

Public Document Pack

Kirklees Council



Main Hall - Huddersfield Town Hall

Tuesday 14 May 2024

Dear Member

The Council will meet on Wednesday 22 May 2024 at 12.30pm in the Main Hall - Huddersfield Town Hall.

Agenda Items 1 and 2 will be considered at 12.30pm. The Meeting will then adjourn until 3.00pm when the remaining items of business will be considered (in the Council Chamber).

This meeting will be webcast live 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 2024/2025 Municipal Year.

2: To appoint a Deputy Mayor for the ensuing year

To appoint a Deputy Mayor for the 2024/2025 Municipal Year.

- 3: Minutes of Previous Meetings** 1 - 12
- To approve as a correct record and authorise the signing of the Minutes of (a) the Ordinary Meeting of the Council held on 6 March 2024 and (b) the Meeting of Extraordinary Council held on 20 March 2024.
-
- 4: Declaration of Interests** 13 - 14
- Councillors will be asked to advise if there are any items on the Agenda in which they have a disclosable pecuniary interest, which may prevent them from participating in any discussion or vote upon the item, or any other interests.
-
- 5: Announcements by the Mayor and Chief Executive** 15 - 16
- To receive any announcements, including the results of the Local Council Elections held on 2 May 2024, and the acceptance of the Office of Councillors elected.
-
- 6: Apologies for absence**
- Group Business Managers to advise of any apologies for absence.
-
- 7: Proposed Revisions to the Terms of Reference for Health and Wellbeing Board (Reference from Corporate Governance and Audit Committee)** 17 - 30
- To consider the report.
- Contact: Alex Chaplin, Adults and Health
-
- 8: Amendment to arrangements for Corporate Parenting Board (Reference from Corporate Governance and Audit Committee)** 31 - 40
- To consider the report.
- Contact: Joel Hanna, Children and Families
-

9: Proposed Amendments to Contract Procedure Rules (Reference from Corporate Governance and Audit Committee) 41 - 76

To consider the report.

Contact: Jane Lockwood, Head of Procurement

10: Proposed Amendments to Financial Procedure Rules (Reference from Corporate Governance and Audit Committee) 77 - 92

To consider the report.

Contact: Martin Dearnley, Head of Audit and Risk

11: Proposed Amendments to the Council's Constitution (Reference from Corporate Governance and Audit Committee) 93 - 112

To consider the report.

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

12: Appointment of Committees, Boards and Panels 113 - 116

To determine the Committees, Boards and Panels of the Council for the 2024/2025 Municipal Year.

(Report attached)

Contact: Leigh Webb, Acting Head of Governance

13: Allocation of Seats

117 -
118

To determine, for the 2024/2025 Municipal Year, the allocation of seats on Committees and to any Political Groups formed under the Local Government (Committees and Political Groups) Regulations 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)

It is proposed that arrangements for representation of Political Groups on (i) Health and Wellbeing Board and (ii) Overview and Scrutiny Committee 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.

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: Leigh Webb, Acting Head of Governance

14: Membership of Committees, Boards and Panel and Ratio of Substitutes Panel

To determine the Membership of Committees, Boards and Panels (and ratio of the Substitutes Panel) for the 2024/2025 Municipal Year, in accordance with nominations from Group Business Managers.

(Schedule to follow)

15: Dates and Times of Committees, Boards and Panels

119 -
130

To determine the date and time of Meetings of Committees, Boards and Panels for the 2024/2025 Municipal Year.

(Schedule attached)

Contact: Leigh Webb, Acting Head of Governance

16: Appointment of Members to Joint Authorities 131 -
134

To determine the arrangements for the allocation of seats on Joint Authorities for the 2024/2025 Municipal Year.

(Report attached)

Contact: Leigh Webb, Acting Governance Manager

17: Appointments to Outside Bodies and Other Committees 135 -
140

To determine the appointment of representatives to other Committees, Outside Bodies etc for the 2024/2025 Municipal Year, except for those appointments to bodies which is exercisable only by the Leader or is delegated by the Council.

(Report attached).

Contact: Leigh Webb, Acting Head of Governance

18: Appointment of Spokespersons for Joint Committees and External Bodies 141 -
144

To determine the Council's spokespersons nominated to reply to oral questions at Council for the 2024/2025 Municipal Year.

(Report attached).

Contact: Leigh Webb, Acting Head of Governance

19: Appointment of Chairs of Committees, Boards and Panels

To appoint Chairs of the following Committees, Boards and Panels for the 2024/2025 Municipal Year.

- (a) Appeals Panel
 - (b) Corporate Governance and Audit Committee
 - (c) District Wide Planning Committee
 - (d) Health and Wellbeing Board
 - (e) Licensing and Safety Committee
 - (f) Overview and Scrutiny Management Committee
 - (g) Personnel Committee
 - (h) Standards Committee
 - (i) Strategic Planning Committee
 - (j) Statutory Officer Dismissal Committee
 - (k) Scrutiny Panel – Childrens
 - (l) Scrutiny Panel – Environment and Climate Change
 - (m) Scrutiny Panel – Growth and Regeneration
 - (n) Scrutiny Panel – Health and Adult Social Care
-

By Order of the Council



Steve Mawson
Chief Executive

Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Council Chamber - Town Hall, Huddersfield on Wednesday 6 March 2024**

PRESENT

The Mayor (Councillor Cahal Burke) in the Chair

COUNCILLORS

Councillor Beverley Addy	Councillor Masood Ahmed
Councillor Itrat Ali	Councillor Karen Allison
Councillor Ammar Anwar	Councillor Zarina Amin
Councillor Bill Armer	Councillor Donna Bellamy
Councillor Aafaq Butt	Councillor Martyn Bolt
Councillor Andrew Cooper	Councillor Moses Crook
Councillor Nosheen Dad	Councillor Paola Antonia Davies
Councillor Paul Davies	Councillor Ebrahim Dockrat
Councillor Donald Firth	Councillor Eric Firth
Councillor Charles Greaves	Councillor Adam Gregg
Councillor David Hall	Councillor Steve Hall
Councillor Tyler Hawkins	Councillor Lisa Holmes
Councillor James Homewood	Councillor Yusra Hussain
Councillor Manisha Roma Kaushik	Councillor Viv Kendrick
Councillor Musarrat Khan	Councillor Jo Lawson
Councillor John Lawson	Councillor Vivien Lees-Hamilton
Councillor Susan Lee-Richards	Councillor Gwen Lowe
Councillor Andrew Marchington	Councillor Naheed Mather
Councillor Harry McCarthy	Councillor Tony McGrath
Councillor Bernard McGuin	Councillor Hannah McKerchar
Councillor Matthew McLoughlin	Councillor Paul Moore
Councillor Alison Munro	Councillor Darren O'Donovan
Councillor Shabir Pandor	Councillor Carole Pattison
Councillor Mussarat Pervaiz	Councillor Andrew Pinnock
Councillor Jackie Ramsay	Councillor Elizabeth Reynolds
Councillor Imran Safdar	Councillor Cathy Scott
Councillor Joshua Sheard	Councillor Will Simpson
Councillor Anthony Smith	Councillor Elizabeth Smaje
Councillor Richard Smith	Councillor Melanie Stephen
Councillor Mohan Sokhal	Councillor John Taylor
Councillor Mark Thompson	Councillor Graham Turner
Councillor Sheikh Ullah	Councillor Adam Zaman
Councillor Habiban Zaman	

123 Announcements by the Mayor and Chief Executive

Council received tributes to Members who would be retiring from service at the forthcoming local elections, namely Councillors D Firth, Gregg, McGuin, Mather, Reynolds and Stephen.

124 Apologies for absence

Apologies for absence were received on behalf of Councillors Bamford, A U Pinnock and K Pinnock.

125 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting of Council held on 7 February 2024 be approved as a correct record.

126 Declaration of Interests

A list of granted dispensations was tabled.

No interests were declared.

127 Allocation of Seats - Update Report

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

RESOLVED –

- 1) That the allocation of seats to groups and to independent councillors be in accordance with the schedule as attached an Appendix A of the report.
- 2) That the finalisation of the allocation of seats on the Committees and Panels set out at Appendix A be delegated to the Group Business Managers and to advise the Acting Head of Governance on the allocation of the places accordingly.
- 3) That any changes to joint authorities or outside bodies be delegated to the Monitoring Officer in consultation with the Group Business Managers and to advise the Acting Head of Governance on the membership accordingly.
- 4) That Council appoint to the position of Chair of Environment and Climate Change Scrutiny Panel.

Pursuant to Resolution (4), it was moved by Councillor Sokhal and seconded by Councillor Scott that Councillor McKerchar be appointed to the position of Chair of Environment and Climate Change Scrutiny Panel for the remainder of the municipal year.

Whereupon it was moved by Councillor D Hall and seconded by Councillor Bolt that Councillor Taylor be appointed as Chair of Environment and Climate Change Scrutiny Panel for the remainder of the municipal year.

Upon being put to the vote, it was

RESOLVED – That Councillor McKerchar be appointed to the position of Chair of Environment and Climate Change Scrutiny Panel for the remainder of the municipal year.

128 Our 2024/2025 Council Plan (Reference from Cabinet)

It was moved by Councillor Scott, seconded by Councillor P Davies and

RESOLVED – That the 2024/2025 Council Plan be approved and incorporated within the Council's Policy Framework.

129 Council Annual Budget Report 2024-2025 and following years; incorporating Capital, Treasury Management, General Fund, Revenue and Housing Revenue Account (Reference from Cabinet)

It was moved by Councillor Scott and seconded by Councillor Turner that

1) That the Budget Motion be approved;

(i) General Fund Revenue

- the draft Revenue Budget for 2024-2025, as attached at Appendix F, be approved
- the forecast spending and funding plans for the 2024-2027 period, as set out at Appendix F, be noted
- the forecast levels of statutory and other council reserves, as set out at Appendix H, be noted
- the strategy for the use of balances and reserves (paragraph 2.15 refers) be approved
- the Council's participation in the Leeds City Region Business Rates Pool for 2024-2025 be noted and that authority be delegated to the Chief Executive and Service Director (Finance), in consultation with the Leader and Cabinet Member (Finance), to agree the governance arrangements for 2024-2025, to be approved by the Business Rates Joint Committee (paragraph 2.20 refers)
- it be noted that discussions regarding the uplifts on the rates paid to external providers for demand-led activities are ongoing, and that authority be delegated to the Strategic Director (Adults and Health) to agree the final uplifts to rates for 2024-2025 (paragraph 2.4.3 refers)
- approval be given to the Council's flexible capital receipts policy for 2024-2025 (paragraph 2.8 and Appendix E refer)
- approval be given to the Council Tax requirement for 2024-2025 (Appendix N refers)
- the Council's Statutory 151 Officer's positive assurance statement as to the robustness of the forecasts and estimates and adequacy of financial reserves be noted (paragraph 2.21 refers)
- authority be delegated to the Council's statutory s151 Officer to amend how the finally approved precepts are recorded in the Council's revenue budget in line with the final notifications received following decisions by the West Yorkshire Mayor Police and Crime Commissioner, the Fire and Rescue Authority and the Parish Councils, should these be received after 6 March 2023 (paragraph 3.1.3 refers)

(ii) Treasury Management

- the borrowing strategy be approved (paragraphs 2.16 to 2.29 refer)
- the investment strategy be approved (paragraphs 2.30 to 2.38 and Appendices A and B refer)

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- the policy for provision of repayment of debt (minimum revenue provision) be approved (paragraphs 2.39 to 2.41, Appendix C refer)
- the treasury management indicators be approved (Appendix D refers)
- the investment strategy (non treasury investments) be approved (Appendix F refers)

(iii) Capital

- the updated Capital Plan 2023-2032 be approved (Appendix Kiii refers)
- the Capital Strategy (including prudential indicators) be approved (Appendix K refers)

(iv) Housing Revenue Account

- the draft Housing Revenue Account Budget for 2024-2025 be approved (Appendix L refers)
- the strategy for the use of the Housing Revenue Account reserves be approved (Appendix L refers)

2) That in relation to Council Tax provisions within the Levelling Up and Regeneration Act 2023 in regard to long term empty properties and second homes, it be agreed;

- (i) That the qualifying period for the long term empty property premium in Council Tax be reduced to one year, effective from 1 April 2024
- (ii) That approval be given to a 100% Council tax premium for second homes with effect from 1 April 2025.
- (iii) That authority be delegated to the Section 151 Officer, in conjunction with the relevant Cabinet Member, to enable the amendment of the policy and/or any associated procedures to ensure alignment with the regulations or statutory guidance relating to the exemptions from the premiums, when these are issued or subsequently amended by Government.

Whereupon, it was moved by Councillor Taylor and seconded by Councillor D Hall by way of **AMENDMENT**, that;

General Fund Revenue	24-25	25-26	26-27	27-28	28-29
	£000	£000	£000	£000	£000
<i>DEVELOPMENTS</i>					
No parking charges in smaller centres	180	180	180	180	180
New methods of road repairs feasibility	20	0	0	0	0
Community recycling & donation centres	20	20	20	20	20
Repair café pilot	20	0	0	0	0
X-Mas week bin collections	20	20	20	20	20
Partially reinstate winter maintenance service cuts	200	200	200	200	200
Traffic enforcement officers around schools	0	0	0	0	0
Public protection officers in town centres	0	0	0	0	0

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Total Revenue Developments	460	420	420	420	420
Change in capital financing requirement	-2	-10	-2	-91	-617
Increase in general reserves over MTFP	-158	-110	-118	-29	497
	300	300	300	300	300

SAVINGS

Cease Trades Unions support costs	-125	-125	-125	-125	-125
Re-direction of S106 funds from Metro cards to	-175	-175	-175	-175	-175
Total Savings	-300	-300	-300	-300	-300

Total Revenue effect 0 0 0 0 0

General Fund Capital

Pot-hole and road repairs	0	0	1,000	2,000	3,000
Reduction in number of car parking meters	-50	-160	-120	-120	0
Review Cultural Heart programme Phase 5	0	0	0	-3,500	-
Total Capital Developments	-50	-160	880	-1,620	-9,000

Funded by :

Ward councillor review of estate (future capital)	0	0	-500	-1,000	-1,500
Change in borrowing requirement	50	160	-380	2,620	10,500
	50	160	-880	1,620	9,000

Whereupon, it was moved by Councillor Cooper and seconded by Councillor Lee-Richards by way of **AMENDMENT**, that;

GENERAL FUND - Revenue	24-25	25-26	26-27	27-28
	£000	£000	£000	£000
Developments: One-offs				
Community based care co-operative model development	50	0		
Feasibility- council trading company to private	50	0		
Restore Ward Budgets		100	110	100
Ward grit bin priorities	14	14	14	14
Restore Ward Christmas Trees		20	20	
Total	114	134	144	114
Capital borrowing costs - revenue impact	-5	-20	-30	
Total	109	114	114	114
Funded by :				
Revert energy contract from green to standard rate and use to fund renewable energy projects in the	-109	-114	-114	-114
Total	-109	-114	-114	-114
Total Revenue Effect	0	0	0	0

GENERAL FUND - Capital

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Safer streets - area based traffic calming	1,000	1,000	1,000	1,000
climate bonds - renewable energy projects	500	2,000	3,000	
Total	1,500	3,000	4,000	1,000

Funded by :

Highways budget reduction	-1,000	-1,000	-1,000	-1,000
Climate Bond	-500	-2,000	-3,000	
Total	-1,500	-3,000	-4,000	-1,000

HRA - Revenue

	24-25	25-26	26-27	27-28
	£000	£000	£000	£000
Capital borrowing costs - revenue impact	110	330	550	770
Total	110	330	550	770

Funded by :

repair & maintenance efficiencies	-10	-180	-350	-520
comfort charge from tenants (retrofit housing scheme)	-100	-150	-200	-250
Total	-110	-330	-550	-770

Total Revenue effect

0 0 0 0

HRA - Capital

Retrofit Housing	2,750	2,750	2,750	2,750
Passivhaus standard on all new build properties	634	687	488	228
Solar PV panels on all new build projects	507	550	390	182
Total	3,891	3,987	3,628	3,160

Funded by :

Borrowing requirement	-2,750	-2,750	-2,750	-2,750
WYMCA funding support for Passivhsaus/Solar PV	-1,141	-1,237	-878	-410
Total	-3,891	-3,987	-3,628	-3,160

Whereupon, it was moved by Councillor J Lawson and seconded by Councillor Marchington by way of **AMENDMENT**, that;

GENERAL FUND - Revenue	24-25	25-26	26-27	27-28	28-29
	£000	£000	£000	£000	£000

Developments (one off)

Reintroduce Area Committees (Place Partnerships)	28				
Measures to Tackle Flytipping	100				
Members' Local Project Funds	115				
Waste Management - Additional Capacity	80				
Evidence-based Assessment of Car Parking Charges (independent review)	50				
Permit Parking (independent review)	50				
Extra capacity to tackle pothole backlog	120	120	120		
Total Revenue Developments	543	120	120	0	0

Savings

Use of Transformation Fund	-503	-40	-20	60	
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Reduced Borrowing for Local Community					
Roads capital programme	-40	-80	-100	-60	0
Total Savings	-543	-120	-120	0	0
Total Revenue Effect	0	0	0	0	0

General Fund Capital	24-25	25-26	26-27	27-28	28-29
	£000	£000	£000	£000	£000
Pride In Place			910	4,500	
Reprofile Local Roads Programme	-1000		-500	1500	
Total Capital Developments	-1000	0	410	6,000	0

Savings

Huddersfield Blueprint (Phase 3b & 4)			-910	-4,500	
Change in borrowing requirement	1,000		500	-1,500	
Total Savings	1,000	0	-410	-6,000	0

	24-25	25-26	26-27	27-28	28-29
	£000	£000	£000	£000	£000
HRA - Capital					
Installation of Solar Panels on New Build Council	433	875	532		
Total Capital Developments	433	875	532	0	0
Funded by :					
Using 5% of capital funds for council house building	433	875	532		
Total savings	433	875	532	0	0

The Conservative Group Amendment, as proposed by Councillor Taylor and seconded by Councillor D Hall, on being put to the vote was LOST.

In accordance with Council Procedure Rule 19 (7), the vote was taken by Recorded Vote, which was as follows;

FOR: Councillors Ali, Armer, Bellamy, Bolt, D Firth, Greaves, Gregg, Lees-Hamilton, D Hall, Holmes, McGrath, McGuin, Sheard, Smaje, Stephen, Taylor, Thompson (17 votes)

AGAINST: Councillors Addy, Ahmed, Allison, Amin, Anwar, Burke, Butt, Cooper, Crook, Dad, P Davies, P A Davies, Dockrat, E Firth, S Hall, Hawkins, Homewood, Y Hussain, Kaushik, Kendrick, Khan, J D Lawson, J Lawson, Lee-Richards, Lowe, McCarthy, McKerchar, McLoughlin, Marchington, Mather, Moore, Munro, O'Donovan, Pattison, Pandor, Pervaiz, A Pinnock, Ramsay, Reynolds, Safdar, Scott, Simpson, A Smith, Sokhal, Turner, Ullah, A Zaman and H Zaman (48 votes)

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ABSTAINED: (None)

The Green Group Amendment, as proposed by Councillor Cooper and seconded by Councillor Lee-Richards, on being put to the vote was LOST.

In accordance with Council Procedure Rule 19 (7), the vote was taken by Recorded Vote, which was as follows;

FOR: Councillors Allison, Anwar, Burke, Cooper, P A Davies, Dockrat, Greaves, J Lawson, J D Lawson, Lee-Richards, Marchington, Munro, A Pinnock, Safdar, A Smith (15 votes)

AGAINST: Councillors Addy, Ahmed, Ali, Amin, Armer, Bellamy, Bolt, Butt, Crook, Dad, P Davies, D Firth, E Firth, D Hall, S Hall, Gregg, Hawkins, Holmes, Homewood, Y Hussain, Kaushik, Kendrick, Khan, Lees-Hamilton, Lowe, McCarthy, McGuin, McGrath, McKerchar, McLoughlin, Mather, Moore, O'Donovan, Pattison, Pandor, Pervaiz, , Ramsay, Reynolds, Scott, Sheard, Simpson, Smaje, Sokhal, Stephen, Taylor, Thompson, Turner, Ullah, A Zaman and H Zaman (50 votes)

ABSTAINED: (None)

The Liberal Democrat Amendment, as proposed by Councillor J Lawson and seconded by Councillor Marchington, on being put to the vote was LOST.

In accordance with Council Procedure Rule 19 (7), the vote was taken by Recorded Vote, which was as follows;

FOR: Councillors Allison, Anwar, Burke, Cooper, P A Davies, Greaves, J Lawson, Lee-Richards, Marchington, Munro, A Pinnock, Safdar, A Smith and A Zaman (14 votes)

AGAINST: Councillors Addy, Ahmed, Ali, Amin, Armer, Bellamy, Bolt, Butt, Crook, Dad, P Davies, Dockrat, D Firth, E Firth, D Hall, S Hall, Gregg, Hawkins, Holmes, Homewood, Y Hussain, Kaushik, Kendrick, Khan, Lees-Hamilton, Lowe, McCarthy, McGuin, McGrath, McKerchar, McLoughlin, Mather, Moore, O'Donovan, Pattison, Pandor, Pervaiz, , Ramsay, Reynolds, Scott, Sheard, Simpson, Smaje, Sokhal, Stephen, Taylor, Thompson, Turner, Ullah and H Zaman (50 votes)

ABSTAINED: Councillor J D Lawson

Whereupon, the Substantive Motion was put to the vote, CARRIED and it was therefore RESOLVED;

1) That the Budget Motion be approved;

(i) General Fund Revenue

- the draft Revenue Budget for 2024-2025, as attached at Appendix F, be approved

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- the forecast spending and funding plans for the 2024-2027 period, as set out at Appendix F, be noted
- the forecast levels of statutory and other council reserves, as set out at Appendix H, be noted
- the strategy for the use of balances and reserves (paragraph 2.15 refers) be approved
- the Council's participation in the Leeds City Region Business Rates Pool for 2024-2025 be noted and that authority be delegated to the Chief Executive and Service Director (Finance), in consultation with the Leader and Cabinet Member (Finance), to agree the governance arrangements for 2024-2025, to be approved by the Business Rates Joint Committee (paragraph 2.20 refers)
- it be noted that discussions regarding the uplifts on the rates paid to external providers for demand-led activities are ongoing, and that authority be delegated to the Strategic Director (Adults and Health) to agree the final uplifts to rates for 2024-2025 (paragraph 2.4.3 refers)
- approval be given to the Council's flexible capital receipts policy for 2024-2025 (paragraph 2.8 and Appendix E refer)
- approval be given to the Council Tax requirement for 2024-2025 (Appendix N refers)
- the Council's Statutory 151 Officer's positive assurance statement as to the robustness of the forecasts and estimates and adequacy of financial reserves be noted (paragraph 2.21 refers)
- authority be delegated to the Council's statutory s151 Officer to amend how the finally approved precepts are recorded in the Council's revenue budget in line with the final notifications received following decisions by the West Yorkshire Mayor Police and Crime Commissioner, the Fire and Rescue Authority and the Parish Councils, should these be received after 6 March 2023 (paragraph 3.1.3 refers)

(ii) Treasury Management

- the borrowing strategy be approved (paragraphs 2.16 to 2.29 refer)
- the investment strategy be approved (paragraphs 2.30 to 2.38 and Appendices A and B refer)
- the policy for provision of repayment of debt (minimum revenue provision) be approved (paragraphs 2.39 to 2.41, Appendix C refer)
- the treasury management indicators be approved (Appendix D refers)
- the investment strategy (non treasury investments) be approved (Appendix F refers)

(iii) Capital

- the updated Capital Plan 2023-2032 be approved (Appendix Kiii refers)
- the Capital Strategy (including prudential indicators) be approved (Appendix K refers)

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(iv) Housing Revenue Account

- the draft Housing Revenue Account Budget for 2024-2025 be approved (Appendix L refers)
- the strategy for the use of the Housing Revenue Account reserves be approved (Appendix L refers)

2) That in relation to Council Tax provisions within the Levelling Up and Regeneration Act 2023 in regard to long term empty properties and second homes, it be agreed;

- (i) That the qualifying period for the long term empty property premium in Council Tax be reduced to one year, effective from 1 April 2024
- (ii) That approval be given to a 100% Council tax premium for second homes with effect from 1 April 2025.
- (iii) That authority be delegated to the Section 151 Officer, in conjunction with the relevant Cabinet Member, to enable the amendment of the policy and/or any associated procedures to ensure alignment with the regulations or statutory guidance relating to the exemptions from the premiums, when these are issued or subsequently amended by Government.

In accordance with Council Procedure Rule 19 (7), the vote was taken by Recorded Vote, which was as follows;

FOR: Councillors Addy, Ahmed, Amin, Butt, Crook, Dad, P Davies, E Firth, S Hall, Hawkins, Homewood, Y Hussain, Kaushik, Kendrick, Khan, J D Lawson, Lowe, McCarthy, McKerchar, McLoughlin, Mather, Moore, O'Donovan, Pattison, Pandor, Pervaiz, Ramsay, Reynolds, Scott, Simpson, Sokhal, Turner, Ullah, A Zaman and H Zaman (35 votes)

AGAINST: Councillors Ali, Allison, Anwar, Armer, Bellamy, Bolt, Cooper, D Firth, Greaves, Gregg, Lee-Richards, Lees-Hamilton, D Hall, Holmes, McGrath, McGuin, Sheard, Smaje, Taylor, Thompson (20 votes)

ABSTAINED: Councillors Burke, P A Davies, Dockrat, J Lawson, Marchington, Munro, A Pinnock, Safdar and A Smith.

Contact Officer: Andrea Woodside

EXTRAORDINARY 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 2024**

PRESENT

The Mayor (Councillor Cahal Burke) in the Chair

COUNCILLORS

Councillor Beverley Addy	Councillor Karen Allison
Councillor Zarina Amin	Councillor Ammar Anwar
Councillor Martyn Bolt	Councillor Andrew Cooper
Councillor Moses Crook	Councillor Nosheen Dad
Councillor Paola Antonia Davies	Councillor Paul Davies
Councillor Donald Firth	Councillor Eric Firth
Councillor Adam Gregg	Councillor David Hall
Councillor Manisha Roma Kaushik	Councillor Viv Kendrick
Councillor John Lawson	Councillor Jo Lawson
Councillor Susan Lee-Richards	Councillor Andrew Marchington
Councillor Naheed Mather	Councillor Harry McCarthy
Councillor Hannah McKerchar	Councillor Paul Moore
Councillor Alison Munro	Councillor Andrew Pinnock
Councillor Jackie Ramsay	Councillor Cathy Scott
Councillor Imran Safdar	Councillor Anthony Smith
Councillor Mohan Sokhal	Councillor Sheikh Ullah
Councillor Habiban Zaman	

130 Announcements by the Mayor and Chief Executive

There were no announcements.

131 Apologies for absence

Apologies for absence were received on behalf of Councillors Ahmed, Ali, Armer, Bamford, Bellamy, Butt, Dockrat, Greaves, S Hall, Holmes, Homewood, Khan, Lees-Hamilton, Lowe, McGrath, McGuin, McLoughlin, O'Donovan, Pandor, Pattison, A U Pinnock, K Pinnock, Reynolds, Sheard, Simpson, Smaje, R Smith, Stephen, J Taylor, Thompson, G Turner and A Zaman.

132 Declaration of Interests

Councillor D Firth declared an 'other' interest in Agenda Item 5 on the grounds that Epilepsy Action was one of his chosen charities during his Mayoral Year.

- 133 **Borough of Kirklees - Certificate of Freedom (Sir Patrick Stewart OBE)**
It was moved by Councillor Cathy Scott, seconded by Councillor John Lawson, and
- RESOLVED** – That, by virtue of the power vested in it by Section 249 of the Local Government Act 1972, Sir Patrick Stewart OBE be admitted in perpetuity as Honorary Freeman of the Borough of Kirklees, in recognition of his service to drama, acting and cinema.
- 134 **Borough of Kirklees - Certificate of Freedom (Joan Gorton)**
It was moved by Councillor Cathy Scott, seconded by Councillor John Lawson, and
- RESOLVED** – That, by virtue of the power vested in it by Section 249 of the Local Government Act 1972, Joan Gorton be admitted in perpetuity as Honorary Freeman of the Borough of Kirklees, in recognition of her tireless volunteering work for Epilepsy Action in Huddersfield for more than fifty years, campaigning to support and raise awareness of those with the condition.
- 135 **Borough of Kirklees - Certificate of Freedom (Simon Armitage CBE)**
It was moved by Councillor Cathy Scott, seconded by Councillor John Lawson, and
- RESOLVED** – That, by virtue of the power vested in it by Section 249 of the Local Government Act 1972, Simon Armitage CBE be admitted in perpetuity as Honorary Freeman of the Borough of Kirklees, in recognition of his service to literature and the performing arts.

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	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]	Brief description of your interest

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 2024 RESULTS

Ward: Almondbury Party: Liberal Democrat	David Alan Longstaff
Ward: Ashbrow Party: Labour	James Richard Homewood
Ward: Batley East Party: Independent	Aziz Daji
Ward: Batley West Party: Independent	Zahid Kahut
Ward: Birstall & Birkenshaw Party: Conservative	Mark Stephen Thompson
Ward: Cleckheaton Party: Liberal Democrat	Kathryn Mary Pinnock
Ward: Colne Valley Party: Labour and Cooperative	Matthew Paul McLoughlin
Ward: Crosland Moor & Netherton Party: Green	Alex Vickers
Ward: Dalton Party: Labour	Munir Ahmed
Ward: Denby Dale Party: Conservative	Timothy Vincent Bamford
Ward: Dewsbury East Party: Labour and Cooperative	Eric Firth
Ward: Dewsbury South Party: Independent	Hanifa Darwan
Ward: Dewsbury West Party: Independent	Tanisha Bramwell
Ward: Golcar Party: Labour	Angela Pamela Sewell
Ward: Greenhead Party: Labour	Sheikh Noor Ullah

Ward: Heckmondwike Party: Independent	Arshad Ali
Ward: Holme Valley North Party: Independent	Charles Roger Greaves
Ward: Holme Valley South Party: Labour	Jane Elizabeth Rylah
Ward: Kirkburton Party: Conservative	James Richard Smith
Ward: Lindley Party: Liberal Democrat	Ashleigh Victoria Robinson
Ward: Liversedge & Gomersal Party: Conservative	Caroline Jane Holt
Ward: Mirfield Party: Conservative	Martyn Bolt
Ward: Newsome Party: Green	Andrew Varah Cooper



Report title: Proposed Revisions to the Terms of Reference for the Kirklees Health and Wellbeing Board 2024/25

Meeting	Annual Council (Reference from Corporate Governance and Audit Committee)
Date	22 May 2024
Cabinet Member (if applicable)	Not applicable
Key Decision Eligible for Call In	No N/A
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.	
<p>Recommendations</p> <ul style="list-style-type: none"> To approve the updated Terms of Reference for the Kirklees Health and Wellbeing Board for the year 2024/25. To delegate authority to the Chair of the Health and Wellbeing Board for the appointment of a Deputy Chair from among its members. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> The updated Terms of Reference reflect the evolving landscape of health and social care provision in Kirklees and ensure alignment with both statutory requirements and local priorities as set out in the Kirklees Health and Wellbeing Strategy. The revised Terms of Reference will ensure that the Health and Wellbeing Board can meet its statutory obligations and fulfil the local and national policy commitment to partnership based approaches to improving health and wellbeing. Delegating authority to the Chair for the appointment of a Deputy Chair facilitates efficient leadership within the Board. 	
<p>Resource Implication:</p> <p>The implementation of the revised Terms of Reference will require administrative support and coordination from officers involved in scheduling and facilitating Health and Wellbeing Board meetings within existing arrangements.</p>	
Date signed off by <u>Strategic Director</u> & name	Richard Parry, Strategic Director for Adults and Health
Is it also signed off by the Service Director for Finance?	Isabel Brittain
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft

Electoral wards affected: N/A

Public or private: Public

Has GDPR been considered? N/A

1. Executive Summary

The report outlines proposed revisions to the Terms of Reference for the Kirklees Health and Wellbeing Board for the year 2024/25, aimed at aligning its strategic objectives with evolving health and social care priorities in the district.

2. Information required to take a decision

Background:

The Health and Social Care Act 2012 set out the 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, as relevant at the time of legislation passing, now ICB)
- any other members considered appropriate by the council.

The current membership as set out in the Terms of Reference was amended in May 2022. Those changes to membership reflected 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. The report also highlighted other policy changes that were enshrined in the Health and Care Act 2022:

- ‘primacy of place’ which the White Paper recognised as ‘most usually aligned with local authority boundaries’
- ‘working together to integrate care’ - embedding 2 forms of integration
 - within the NHS to remove some of the cumbersome boundaries to collaboration and to make working together an organising principle
 - greater collaboration between the NHS and local government, as well as wider delivery partners, to deliver improved outcomes to health and wellbeing for local people.

The revised changes to the Terms of Reference for 24/25 includes additional considerations for a whole systems approach to health in all local policies and providing systems leadership to support the Director of Public Health annual report and associated findings and recommendations.

Other significant revisions include additional considerations to the accountability of Board Members, with the expectation to initiate and lead systems change within their own organisations and to ensure effective integration of board priorities.

There are no changes to Board membership for 24/25.

Cost Breakdown: N/A

Timescale: Implementation upon approval at Annual Council on 22 May 2024.

Expected Impact/Outcomes: Enhanced collaboration and integration in health and care provision.

Evaluation: Ongoing review of Board performance against priorities outlined in the Kirklees Health and Wellbeing Strategy through both public board meetings and private development sessions.

Sustainability: Ensuring continued effectiveness and relevance of the Board's operations.

Services & Agencies Involved:

- 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 (including as a representative of the Children & Young Peoples Partnership)
- Director for Public Health
- Director of Adult Social Care
- One representative of local Kirklees Healthwatch
- Independent Chair (or Member) of the Kirklees Integrated Care Board Committee
- Kirklees (ICB) Accountable Officer/Place-based Lead
- Chief Executive Kirklees Council
- Nominated representative of significant partners:
 - General Practice
 - Community Pharmacy
 - Kirklees Care Association
 - Mid Yorkshire Hospitals Trust
 - Calderdale and Huddersfield Foundation Trust
 - South West Yorkshire Partnership Foundation Trust
 - Locala
 - West Yorkshire Police
 - West Yorkshire Fire & Rescue
 - Third Sector Leaders
 - Schools
 - University of Huddersfield
 - Housing providers
- Invited observers:
 - Representative of Kirklees Council Overview and Scrutiny

3. Implications for the Council

3.1 Council Plan

The proposed revisions to the Terms of Reference for the Kirklees Health and Wellbeing Board align closely with the council's priority to address its financial position in a fair and balanced way. By promoting cooperation, integration, and systems change across services and organisations, the Health and Wellbeing Board aims to optimise resource allocation and maximise the efficiency of service delivery within the health and care system in Kirklees.

The Board's function in understanding needs and assets, as outlined in sections a, b, and c of the Terms of Reference, directly contributes to informed decision-making and resource allocation strategies. By developing and owning the Joint Strategic Needs Assessment (JSNA), the Board ensures that local planning, policy development, and service delivery are tailored to address the most pressing health and wellbeing needs of the Kirklees community. This strategic approach enables the council to target resources effectively, mitigating financial pressures while delivering positive outcomes for residents.

Furthermore, the Board's role in promoting cooperation and integration across various stakeholders, as highlighted in sections d, e, and f, fosters collaborative efforts to streamline service provision and optimise resource utilization. By establishing and maintaining active cooperation with regional bodies and partners, the Board facilitates the sharing of resources and best practices, ultimately enhancing service efficiency and effectiveness.

The revised Terms of Reference for the Kirklees Health and Wellbeing Board provide a structured framework for promoting efficient resource management and effective service delivery within the health and care sector. By aligning closely with the council's priority to address its financial position in a fair and balanced way, the Board contributes to the council's overarching objective of delivering positive outcomes for the people and places of Kirklees while navigating financial challenges.

3.2 Financial Implications

There are no direct financial implications for the population.

3.3 Legal Implications

Ensures compliance with statutory regulations governing health and wellbeing boards.

3.4 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

The Board has no decision taking responsibilities for service provision or finance. However, the Board will be represented on the Kirklees Integrated Care Board Committee that will have delegated powers to allocate funding and change service provision.

4 Consultation

All Board members have been consulted on the revised changes, with the opportunity to provide feedback and amendments to the development of the proposed revisions, ensuring alignment with both community and organisational needs and priorities.

5 Engagement

There was no Board meeting prior to CGA and Council, however Board members reviewed and made revisions via email correspondence. All amendments were formally signed off by the Chair.

The revised Terms of Reference have been reviewed and approved by ELT on 9 April 2024 and Corporate Governance and Audit Committee on 19 April 2024.

6 Options

6.1 Options Considered: The report outlines the rationale behind the proposed revisions, taking into account the evolving healthcare landscape and statutory requirements.

6.2 Reasons for Recommended Option: The recommended option reflects the collective input of stakeholders and addresses identified gaps in the current Terms of Reference.

6 Next steps and timelines

Subject to approval, the proposed amendments will be implemented.

8 Contact officer

Alex Chaplin

Strategy and Policy Officer Adults and Health

Alex.chaplin@kirklees.gov.uk

9 Background Papers and History of Decisions

Approved at ELT on 9 April 2024

10 Appendices

Appendix 1 - current version with proposed changes marked with tracked changes.

Appendix 2 - proposed new version with tracked changes removed.

11 Service Director responsible

Julie Muscroft

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Kirklees Health and Wellbeing Board

Membership and Terms of Reference for 2024/25

1. Membership

- 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 (including as a representative of the Children & Young Peoples Partnership)
- Director for Public Health
- Director of Adult Social Care
- One representative of local Kirklees Healthwatch
- Independent Chair (or Member) of the Kirklees Integrated Care Board Committee
- Kirklees (ICB) Accountable Officer/Place-based Lead
- Chief Executive Kirklees Council
- Nominated representative of significant partners:
 - General Practice
 - Community Pharmacy
 - Kirklees Care Association
 - Mid Yorkshire Hospitals Trust
 - Calderdale and Huddersfield Foundation Trust
 - South West Yorkshire Partnership Foundation Trust
 - Locala
 - West Yorkshire Police
 - West Yorkshire Fire & Rescue
 - Third Sector Leaders
 - Schools
 - University of Huddersfield
 - Housing providers
 - Invited observers:

- Representative of Kirklees Council Overview and Scrutiny

The Council will appoint a Chair at the start of each Municipal Year. The Board can appoint a Deputy Chair from its members at the first meeting of the Board in each municipal year. The Deputy Chair will normally be from a partner organization other than the Council.

Terms of Reference for 2024/25

2. Terms of Reference

The Health and Wellbeing Board is a statutory Committee of the Council. The Board is a critical part of the governance structures for health and wellbeing across Kirklees and West Yorkshire. It is one of the main strategic partnership boards for Kirklees bringing together the NHS, the Council, and partners to:

- Set the strategic direction for improving the health and wellbeing of the people who live, work, and study in Kirklees.
- Reduce health and wellbeing inequalities.
- Ensure a whole systems approach to health in all policies.
- Promote cooperation, integration and systems change across services and organisations.

The Board will achieve this through:

Understanding Needs and Assets

a) Developing, publishing, and owning the Joint Strategic Needs Assessment for Kirklees (JSNA) (known locally as the Kirklees Joint Strategic Assessment (KJSA)) to inform local planning, policy development, commissioning, delivery of services and broader organisational and system change.

b) Publishing and maintaining a statement of needs for pharmaceutical services (the Pharmaceutical Needs Assessment) across the Kirklees area.

c) Providing systems leadership to support the Director of Public Health annual report and associated findings and recommendations.

Promoting/Leading Cooperation and Integration

c) Promoting/leading cooperation and integration across the Council, NHS, social care, public health, the voluntary sector and other bodies in the planning, commissioning, and delivery of services to improve wellbeing.

d) Establishing and maintaining links and active cooperation with the West Yorkshire Integrated Care Partnership, the West Yorkshire Integrated Care Board (ICB), the West Yorkshire Combined Authority and other regional working structures.

e) Work closely with the Kirklees Place-based subcommittee of the ICB on shared and complementary agendas

Setting out and overseeing delivery of the Health and Wellbeing Strategy

g) Developing, publishing, and owning/evaluating the Kirklees Health and Wellbeing Strategy for Kirklees (KHWS), based on the KJSA and other local intelligence, to provide the overarching framework for the planning, commissioning, and delivery of services, interventions and policy.

h) Assuring plans and delivery of key partnerships (e.g. Kirklees Health and Care Partnership) and programs. This includes ensuring that these have taken sufficient account of the Kirklees Joint Strategic Assessment, the Kirklees Health and Wellbeing Strategy, and the commitment to cooperation and integration.

i) 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.

j) Exercise any other functions of the Council delegated to the Board by the Council including Executive Governance Board for SEND

To facilitate coordination and integration, the Chair, or their nominee, will:

- Represent the Kirklees Health and Wellbeing Board at the West Yorkshire Integrated Care Partnership
- Attend the formal meetings of the Kirklees Integrated Care Board Committee
- Participate in the formal Kirklees health and care system assurance process
- Liaise with the Chairs of the Children's Safeguarding Partnership, Adult Safeguarding Board, and other formal partnership bodies in Kirklees as required.

3. Voting Rights

All members of the Board are entitled to vote. The Chair has the casting vote. 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.

4. Substitute Members

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

5. Quorum

The quorum for the board will be attendance by one third of the membership.

6. Accountability of Board Members

All Board members are accountable for their actions and decisions within the Board. It is expected that members act in the best interests of the community and engage in open and constructive dialogue during Board meetings. As a result of Board discussions all board members are expected to initiate and lead systems change within their own organisations and to ensure effective integration of board priorities. Any conflicts of interest should be declared and managed appropriately.

7. Updates to the Board

Members are responsible for providing regular updates on relevant developments within their respective areas of responsibility. Updates should include progress reports on key initiatives, challenges, and opportunities. The Board Chair and supporting officers will coordinate the scheduling of updates and ensure that timely and accurate information is disseminated to all members prior to meetings.

The Board requires standing agenda items from Healthwatch at each board. Representatives of each partner organisation will be required to provide updates at regular intervals.

There is also a requirement for regular community/ user voice participation outside of the standing item from Healthwatch. This should be facilitated by all partners and their various co-production arrangements, where relevant and appropriate.

8. Continuous Improvement

The Board is committed to continuous improvement in its functioning and impact. Members are encouraged to provide constructive feedback on the effectiveness of the Board's processes and to actively participate in any development sessions and initiatives aimed at enhancing collaborative working and achieving the Board's strategic objectives. Periodic reviews of the Board's performance will be conducted, and recommendations for improvement will be considered and implemented as appropriate.

Kirklees Health and Wellbeing Board

Membership and Terms of Reference for 2024/25

1. Membership

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d) Promoting/leading cooperation and integration across the Council, NHS, social care, public health, the voluntary sector and other bodies in the planning, commissioning, and delivery of services to improve wellbeing.

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h) Assuring plans and delivery of key partnerships (e.g. Kirklees Health and Care Partnership) and programs. This includes ensuring that these have taken sufficient account of the Kirklees Joint Strategic Assessment, the Kirklees Health and Wellbeing Strategy, and the commitment to cooperation and integration.

i) 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.

j) Exercise any other functions of the Council delegated to the Board by the Council including Executive Governance Board for SEND

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4. Substitute Members

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

5. Quorum

The quorum for the board will be attendance by one third of the membership.

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All Board members are accountable for their actions and decisions within the Board. It is expected that members act in the best interests of the community and engage in open and constructive dialogue during Board meetings. As a result of Board discussions all board members are expected to initiate and lead systems change within their own organisations and to ensure effective

integration of board priorities. Any conflicts of interest should be declared and managed appropriately.

7. Updates to the Board

Members are responsible for providing regular updates on relevant developments within their respective areas of responsibility. Updates should include progress reports on key initiatives, challenges, and opportunities. The Board Chair and supporting officers will coordinate the scheduling of updates and ensure that timely and accurate information is disseminated to all members prior to meetings.

The Board requires standing agenda items from Healthwatch at each board. Representatives of each partner organisation will be required to provide updates at regular intervals.

There is also a requirement for regular community/ user voice participation outside of the standing item from Healthwatch. This should be facilitated by all partners and their various co-production arrangements, where relevant and appropriate.

8. Continuous Improvement

The Board is committed to continuous improvement in its functioning and impact. Members are encouraged to provide constructive feedback on the effectiveness of the Board's processes and to actively participate in any development sessions and initiatives aimed at enhancing collaborative working and achieving the Board's strategic objectives. Periodic reviews of the Board's performance will be conducted, and recommendations for improvement will be considered and implemented as appropriate.



REPORT TITLE: Amendment to arrangements for Corporate Parenting Board

Meeting:	Annual Council (Reference from Corporate Governance and Audit Committee)
Date:	22/05/2024
Cabinet Member (if applicable)	Cllr Kendrick
Key Decision Eligible for Call In	No Not applicable
Purpose of Report	
<p>To seek approval to amend the arrangements for the council Corporate Parenting Board and confirm new terms of reference, and arrangements for a future 'Kirklees Parenting Board'</p>	
Recommendations	
<ul style="list-style-type: none"> • That the current arrangements set out in the council’s constitution for oversight of the Corporate Parenting Board be amended. This will reflect that the board will be a closed partnership meeting following the revision of term of reference and revised Corporate Parenting Strategy. • That the new terms of reference for Kirklees Parenting Board are agreed. • Members are asked to consider the proposed changes to the Corporate parenting Board. 	
Reasons for Recommendations	
<ul style="list-style-type: none"> • To support the establishment of broader partnership arrangements to deliver the authorities duties for ensuring corporate and partnership arrangements are in place. The strengthening of current arrangements will ensure we are effective in supporting children in care and care leavers in line with the authority’s statutory responsibilities across a wider range of partners. • To be able to engage with children and young people within the board arrangements, so their voice is central in delivering service developments and improvements. • To respond to recommendations set out in feedback provided to the Chief Executive and Executive Leadership Team following a visit from the National Implementation Advisor to the Department for Education considering our corporate parenting arrangements and services to care leavers. • These changes were considered, and recommended, by Corporate Governance & Audit Committee on 10th May 2024. 	
Resource Implications:	
<p>There are no identified additional resource implications.</p>	

Date signed off by <u>Strategic Director</u> & name	Tom Brailsford 9/4/24
Is it also signed off by the Service Director for Finance?	N/A
Is it also signed off by the Service Director for Legal Governance and Commissioning?	

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? The content of the report is not regarded as sensitive and contains no information subject to the General Data Protection Regulations.

1. Executive Summary

In 2015 a paper was presented to the Corporate Governance and Audit Committee to establish the current corporate parenting board arrangements within the current council constitution. The terms of reference that established the board at that time have since been amended to represent changes to membership, but no other significant changes have been made since 2015.

Since the establishment of our board there have been some significant national developments including statutory guidance regarding local authorities' responsibilities and duties in respect of corporate parenting. Additionally, there has been significant work undertaken recently with partners across our local authority area to engage and establish a broader collective responsibility as parents for our children and young people. This reinvigorated partnership approach will support Improving outcomes for children and young people in our care and those who become our care leavers.

As part of our improvement journey, we have agreed a new approach to corporate parenting in Kirklees. Therefore, the governance arrangements need to be amended to ensure that the renewed board arrangements are fit for purpose.

2. Information required to take a decision

Local authorities hold a statutory responsibility to provide care and protection for children who are looked after by the local authority and care leavers. Arrangements for delivering services to children looked after by the local authority and care leavers are provided through a partnership led by the local authority.

Set out within the inspection framework for local authority children's services is a list of requirements for local authorities to demonstrate partnership and cross authority commitment and arrangements. The revised terms of reference, proposed membership and reporting arrangements have been set out to ensure that our governance and

delivery arrangements remain effective to meet current statutory requirements and inspection expectations.

Finally, the recommendations set out in the report have also been informed by the observations and recommendations provided to the authority following a two-day review of our services provided to Care Leavers from the Implementation Advisor to the Department for Education Mark Riddell MBE. As part of these recommendations, it was noted that our corporate parenting governance arrangements could be enhanced by moving away from what was observed as a 'committee/scrutiny approach' to a 'champion model approach' supported by a broader partnership.

It is important to note that the quality of services delivered, and performance will continue to be overseen and scrutinised within children's scrutiny arrangements, the authorities' children's services Ambitions Board arrangements and existing monthly performance arrangements.

3. Implications for the Council

Through adopting these revised arrangements, the council will be best placed to maximise the support available to children in care and care leavers whilst demonstrating effectiveness of governance and oversight of the performance of services.

3.1 Council Plan

Supporting our children in care and our care leavers to achieve their full potential is a core duty for the local authority and a priority for the council as demonstrated through its commitment in resources allocated to children's services. Set out within the executive forward to the council's plan 2024 -25 is a recognition that to achieve the priorities in the council plan we will require service transformation. Adopting the recommendations set out in the report will enable services to draw on wider partnership contributions and support delivered through a renewed partnership.

3.2 Financial Implications

Whilst the recommendations set out in this report are cost neutral with regards to implementation, it is anticipated that through the development of our new delivery and partnership arrangements, services delivered to children in care and care leavers, will be enhanced to achieve better outcomes whilst ultimately improving outcomes and reducing need and cost.

3.3 Legal Implications

Whilst there are no statutory requirements that dictate specific governance arrangements for local authorities in delivering their statutory duties, the proposed model is recognised as meeting the best practice and effective corporate parenting arrangements as set out in the Local Government Associations 'resource pack' to local authorities.

Statutory guidance to applying corporate parenting principles to looked after children and care leavers was published in 2018 and is now a central part of the framework for inspecting local authority children's services.

Children and Social Work Act 2017 establishes Corporate Parenting Principles which are part of the focus of the inspection framework.

(1) A local authority in England must, in carrying out functions in relation to the children and young people mentioned in subsection (2), have regard to the need—

- (a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people.
- (b) to encourage those children and young people to express their views, wishes and feelings.
- (c) to take into account the views, wishes and feelings of those children and young people.
- (d) to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners.
- (e) to promote high aspirations, and seek to secure the best outcomes, for those children and young people.
- (f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work.
- (g) to prepare those children and young people for adulthood and independent living.

Strong corporate parenting means strong leadership, challenge and accountability at every level. The quality of support can be measured in how the child or young person experiences the support they receive and the extent to which they feel listened to and taken seriously.

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

4. Consultation

Our intention to broaden membership and remove the board from its current format and governance arrangements as a meeting open to the public, has been discussed within existing board arrangements and developed with our Children in Care council and Care Leaver Forum.

5. Engagement

Stakeholders including current board membership, Executive Leadership team, care leavers forum and the children in care council have been involved in the development of the new arrangements.

6. Options

These reports and recommendations relate to revised terms of reference and therefore no options appraisal is considered necessary.

6.1 Options considered

These reports and recommendations relate to revised terms of reference and therefore no options appraisal is considered necessary.

6.2 Reasons for recommended option

To support the establishment of broader partnership arrangements to deliver the authorities duties for ensuring corporate and partnership. Also to ensure arrangements are in place and are effective to support children in care and care leavers in line with the authority's statutory responsibilities.

To enable engagement with children and young people within the board arrangements in closed session

To respond to recommendations set out in feedback provided to the Chief Executive following a visit from the National Implementation Advisor to the Department for Education considering our corporate parenting arrangements and services to care leavers.

7. Next steps and timelines

To implement the changes, subject to approval.

8. Contact officer

Joel.Hanna@Kirklees.gov.uk

9. Background Papers and History of Decisions

N/A

10. Appendices

Draft Terms of Reference.

11. Service Director responsible

Vicky Metheringham, Child Protection and Family Support

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Kirklees Parenting Board – Terms of Reference

Draft March 2024

Version & Date:	Name of lead officer	Date of approval
Version (1) March 2024	Joel Hanna HoS CP.	
Version (2) April 2024	Joel Hanna HoS CP.	ELT 09/04/24
Version (3) April 2024	Joel Hanna HoS. CP	Cllr Kendrick 10/04/24
Version (4) April 2024	Joel Hanna HoS. CP	Tom Brailsford 11/04/2024

Aim.

Kirklees Council is committed to delivering the best possible services to meet the needs of children and young people living in and leaving care in the local authority. The council has established a strong corporate parenting ethos across the authority recognising that to maximise opportunities and provide the best possible outcomes for our care leavers and children in our care we need to maintain a strong partnership.

All children need love and stability to thrive. Our strong corporate parenting ethos means that everyone in the authority from the Chief Executive to our front-line staff, all elected council members and our statutory and wider partners are committed to delivering the best for our children and care leavers as if they were their own family.

The aim of the board is to provide, promote and embed a culture where council officers and partners do everything possible to ensure that our corporate parenting partnership is the best 'parent' it can be, always thinking '**would this be good enough for our own children**'.

The Corporate Parenting Board will ensure that the council work collectively to make sure children in Kirklees's care get the best possible support and services through their care and care leavers journey.

The Objectives

The key objectives of our Kirklees Parenting Board are to:

- ❖ agree and set the strategic plan for children in care and care leavers ensuring that key priorities are effectively delivered.
- ❖ ensure that the voice of children and care leavers is listened and responded to in relation to their experiences of being in care and the kinds of services they want.
- ❖ examine and challenge key data relating to children in care and care leavers and support continuous improvements.
- ❖ explore the extent to which the Council and its partners are contributing to meeting the needs of children in care and care leavers.
- ❖ ensure that the strategic plans for children in care and care leavers are being effectively delivered.

- ❖ Identify and celebrate the achievements of individual children in care and care leavers.
- ❖ be a champion for children in care and care leavers in the Council and across partners promoting the philosophy of : “**would this be good enough for my child?**”
- ❖ ensure those planning, delivering, and monitoring services have taken account of inclusion, diversity and equality issues affecting children in care and care leavers.
- ❖ monitor the implementation of agreed actions, in particular actions taken in response to the views of children and young people.
- ❖ ensure that all members of the board promote the opportunities and understanding of the needs of children and young people across their area of specialism.

These objectives will be delivered by:

- ❖ Listening to the feedback from children and young people and making proposals for action within the Council and across our partnership to improve services to children in care and care leavers.
- ❖ Monitoring progress and development of children and young people in key areas such as education, health, accommodation, and employment opportunities by using management information.
- ❖ Making recommendations to the Council on ways of improving development opportunities for children and young people, and the quality of care offered to children in care and care leavers in Kirklees.
- ❖ Engaging in opportunities to obtain direct feedback and experiences of those in receipt of or who deliver our services.
- ❖ Engaging in annual ‘take over’ events with the children in care council and care leavers forum.

Board Membership:

Our corporate parenting partnership is supported by a broad membership committed to delivering our strategic priorities. The board is supported by council officers listed below as supporting Officers. Where board members are unable to attend, they should make efforts to send a suitable nominee able to represent their organisation.

Board Members:

Lead Members for Children’s Services (Co-Chair)
 Chief Executive Officer of the council (Vice-Chair)
 Representative from the Kirklees Care Leaver’s Forum
 Representatives Elected Members from all political groups in the council
 Director of Children’s Services
 Chief Quality and Nursing Officer ICB
 Designated Nurse for Children Looked After
 Designated Doctor for Children Looked After
 Representatives from Kirklees Fostering Network
 Representative from Kirklees College
 Huddersfield Town Foundation Trust
 Representative from Huddersfield University

Representative from Locala
West Yorkshire Police District Commander
Service Director from Neighbourhood & Housing
National Probation Service
Public Health Kirklees Council

Supporting Officers:

Service Director, Family Support and Child Protection
Service Director from Adult Services
Service Director, Learning and Early Support
Service Director, Resources, Improvement and Partnerships
Head of Corporate Parenting (Sufficiency)
Head of Corporate Parenting (Children in Care and Care Leavers)
Head of the Virtual School Head
Head of contextual Safeguarding and Youth Engagement Services
Integrated Commissioning Manager

Board Observers/ ex officio. members and for papers.

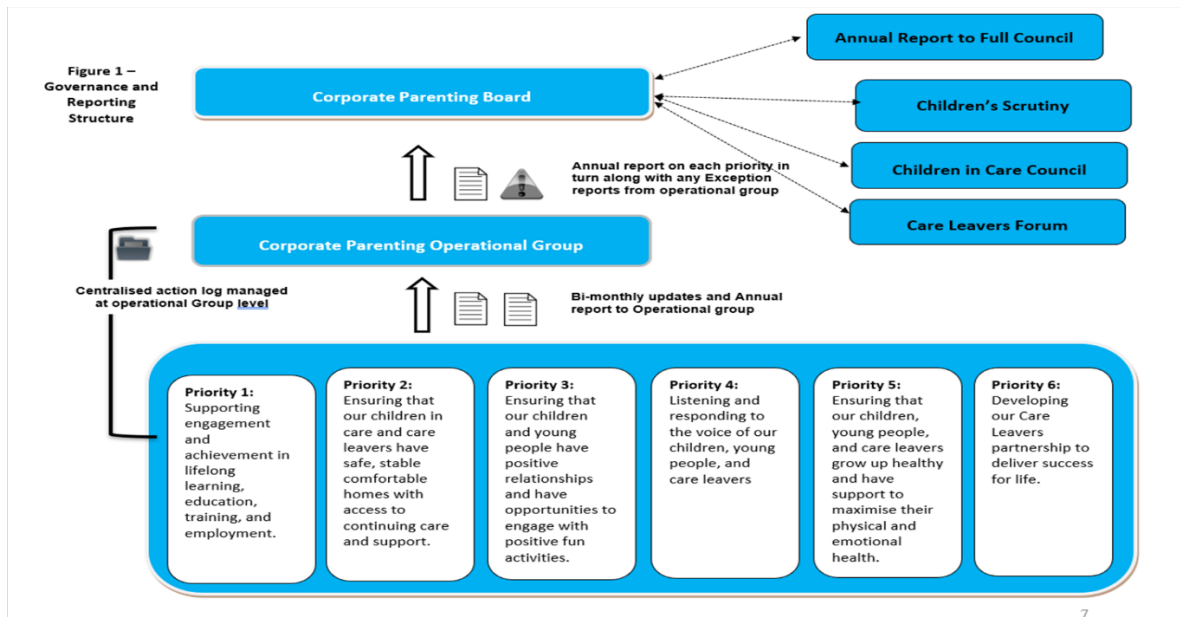
Chair of Children’s Scrutiny Panel or his/her/their nominee
Leader of the council

Administration and arrangements

Kirklees Corporate Parenting Board brings together a broad partnership of senior council officers, elected members and partner organisations and agencies to deliver the agreed **strategic plan for corporate parenting** across the authority. The Board will meet a minimum of six times per annum (bi-monthly) ensuring the children and young people in care and/or care leavers voices are represented within each meeting. Progress of each of the agreed strategic priorities will be presented for an overview and update report to the board with one priority reported in turn as the substantial agenda item for discussion and consideration.

The board will report progress on delivering the authority’s corporate parenting strategy to full council on an annual basis. *figure 1* below. The board will also receive an update on our children’s residential homes outlining inspection and independent visitor feedback.

Fig 1



Agenda and papers for each meeting will be circulated 5 working days prior to each meeting and the forward plan for board meetings will be arranged to maximise attendance and engagement for Care Leaver's Forum representatives through 50% evening meetings. Minutes and agenda for all board meetings will be shared with the Children in Care Council and Care Leavers forum for comment and contribution via the Head of Service for corporate parenting.

END



Report title: Proposed Revisions to Contract Procedure Rules 2024

Meeting	Annual Council
Date	22nd May 2024
Cabinet Member (if applicable)	Not applicable
Key Decision Eligible for Call In	Not applicable
Purpose of Report To provide information on proposed changes to Contract Procedure Rules for the municipal year 2024/25	
Recommendations <ul style="list-style-type: none"> Annual Council is asked to approve the proposed changes to Contract Procedure Rules for the municipal year 2024/25. 	
Reasons for Recommendations <ul style="list-style-type: none"> These changes were considered, and recommended, by Corporate Governance & Audit Committee on 10th May 2024. The Contract Procedure Rules ensure that the Council is acting in line with current legislation and other development in public law when conducting procurements. Minor changes are proposed for 2024, these include updates to the procurement threshold limits and updates to Rule 8 Disposals. 	
Resource Implication: There are no direct resource implications, as all the processes described should be followed already.	
Date signed off by <u>Strategic Director</u> & name	R Spencer-Henshall – Strategic Director – Corporate Strategy, Commissioning & Public Health Date; 10 May 2024
Is it also signed off by the Service Director for Finance?	K Mulvaney Service Director – Finance Date; 10 May .2024
Is it also signed off by the Service Director for Legal Governance and Commissioning?	J Muscroft Service Director - Legal Governance and Commissioning Date; 10 May 2024

Electoral wards affected: All

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? Yes, not applicable

1. Executive Summary

- 1.1 This report sets out information on proposed changes to Contract Procedure Rules for the year 2024/25.
- 1.2 The Contract Procedure Rules ensure that the Council is acting in line with current legislation and other developments in public law when conducting procurements.
- 1.3 A more fundamental review of the Contract Procedure Rules will be undertaken at the appropriate time in line with any legislative changes relating to the Procurement Act 2023.
- 1.4 Preparations for the new procurement regulations are underway and an overview of the new regulations will be presented to Corporate Governance and Audit Committee at a later date.

2. Information required to take a decision

- 2.1 The detail relating to all proposed changes is highlighted in the table below and track changes are visible in the Contract Procedure Rules document, Appendix 1;

Section of the Contract Procedure Rules	Proposed changes
Rule 8.4 Disposal	Rule 8 has been updated in relation to disposal of assets (other than land and buildings)
Appendix 1 Revised UK Thresholds	The table has been updated table to reflect the revised UK procurement threshold limits (inclusive of VAT) effective from 01 January 2024

3. Implications for the Council

- 3.1 **Working with People** – None directly
- 3.2 **Working with Partners** – None directly
- 3.3 **Place Based Working** – Non directly
- 3.4 **Climate Change and Air Quality** – Non directly
- 3.5 **Improving outcomes for children** – Non directly
- 3.6 **Financial Implications** – Non directly
- 3.7 **Legal Implications** – The legal obligation to have Contract Procedure Rules is to comply with Section 135 Local Government Act 1972 and the Public Contracts Regulations 2015.
- 3.8 **Other (e.g. Risk, Integrated Impact Assessment or Human Resources)**
Although each of the sub categorisations above suggest no direct implications, these Contract Procedure Rules cover all aspects of the councils operations. These Contract Procedure Rules reflect good procurement practice which in turn supports the Council Plan by using procurement activity to help achieve the Council's wide objectives and outcomes.

4 Consultation

Consultation has been carried out with the Head of Audit and Risk, Head of Corporate-Legal and officers in Procurement and Legal Services. All Heads of Service across the Council have had the opportunity to comment and feedback.

5 Engagement

Not undertaken

6 Options

6.1 Options Considered

The proposals are minor updates. The alternatives would be to make no changes whatsoever or to fundamentally redraft the Contract Procedure Rules.

6.2 **Reasons for recommended Option**

The proposals are minor updates. A more fundamental review of the rules will be undertaken once the new procurement regulations come into effect.

7 **Next steps and timelines**

If approved, these changes will be implemented from 23rd May 2024.

8 **Contact officer**

Jane Lockwood, Head of Procurement (01484 221000, e-mail;
JaneA.Lockwood@kirklees.gov.uk)

9 **Background Papers and History of Decisions**

[Contract Procedure Rules 2023 - Kirklees Council](#)
[Changes to CPRs 2023 Annual Council.pdf \(kirklees.gov.uk\)](#)

10 **Appendices**

Appendix 1; Contract Procedure Rules 2024 with tracked changes

11 **Service Director responsible**

Kevin Mulvaney- Service Director Finance
Julie Muscroft- Service Director Legal, Governance & Commissioning

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KIRKLEES COUNCIL CONTRACT PROCEDURE RULES

MAY 2024

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INTRODUCTION

These Contract Procedure Rules (CPRs) 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.

These Contract Procedure Rules cover the Procurement of all Supplies (goods, works and services) and Income Contracts.

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 proportionate and relative to the need which the Supply fulfils and should appropriately balance the value of, and risks associated with, any proposed action.

Where the council wishes to obtain the delivery of goods, works, or services, the use of procurement is the usual method. Grants should only be used to assist or support objectives of another organisation. In some instances, CPRs will apply to grants (see [Appendix 4](#) ~~Appendix 4~~).

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 take every opportunity to consider how improvements to the economic, social and environmental wellbeing of the district (social value) can be generated and 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.
 - 1.4.3 a suitably experienced and trained officer is identified to adequately manage the Contract for every contractual relationship the Council enters into.
- 1.5 When authorising staff to procure Supplies on their behalf, each Service Director must set a financial (or other) limit on the authority vested in individual officers to procure the Supplies. Such limits must be recorded in the relevant Scheme of Officer delegations. An officer wishing to commence a procurement exercise and/or commit the council to contractual obligations must ensure that:
 - 1.5.1 they have the Cabinet authority or a written approval of the delegated decision by an authorised officer under the Scheme of Officer Delegation to incur the expenditure and provide details to the Head of Corporate Procurement.
 - 1.5.2 officer executive decisions are recorded accurately and promptly including the relevant information required, such as the context in which the decision was taken, the reasons for the decision and alternative options considered.
 - 1.5.3 all significant officer decisions taken relating to the procurement exercise (i.e. decisions which may be of interest to councillors and/or the public) are recorded
 - 1.5.4 where a Supply is a Key Decision), a Key Decision Notice (KDN) has been published in a Notice of Forthcoming Key Decisions.
- 1.6 The Head of Procurement may:-
 - 1.6.1 authorise officers who are not procurement officers under their managerial responsibility to act on their 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 them 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.

- 1.7 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.
- 1.8 A Service Director has authority to commence any Procurement subject to:
- 1.8.1 compliance with these CPRs and FPRs; and
 - 1.8.2 having appropriate delegated authority; and
 - 1.8.3 compliance with management processes designed to ensure that proposed projects meet the Council's business needs; and
 - 1.8.4 seeking Value for Money.
- 1.9 These CPRs are a minimum standard and a more prescriptive procurement regime must be followed where this is required by UK law and agreements with Grant funding organisations.
- 1.10 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:
- 1.10.1 the Head of Procurement – Good Procurement Practice;
 - 1.10.2 Solicitor to the Council – UK Procurement Rules and other laws and Corporate Governance;
 - 1.10.3 Head of Internal Audit – Procurement project related financial management, Best Value and Risk.
- 1.11 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.
- 1.12 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:-
- 1.12.1 the post holders to whom these duties are assigned must hold general competencies as follows:-
 - 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.
 - the same degree of separation of officer responsibility for the duties is maintained.

Conflicts of Interest and Integrity¹

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

¹ Officers should also familiarise themselves with the FPRs 17 and 18, Chapter 7 of the Employee Handbook and Part 5.6 of the Council's Constitution and Members should also refer to Part 5.1 of the Constitution.

- 1.14 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 they become aware of a potential Conflict of Interest and update the declaration in the event of any changes.
- 1.15 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.
- 1.16 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. 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.
- 2.2. The Service Director must provide to the Head of Procurement information necessary to enable the Council to comply with UK Procurement Rules. The Head of Procurement is responsible for ensuring the appropriate placing of notices in the UK's e-notification service, Find A Tender Service (FTS) and Contract Finder. Such notices may only be placed by officers authorised to do so by the Head of Procurement.
- 2.3. Each Service Director must ensure:
 - 2.3.1. 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 CPRs or the UK Procurement Rules, unless justified by objective reasons.
 - 2.3.2. Where the cost of the Supply is less than the UK 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 UK Procurement Rules.
 - 2.3.3. The Head of Internal Audit is satisfied regarding the financial standing of a proposed Supplier for any contract exceeding the UK supplies and services threshold.
 - 2.3.4. The process can be adequately resourced.
 - 2.3.5. The appointment of an officer to carry out supervision of the resulting contract(s) in accordance with Financial Procedure Rule 21.8.

Compliance

- 2.3.6. Each Procurement complies with the following:-
 - a. it is justified by a business case (that includes a risk assessment) approved 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 6.13), consortia and other suppliers (Service Directors should, for example, consult the Head of Procurement about decisions and options available under CPRs 6.11 & 6.12).

Estimated Value

- 2.3.7. Regard is given to Best Value and the Public Sector Equality Duty and consultations with the public have been carried out as required.
- 2.3.8. 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.
- 2.3.9. The Supply is likely to be within budgetary provision (see CPR 10.1).

Bonds and Guarantees

- 2.3.10. The council should always seek a parent company guarantee when such an option is available.
- 2.3.11. Bonds; All supply contracts relating to:
 - a. capital construction works in excess of £500,000
 - b. any IT contracts that involve pre operational payments in excess of £500,000
 - c. any contracts with a total consideration in excess of £5m

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:-

- i. No bond is necessary; or
- ii. A different value (or percentage) is appropriate; and or
- iii. a cash bond; and or
- iv. A parent company guarantee or other form of surety can be accepted instead.

The Specification

- 2.4. In preparing a Specification, the Service Director should consider how the procurement activity might meet the Councils wider policy and strategy but subject always to ensuring full compliance with UK procurement legislation. Service Directors must also consider how what is proposed to be

procured might improve the economic, social and environmental wellbeing of Kirklees.

- 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. The preparation of appropriate Specifications, costs/pricing document(s), contract terms (other than Land Contracts and subject to CPR 2.10) and other procurement documentation must be created to be understandable by all reasonably well informed people in the relevant industry.

Award Criteria

- 2.7. 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 3.5– 3.9) and must be proportional to the contract's main objectives.
- 2.8. The Head of Procurement is consulted at the preparatory stage if conducting interviews or receiving presentations is considered to be beneficial to the process (also see CPRs 4.16-4.17).

Contracting

- 2.9. For contracts up to the UK supplies and services threshold, other than Land Contracts, 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).
- 2.10. For contracts above the UK supplies and services threshold, other than Land Contracts the Service Director must consult with the Solicitor to the Council who will prepare contract documentation appropriate for the contract.

Data Processing

- 2.11. 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.
- 2.12. 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. The Service

Director must follow the Council's Information Security Policy, in particular regarding contracting with data processors, sharing data and consulting with the Information Governance Team. The Service Director must ensure that:

- 2.12.1. the Supplier is verified as suitable to be trusted with the personal data before allowing the Supplier access to the data;
- 2.12.2. appropriate guarantees of the security of the personal data are included within a written contract;
- 2.12.3. the performance of the contract is appropriately monitored;
- 2.12.4. appropriate steps are taken to enforce the contract where the information security guarantees are not being met;
- 2.12.5. appropriate steps are taken to minimise as far as possible the impact of a breach of data security;
- 2.12.6. arrangements that appropriately deal with the transfer, return or deletion of the information at the end of the contract are established.

Collaboration

- 2.13. The potential for genuine collaboration with other public bodies must be considered when planning a procurement exercise.
- 2.14. 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); any 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
£0 - £24,999.99	Any Reasonable Means to select are permitted. Reasons to justify the decision taken must be recorded,	1. Any reasonable means	3
	<ul style="list-style-type: none"> Where practicable, suppliers from Kirklees (and/or West Yorkshire) area are encouraged and should be invited to submit quotes. Officers need to ensure that purchases achieve best value for the Council and an audit trail is maintained to demonstrate this. 	2. A Contract Award notification form needs to be completed for values in excess of £5,000 and up to £24,999. This must be reported to Corporate Procurement	
£25,000 – Threshold	One of the following:- <ul style="list-style-type: none"> Quotations (CPRs 3-4) Framework Suppliers, Standing Lists, etc. (CPR 5) Exceptions (CPR 6) Internal, Consortia & Compulsory (CPR 6) In addition; <p>Legal, Governance, Risk, Insurance, Information Governance and Health & Safety teams must be consulted where necessary</p>	As the Head of Procurement determines <ol style="list-style-type: none"> From a standing list An approved Framework Agreement An approved Dynamic Purchasing System Advertise on eProcurement Portal, Contracts Finder PLUS other reasonable advertising means 	Below £100,000 – 3 Above £100,000 – 4
	One of the following:- <ul style="list-style-type: none"> Tenders (CPRs 3 - 4) Framework Suppliers, Standing Lists, etc. (CPR 5) Exceptions (CPR 6) Internal, Consortia & Compulsory (CPR 6) In addition <p>Legal, Governance, Risk, Insurance, Information Governance and Health & Safety teams must be consulted where necessary</p> <p>The Legal Service will perform the execution of any contract(s).</p>	Advertise on eProcurement Portal, Contracts Finder, FTS and in other media if appropriate; or <p>Use approved Framework Agreement; or</p> <p>Use approved Dynamic Purchasing System</p>	5

- 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:-
 - 3.1.1 an **approved**² 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
 - 3.1.2 it is otherwise agreed with the Head of Internal Audit in consultation with the Solicitor to the Council.
- 3.4. The Suppliers must be reasonably capable of, or have indicated that they are willing to, submit a Tender. If it is not possible to identify the number of suitable and/or 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

- 3.5. Service Directors must satisfy themselves that Suppliers have relevant and proportional minimum levels of Suitability.
- 3.6. Where the procurement process has an overall value of less than the supplies and services UK 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.
- 3.7. When operating a procurement process with a value above the supplies and services UK threshold, 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.
- 3.8. 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 UK Procurement Rules, minimum standard and/or pass marks must be published in the relevant FTS 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.

² See CPR 5.17

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 eProcurement Portal 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 Procurement reference and title;
 - 4.4.2 name of each supplier submitting a Tender and the time of submission;
 - 4.4.3 name of suppliers failing to submit prices/proposal for any restricted opportunities;
 - 4.4.4 prices from each supplier;
 - 4.4.5 name of opening officer;
 - 4.4.6 names of the persons present at the opening for any tenders submitted outside of the eProcurement Portal ;
 - 4.4.7 date and time of opening of Tenders;
- 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 they feel 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 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.
- 4.7 Any variants which are submitted must conform to the requirements of the tender documents.
- 4.8 Tenders which do not comply with the CPR 4.6 may be accepted by the Service Director, only after approval by the Head of Internal Audit.
- 4.9 The Service Director will carry out an evaluation of the Tenders received against the pre-set Award Criteria (CPR 2.7) and keep a written record of the analysis and outcome.
- 4.10 The use of or participation in e-auctions to set prices is permitted where:
 - 4.10.1 bids can be ranked automatically; and
 - 4.10.2 the mathematical formula to determine the rankings of the bids (or each variant where

variants are permitted) is disclosed; and

4.10.3 the written agreement of the Head of Internal Audit has been given; and

4.10.4 the process is subject to supervision by the Head of Procurement.

- 4.11 The Service Director will require tenderers to explain the price or costs proposed in their tender where tenders appear to be abnormally low.
- 4.12 The Service Director must ensure that, where required by UK 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.
- 4.13 Any complaint or challenge to the procurement process at any stage must immediately be referred to the Head of Procurement, who must take steps to investigate and (subject to CPR 4.15) take action as necessary, taking guidance from the Solicitor to the Council and the Head of Internal Audit.
- 4.14 If a formal challenge is initiated (e.g. a formal letter before Court action is received or Court or arbitration proceedings are commenced) the 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

- 4.15 Where information or documentation submitted by a bidder is or appears to be incomplete (including where specific documents are missing) or erroneous or unclear, Service Directors may request the bidder concerned to submit, supplement, clarify or complete the relevant information or documentation, provided that requests for clarification:
- 4.15.1 set an appropriate time limit for a reply; and
 - 4.15.2 do not request changes or otherwise seek to influence the bidder; and
 - 4.15.3 deal with all of the matters in the Tender which are incomplete or erroneous or unclear; and
 - 4.15.4 treat all tenderers equally and fairly and so, for example, the request:-
 - a. must not occur before all of the bids have been subject to an initial evaluation;
 - b. must not unduly favour or disadvantage the bidder to whom the request is addressed; and
 - c. must be sent in the same way to all bidders unless there is an objectively verifiable ground justifying different treatment.
- 4.16 Clarity may also be facilitated through planned presentations designed to assist in understanding or verifying submitted bids. Clarification questions may be asked during such presentations and prior scoring may be appropriately moderated. All key information given in the presentation must be recorded thoroughly and any clarifications must be confirmed in writing.
- 4.17 Interviews and/or presentations which form part of the bid must be authorised by the Head of Procurement in writing. They must also be:

- 4.17.1 Comprehensively recorded; and
- 4.17.2 assessed according to transparent and objectively verifiable criteria connected to the subject matter of the contract; and
- 4.17.3 supervised by the Head of Procurement.

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 6.11). 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 UK Procurement Rules) of the Supply in question does not exceed the relevant UK Threshold. A Framework Agreement or a Dynamic Purchasing System can be used where the aggregated value exceeds the relevant UK 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 eProcurement Portal, 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 CPRs 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 UK Procurement Rules, as applicable).

- 5.10 Framework Suppliers will be chosen by a competitive process in accordance with these rules as if they were a Supply contract and in accordance with the UK 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 UK 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 be subject to consistent due diligence assessments of DPS participants
- 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 which Service Directors are permitted to use.

Use of Third Party Procurement Facilities

- 5.18 Supplies may be obtained through third party Frameworks Agreements (provided that the Head of Procurement is satisfied that using such a method is demonstrated to represent value for money) 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 where the UK 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 UK Procurement Rules the following are exempted from the competitive requirements of these CPRs³:
- 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 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 6.11 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 UK Procurement Rules;
- 6.2 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. Value for money must be evidenced and recorded.

Trial Purchases

- 6.3 Service Directors may purchase a trial of a Supply which is new to the Council up to £100,000 without competition in order to ascertain if the Supply is of interest to the Council. 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.
- 6.4 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.
- 6.5 The procuring Service Director and the Head of Procurement may decide that;
- 6.5.1 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.
 - 6.5.2 Following receipt of Tenders for the Supply, it is appropriate to seek to reduce the overall

³ When the UK Procurement Rules apply, these exemptions may not be permitted (Directors must check this)

cost, or change other terms of the Supply by negotiation with one or more suppliers which have submitted Tenders.

6.5.3 It is appropriate to negotiate a repeat, continuation or serial contract with an existing Supplier, by reference to the original Tender for the Supply.

6.5.4 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 UK 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 their own Service Director, there must be consultation with the Head of Internal Audit.

Negotiated Contracts

6.6 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.

6.7 Written negotiation must be subject to evidenced independent check of process, calculation and overall value for money.

6.8 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

6.9 The Solicitor to the Council must be consulted in advance of any negotiation in respect of any contract estimated to exceed the UK threshold (except those in relation to Land where the Head for Corporate Property Management should be consulted irrespective of value).

6.10 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, they must consult with the Solicitor to the Council about the possibility of subsidy control before approving the exemption from competition.

Mandatory suppliers, frameworks agreements or dynamic purchasing systems

6.11 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 UK Procurement Rules and the possibility of state aid) that the use of one (or more) Suppliers is compulsory.

6.12 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.

6.13 Supplies must be obtained from internal Council Services (which are capable of supplying them directly) without competition except:-

6.13.1 where Cabinet has determined that Supplies of a particular kind will be subject

- to a competitive process;
- 6.13.2 in respect of the outsourcing of an activity having a value below £100,000;
- 6.13.3 in respect of services provided within schools;
- 6.13.4 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 the dividing large procurements into contract Lots;
 - 7.1.4 consideration of social value in the commissioning and procurement process
 - 7.1.5 any interviews, other dialogue or negotiation;
 - 7.1.6 A risk log;
 - 7.1.7 supplier vetting; and
 - 7.1.8 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 on the eProcurement Portal 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 2Appendix 2](#)).
- 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 UK Procurement Rules.
- 7.5 Each Service Director must promptly provide to the Head of Procurement the information specified in [Appendix 2Appendix 2](#).
- 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

- 8.1 CPR 8 Includes nil value and disposal contracts but excludes Land.
- 8.2 CPRs 8.2 to 8.8 apply when the Council intends to derive income from:-
- 8.2.1 the disposal of property (other than Land);
 - 8.2.2 the sale of a right to exploit a business opportunity;

8.2.3 the operation of business activity.

8.3 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 they will decide whether this amounts to a Grant (and so FPR 4 applies instead of CPR 8).

The disposal of an asset (other than land and buildings)

8.4 The procedure for the disposal of assets e.g. surplus plant, vehicles, furniture, equipment and stock items (owned by the Council and not leased) is:-

8.4.1 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;

8.4.2 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, unless the interests of the Council would be better served by disposal in some other way.

8.4.3 Authority for alternative disposal methods must be granted by the Head of Procurement in consultation with the Head of Internal Audit and Risk. The use of the Council web site is permissible for this purpose.

8.4.28.4.4 All IT equipment should be disposed of in accordance with the contract arrangements put in place by IT services to ensure equipment is securely and safely dealt with in line with requirements.

8.5 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

8.6 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 asset 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.

8.6.1 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 and should be arranged and undertaken by the Service Director responsible for the activity.

8.6.2 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.

8.7 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.

8.8 If an Income Contract has any potential to distort the relevant market advice must be obtained from the Solicitor to the Council.

Concession Contracts

8.9 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.

- 8.10 Concession contracts for works or services above UK thresholds 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

- 8.11 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.
- 8.12 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.
- 8.13 When calculating the estimated value of a Concession contract or Income Contract, Service Directors shall, where applicable, take into account:-
- 8.13.1 the value of any form of option and any extension of the duration of the contract;
 - 8.13.2 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;
 - 8.13.3 payments or any other financial advantages, in any form, from the Council or any other public authority to the contractor;
 - 8.13.4 the value of grants or any other financial advantages, in any form, from third parties for the performance of the contract;
 - 8.13.5 revenue from sales of any assets which are part of the contract;
 - 8.13.6 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;
 - 8.13.7 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 UK supplies and services threshold must be in writing and can be made by the Service Director either:
- where appropriate, by issuing the order through the Council's electronic purchasing system (currently SAP) and incorporating the correct standard terms; or
 - By issuing (electronically or on paper) contract terms which the Service Director has assessed as being appropriate both in terms of suitability and risk.
- 10.3 If the Service Director and Solicitor to the Council decide 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.
- 10.4 The Head of Procurement must ensure that the Council's electronic procurement systems are setup so that the most appropriate Official Council Order are available to be attached to the supply being purchased.
- 10.5 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 UK supplies and services threshold must be in writing and must (subject to CPR 10.6) be either:
- made under the corporate common seal of the Council, attested by one legal officer; or
 - signed by two legal officers;
 - a document shall be properly signed where it is physically signed in hardcopy format, or it is electronically signed in an electronic format approved by the Solicitor the Council;
- who have been nominated as Contract signatories by the Solicitor to the Council under their Scheme of Officer Delegations. The solicitor to the Council may authorise an external firm of lawyers to sign documents (and or initial and make amendments to documents) as agent on behalf of the Council.
- 10.6 Notwithstanding CPR 10.5, the Solicitor to the Council may authorise officers who are not Legal Officers to sign specific or specialist Contracts for Supplies above the UK supplies and services threshold. Two authorised officers must sign each such Contract.
- 10.7 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 UK Threshold for supplies and services.

Land

- 10.8 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 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.
- 10.9 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 CPR 9.1.

General

- 10.10 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 10.5 and provided that this is not subject to any contrary direction from the Council or Cabinet.
- 10.11 The Solicitor to the Council may authorise an external property auctioneer to sign as agent for the Council, a Sale Memorandum to record the property price and terms of conditions of sale.

RULE 11 – VARIATION AND TERMINATION OF CONTRACTS AND RELEASE OF BONDS

- 11.1 It is recognised that during the term of a Contract, modifications may be proposed, which if adopted would result in additional Works, Goods and/or Services, which were not considered when the original procurement took place, being procured or otherwise would alter the overall nature of the Contract. There are significant limitations upon the Council being able to make such modifications, especially where the Regulations apply. When considering a variation, modification or the termination of an existing Contract, advice must be sought in advance from the Corporate Procurement Service and with the Solicitor to the Council.
- 11.2 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.
- 11.3 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.
- 11.4 The Solicitor to the Council may release any bond held by the Council, on request from the Head of Procurement.
- 11.5 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.

- 11.6 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.
- 11.7 Any variation with a value above £25,000 to a contract which cannot be fulfilled by following CPR 11.6 must be subject to the approval of the Head of Procurement.
- 11.8 Any variation to a contract which cannot be fulfilled by following CPR 11.6 must be made in writing and signed in accordance with CPR 10 even if it does not need a competitive Procurement process.
- 11.9 Subject to approval of the Solicitor to the Council and the Head of Procurement contracts may be novated to another Supplier where permitted by an express provision to novate in the terms and conditions of contract; or in the event of a successor due to the original Supplier carrying out a corporate restructuring, merger, acquisition, takeover or insolvency. The new Supplier must comply with the requirements under the original contract.

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 25th May 2023~~

DEFINITIONS

DEFINITION	DESCRIPTION
Award Criteria	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.
Chief Executive	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.
Chief Finance Officer	Means the Service Director – Finance
Commissioning	The relationship between commissioning and procurement is described in the diagram in Appendix 3.
Concession	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.
Conflict of Interest	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 the relevant person has, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of a Procurement or sale procedure.
Contract	Means any form of contract, agreement for the supply of any works, goods, or services that the Council enters into (whether by purchase, lease, hire or any other arrangement).
Contract Procedure Rules (CPRs)	Means these Contract Procedure Rules.
Data Protection Legislation	Means all applicable data protection and privacy legislation in force from time to time in the UK including the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (UK GDPR), the Data Protection Act 2018 (DPA 2018) (and regulations made thereunder), the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426), the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019/419 and the guidance and codes of practice issued by the Information Commissioner or other relevant regulatory authority.

DEFINITION	DESCRIPTION
Dynamic Purchasing System (DPS)	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 all contracts and it should be set up using the restricted procedure.
eProcurement Portal (YORTender)	The on-line Supplier and Contract Management System used by the Council to operate e-tenders and for the online management of suppliers and contracts and to advertise contracts. Currently available at https://yortender.eu-supply.com
Financial Ratio	Is a pre-set method of determining a supplier's financial standing, such as turnover, net asset value, and profitability.
Find A Tender Service (FTS)	"Find a Tender" means the UK e-notification service where notices for new procurements are required to be published;
Financial Procedure Rules (FPRs)	The Financial Procedure Rules.
Framework Agreement	Means an agreement between a Contracting Authority 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 UK Threshold are subject to the Public 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.
Head of Corporate Property Management	Means the officer appointed by the Service Director who is responsible for corporate property management functions.
Head of Internal Audit	Means the officer appointed by the Chief Executive who is responsible for Internal audit.
Head of Procurement	Means the officer appointed by the Service Director – Legal, Governance & Commissioning who is responsible for Corporate Procurement.
Income Contract	An Income Contract is one where the main object of the contract is that the Council does something in relation to a Council asset ⁴ and includes situations where the Council does so at nil value (subject to this not being a Grant – see Appendix 4 Appendix 4).

⁴ For contracts where the Council provides services to another body, please refer to FPRs 20.4-20.6

DEFINITION	DESCRIPTION
Land	“Land” includes any interest in land (including buildings) and any easement or right in or over land
Local Government Transparency Requirements	Means the statutory codes and legislation requiring the Council to publish information, such as ⁵ the Local Government Transparency Code and certain Regulations within the Public Contracts Regulations 2015.
Official Council Order	A standard form of contract for a Supply for a value of less than the current UK supplies and services threshold approved by the Solicitor to the Council whether attached electronically or by paper to an order for Supplies.
Personal Data	<p>Means data which relate to a living individual who can be identified—</p> <ul style="list-style-type: none"> (a) from those data, or (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, <p>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.</p>
Procurement	<p>The purchase, contract hire, lease, rental⁶ 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.</p>
Public Procurement Rules	The rules on procurement for Supplies above the UK Threshold are subject to the statutory requirements outlined in the Public Contracts Regulations 2015 and those described in the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (EU Exit Regulations).
Reasonable Means	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.
Senior Manager	Means an officer who reports directly to a Head of Service.

⁵ The words “including”, “include”, “for example”, “e.g.”, and “such as” in these CPRs indicate examples and are not intended to be limiting

⁶ Note: Contract hire, lease and rental agreements require the specific advance approval of the Director of Resources or their delegate [See the FPR].

DEFINITION	DESCRIPTION
Service	A grouping of departments or other sections of the Council which is under the overall responsibility of a Service Director.
Service Director	Means the most senior officer responsible for the day to day functions of each Service.
Social Value	Means The Public Services (Social Value) Act 2012 ('Social Value Act') that requires the Council to consider how a procurement over the relevant thresholds could improve the economic, social and environmental wellbeing of the district
Solicitor to the Council	Means the Service Director – Legal, Governance & Commissioning in the role as legal advisor to the Council.
Special Purpose Vehicle	Companies (limited by shares, or otherwise) or any other legal entity, established by or in which the Council participates whether alone or with others to provide specific Supplies to the Council.
Specification	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.
Standing List	A list of suppliers who are assessed as suitable to provide Supplies to the Council prepared in accordance with CPR 5.
Suitability Criteria	Relate to the assessment or vetting of suppliers' general capability, fidelity, skill, competence, etc. to carry out the contract. 'Suitability' shall be interpreted accordingly.
Supplier	Any person, partnership, company, or other organisation, which provides or contractually offers to provide any Supply to the Council or on behalf of the Council.
Supply / Supplies	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).
Tender	A written offer in relation to a Supply or Disposal of Assets making reference to a price and (where applicable) other information.
UK Threshold	The financial threshold from time to time at which the UK Procurement Rules are applicable to a Supply. Current UK Thresholds are set out in Appendix 1 Appendix 1 .
Value for Money	Securing the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought.

DEFINITION	DESCRIPTION
Whole Life Costing Approach	<p>Is an approach which addresses all the elements of a Supply over its life cycle such as:-</p> <ul style="list-style-type: none"> • costs relating to acquisition, • costs of use, such as consumption of energy and other resources, • maintenance costs, • end of life costs, such as collection and recycling costs which can be used to produce a spend profile of the Supply over its anticipated lifespan.

Appendix 1

Relevant Thresholds in Public Contract Regulations inclusive of VAT Microsoft Word - Procurement Policy Note 10:21 - New Thresholds Values and Inclusion of VAT in Contract Estimates.docx (publishing.service.gov.uk)	
Supply and service contracts	£21 3 , <u>4774,904</u>
Light Touch Regime Contracts (Annex XIV)	£663,540
Works contracts	£5,3 72 , <u>60936,937</u>
Concession contracts	£5,3 72 , <u>60936,937</u>

- ◆ 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. The thresholds are updated every two years with the next update due on the 1 January 202~~6~~4

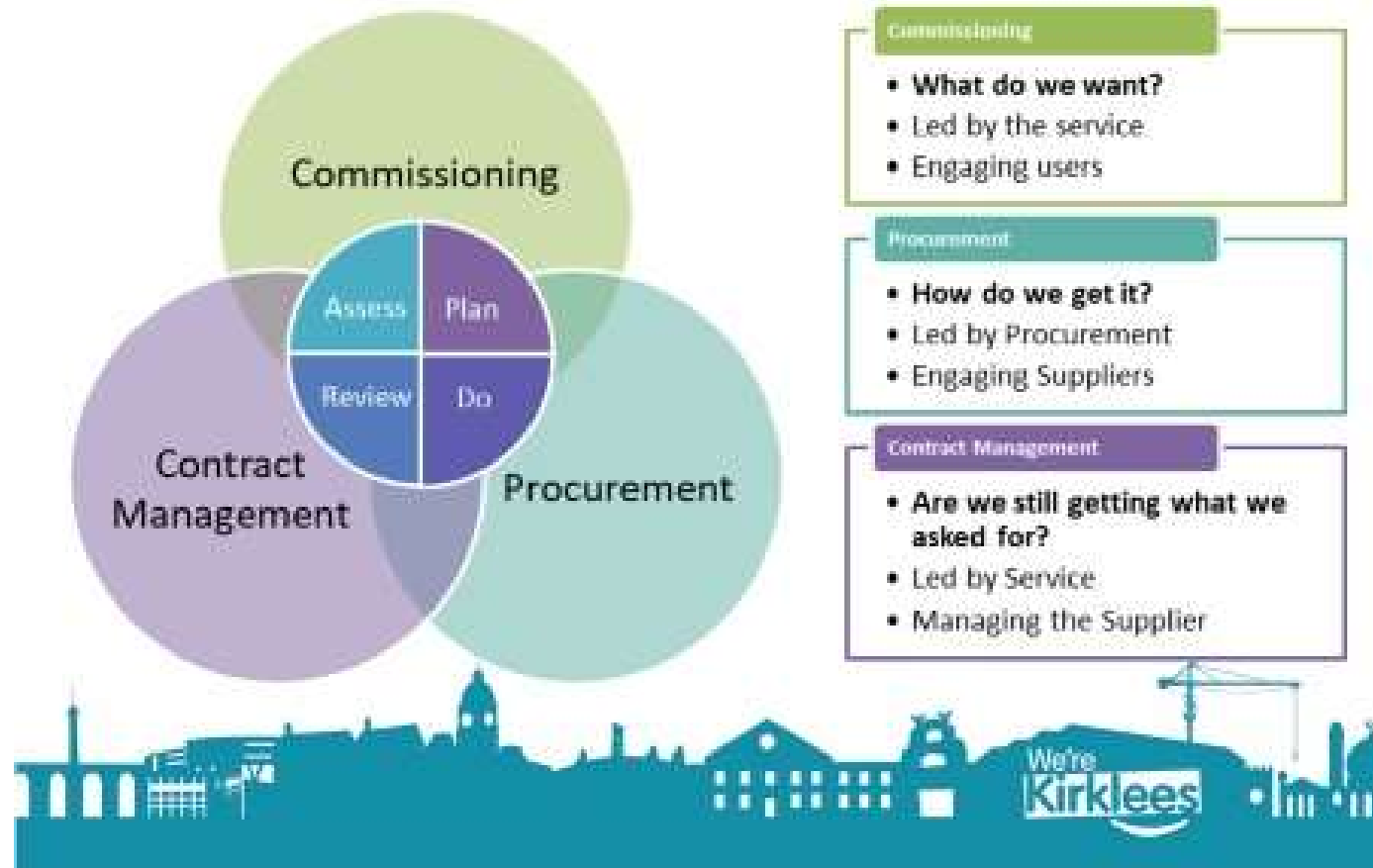
Appendix 2

Information to be Reported to the Head of Procurement (RULE 7 – RECORD KEEPING AND REPORTING)

	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: <ol style="list-style-type: none"> 1. reference number 2. title of agreement 3. Contract Manager; name of person responsible for managing the contract 4. description of the goods and/or services being provided 5. Supplier name and details 6. sum to be paid over the length of the contract (or if unknown, the estimated annual spending or budget for the contract) 7. start, end and review dates, including permitted extensions 8. whether or not the contract was the result of an invitation to quote or a published invitation to tender, and 9. 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 10. whether or not the contract involves processing personal data 	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 Public Procurement Rules apply on Contract Award

Appendix 3

Relationship between Commissioning and Procurement



Appendix 4

How to decide if a procurement or grant is applicable

- The Council obtains supplies of goods, works, and services from external suppliers and normally uses competitive processes to do so in accordance with the Contract Procedure Rules (CPRs)
 - It is always appropriate to use procurement to obtain **goods** and **works**, and this is the usual preference to obtain **services**.
 - There may though be some occasions when a grant may be an appropriate way to achieve the priorities of the Council. The information below aims to provide a guide to support commissioners to think about whether a grant or procurement is the most appropriate method in obtaining and/or supporting a particular **service**.
1. If you are seeking to obtain **goods** or **works** you should **procure as per CPRs**
 2. If you are seeking to obtain a **service** and can answer **YES** to **ANY** of the following, you should **procure as per CPRs**
 - Is there an intention to specify service standards and outputs required?
 - Will payment be reduced/alterd if service standards are not met, or additional payment be made if there are claims for additional costs incurred?
 - Are there opportunities for change control?
 - Is there a contractual obligation on both parties?
 - Is there an intention to have active management of the provider?
 3. If you are seeking to use a supplier that is a commercial i.e., profitmaking organisation this would generally require procurement as per CPRs. If the organisation is a genuine “not for profit” organization or charity you should discuss further with the Procurement team.
 4. If you are seeking a **service** and can answer **YES** to **ANY** of the following, you can consider use of a **Grant as per FPRs**
 - Is there an intention to broadly support an activity, with expected outcomes, but no clear obligations on the provider?
 - Is the intention to support parts of an existing activity?
 - Is the intention to provide a subsidy to existing service users
 - Is the council’s only ultimate remedy to withhold payment of a next phase of grant, seek clawback or to refuse to fund future activity by the provider?
 - Is the intention to meet a stated set of costs, and an intention that the provider should not profit from the support?

Important notes/advice

- Always remember to check with the Procurement team if unsure.
- A competition will generally be appropriate to select which parties are entitled to receive grants.
- Grants still require a grant agreement.
- Grants which involve procurement by a third party require use of competition in selection of their suppliers (broadly aligning with council CPRs)

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Report title: Proposed Revisions to Financial Procedure Rules

Meeting	Annual Council
Date	22nd May 2024
Cabinet Member (if applicable)	
Key Decision Eligible for Call In	No No – If no give reason
Purpose of Report To provide information on proposed changes to Financial Procedure Rules for the municipal year 2024/25	
Recommendations <ul style="list-style-type: none"> Approve the proposed changes to Financial Procedure Rules 3 (various) and Financial Procedure Rule 22.5, as recommended by Corporate Governance & Audit Committee. Reasons for Recommendation <ul style="list-style-type: none"> To clarify arrangements to ensure sound governance and control of capital investments in general, and the receipt of grants from government and other bodies (such as WYMCA) 	
Resource Implication: There are no direct resource implications, as all the processes described should be followed already.	
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Rachael Spencer Henshall 10 May 2024 K Mullaney Service Director- Finance J. Muscroft Service Director - Legal Governance and Commissioning

Electoral wards affected: all

Ward councillors consulted: not applicable

Public or private: public

Has GDPR been considered?
yes

1. Executive Summary

- 1.1 This report sets out information on proposed changes to Financial Procedure Rules for the year 2024/25.
- 1.2 There are some proposed changes to the capital budgeting and budgetary control arrangements and minor proposed changes regarding grants. The sections affected are most of FPR3 and clause 5 of section 22.
- 1.3 These were considered and recommended to Council by Corporate Governance & Audit Committee on 10th May 2024

2. Information required to take a decision

- 2.1 All the text changes are shown in Appendix 1 by a table showing the as now and as proposed against each paragraph.
- 2.2 The changes proposed in this report are intended to.
- 2.3
 - (a) Make clear that once Council have determined a capital plan, all specific projects, or programmes of expenditure require a business case that must be approved by Cabinet.
 - (b) Otherwise, there are no changes to financial limits or authority, and the same procedures are presented in a way intended to be slightly simplified and easier to follow
 - (c) Identifies that grants received from government and WYCA require formal incorporation into the council's budget processes, including an approved business case for any capital investment, as (a) above
 - (d) require that any onerous grant conditions are subject to Cabinet approval

3. Implications for the Council

Improving governance, through clearer financial procedure rules, should lead to more effective service delivery.

3.1 Working with People

Not directly applicable.

3.2 Working with Partners

Not directly applicable.

3.3 Place Based Working

Not directly applicable.

3.4 Climate Change and Air Quality

Not directly applicable.

3.5 Improving outcomes for children

Not directly applicable.

3.6 Financial Implications

Effective and clear financial procedure rules assist with strong governance and open decision making, and should improve financial control

3.7 Legal Implications

Effective and clear financial procedure rules assist with compliance, governance and open decision making

3.8 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

Implementation of should improve overall control arrangements and promote good governance.

4 Consultation

These changes have been prepared by officers of Finance and Legal Governance & Commissioning (Risk) service based on issue of control that have arisen during the last year. The proposed changes have been discussed with the councils senior management and were agreed for recommendation to Council for incorporation into the councils procedure rules for 2024/25.

5 Engagement

None beyond consultation as noted above.

6 Options

6.1 Options Considered

The proposals are minor redrafting to clarify the position
Alternatives would be

- To make no change whatsoever.
- To fundamentally redraft the control arrangements
-

6.2 Reasons for recommended Option

There is currently no reason to fundamentally rewrite financial procedure rules (FPRs), which are based around a governance process that allocates responsibilities to Council, Cabinet and officers. In practice the bulk of FPRs are officer processes, and responsibilities, although the areas proposed for change largely relate to the Cabinet officer interface- being clearer what decisions require Cabinet involvement. However, at some stage a rewrite of much of the officer responsibility parts of basic financial administration may be appropriate to reflect the fundamental financial processes now being controlled through electronic information systems rather than by paper records.

7 Next steps and timelines

- Incorporation into the Financial Procedure Rules for 2024/25, starts 1st June 2024.

8 Contact officer

Martin Dearnley Head of Risk (martin.dearnley@kirklees.gov)
Philip Deighton, Head of Budgeting (phil.deighton@kirklees.gov.uk)

9 Background Papers and History of Decisions

Existing Financial Procedure Rules

10 Appendices

Table of detailed changes in appendix1

11 Service Director responsible

Kevin Mullaney- Service Director Finance
Julie Muscroft- Service Director Legal, Governance & Commissioning

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PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

CAPITAL (SECTION 3)	
<p>General</p> <p>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 minimis’ to be considered capital at an individual project level, as determined by the Chief Finance Officer. (The usual de minimis level is £10,000)</p> <p>3.2 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 Capital Strategy and annual (Non-Treasury) Investment Strategy in line with the guidance</p>	<p>General</p> <p>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 minimis’ to be considered capital at an individual project level, as determined by the Chief Finance Officer. (The usual de minimis level is £10,000)</p> <p>3.2 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 Capital Strategy and annual (Non-Treasury) Investment Strategy in line with the guidance</p>
<p>Responsibilities</p> <p>3.3 The Council is responsible for determining the Council's Capital Investment Plan and approving the prudential indicators and limits that support the capital investment.</p>	<p>Responsibilities</p> <p>3.3 The Council is responsible for determining the Council's Capital Investment Plan and approving the prudential indicators and limits that support the capital investment.</p>

PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

<p>3.4 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.</p> <p>3.5 The Council will determine allocations of capital resources to programme areas, or to specified projects.</p> <p>3.6 The Cabinet is responsible for implementing the Capital Plan approved by Council, in line with any stated Council policies, or strategies.</p>	<p><u>3.3 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.</u></p> <p>3.4 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.</p> <p>3.5 The Council will <u>approve a Capital Investment Plan and</u> determine allocations of capital resources to programme areas, or to specified projects. <u>(and the prudential indicators and limits that support the recommended capital investment)</u></p> <p>3.6 The Cabinet is responsible for implementing the Capital Plan approved by Council, in line with any stated Council policies, or strategies, <u>and will determine the allocation of resources from the programme area to named projects. A programme or named project</u></p>
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PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

<p>3.7 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.</p> <p>3.8 Service Directors are responsible for managing programmes and projects and must make appropriate arrangements to control projects and avoid overspending.</p>	<p><u>may only be progressed once the Cabinet has approved the business case for the programme or project.</u></p> <p>3.7 — 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.</p> <p>3.78 Service Directors are responsible for managing programmes and projects and must make appropriate arrangements to control projects and avoid overspending.</p>
<p>Capital Investment Plan Preparation.</p> <p>3.9 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.</p>	<p><u>Capital Investment Plan Preparation.</u></p> <p>3.9 — 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.</p>

PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

<p>Plan Management</p> <p>3.10 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.</p> <p>3.11 The Cabinet is authorised to transfer resources without restrictions. including between any year, within the approved capital plan, subject to compliance with 3.14 and 3.16.</p> <p>3.12 Service Directors are authorised to.</p> <p>(1) Transfer resources within a programme area without restrictions. (2) Transfer resources between any project or programme area up to a maximum of £2,000,000 in any financial year. (3) Transfer resources within programme areas between any year within the approved capital plan,</p> <p>Subject to compliance with 3.13 and 3.15 and notification to the relevant Cabinet Member and appropriate Ward Members.</p>	<p>Plan Management</p> <p>3.10 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.</p> <p>3.11 The Cabinet is authorised to transfer resources without restrictions. including between any year, within the approved capital plan, subject to compliance with 3.114 and 3.136.</p> <p>3.12 Service Directors are authorised to.</p> <p>(1) Transfer resources within a programme area without restrictions. (2) Transfer resources between any project or programme area up to a maximum of £2,000,000 in any financial year. (3) Transfer resources within programme areas between any year within the approved capital plan,</p> <p>Subject to compliance with 3.103 and 3.115 and notification to the relevant Cabinet Member and appropriate Ward Members.</p>
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PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

<p>3.13 Transfers under 3.10 to 3.12 require the approval of the Chief Finance Officer who must be satisfied that there is no impact on capital funding stream because of the changes.</p> <p>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 there is explicit prior year approval as part of the approved budget plans of the Council for the following financial year.</p> <p>3.15 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.</p> <p>3.16 Any decision on resource allocation by Cabinet, Strategic and Service Directors (3.11 to 3.15) must recognise any policy decisions of Council. Any decision on resource allocation by Strategic and</p>	<p>3.10³ Transfers under 3.810 and 3.9to 3.12 require the approval of the Chief Finance Officer who must be satisfied that there is no impact on capital funding stream because of the changes.</p> <p>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 there is explicit prior year approval as part of the approved budget plans of the Council for the following financial year.</p> <p>3.11⁵ 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.</p> <p><u>3.12 The transfer of revenue resources in any one financial year from the revenue budget to add additional resources to the capital plan, will only be allowed if there is explicit prior year approval as part of the approved budget plans of the Council for the following financial year.</u></p> <p>3.13⁶ Any decision on resource allocation by Cabinet, Strategic and Service Directors (3.11 to 3.15) must recognise any policy decisions of Council. Any decision on resource allocation by Strategic</p>
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PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

<p>Service Directors (3.12-3.15) must recognise any policy decisions of Cabinet.</p> <p>3.17 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.</p>	<p>and Service Directors (3.12-3.15) must recognise any policy decisions of Cabinet.</p> <p>3.147 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. <u>This will include any additional capital grant funding received during the year.</u></p>
<p>Initiating and Progressing Investment Decisions</p> <p>3.18 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</p>	<p>Initiating and Progressing Investment Decisions</p> <p>3.158 The Chief Executive will establish arrangements, <u>delegated as appropriate to a lead Strategic Director</u> 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</p>

PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

<p>source. This can include payment to a contractor for initial project scoping and design, provided that such costs are covered by an identified funding source.</p> <p>3.19 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:</p> <p>a) The project appears on a schedule of named projects (approved by Council or Cabinet, or by officers under a scheme approved by Cabinet).</p> <p>b) That the total costs of a project are estimated to be less than or equal to the amount approved in the Capital Investment Plan. OR Where the total costs of a project exceed the amount approved in the Capital Investment Plan the appropriate additional resources has been approved; (3.10 to 3.14),</p> <p>c) Any necessary external approval has been obtained.</p> <p>d) The project will not lead to any unexpected or unplanned costs, not envisaged by the business case or option appraisal.</p>	<p>funding source. This can include payment to a contractor for initial project scoping and design, provided that such costs are covered by an identified funding source.</p> <p>3.169 A capital outlay report will be prepared for each specific project. It will be signed off by the relevant programme manager<u>Head of Service</u> and approved by the Chief Finance Officer, who will grant approval to each specific project when satisfied that:</p> <p>a) The project appears on a schedule of named projects (approved by Council or Cabinet, or by officers under a scheme approved by Cabinet).</p> <p>b) That the total costs of a project are estimated to be less than or equal to the amount approved in the Capital Investment Plan. OR Where the total costs of a project exceed the amount approved in the Capital Investment Plan the appropriate additional resources has been approved; (3.810 to 3.124),</p> <p>c) Any necessary external approval has been obtained.</p> <p>d) The project will not lead to any unexpected or unplanned <u>capital or revenue</u> costs, not envisaged by the business case or option appraisal.</p>
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PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

<p>The Chief Finance Officer may issue a partial approval (for example to cover a design stage) provided that there are sufficient resources to cover that stage. The Solicitor to the Council may only issue a contract that aligns with this authorisation.</p> <p>3.20 Service Directors have authority to progress projects once the approvals at 3.19 have been given. They must ensure compliance also with Contract Procedure Rules.</p> <p>3.21 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 overall financial reporting and monitoring process.</p> <p>3.22 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.</p>	<p>The Chief Finance Officer may issue a partial approval (for example to cover a design stage) provided that there are sufficient resources to cover that stage. The Solicitor to the Council may only issue a contract that aligns with this authorisation.</p> <p>3.20¹⁷ Service Directors have authority to progress projects once the approvals at 3.16⁹ have been given. They must ensure compliance also with Contract Procedure Rules.</p> <p>3.21⁸ 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 overall financial reporting and monitoring process.</p> <p>3.19²² 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.</p>
Complex Projects	Complex Projects

PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

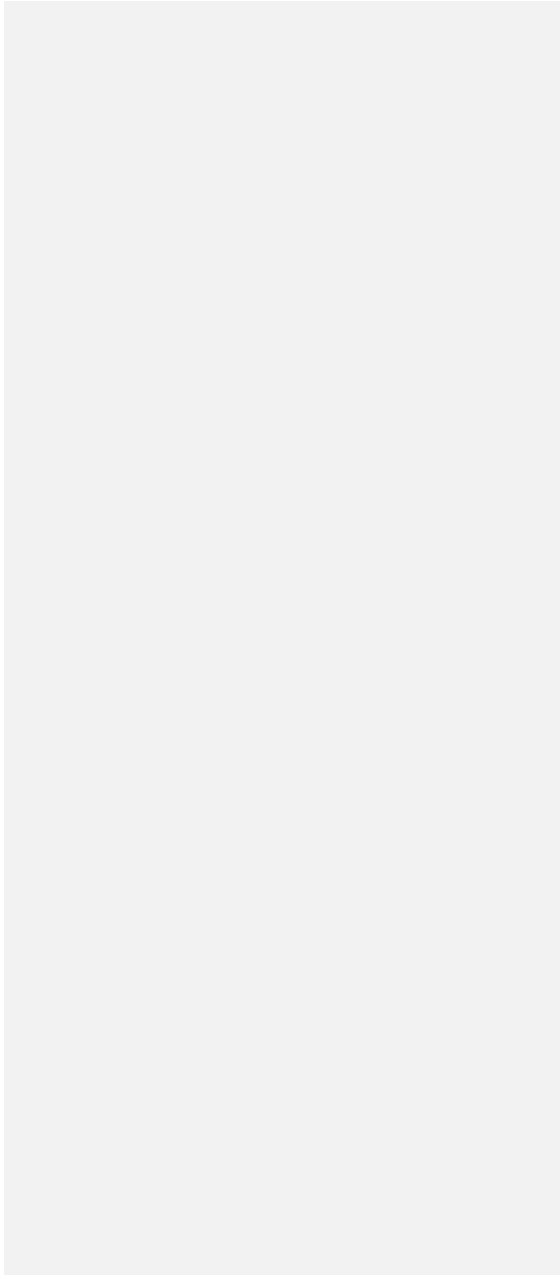
<p>3.23 Any capital project which involves partnership arrangements, or investment in limited companies or other separate entities must be approved by Cabinet.</p>	<p>3.203 Any capital project which involves partnership arrangements, or investment in limited companies or other separate entities must be approved by Cabinet.</p>
<p>3.24 The reporting of the capital position in such cases must follow a similar arrangement to any direct asset investment.</p>	<p>3.214 The reporting of the capital position in such cases must follow a similar arrangement to any direct asset investment.</p>
<p style="text-align: center;">Leased Assets</p> <p>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 needs to follow the same procedures, and have the same authority and approval, as for other items of capital expenditure.</p> <p>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.</p>	<p style="text-align: center;">Leased Assets</p> <p>3.225 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 needs to follow the same procedures, and have the same authority and approval, as for other items of capital expenditure.</p> <p>3.236 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.</p>

PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

GRANTS SECTION 22	
<p>Grants Receivable</p> <p>22.5 Service Directors are authorised to accept a grant offer of any value from the West Yorkshire Mayoral Combined Authority and any government department, provided that.</p> <p>(a) the grant is in fulfilment of a national or regional initiative or requirement, and</p> <p>(b) the council is required to make no contribution, or the contribution can be fully met from an existing budget for that purpose.</p> <p>The Service Director must advise the Chief Finance Officer of the relevant details and obligations of the grant as soon as possible on receiving notice of the grant offer, and on confirmation of the grant award.</p>	<p>Grants Receivable</p> <p>22.5 Service Directors are authorised to accept a grant offer of any value from the West Yorkshire Mayoral Combined Authority and any government department, provided that.</p> <p>(a) the grant is in fulfilment of a national or regional initiative or requirement, and</p> <p>(b) the council is required to make no contribution, or the contribution can be fully met from an existing budget for that purpose.</p> <p>The Service Director must advise the Chief Finance Officer of the relevant details and obligations of the grant as soon as possible on receiving notice of the grant offer, and on confirmation of the grant award</p> <p><u>Where a grant has a capital element, or revenue grant with discretion on usage, the funding must be identified into the relevant budgets and follow the normal process for approval and control of that funding (for example for capital, a business case as FPR 3.6)</u></p>
	<p><u>Where a grant offer includes onerous or unusual conditions, the service director, chief finance officer and director of legal governance & commissioning must consider if these requirements represent a significant risk to the council. If they believe that they do</u></p>

PROPOSED AMENDMENTS TO FINANCIAL PROCEDURE RULES
CAPITAL (SECTION 3) & GRANTS (SECTION 22)

	so, they must inform and seek authority for acceptance from the Cabinet.
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REPORT TITLE: Proposed Amendments to the Council’s Constitution

Meeting:	Annual Council (Reference from Corporate Governance and Audit Committee (CGAC))
Date:	22 May 2024
Cabinet Member (if applicable)	Cllr Paul Davies
Key Decision Eligible for Call In	No

Purpose of Report

To seek the approval of the proposed changes to the council's constitution as described in paragraph 2 and in Appendix 1 (report to CGAC). The report is referred from the Council's CGAC who made some proposed changes to the proposals in the report at Appendix 1. These are reflected in the updated recommendations and set out in more detail in paragraph 2 of this report.

Recommendations

That CGAC recommends that Council:-

- Notes the changes made to the Constitution in 2023-2024 listed in Appendix 1
- Approves the following proposed changes to the Constitution set out in section 2 of the report considered by CGAC:
 - (i) That 6.1.1 of Article 6 – Overview and Scrutiny Function, be amended to remove responsibility for Flood Risk Management from the Overview and Scrutiny Management Committee and re-allocate to the Environment and Climate Change Scrutiny Panel.
 - (ii) Amendments to CPR 9 relating to the presentation of petitions and referral of subject matter.
 - (iii) Amendments to CPR 9a subject to the replacement of the word “may” with “will” and clarification that where a debate is requested (for petitions exceeding 3000 valid signatures) this will be scheduled within a reasonable time period.
 - (iv) Amendments to CPR’s 9 and 10 to make them consistent with CPR 11 in respect of the need to be a resident or business owner in Kirklees in order to be able to present a petition or deputation.
 - (v) That the proposed amendments in respect of CPR 11(6) be applied to CPR 12 for written questions by the public and Elected Members at Full Council meetings only.
 - (vi) That CPR 12(6) be approved subject to the removal of wording “with the consent of the Chair”
 - (vii) Amendments to CPR 11(7) subject to the removal of wording “for a period of 12 months”.

- Notes that, for clarity, proposals relating to Member Speaking Rights (CPR 36(1)), Permission to Speak by Members of the Public (CPR 37), Video requests for deputations (CPR10) and the wider application of the proposals set out in (v) above to Cabinet and Council Committees be subject to further consideration following a future review.
- Notes that work will continue to keep the Constitution under review.
- Recommends to Council that they note and approve (as applicable) the above recommendations and delegate authority to the Service Director – Legal, Governance and Commissioning to make appropriate amendments to the constitution which may be agreed by Council as well as any consequential amendments to the constitution to reflect the changes agreed

Reasons for Recommendations

- 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, as failure to do so could lead to challenges, unnecessary procedural delays and less transparency in the Council’s democratic process.

Resource Implications:

None

Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall 13.05.2024
Is it also signed off by the Service Director for Finance?	N/A
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft 10.05.2024

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? YES

1. Summary

- 1.1 The Council's CGAC considered the report and appendices contained in Appendix 1 at its meeting on the 10th May 2024.
- 1.2 The report set out a number of proposed changes to the council's constitution which are described in paragraph 2 of Appendix 1 and appendices to that report.
- 1.3 It also set out a number of issues to note including:
 - Changes made to the constitution by the monitoring officer using delegated powers during the 2023/24 municipal year
 - Other changes made during the year which do not require council consent
 - The ongoing work to keep the council's constitution under review
- 1.4 The CGAC accepted most of the proposed changes but made some suggested amendments to the changes described in the report and appendices to the council procedure rules.

2. Information required to take a decision

2.1 ARTICLES

ARTICLE 6 – THE OVERVIEW AND SCRUTINY FUNCTION

- 2.2 Members agreed to remove responsibility for Flood Risk Management Strategy from OSMC and allocate responsibility to Environment and Climate Change Scrutiny Panel. This is because the revised remit of OSMC now includes corporate matters and as a result it is felt more appropriate to include flood risk management in the Environment and Climate Change Panel.

2.3 COUNCIL PROCEDURE RULES

- 2.4 Members of CGAC considered a number of proposed changes to the Council's procedure rules which included clarifying current processes relating to petitions, which are set out in the Petition scheme. These proposals were accepted subject to a slight amendment to make the wording more definitive. Additionally, it was agreed that petition debates would not take place during a consultation period and would not be debated if the matter had been listed for debate in the last 6 months. Debates would be scheduled within a reasonable time period.
- 2.5 Discussion took place in respect of CPR10 relating to the issue of whether to disallow video and audio presentations as part of a deputation. The Committee resolved not to accept the proposed wording to disallow this and suggested the issue be considered as part of a future review acknowledging that requests would have to be timely and comply with the Council's IT security policy.
- 2.6 Members accepted the proposed changes to CPRs 9 & 10 in order to make them consistent with CPR 11 to ensure that to be able to present a petition or deputation a person should be a resident or business owner in Kirklees.

- 2.7 With regard to proposed changes to questions from the public and Elected Members at Council, Cabinet and Committee meetings, the Panel discussed in detail suggested changes that would result in questions being submitted in writing and in advance. The questioner would receive a written response in advance of the meeting and be able to attend to ask a supplementary question should they wish. All questions would be published in advance of the meeting. During discussion of this issue, the Committee concluded that they were supportive of the change for full Council meetings but any proposed changes to questions at Cabinet and Council committees should be considered as part of a future review to fully consider the implications for public participation and transparency. With regard to answers being recorded on the webcast it was agreed to remove the time limit of 12 months and for it to be in line with the Council's retention policy.
- 2.8 Further proposals were considered in relation to speaking rights of Members and public speaking rights at committees (CPR 36 and CPR 37) were not accepted and it was suggested they be considered as part of a future review.

3 Implications for the Council

3.4 Council Plan

The Council Constitution sets out the decision-making structures of the Council; how it conducts its business; who is responsible for making decisions; and how decisions are made that affect the residents of Kirklees and contribute to all Council priorities.

3.5 Financial Implications

N/A

3.6 Legal Implications

N/A

3.7 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

N/A

4 Consultation

A number of relevant officers have been consulted.

5 Engagement

None

6 Options

6.1 Options Considered

We are required to review the constitution. Any proposed amendments where there may be options are set out in the report.

6.2 Reasons for Recommended Option

As above

7 Next steps and timelines

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

8 Contact officer

Julie Muscroft – Service Director – Legal, Governance and
Commissioning
01484 221 000
julie.muscroft@kirklees.gov.uk

9 Background Papers and History of Decisions

None

10 Appendices

Appendix 1 – Report considered by CGAC on 10 May 2024

11 Service Director responsible

Julie Muscroft – Service Director – Legal, Governance and
Commissioning
01484 221 000
julie.muscroft@kirklees.gov.uk

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REPORT TITLE: Proposed Amendments to the Council's Constitution

Meeting:	Corporate Governance and Audit Committee (Reference to Annual Council)
Date:	10th May 2024
Cabinet Member (if applicable)	Cllr Paul Davies
Key Decision Eligible for Call In	No
<p>Purpose of Report</p> <p>To set out proposed changes to the Council's Constitution as described in paragraph 2 and as set out in more detail in the report which show the proposed amendments.</p> <p>To also provide a summary of changes to the Constitution made by the Monitoring Officer using delegated powers since Annual Council 2023 in the Appendix.</p>	
<p>Recommendations</p> <p>That CGA:-</p> <ul style="list-style-type: none"> • Notes the changes made to the Constitution in 2023-2024 listed in Appendix 1 • Approves the proposed changes to the Constitution set out in section 2 of the report • Notes that work will continue to keep the Constitution under review • Recommends to Council that they note and approve (as applicable) the above recommendations and delegate authority to the Service Director – Legal, Governance and Commissioning to make appropriate amendments to the constitution which may be agreed by Council as well as any consequential amendments to the constitution to reflect the changes agreed <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • 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, as failure to do so could lead to challenges, unnecessary procedural delays and less transparency in the Council's democratic process 	
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall – 1st May

<p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>Isabel Brittain – 1st May</p> <p>Julie Muscroft – 1st May</p>
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Electoral wards affected: All

Ward Councillors consulted: NO

Public or private: Public

Has GDPR been considered? YES

1. Summary

- 1.1 This report will cover any changes proposed as well as any amendments made since 2023, both on the authority of Council and by the Monitoring Officer using delegated powers.
- 1.2 The report will 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.
- 1.3 There have been some changes using delegated authority granted to the Monitoring Officer by Council on 20th 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.

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 16 articles that set out how the Council operates.

ARTICLE 6 – THE OVERVIEW AND SCRUTINY FUNCTION

- 2.03 It is proposed to remove responsibility for Flood Risk Management Strategy from OSMC and allocate responsibility to Environment and Climate Change Scrutiny Panel. This is because the revised remit of OSMC now includes corporate matters and as a result it is felt more appropriate to include flood risk management in the Environment and Climate Change Panel.

6.1 Overview and Scrutiny Management Committee

- 6.1.1 *The Council will appoint the Overview and Scrutiny Management Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations under Section 32 of that Act and any subsequent legislation conferring overview and scrutiny functions, including that relating to scrutiny of health service provision. The Management Committee will also co-ordinate, oversee and manage the performance of those functions carried out by overview and scrutiny panels. The Overview and Scrutiny Management Committee will have responsibility for the statutory requirements in relation to scrutiny of crime and disorder matters ~~and Flood Risk Management Strategy~~*

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

- 2.04 It is proposed to update Standing Scrutiny Panels and remits in accordance with Scrutiny Structure as follows:

6.2.1

Panel	Scope
Environment and Climate Change	<i>All matters, Cabinet decisions, service provision (in particular those services that the relevant Cabinet Member(s) is responsible for), relating to the Environment, Climate Change, Highways, Streetscene and Culture and activities relating to partnerships and partner bodies within the portfolio. <u>Responsibility for statutory requirements in relation to Flood Risk Management Strategy</u></i>
Health and Adult Social Care	<i>As above in relation to service provision for adults including Public Health and activities relating to Health partner bodies. The Panel's role includes the specific responsibilities of the Council for scrutiny of health matters (see also 6.2.2 below)</i>
Children's	<i>As above in relation to service provision for children and all matters considered by partnerships and partner bodies within the portfolio</i>
Growth and Regeneration	<i>All matters, Cabinet decisions, service provision (in particular those services that the relevant Cabinet Member(s) are responsible for) relating to skills, growth, regeneration and housing</i>

PART 3 - RESPONSIBILITY FOR FUNCTIONS

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

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.

Council Procedure Rules

2.07 It is proposed that **CPR9** be amended as follows:

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 Revised June 2023 or Extra-ordinary Council) or an appropriate Committee, Sub-Committee or Panel meeting.*
- (2) *When a petition is received at a Council meeting the petitioner shall have a maximum of one minute to present their petition and no discussion shall take place on the item. There shall be no response at the meeting. The Mayor/Chair will acknowledge receipt.*

Referral of Subject Matter

- (3) *The Mayor will 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. Once a petition has been submitted additional signatories cannot be subsequently added.*

These amendments confirm the current processes which are explained to those submitting petitions and as set out in the Petition scheme.

2.08 It is proposed that **CPR 9a** be amended as follows:

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) may be permitted to present their petition to a future meeting of Council, subject to the validation of the petition. If the matter is listed for a Petition Debate the Petition Organiser (or their representative) will be permitted a maximum of five minutes to present their petition to the meeting, prior to the Council debating the matter (for a maximum of fifteen minutes). ~~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.~~

This amendment confirms the current process which is explained to those submitting petitions and as set out in the Petition scheme.

A Council debate shall not be listed in relation to matters upon which the Council is currently undertaking a consultation process.

This clarifies that petitions are not heard during a consultation process.

A petition may not be debated if a similar subject matter has previously been listed for debate in the previous 6 months

This amendment proposes that petitions relating to similar subject matters are not considered more than once in a six-month period. This makes them consistent with the treatment of deputations on similar matters which are not considered more than once in a six-month period.

- 2.09 It is proposed that **CPR10** be amended by the addition of the following to paragraph (9):

Size of Deputation and Speech

(9) The deputation shall not exceed five persons and the speech shall not exceed five minutes. Video/Slide or audio presentations are not permitted when presenting a deputation.

(10) 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.

(11) 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.

This reflects the current practice.

- 2.10 It is proposed that **CPRs 9 and 10** are amended to make them consistent with **CPR11** in respect of the need to be resident or a business owner in Kirklees in order to be able to present a petition or deputation.

It is proposed that the wording in paragraph 2.11 below be used in paragraph 9(1) and paragraph 10(1).

- 2.11 It is proposed that **CPR 11(1)** be amended by the addition of the following to paragraph (1)(a), as follows:

(1) (a) *Any Member of the public resident or operating a business in Kirklees and present at the meeting*

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.

2.12 It is proposed to amend **CPR 11(6)** by adding the following:

Answers to Questions

- (6) *A written answer will be provided to a written question and will be given to the questioner and to Councillors the day before the meeting. The question and answer will then be taken as read at the meeting itself and need not be read out.*

A copy of all written questions and written answers circulated at the meeting will be attached to the published agenda for the meeting.

Additional Questions

A member of the public who has put a written question may, if they are in attendance and, with the consent of the Chair, ask one supplementary question relating to the response on the same subject

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.

2.13 It is proposed to amend **CPR11(7)** as follows:

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. 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.*

2.14 It is proposed that **CPR 12** be amended to allow the provisions for questions by members of the public in **CPR 11(6) & (7)** to be applied to the provisions for Elected Members. **CPR 12** to be amended as follows:

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 three clear working days 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*

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/answered where the question appears defamatory, vexatious or requires the disclosure of confidential or exempt information.
- (3) A written answer will be provided to a written question and will be given to the questioner and to Councillors the day before the meeting. The question and answer will then be taken as read at the meeting itself and need not be read out. 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)(4) An answer may will 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~~
- ~~(ca) a written question and answer circulated to all Members within 7 days of the Council attached to the published agenda for the 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)(5) 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)(6) When an answer to a written question has been given, the Member who asked it may, if they are in attendance and, with the consent of the Chair, ask one supplementary question relating to the response on 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. Subject to the Mayor/Chair's discretion a 3 minute time limit applies for individual supplementary questions to be put.~~

~~(10)(7)~~ 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)(8)~~ The Service Director - Legal, Governance and Commissioning shall record in the Minutes of the meeting the question(s) and the name of the Respondent member. ~~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.

2.15 It is proposed that **CPR 36(1)** be amended to change member speaking rights as follows:

(1) Subject to paragraphs (2) and (3) below a Councillor who is not a Member of a Committee, Sub-Committee, or Panel may attend any meeting as an observer. Speaking rights for such Councillors attending as observers will be at the discretion of the Chair ~~That Councillor shall have the same speaking rights as any Member of that Committee Sub-Committee or Panel~~

This is to ensure better management of the meetings.

2.16 It is proposed that **CPR 37** be amended so that permission to speak will be at the Chair's discretion.

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 at the discretion 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.

2.17 Access to Information Procedure Rules

There are no proposed amendments to these rules.

2.18 Budget and Policy Framework Rules

There are no proposed amendments to these rules.

2.19 Executive Procedure Rules

There are no proposed amendments to these rules.

2.20 Financial Procedure Rules

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

2.21 Contract Procedure Rules

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

2.22 Overview and Scrutiny Procedure Rules

There are no proposed amendments to these rules.

2.23 Officer Employment Procedure Rules

There are no proposed amendments to these rules.

PART 5 – CODES and PROTOCOLS

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

2.25 Members Code of Conduct

There are presently no proposed amendments to the Code of Conduct.

2.26 Monitoring Officer Protocol

There are no proposed amendments to this protocol.

2.27 Protocol for Planning Committees and Sub-Committees

A number of changes were made to these during the year to reflect the changes to Planning Committee arrangements which are referred to in Appendix 1. There are no further proposed amendments to this protocol at this time.

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

There are no proposed amendments to this protocol.

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

There are no proposed amendments to this protocol.

2.30 Officers Code of Conduct

There are no proposed amendments to this protocol.

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

There are no proposed amendments to this protocol.

2.32 Licensing and Safety Committee Protocol

There are no proposed amendments to this protocol.

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

There are no proposed amendments to this protocol.

2.34 Safeguarding Protocol

There are no proposed amendments to this protocol.

2.35 Protocol for Online Meetings

There are no proposed amendments to this protocol.

2.36 Concurrent Functions Protocol

There are no proposed amendments to this protocol.

3. Implications for the Council

3.1 Council Plan

N/A

3.2 Financial Implications

N/A

3.3 Legal Implications

N/A

3.4 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

N/A

4. Consultation

A number of relevant officers have been consulted.

5. Engagement

None

6. Options

6.1 Options Considered

We are required to review the constitution. Any proposed amendments where there may be options are set out in the report.

6.2 Reasons for Recommended Option

As above.

7. Next steps and timelines

7.1 This report and any recommendations made by CGA will be considered by Annual Council on May 22nd 2024. Any feedback, comments or recommendations from this committee will be included in the report to Annual Council.

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

8. Contact officer

Julie Muscroft – Service Director – Legal, Governance and Commissioning
01484 221 000
julie.muscroft@kirklees.gov.uk

9. Background Papers and History of Decisions

None

10. Appendices

Appendix 1 - Amendments 2023-2024 (Information only)

11. Service Director responsible

Julie Muscroft – Service Director – Legal, Governance and Commissioning
01484 221 000
julie.muscroft@kirklees.gov.uk

APPENDIX 1

Constitutional amendments

2023-2024 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
PART 2 Articles of the Constitution		
Part 2	Approved at Annual Council 24 May	3 rd July 2023
Part 6	Approved at Annual Council 24 May	May 2024
PART 3 Responsibility for Functions		
Part 3 Section B	Monitoring Officer Delegation	24 th April 2023
Part 3 Section B	Approved at Annual Council 24 May	25 th May 2023
Part 3 Section B	Approved at Council 15 November	22 nd November 2023
Part 3 Section B	Monitoring Officer Delegation	15 th February 2024
Part 3 Section C Responsibility for Executive Functions	Approved at Annual Council 24 May	25 th May 2023
Part 3 Section C Responsibility for Executive Functions	Approved at Annual Council 24 May	25 th May 2023
Part 3 Section C Responsibility for Executive Functions	Approved at Council 13 September	18 th September 2023
Part 3 Section C Responsibility for Executive Functions	Amendment from Cabinet	20 th September 2023
Part 3 Section C Responsibility for Executive Functions	Amendment from Leader	9 th October 2023
Part 3 Section C Responsibility for Executive Functions	Monitoring Officer Delegation	21 st December 2023

Part 3 Section C Responsibility for Executive Functions	Monitoring Officer Delegation	3 rd January 2024
Part 3 Section C Responsibility for Executive Functions	Monitoring Officer Delegation	4 th April 2024
Part 3 Section F	Approved at Annual Council 24 May	3 rd July 2023
Part 3 Section F	Monitoring Officer Delegation	9 th October 2023
Part 3 Section F	Approved at Council 15 November	22 nd November 2023
PART 4 Rules of Procedure		
Part 4.1 Council Procedure Rules	Approved at Annual Council 24 May	25 th May 2023
Part 4.2 Access to Information Procedure Rules	Approved at Annual Council 24 May	25 th May 2023
Part 4.2 Access to Information Procedure Rules	Monitoring Officer Delegation	25 th January 2024
Part 4.6 Financial Procedure Rules	Approved at Annual Council 24 May	25 th May 2023
Part 4.7 Contract Procedure Rules	Approved at Annual Council 24 May	25 th May 2023
PART 5 Codes and Protocols		
Part 5	Approved at Council 15 November	22 nd November 2023
Part 5.3 Protocol for Planning Committee and Sub- Committees	Approved at Council 15 November	22 nd November 2023
Part 5.7 Protocol for Public Speaking at Planning Committee	Monitoring Officer Delegation	15 th February 2024
PART 6 Members' Allowances Scheme		
Minor amendment	Monitoring Officer Delegation	4 th April 2023
Minor amendment to salaries	Monitoring Officer Delegation	14 th November 2023
Allowances updated	Monitoring Officer Delegation	4 th April 2024



REPORT TITLE: Appointment of Committees, Boards and Panels

Meeting:	Annual Council
Date:	22 May 2024
Cabinet Member (if applicable)	Not applicable
Key Decision	No
Eligible for Call In	No – Non Executive Decision
Purpose of Report - To determine the appointment of the Committees, Boards and Panels of Council for the 2024/2025 Municipal Year.	
<p>Recommendations</p> <p>That approval be given to the establishment of the Committees, Boards and Panels as listed within this report, in accordance with the Council’s Constitution.</p> <p>Reasons for Recommendations</p> <p>To determine the appointment of the Committees, Boards and Panels of Council for the 2024/2025 Municipal Year.</p>	
Resource Implications: Not applicable	
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall 10.05.24
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft 10.5.24

Electoral wards affected: Not applicable

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? There are no GDPR implications

1. Executive Summary

Council is asked to determine the appointment of the Committees, Boards and Panels of Council for the 2024/2025 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 2024/2025 Municipal Year is in line with the Council/Executive/Overview and Scrutiny Arrangements, as described within the Council's Constitution (as amended).

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
District Wide Planning 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 **Council Plan** – Not applicable

3.2 **Financial Implications** – Not applicable

3.3 **Legal Implications** - Not applicable

3.8 **Other (eg Risk, Integrated Impact Assessment or Human Resources)** – Not applicable

4. **Consultation** – Not applicable

5. **Engagement** – Not applicable

6. Options

6.1 **Options considered** – Not applicable

6.2 **Reasons for recommended option** - Not applicable

7. Next steps and timelines

The Committees, Boards and Panels will be established in accordance with the decision of Council.

8. Contact officer

Leigh Webb, Acting Head of Governance

9. Background Papers and History of Decisions – Not applicable

10. Appendices – Not applicable

11. Service Director responsible

Julie Muscroft – Service Director for Legal, Governance and Commissioning

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Agenda Item 13

Committees/Panels/Boards	Total No. of members	Labour 30	Cons 15	Lib Dem 10	Green 4	KCIG 6	Independents 4	
Appeals Panel	15	7	3	2	1	1	1	
Statutory Officer Dismissal Committee	5	2	1	1	1	0	0	
Licensing and Safety Committee	15	7	3	2	1	1	1	
Standards Committee	7	2	2	1	0	1	1	
Personnel Committee	9	4	2	1	1	1	0	
Strategic Planning Committee	7	3	2	1	0	1	0	
District Wide Planning	9	4	2	1	1	1	0	
Corporate Governance and Audit	7	3	2	1	0	1	0	
Overview and Scrutiny Panels x 4	24	11	5	4	1	2	1	
Overview and Scrutiny Management Committee	5							Panel Chairs x4
Health and Wellbeing Board	5	3	1	1	0	0	0	(Non-proportional)

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Agenda Item 15

Day	Date	Time	Meeting
Monday	20/05/24		
Tuesday	21/05/24		
Wednesday	22/05/24	12:30pm	Annual Council
Thursday	23/05/24		
Friday	24/05/24		
Saturday	25/05/24		
Sunday	26/05/24		
Monday	27/05/24		BANK HOLIDAY
Tuesday	28/05/24		
Wednesday	29/05/24		
Thursday	30/05/24		
Friday	31/05/24		
Saturday	01/06/24		
Sunday	02/06/24		
Monday	03/06/24	9:30am	Appeals Panel (School Transport)
Tuesday	04/06/24		
Wednesday	05/06/24		
Thursday	06/06/24		
Friday	07/06/24		
Saturday	08/06/24		
Sunday	09/06/24		
Monday	10/06/24		
Tuesday	11/06/24	1:30pm	Cabinet
Wednesday	12/06/24	10:00am	Licensing Panel
Wednesday	12/06/24		
Thursday	13/06/24		
Friday	14/06/24		
Saturday	15/06/24		
Sunday	16/06/24		
Monday	17/06/24		
Tuesday	18/06/24	2:00pm	Overview and Scrutiny Management Committee
Wednesday	19/06/24	10:00am	Cabinet Committee - Local Issues
Wednesday	19/06/24		
Wednesday	19/06/24		
Thursday	20/06/24	1:00pm	Strategic Planning Committee
Friday	21/06/24		
Saturday	22/06/24		

Day	Date	Time	Meeting
Sunday	23/06/24		
Monday	24/06/24		
Monday	24/06/24		
Tuesday	25/06/24		
Wednesday	26/06/24	2:00pm	Environment and Climate Change Scrutiny Panel
Thursday	27/06/24	2:15pm	Health and Wellbeing Board
Friday	28/06/24	10:00am	Corporate Governance and Audit Committee
Friday	28/06/24		
Saturday	29/06/24		
Sunday	30/06/24		
Monday	01/07/24	10:00am	Growth and Regeneration Scrutiny Panel
Tuesday	02/07/24		
Wednesday	03/07/24	10:00am	Licensing And Safety Committee
Thursday	04/07/24	1:00pm	District Wide Planning Committee
Friday	05/07/24	10:30am	Childrens Scrutiny Panel
Saturday	06/07/24		
Sunday	07/07/24		
Monday	08/07/24	9:30am	Appeals Panel (School Transport)
Monday	08/07/24	10:00am	Licensing Panel
Tuesday	09/07/24	1:30pm	Cabinet
Wednesday	10/07/24	2:00pm	Health and Adult Social Care Scrutiny Panel
Friday	12/07/24		
Saturday	13/07/24		
Sunday	14/07/24		
Monday	15/07/24		
Tuesday	16/07/24		
Wednesday	17/07/24	5:30pm	Council
Thursday	18/07/24	10:00am	Cabinet Committee - Local Issues
Saturday	20/07/24		
Sunday	21/07/24		
Monday	22/07/24		
Tuesday	23/07/24		
Wednesday	24/07/24		
Thursday	25/07/24	2:15pm	Health and Wellbeing Board
Friday	26/07/24	10:00am	Corporate Governance and Audit Committee
Saturday	27/07/24		

Day	Date	Time	Meeting
Sunday	28/07/24		
Monday	29/07/24		
Tuesday	30/07/24	2:00pm	Overview and Scrutiny Management Committee
Wednesday	31/07/24		
Thursday	01/08/24	1:00pm	Strategic Planning Committee
Friday	02/08/24		
Saturday	03/08/24		
Sunday	04/08/24		
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Sunday	11/08/24		
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Monday	19/08/24		
Tuesday	20/08/24	10:00am	Cabinet Committee - Local Issues
Wednesday	21/08/24	2:00pm	Health and Adult Social Care Scrutiny Panel
Thursday	22/08/24		
Friday	23/08/24		
Saturday	24/08/24		
Sunday	25/08/24		
Monday	26/08/24		BANK HOLIDAY
Tuesday	27/08/24		
Wednesday	28/08/24		
Thursday	29/08/24		
Friday	30/08/24	10:30am	Childrens Scrutiny Panel
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Sunday	01/09/24		
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Wednesday	04/09/24	10:00am	Licensing Panel
Thursday	05/09/24	1:00pm	Strategic Planning Committee
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Wednesday	25/09/24	10:00am	Standards Committee
Wednesday	25/09/24	2:00pm	Environment and Climate Change Scrutiny Panel
Thursday	26/09/24	2:15pm	Health and Wellbeing Board
Friday	27/09/24	10:00am	Corporate Governance and Audit Committee
Friday	27/09/24		
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Tuesday	01/10/24		
Tuesday	01/10/24		
Wednesday	02/10/24	10:00am	Licensing And Safety Committee
Thursday	03/10/24		

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Tuesday	31/12/24		
Wednesday	01/01/25		BANK HOLIDAY
Thursday	02/01/25		
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Thursday	13/02/25		
Friday	14/02/25		
Saturday	15/02/25		
Sunday	16/02/25		
Monday	17/02/25		
Tuesday	18/02/25		

Day	Date	Time	Meeting
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Friday	21/02/25		
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Wednesday	16/04/25	2:00pm	Environment and Climate Change Scrutiny Panel
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Wednesday	23/04/25		
Thursday	24/04/25	1:00pm	District Wide Planning Committee
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Saturday	26/04/25		

Day	Date	Time	Meeting
Sunday	27/04/25		
Monday	28/04/25		
Tuesday	29/04/25		
Wednesday	30/04/25		
Thursday	01/05/25		
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Monday	19/05/25		
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Thursday	22/05/25		
Friday	23/05/25		
Saturday	24/05/25		
Sunday	25/05/25		
Monday	26/05/25		BANK HOLIDAY
Tuesday	27/05/25		
Wednesday	28/05/25		
Thursday	29/05/25		
Friday	30/05/25		

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REPORT TITLE: Appointment of Members to Joint Authorities

Meeting:	Annual Council
Date:	22 May 2024
Cabinet Member (if applicable)	Not applicable
Key Decision	No
Eligible for Call In	No – Non Executive Decision

Purpose of Report - To consider and determine the membership of Joint Authorities in 2023/2024.

Recommendations

- (1) That Council appoint the Leader as Kirklees Council’s Elected Member for the West Yorkshire Combined Authority (WYCA), with the Deputy Leader as the WYCA Substitute Member and notes that these members will also be appointed to the WYCA Governance and Audit Committee and the WYCA Finance, Resources and Corporate Committee.
- (2) 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.
- (3) That Council delegate authority to the Service Director – Legal, Governance and Commissioning, in consultation with the Group Business Managers, to nominate members to WYCA’s Transport Committee, 4 members; 2 Ordinary, 1 Transport Engagement Lead, 1 Transport Portfolio Holder.
- (4) That Council delegate authority to the Service Director – Legal, Governance and Commissioning, in consultation with Group Business Managers, to nominate Members and substitutes to the WYCA Scrutiny Committee(s).
- (5) That Council delegate authority to the Service Director – Legal, Governance and Commissioning, in consultation with Group Business Managers, to:
 - a. confirm any relevant Portfolio Holder to be appointed, or
 - b. make any additional/revised nominations

to any WYCA Committee or Panel, as requested by WYCA after this Council’s annual meeting.

Kirklees has 1 place (for the Portfolio Holder or most appropriate Member) on each of the five-WYCA Committees:

- (i) Business, Economy and Innovation Committee
- (ii) Climate, Energy and Environment Committee
- (iii) Place, Regeneration and Housing Committee
- (iv) Employment and Skills Committee
- (v) Culture, Heritage and Sports Committee

- (6) That Council delegate authority to the Service Director – Legal, Governance and Commissioning, in consultation with the Group Business Managers, to appoint a representative and substitute to the West Yorkshire Business Board (LEP)
- (7) That in order to fill places on (i) West Yorkshire Fire and Rescue Authority, and (ii) West Yorkshire Police and Crime Panel, Council delegate authority to Group Business Managers for determination.
- (8) 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.

Reasons for Recommendations

To enable the determination of the membership of Joint Authorities for the 2024/2025 Municipal Year.

Resource Implications: Not applicable

Date signed off by Strategic Director & name

Rachel Spencer Henshall
N/A

Is it also signed off by the Service Director for Finance?

Kevin Mulvaney
N/A

Is it also signed off by the Service Director for Legal Governance and Commissioning?

Julie Muscroft
10-5-24

Electoral wards affected: Not applicable

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? There are no GDPR implications

1. Executive Summary

To consider and determine the membership of Joint Authorities in 2024/2025.

2. Information required to take a decision

West Yorkshire Fire & Rescue Authority

The Council is entitled to appoint four Members, on a ratio of 2:1:1, 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 approve the recommendations set out in this report.

West Yorkshire Business Board (LEP)

Council is asked to delegate authority to the Service Director – Legal, Governance and Commissioning, in consultation with the Group Business Managers, to appoint a local authority representative and substitute to the West Yorkshire Business Board (LEP).

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 **Council Plan** – Not applicable
 - 3.2 **Financial Implications** – Not applicable
 - 3.3 **Legal Implications** - Not applicable
 - 3.8 **Other (eg Risk, Integrated Impact Assessment or Human Resources)** – Not applicable
- 4. Consultation** – Not applicable
- 5. Engagement** – Not applicable
- 6. Options**
 - 6.1 **Options considered** – Not applicable
 - 6.2 **Reasons for recommended option** - Not applicable
- 7. Next steps and timelines**

Subject to approval, the relevant organisations will be informed of the appointments.
- 8. Contact officer**

Leigh Webb, Acting Head of Governance
- 9. Background Papers and History of Decisions** – Not applicable
- 10. Appendices** – Not applicable
- 11. Service Director responsible**

Julie Muscroft – Service Director for Legal, Governance and Commissioning



REPORT TITLE: Appointments to Outside Bodies/Other Committees

Meeting:	Annual Council
Date:	22 May 2024
Cabinet Member (if applicable)	Not applicable
Key Decision	No
Eligible for Call In	No – Non Executive Decision
Purpose of Report - To determine the appointment of representatives to Outside Bodies/ Other Committees for the 2024/2025 Municipal Year.	
<p>Recommendations</p> <ol style="list-style-type: none"> 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 the 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). 4) That, Council delegate authority to the Leader, in consultation with Group Business Managers, to nominate one nominee and a substitute to the Yorkshire Purchasing Organisation (YPO) Management Committee and to nominate a Director to the associated limited company: YPO Procurement Holdings Ltd. 5) That authority be delegated to the Group Business Managers to determine which of the two appointed Members on Kirklees Active Leisure 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. <p>Reasons for Recommendations</p> <p>To enable the determination of the membership of Outside Bodies and other Committees for the 2024/2025 Municipal Year</p>	
Resource Implications: Not applicable	
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall N/A

<p>Is it also signed off by the Service Director for Finance?</p>	<p>Kevin Mulvaney N/A</p>
<p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>Julie Muscroft 10-5-24</p>

Electoral wards affected: Not applicable

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? There are no GDPR implications

1. Executive Summary

To consider and determine the allocation of places/ratios, as appropriate, to the Outside Bodies as detailed within this report, for the 2024/2025 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 (see previous report)
- (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, 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.

Appendix 1 sets out the list of bodies to which the Council is asked to make nominations.

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. The Leader (in consultation with Group Business Managers) will nominate one nominee (and a substitute) to the Yorkshire Purchasing Organisation (YPO) Management Committee and nominate a Director to the associated limited company: YPO Procurement Holdings Ltd. This position can be held by the main nominee.

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.

- 3. Implications for the Council**
 - 3.1 **Council Plan** – Not applicable
 - 3.2 **Financial Implications** – Not applicable
 - 3.3 **Legal Implications** - Not applicable
 - 3.8 **Other (eg Risk, Integrated Impact Assessment or Human Resources)** – Not applicable
- 4. Consultation** – Not applicable
- 5. Engagement** – Not applicable
- 6. Options**
 - 6.1 **Options considered** – Not applicable
 - 6.2 **Reasons for recommended option** - Not applicable
- 7. Next steps and timelines**

Subject to approval, the relevant organisations will be informed of the appointments.
- 8. Contact officer**

Leigh Webb, Acting Head of Governance
- 9. Background Papers and History of Decisions** – Not applicable
- 10. Appendices** – Appendix 1 Schedule of Outside Bodies
- 11. Service Director responsible**

Julie Muscroft – Service Director for Legal, Governance and Commissioning

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NAME	Number of Representatives
Migration Yorkshire Board	1
Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROL)	1
West Yorkshire Adoption Joint Committee 'ONE ADOPTION'	1 + sub
West Yorkshire Joint Services Committee	2+2 subs
Yorkshire and Humber (Local Government) Employers Assoc	1
Yorkshire and Humber Strategic Migration Group	1
Yorkshire Purchasing Organisation (YPO) Management Committee	1+ sub
Yorkshire Purchasing Organisation (YPO) Procurement Holdings Limited Company Board	1
Adult Learning Advisory Board	1
Armed Forces Covenant Board	1
Children's Partnership Board	4 + Chair of Children's Scrutiny Panel
Community Learning Trust	1
Kirklees Active Leisure	2
Kirklees Communities Partnership Board	4
Kirklees Schools Services Ltd	1+1 Alternate
Local Government Association - General Assembly	4
School Organisation Advisory Group	6
Veterans Advisory & Pensions Committee, Yorkshire and the Humber	1
West Yorkshire and Harrogate Health and Care Partnership	2
Calderdale and Kirklees Careers Limited	3
C&K Careers Limited Holding Company	3
Calderdale and Huddersfield NHS Foundation Trust - Council of Governors	1
Creative Media Centres Limited	1
Dewsbury Endowed Schools Foundation Trust Advisory Working Party	8
Environment Agency - Yorkshire Regional Flood and Coastal Committee	1+ Deputy
Fostering Panel	2
Huddersfield Industrial Advisory Panel	1
Kirklees Community Association	6
Kirklees Community Fund Grants Panel	2
Kirklees Henry Boot Partnership	1
Kirklees Historic Buildings Trust Ltd	6
Kirklees Stadium Development Ltd	2 + 1 Alternate
Kirklees Theatre Trust (Lawrence Batley Theatre)	3
Locala Community Partnership Members' Council	1
Musica Kirklees (formerly Kirklees Music School)	2
National Association of British Market Authorities	3
National Coal Mining Museum for England Trust Ltd - Liaison Committee	2
Peak District National Park Authority	1
Pennine Prospects	1
QED (KMC) Limited (Special Schools)	1
Reserve Forces and Cadets Association for Yorkshire and the Humber	1
South West Yorkshire Partnership NHS Foundation Trust - Members' Council	1
Special Interest Group of Metropolitan Authorities (SIGOMA)	1
Standing Advisory Council for Religious Education	4
SUEZ (Kirklees) Limited	1
Trans Pennine Trail Members' Steering Group	2
West Yorkshire One Adoption - Adoption Panels	2
West Yorkshire Pension Fund - Joint Advisory Group	3

West Yorkshire Pension Fund -Investment Panel	2
Batley Cricket, Athletic and Football Club (formerly Batley Bulldogs)	3
Batley Girls Leaving Scholarship Fund	1
Batley Grammar School Trustees	1
Charles Brook Convalescent Fund	1
Dewsbury Guild of Help / Whittuck Charity	2
Fletcher Charity	6
George Beaumont Foundation	1
Golcar Township Lands Charity	2
Holly Bank Trust	1
Huddersfield Education Trust	2
King James School Foundation	1
Laneside Landfill Community Trust	1
Longwood Grammar School Foundation	1
Mirfield Educational Charity	3
Mitcheson Bequest	2
R J Whitehead Almshouses	1
Roebuck Memorial Homes and Gardens	2
The Thurstonland School with Ludlum and Horsfall Foundation	1
Thornhill Pools Estate Charity	5
Walker and Greenwood Educational Charity	6
Wheelwright Old Boys War Memorial Fund	1
Whitcliffe Mount School Scholarship Trust	1
William Greenwood Homes	2
Officer Places	
Dewsbury Learning Trust	1
Globe Innovation Centre Ltd	1
North Huddersfield Trust	1
Spennorth Co-operative Trust	1



REPORT TITLE: Spokespersons of Joint Committees and External Bodies

Meeting:	Annual Council
Date:	22 May 2024
Cabinet Member (if applicable)	Not applicable
Key Decision	No
Eligible for Call In	No – Non Executive Decision
Purpose of Report - To consider the appointment of spokespersons for Joint Committees/ External Bodies for the 2024/2025 Municipal Year.	
<p>Recommendations</p> <ol style="list-style-type: none"> 1) That the nomination of spokespersons to reply to oral questions at meetings of Council, on behalf of Kirklees Active Leisure and West Yorkshire Police and Crime Panel, be delegated to Group Business Managers for determination. 2) That it be noted that the Member appointed by Council to the West Yorkshire Combined Authority will be the spokesperson for that body and its Committees. 3) That it be noted that the Member appointed to the post of Transport Engagement Lead on the WYCA Transport Committee will be the spokesperson for that body. 4) That it be noted that the spokespersons for the West Yorkshire Fire and Rescue Authority and West Yorkshire Joint Services Committee will be notified by those bodies. 5) That the appointed spokesperson for the West Yorkshire Adoption Joint Committee (One Adoption) be the relevant Cabinet Portfolio Holder. <p>Reasons for Recommendations</p> <p>To enable the determination of appointment of spokespersons for Joint Committees/External Bodies for the 2024/2025 Municipal Year.</p>	
Resource Implications: Not applicable	
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall N/A
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney N/A

Is it also signed off by the Service Director for Legal Governance and Commissioning?

Julie Muscroft
10-5-24

Electoral wards affected: Not applicable

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? There are no GDPR implications

1. Executive Summary

To consider the appointment of spokespersons for Joint Committees/External Bodies for the 2023/2024 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 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 Council Plan – Not applicable

3.2 Financial Implications – Not applicable

3.3 Legal Implications - Not applicable

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources) – Not applicable

4. Consultation – Not applicable

5. Engagement – Not applicable

6. Options

6.1 Options considered – Not applicable

6.2 **Reasons for recommended option** - Not applicable

7. **Next steps and timelines**

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

8. **Contact officer**

Leigh Webb, Acting Head of Governance

9. **Background Papers and History of Decisions** – Not applicable

10. **Appendices** – Not applicable

11. **Service Director responsible**

Julie Muscroft – Service Director for Legal, Governance and Commissioning

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