



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

ANNUAL COUNCIL

WEDNESDAY 19 MAY 2021

Andrea Woodside

01484 221000

Chair

Councillor Nigel Patrick

Councillors Attended

Councillor Aafaq Butt
Councillor Aleks Lukic
Councillor Andrew Marchington
Councillor Susan Lee-Richards
Councillor Paola Antonia Davies
Councillor Yusra Hussain
Councillor Anthony Smith
Councillor Lesley Warner
Councillor Paul Davies
Councillor Masood Ahmed
Councillor Mahmood Akhtar
Councillor Karen Allison
Councillor Martyn Bolt
Councillor Cahal Burke
Councillor Andrew Cooper
Councillor Nosheen Dad
Councillor Donald Firth
Councillor Charles Greaves
Councillor David Hall
Councillor Steve Hall
Councillor Erin Hill
Councillor Lisa Holmes
Councillor Mumtaz Hussain
Councillor Viv Kendrick
Councillor Musarrat Khan
Councillor John Lawson
Councillor Vivien Lees-Hamilton

Councillor Gwen Lowe
Councillor Terry Lyons
Councillor Naheed Mather
Councillor Peter McBride
Councillor Darren O'Donovan
Councillor Shabir Pandor
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Amanda Pinnock
Councillor Andrew Pinnock
Councillor Kath Pinnock
Councillor Mohammad Sarwar
Councillor Cathy Scott
Councillor Elizabeth Smaje
Councillor Mohan Sokhal
Councillor John Taylor
Councillor Sheikh Ullah
Councillor Michael Watson
Councillor Fazila Loonat
Councillor James Homewood
Councillor Manisha Roma Kaushik
Councillor Bernard McGuin
Councillor Mussarat Pervaiz
Councillor Will Simpson
Councillor Richard Smith
Councillor Alison Munro
Councillor Mark Thompson
Councillor Harpreet Uppal
Councillor Habiban Zaman
Councillor Timothy Bamford
Councillor Adam Gregg
Councillor Robert Iredale
Councillor Matthew McLoughlin
Councillor Jackie Ramsay
Councillor Elizabeth Reynolds
Councillor Joshua Sheard
Councillor Melanie Stephen
Councillor Donna Bellamy
Councillor Eric Firth

Apologies

Councillor Paul White, Councillor Bill Armer and Councillor Kath Taylor

1 To elect the Mayor for the ensuing year

To elect the Mayor for the 2021/2022 Municipal Year.

That Councillor Nigel Patrick be elected as Mayor for the 2021/2020 Municipal Year.

2 To appoint a Deputy Mayor for the ensuing year

To appoint a Deputy Mayor for the ensuing Municipal Year.

That Councillor Mahmood Akhtar be appointed as Deputy Mayor for the 2021/2022 Municipal Year.

3 Minutes of the Ordinary Meeting of the Council held on 17 March 2021

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

RESOLVED - That the Minutes of the Meeting of Council held on 17 March 2021 be approved as a correct record.

4 Interests

The Councillors will be asked to say if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

No interests were declared.

5 Announcements by the Mayor and Chief Executive

To receive any announcements and to note the results of the Local Council Elections held on 6 May 2021, and the acceptance of the Office of Councillors elected.

The Chief Executive advised of the official return of Councillors following the local elections, held on 6 May 2021, as set out at Agenda Item 5.

The Mayor welcomed all Councillors to the new municipal year, and welcomed the newly elected Councillors, namely Councillors Tim Bamford, Adam Gregg, Robert Iredale, Matthew McCloughlin, Jackie Ramsay, Elizabeth Reynolds, Joshua Sheard and Mel Stephen.

Council received tributes to former Councillors who had not been re-elected on 6 May 2021; Richard Eastwood and Graham Turner.

6 Apologies for absence

To receive any apologies for absence.

Apologies for absence were received on behalf of Councillors Armer, K Taylor and White.

Motion Submitted Under Council Procedure Rule 15 (4)

It was moved by Councillor Marchington, seconded by Councillor D Hall and

RESOLVED –

That (i) under Council Procedure Rules 15 and 14(3), Corporate Governance and Audit Committee be asked to consider a report to enable the Council to make a decision as to whether to move from the Strong Leader and Cabinet System to a Committee System and that the report shall (contain sufficient detail and be completed within appropriate timescales to meet the requirements of the Local Government Act 2000, so that the Council can make a decision as to whether to return to the Committee System for the meeting of Annual Council in May 2022 (ii) the report should be completed in order to enable a debate at the meeting of Council on 8 September 2021 and (iii) the intent of the request to return to the Committee system in order to increase councillor participation in Council decisions, increase the transparency of decision making and improve the quality of decisions made in Kirklees be noted.

7 Election of the Leader of the Council

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

The Mayor invited nominations for Leader of the Council.

It was moved by Councillor J Taylor, and seconded by Councillor Bolt, that Councillor D Hall be appointed as Leader of the Council.

The Motion, upon being put to the vote was LOST, whereupon it was moved by Councillor Scott and seconded by Councillor Sokhal, that Councillor Pandor be appointed as Leader of the Council.

The Motion upon being put to the vote was CARRIED.

RESOLVED - That Councillor Shabir Pandor be elected as Leader of the Council.

8 Proposed amendments to Contract Procedure Rules (Reference from Corporate Governance and Audit Committee)

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

(Report attached)

Contact: Jane Lockwood, Head of Procurement

It was moved by Councillor Simpson, seconded by Councillor J Taylor and

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

**9 Proposed amendments to Financial Procedure Rules
(Reference from Corporate Governance and Audit Committee)**

To consider and determine amendments to Financial Procedure Rules.

(Report attached)

Contact: Martin Dearnley, Head of Risk

It was moved by Councillor Simpson, seconded by Councillor J Taylor and

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

**10 Proposed amendments to the Council's Constitution
(Reference from Corporate Governance and Audit Committee)**

To consider proposed changes to the Council's constitution and receive a summary of changes made by the Monitoring Officer using delegated powers.

(Report attached)

Contact: Julie Muscroft – Service Director (Legal, Governance and Commissioning)

It was moved by Councillor Simpson and seconded by Councillor S Hall,

‘That the proposed changes to the Council's Constitution, as set out within the report, be approved.’

Whereupon it was moved by Councillor Bolt, and seconded by Councillor D Hall, by way of amendment, that Council Procedure Rule 35 (2) (iii) be amended to include the words ‘...or the Strategic Planning Committee or Sub Committee thereof’, thereby reading as follows ‘shall not appoint the Leader, the Deputy Leader of the Council or any Members of the Cabinet as Members of the Overview and Scrutiny or its Panels or the Strategic Planning Committee or Sub Committee thereof.’

Following the receipt of legal advice with regards to the validity of the amendment, it was moved by Councillor Greaves and seconded by Councillor Pandor that a meeting of Corporate Governance and Audit Committee be convened to enable the proposal to be discussed and a recommendation be submitted to the next meeting of Council.

The proposal, upon being put to the vote, was carried. The SUBSTANTIVE MOTION as amended was therefore put to the vote and it was

RESOLVED –

- 1) That the proposed amendments to the Council's Constitution, as set out within the considered report, be approved.
- 2) That Corporate Governance and Audit Committee be asked to consider the amendment as submitted by the Conservative Group, which sought to amend CPR 35 (2) (iii) to read 'shall not appoint the Leader or Deputy Leader of the Council, or any Members of the Cabinet, as Members of Overview and Scrutiny Management Committee, or its Panels, or of Strategic Planning Committee or Sub Committee thereof' and that a report of Corporate Governance and Audit Committee be submitted to the next meeting of Council.

11 Proposed revisions to the Terms of Reference of Health and Wellbeing Board (Reference from Corporate Governance and Audit Committee)

To consider the proposed revisions to the Terms of Reference for the Health and Wellbeing Board.

(Report attached)

Contact: Phil Longworth – Service Manager (Integrated Support)

RESOLVED – That the proposed amendments to the Terms of Reference of Health and Wellbeing Board, as set out within the considered report, be approved.

12 Meetings of Council 2021/2022 (Reference from Corporate Governance and Audit Committee)

To determine the schedule of meetings of Council for the 2021/2022 Municipal Year.

(Report attached)

Contact: Samantha Lawton, Head of Governance

RESOLVED – That the schedule of Meetings of Council, as set out in the considered report be approved, subject to the amendment of the date of Annual Council 2022 being moved from 18 to 25 May 2022.

13 Appointment of Committees, Boards and Panels

To determine the Committees, Boards and Panels of Council for the 2021/2022 municipal year.

(Report attached)

Contact: Samantha Lawton, Head of Governance

RESOLVED – That approval be given to the establishment of the Committees, Boards and Panels, as set out within the considered report, for the 2021/2022 Municipal Year.

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

To determine for the Municipal Year 2021/22 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: Samantha Lawton, Head of Governance

RESOLVED – That the Membership of Committees, Boards and Panels be as set out in the attached report, and that Group Business Managers be delegated authority to make any subsequent changes.

16 Dates/Times of Committees, Boards and Panels

To determine the date/time of meetings of Committees, Boards and Panels for the 2021/2022 Municipal Year.

(Schedule attached)

Contact: Samantha Lawton, Head of Governance

RESOLVED –

- 1) That the dates and times of meetings of Committees, Boards and Panels be in accordance with the schedule as set out at Agenda Item 16.
- 2) That, pursuant to Agenda Item 12, the Meeting of Annual Council 2022 be moved to 25 May 2022.
- 3) That, pursuant to Agenda Item 6b, an additional meeting of Corporate Governance and Audit Committee be scheduled prior to the first Ordinary Meeting of Council.

17 Appointment of Members to Joint Authorities

To determine for the arrangements for the allocation of seats on Joint Authorities for the 2021/2022 Municipal Year.

(Report attached)

Contact: Samantha Lawton, Head of Governance

RESOLVED -

- (1) That in order to fill places on (i) West Yorkshire Fire and Rescue Authority, and its Committees and (ii) West Yorkshire Police and Crime Panel, authority be delegated to Group Business Managers for determination.
- (2) That Council appoint the Leader as Kirklees Council's Elected Member for the WYCA, with the Deputy Leader as the WYCA Substitute Member.
- (3) That Council delegate authority to the Chief Executive, in consultation with Group Leaders, WYCA's Managing Director and other West Yorkshire Chief Executives, to appoint 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) That Council delegate authority to Group Business Managers to nominate members to WYCA's Transport Committee (3 members) on ration 2:1.
- (5) That Council 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 and delegate authority to Chief Executive to appoint a substitute member.
- (6) That Council delegate authority to the Chief Executive to nominate one member of the WYCA's Business Investment Panel.
- (7) That Council delegate authority to Group Business Managers to nominate three members to each of the three WYCA Scrutiny Committees; Corporate Overview and Scrutiny Committee, Economy Overview and Scrutiny Committee and Transport Overview and Scrutiny Committee. (Any nominated member may act as a substitute for another member on any of the three committees).
- (8) That Council delegate authority to the Leader and Chief Executive, in consultation with Group Business Managers to:
 - Confirm any relevant Portfolio Holder to be appointed, or
 - Make any additional nomination

to any WYCA Committee or Panel, as requested by WYCA, after this

Council's annual meeting.

- (9) That Council delegate authority to the Chief Executive to appoint a local authority representative and substitute to the LEP Board.
- (10) That 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.

18 Appointments to Outside Bodies and Other Committees

To determine, for the Municipal Year 2021/22, 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: Samantha Lawton, Head of Governance

RESOLVED -

- 1) That Council notes that Group Business Managers will put forward nominations to the Service Director (Legal, Governance and Commissioning) to fill places or make any adjustments to nominees, 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 notes that the Leader of the Council, in determining the nominees (in consultation with the Group Business Managers), will resolve which Member will have the one vote on behalf of the Council, or whether the vote will be transferable between the nominees (and their sub).
- 4) That one of the Council Trustees on Kirklees Active Leisure, to be determined by the Group Business Managers, be authorised to represent the Council for the purposes of Member meetings pursuant to Section 323 of the Companies Act 2006, to exercise a vote.

19 Spokespersons of Joint Committees and External Bodies

To determine, for the 2021/2022 Municipal Year, the Council's Spokespersons nominated to reply to oral questions at Council meetings upon any service provided by various organisations.

(Report attached)

Contact: Samantha Lawton, Head of Governance

It was moved by Councillor Sokhal, seconded by Councillor R Smith and

RESOLVED –

- 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 Police and Crime Panel, be delegated 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.

20 Appointment of Chairs of Committees and Lead Councillors - Place Partnership

To appoint Chairs of the following Committees, and Lead Councillors (Place Partnership) for the 2021/22 Municipal Year;

This schedule is based upon the approval of the proposed as set out at (Agenda Item 13).

- (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
- (n) Place Partnership – Batley, Birstall and Birkenshaw
- (o) Place Partnership – Colne Valley
- (p) Place Partnership - Dewsbury
- (q) Place Partnership – Huddersfield Central
- (r) Place Partnership – Huddersfield North
- (s) Place Partnership – Huddersfield Rural
- (t) Place Partnership – Spen Valley

RESOLVED – That Chairs of Committees and Panels, and Lead Councillors – Place Partnership, be appointed as follows for the 2021/2022 Municipal Year;

Appeals Panel – Councillor J Ramsay
Corporate Governance and Audit Committee – Councillor Y Hussain
Health and Wellbeing Board – Councillor V Kendrick
Licensing and Safety Committee – Councillor A U Pinnock
Overview and Scrutiny Management Committee – Councillor E Smaje
Personnel Committee – Councillor S Pandor
Standards Committee – Councillor E Hill
Strategic Planning Committee – Councillor S Hall
Planning Sub Committee (Heavy Woollen Area) – Councillor M Hussain
Planning Sub Committee (Huddersfield Area) – Councillor T Lyons
Statutory Officer Dismissal Committee – Councillor S Pandor

Scrutiny Panel (Childrens) – Councillor A Marchington
Scrutiny Panel (Corporate) – Councillor A Cooper
Scrutiny Panel (Economy and Neighbourhood) – Councillor H Uppal
Scrutiny Panel (Health and Adult Social Care) – Councillor H Zaman

Place Partnership Lead (Batley, Birstall and Birkenshaw) – Councillor G Lowe
Place Partnership Lead (Colne Valley) – Councillor E Reynolds
Place Partnership Lead (Dewsbury) – Councillor N Dad
Place Partnership Lead (Huddersfield Central) – Councillor K Allison
Place Partnership Lead (Huddersfield North) – Councillor S Ullah
Place Partnership Lead (Huddersfield Rural) – Councillor C Greaves
Place Partnership Lead (Spen Valley) – Councillor A Pinnock