	2		<b>ClIr Zaman (Lab)</b> <b>Vacant (Lab)</b>	ClIr Sokhal to confirm if can fill vacancies - ClIr Lowe stepped down due to Mayor's role  ClIr Zaman taking up role as of Nov 2018. Liaising with Locala as dates of meeting fall on Full Council days
Musica Kirklees (formerly Kirklees Music School)	2 (Other Bodies)	4		<b>Vacant (Cons)</b> <b>ClIr Carole Pattison</b> <b>ClIr Hilary Richards</b> <b>ClIr Andrew Pinnock</b>	
National Association of British Market Authorities	2 (Other Bodies)	3	Must be an Elected Member	<b>ClIr Ken Sims</b> <b>ClIr Eric Firth</b> <b>ClIr Fazila Fadia</b>	

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
National Coal Mining Museum for England Trust Ltd - Liaison Committee	2 (Other Bodies)	2		<b>Cllr Bill Armer</b> <b>Cllr Paul Kane</b>	
Reserve Forces and Cadets Association for Yorkshire and the Humber	2 (Other Bodies)	1	1 Member (nominated to Ministry of Defence)	<b>Cllr Michael Watson</b>	
Rural Action Yorkshire	2 (Other Bodies)	1	Officer or Member	<b>Cllr Nigel Patrick</b>	
School Organisation Advisory Group	2 (Other Bodies)	6	Ratio for 2018/19 is 3:2:1  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>	<b>PORTFOLIO HOLDER TO BE CONFIRMED BY LEADER</b>
Spensorough Co-operative Trust	2 (Other Bodies)			<b>Mandy Cameron</b>	
Kirklees Fairtrade Forum					<b>R FARNHILL TO PROVIDE FURTHER DETAIL</b>

Name of Outside Body	Schedule	No of reps	Restrictions	Current Member	Notes and queries
Standing Advisory Council for Religious Education	2 (Other Bodies)	4		<b>Clr Nosheen Dad</b> <b>Clr Darren O'Donovan</b> <b>VACANT (Lib Dem)</b> <b>VACANT (Cons)</b>	



**Name of meeting:** Annual Council

**Date:** 22 May 2019

**Title of report:** Spokespersons of Joint Committees and External Bodies

To appoint spokespersons of Joint Committees and External Bodies for the 2019/2020 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 Support?	Julie Muscroft 7/5/19
Cabinet member <a href="#">portfolio</a>	N/A

**Electoral wards affected:** Not applicable

**Ward councillors consulted:** Not applicable

**Public or private:** Public

**(Have you considered GDPR?)**

Yes – no individuals have been identified in this report.

## 1. **Summary**

To consider the appointment of spokespersons for Joint Committees/External Bodies for the 2019/2020 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 **Working with People**

Not applicable

### 3.2 **Working with Partners**

Not applicable

### 3.3 **Place Based Working**

Not applicable

### 3.4 **Improving outcomes for children**

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

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## AGENDA ITEM 23

### COMMITTEE/BOARD/PANEL CHAIRS 2019/2020

<b>Committee/Board/Panel</b>	<b>Proposed Chair</b>
Appeals Panel	Cllr N Dad
Corporate Governance & Audit Committee	Cllr W Simpson
Health and Wellbeing Board	Cllr V Kendrick
Licensing & Safety Committee	Cllr A U Pinnock
Overview & Scrutiny Management Committee	Cllr E Smaje
Personnel Committee	Cllr S Pandor
Standards Committee	Cllr P Davies
Strategic Planning Committee	Cllr S Hall
Planning Sub Committee – Heavy Woollen	Cllr P Kane
Planning Sub Committee – Huddersfield	Cllr T Lyons
Statutory Officer Dismissal Committee	Cllr S Pandor

<b>Scrutiny Panels</b>	
Childrens	Cllr A Marchington
Corporate	Cllr A Cooper
Economy and Neighbourhood	Cllr H Uppal
Health and Adult Social Care	Cllr H Zaman

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