

Public Document Pack

Kirklees Council



Tuesday 13 May 2025

Dear Member

The Council will meet on Wednesday 21 May 2025 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 2.45pm 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 2025/2026 Municipal Year

To elect the Mayor for the ensuing 2025/2026 Municipal Year.

2: To Appoint the Deputy Mayor for the 2025/2026 Municipal Year

To appoint the Deputy Mayor for the ensuing 2025/2026 Municipal Year.

3: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

4: To approve the Minutes of the Ordinary Meeting of the Council held on 23 April 2025 1 - 8

To approve as a correct record and authorise the signing of the Minutes of the Ordinary Meeting of the Council held on 23 April 2025.

5: Declaration of Interests 9 - 10

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.

6: Apologies for Absence

Group Business Managers to advise of any apologies for absence.

7: Proposed Revisions to Contract Procedure Rules (Reference from Corporate Governance and Audit Committee) 11 - 60

To consider the report.

Contact: Ruth Calladine, Head of Procurement and Commissioning Support

8: Proposed Revisions to Financial Procedure Rules (Reference from Corporate Governance and Audit Committee) 61 - 116

To consider the report.

Contact: Martin Dearnley, Head of Audit and Risk

9: Proposed Amendments to the Council's Corporate Code of Governance (Reference from Corporate Governance and Audit Committee) 117 - 140

To consider the report.

Contact: Samantha Lawton, Service Director – Legal, Governance and Commissioning

10: Proposed Revisions to the Council's Constitution (Reference from Corporate Governance and Audit Committee) 141 - 210

To consider the report.

Contact: Samantha Lawton, Service Director – Legal, Governance and Commissioning

11: Dates of Council Meetings for the 2025/2026 Municipal Year (Reference from Corporate Governance and Audit Committee) 211 - 214

To consider the report.

Contact: Leigh Webb, Head of Governance

12: Appointment of Committees, Boards and Panels 215 - 218

To determine the Committees, Boards and Panels of the Council for the 2025/2026 Municipal Year.

Contact: Leigh Webb, Head of Governance

13: Allocation of Seats 219 - 220

To determine, for the 2025/2026 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, Head of Governance

14: Membership of Committees, Boards and Panels

To determine the Membership of Committees, Boards and Panels for the 2025/2026 Municipal Year, in accordance with nominations from Group Business Managers.

(Schedule to follow)

15: Dates and Times of Committees, Boards and Panels

221 -
230

To determine the date and time of Meetings of Committees, Boards and Panels for the 2025/2026 Municipal Year.

Contact: Leigh Webb, Head of Governance

16: Appointment of Members to Joint Authorities

231 -
234

To determine the arrangements for the allocation of seats on Joint Authorities for the 2025/2026 Municipal Year.

Contact: Leigh Webb, Head of Governance

17: Appointments to Outside Bodies and Other Committees

235 -
240

To determine the appointment of representatives to other Committees, Outside Bodies etc for the 2025/2026 Municipal Year, except for those to bodies which is excisable only by the Leader

or is delegated by the Council.

Contact: Leigh Webb, Head of Governance

18: Appointment of Spokespersons for Joint Committees and External Bodies

241 -
244

To determine the Council's spokespersons nominated to reply to oral questions at Council for the 2025/2026 Municipal Year.

Contact: Leigh Webb, Head of Governance

19: Appointment of Chairs of Committees, Boards and Panels

To appoint Chairs of the following Committees, Boards and Panels for the 2025/2026 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
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By Order of the Council



Steve Mawson
Chief Executive

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Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Council Chamber - Town Hall, Huddersfield on Wednesday 23 April 2025**

PRESENT

The Mayor (Councillor Nosheen Dad) in the Chair

COUNCILLORS

Councillor Beverley Addy	Councillor Masood Ahmed
Councillor Munir Ahmed	Councillor Itrat Ali
Councillor Karen Allison	Councillor Bill Armer
Councillor Ali Arshad	Councillor Timothy Bamford
Councillor Donna Bellamy	Councillor Tanisha Bramwell
Councillor Damian Brook	Councillor Cahal Burke
Councillor Aafaq Butt	Councillor Andrew Cooper
Councillor Moses Crook	Councillor Hanifa Darwan
Councillor Paola Antonia Davies	Councillor Eric Firth
Councillor Charles Greaves	Councillor David Hall
Councillor Tyler Hawkins	Councillor Lisa Holmes
Councillor James Homewood	Councillor Zahid Kahut
Councillor Viv Kendrick	Councillor Musarrat Khan
Councillor Jo Lawson	Councillor John Lawson
Councillor Vivien Lees-Hamilton	Councillor Susan Lee-Richards
Councillor David Longstaff	Councillor Gwen Lowe
Councillor Andrew Marchington	Councillor Tony McGrath
Councillor Hannah McKerchar	Councillor Matthew McLoughlin
Councillor Alison Munro	Councillor Darren O'Donovan
Councillor Carole Pattison	Councillor Amanda Pinnock
Councillor Andrew Pinnock	Councillor Kath Pinnock
Councillor Ashleigh Robinson	Councillor Jane Rylah
Councillor Imran Safdar	Councillor Angela Sewell
Councillor Joshua Sheard	Councillor Will Simpson
Councillor Anthony Smith	Councillor Elizabeth Smaje
Councillor Richard Smith	Councillor Mohan Sokhal
Councillor John Taylor	Councillor Mark Thompson
Councillor Graham Turner	Councillor Sheikh Ullah
Councillor Alex Vickers	Councillor Adam Zaman
Councillor Habiban Zaman	

174 Announcements by the Mayor and Chief Executive

The Mayor acknowledged the death of His Holiness Pope Francis and conveyed the thoughts of the Council to the Roman Catholic Church.

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The Mayor advised that, in support of the Forgot Me Not Children's Hospice, she would be donating her hair, and welcomed any donations to her Go Fund Me Page.

175 **Apologies for absence**

Apologies for absence were received on behalf of Councillors Amin, Anwar, Bolt, Daji, Holt, Hussain, McCarthy, Moore and Scott.

176 **Minutes of Previous Meeting**

RESOLVED – That the Minutes of the Meeting held on 5 March 2025 be approved as a correct record.

177 **Declaration of Interests**

There were no declarations of interest.

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

Under the provision of Council Procedure Rule 9, Council received petitions from Councillor Taylor concerning an accident blackspot in Shepley and from Councillor Cooper relating to a change to the Council's governance model.

The Mayor advised that, in accordance with Council Procedure Rule 9(3), the subject matter of the petitions be referred to the relevant Service Director.

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

Council received a deputation from Clare Walters regarding the enforcement of planning conditions at Laneside Quarry.

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

180 **Public Question Time**

No questions were asked.

181 **West Yorkshire Combined Authority - Minutes**

The Minutes of West Yorkshire Combined Authority held on 30 January 2025 were received and noted.

182 **Pay Policy Statement 2025/2026 (Reference from Personnel Committee)**

It was moved by Councillor Crook, seconded by Councillor Taylor and

RESOLVED – That the Annual Pay Policy Statement for 2025/2026 be approved, in accordance with the Localism Act 2011.

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

Council received the following written questions in accordance with Council Procedure Rule 12;

Question from Councillor Vickers

"Is Kirklees Council failing children with SEND needs and their families?"

A response was provided by the Cabinet Member for Education and Communities (Councillor Amanda Pinnock).

Question from Councillor Cooper

“How many grants has Kirklees secured from the West Yorkshire Combined Authority Brownfield Housing Fund?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Graham Turner).

Question from Councillor Robinson

“How will the Council empower local residents to take an active role in shaping their communities, and what support will be in place to ensure their voices are heard?”

A response was provided by the Cabinet Member for Education and Communities (Councillor Amanda Pinnock).

Question from Councillor Smith

“What steps is the Council taking to strengthen community cohesion, ensuring that people from different backgrounds feel included and connected within their local area?”

A response was provided by the Cabinet Member for Education and Communities (Councillor Amanda Pinnock).

Question from Councillor Burke

“How will the Council ensure that local businesses, voluntary groups, and cultural organisations are supported to contribute to vibrant and thriving communities across Kirklees?”

A response was provided by the Cabinet Member for Education and Communities (Councillor Amanda Pinnock).

Question from Councillor Taylor

“Can you tell me how many times the Council would need to fail to collect bins from a street due to access problems (parked cars) before looking at an alternative collection approach?”

A response was provided by the Cabinet Member for Environment and Highways (Councillor Munir Ahmed).

Question from Councillor Longstaff

“The Huddersfield Giants are moving to the Shay Halifax for the next few years to play their home games. They would like to build a new stadium in Huddersfield but no location and no planning permission yet sorted. This could result in losing our heritage and another blow to Huddersfield. How does the Cabinet intend to support this local club in securing a suitable location?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Graham Turner).

Question from Councillor Longstaff

“At the February Council meeting you suggested that the large number of shops closing in Huddersfield was natural churn. I received a lot of negative comments from ordinary people about this comment. On reflection have you changed your mind?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

Question from Councillor Longstaff

“We have all signed on to the Vision Zero Strategy to reduce the number of accidents in Kirklees. Every time I try to adjust speed limits on roads outside schools, I get quoted a Cabinet decision dating back to 2013. Therefore, can the Cabinet have another look at this decision considering Vision Zero?”

A response was provided by the Cabinet Member for Environment and Highways (Councillor Munir Ahmed).

Question from Councillor Munro

“Cabinet approved funding for resurfacing Lascelles Hall Rd in February 2023. Due to the economic situation, funding was clawed back. Following complaints about the road surface, the Council recently decided to fill in potholes, however these are indistinguishable as the surface is like one huge patchwork quilt. Does this mean the Council are using the funding for potholes from the Government for roads that desperately need re-surfacing instead and if so, why?”

A response was provided by the Cabinet Member for Environment and Highways (Councillor Munir Ahmed).

Question from Councillor Munro

“Why is this Council failing to work with community groups to support them with projects as in the case of Tolson Friends, who have been trying to renew a lease for a new communal hut at the rear of Tolson Museum since 2016, when the Council has now suddenly suggested to both the croquet club and the bowling green club in the Park that leases will be available to negotiate?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

Question from Councillor Darwan

“The Council wants to have a full picture of local need for physical activity as it plans services for the future. People in Dewsbury will get the chance to have their say on sport and physical activity in their community this summer. The Cabinet report agreed in 2024 stated that more work was needed to understand what people would want to participate in to help improve their health as well as those activities that would increase wellbeing and social connectedness. A specification will be put out to the market this week to procure a company who will run qualitative and quantitative engagement to gain insights from residents on what activities they want to participate in, to identify what interventions are needed. It is hoped that the project fieldwork will begin mid-May.

How much is this survey going to cost the taxpayer and is there a need for this, especially when the Council have already heard from members of the local communities explain what their needs are regarding physical activities in line with their health and wellbeing and their needs fell on deaf ears, since the Dewsbury Sports Centre closed in 2023 with the centre shutting permanently in 2024?”

A response was provided by the Leader of the Council (Councillor Carole Pattison).

Question from Councillor Munro

“Will the disposal of land known as HS9 in Fenay Bridge result in an undervalue that does not exceed the upper threshold of £2m?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

Question from Councillor Taylor

“Given the resource constraints, how do you prioritise which pavements to clean?”

A response was provided by the Cabinet Member for Environment and Highways (Councillor Munir Ahmed).

Question from Councillor K Pinnock

“What progress has been made in pursuance of the Council budget decision to use this year to draw up a contract of work to do the immediate repairs required to Cleckheaton Town Hall?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

Question from Councillor Andrew Pinnock

“Can the Cabinet Member for planning and heritage explain why a statutory requirement for planning consent for the removal of Oakenshaw Cross has not been fulfilled?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

Question from Councillor John Lawson

“A series of FOIs by the Bradford T&A about the future of Oakenshaw Cross has revealed that a critical barrier to the restoration of the Cross is an unresolved dispute between Council services as to responsibility. Is this an example of ‘One Council’?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

Question from Councillor K Pinnock

“When the Cabinet decided to close Cleckheaton (Spen Valley) Town Hall, ward councillors proposed that the remainder of the £1.5m allocated to the town should be used to do essential repairs. Has this now been agreed?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

Question from Councillor John Lawson

“What assessment has been done to establish the traffic impact on Bradford Road from Oakenshaw to Chain Bar of the addition of a bus lane?”

A response was provided by the Deputy Leader of the Council (Councillor Crook).

Question from Councillor John Lawson

“What is the environmental impact and justification of the removal of many mature trees and hedgerow in order to create a bus lane on Bradford Road Oakenshaw?”

A response was provided by the Deputy Leader of the Council (Councillor Crook)

184

Minutes of Cabinet and Cabinet Committee - Local Issues

Council received the Minutes of (i) Cabinet held on 11 February 2025 and 11 March 2025 and (ii) Cabinet Committee – Local Issues held on 22 January 2025 and 19 February 2025.

185 Holding the Executive to Account

Council received an update from the Leader of the Council regarding the LGA Corporate Peer Challenge prior to oral questions to the Leader and Cabinet Members in accordance with Council Procedure Rule 13.

186 Local Government Association Corporate Peer Challenge - Kirklees Council Action Plan (Reference from Cabinet)

It was moved by Councillor Pattison, seconded by Councillor Hawkins and

RESOLVED – That the Local Government Association report, Council Action Plan and next steps and timelines be noted.

187 Minutes of Other Committees

Council received the Minutes of (i) Corporate Governance and Audit Committee held on 31 January 2025 and 21 February 2025 (ii) District Wide Planning Committee held on 23 January 2025 (iii) Health and Wellbeing Board held on 16 January 2025 (iv) Licensing and Safety Panel held on 18 December 2024 (v) Overview and Scrutiny Management Committee held on 17 January 2025 (vi) Standards Committee held on 23 October 2024 and (vii) Strategic Planning Committee held on 30 January 2025.

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

Council received oral questions in accordance with Council Procedure Rule 13(4).

(It was moved by Councillor Taylor and seconded by Councillor Armer that under the provision of Council Procedure Rule 16, the submitted Motion to be considered as the next agenda item, be put to the vote without debate, and that the meeting time be extended to enable this. The proposal, upon being put to the vote, was agreed).

189 Motion submitted in accordance with Council Procedure Rule 14 as to Protecting Local Democratic Oversight in Planning Decisions

It was moved by Councillor Taylor and seconded by Councillor Armer that;

This Council notes that:

- Angela Rayner, the Deputy Prime Minister, has published a Planning and Infrastructure Bill proposing significant changes to the planning system, aimed at liberalising planning rules.
- The Local Government Association (LGA) has raised serious concerns that these reforms could weaken local democratic oversight and reduce the ability of councils to shape development in their areas.
-

This Council believes that:

- The proposed changes risk removing councillors from key planning decisions, shifting power to unelected planning officers or central government. This would undermine local democracy and public trust in the planning system.

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- These reforms could lead to inappropriate developments, overriding Local Plans and weakening councils' ability to ensure high-quality, sustainable, and locally appropriate developments.
- There is a real danger that infrastructure and public services will not keep pace with new developments if local oversight is removed, leading to increased pressure on roads, schools, healthcare, and other essential services.
- Weakening council control over planning decisions could also result in greater influence from large developers, reducing community input and the ability to enforce affordable housing requirements or environmental protections.

This Council therefore resolves to:

- Formally oppose the proposed planning changes and request that the Leader of the Council writes to the Deputy Prime Minister outlining these concerns, calling for amendments to safeguard local democratic accountability.
- Publish the letter (website and social media) to raise public awareness of the issue and seek public support for the Council's stance.
- Engage with Town and Parish Councils across the district to gather their views and ensure their concerns are represented in the Council's formal submission to the Government.
- Work with the Local Government Association (LGA) and other local authorities to lobby the Government for protections that retain local councillor involvement in planning decisions.
- Explore alternative mechanisms to ensure councillors can continue to represent their communities and have a meaningful say in planning decisions if these legislative changes proceed.

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

RESOLVED – That the Motion not be approved.

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.



Report title: Proposed Revisions to Contract Procedure Rules 2025 (Reference from Corporate Governance and Audit Committee)

Meeting	Annual Council
Date	21 May 2025
Cabinet Member (if applicable)	Not applicable
Key Decision Eligible for Call In	No No
<p>Purpose of Report To provide information on the proposed changes to Contract Procedure Rules for the municipal year 2025/26.</p>	
<p>Recommendations</p> <ul style="list-style-type: none"> Annual Council is asked to approve the proposed changes to Contract Procedure Rules for the municipal year 2025/26. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> These changes were considered, and recommended, by Corporate Governance and Audit Committee on 7 March 2025 The Contract Procedure Rules ensure that the Council is acting in line with current legislation and other development in public law when conducting procurements. The proposed changes are needed due to the implementation of the Procurement Act 2023, effective from 24 February 2025 and to address inconsistencies in terminology and definitions. 	
<p>Resource Implication: There are no direct resource implications. Contract Procedure Rules cover all aspect of the Councils operations. The legal obligation to have CPR's is to comply with Section 135 Local Government Act 1972. The council is a public authority and a contracting authority for the purpose of, and is therefore subject to, the procurement regulations (the Procurement Act 2023 and the Public Contracts Regulations 2015).</p>	
<p>Date signed off by <u>Executive Director</u> & name</p> <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 (Monitoring Officer)?</p>	<p>Rachel Spencer-Henshall – Deputy Chief Executive and Executive Director for Public Health and Corporate Resources (23/4/25)</p> <p>Kevin Mulvaney – Service Director Finance (23/4/25)</p> <p>Samantha Lawton – Service Director Legal & Commissioning (22/4/2025)</p>

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 2025/26
- 1.2 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 The Procurement Act 2023 (the “Act”) came into force on 24 February 2025 and the council is subject to this new legislation for all covered procurements and regulated below threshold procurements.
- 1.4 The previous regulations (the Public Contracts Regulation 2015) will however still apply to contracts which were procured under these regulations and the CPRs therefore still include references to these regulations and procurement processes which were applicable.
- 1.5 A more fundamental review of the Contract Procedure Rules may be undertaken at the appropriate time once all supporting legislation and guidance relating to the Procurement Act 2023 (the ‘Act’) has been published by the Cabinet Office and over time as the previous regulations are eventually superseded entirely.

2. Information required to take a decision

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

Section of the Contract Procedure Rules	Proposed changes	
Terminology updates	The following updates to terminology have been made throughout the document to ensure consistency throughout the document and with terms used in the Act:	
	CPR May 2024	CPR May 2025
	Solicitor to the Council	Service Director Legal and Commissioning
	Chief Finance Officer	Service Director Finance
	Head of Internal Audit	Head of Risk
	Head of Corporate Property Management	Head of Corporate Landlord and Capital
	UK Procurement Rules	Procurement Rules
	Framework Agreement	Framework
	Exception	Exemption
	Supplier Selection	Conditions of Participation
INTRODUCTION	Updated to include reference to section 135 of the Local Government Act.	

Procurement Principles	This section has been updated to bring in line with the “Covered procurement: objectives” at Section 12 of the Act.
RULE 1 – Conduct and Compliance and Waiver	<p>1.8 Rule updated to confirm that a Service Director has authority to award a contract following a procurement.</p> <p>1.13 (Conflicts of Interest and Integrity) This section has been updated in accordance with Section 81 of the Act which requires the Council to identify and mitigate all conflicts and potential conflicts of interest at all stages of the procurement process.</p>
RULE 2 – Preparation and Process	<p>2.1 Information included to make it clear that the value to be used when estimating the contract value is excluding VAT.</p> <p>2.2 UK’s e-notification service will change from Find A Tender Service (FTS) and Contracts Finder to the Central Digital Platform however during the transitional period FTS and Contracts Finder will still be used for publishing notices where appropriate.</p> <p>2.3.1 Amended to reflect Section 18 of the Act which states that a Contracting Authority “must consider” whether supplies could be made under more than one contract.</p> <p>2.3.2 Clarity provided to confirm that the rule applies when the cost of Supply is below the UK Threshold.</p> <p>2.3.3 Rule included at 2.3.3 has been moved to Rule 4 and is now included at 4.10 as this rule relates to assessing the financial standing of a supplier as part of the evaluation process.</p> <p>2.3.3 New addition proposed to ensure that barriers faced by SME’s are considered and reduced for above and below threshold contracts in accordance with Sections 12 and 86 of the Act.</p> <p>2.3.9 (Estimated Value) Rule updated to clarify that the supply will be within budgetary provision.</p> <p>2.3.10 (Bonds and Guarantees) Rule updated in line with current practice to confirm that a parent guarantee will be sought whenever practical unless the Head of Risk is satisfied that a parent company guarantee is not required.</p> <p>2.5.1 (The Specification) New addition proposed to ensure that guidance is sought from the Head of Procurement prior to undertaking any market engagement activities when the estimated value of the contract may exceed the relevant UK Threshold to ensure that all preliminary market engagement is undertaken in accordance with Section 16 of the Act.</p> <p>2.7 (Award Criteria) Rule updated to confirm when Award criteria must be published and refined to specify what must be satisfied when setting the criteria in accordance with Section 23 of the Act.</p> <p>2.7 (Award Criteria) Reference to ‘Suitability Criteria’ to be changed to ‘Conditions of Participation’ in accordance with Section 22 of the Act.</p>

	<p>2.8 (Award Criteria) Rule revised to make it clear that the Head of Procurement must be consulted if considering conducting interviews or receiving presentations as part of the procurement process.</p> <p>2.11 (Data Processing) Rule updated in consultation with the Information Governance Team to bring in line with current practices. A list of all contracts that involve data processing or sharing of personal data is maintained by the Head of Procurement.</p> <p>2.12 (Data Processing) Rule updated to include reference to the requirement for Service Directors to follow all linked policies to the Council's Information Security Policy.</p> <p>2.12.1 (Data Processing) New addition proposed to confirm when a Data Protection Impact Assessment screening exercise should be completed with advice and guidance sought from the information Governance Team.</p>
<p>RULE 3 – Procurement Process</p>	<p>Table has been updated as follows:</p> <ul style="list-style-type: none"> • Information has been provided to clarify that the value used should exclude VAT. • A requirement to encourage and invite local SMEs and/or VCSEs to quote for contracts valued up to £24,999.99 has been amended to delete “where practicable” as it is expected that this may become a requirement under the new procurement rules in due course. • References to the Goods & Services Threshold, Light Touch Regime Threshold, and Works Threshold have been added to the table. Under the Act, two-stage procurement processes (including Standing Lists) are not permitted (Section 85(1)) for procurements valued below the Goods and Services Threshold and Light Touch Regime Threshold. However, there is an exception for Works contracts exceeding the goods and services threshold (Section 85(3)). • Details on the procurement process for contracts below the Light Touch Threshold have been included to clarify the requirements for these procurements, including the option to access a Pseudo Dynamic Purchasing System for contracts that fall under this threshold. • ‘Any other permitted compliant purchasing mechanism’ included for below threshold procurement to allow for alternative compliant procurement methods to be used as further guidance is issued by the Cabinet Office. • Reference to the use of Dynamic Markets has been included as this will be a new procurement tool available under Section 34 of the Act. • Dynamic Purchasing Systems continue to be referenced throughout the CPRs as these will continue to be available to use throughout the transitional period but will be phased out by February 2029

	<p>3.2 Moved to 3.9 as this rule relates to Conditions of Participation.</p> <p>3.2 (Procurement Process) Rule updated to include reference to Quotation</p> <p>3.2.1 (Procurement Process) Reference to the use of Dynamic Markets has been included in accordance with Section 34 of the Act.</p> <p>3.5 (Conditions of Participation) Rule updated to comply with Section 85 of the Act to confirm that for below threshold procurements a qualification stage must not be used (except in the case of Works contracts valued at above the supplies and services UK Threshold but below the works UK Threshold) in accordance with Section 85 of the Act.</p> <p>3.6 (Conditions of Participation) Rule updated to ensure that the Council's standard procurement documentation is used to assess the Conditions of Participation when operating a procurement with a value above the UK Threshold.</p> <p>3.7 (Conditions of Participation) Rule updated to ensure that the Conditions of Participation are proportionate to the procurement in accordance with Section 22 of the Act.</p> <p>3.8 (Conditions of Participation) Moved from 3.2 and reworded in accordance with Section 22 of Act</p>
<p>RULE 4 – Tender Receipt and Evaluation</p>	<p>4.4 Rule updated following consultation with the Head of Risk to refer to Tenders not received through the eProcurement Portal to bring in line with current practice as a full audit trail is maintained of all Tenders submitted via the eProcurement Portal.</p> <p>4.9 New addition proposed to comply with Section 26 of the Act; requirement for the Head of Procurement to check the excluded or excludable status of the parties involved in the procurement process, and whether they are on the debarment list.</p> <p>4.11 Rule previously included at 2.3.3 has been moved and is now included here as this rule relates to assessing the financial standing of a supplier as part of the evaluation process.</p> <p>4.13 Rule updated in accordance with Section 19 of the Act to confirm that tenderers will be required to demonstrate that it will be able to perform the contract for the price offered where tenders appear to be abnormally low.</p> <p>4.17.4 (Clarifications, Presentations and Interviews) Rule updated to refer to the compliance check in line with current practice.</p> <p>4.16 (Clarifications, Presentations and Interviews – previous version) Rule moved to 4.19 to make the Rule easier to understand and follow.</p> <p>4.18 (Clarifications, Presentations and Interviews – new version) Rule updated to refer to the procurement process.</p>

	<p>4.19 (Clarifications, Presentations and Interviews) Rule previously included at 4.16 has been moved here and updated to reflect current practice and transparency.</p>
<p>RULE 5 – Standing Lists, Dynamic Purchasing Systems, Dynamic Markets and Frameworks: Creation and Usage</p>	<p>Rule title updated throughout this Rule to include the new Dynamic Markets as per Section 35 of the Procurement Act.</p> <p>5.2 (Standing Lists) Rule updated to include ‘subject to Procurement Rules’ as standing lists are no longer available for most below threshold contracts except for Works contracts valued over the Goods and Services threshold.</p> <p>5.12 (Council Frameworks, Dynamic Purchasing Systems and Dynamic Markets) Rule updated to allow for Open Frameworks to be established in accordance with Section 49 of the Act.</p> <p>5.12.1 (Council Frameworks, Dynamic Purchasing Systems and Dynamic Markets) New addition proposed regarding operation of an Open Framework in accordance with Section 49 of the Act.</p> <p>5.13 (Council Frameworks, Dynamic Purchasing Systems and Dynamic Markets – previous version) Rule removed to reflect current practices in the Procurement Team.</p> <p>5.13 (Council Frameworks, Dynamic Purchasing Systems and Dynamic Markets – new version) Rule updated to include Dynamic Markets and related terminology i.e. the parts of the Dynamic Market, rather than categories as per the Dynamic Purchasing Systems under the Public Contracts Regulations 2015.</p> <p>5.17 (Council Frameworks, Dynamic Purchasing Systems and Dynamic Markets – previous version) Rule removed as a repetition of Rule 5.1.</p> <p>5.16.1 (Use of Third-Party Procurement Facilities) Rule updated to confirm that any third-party Framework used must be setup in accordance with the Procurement Rules.</p>
<p>RULE 6 – Exemptions from Competition</p>	<p>6.1.7 Rule updated to bring in line with the Direct Award Provision set out at Schedule 5 of the Act.</p> <p>6.1.9 and 6.1.10 New additions proposed to bring in line with the Direct Award Provision set out at Schedule 5 of the Act.</p> <p>Trial Purchases title removed to make the document easier to follow.</p> <p>6.3.1 Rule updated to confirm that it should be considered alongside Rule 6.3 and to clarify that it must be applied after any trial conducted in accordance with Rule 6.3.</p> <p>6.10 (Mandatory Suppliers, Frameworks, Dynamic Purchasing Systems or Dynamic Markets) Rule updated to refer to subsidy control</p>

	rather than state aid following the introduction of the Subsidy Control Act 2022
RULE 7 – Record Keeping and Reporting	7.4 Rule removed as completion of a ‘Regulation 84 Report’ is not a requirement of the Act.
RULE 8 – Income Contracts & Concessions	8.3 Updated to correct reference to the FPRs relating to Grants. 8.10 (Concession Contracts) Rule updated to confirm that a procurement process must be undertaken for Concession contracts valued above the UK Threshold to comply with Procurement Regulations and the CPRs. 8.11 (Valuation) Rule updated to clarify that the estimated value of a Concession contract should be estimated in accordance with the Procurement Rules.
RULE 9 - Land	9.2 Rule updated to inclusive language. 9.4 Rule updated to refer to in person and online Land auctions to bring in line with current practice.
RULE 10 – Executing Contracts	10.1 (Supplies) Rule updated to confirm that contracts may only be awarded approved budget to meet the first-year costs and there is sufficient ongoing funding to meet the contractual cost through the anticipated life of the Contract. 10.5 (Supplies) Rule updated to refer to Dynamic Markets in accordance with Section 34 of the Procurement Act. 10.9 (Land) Rule updated to bring in line with current practices to allow for any Contract for the sale or acquisition of, or any other deed or document relating to, Land to be processed in hard copy format or electronic format. Also amended to deal with the sale of land by the council at auction.
RULE 11 – Modification and Termination of Contracts and release of bonds	Title and Rules have been updated to refer to Modification in accordance with the terminology used in the Act and the Public Contracts Regulations 2015. 11.6.1 Sub Rule has been amended to address contract modifications made under Regulation 72 of the Public Contracts Regulations 2015. This amendment pertains to existing contracts awarded under these regulations. 11.6.2 New Rule proposed to explain when contracts can be modified under the Procurement Act in accordance with Section 74 of the Act. 11.7 Rule updated to allow for Procurement oversight where a below threshold contract may become a convertible contract by modification in accordance with Section 74(1) of the Act. 11.9 Rule reworded to reflect the Act (Schedule 8) which allows additional flexibility.

DEFINITIONS	In addition to updates to job titles, the following updates have been made to this section:	
	Definition	Reason for update
	Central Digital Platform	This is the online system that will be used to advertise all procurement activity undertaken in compliance with the Act.
	Conditions of Participation	These will replace 'Selection Criteria' in accordance with Section 22 of the Act.
	Council	New definition proposed
	Dynamic Market	Procurement tool that may be utilised in accordance with Section 34 of the Act.
	Framework	Definition updated to include framework agreements established under the Public Contracts Regulations 2015 and Open Frameworks as defined in the Act.
	Procurement Rules	Definition updated to include the Act, the Provider Section Regime Regulations 2023 and the Public Concessions Regulations 2016
Suitability	Definition updated in line with the Act	
Appendix 1	Threshold values updated to include the value excluding VAT.	
Appendix 2	Table updated to ensure correct cross referencing and to remove reference to Regulation 84 reports as this is no longer a requirement of the Act.	

3. Implications for the Council

3.1 Council Plan

These updated CPRs reflect good procurement practice which in turn supports the Council Plan by using procurement activity to help achieve the Council's wider objectives and outcomes.

3.2 Financial Implications

None directly

3.3 Legal Implications

The legal obligation to have CPR's is to comply with Section 135 Local Government Act 1972, the Public Contracts Regulations 2015 Provider Section Regime Regulations 2023 and the Procurement Act 2023.

3.4 Climate Change and Air Quality

None directly

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

None directly

4 Consultation

Consultation has been carried out with the Head of Risk, the Head of Corporate-Legal, the Information Governance Manager and Data Protection Officer and officers in the Procurement Team, Legal Services and Information Governance Team. This paper has also been considered by Corporate, Governance and Audit committee.

- 5. Engagement**
Changes will be communicated to stakeholders via the intranet with appropriate training and guidance offered by the Procurement Team.
- 6 Options**
 - 6.1 No other options - the council is required to comply with the legislation accordingly. It was also an opportunity to update other areas which were out of date e.g. job titles and ensure conformity and consistency throughout.
 - 6.2 **Reasons for recommended Option**
The Council is required to comply with all UK Procurement legislation.
- 7 Next steps and timelines**
If approved, these changes will be implemented from 22 May 2025.
- 8 Contact officer**
Ruth Calladine, Head of Procurement (01484 221000, email – ruth.calladine@kirklees.gov.uk)
- 9 Background Papers and History of Decisions**
[Contract Procedure Rules 2024](#)
[20240522 Contract Procedure Rules 2024 Annual Council.pdf](#)
- 10 Appendices**
Appendix A – Contract Procedure Rules 2025 with tracked changes
- 11 Service Director responsible**
Samantha Lawton, Service Director Legal & Commissioning
Kevin Mulvaney, Service Director Finance

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KIRKLEES COUNCIL
CONTRACT PROCEDURE RULES

| ~~MAY 2024~~ MAY 2025

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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 and are made in accordance with section 135 of the Local Government Act 1972.

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).

Procurement ~~Principles~~ Objectives:

The ~~aim~~ objective of every procurement exercise should be to deliver value for money. In pursuit of that ~~aim~~ objective, procurers shall endeavour to treat suppliers the same, unless a difference between the suppliers justifies different treatment. They must take all reasonable steps to ensure no supplier is given an unfair advantage or disadvantage ~~market operators equally and without discrimination, and to act in a transparent and proportionate manner.~~ Procurers will act, and be seen to act, with integrity at all times.

~~Without detracting from those principles,~~ Procurers should take every opportunity to maximise public benefit by ~~considering~~ ing 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~~ This includes encouraging the participation of local businesses, small and medium-sized enterprises (SMEs) and social enterprises 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 ~~e~~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~~Service Director Legal and Commissioning, ~~Chief Finance Officer~~Service Director Finance and Head of ~~Risk~~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~~Service Director Legal and Commissioning and the Head of ~~Risk~~Internal Audit.
- 1.8 A Service Director has authority to commence and award 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~~Service Director Legal and Commissioning and the Head of ~~Risk~~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~~Service Director Legal and Commissioning – ~~UK~~ Procurement Rules and other laws and Corporate Governance;
 - 1.10.3 Head of ~~Risk~~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 ~~Risk~~Internal Audit who, in consultation with the ~~Solicitor to the Council~~Service Director Legal and Commissioning, 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~~Service Director Finance, the Chief Executive may reassign specific duties delegated in these CPRs to the Head of Procurement, the Head of ~~Risk~~Internal Audit, and the ~~Solicitor to the Council~~Service Director Legal and Commissioning 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 ~~Risk~~Internal Audit;
 - Law and Court procedure in respect of duties reassigned from ~~Solicitor to the Council~~Service Director Legal and Commissioning.
 - 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 eConflicts of iInterest~~ or potential eConflicts of iInterest arising at all stages

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.

~~of in the conduct of the~~ procurement processes to avoid any distortion of competition and to ensure equal treatment of all economic operators.

- 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 ~~Risk~~Internal Audit and ~~Solicitor to the Council~~Service Director Legal and Commissioning (or any other persons undertaking their responsibilities by application of CPR 1.124 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 (excluding VAT), 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~~Service Director Legal and Commissioning and/or the Head of ~~Risk~~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 the ~~UK~~Procurement Rules. The Head of Procurement is responsible for ensuring the appropriate placing of notices in the UK's e-notification service either via the Central Digital Platform, ~~-~~ Find A Tender Service (FTS) ~~- and or~~ Contract Finder as appropriate. ~~-~~ 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 or permitted by the Procurement Rules.
 - 2.3.2. Where the cost of the Supply is ~~below~~less than the UK Threshold and an approved Frameworks ~~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 That they have regard to the fact that SMEs may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced.
 - ~~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 will~~ be within budgetary provision (see CPR 10.1).

Bonds and Guarantees

2.3.10. The ~~e~~Council ~~should always will~~ seek a parent company guarantee when ~~ever practical such an option is available unless the Head of Risk is satisfied that a parent company guarantee is not required.~~

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~~ ~~Service Director~~ ~~Legal and Commissioning~~ and Head of ~~Risk~~ ~~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 Council's wider policy and strategy but subject always to ensuring full compliance with the UK eProcurement Rules 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 ~~s~~Supplier in relation to the preparation of any ~~s~~Specification or contract documentation where this may distort competition, provide any unfair advantage or prejudice the equal treatment of all potential Suppliers.
- 2.5.1 Where the estimated value of any contract may exceed the relevant UK Threshold, guidance must be sought from the Head of Procurement prior to undertaking any market engagement activities.
- 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~~ published with the procurement documents. These criteria must be linked to the subject matter of the contract, be sufficiently clear, measurable and specific, must not include unlawful non-commercial considerations or ~~Suitability Criteria~~ Conditions of Participation (which should be identified separately and must follow CPR 3.5– 3.9) and must be proportional to the contract's main objectives, complexity and cost.
- 2.8. The Head of Procurement ~~is~~ must be 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~~Service Director Legal and Commissioning considers to be necessary (the ~~Solicitor to the Council~~Service Director Legal and Commissioning 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~~Service Director Legal and Commissioning who will prepare contract documentation appropriate for the contract.

Data Processing

2.11. ~~The Head of Procurement will maintain a list of 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 and all linked policies, 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. ~~_____~~ a Data Protection Impact Assessment screening exercise should be carried out, and the appropriate document completed, with advice and guidance sought from the Information Governance Team;

~~2.12.2~~ the Supplier is verified as suitable to be trusted with the personal data before allowing the Supplier access to the data;

2.12.~~23~~. appropriate guarantees of the security of the personal data are included within a written contract;

2.12.~~34~~. the performance of the contract is appropriately monitored;

2.12.~~54~~. appropriate steps are taken to enforce the contract where the information security guarantees are not being met;

2.12.~~56~~. appropriate steps are taken to minimise as far as possible the impact of a breach of data security;

2.12.~~67~~. 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. **Page 29**
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 (exc VAT)	Requirement		
	Procurement Process	Advertising	Min no of Suppliers
£0 - £24,999.99	<p>Any Reasonable Means to select are permitted. Reasons to justify the decision taken must be recorded.</p> <p><u>Where practicable, SMEs and/or VCSEs and/or</u> 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.</p>	<ol style="list-style-type: none"> Any reasonable means 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 	3
£25,000 – <u>Goods & Services</u> Threshold	<p>One of the following:</p> <ul style="list-style-type: none"> Quotations (CPRs 3-4) Framework Suppliers, <u>Standing Lists, etc.</u> (CPR 5) Exemptions (CPR 6) Internal, Consortia & Compulsory (CPR 6) <p>In addition: Legal, Governance, Risk, Insurance, Information Governance and Health & Safety teams must be consulted where necessary</p>	<p>As the Head of Procurement determines</p> <ol style="list-style-type: none"> <u>From a standing list</u> <u>1. An approved Framework</u> <u>2. An approved Dynamic Purchasing System</u> <u>3. Any other permitted compliant purchasing mechanism</u> Advertise on eProcurement Portal, Central Digital Platform 	<p>Below £100,000 – 3</p> <p>Above £100,000 – 4</p>
<u>Light Touch Services Only Goods and Services Threshold – Light Touch Threshold²</u>	<p>One of the following:</p> <ul style="list-style-type: none"> <u>Quotations (CPRs 3-4)</u> <u>Framework Suppliers, Dynamic Marketplace, Dynamic Markets (CPR 5)</u> <u>Exemptions (CPR 6)</u> <u>Internal, Consortia & Compulsory (CPR 6)</u> <p><u>In addition:</u> <u>Legal, Governance, Risk, Insurance, Information Governance and Health & Safety teams must be consulted where necessary</u></p>	<p><u>As the Head of Procurement determines</u></p> <ol style="list-style-type: none"> <u>An approved Framework</u> <u>An approved Dynamic Purchasing System</u> <u>An approved Pseudo Dynamic Purchasing System</u> 	4

² Light touch threshold applies to contracts for certain social, health, education and other public services. Certain health services are subject always to the Health Care Services (Provider Selection Regime) Regulations 2023. For these services there is no minimum threshold for application of this regime.

	<u>The Legal Service will perform the execution of any contract(s).</u>	<u>4. Any other permitted compliant purchasing mechanism</u> <u>5. Advertise on eProcurement Portal, Central Digital Platform</u>	
<u>Works Only³</u> <u>Goods and Services</u> <u>Threshold –</u> <u>Works</u> <u>Threshold</u>	<u>One of the following:</u> <ul style="list-style-type: none"> • <u>Quotations (CPRs 3-4)</u> • <u>Tenders (CPR 3-4)</u> • <u>Framework Suppliers, Dynamic Marketplace, Dynamic Markets, Standing Lists, etc. (CPR 5)</u> • <u>Exemptions (CPR 6)</u> • <u>Internal, Consortia & Compulsory (CPR 6)</u> <p><u>In addition:</u> <u>Legal, Governance, Risk, Insurance, Information Governance and Health & Safety teams must be consulted where necessary</u></p> <p><u>The Legal Service will perform the execution of any contract(s).</u></p>	<u>As the Head of Procurement determines</u> <ol style="list-style-type: none"> <u>1. From a standing list</u> <u>2. An approved Framework</u> <u>3. An approved Dynamic Purchasing System or Dynamic Market</u> <u>4. Any other permitted compliant purchasing mechanism</u> <u>5. Advertise on eProcurement Portal, Central Digital Platform</u> 	<u>4</u>
<u>Above Threshold</u>	<p>One of the following:</p> <ul style="list-style-type: none"> • <u>Tenders (CPRs 3-4)</u> • <u>Framework Suppliers, Dynamic Marketplace, Dynamic Markets, Standing Lists, etc. (CPR 5)</u> • Framework Suppliers etc. (CPR 5) • <u>Exemptions (CPR 6)</u> • <u>Internal, Consortia & Compulsory (CPR 6)</u> <p><u>In addition:</u> <u>Legal, Governance, Risk, Insurance, Information Governance and Health & Safety teams must be consulted where necessary</u></p> <p><u>The Legal Service will perform the execution of any contract(s).</u></p>	<p>Advertise on eProcurement Portal, Central Digital Platform; or</p> <p>Use approved Framework ; or</p> <p>Use approved Dynamic Purchasing System <u>or</u> <u>Dynamic Market</u></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.~~^{3.32.}

A Service Director must invite at least the number above of suppliers to submit a written

³ A separate suitability stage may be included if required in relation to a below threshold Works contract that is valued at over the Goods & Services threshold

Tender / Quotation, unless:-

3.42.1 an **approved**² Framework ~~Agreement~~, Dynamic Market or Dynamic Purchasing System is being used (and in which case the rules of the Framework ~~Agreement~~, Dynamic Market or the Dynamic Purchasing System must be followed); or

3.42.2 it is otherwise agreed with the Head of ~~Risk~~Internal Audit in consultation with the ~~Solicitor to the Council~~Service Director Legal and Commissioning.

3.43. 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 Conditions of Participation

3.54. Service Directors must satisfy themselves that Suppliers have relevant and proportional minimum levels of ~~S~~suitability.

3.65. Where the procurement process has an overall value of less than the supplies and services UK ~~€~~£Threshold, a qualification stage must not be used (except in the case of Works contracts valued at above the supplies and services UK Threshold but below the works UK Threshold), 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.

3.76. 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~~standard procurement documentation to ~~establish suitability~~assess the ~~€~~£Conditions of Participation and/or to establish a shortlist where permitted. Any variations to this must be agreed with the Head of Procurement who will notify relevant authorities as necessary.

3.87. The ~~selection~~Conditions of Participation assessment 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~~Conditions of Participation must be a transparent and proportionate means of ensuring legal and financial capacity and technical ability to perform the contract. ~~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~~Tender Notice or invitation to confirm interest.

3.98 The Conditions of Participation also apply to the selection of any ~~nominated or named sub-contractor~~, associated supplier in accordance with the Procurement Rules

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

RULE 4 –TENDER RECEIPT & EVALUATION

- 4.1 For Procurements which are valued above £25,000, suppliers must be required to submit Tenders by electronic means of communication unless the Head of Procurement agrees otherwise. This must be through the 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 In the case of Tenders not received through the eProcurement Portal, 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 RiskInternal 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 RiskInternal Audit.

4.9 Where appropriate, the Head of Procurement will check the debarment list in connection with a procurement process to determine the excluded or excludable status of those parties involved.

4.109 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.

4.101 The Head of Risk must be satisfied regarding the financial standing of a proposed Supplier for any contract exceeding the UK Threshold.

4.102 The use of or participation in e-auctions to set prices is permitted where:

4.102.1 bids can be ranked automatically; and

4.102.2 the mathematical formula to determine the rankings of the bids (or each variant where variants are permitted) is disclosed; and

4.102.3 the written agreement of the Head of ~~Risk~~Internal Audit has been given; and

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

4.143 The Service Director will require tenderers to ~~explain the price or costs proposed in their tender~~ demonstrate that it will be able to perform the contract for the price offered where tenders appear to be abnormally low.

4.124 The Service Director must ensure that, where required by ~~UK p~~Procurement rRules, 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 ~~t~~Tender. The Head of Procurement will supervise the production and issuance of the mandatory debrief letters and inform the ~~Solicitor to the Council~~Service Director Legal and Commissioning that the debrief process has completed satisfactorily prior to formal acceptance of any Tender.

4.135 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 4.145) take action as necessary, taking guidance from the ~~Solicitor to the Council~~Service Director Legal and Commissioning and the Head of ~~Risk~~Internal Audit.

4.146 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~~Service Director Legal and Commissioning 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~~Service Director Legal and Commissioning advises about confidentiality and Legal Privilege.

Clarifications, Presentations and Interviews

4.157 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:

- 4.1~~57~~.1 set an appropriate time limit for a reply; and
- 4.1~~57~~.2 do not request changes or otherwise seek to influence the bidder; and
- 4.1~~57~~.3 deal with all of the matters in the Tender which are incomplete or erroneous or unclear; and
- 4.1~~57~~.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 or compliance check;
 - 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.~~4.1~~76~~8 Interviews and/or presentations which form part of the bid procurement process must be authorised by the Head of Procurement in writing. They must also be:

- 4.1~~86~~7.1 Comprehensively recorded; and
- 4.1~~86~~7.2 Assessed according to transparent and objectively verifiable criteria connected to the subject matter of the contract; and
- 4.1~~86~~7.3 Supervised by the Head of Procurement.

4.1~~79~~ Where provided for in the procurement process, Clarity may also be facilitated through planned presentations, meetings or demonstrations designed to assist in verifying submitted bids as part of the Due Diligence process to ensure compliance with procurement documentation.

RULE 5 –STANDING LISTS, DYNAMIC PURCHASING SYSTEMS, DYNAMIC MARKETS AND FRAMEWORKS 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 Subject to the Procurement Rules, ~~T~~the Head of Procurement will determine for which types of Supply Council-wide Standing Lists may~~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~~ Service Director Legal and Commissioning) 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 Frameworks Agreements, and Dynamic Purchasing Systems and Dynamic Markets

- 5.9 Frameworks Agreements, and Dynamic Purchasing Systems and Dynamic Markets 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 Frameworks 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 Unless the Framework has been established as an Open Framework, Frameworks 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.
- 5.12.1 Open Frameworks above the UK-Threshold must be reopened in accordance with the Procurement Rules.
- ~~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 3 Dynamic Purchasing Systems and Dynamic Markets must:

- 5.14 3.1 be set up by an advertised competitive process which is approved by the Head of Procurement; and

5.143.2 remain advertised; and

5.143.3 not limit the number of suppliers admitted to the system or market (but the system or market may be split into categories or parts (as applicable)); and

5.143.4 be set up with clear operative rules which involve obtaining Tenders from all suppliers on the system or market, or on the relevant category or part on the system or market, as appropriate; and

5.143.5 be operated wholly electronically; and

5.143.6 be open to new entrants; and

5.143.7 be subject to consistent due diligence assessments of ~~DPS~~ participants

5.154 When using Frameworks, ~~Agreements or~~ Dynamic Purchasing Systems or Dynamic Markets, the Council must follow the procurement rules set out in the Framework, ~~Agreement or the~~ Dynamic Purchasing System or Dynamic Market.

5.165 The Head of Procurement will ensure that the use of Framework Suppliers, ~~and~~ Dynamic Purchasing Systems and Dynamic Markets 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**

5.186 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:

5.186.1 are created ~~by a public body or a private sector party as agent of a public sector body in accordance with the Procurement Rules and~~ which is approved by the Head of Procurement (see also CPR 5.1);

5.186.2 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 off conditions);

5.186.3 comply with the Council's Contract Procedure Rules, or in the opinion of the Head of ~~Risk Internal Audit~~, rules which are broadly comparable;

5.186.4 where the ~~UK p~~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~~ EXEMPTIONS FROM COMPETITION

6.1 Subject to compliance with the ~~UK~~ Procurement Rules the following are exempted from the competitive requirements of these CPRs⁴:

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~~

⁴ When the ~~UK~~ Procurement Rules apply, these exemptions may not be permitted (Directors must check this). ~~Exemptions are not permitted for those health services which are in scope of the Health Care Services (Provider Selection Regime) Regulations 2023~~

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 ~~Risk~~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~~Service Director Legal and Commissioning takes steps to ensure that value for money is being obtained;

6.1.7 a ~~necessary~~ Supply that is strictly necessary for reasons of extreme and unavoidable urgency required extremely urgently, not due to any action or inaction of the Council, with the prior agreement of the Head of ~~Risk~~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;

6.1.9 in respect of the production of a prototype, or supply of other novel goods or services, at the request of the Council; or

6.1.10 for the supply of goods, services or works by the existing Supplier which are intended as an extension to, or partial replacement of, existing goods, services or works in circumstances where a change in Supplier would result in disproportionate technical difficulties in operation or maintenance or additional cost to the Council.

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 ~~exemption~~ 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 ~~exemption~~ 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.

6.3.1 Following any such trial, 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.

6.54 The procuring Service Director and the Head of Procurement may decide that;

6.54.1 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 ~~Risk~~~~Internal~~~~Audit~~.

6.54.2 Following receipt of Tenders for the Supply, it is appropriate to seek to reduce the overall cost, or change other terms of the Supply by negotiation with one or more suppliers which have submitted Tenders.

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

6.54.4 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 ~~e~~Council without competition is appropriate (although subject to ~~the~~ 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 ~~Risk~~~~Internal~~~~Audit~~.

Negotiated Contracts

6.65 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.

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

6.87 For any contract valued at above £100,000 the Service Director must obtain the approval of the Head of ~~Risk~~~~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

6.98 The ~~Solicitor to the Council~~~~Service Director Legal and Commissioning~~ 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 ~~of Corporate Landlord~~ ~~for Corporate Property Management~~ should be consulted irrespective of value).

6.109 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~~~~Service Director Legal and Commissioning~~ about the possibility of subsidy control before approving the exemption from competition.

Mandatory ~~s~~Suppliers, ~~f~~Frameworks agreements, ~~o~~r ~~d~~Dynamic ~~p~~Purchasing ~~s~~Systems or ~~d~~Dynamic ~~m~~Markets

6.140 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~~ Page 40

Procurement Rules and the possibility of ~~subsidy control~~~~state aid~~) that the use of one (or more) Suppliers is compulsory.

6.121 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, ~~Dynamic Market~~ or Standing Lists, and set standards to be established in those arrangements.

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

6.132.1 where Cabinet has determined that Supplies of a particular kind will be subject to a competitive process;

6.132.2 in respect of the outsourcing of an activity having a value below £100,000;

6.132.3 in respect of services provided within schools;

6.132.4 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 ~~Risk~~~~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 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.~~ 7.54

Each Service Director must promptly provide to the Head of Procurement the information specified in Appendix 2.

7.65 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).

7.76 The Service Director must keep a written record of the reasons for using a negotiated procedure under Rules 6.5 - 6.7.

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 ~~Risk~~Internal Audit must be consulted and they will decide whether this amounts to a Grant (and so FPR 224 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 ~~Risk~~Internal Audit and Risk.

8.4.4 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.

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 as set out below or written approval of other means from the Head of Procurement based on a detailed business case which, where appropriate, includes consideration of matters such as state aid.

8.6.1 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~~Service Director Legal and Commissioning.

8.8 If an Income Contract has any potential to distort the relevant market advice must be obtained from the ~~Solicitor to the Council~~Service Director Legal and Commissioning.

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~~UK Procurement Rules Regulations and will be subject to such additional procurement process requirement(s) as the Head of Procurement feels are necessary to comply with the Procurement Rules and these ~~CPRs~~Regulations.

Valuation

8.11 The value of a Concession contract shall be estimated in accordance with the Procurement Rules,~~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 Contract~~s~~ 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 an ~~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 **Page 43**
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 Landlord and Capital Property Management must be consulted in respect of all Land transactions of any value except where the ~~Solicitor to the Council~~ Service Director Legal and Commissioning authorises other nominated officers to deal with tenancies or licences for specific purposes.
- 9.2 The Head of Corporate Landlord and Capital Property Management (and any other authorised 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~~ them 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 ~~them~~ 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 Landlord and Capital Property Management and the ~~Solicitor to the Council~~ Service Director Legal and Commissioning, 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 an in person public auction, the Head of Corporate Landlord and Capital 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 however, if the Land is to be sold by way of an online auction the reserve shall be agreed between the Council's internal qualified valuer on a professional basis in liaison with the auctioneer who under the procured tender contract is obligated to also provide their professional opinion of market value based on experience and evidence and they will jointly set a reserve prior to the auction going live.. If a successful bid is less than the reserve price then the Head of Corporate Landlord and Capital 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 Frameworks Agreements and Dynamic Purchasing Systems), Concessions, Income Contracts and Frameworks 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~~ Service Director Legal and Commissioning 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~~ Service Director Legal and Commissioning.
- 10.4 The Head of Procurement must ensure that the Council's electronic procurement systems are set up so that the most appropriate Official Council Order ~~are~~ is available to be attached to the supply being purchased.
- 10.5 Contracts for all Supplies (which includes call-offs from Frameworks Agreements, and Dynamic Purchasing Systems and Dynamic Markets), 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~~ Service Director Legal and Commissioning under their Scheme of Officer Delegations. The ~~solicitor to the Council~~ Service Director Legal and Commissioning 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~~ Service Director Legal and Commissioning 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~~ Service Director Legal and Commissioning 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~~ Service Director Legal and Commissioning 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~~ Service Director Legal and Commissioning may nominate other officers to enter into Land

commitments and arrangements using documentation previously approved by the ~~Solicitor to the Council~~Service Director Legal and Commissioning.

10.9 Any Contract for the sale or acquisition of, or any other deed or document relating to, Land must either be signed (under hand where executed in hardcopy format or electronically where executed in electronic format) by, or have the corporate common seal affixed in the presence of, the ~~Solicitor to the Council~~Service Director Legal and Commissioning (or by a legal officer nominated by themhim or her), and where the corporate common seal is affixed it is permissible to do so electronically (where the law permits in accordance with the Electronic Communications Act 2000). Additionally, the ~~Solicitor to the Council~~Service Director Legal and Commissioning may authorise other nominated officers to be authorised signatories to tenancies or licences for specific purposes as referred to in CPR 9.1. Where the Council has listed Land for sale at public auction and a sale is agreed post-auction through the auctioneer under RICS common auction conditions (or such other conditions as appropriate), the Solicitor to the Council may authorise the external property auctioneer to sign the contract for the sale of the Land (on the same basis as outlined above in this CPR 10.9) as agent for the Council and to deal with exchange of contracts between the Council and the buyer.

General

10.10 The ~~Solicitor to the Council~~Service Director Legal and Commissioning 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~~Service Director Legal and Commissioning 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~~MODIFICATION 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 Procurement RulesRegulations 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~~Service Director Legal and Commissioning.

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~~Service Director Legal and Commissioning, 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~~Service Director Legal and Commissioning may release any bond held by the Council, on request from the Head of Procurement.
- 11.5 The Head of ~~Risk~~Internal Audit is entitled to negotiate with any bond issuer on sums of settlement proposed, and in consultation with the ~~Solicitor to the Council~~Service Director Legal and Commissioning accept such proposed sums.
- 11.6 Service Directors may ~~vary~~modify contracts:
- 11.6.1 ~~that were awarded under the Public Contracts Regulations 2015 UK Procurement Regulations~~ by operating 'clear, precise and unequivocal contractual review clauses' which were advertised in the original Procurement, strictly in accordance with the contract; or:
- 11.6.21 ~~Service Directors may modify contracts that were awarded under the Procurement Act 2023 UK Procurement Regulations~~ if 'the possibility of the modification is unambiguously provided for in the contract awarded and the tender or transparency notice for the award of contract and the modification would not change the overall nature of the contract'.
- 11.7 Any ~~variation~~modification, whether above or below the relevant UK Threshold, 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 ~~modification~~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~~Service Director Legal and Commissioning and the Head of Procurement, and the Procurement Rules as applicable, contracts may be novated or reassigned to ~~another~~ Supplier who is not an excluded 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 only where this is needed following a corporate restructuring or similar circumstances, such as a takeover, merger, acquisition or insolvency, 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 (such 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~~Service Director Legal and Commissioning and the ~~Chief Finance Officer~~Service Director Finance. This does not apply to any purchase of shares or similar for the purpose of investment.

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.
<u>Central Digital Platform</u>	<u>Means the "online system" established and operated for the publication of notices, procurement documents and other information relating to public contracts</u>
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.
<u>Conditions of Participation</u>	<u>is a condition that a supplier must demonstrate they are capable of satisfying in order to be awarded a contract.</u>
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.
<u>Council</u>	<u>Means the Council of the Borough of Kirklees, which is also known by its abbreviated name of Kirklees Council.</u>

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.
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DEFINITION	DESCRIPTION
<u>Dynamic Market</u>	<u>Is a procurement tool established in accordance with sections 34 to 40 of the Procurement Act 2023 and is available for the procurement of above UK Threshold contracts. It is a list of qualified suppliers (i.e. suppliers who have met the ‘conditions for membership’ of the dynamic market who are eligible to participate in future procurements. A dynamic market may be split into parts, with suppliers only eligible to participate in the parts for which they have qualified. New suppliers can be added through the lifetime of the dynamic market and there is no maximum term or minimum or maximum number of suppliers.</u>
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 <u>and contracts awarded under the Public Contracts Regulations 2015</u> are required to be published;
Financial Procedure Rules (FPRs)	The Financial Procedure Rules.

<p>Frameworks <u>Agreement</u></p>	<p>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. Frameworks <u>Agreements</u> which deal with Supplies that are above, or aggregate above, the UK Threshold are subject to the <u>Public</u> Procurement Rules. They set out the terms for the Supply (often including the price) and the method for calling off orders. 'Framework Agreement' and 'Framework Suppliers' shall be construed accordingly. <u>References to Frameworks includes Framework Agreements established under the Public Contracts Regulations 2015 and Open Frameworks as defined in the Procurement Act 2023.</u></p>
<p>Head of Corporate <u>Landlord and Capital Property Management</u></p>	<p>Means the officer appointed by the Service Director who is responsible for corporate property management functions.</p>
<p>Head of <u>Risk Internal Audit</u></p>	<p>Means the officer appointed by the Chief Executive who is responsible for Internal audit.</p>
<p>Head of Procurement</p>	<p>Means the <u>Head of Procurement and Commissioning or such other</u> officer appointed by the Service Director – Legal, Governance & Commissioning who is responsible for Corporate Procurement.</p>
<p>Income Contract</p>	<p>An Income Contract is one where the main object of the contract is that the Council does something in relation to a Council asset⁴ and includes situations where the Council does so at nil value (subject to this not being a Grant – see Appendix 4).</p>

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 <u>Service Director Legal and Commissioning</u> whether attached electronically
Personal Data	Means data which relate to a living individual who can be identified— (a) from those data, or (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual (e.g. references) and any indication of the intentions of the data controller or any other person in respect of the individual.
Procurement	The purchase, contract hire, lease, rental ⁶ 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, Frameworks <u>Agreements,</u> and Dynamic Purchasing Systems <u>and Dynamic Markets</u> . ‘Procurement’ and ‘Procured’ shall be construed accordingly.
Public Procurement Rules	The rules on procurement for Supplies above the UK Threshold are subject to the statutory requirements outlined in the <u>Procurement Act 2023, the Health Care Services (Provider Selection Regime) Regulations 2023, Public Concessions Regulations 2016 and</u> Public Contracts Regulations 2015 and those described in the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (EU Exit Regulations) <u>as may be applicable in relation to the Procurement or Contract</u> .
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.
<u>Service Director Finance</u>	<u>Means the Service Director responsible for finance, also being the s151 Officer</u>
<u>Service Director Legal and Commissioning</u>	<u>Means the Service Director responsible as legal adviser to the Council, also being the Monitoring Officer</u>
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 adviser 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 <u>Means a supplier's² general capability, fidelity, skill, competence, etc. to carry out the contract, including, where relevant, whether a Supplier is an excluded or excludable supplier under the Procurement Act 2023. 'Suitability' shall be interpreted accordingly.</u>
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.
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 Goods and services contracts	£214,904 (<u>£179,086.67 excl. VAT</u>)
Light Touch Regime Contracts	£663,540 (<u>£552,950 excl. VAT</u>)
Works contracts	£5,372,609 (<u>£4,477,174.17 excl. VAT</u>)
Concession contracts	£5,372,609 (<u>£4,477,174.17 excl. VAT</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 2026

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 <u>of Rule 6</u> , including the reason for the exemption.	When requested
D.	Contracts with a value of £5,000 or more (see <u>Rule 3) CPR</u> , 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)



Proposed Revisions to Financial Procedure Rules (Reference from Corporate Governance and Audit Committee)

Meeting	Annual Council
Date	21st May 2025
Cabinet Member (if applicable)	-
Key Decision Eligible for Call In	No No
Purpose of Report To provide information on proposed changes to Financial Procedure Rules for the municipal year 2025/26	
Recommendations <ul style="list-style-type: none"> Approve the changes contained within the appendix and track changed document. 	
Reasons for Recommendation <ul style="list-style-type: none"> To clarify arrangements to ensure sound governance and control of financial matters 	
Resource Implication: There are no direct resource implications.	
Date signed off by <u>Strategic Director</u> & name	Not applicable
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney: Service Director- Finance (16 th April 2025)
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Samantha Lawton; Service Director - Legal Governance and Commissioning (16th April 2025)

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 2025/26. These were considered at the meeting of Corporate Governance & Audit Committee on the 7th March 2025.
- 1.2 There are various changes to titles and definitions, and several changes to detailed arrangements as set out in a detailed appendix, and track changed text.

2. Information required to take a decision

- 2.1 All the proposed changes to texts or periods/ £values are shown in the Appendix1 and track changes marked in the full text.
- 2.2 The changes are incremental. It is intended that over the next year officers from Finance and Risk will draw up proposed (more significantly) revised Financial Procedure Rules.

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 are recommended by the Corporate Governance & Audit Committee.

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- this is proposed for next year.

6.2 Reasons for recommended Option

There are no urgent reasons 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. However, over the next year, officers from Finance and Risk will look to assess if further, more significant changes to the FPRs are worth considering to reflect the fundamental financial processes now being controlled through electronic information systems rather than by paper records and ensuring that overall financial governance properly reflect council structures, and member and officer responsibilities and accountabilities.

7 Next steps and timelines

If approved by Annual Council will take effect from 1st June 2025.

8 Contact officer

Kevis Mulvaney. Service Director Finance (kevin.mulvaney@kirklees.gov)
Martin Dearnley Head of Risk (martin.dearnley@kirklees.gov)

9 Background Papers and History of Decisions

Existing Financial Procedure Rules

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Table of detailed changes in Appendix1

11 Service Director responsible

Kevin Mulvaney- Service Director Finance
Sam Lawton- Service Director Legal, Governance & Commissioning

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**APPENDIX 1
PROPOSED VARIATIONS TO FINANCIAL PROCEDURE RULES 2025**

Variations are generally marked by track changes, except as noted below

General variations

There are some changes to role descriptions, or job titles.

The role previously designated Chief Finance Officer is now formally recorded as Chief Financial Officer (the statutory definition), and referred to in the FPRs, as “CFO”.

The former description Strategic Director is now changed to Executive Director in line with agreed job titles.

The terms Capital Plan is now used consistently. It was previously described sometimes under this title, and other times under the title Capital Investment Plan.

All of the above have been pre-accepted and are not shown as track changes.

There are new definitions for

Asset

Chief Executive

Executive Member (Portfolio Holder)

General Fund

Housing Revenue Account (HRA)

Medium Term Financial Plan (extended periods)

Public Sector Internal Audit Standards

Detailed Changes

Para Number	Description of Change	Reason
1.7	Deletes reference to Monitoring Officer	To make clear that this responsibility lies solely with the CFO
1.14	Deleted wording, as no longer required	Covered in definitions
2	Change in period for which MTFP is applicable	Longer planning horizon facilitated
2.2	Adds words re scheme of delegation	Making clear applicability of authority
2.4	Adds words re HRA	Making clear separation of HRA
2.5/2.6/2.8	Slightly amended words re savings, targets and budget pressures	To set out why savings etc may be needed
2.9	Adds word re constitution as regards Cabinet. Council and the annual budget	The constitution sets out additional arrangements
2.12	Additional words about what must be reported to Cabinet quarterly	clarity
2.21	Earmarked and general reserves	To clarify the CFO role in management of these budgets
2.26	Transfer of budgets from reserves to	To clarify rights of CFO

	service budgets	
2.28	Section reworded to recognise that occasionally the council may want to use revenue budgets for capital purposes, but only with CFO approval	Previous rules forbade this
2.38	Changes to wording about rights of cabinet when they become aware of future budget pressures	Clarity
3.1b	Additional words re what is capital expenditure	Clarity
3.4	Adds in HRA	Clarity
3.9	Additional wording to be clear about the rights and responsibilities of Service directors re capital spending	Clarity
3.16	Amended wording re authorisation of capital expenditure	Potentially provides more flexibility, but retains control
3.18	Amended to make Service Directors responsible for reviews rather than Executive Directors	Aligns responsibility with that of project initiation and management
5.4	Additional wording about compliance with Global Internal Audit Standards by internal audit	Clarity
5.7	Additional wording about responsibilities of Head of Risk & Internal audit re fraud and whistleblowing	Clarity
9.10	"Financial instrument"	To recognise that property leases are covered by rules in the constitution/delegation agreements
11.1	New wording re the setting of general charges by Council, and the circumstances when a Service Director may amend	Clarity, and reminds that any charge resetting may need formal decision under key/delegated decision protocol
11.7	New- shorter wording, re Anti Money Laundering	to reflect government advice more closely, but acknowledge that the requirements have flexibility
11.8-11	Minor paragraph renumbering	
14.4	Amendment to wording to recognise that every employee completes a time sheet	To recognise reality
22.5	Additional wording to recognise that if a grant scheme expects quick expenditure, this may expose risk	To recognise reality
22.7	Additional words to recognise that a 100% externally funded grant, which involves no discretion in fund allocation, can be progressed with	Will facilitate the use of external funding, often offered at short notice, for specifically directed purposes, without a delay that may result from

	retrospective reporting	requiring specific authority
22.14	Addition that Service Director Legal Governance & Commissioning has authority to amend features of a loan in consultation with CFO, Executive Director and Executive Member	To give some flexibility in circumstances where the feature of loan may require amendment

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KIRKLEES COUNCIL

FINANCIAL PROCEDURE RULES

~~March~~ June 2025

Introduction

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

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

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Financial Procedure Rules Definitions

Word	Definition
Activity	A standard sub-division of an Executive Director's budget. normally equivalent to the service portfolio operationally managed at Service Director level;
Asset	An item belonging to the Council that has a value. It can include buildings, equipment, vehicles, stocks, stores, money, <u>debtors</u> , and items of intellectual value
Associated Organisation	An organisation in which the Council has a majority or substantial shareholding or exercises substantial influence through its funding of the organisation.
Business Case	A written document, setting out the reasons for a project, including analysis of options, risks and resources needed.
Cabinet Member	A single member of the Cabinet.
Central Budget	A budget which is held centrally and for which statutory. CFO is accountable (in accordance with any rules established in these procedures, or by Council, or Cabinet)
<u>Chief Executive</u>	<u>The person designated as the councils most senior manager.</u>
Chief Financial Officer (or "CFO")	The person so designated as the section 151 of the Local Government Act 1972 from time to time by the Chief Executive.
Controllable Budget	A budget which is allocated to a director, and for which the Director is accountable, in accordance with any rules established in these procedures, or by the CFO, or by Council, or Cabinet
Council Plan	The strategic plan of the council's activity approved by the Council
Council Provisions	Sums of money set aside to pay for uncertain events

Word	Definition
Earmarked Reserves	As council provisions, but with a more clearly stated purpose
<u>Executive Director</u>	<u>The person responsible for the commissioning of activity at an Executive Directorate level,</u>
<u>Executive Directorate</u>	<u>The consolidated group of activity budgets that fall within the responsibility of any one Executive Director,</u>
Executive Team	The Council's most senior officer leadership team.
<u>Executive Member (Portfolio Holder)</u>	<u>The Councillor responsible at Cabinet and to Council for a range of service areas.</u>
Fixed Asset	Any physical item having a long-term value –such as a vehicle, or property.
<u>General Fund</u>	<u>The expenditure and income that relates to the general operations of the Council (but not the HRA)</u>
<u>Housing Revenue Account (“HRA”)</u>	<u>The expenditure and income that relates to the management of the council housing function</u>
Head of Audit & Risk	The officer currently holding the role of Head of Internal Audit, as required by Public Sector Internal Audit Standards.
His or her Nominees	Refers to the 'Head of Service level' to which Service Directors, including the CFO can. nominate on their behalf, to enact Service Director delegated authorities as set out in these FPR's.
Internal Audit Strategy & Charter	Arrangements agreed by the Corporate Governance & Audit Committee on how the internal audit function will operate in line with Public Sector Internal Audit Standards.
Irregularity	An unexpected or inappropriate event or behaviour.

Word	Definition
Land Asset	Includes any interest in land and buildings and any easement or right in or over land.
Medium Term Financial Plan (MTFP)	Revenue Budget Plan, normally between 2 and <u>4-5</u> years, and Capital Plan, up to <u>5-10</u> years normally up to 5 years.
Monitoring Officer	The person appointed under section 5 of the Local Government & Housing Act 1989, currently the Service Director, Legal, Governance & Commissioning.
Named Project	A project (forming part of a Capital Programme) identified by Cabinet (or any other body or person so authorised by Cabinet) for inclusion in the Capital Plan.
Officer	An employee of the Council or other person contracted to carry out functions where these Financial Procedure Rules apply.
Partnership	Any organisation with which the Council has a formal or informal agreement to act together.
Programme Area	A group of projects having a similar purpose in the Capital Plan, or a major project listed separately within the Capital Plan.
Project	A single scheme included separately in the Capital Plan, or as a part of a programme area.
Public Sector Internal Audit Standards	Rules based on the <u>International Professional Practices Framework (IPPF), Institute of Internal Auditors Global Audit Standards, as amended by UK government and cipfa (re local authorities)</u> intended to promote improvement in the professionalism, quality, consistency and effectiveness of internal audit across the public sector.
Rollover	A mechanism for transferring budgets between financial years.
Service Director	The person responsible for the proper compliance with these procedures whose name is included on a schedule approved by the Chief Executive.

Word	Definition
Specified Project	A project specified by Council for inclusion in the Capital Plan.
Virement	The transfer of resources from one budget to another.

1. Financial Governance

- 1.1 The Council has a statutory duty to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has responsibility for the administration of those affairs. The Council has resolved that the Chief Financial Officer (CFO) is the responsible officer.
- 1.2 The Council will approve Financial Procedure Rules to be used by all members and officers.
- 1.3 The Corporate Governance & Audit Committee is responsible for approving the Council's Annual Statement of Accounts.
- 1.4 The Cabinet is responsible for ensuring that the Financial Procedure Rules are followed across the Council. The Corporate Governance & Audit Committee is also responsible for reviewing the Financial Procedure Rules annually and for making recommendations for any changes to the Council.
- 1.5 The Corporate Governance & Audit Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management arrangements. The Cabinet is responsible for assessing the risk of activity undertaken by the Council.
- 1.6 The CFO is responsible for the proper administration of the Council's financial affairs, and particularly for:
 - a) Providing financial advice and information to members and officers.
 - b) Setting standards for good financial management and monitoring compliance with those standards, including adherence to the CIPFA Financial Management Code of Practice.
 - c) Advising on the key financial controls necessary to secure sound financial management.
 - d) Ensuring that proper systems of internal control are operated.
 - e) Coordinating the preparation of the Revenue Budgets and the Capital Plan.
 - f) Determining the accounting policies and financial procedures and records for the Council.
 - g) Preparing the annual financial statements in accordance with the relevant accounting standards and codes of practice.
 - h) Treasury management activities.
 - i) Preparing a risk management policy statement and promoting it throughout the Council.
 - j) Maintaining an effective internal audit function, jointly with the Chief

Executive.

k) Ensuring proper professional practices are maintained within the finance function; and

l) Managing the Council's taxation affairs.

1.7 The CFO must report ~~to the Council's Monitoring Officer and~~ to the Council if:

a) A decision has been made, or is about to be made, which involves the incurring of expenditure which is unlawful; or

b) There has been, or is about to be, an unlawful action resulting in a financial loss to the Council.

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

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

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

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

1.11 Executive Directors must ensure that any report to Cabinet contains the financial implications of any proposals. These financial implications must be agreed with the CFO.

1.12 Where, as a result of legislation or decision of the Council, part of the Council's functions is delivered by an Associated Organisation including any partnerships of which the Council is a member or participant, funded partly or wholly by the Council, the organisation must agree with the Council its own arrangements for corporate governance, by way of an initial proposal. Subsequent authority to approve changes may be delegated to an Executive director. All partnership arrangements will incorporate the spirit of the Council's Financial Procedure Rules and will include the Council's right of access to financial information about the associated organisation.

1.13 Schools with delegated budgets are subject to, and must comply with, the 'Kirklees Scheme for Financing Schools', which has tailored these Financial Procedure Rules for use in those Schools.

1.14 A reference in the Financial Procedure Rules:

a) To the Cabinet includes Cabinet Committees

~~b) To an Executive Director includes where appropriate the Chief Executive~~

~~e)b)~~ To a Service Director includes his or her nominees (except where otherwise specifically forbidden)

~~d)c)~~ To the CFO includes his or her nominees; and

~~e)d)~~ To an officer means any employee of the Council, or other persons contracted to carry out functions where these Financial Procedure Rules apply.

2. Revenue Budget Preparation and Management Revenue Budget

Responsibilities

The Council is responsible for determining the Corporate/Council Plan which sets out the Council's strategic outcomes and actions, and Executive Directorate outcomes to provides the overarching framework for the determination of the Council's Medium Term Financial Plan (MTFP) within available resources.

An annual refresh of the MTFP will be undertaken and presented to Cabinet no later than September of each year. This will provide the framework for the following years budget.

The Council's MTFP includes the following:

a) A revenue balanced budget position for the following financial year; both for the general fund and the ring-fenced Housing Revenue Account (HRA), including the Capital Plan, and making provision for the revenue consequences from the Capital Plan as appropriate.

b) The level of Council Tax for the following financial year.

c) General fund and HRA revenue spend and funding forecasts, including a draft Capital Plan, beyond the next financial year; for a period of up to 4.5 years; including the revenue consequences from the multi-year Capital Plan over the same period; and

d) An overall longer term balanced budget forecast for the HRA MTFP in the context of the ring-fenced 30-year HRA business plan

2.1 The Cabinet is responsible for recommending a Medium-Term Financial Plan (MTFP) as set out above to Budget Council, to enable the Council to set a balanced budget for both the general fund and HRA for the forthcoming

financial year. The 1992 Local Government Finance Act, Section 30 (6) states that ~~that~~ the billing Authority must set an amount of Council Tax before 11th March in the financial year preceding that for which it is set. To comply with this legal requirement, this effectively means that the annual date of Budget Council should be no later than 10th March each year.

- 2.2 The Cabinet is responsible for implementing the Budget Council approved MTFP for the forthcoming financial year. ~~Specific decisions may decisions~~ may be made under the approved scheme of delegation.
- 2.3 On the advice of the CFO, Cabinet can recommend amendments to the MTFP to any meeting of Council, also recommending any related changes to the Council Plan, strategic objectives or actions.
- 2.4 The Cabinet is responsible for approving the setting of Council Tenant Rents, and other rents and service charges within the Housing Revenue Account (HRA), each year, within the scope of existing HRA rent and charging policies. which is governed by the statutory ringfence that the HRA operates within.

Budget Preparation

- 2.5 The Cabinet will submit no later than the October meeting of the Council each year a provisional budget strategy, for a period of up to 5 years. The starting point will be the existing multi-year plans rolled forward from the previous year, including a high-level review of Council funding and spend assumptions. Any resultant gap between funding and spend forecasts will inform target savings required ~~spending controls~~ over the new MTFP period.
- 2.6 The CFO is responsible for establishing budget procedures, including determination of the following:
 - I. Budget pressures and target ~~spending controls~~ savings for the Council budget over the MTFP, and their allocation to Executive Directors, as appropriate,
 - II. the format for budget documentation,
 - III. a corporate budget timetable, and
 - IV. to report on any amendments put forward as part of the Council's budget process.
- 2.7 The provisional budget strategy will include arrangements for wider public and key stakeholder engagement on budget options being considered.
- 2.8 Executive Directors will produce draft budget proposals to ~~meet~~ address the pressures and ~~target spending controls~~ savings targets for Council budgets over the MTFP, in accordance with budget procedures and the annual budget timetable as set out by the CFO. These draft budget proposals will show how resources are to be allocated across activities, taking into account any service changes, performance targets, and the specific requirements of any relevant legislation, including integrated impact assessments, in formulating budget options for Cabinet consideration.

- 2.9 At least 14 days before the date set for the meeting of the Council which will determine the Council's Budget for the next financial year, the Cabinet will make its recommendations to the Council with regards to the Annual Revenue Budget, the Capital Plan, and the consequent rates for Council Tax, and the updated MTFP. There are additional rules and arrangements that may apply set out in the Constitution- Budget and Policy Framework document.
- 2.10 The CFO will advise the Cabinet and the Council on the overall budget, the levels of Council Tax, the use of reserves and the need for contingency budgets, and on the risks involved in the forecasts of spending levels and income. The annual budget report must make reference to all matters required by legislation or appropriate professional guidance.

Budget Management

- 2.11 The Cabinet is responsible for implementing the Council Plan within the resources allocated in the Revenue Budget, and MTFP. The Cabinet will provide summary revenue monitoring information to the Council at least twice per year.
- 2.12 The CFO will report to the Cabinet on the overall management of the Revenue Budget on a quarterly basis through the year. This will also include information about the Housing Revenue Account, Treasury Management and Capital Plan (3.14). At least a summary of this information will be published on the council website.
- 2.13 The CFO will determine which budgets are "controllable" by Executive Directors and will allocate the specific budgets that each Executive Director has responsibility to manage.
- 2.14 These budgets will normally align with the Executive Directorate structure of the Council but may also reflect the cross council (transformational) structure of the Council. The CFO will determine which budgets may be considered together for the purposes of delegated virement authority (per FPR 2.24 to 2.28 below).
- 2.15 Service Directors are responsible for managing controllable budgets within their delegated authority and should exercise proper budgetary control in order to achieve Council Plan and service objectives.
- 2.16 Service Directors are authorised to incur any expenditure included in the approved revenue budget, as amended by any virement, including obtaining and accepting quotations and providing grants and loans, subject to other requirements of CPRs and FPRs.
- 2.17 Service Directors must report on budget management. They must take action to avoid overspending budgets and report any difficulties to the appropriate Executive Director and the CFO. These reports must be in a format and to a timetable prescribed by the CFO.

- 2.18 An Executive Director (in consultation with the relevant Portfolio Holder) is authorised to make such changes to service provision as are necessary; providing the proposed change is consistent with the approved Council Plan, service objectives and Council policy, to achieve spending within the approved annual budget or MTFP (as adjusted by any agreed virements).
- 2.19 Where a Service Director is reporting a projected overspend on an activity that cannot be addressed either through budget virement or other in-year changes to service provision, this will be highlighted in a manner prescribed by the CFO as part of the report to the Cabinet on the overall management of the Revenue Budget on at least a quarterly basis through the year. The reasons for the overspending and potential management options for eliminating or reducing the overspending will be included in this report. The Cabinet is responsible for determining such further steps as are necessary to align activity consistent with the resources allocated by the MTFP.
- 2.20 The CFO is accountable for all central budgets, which will be managed in the same way as activity budgets.
- 2.21 The CFO has delegated authority to review the requirement for existing Council Provisions and Earmarked Reserves, in-year, and to approve the proposed drawdown of earmarked reserves in-year in consultation with the relevant Executive Director, ensuring that the proposed drawdowns are appropriate for the stated purpose of the earmarked reserve or where Earmarked Reserves are no longer necessary the CFO -can reallocate these to General Reserves. Earmarked Reserves drawdowns in-year will also form part of the overall report to Cabinet on a quarterly basis as set out at FPR 2.12. The CFO will also report any new Reserves or Provisions requirements to Cabinet for approval.
- 2.22 Service Directors should delegate authority to commit budgets to the appropriate level of management, set out clearly the extent of authority and review the performance of managers in managing these budgets.

Virements

- 2.23 Service Directors are authorised to transfer resources within an activity budget without limit providing the corporate objectives for the activity is not changed in a material way.
- 2.24 Virement which results in a change in the level of service must be addressed as per FPR 2.18
- 2.25 Virement is not permitted between HRA funded and General Fund funding streams.
- 2.26 Executive Directors, in consultation with the appropriate Portfolio Holder (s), are authorised to transfer resources between controllable activity budgets within the Executive Directorate budget up to £1,000,000, cumulatively in any one year.

The CFO is permitted to vire budgets to service directors budgets where

~~thesesuch budgets that are initially held centrally, (for example, pay award budget).~~

- 2.27 The Cabinet is authorised to transfer resources (undertake a Virement) without limit for the purposes of achieving budget targets and obligations.
- 2.28 ~~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. Revenue contributions towards capital investment are not normally allowed , and require approval by the CFO, and insertion in the Capital Plan in accordance with FPR3.~~
- 2.29 Virement is specifically not allowed where the transfer of resources is from budgets for capital charges, ~~Council support functions~~ or statutory taxes and levies.
- 2.30 All Virements will be recorded in a way prescribed by the CFO -who will arrange for Virements to be incorporated into subsequent financial monitoring reported to the Cabinet.

Rollover

- 2.31 Rollover is a mechanism for transferring budget provisions from one year to the next, or vice versa. Rollover arrangements apply equally to the General Fund and the Housing Revenue Account.
- 2.32 The Council, in determining the Revenue Budget for a particular year, will also determine the arrangements for rollover for that year. The Council will determine changes to the Council's Revenue Budget arising from the rollover process.
- 2.33 The Cabinet is responsible for recommending changes to the Revenue Budget arising from the rollover process.
- 2.34 In the rollover process, the overall level of resources available to support rollover proposals will not exceed any reported net underspend of the Council as a whole for that year. If the Council as a whole does not have a reported under spend, the presumption is that there will be no revenue rollover for that year.
- 2.35 Subject to the parameters set out in FPR 2.34 above, rollover proposals will be considered at Executive Team in the first instance.

Other

- 2.36 Where during any year a material change of funding (and or any change associated activity) arises this must be reported to Cabinet along with a statement of any associated change in the risk profile (for example a change from outsourced to direct employment may have the same overall cost but may significantly increase the Council's risk).

- 2.37 Where, because of a mistake or error by an officer, the Council becomes liable for any charges, penalties or additional expenses, such costs will be met by the activity in which the error is made.
- 2.38 Whenever the Cabinet becomes aware, —following a report from the CFO that a reduction in resources ~~or there are overspends that cannot be fully addressed~~ during the current or future years ~~that~~which may impact on the Council’s financial position, it may take such steps as it considers necessary to reduce ~~activity, review~~activity, review fees and charges, implement tighter spending controls immediately or at a stage prior to the next budget Council to address this.
- 2.39 After the end of each financial year, the CFO will report to the Cabinet and the Council on the outturn financial performance and any proposed rollover, subject to the parameters set out in FPR 2.33 above.
- 2.40 The CFO is permitted to make variations to revenue funding as necessary in order to ensure that the council funding position is optimised, subject to reporting such actions to Cabinet and Council.

3. Capital Plan Preparation and Management

General

- 3.1 For the purposes of Capital 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 CFO. (The usual de minimis level is £10,000, however the definition of Capital expenditure will take precedence over value)
- 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.

Responsibilities

- 3.3 The CFO will advise the Cabinet and the Council on the overall Capital Investment Plan and levels of funding available. The CFO 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.

- 3.4 The Cabinet is responsible for recommending to the Council at the same time as the proposed Revenue Budget, a multi-year Capital Plan (for both the General Fund and HRA) and the prudential indicators and limits that support the recommended capital investment.
- 3.5 The Council will approve a Capital Plan and determine allocations of capital resources to programme areas, or to specified projects. (and the prudential indicators and limits that support the recommended capital investment)
- 3.6 The Cabinet is responsible for implementing the Capital Plan approved by Council, in line with any stated Council policies, or strategies, and will determine the allocation of resources from the programme area to named projects. A programme or named project may only be progressed once the Cabinet has approved the business case for the programme or project.
- 3.7 Service Directors are responsible for managing programmes and projects and must make appropriate arrangements to control projects and avoid overspending.

Plan Management

- 3.8 The Cabinet is authorised to transfer resources without restrictions. including between any year, within the approved Capital Plan, subject to compliance with 3.11 and 3.13.
- 3.9 The Chief Executive and Service Directors will designate which Service Director is responsible for each project and programme area within the Capital Plan. The Service Directors are authorised within capital budgets for which they are designated as responsible to.
 1. Transfer resources within a programme area without restrictions.
 2. Transfer resources between any project or programme area within their designated projects and programmes 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, Subject to compliance with 3.10 and 3.11 and notification to the relevant Cabinet Member and appropriate Ward Members.
- 3.10 Transfers under 3.8 and 3.9 require the approval of the CFO who must be satisfied that there is no impact on capital funding stream because of the changes.
- 3.11 Transfer is not permitted between HRA funded and General Fund funding streams, nor in respect of any project (or programme) to the extent that it is funded by a project (or programme) specific third-party grant.
- 3.12 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.

- 3.13 Any decision on resource allocation by Cabinet, Executive and Service Directors must recognise any policy decisions of Council. Any decision on resource allocation by Executive and Service Directors must recognise any policy decisions of Cabinet.
- 3.14 The CFO will report to the Cabinet on the overall management of the Capital 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. This will include any additional capital grant funding received during the year.

Initiating and Progressing Investment Decisions

3.15 The Chief Executive will establish arrangements, in conjunction with the CFO, 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 Plan, and assist Cabinet with the allocation of programme area budgets to specific projects. For these purposes the Executive Director and CFO may approve the incurring of fees for option appraisal or initial design fees, subject to the identification of an appropriate 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.

3.16 ~~Before progressing any Capital Plan project to full contractual stage, the Service Director will seek approval from the CFO. A capital outlay report will be prepared for each specific project. It will be signed off by the relevant Head of Service, Service Director and approved by the Chief Finance Officer, who will grant approval to each specific project when satisfied that:~~

- a) The project appears on a schedule of named projects (approved by Cabinet, or by officers under a scheme approved by Cabinet).
- b) That the total costs of a project are estimated to be less than or equal to the amount approved in the Capital Plan.

OR

Where the total costs of a project exceed the amount approved in the Capital Plan the appropriate additional resources have been approved; (3.8 to 3.12).

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

The CFO 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.

3.17 Service Directors have authority to progress projects once the approvals at 3.16 have been given. They must ensure compliance also with Contract Procedure Rules.

3.18 ~~Executive-Service~~ 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.

- 3.19 The CFO is permitted to make variations to capital funding as necessary in order to ensure that the council funding position is optimised, subject to reporting such actions to Cabinet and Council.

Complex Projects

- 3.20 Any capital project which involves partnership arrangements, or investment in limited companies or other separate entities must be approved by Cabinet.
- 3.21 The reporting of the capital position in such cases must follow a similar arrangement to any direct asset investment.

Leased Assets

- 3.22 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.
- 3.23 In respect of any item acquired by lease (other than a Land Asset) the inventory must be marked with the name of the leasing company and the date of expiry of the lease agreement. When requested by the leasing company the item must be suitably marked as the property of that company.

4. Financial Systems and Procedures

- 4.1 The CFO is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes to the existing financial systems or the establishment of new systems must be approved by the CFO.
- 4.2 Any exceptions to financial procedures to meet the specific needs of a Service must be agreed between the Service Director and the CFO.
- 4.3 Service Directors must ensure that officers understand and are competent to undertake their financial responsibilities and receive relevant financial training that has been approved by the CFO.
- 4.4 Service Directors are responsible for the proper operation of financial processes in their own activity and must ensure that all financial, costing, and other statistical information is recorded fully and accurately.
- 4.5 Service Directors must ensure that financial documents are retained in accordance with the Council's approved retention schedule.
- 4.6 As far as practicable, Service Directors must make arrangements for

the separation of duties between the carrying out of transactions and the examining and checking of transactions.

5. Internal Audit

Responsibility & Authority

- 5.1 The Chief Executive, (in consultation with the CFO and Monitoring Officer) must arrange a continuous internal audit, which is an independent review of the accounting, financial and other operations of the Council.
- 5.2 The Head of Audit & Risk will report directly to the Chief Executive, the Chair of the Corporate Governance & Audit Committee or the External Auditor in any circumstance where the functions and responsibilities of the CFO are being reviewed. (Other than routine reporting of work carried out)
- 5.3 The Head of Audit and Risk has authority to
 - a) Enter at all times any Council premises or land or location from which Council services are provided.
 - b) Have access to all property, records, documents and correspondence relating to all activities of the Council.
 - c) Require and receive explanations concerning any matter; and
 - d) Require any employee of the Council, without prior notice, to produce cash, stores or any other property for which they are responsible.

- e) Require any Director to ensure that within 5 working days' notice (or such other time as might be agreed by the Head of Audit & Risk).
 - I. to ensure sufficient resource by way of time or otherwise, that an adequate response by employees of the service to any request for information,
 - II. and, or
 - III. any employee attends a meeting at any location (within the Kirklees area,) chosen by the Head of Audit & Risk
 - IV. and or
 - V. the provision of any information, data, records, currently held in any media format be provided that that format, or in any other reasonable format chosen by the Head of Audit & Risk, and as appropriate delivered to a location chosen by the Head of Audit & Risk

and

- VI. to be accountable to the Corporate Governance & Audit Committee should they fail to act.

The CFO has the same authority for any accounting or associated purpose.

For the purposes of FPR 5, the Head of Audit & Risk may delegate the rights of access to premises, information, explanation etc. to any employee or agent of the council (albeit this will normally be staff within the Internal Audit or Fraud team).

Planning and Reporting

- 5.4 The Head of Audit & Risk must plan and report (in accordance with the approved Audit ~~Strategy and~~ Charter and Strategy, obligations in the IIA Global Internal Audit Standards, Public Sector Internal Audit Standards and any instruction from the Councils Corporate Governance & Audit Committee) upon
- a) The risks inherent in and associated with each system.
 - b) The soundness, adequacy and application of the financial and other management controls and systems within each Service
 - c) The extent of compliance with, and the financial effects of, established policies, plans and procedures.

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

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

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

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

Investigations and Suspected Fraud, Corruption or Bribery

5.7 The Chief Executive and Directors must ensure that all Members and employees are:

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

The Head of Audit & Risk is responsible for the development and maintenance of the Council's Fraud Prevention Anti-Bribery and, Anti-Corruption Policy, the Whistleblowing Policy, and all associated documentation, and for directing the Council's efforts in fraud investigation.

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

5.9 Where, following investigation, the Head of Audit & Risk considers that there

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

6. Insurance

- 6.1 The Service Director Legal, Governance & Commissioning, in consultation with Service Directors is responsible for assessing insurable risks and for arranging all insurance cover, including the management and control of the insurance fund. He/she will control all claims and maintain records of them. He/she has authority to receive or make claims on behalf of the council and negotiate and agree all settlements.
- 6.2 Service Directors must promptly notify the Service Director Legal, Governance & Commissioning in writing of all new risks or Assets to be insured and of any alterations affecting existing insurances. All insurances held must be reviewed on an annual basis.
- 6.3 In the event of any insurance claim or occurrence Service Directors must:
 - a) Not admit liability where this may prejudice the outcome of any settlement.
 - b) Promptly notify the Insurance Team, in writing, of any loss, liability, damage or any event likely to lead to a claim; and
 - c) Inform the Police in the case of loss or malicious damage to Council property.
- 6.4 Service Directors must consult the Service Director Legal Governance & Commissioning as to the terms of any indemnity the Council is required to give.
- 6.5 The Service Director in consultation with the Insurance Team will determine the extent of insurance cover which must be provided for in any external contract for the supply of goods, works or services. The Service Director, in consultation with the Service Director Legal Governance & Commissioning, may reduce the cover requirements in respect of specific contracts.

7. Assets

- 7.1 Service Directors are responsible for the care and custody of all current and Fixed Assets of the relevant service (including stocks, stores, inventory items and all other items used for the Council's purposes, including property). These items must only be used for the authorised purposes of the Council.
- 7.2 Service Directors must ensure that contingency plans exist for the security of Assets and the continuity of service in the event of any disaster, significant event, or system failure.

Disposal of Assets

- 7.3 Surplus or obsolete goods, materials and inventory items are to be disposed of by agreed transfer to another Service, or disposal in accordance with Contract Procedure Rules, except when the Cabinet instructs otherwise.
- 7.4 Leased items (excluding Land Assets) should only be disposed of in accordance with instructions of the lessor.

Stores

- 7.5 Service Directors must keep records of all stock held. The CFO will determine which items will be subject to stock accounting, the methods of recording and valuation. An appropriate system of continuous stock taking must be agreed with the CFO.
- 7.6 Service Directors must arrange periodical or continuous checks of stock. This should be by persons independent of the management of the stock. These arrangements must ensure that all items of stock are checked at least once per year. The CFO will be notified of any discrepancies revealed by periodic checks and is authorised to amend records accordingly.
- 7.7 Stock holdings should be kept at minimum levels consistent with normal working practices.

Inventories

- 7.8 Service Directors are responsible for ensuring that detailed inventories of all land, buildings, equipment, specialist furniture, specialist fittings, vehicles, plant and machinery are compiled and kept up to date. New inventory items must be entered promptly, and redundant items (other than Land Assets) deleted and disposed of in accordance with Financial Procedure Rule 7.3. The form of inventory and the type of Assets recorded thereon will be determined by the CFO after consultation with the appropriate Service Director.
- 7.9 The inventory should include.
 - a) The nature, type, model, serial number, location, quantity, value, date of acquisition.
 - b) All items valued at, more than £100.
 - c) Items of a lesser value which are portable and attractive; and
 - d) Evidence to indicate an inspection has been carried out.
- 7.10 Service Directors are responsible for ensuring that inventory items which are the responsibility of another Director but used operationally by their service areas are subject to an appropriate risk-based level of control. When Assets

are loaned to employees, or other organisations, the Service Director must record the reason for the loan, date/periods and name of the receiver, and ensure recovery at the end of the period at which the purpose of the loan has expired.

- 7.11 Inventory items must (where appropriate) be security marked, stamped or engraved with the Council's name.
- 7.12 Each Service Director is responsible for ensuring risk-based checking of the inventory and must notify the CFO, and the Head of Internal Audit & Risk of any discrepancies revealed by these checks.

Fixed Assets Register

- 7.13 The CFO must ensure that a Register of Fixed Assets is maintained.

Each Service Director must notify the CFO of the:

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

- 7.14 Leased assets must also be included in this record (see part 3.25, 3.26).

Land Assets

- 7.15 The Service Director responsible must maintain a detailed record of all Land Assets owned by the Council (except dwellings provided for general letting) and is responsible for the security and custody of all title deeds and must maintain a suitable register of Land Assets.
- 7.16 The disposal of Land Assets is dealt with in the Contract Procedure Rules.

Information Assets

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

8. Security

Security of Assets

- 8.1 Service Directors are responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash and any other assets for which they are responsible. The CFO must be consulted to

establish adequate security arrangements except in relation to Land Assets that are the responsibility of the Service Director responsible for them.

- 8.2 All keys to safes and other places containing money, goods or other valuables are to be the responsibility of specified officers who must retain possession of such keys at all times.
- 8.3 A register of keys and their holders must be maintained by each Service Director. The loss of any key must be reported immediately to the Service Director who must record details of the circumstances of the loss, and take such action as is necessary to protect the property of the Council.

Security of Information

- 8.4 Service Directors must maintain proper security, privacy and use of data and information held in any media including, but not inclusively, documents, magnetic, digital, (such as laptop and tablet computers, mobile phones, memory cards).
- a) All employees are aware of and comply with the Council's Information Security and Records Management policies.
 - b) All sensitive information is protected from unauthorised disclosure.
 - c) The accuracy and completeness of information and software is safeguarded.
 - d) Software and other intellectual property are used only in accordance with licensing agreements.
 - e) Data Protection legislation is complied with.
 - f) The Freedom of Information Act is complied with.
 - g) Proper controls to system and physical access are in place; and
 - h) The Councils intellectual property rights are protected.

Security of Property Relating to Clients and Customers

- 8.5 Service Directors must provide detailed written instructions on the collection, custody, investment, recording, safekeeping and disposal of customer/client's property (including instructions on the disposal of property of deceased clients) for all staff whose duty is to administer, in any way, the property of clients. Due care should be exercised in the management of a customer or clients' money in order to maximise the benefits to the customer/client.
- 8.6 The Council is responsible for taking reasonable care of all items of property found by staff or members of the public on Council premises until the items

are reclaimed or disposed of. Each Service Director must nominate officers who are responsible for the custody of lost property and keep a register of such property received, detailing the item, date, time, name and address of finder and how and to whom the property is returned or disposed of.

- 8.7 Service Directors may seek approval from the appropriate Executive Director and Executive Member, on how lost property will be dealt with. Otherwise, if the lost property is not claimed within three months the Service Director will then determine if the item is of value for use by the Council and arrange for its use for this purpose. All other items are to be disposed of in accordance with Contract Procedure Rules and the proceeds allocated to an appropriate council income code.

9. Treasury Management

Policies and Strategies

- 9.1 The Council will adopt both the Code of Practice for Treasury Management in the Public Services, published by the Chartered Institute of Public Finance and Accountancy, and any associated statutory Government guidance, as issued from time to time.
- 9.2 The Council is responsible for adopting a treasury management policy statement, setting out the policies and objectives of its treasury management activities, and treasury management practices, setting out how those policies and objectives will be achieved and how treasury management will be managed and controlled.
- 9.3 The Cabinet is responsible for the implementation and monitoring of the treasury management policies, practices and performance. The Corporate Governance & Audit Committee has responsibility for scrutinizing treasury management policies and practices.
- 9.4 The CFO is responsible for the execution and administration of treasury management decisions in accordance with the policy statement and agreed practices.
- 9.5 The CFO will report to the Council (via the Corporate Governance & Audit Committee and Cabinet)
- a) before each financial year recommending a treasury management strategy and plan.
 - b) at least once in relation to treasury management activity during the year.
 - c) by way of an annual report after the end of the year.

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

Administration

- 9.6 All money under the management of the Council is to be aggregated for the purposes of treasury management and will be controlled by the CFO.
- 9.7 Investments other than bearer securities are to be in the name of the Council or nominee approved by the Cabinet. All borrowings are to be in the name of the Council.
- 9.8 The CFO will select the Council's Registrar of stocks, bonds and mortgages and must maintain records of all borrowings by the Council.
- 9.9 A suitable register must be maintained in respect of all investments, securities, bearer securities and borrowings.
- 9.10 The CFO will arrange all loans and (financial instrument) leases including operating leases. (See also 3.25, 3.26)

Trust Funds

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

10. Banking Arrangements, Electronic Payments, Cheques and imprest accounts

Banking Arrangements

- 10.1 All of the Council's banking arrangements are to be approved by the CFO, who is authorised to operate such bank accounts as he or she considers appropriate.
- 10.2 Bank accounts must not be opened without the approval of the CFO. Where a bank account is opened, the account name must describe the purpose of the account. All new accounts should be named in the format 'KC, XYZ Unit Account'.

Electronic Payments & Cheques

- 10.3 Payments to suppliers and employees will be made by electronic means unless there are good reasons to use a different method.
- 10.4 Banking arrangements made for authorisation of payments to be made or received under electronic transfer are to be in a form approved by the CFO. Checks will be carried out as determined by the CFO to verify the validity of counterparty bank accounts prior to the release of any payments.
- 10.5 All cheques are to be ordered only in accordance with arrangements approved by the CFO, who is to ensure their safe custody. Cheques drawn on the Council's main bank accounts must either bear the facsimile signature of the CFO or be signed in manuscript by him/her or other authorised officers. All alterations and amendments are to be signed in manuscript by the CFO, or other authorised officers.
- 10.6 Service Directors must maintain a register of all officers authorised to sign cheques and other bank documents together with specimen signatures.

Imprest Accounts

- 10.7 Service Directors will determine what amount is appropriate for an individual imprest account and keep a record of every imprest issued, including the name of the imprest holder, amount and location.
- 10.8 Any imprest holder (or sub imprest - see rule 10.10) must at any time account for the total imprest if requested to do so by the CFO and keep adequate records in a form approved by the CFO and supported by valid (VAT) receipts. On ceasing to be responsible for an imprest account the officer must account promptly to the Service Director for the amount advanced.
- 10.9 Payments from imprest accounts are to be limited to minor items of expenditure and to any other items approved by the CFO.
- 10.10 Where deemed appropriate by an imprest account holder a sub- imprest may be provided to another officer for which the main imprest account holder must obtain and retain an acknowledgement. In all cases where this occurs the main imprest holder must notify the Service Director.

11. Income

- 11.1 The Council will determine annual arrangements for amending fees and charges. Fees and charges must be reviewed at least once per annum. Service Directors have authority to implement new charges and amend existing fees and charges to achieve budget targets (either in year or future years), to account for changes in legislation and market conditions, in consultation with the appropriate Executive Director, relevant Portfolio Holder and CFO, and subject also to the decision making threshold processes. (e.g. key decision)

- 11.2 The methods of collecting, recording and banking of all income due to the Council are to be approved by the CFO.
- 11.3 The CFO must be notified, in accordance with practices agreed with the relevant Service Director, of all income due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council.
- 11.4 Service Directors must ensure that to the maximum extent possible income is collected by electronic means. This means that positive action should be taken to promote the use of customer payment by direct debit at the point of order for one off items, and continuous debit arrangements for ongoing services provision. Service Directors must ensure full compliance with all practices necessary to fully protect the banking data of the council's customers.

Collection and Banking of Income

- 11.5 Service Directors must make appropriate arrangements for the control and issue of all receipt forms, books, tickets, ticket machines or other acknowledgements for money.
- 11.6 All income received by the Council must be acknowledged by the issue of an official receipt or by another approved method indicating payment has been received.
- 11.7 ~~In order to ensure~~ compliance with the Anti-Money Laundering Procedures, Service Directors must not normally accept any cash payment in excess of 1015,000 euros (£11,7008,300) in respect of one single transaction on one occasion. The Director of Legal Governance & Commissioning may agree specific circumstances where money in excess of this sum may be collected as cash.~~Any reasonable concerns about the source of monies to be paid to the Council should be raised in accordance with the Procedures. The exception to this rule is that in the case of a disposal of a Land Asset by way of public auction, or under auction conditions, the Council may accept a cash payment in excess of 15,000 Euros where the Land Asset being disposed of exceeds a sale price of 150,000 Euros.~~ If there is any doubt about whether or not to proceed with a transaction, a decision must not be taken until relevant approval has been obtained under the Procedures. Anti-money laundering compliance is the responsibility of the Service Director of Legal Governance & Commissioning who is entitled to issue instruction relating to this matter.
- 11.87 All money received by an officer on behalf of the Council must either be paid to the CFO or to the Council's bank account as the CFO may determine, at intervals taking account of the security of the premises. No deductions are to be made from such monies unless specifically authorised by the CFO. Personal cheques must not be cashed out of monies held on behalf of the Council. Refunds must be made through the payments system.
- 11.98 Arrangements for opening incoming mail must ensure that any money so received is immediately recorded.

11.109 Every transfer of official money from one officer to another must be evidenced in the records of the Services concerned by the signature of the receiving officer.

Cash discrepancies

11.110 Each Director must maintain a detailed record of all cash surpluses and deficiencies in a manner approved by the CFO.

11.124 The Service Director must investigate any apparent patterns of discrepancies. Where such discrepancies are in excess of £100 individually, or in total within any period of 1 month, the Director concerned must immediately investigate and notify the Head of Audit & Risk who may undertake such investigations as he/she deems appropriate.

Debtors

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

11.14 The CFO must be satisfied that Service Directors are taking appropriate measures to recover credit income due in a timely and efficient manner. The CFO will take appropriate steps to monitor and review the effectiveness of recovery procedures in services, and in conjunction with the relevant Service Director, implement any further actions as required to maximise income recovery within service to appropriate levels.

11.15 Where a Service Director agrees that a debtor may defer repayment, the Service Director must ensure that full records of the reason for agreeing repayment deferral are retained and must have arrangements in place to formally reconsider the appropriateness of deferral at agreed regular intervals (that must not be longer than 12 months).

11.16 Service Directors must regularly review debts due and ensure adequate year end provisions for bad and doubtful debts. Service Directors are authorised to review and recommend for write off all individual bad debts in a timely manner, as a minimum every 6 months, and subject to the approval of the CFO. A report on the details of all debts written off under delegated authority must be prepared and formally noted by the Service Director in consultation with the Cabinet Member. The CFO must prepare an annual consolidated report of all debts written off for consideration by the Corporate Governance & Audit Committee. Service Directors must ensure that appropriate accounting entries are made following write off actions, in a manner prescribed by the

CFO.

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

12. Payment of invoices

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

- 12.1 Service Directors must ensure that all valid invoices are paid within 30 days of receipt.
- 12.2 The CFO will determine the method and frequency of payment from one of the Council's main bank accounts, except for
- Petty cash and other imprest accounts
 - Delegated bank accounts approved by the CFO

Automated Payments

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

Certification & Processing (paper records)

- 12.5 Service Directors must approve a schedule of officers authorised to certify invoices, (names and specimen signatures). This must be supplied if requested to the CFO The schedule must be reviewed at least once per year.
- 12.6 All invoices- that are not the subject of automated processing- must be certified in manuscript, unless an alternative method is expressly authorised by the CFO.
- By certifying an account for payment, the authorised officer indicates that satisfactory checks have been carried out to ensure that.
- a) The work, goods or services to which the account relates have been received or carried out, examined and approved.

- b) Prices, extensions, calculations, discounts, other allowances and tax are correct.
- c) There is a proper tax invoice when appropriate.
- d) The relevant expenditure has been properly incurred, is within budget, and is charged to the appropriate budget.
- e) Entries have been made in Asset registers, inventories, stores and other records as appropriate; and
- f) The account has not previously been paid.

12.7 Where errors on an invoice are detected manual adjustments which reduce the total payment are permissible, provided that this does not change the total amount of VAT payable. In all cases where the amount due increases, or changes the amount of VAT, a replacement invoice and/or credit note must be obtained before payment is made.

12.8 The Service Director must where possible achieve an adequate level of internal check. At least two officers should be involved. The officer certifying the account for payment should not be the same officer who received or checked the items, goods, works or services.

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

12.9 All forms of account submitted for payment to a supplier or contractor other than on the original invoice must be accompanied by a special certification stating that the original invoice has not been paid and will not be paid subsequently. The certificate must be signed by an officer authorised to certify accounts for payment.

12.10 The CFO may withhold payment of any invoice where there is evidence to suggest that it is not in order. The CFO must establish rules that control the use of pro-forma invoices, to ensure that these are not used to circumvent council procedures,

Advance Payments

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

the issuing officer must then obtain a VAT invoice or authenticated receipt for the transaction, and arrange for its processing to facilitate the recovery of VAT.

Discounts

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

Payment by Direct Debit/Standing Order

- 12.13 The Service Director (or Designated Finance Officer) must approve all requests for creation of a Direct Debit mandate, and supply to the CFO such information as is deemed necessary (e.g., codes, profit centre(s) to be charged, a copy of a recent bill, showing signatory certification, for the account in question). If the payment method is Standing Order, the requestor must also specify the frequency of payment and, where appropriate, a termination date.
- 12.14 The Service Director must inform the CFO when any payment is to be terminated.
- 12.15 Services must retain all statements relating to accounts paid by Direct Debit/Standing Order for current plus three previous financial years in order to substantiate the authority's claim for VAT on these accounts.

13. Purchasing Cards

- 13.1 All arrangements regarding purchasing cards must be approved by the CFO. (As set out in the Purchasing Card Procedure Manual)
- 13.2 Service Directors in conjunction with the CFO will determine the monthly credit limit, any cash limits and permissible purchasing categories for individual payment and procurement cards.
- 13.3 Each cardholder must ensure safe custody of the card at all times.
- 13.4 Cards may be used only in accordance with the approved scheme and for legitimate expenses incurred by the cardholder in the course of official Council business.
- They must not be used: -
- a) To avoid any corporate rules on procurement and purchasing (for example to purchase only from approved suppliers)
 - b) To circumvent the procedures for the ordering of and payment for, goods and services under these regulations; or
 - c) To purchase items for the private or personal use of cardholders.

- 13.5 Each cardholder must ensure that all expenditure incurred using a purchasing card is supported by adequate records and a VAT receipt is obtained to support all expenditure.
- 13.6 Employees of the council must not use their own debit or credit card to make purchases on behalf of the council. (Other than in circumstances agreed in advance by the CFO, such as emergencies)

14. Salaries, Wages and Pensions

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

- 14.1 All payments of salaries, wages, pensions, compensations, gratuities, allowances and other emoluments to current or former employees are to be made by the CFO in accordance with information supplied by the Director. All payroll transactions must be processed through the Council's SAP payroll system.
- 14.2 Service Directors must ensure that appointments of all employees are in accordance with the appropriate Conditions of Service of the Council or any approved scheme of delegation, and within the approved budgets, grades and rates of pay. Any variations of terms and conditions must be in accordance with arrangements approved by the Cabinet.

Records

- 14.3 Service Directors must maintain adequate records to notify the CFO of all appointments, resignations, dismissals, and retirements together with changes in pay rates, bonuses due, overtime worked and other matters affecting remuneration, and provide all information to ensure that the correct adjustments are made in respect of absences, pensions, income tax, national insurance, sickness and maternity pay and any other additions to or deductions from pay. Service Directors must also advise the CFO of any employee benefit in kind to enable reporting for taxation purposes.
- 14.4 ~~All officers -when instructed-~~ must complete a contemporaneous time record of actual times of attendance at —work, ~~except where a time clock is used electronically or by pPaper records-records. Paper records~~ should be signed by —the officer as a correct statement. ~~It is the responsibility of each- Every~~ manager ~~to-should~~ —check time records of officers for which ~~that manager has they have~~ responsibility.
- 14.5 Time records and other pay documents must be maintained in a manner approved by the CFO and be certified by the Service Director or other authorised officers. The Service Director must maintain a list of officers who

are permitted to certify payroll documentation –either electronically or by manuscript (and their specimen signatures) and these authorisations must be reviewed at least annually by the Service Director. Details of officers authorised must be supplied to the CFO.

Overpayments

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

15. Travel, Subsistence, and Other Allowances

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

16. Taxation

- 16.1 The CFO is responsible for advising the Council on all taxation issues that affect the Council.
- 16.2 Each Director must ensure taxation is treated correctly and consult with the CFO in the event of any uncertainty as to any taxation treatment.
- 16.3 The CFO will lead and co-ordinate discussion or negotiations with HM

Revenue and Customs about any taxation matter.

16.4 The CFO will complete all of the Council's tax returns.

17. Gifts and Hospitality

17.1 Officers must ensure that it is apparent that no cause could reasonably arise for adverse criticism or suggestion of improper influence about the acceptance of any gift or hospitality. They must ensure that in accepting any offer of gifts and or hospitality to do so would not infringe the requirements of the Bribery Act 2010.

17.2 Service Directors must maintain a central record of all gifts, invitations and hospitality offered and or received, including items of token value.

17.3 The receipt of personal gifts should be discouraged, but if an officer, during the course of, or as a result of, official duties, receives any personal gift, other than one of only token value (less than £25), the matter must be reported to the Service Director who will decide if the item is to be returned or forwarded to some charitable cause, and the Director must inform the donor what has happened to the gift and explain the reason why gifts should not be sent in the future.

17.4 Service Directors and other officers with the permission of the Service Director may accept invitations to events and associated hospitality of any value where this relates to a function promoted by an organisation with which the Council has formal links and attendance constitutes a demonstration of faith in that organisation. It will not normally be appropriate for attendance by a companion. A Service Director must agree that they are satisfied that attendance by the companion is appropriate.

17.5 Hospitality must only be given or accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. Particular care must be taken when this involves potential customers or suppliers. The circumstances and the type of hospitality are to be recorded in the central record maintained by the Service Director concerned.

18. Working with Clients and Contractors

18.1 Officers who, in accordance with their conditions of service, are permitted to carry out private or other paid work must not do so during Council time, and must not use any Council premises, resources or facilities for the execution of such work. No stationery or publicity material is to indicate that the person is a Council employee nor should the address or any telephone number of the Council be stated. Officers must declare to their Service Director in writing the nature and duration of such private work.

18.2 Officers must declare to their Service Director any circumstance where they believe that they may have a pecuniary or non-pecuniary interest in any proposed supply contract, grant award or other transaction for which they

have involvement or responsibility.

- 18.3 Officers must not work for any current or prospective supplier or contractor to the Council.
- 18.4 All intellectual property created by employees in the course of their duties is, and remains, the property of the Council. The copyright or equivalent of any material cannot be sold without the permission of Cabinet. Any article, book or similar material for publication that is prepared in the Council's time is the property of the Council. Any disposal of intellectual property must be made in accordance with contract procedure rules. Any article, book or similar material for publication prepared by an employee (relating to their official duties) requires the written approval of the Service Director prior to publication.

19. Unofficial and Voluntary Funds

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

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

20. Financial Control of Partnerships, Joint Ventures Associated Organisations and Similar Arrangements

Working in Partnership with Associated Organisations

- 20.1 The CFO is responsible for promoting and maintaining the same high standards of financial administration in partnerships that apply throughout the Council or advising the Cabinet where he/she is aware that arrangements within a partnership are in conflict or are uncertain compared with the practices adopted by the Council.
- 20.2 The CFO must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory, and must:

- a) Consider the overall corporate governance arrangements and legal issues when arranging contracts with the partner/joint venture or associated organisation.
 - b) Ensure that the risks have been fully appraised before agreements are entered into with the partner/joint venture or associated organisation.
- 20.3 Service Directors must ensure that in all grant agreements, contribution to partnerships and where appropriate in agreed contracts for the supply of works, goods and services the CFO has access to the accounts, records and all other documentation, and is entitled to seek explanations from Officers of the funded organisation regarding the deployment of the Council's funding payment.

Working for Other Organisations

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

21. Purchasing of Works, Goods and Services

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

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

Orders

- 21.1 Before any official order is issued for works, goods or services, the Service Director or other authorised officer must ensure that.
- (a) The works, goods or services, are necessary for the discharge of the responsibilities of the Council.

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

Management of Suppliers

- 21.8 In respect of each order or contract for construction work, and any order or contract for services exceeding £20,000 the Service Director responsible must appoint an authorised officer, directly employed or otherwise to carry out supervision of the contract. All orders must provide for the reasonable inspection of progression of activity at any stage that the council (acting reasonably) chooses.

Specification

- 21.9 In respect of each order or contract exceeding £20,000 the Service Director must prepare or agree a written brief stating the objective of the order or contract and the sources of funding to meet the estimated cost of the project and appoint an authorised officer.
- 21.10 Unless otherwise agreed with the CFO, the authorised officer must prepare a specification which will indicate relevant issues for the supply, (for example type, quantity, quality, time, location, occasions), and the risks and obligations placed on the supplier including data protection and management where applicable. Specifications should set outcomes or outputs and be prepared on a generic basis and not include named products except where this can be justified on technical grounds. They should be prepared in a way which is likely to bring about the most economically advantageous solution whilst ensuring compliance with minimum statutory requirements and Council policy. The specification may only be altered on the basis of written instructions from the Service Director, who must justify the reason for change and sources of funding.

Variations

- 21.11 The authorised officer may, subject to the provisions of the contract, make any variations essential to the achievement of the objectives of the contract but must have regard to the budget provision. The authorised officer must not issue any variation likely to increase the approved cost of the project without the written agreement of the Service Director responsible, who must state the authority and source of financial provision for the additional expenditure.
- 21.12 Every variation must be immediately recorded in writing by the authorised officer.

Overspending

- 21.13 Any variation – including an extension - to a contract which results or will result in additional costs being incurred on a contract of more than 5% of the contract sum will be reported to the budget holding Service Director and CFO as soon as practicable.

Recording of Contractual Payments

- 21.14 Service Directors must ensure that a Contract Register is kept which shows details of all payments made against any contract. Any payments on account to contractors against a formal contract are to be made only on an approved certificate issued and checked by the authorised officer which must be passed to the CFO.
- 21.15 The certificate authorising final financial settlement of any contract will not be issued until the appropriate officer has produced a detailed statement of account and all necessary supporting documents, and these have been

checked in accordance with arrangements approved by the CFO and the final payment agreed by the budget holding Director.

Claims

- 21.16 All claims (or prospective claims) from contractors for loss and expense will be considered by the authorised officer who will immediately advise the client Director, and they will jointly consider methods for cost reduction to achieve the budgetary provision. The budget holding Service Director and the Chief Finance Officer must be consulted in respect of any claim (or prospective claim) from a contractor for loss and expense in excess of £10,000.
- 21.17 The Service Director will report in detail to the Cabinet if the financial consequences of the claim cannot be accommodated within the approved project budget.
- 21.18 Any claim from a contractor outside the terms of the contract, or under any statutory instrument or any claim for an ex-gratia payment will be jointly considered by the Service Director Legal Governance & Commissioning, CFO and Service Director(s) of the appropriate Service(s) before any recommendation is made to the Cabinet.

Codes of Practice

- 21.19 All procurement must accord with the Contract Procedure Rules, Procurement Policy and all relevant Procedure Guidelines.

22. Grants to and from the Council and Loans from the Council

Grants Receivable

- 22.1 Service Directors in consultation with the appropriate Executive Director and Cabinet Members may apply for grants from any funding body, providing the proposed activity is consistent with the approved Council Plan, service objectives and Council policy where the Council is required to make no contribution, or where the Council contribution can be fully met from an existing budget for that purpose.
- 22.2 Service Directors must ensure a detailed business case is prepared, in consultation with the CFO, in respect of any grant offer sought under clause 22.1. Any application/expression of interest needs to assess:
- a) the alignment of the grant scheme with the current approved policies of the council

- b) the capacity impact on the Council for the deliverability of the project and expenditure,
- c) the parameters of the grant conditions and timescales requirements

The Service Director must agree any material grant conditions with the Service Director Legal Governance & Commissioning.

22.3 Where a proposed revenue or capital budget bid does not align with an existing Council policy, or where there is not sufficient budget allocated appropriately to meet a required council grant contribution, the Service Director must consult with the CFO. After consideration of virement options, it may be necessary to seek authority from Cabinet, or Council (as applicable) to authorise funding to facilitate the grant application.

22.4 Subject to the identification of sufficient resources within existing approved budget, or the approval of cabinet, or Council as necessary Service Directors are authorised to accept any offer of grant and subsequent grant conditions up to a maximum of £500,000.

Executive Directors are authorised to accept a grant of up to:

- a) 5% of the gross revenue budget of the Service to which the grant relates.
OR
- b) For capital projects, £1,000,000.

The CFO in consultation with the Service Director Legal Governance & Commissioning and the appropriate Executive Director is authorised to approve the acceptance of grants in all other circumstances.

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:

- a) the grant is in fulfilment of a national or regional initiative or requirement, and
- b) the Council is required to make no contribution, or the contribution can be fully met from an existing budget for that purpose.

The Service Director must advise the CFO 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.

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).

Where a grant offer includes onerous or unusual conditions, including the risk of having to defray/undertake expenditure in a shortened timescale which may leave the Council exposed to the loss of grant when a scheme has commenced, commenced, the Service Director, CFO and Director of Legal, Governance & Commissioning must consider if these requirements represent a significant risk to the Council. If they believe that they do so, they must inform and seek authority for acceptance from the Cabinet.

- 22.6 Service Directors must ensure that any grant conditions or obligations are fulfilled, in respect of the allocations, timings, purposes of expenditure and outputs and outcomes. Service Directors must arrange for expenditure consistent with any specific type or purpose of grant, such as capital or revenue budget expenditure.
- 22.7 The value of all grants must be notified to the CFO, who will make arrangements as necessary to receive the grant and record the relevant expenditure. Any revenue or capital budget impacts will be incorporated into the quarterly financial monitoring update reports to Cabinet.

In respect of capital grants, any additional revenue expenditure requirement consequent from any capital grant award must be recognised by budget virements.

Any new capital programme/scheme that requires a council contribution (capital or revenue) must have an appropriate business case and Cabinet approval as per Section 3 FPR requirement, prior to any grant acceptance. Where a scheme is 100% grant funded with specific conditions that do not allow for discretion, with no financial commitment for the Council then the Service Director in conjunction with the CFO and Service Director of Legal, Governance and Commissioning may progress the scheme. This will be included in the quarterly report to Cabinet as set out in CPR 3.14.

- 22.8 Grant claims, financial returns and submissions must be completed by the relevant Service Director and the CFO for submission to the relevant government department, agency or organisation. The Service Director must provide such additional information as may be required by the CFO and or – when there is a requirement for internal audit authorisation- by the Head of Audit & Risk.

Grants and Loans to Other Organisations

- 22.9 Before issuing any grant the Service Director must be satisfied that the proposed activity or project does not constitute a procurement (to which Contract Procedure Rules would apply).
- 22.10 Except where the CFO agrees otherwise:

a) Competitive procurement aligning with the council's contract procedure rules must be used in respect of any goods, works or services obtained by another organisation, where the Council is providing a loan or making a grant contribution of £100,000 or more.

b) The Service Director must carry out all appropriate due diligence on the proposed grant recipient entity, ensuring that it operates with appropriate financial and business controls, is not obtaining duplicate funding for the same project from the Council, or any other funding body.

22.11 A Service Director may issue a:

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

Or

b) Grants of up to £10,000 each and £20,000 cumulative in any one year for any single purpose

Subject to:

c) There is sufficient budget provision.

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

22.12 Where a Service Director proposes to offer a grant, or loan to any organisation which is not covered by 22.11 above he/she may do so only following:

a) A full financial appraisal of the project to which the grant or loan relates, by the CFO.

b) A full financial appraisal of the organisation to which the grant or loan is to be granted, by the CFO.

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

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

and

e) Establishing that there is sufficient budget provision.

The total value of grants awarded to any single organisation under this clause may not exceed £100,000, cumulatively in any one year, or for any objective, purpose or scheme operating for more than one year.

In carrying out the evaluation at (a) and (b) above the CFO will consider if any surety (legal charges on assets, bonds and or guarantees) is required of the applicant (see 22.15)

22.13 A Member lead forum- may issue a grant of any value provided that.

- a) It accords with, or is not in contravention of, any general scheme rules which are established by the Cabinet.
and
- b) There is sufficient budget provision.

22.14 The Service Director Legal Governance & Commissioning will execute any legal agreement in respect of any grant or loan exceeding £180,000.
The Service Director Legal Governance & Commissioning in consultation with the Service Director Finance has the authority to vary terms of the loan, i.e. -e.g. -term or-of interest rate, subject to consultation with the Executive Director and Executive Member.

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

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

22.16 A Service Director may also administer grants in accordance with a scheme fully supported by

- a) government grants, or
- b) grants from any other third party

provided that the methodology of grant distribution fully follows the obligations of the supported scheme, and where local discretion may apply this is subject to decision making as required by ~~the Council's Constitution or the other requirements of~~ Financial Procedure Rule 22. A scheme that is only partially funded also requires compliance with the ~~Council's Constitution and~~ Financial Procedure Rules sections 2 and or 3.

22.17 When offering grants or other forms of assistance to entities that operate on a commercial basis Service Directors must ensure that no assistance will infringe -applicable national or international Procurement or State Aid or Subsidy Control Act 2022 requirements. In the event of any doubt about the matter advice must be sought from the Service Director Legal Governance & Commissioning.

22.18 Service Directors must ensure that appropriate records are retained to publish details of grants in accordance with the Local Government Transparency Code. Details of any subsidy under State aid rules or the Subsidy Control Act

2022 must be published as required by law.

22.19 In some cases, an agreed asset transfer, or the transfer of a right to a third party may constitute a form of grant, and these types of transactions must accord both with these FPRs and CPR 9 and 10.

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**Proposed Amendments to the Council’s Corporate Code of Governance
(Reference from Corporate Governance and Audit Committee)**

Meeting:	Annual Council
Date:	21st May 2025
Cabinet Member (if applicable)	Cllr Tyler Hawkins
Key Decision Eligible for Call In	No No
<p>Purpose of Report</p> <p>To seek the approval of the proposed amendments to the council's draft Corporate Code of Governance set out in Appendix 1. The Council's Corporate Governance Audit Committee (CGAC) considered the amendments on the 21st of February and has recommended that the proposed amendments set out in red in the report be approved. The report to CGAC is linked within the background papers within this report.</p>	
<p>Recommendations</p> <p>That Council:-</p> <ul style="list-style-type: none"> Approves the proposed amendments to the Corporate Code of Governance set out within Appendix 1. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> The purpose of the amendments is to provide clarity and reassurance around compliance and performance measurement. 	
<p>Resource Implications:</p> <p>None</p>	
Date signed off by Executive Director & name	Rachel Spencer-Henshall 17.4.25
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney 17.4.25
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Samantha Lawton 25.4.25

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Executive Summary

- 1.1 In line with the guidance of CIPFA and SOLACE, Kirklees has a published Code of Corporate Governance. Its purpose is to set out the arrangements adopted by Kirklees to ensure effective governance.
- 1.2 In line with recommended best practice the Code is reviewed periodically.
- 1.3 A review of the Code took place following an internal audit report and some amendments to the Code have been made.

2. Information required to take a decision

- 2.1 The Kirklees Code was last reviewed in 2020, after having been subject to more extensive revisions in 2017 following the publication of fresh guidance by CIPFA/SOLACE in 2016.
- 2.2 The 2016 CIPFA/SOLACE guidance is still current, so no major revisions to the Code are required.
- 2.3 The purpose of the current amendments is to provide some clarity around how Kirklees measure its performance and how it demonstrates compliance with the Code.
- 2.4 The principal amendment to the Code has been the expansion of the table present in the current version, to include the additional information on compliance.
- 2.5 A copy of the report to CGA linked in Section 9 sets out further details. The full amended version is attached to this report for approval at Appendix 1.

3. Implications for the Council

3.1 Council Plan

It is important that Kirklees is able to demonstrate that it is capable of monitoring its performance and complying with the Code of Corporate Governance.

3.2 Financial Implications

N/A

3.3 Legal Implications

N/A

3.4 Climate Change and Air Quality

N/A

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

N/A

4. Consultation

A number of relevant officers were consulted when the revisions were being drafted. Corporate Governance and Audit committee have considered the amendments and recommend them for approval from Council.

5. Engagement

None

6. Options

6.1 Options Considered

There is an option not to review the Code but this would not be in line with internal audit recommendations or best practice set out in the CIPFA/SOLACE guidance.

6.2 Reasons for Recommended Option

To approve the updated draft Code so it is in accordance with the CIPFA/SOLACE guidance. The Code has been updated to reflect the review and the amendments.

7. Next steps and timelines

Any amendments agreed by Council will be made to the published version of the Code.

8. Contact officer

David Stickley

Principal Lawyer

01484 221 000

david.stickley@kirklees.gov.uk

9. Background Papers and History of Decisions

[summary report template](#) – Report to CGAC 21st February 2025

10. Appendices

Appendix 1 – Draft Code of Corporate Governance 21st February 2025

11. Service Director responsible

Samantha Lawton

Service Director – Legal, Governance and Commissioning

01484 221000

samantha.lawton@kirklees.gov.uk

KIRKLEES COUNCIL

Local Code of Corporate Governance

Good corporate governance is based on openness, inclusiveness, integrity and accountability and is demonstrated through the systems by which a local authority directs and controls its functions and relates to its communities.

It is about the leadership of communities and developing confidence, through the way that councillors and officers establish strategies, objectives and policies measure their achievement and operate the business of the council.

In Kirklees, this is led by the Council's [Corporate Plan](#) with its emphasis on working with People, Partners and Place and the Council's 7 shared outcomes. Kirklees Council recognises the climate emergency and has committed to being aware of and minimising the impact of all of its policies and operations on the climate.

Note – The Code takes account of the principles of the current framework containing in CIPFA/SOLACE *'Delivering Good Governance in Local Government: Framework (2016 Edition)'*

This involves:

- Focusing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area;
- Taking informed, transparent and accountable decisions which are subject to effective scrutiny, monitoring of achievement of performance and the management of risk;
- Engaging with local people and other stakeholders to ensure robust public accountability;
- Councillors and officers working together effectively to achieve outcomes;
- Achieving a common purpose with clearly defined functions and roles;

- Developing the capacity and capabilities to provide effective leadership;
- Promoting the values of the Authority and demonstrating good governance;
- Upholding high standards of conduct and behaviour, ethical standards and legal compliance.

Delivering these objectives involves both **community focus** and **service provision**, in the context of establishing **standards of conduct** for those involved, business **structures and processes** and **internal control and risk management**. These standards are dealt with in more detail in the sections below.

This Code is underpinned by the seven key principles set out in the current revised framework '*Delivering Good Governance in Local Government: Guidance notes for English Authorities (2016 Edition)*', published by CIPFA and SOLACE.

The table below summarises how the various principles for good governance in the public sector relate to each other and how we at Kirklees can show that they are achieved. Principles A and B permeate implementation of principles C to G as they provide the overarching requirements for acting in the public interest. Principles C to G focus on the implementation of governance and achievement of outcomes. The table also illustrates that good governance is dynamic and that an entity as a whole should be committed to improving governance on a continuing basis through a process of evaluation and review.

Principle A – Behaving with Integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

Supporting Principles	To achieve this, Kirklees Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Behaving with Integrity • Demonstrating Strong Commitment to Ethical Values • Respecting the rule of law 	<ul style="list-style-type: none"> • Publish an Annual Governance Statement which reviews the effectiveness of the Council’s governance framework. • Comply with legislation and all relevant professional standards. • Maintain formal codes of conduct defining standards of behaviour expected of both Members and Officers. • Maintain a Gifts and Hospitality register. • Maintain a policy framework to address the risks of fraud and corruption including a Counter Fraud, Bribery & Corruption Policy, & Whistleblowing policy. • Maintain effective systems to protect the rights of staff, including whistleblowing policies that are accessible and regularly communicated. • Maintain effective systems to protect the rights of staff, including whistleblowing policies that are accessible and regularly communicated. 	<ul style="list-style-type: none"> • Annual Governance Statement • Code of Conduct for members • Officer Code of Conduct • Webcasting of Council Meetings • Council Meeting Minutes • Counter Fraud, Bribery and Corruption Policy • Whistleblowing Policy • Audit Charter • Internal Audit Reports • Register of Interests • Register of Gifts and Hospitality • Complaints process • Contract Procedure Rules • Financial Procedure Rules • Statement of Accounts • External Inspection of the Statement of Accounts • Standards Committee • All Committee Reports include detailed analysis of all implications and the required Equalities Impact Assessment • Schemes of Delegation to Officers • Appointment and Dismissal of Staff • Procurement Strategy

	<ul style="list-style-type: none">• Maintain a register of interests and require member declarations to be recorded.• Maintain arrangements to investigate complaints against Members and Officers including alleged misconduct.• Maintain an effective Standards Committee.• Deliver the People Strategy which sets the expectations of the values, skills and behaviours we expect from staff working for Kirklees Council.• Complete Integrated Impact Assessments to help Kirklees Council meet the statutory equality and communities requirements and to embed economic, social and environmental sustainability into everything the council does.• Publish a Modern Slavery Act Transparency Statement.• Have an agreed Procurement Strategy that ensures suppliers procure and commission services, works and supplies and to develop effective solutions that deliver quality, value-for-money goods and services and broader economic	
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	<p>social and environmental outcomes.</p> <ul style="list-style-type: none">• Recruit and select employees in line with the Council's policies and procedures.• Ensure that partnerships are established with common aims and with clear outputs and outcomes.	
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Principle B – Ensuring openness and comprehensive stakeholder engagement

Supporting Principles	To achieve this, Kirklees Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Openness • Engaging comprehensively with Institutional Stakeholders 	<ul style="list-style-type: none"> • Seek the views of its stakeholders and respond appropriately. • Provide a variety of opportunities for the public to engage effectively with the Council as set out in article 3 of the constitution including rights to information, participation and how to complain or comment. • Ensure key Council meetings are accessible. • Publish Agendas, minutes, report packs and a calendar for a full year for Council meetings and a formal notice of each meeting will be displayed at Council offices. • Ensure compliance with requirements under the transparency code – published 	<ul style="list-style-type: none"> • Clik survey • Public attendance at Council meetings • Webcasting of Council meetings • Constitution • The Council’s website • Open Data Platform • Communications Strategy • Medium Term Financial Strategy (MTFS) • Statement of Accounts • External Inspection of the Statement of Accounts • Involve tool and the Kirklees Consultation website

	<p>on the Councils website and Open Data platform.</p> <ul style="list-style-type: none">• Set a balanced budget.• Publish an Annual Statement of Accounts and Annual Auditors report to inform stakeholders and service users of the previous years achievements and outcomes.• Encourage and assist citizens to inspect the Statement of Accounts in accordance with regulations.• Ensure public consultation on the annual budget.	
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Principle C – Defining outcomes in terms of sustainable economic, social, and environmental benefits

Supporting Principles	To achieve this, Kirklees Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Defining Outcomes • Sustainable economic, social and environmental benefits 	<ul style="list-style-type: none"> • Make a clear statement of the Council’s purpose and vision and use it as a basis for all corporate & Service planning. • Publish on the Council’s website all annual reports to communicate the Council’s activities and achievements including its financial position and performance. • Prioritise resources to deal with competing demands and consider the impact of decisions in the medium-term financial strategy. • Identify and manage risks to the achievement of outcomes. • Have a clear, published Procurement Strategy. 	<ul style="list-style-type: none"> • Council Plan • Kirklees Council Budget and Spending • Statement of Accounts • External Inspection of the Statement of Accounts • Financial Strategy (MTFS) • Corporate Risk Reports • Procurement Strategy • Environment Strategy • Kirklees Economic Strategy

Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes

Supporting Principles	To achieve this, Kirklees Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Determining Interventions • Planning Interventions • Optimising Achievement of intended outcomes 	<ul style="list-style-type: none"> • Make a clear statement of the Council’s purpose and aims and use this as a basis for corporate and service planning. • Maintain a forward plan for reports and decisions to be made. • Regularly report on key performance Indicators (KPIs) which have been established for each service element. • Ensure budgets are prepared in accordance with organizational objectives and regularly reported upon. • Provide senior managers and members with timely financial and performance information. 	<ul style="list-style-type: none"> • Council Plan • Corporate Performance Reporting • Publishing key performance data • Financial Strategy • Regular finance and performance reporting • Cabinet Forward Plan

Principle E – Developing the Council’s capacity, including the capability of its leadership and the individuals within it

Supporting Principles	To achieve this, Kirklees Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Developing the Council’s capacity • Developing the capability of the entity’s leadership and other individuals 	<ul style="list-style-type: none"> • Set out a clear statement of the respective roles and responsibilities of the Council’s Executive, Full Council, and individual Members through the Constitution. • Maintain an effective workforce plan to enhance the strategic allocation of resources. • Maintain officer and member induction programme. • Assess the skills required by officers through the performance process and address any training gaps to enable roles to be carried out effectively. • Develop member training. • Regularly review the scheme of delegation and Constitution and update when required. • Ensure structures are in place to encourage public participation. 	<ul style="list-style-type: none"> • Constitution • Induction Programme • Member – Officer training • Clik survey • Public Participation arrangements • Sickness Absence policy • Schemes of delegation for members and officers

	<ul style="list-style-type: none"> • Ensure arrangements are in place to maintain the health and wellbeing of the workforce. 	
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Principle F – Managing risks and performance through robust internal control and strong public financial management		
Supporting Principles	To achieve this, Kirklees Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Managing risk • Managing performance • Robust Internal Control • Managing Data • Strong public financial management 	<ul style="list-style-type: none"> • Maintain an effective Corporate Governance & Audit Committee independent of executive and scrutiny functions. • Maintain an effective Scrutiny function. • Ensure robust and integrated risk management arrangements are in place and responsibilities for managing individual risks are clearly allocated. • Ensure effective performance management supported by regular Corporate Performance reporting that informs improved service delivery. • Ensure publication of Agendas and minutes. 	<ul style="list-style-type: none"> • Corporate Governance and Audit Committee • Regular risk reports • Risk Management Policy and Strategy • Standards Committee • Corporate Performance Reporting • Publication on the Council's website • Terms of Reference • Regular Member Training • Financial Regulations

	<ul style="list-style-type: none"> • Maintain regular training for the Corporate Governance & Audit Committee to enable effective performance. • Maintain financial regulations to ensure consistency and clear financial protocols. • Maintain a transparent complaints and feedback procedure. • Internal Audit annual risk-based programme of internal audits informed by the council's risk register. • Individual audits take account of service/ project risks, and each assurance report provides an opinion on how risks are being managed. • Ensure effective counter fraud and anti- corruption arrangements are in place. • Ensure effective information governance arrangements are in place to support compliance with existing and emerging legislation for data protection and privacy. 	<ul style="list-style-type: none"> • Complaints processes and reporting • Regular Internal Audit reports including <ul style="list-style-type: none"> - Head of Internal Audit report - Follow up reports - Regular reports on Internal Audit work • Counter Fraud, Bribery and Corruption • Annual Governance Statement • Regular Finance and performance reporting • Medium term Financial Strategy • Quarterly budget monitoring • Privacy Notices • Information requests • Health and Safety Policy
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	<ul style="list-style-type: none">• Ensuring financial management supports decision making and provides sufficient information to support the delivery of the Councils objectives.• Ensuring governance arrangements support decision making and provides sufficient information to support the delivery of the Council's objectives.• Maintain Corporate Panels to assure processes re contracts and capital.• Provide a safe working environment including a health & safety framework and system.	
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Principle G – Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Supporting Principles	To achieve this, Kirklees Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Implementing good practice in transparency • Implementing good practices in reporting • Assurance and effective accountability 	<ul style="list-style-type: none"> • Maintain compliance with the local government transparency code and publish all required information in a timely manner. • Maintain effective and accessible arrangements for dealing with complaints. • Maintain an effective scrutiny function which encourages constructive challenge. • Maintain an effective Corporate Governance and Audit Committee independent of the Executive & Scrutiny Committees. • Publish all Committee reports on the Council’s website unless there is a legitimate need to preserve confidentiality based on the statutory test. • Maintain and regularly communicate whistleblowing policies. • Ensuring performance information is prepared on a consistent and timely basis. 	<ul style="list-style-type: none"> • Open Data Platform. • Regular Information Governance and complaints reports including performance and benchmarking. • Complaints Annual Update Report. • Scrutiny Committees. • Corporate Governance and Audit Committee. • Council’s website • Whistleblowing Policy. • Corporate Performance Reporting. • Annual Governance Statement. • Audit Charter. • Regular internal audit reports. • Opportunity for Corporate Governance and Audit Committee

	<ul style="list-style-type: none"> • Maintaining the Statutory Officers Group. • Maintain an effective Internal Audit function which conforms to the Public Sector Internal Audit Standards (PSIAS). • Welcome Peer Reviews and inspection from regulatory bodies and implement any recommendations. • Produce regular finance and budget and monitoring reports for members reporting on performance, value for money and stewardship of resources. • Produce regular reports for managers and members on the Council's performance in responding to data requests, both Freedom of Information Act requests and Subject Access Requests. 	<p>members to meet both internal and external auditors privately.</p> <ul style="list-style-type: none"> • Peer Challenges. • Medium Term Financial Strategy. • Budget monitoring reports. • Regular Information Governance reports.
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Community Focus

In carrying out its duties and responsibilities, Kirklees Council will promote wellbeing by:

- Working for and with the Kirklees community;
- Exercising leadership, where appropriate, developing its approach to working in local areas;
- Working collaboratively through the City Region and the West Yorkshire Combined Authority;
- Maintaining effective arrangements for:
 - accountability to stakeholders for its performance and the effectiveness in delivering its services and the sustainable use of resources;
 - demonstrating integrity in its dealings with other public agencies, the private and voluntary sectors to build effective relationships and partnerships;
 - demonstrating openness in all its dealings;
 - demonstrating inclusiveness through effective communication and engagement with the local community;
 - development of a clear vision and corporate strategy in response to corporate needs.

Service Delivery Arrangements

Kirklees Council will monitor the implementation of its agreed policies and decisions and aim to achieve continuous improvement in the procurement and delivery of services by maintaining arrangements which:

- Demonstrate accountability for service delivery;

- Ensure effectiveness through measurement of performance;
- Prioritise the use of resources;
- Demonstrate integrity in its dealings with service users and partnerships to ensure the "right" provision of services locally;
- Work with partners to specify, and monitor delivery of services which are effective;
- Demonstrate openness and inclusiveness through its consultation with key stakeholders, including service users;
- Are flexible and can be kept up to date, and adapted to accommodate change and meet user wishes;
- Investigate any complaints fairly, and openly, and address any shortcomings.

Standards of Conduct

Kirklees Council will:

- Exercise leadership by conducting itself as a role model for others to follow;
- Define standards of personal behaviour to be expected of Councillors and staff and those involved in service delivery;
- Require equal standards from partners, contractors and agents;
- Put in place arrangements that ensure:
 - effectiveness, through monitoring compliance;
 - integrity, by ensuring objectivity and impartiality are maintained in all relationships;
 - accountability, through establishing clear and open processes and systems for investigating breaches and disciplinary problems, and taking action where appropriate (including arrangements for redress);

- openness and inclusiveness, through the documentation of standards, and their regular review;
- Avoidance or mitigation of prejudice, bias or conflict of interest.

Structures and Processes

The Council will put into place effective political and managerial structures and processes to govern its decision-making and the exercise of its authority, through:

- Defining roles and responsibilities of Councillors and officers to ensure accountability, clarity and ordering of its business;
- Ensuring there is proper scrutiny and review of all aspects of performance and effectiveness , including formal Scrutiny, and call in powers;
- Demonstrating integrity by securing a proportional balance of power and authority;
- Documenting its structures and procedures and ensuring they are communicated and understood to demonstrate openness and are inclusive;
- Ensuring these structures and processes are kept up to date and adapted to meet change.

Internal Control and Risk Management

Kirklees Council will establish and maintain effective business control systems and an effective strategy, framework and processes for managing risk which:

- Regularly update Financial Procedure Rules and Contract Procedure Rules

- Establish mechanisms to monitor and review effectiveness against agreed standards and targets and the operation of controls in practice through internal control and internal audit;
- Include public statements on its risk management strategy, framework and processes to demonstrate accountability;
- Demonstrate integrity by being based on robust systems for identifying, profiling, controlling and monitoring all significant strategic and operational risks;
- Include mechanisms to ensure the risk management and control process is monitored for compliance and that changes are accommodated;
- Display openness and inclusiveness through the involvement of those associated with the planning and delivering of services, including partners.

Delivery

Kirklees Council will deliver the above outcomes through:

- Annually defining a series of local procedures and practices which together create the framework for good corporate governance;
- Nominating a lead officer for each area of activity who will be responsible for assessing effectiveness in practice.

The Service Director of Legal, Governance and Commissioning, working with the Corporate Governance and Audit Committee, has overall responsibility for Corporate Governance and will assess operational practice and behaviour, and prepare the overall Annual Governance Statement.

The key policies and procedures that will comprise the core of this process are listed below:

- The Council Constitution (including the Members and Officers Code of Conduct, Financial Procedure Rules and Contract Procedure Rules);

- Internal Audit Charter;
- Human Resource policies;
- Anti-Fraud, Anti-Corruption and Anti-Bribery Strategy;
- Whistleblowing Policy;
- Corporate Performance Management System;
- Health and Safety policies;
- Information Governance Framework;
- Procurement Strategy;
- Corporate Plan;
- Officer/Councillor Protocol;
- Partnership policies.
- Constitution, Financial Procedure Rules, Contract Procedure Rules

Proposed Revisions to the Constitution (Reference from Corporate Governance and Audit Committee)

Meeting:	Annual Council
Date:	21st May 2025
Cabinet Member (if applicable)	Cllr Tyler Hawkins
Key Decision Eligible for Call In	No No
<p>Purpose of Report</p> <p>To seek the approval of the proposed changes to the council's constitution set out in paragraph 2 of this report and in more detail in the Appendices (the reports to CGAC). The reports are referred from the Council's CGAC, which has in the main recommended the proposed amendments.</p>	
<p>Recommendations</p> <p>That CGAC recommends that Council:-</p> <p>1) Notes the changes made to the Constitution in 2023-2024 listed in Appendix 1 of this report</p> <p>2) Approves the proposed changes to the Constitution set out in section 2 of the report considered by CGAC, which include</p> <ul style="list-style-type: none"> • Licensing and Safety Committee Terms of reference, amendments marked in red amendments – Appendix 2 • Corporate and Governance Terms of refence, amendments marked in red – Appendix - 3 • Council Procedure Rules, with the exception of rule 11.6, amendments marked in red – Appendix 4 • Monitoring Officer Protocol, additions marked in red – Appendix 5 • Officer Code of Conduct – Appendix 6 • Licensing and Safety Committee Protocols, amendments marked in red - Appendix 7 • Councillor-Officer Protocol – Appendix 8 <p>3) Votes on the proposed change to the Council Procedure Rule 11.6 on responses to written questions and approves one of the following options:</p> <p style="padding-left: 40px;">a) the publication of responses to written questions remains as per the current constitution requirements and are published before Council or;</p> <p style="padding-left: 40px;">b) the publication of responses to written questions before Council is removed</p>	

Reasons for Recommendations

- It is essential that 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 Executive Director & name**Rachel Spencer-Henshall 7.5.25****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?****Samantha Lawton 7.5.25****Electoral wards affected: All****Ward councillors consulted: None****Public or private: Public****Has GDPR been considered? Yes****1. Executive Summary**

1.1 The Council's CGAC considered a number of reports and appendices at its meeting on the 7th March 2025. The report is linked to below, at paragraph 9 of this report.

1.2 The report set out a number of proposed changes to the council's constitution which are described in paragraph 2 of the CGA report and in the 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 2024/25 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 recommended with some minor amendments all of the proposed changes to Annual Council with the exception of the proposed change to CPR 11.6. After some debate without consensus, it was proposed by CGAC that Council make the decision on whether or not to adopt the proposed changes relating to the publication of responses to written questions. The minor amendments requested by CGAC are noted in this report.

2. Information required to take a decision

2.1 Responsibility for Council (Non-Executive) Functions Part 3.3

2.1.1 Licensing and Safety Committee Terms of Reference

There are minor amendments to the Terms of Reference, visible on the 'track change' version at appendix 2 of this report.

2.1.2 Corporate Governance and Audit Committee Terms of Reference

There are minor amendments to the Terms of Reference, visible on the 'track change' version at appendix 3 of this report.

2.1.3 The revised terms of reference are recommended with the following amendments from CGA:

- Point 5 to add "to assess the progress made by the council in implementing the recommendations made by the External Auditor"
- Point 7.1 to add "systems for risk management"
- Point 9 to reword to include approval of the recommendation of payments
- Removal of point 12
- Point 14 to include making charity and charitable trust decisions required of the council other than whereas corporate trustees those decisions are those of the Cabinet.

Point 3 has also been altered to remove the words 'the portfolios of the Cabinet' as this is not the role of the committee using the Monitoring Officer delegation in consultation with the Chair of Audit & Committee.

2.2 Council Procedure Rules Part 4.1

2.2.1 A number of changes have been proposed to the CPRs.

2.2.2 Details of these are in table form in appendix 4 of this report, which also provides details of the reasons for the proposed changes.

2.2.3 As outlined earlier in this report, CGAC made no recommendation in respect of the proposed amendment to CPR 11.6.

2.2.4 The revised code is recommended with the following amendments:

- That at 5(6) the phrase "where practicable" be
- replaced by "in consultation with the Chief Executive"
- That at 14 (6) wording includes the word 'or'

2.3 Monitoring Officer Protocol

2.3.1 The protocol is part 5.2 of the Constitution and has been updated to clarify the Deputy Monitoring Officer role and to bring references to legislation up to date.

2.3.2 The Standards Process has also been added to the protocol. This is to ensure that it does appear within the Constitution and is publicly accessible.

2.3.2 A tracked change copy of the revised protocol is at appendix 5 of this report.

2.4 Officer Code of Conduct

2.4.1 The Officer Code of Conduct has been rewritten and the proposed version differs quite considerably from the one that is currently part 5.6 of the Constitution.

2.4.2 The purpose of the rewrite was to modernise the code and to make it easier to read and understand.

2.4.3 A copy of the proposed amended code is attached at appendix 6 of this report.

2.4.4 The revised code is recommended with the following amendment:

- That gifts in appendix E be amended to less than £25

2.5 Licensing and Safety Committee Protocols

2.5.1 The protocol is part 5.8 of the Constitution and has been updated with a number of minor amendments. These are visible in the 'track change' version of the protocol at appendix 7 of this report.

2.6 Councillor and Officer Protocol

2.6.1 The revised protocol is recommended with the following amendments:

- That the *Distinct Roles of Councillors* be amended to advise that Councillors cannot amend Officer recommendations
- That *What Councillors can expect from Officers* be reworded to consider friendships/relationships between Councillors and Officers
- The reference to the Members Commission has also been removed

2.6.2 The amended version of the protocol is at Appendix 8 of this report.

3. Implications for the Council

3.1 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.

3.2 Financial Implications

N/A

3.3 Legal Implications

N/A

3.4 Climate Change and Air Quality

N/A

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

N/A

4. Consultation

A number of relevant officers have been consulted and the changes have been discussed at the Constitution Working Group with Councillors and Corporate, Governance and Audit committee.

5. Engagement

Members of the Constitution Working Group have been engaged.

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

Samantha Lawton– Service Director – Legal, Governance and
Commissioning
01484 221 000
samantha.lawton@kirklees.gov.uk

9. Background Papers and History of Decisions

[\(Public Pack\)Agenda Document for Corporate Governance and Audit Committee,
07/03/2025 10:30](#)

10. Appendices

Appendix 1 – Changes to the Constitution since 2024 Annual Council

Appendix 2 – Licensing & Safety Committee Terms of Reference – track change copy

Appendix 3 – Corporate Governance and Audit Committee Terms of Reference – track change copy

Appendix 4 – Council Procedure Rules – track change copy

Appendix 5 – Monitoring Officer Protocol – track change copy

Appendix 6 – Officer Code of Conduct

Appendix 7 – Licensing & Safety Committee Protocols – track change copy

Appendix 8 - Councillor-Officer protocol

11. Service Director responsible

Samantha Lawton
Service Director – Legal, Governance and Commissioning
01484 221000
samantha.lawton@kirklees.gov.uk

Appendix 1

Constitutional amendments

2024-2025 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	Agreed at Annual Council 22 May 2024	23 rd July 2024
PART 3 Responsibility for Functions		
Part 3.3 Section B	Monitoring Officer Delegation	23 rd July 2024
Part 3.4 Section C Responsibility for Executive Functions	Change to Portfolio Holders	17 th June 2024
Part 3.4 Section C Responsibility for Executive Functions	Change to Portfolio Holders	9 th July 2024
Part 3.4 Section C Responsibility for Executive Functions	Change to Portfolio Holders	22 nd July 2024
Part 3.9 Boards of Council Officers	Agreed at Annual Council 22 May 2024	23 rd July 2024
Part 3 Section F	Changing role titles to Executive Director	4 th November 2024
PART 4 Rules of Procedure		
Part 4.1 Council Procedure Rules	Monitoring Officer Delegation	2 nd December 2024
Part 4.1 Council Procedure Rules	Monitoring Officer Delegation	13 th January 2025
Part 4.5 Overview and Scrutiny Procedure Rules	Agreed at Annual Council 22 May 2024	23 rd July 2024

Part 4.6 Financial Procedure Rules	Agreed at Annual Council 22 May 2024	23 rd July 2024
Part 4.8 Officer Employment Procedure Rules	Agreed at Annual Council 22 May 2024	23 rd July 2024
PART 5 Codes and Protocols		
Part 5.2 Monitoring Officer Protocol	Agreed at Annual Council 22 May 2024	23 rd July 2024
Part 5.9 Councillors & Officers in Kirklees - A Protocol for Working Effectively	Agreed at Annual Council 22 May 2024	23 rd July 2024
PART 6 Members' Allowances Scheme		
Allowances updated	Monitoring Officer Delegation	18 th November 2024
Allowances updated	Monitoring Officer Delegation	9 th April 2025

Appendix 2

Licensing and Safety Committee Terms of Reference

Licensing and Safety Committee

Membership

145 Members of the Council

Terms of Reference

This Committee constitutes the Licensing Committee for the purposes of the Licensing Act 2003 and the Gambling Act 2005 and has delegated authority in respect of all the Council's functions under those Acts or regulations made under them which may be delegated, including (2003 Act) licensing of premises and persons and (2005 Act) licensing of premises and other licences, permits etc. in respect of gambling and connected activities set out in the Act. This includes but is not limited to:-

1. To recommend to the Executive/Council a Statement of Licensing Policy, or any revisions to such Policy, in accordance with the Licensing Act 2003.
2. To recommend to the Executive/Council a three year Licensing Policy or any revisions to such policy in accordance with the Gambling Act 2005.
3. To exercise all licensing functions under the Licensing Act 2003 including determining and dealing with applications for licences, certificates, temporary events and other notices and all variations, transfers, withdrawals and reviews of such matters.
4. To exercise all licensing and related functions allocated to the local licensing authority under the Gambling Act 2005, including determining and dealing with applications for licenses, certificates, permits, registration, temporary use of premises and other notices and all variations, transfers, surrenders, revocations, reviews of such matters (but not including the power to pass a resolution not to issue casino licences under section 166 of the 2005 Act).
5. To establish the Licensing Panels, consisting of three Members, and arrange for the discharge of all or some of the functions under the 2003 and 2005 Acts to be exercised by the Panels.
6. To make arrangements for authorised persons of the Council to discharge those functions which may be delegated to an Officer under the terms of the 2003 or 2005 Act.
7. To consider and determine any other functions which may properly be referred to this Committee by the Council under the terms of the 2003 or the 2005 Act, including the setting of fees and the initiation of prosecution for offences.
8. To receive reports from the Licensing Panels as required.

9. To determine all applications referred to the Committee by either the Licensing Panels or Officers.

10. To consider all policy matters under the terms of the 2003 and 2005 Acts with the referral of appropriate recommendations to Council for adoption.

Delegated authority in respect of all other licensing and registration functions which are not, by virtue of any legislation, present or future, the responsibility of the Executive and which are not specifically delegated to any other Committee or required by legislation to be carried out by the full Council. This includes:-

1. To establish Regulatory Panels to carry out such licensing and registration functions other than the 2003 and 2005 Acts functions as the Committee may delegate.
2. All the Council's functions relating to the power of designating alcohol control zones under sections 12 – 15 of the Criminal Justice and Police Act 2001.
3. All the Council's functions relating to smoke free legislation under the Health Act 2006 and associated regulations.

Delegated authority in respect of functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

Regulatory Panels

(Sub-committees of the Licensing & Safety Committee)

Membership

Any five members of the Licensing and Safety Committee selected by the Service Director – Legal, Governance and Commissioning.

Terms of Reference

1. Power to issue cinema and cinema club licences.
2. Power to issue theatre licences.
3. Power to issue licences to sexual entertainment venues.
4. Power to license sex shops and sex cinemas.
5. Power to license performances of hypnotism.
6. Power to register premises for acupuncture, tattooing, ear-piercing, and electrolysis.
7. Power to license pleasure boats and pleasure vessels.
8. Power to license market and street trading.
9. Power to license dealers in game and the killing and selling of game.
10. Power to license scrap yards.
11. Power to issue, amend, or replace, safety certificates (whether general or special) for sports grounds.
12. Power to issue, cancel, amend, or replace, safety certificates for regulated stands at sports grounds.
13. Power to issue fire certificates.
14. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:-
 - (a) an exchange of lands affected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to the Acquisition of Land Act 1981 (c.67) or
 - (b) an order under section 147 of the Inclosure Act 1845 (c.8 and 9 Vict. C118).
15. Power to register variation of rights of common.

16. Power to sanction persons to collect for charitable and other causes.
17. Power to license agencies for the supply of nurses.
18. Power to sanction use of parts of buildings for storage of celluloid.
19. Power to make, vary or revoke closing orders with respect to take-away food shops.
20. Power to register premises or stalls for sale of goods by way of competitive bidding.
21. Power to license premises for the breeding of dogs.
22. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
23. Power to register animal trainers and exhibitors.
24. Power to license zoos
25. Power to license dangerous wild animals.
26. Power to license knackers' yards.
27. Power to grant consent for the operation of a loudspeaker.
28. Power to issue licences for the movement of pigs.
29. Power to license the sale of pigs.
30. Power to license collecting centres for the movement of pigs.
31. Power to issue a licence to move cattle from a market.
32. Power to approve meat products premises.
33. Power to approve premises for the production of minced meat or meat preparations.
34. Power to approve dairy products establishments.
35. Power to approve egg products establishments.
36. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
37. Power to approve fishery products premises.

38. Power to approve dispatch or purification centres.
39. Power to register food business premises.
40. Power to license the employment of children.
41. Power to approve premises for the solemnisation of marriages.
42. Power to revoke/refuse to grant permits under the Pollution, Prevention and Control (England and Wales) Regulations 2000 and authorisations under the Environmental Protection Act 1990.
43. Power to approve the commencement of proceedings in the High Court in respect of offences under the Environmental Protection Act 1990 and the Pollution, Prevention and Control (England and Wales) Regulations 2000.

Delegated authority in respect of functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

Licensing Panels

(Sub-committees of the Licensing & Safety Committee)

Membership

Any three Members of the Licensing and Safety Committee selected by the Service Director – Legal, Governance and Commissioning.

Terms of Reference

1. To exercise all licensing functions under the Licensing Act 2003 including determination and dealing with applications for licences, certificates, temporary events and other notices and all variations, transfers, withdrawals and reviews of such matters.
2. To exercise all licensing and related functions allocated to the local licensing authority under the Gambling Act 2005, including determining and dealing with applications for licenses, certificates, permits, registration, temporary use of premises and other notices and all variations, transfers, surrenders, revocations, reviews of such matters.
3. To consider and determine any other functions referred to the Panel by the Council or the Licensing and Safety Committee under the terms of the Licensing Act 2003 or the Gambling Act 2005.
4. Power to register pool promoters.
5. Power to grant track betting licences.
6. Power to license inter-track betting schemes.
7. Power to grant permits in respect of premises with amusement machines.
8. Power to register societies wishing to promote lotteries.
9. Power to grant permits in respect of premises where amusements with prizes are provided.
10. To provide feedback reports to the Licensing and Safety Committee, as necessary, on any matters determined under these Terms of Reference.
11. To refer any matter, if necessary, for determination to the Licensing and Safety Committee.

Appendix 3

Corporate Governance and Audit Committee Terms of Reference

Membership

Seven **Elected** Members, **up to 2 Independent Members** and the following ~~four~~ **three** ex-officio members: ~~with rights to speak but not vote:~~

- Member of the Cabinet with responsibility for Corporate Governance
- The Chair of the Overview & Scrutiny Management Committee,
- The Chair of the Standards Committee
- ~~Person having specialist knowledge of treasury management (to be appointed and attend as required).~~

Independent and Ex-officio Members have the rights to speak but not vote.

No leaders of any group shall be a member of the Committee

Terms of Reference

Delegated authority in respect of all powers and duties set out below and all other Council functions not required to be determined by the full Council and not delegated to any other committee:

1. To be responsible for:

1.1. Monitoring the operation of the Council's Constitution and keeping its terms under review, including all procedure rules

1.2. Making recommendations to the Council for any change or additions to the procedure rules or Articles of the Constitution or executive arrangements

2. ~~To determine~~ **Determining** all matters relating to the adoption and operation of the Members' Allowances Scheme including recommendation to the Council of the adoption of or amendment to any such Scheme

3. **Keeping** under review ~~the portfolios of the Cabinet and~~ the terms of reference and delegations of Council functions to committees and formally appointed bodies and officers

4. ~~To consider the Council's arrangement relating to accounts including~~

~~(a) the approval of the statement of accounts and any material amendments of the accounts recommended by the auditors~~

~~(b) to keep under review the Council's financial and management accounts and financial information as it sees fit~~

4. Consideration of the Council's arrangements relating to accounts, including:

- (a) Consideration of any material changes to accounting policies
- (b) Approval of the statement of accounts
- (c) Approval of any material amendments to the accounts recommended by the auditors
- (d) Keep the Council's financial and management accounts and financial information under review as it sees fit

~~5. To consider the Council's arrangements relating to the external audit requirements including:~~

- ~~(a) the receipt of the external audit reports so as to;~~
- ~~(i) inform the operation of the Council's current or future audit arrangements~~
- ~~(ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts~~

5. Consideration of the Council's arrangements relating to the external audit requirements including:

- (a) the selection and appointment of the external auditor.
- (b) the consideration of the external auditors' annual reports so as to gain the necessary assurance regarding accuracy, value for money and governance prior to the approval of the Council's accounts, and approval of any other reports
- (c) meeting with the external auditor from time to time, and considering any matters that they wish to raise

The Committee shall be entitled to meet the external auditor without the presence of any council officers (other than for the purposes of minuting the conversation)

~~6. To consider the Council's arrangements relating to internal audit requirements including:~~

- ~~(a) considering the Annual Internal Audit report, reviewing and making recommendations on issues contained therein~~
- ~~(b) monitoring the performance of internal audit~~
- ~~(c) agreeing and reviewing the nature and scope of the Annual Audit Plan~~

6. Consideration of the Council's arrangements relating to internal audit requirements including:

- (a) reviewing the nature and scope of internal audit activity
- (b) approval of Annual Audit Plan

- (c) monitoring the performance of internal audit, including compliance with regulatory internal audit standards
- (d) agreeing the adequacy of internal audit resourcing
- (e) considering the Annual Internal Audit report, reviewing and making recommendations on issues contained therein
- (f) monitoring progress in implementation of internal audit recommendations
- (g) seeking responses from officers or portfolio holders about matters identified by internal audit

The Committee shall be entitled to meet the Head of Internal Audit without the presence of any council officers (other than for the purposes of minuting the conversation)

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

7.1. Internal control and risk management;

7.2. Oversight of whistleblowing and the Council's whistleblowing policy;

7.3. Oversight of the complaints process and the role of the Local Government Ombudsman;

7.4. Oversight of Information Governance and the role of the **Information Commisioners Office (ICO)**;

7.5. ~~To review~~ **Reviewing** and **approving** the annual statement of Corporate Governance.

8. ~~To agree and update~~ **Agreeing and regularly updating** the Council's Code of Corporate Governance, monitoring its operation and compliance with it, and using it as a benchmark against performance for the annual Statement of Corporate Governance.

9. ~~To designate the Head of Paid Service, the Monitoring Officer and all statutory "proper officers"~~.

9. ~~To approve~~ **Approving** payments or **providing** other benefits in cases of maladministration as required and make recommendations arising from any review of a report of the Local Government and Social Care Ombudsman

10. Undertaking a community governance review following a decision of Council to agree the terms of reference for and conduct such a review, making recommendations to Council who will determine the outcome of such reviews.

11. All functions relating to elections and parishes set out in Part D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (or any replacement or amendment of it)

12. Charities and charitable trusts (so far as not the responsibility of Cabinet).
13. ~~Responsibility for~~ Reviewing and challenging all treasury management activities.
15. ~~To determine appointments of individuals~~ Noting the finalised list of appointments to outside bodies (except school governing bodies) and revocation of such appointments.
14. ~~To~~ Determining nominations for charitable trustees in cases where there has been failure reach agreement.
15. ~~To~~ Receiving updates and monitoring compliance with the Council's Regulation of Investigatory Powers Act (RIPA) policy

Appendix 4

Council Procedure Rules

CPR	Suggested Amendments in red	Comments/Rationale
5 (6)	<p>In addition to the Annual Meeting of the Council (CPR1) and the ordinary meetings (CPR5 (1)) there shall be [at least] one meeting of Council convened each Municipal Year at which the mayor from time to time of the West Yorkshire Combined Authority (WYCA) shall attend to meet with Kirklees Councillors as an opportunity to discuss and report back on their work programme and outcomes.</p> <p>The Elected Mayor (West Yorkshire Combined Authority) shall attend a Key Discussion Meeting once in each municipal year, where practicable, to provide an overview of their work programme and priorities (for up to 15 minutes), followed by a question and answer session, of at least 45 minutes. Questions will be allocated on a proportional basis across groups, as determined by the Mayor.</p>	Wording for CPR 5(6) re-written/simplified to reflect current practice.
9 (2)	2) When a petition is received at a Council meeting the petitioner (member of the public or elected member) 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.	Minor amend to clarify that procedure rule applies to both members of the public and elected members.
10 (3)	3) The Council will not receive more than four deputations at any ordinary meeting Committee, Panel, Board or Meeting of the Council	Amendment to clarify that CPR applies to deputations at Committees, Panels, Boards or Meetings of Council.
10 (7)	<p>Deputations which will not be received</p> <p>A deputation will not be received if the Chief Executive considers that it includes references to the following:</p>	Applies consistency in line with 11(3) in respect of both public and elected member questions.

	<p>(a) Matters which in the opinion of the Chief Executive are likely to involve the disclosure of confidential or exempt information.</p> <p>(b) Information relating to complaints made under statutory provisions which have not been finally dealt with.</p> <p>(c) Matters relating to items already listed on a public agenda or listed for consideration by a committee including, but not limited to the Council, Cabinet or a committee, sub-committee, panel or officers.</p> <p>(d) Information concerning the merit of applications or other matters for determination relating to planning, licensing and other administrative or regulatory matters.</p> <p>(e) Information of a personal nature or which is defamatory, offensive, frivolous, repetitive or vexatious.</p>	
11	The subheading of 'Additional Questions' to change to ' Supplementary Questions at Meetings of Council '	Change of heading reflects wording within the body of the procedure rule.
11 (3)	<p>Questions Which Will Not Be Answered (Members of the Public)</p> <p>(3) Questions will not be answered if the Chief Executive considers that they include references to the following:</p> <p>(a) Matters which in the opinion of the Chief Executive are likely to involve the disclosure of confidential or exempt information.</p> <p>(b) Questions relating to complaints made under statutory provisions which have not been finally dealt with.</p> <p>(c) Questions concerning the merit of applications or other matters currently before the Council, Cabinet or a Committee, Sub-Committee, Panel or Officers for determination in respect of which the Council is under duty to act quasi-judicially relating to planning, licensing and other administrative or regulatory matters.</p>	<p>Suggested amendments to 11(3) seeks to apply consistency in respect of both public and elected member questions</p> <p>Changes in (c) simplifies the language used without affecting the practical application of the procedure rule. Is consistent with changes to CPR 10(7)</p>

	<p>(d) Questions of a personal nature or which are defamatory, offensive, frivolous, repetitive or vexatious.</p> <p>Written Questions requirements 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.</p> <p>Written Questions by Members which Will Not Be Answered</p> <p>Questions will not be answered if the Chief Executive considers that they include references to the following:</p> <p>(a) Matters which in the opinion of the Chief Executive are likely to involve the disclosure of confidential or exempt information.</p> <p>(b) Questions relating to complaints made under statutory provisions which have not been finally dealt with.</p> <p>(c) Questions about the merit of applications or other matters currently before the Council, Cabinet or a Committee, Sub-Committee, Panel or Officers for determination in respect of which the Council is under a duty to act quasi-judicially relating to planning, licensing and other administrative or regulatory matters</p> <p>(d) Questions of a personal nature or which are defamatory, offensive, frivolous, repetitive or vexatious.</p> <p>To add the definition of 'confidential' as defined in Rule 11 of the Access to Procedure Rules.</p>	<p>Removal of wording avoids duplication as is referenced in (d) below</p> <p>Wording amended for consistency with public questions and deputations.</p> <p>Added to ensure there is a clear definition of what is confidential.</p>
11 (6)	<p>Answers to Questions at Meetings of the Council (Delete CPR) A written answer will be provided to a written question and will be given to the</p>	<p>Changes to the question process at Full Council was introduced from May 2024. When originally introduced it</p>

	<p>questioner and 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.</p> <p>A copy of all written questions and written answers circulated at the meeting will be attached to the published agenda for the meeting.</p>	<p>was acknowledged that the implementation of the changes would be monitored. Following engagement with Group Leaders and Members it was felt that the new process had not been an improvement on previous practice. Deletion of this CPR 11 (6) will mean the Council revert to the process in place prior to May 2024 for public questions at Full Council meetings</p>
12	<p>Written Questions by Members</p> <p>12(3) A written answer will be provided to a written question and will be published with the agenda, and provided to the questioner and all Councillors, the day before the meeting. The question and answer will then be taken as read at the meeting itself and not be read out. The schedule of written questions shall be published the day prior to the Council meeting.</p>	<p>As above. Deletion of CPR 12(3) will mean the Council revert to the process in place prior to May 2024 for written questions by Members at Full Council meetings</p>
12 (5)	<p>5) When an answer to a written question has been given, the Member who asked it may, if they are in attendance, ask one supplementary question relating to the response on the same topic. Subject to the Mayor/Chair's discretion a 3-minute time limit applies for individual supplementary questions to be put.</p> <p>A Cabinet Member will be permitted a maximum of five minutes to respond to any written question or any supplementary question.</p>	<p>Suggested amendment to place time limit for responses</p>
13	<p>Procedure at Council Meetings in Relation to Reports and/or Minutes of Cabinet and Committees Holding the Executive to Account</p> <p>(1) Minutes for Information/Reports that require approval</p> <p>(i) Any matter expressly referred to Council by</p>	<p>Amendment to CPR 13 seeks to re-write the wording to provide clarity. The updated CPR does not change current arrangements</p>

	<p>Cabinet or a Committee for determination shall be dealt with first.</p> <p>(ii) Minutes of Meetings of Cabinet and Committees and WYCA Meetings shall be presented to Council meetings for information and as a basis for questioning and comment. There shall be no need for any motion or vote to receive them as they are presented for information only. If the Minutes are not considered due to lack of time they shall be deemed to have been presented to Council and will not require resubmission.</p> <p>(2)(i) The Minutes of Cabinet shall be submitted to Ordinary meetings of Council followed by those of Cabinet Committee Local Issues. The Minutes of Cabinet and Cabinet Committee Local Issues shall be submitted to Ordinary Meetings of Council (Holding Executive to Account).</p> <p>(2) Questions/Comments on Cabinet Minutes (Holding Executive to Account)</p> <p>(ii) Prior to the start of questions to Cabinet Members, Portfolio Holders may make a report, not exceeding 10 minutes in length per Cabinet Member, setting out his /her Portfolio Plan for municipal year, or on progress against that Plan.</p> <p>Comments and statements by Cabinet Members shall not exceed 30 minutes in duration including any questions arising from the information provided.-A total of 60 minutes shall be allocated to this item.</p>	
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	<p>All Cabinet Members will be required to make Council aware of their Portfolio Plan at the start of the municipal year either verbally or in writing circulated to all Members and to report on progress against that Plan at least once in the municipal year</p> <p>13 (3)(i) The Minutes of other Committees submitted to Ordinary (Holding Executive to Account) meetings of the Council shall be set out in alphabetical order.</p> <p>13(5) Time permitted Oral Questions to Committee/Sub Committee/Panel Chairs and Nominated Spokespersons of Joint Committees/External Bodies</p> <p>(i) Subject to the time limit for speaking set out in CPR13(2) the maximum time permitted for consideration of matters in CPR (1)–(3) including comments and questions on Minutes to Cabinet Members shall be a maximum of 60 minutes and The time permitted for comments and questions to Chairs of Committees/Sub Committee/Panel Chairs and Nominated Spokespersons of Joint Committees/External Bodies shall be a maximum of 30 minutes.</p>	
<p>14 (6)</p>	<p>6) Every motion shall be relevant to some matter in relation to which the Council has powers or duties and/or which affects the area of Kirklees.</p>	<p>Widens scope in respect of relevance of Motions</p>
<p>14 (11)</p>	<p>- Any proposed amendment to a Motion which has been included in the summons for a meeting, shall be delivered to the Service Director – Legal, Governance and Commissioning no later than 10.00am on the day prior to the Council Meeting. Any amendments will be published at</p>	<p>Minor amend to reflect working practice</p>

	no later than 5pm the day before the meeting.	
14(12)	<p>Motions on Identical Subjects Where motions have been submitted to Council by different groups which relate to the same subject matter, then the movers shall be given the opportunity to agree a composite motion by 2.00 p.m. on the second working day before the date of the Council meeting. Notice of the composite shall be given to the Service Director - Legal, Governance and Commissioning who will notify the groups or individual Members to allow them to consider the proposals. If no composite motions are received, then the first motion submitted on the agenda on a similar topic will be debated. Once the motion or amendment is dealt with, the subsequent motions will fall.</p>	The additional wording is added to reflect the working practice where similar motions are submitted and no composite motion has been put forward.
21 Delete 18(5) and insert	<p>Member Conduct Addressing the Mayor Member Speaking</p> <p>When a Member wishes to speak, they will indicate that to the Chair/Mayor whilst remaining seated. No Member will speak unless called on to do so by the Chair. Unless the Chair/Mayor indicates otherwise, a Member must stand and address the Mayor while speaking. If two or more Members indicate that they wish to speak, the Chair/Mayor will ask one to speak and the other(s) will remain silent. While a Member is speaking the other Members shall remain seated and be silent, unless rising on a point of order or in personal explanation.</p> <p>Respect for the Chair/Mayor</p> <p>Whenever the Chair/Mayor indicates that they wish to speak during a debate the rest of the Council shall be silent. If a Member disregards the ruling of the Chair/Mayor or behaves improperly,</p>	Deletion of CPR 18(5) and amendment of CPR21 is suggested to avoid duplication and bring together clear wording in respect of Member Conduct

	<p>offensively or obstructs the business of meeting, the Chair/Mayor shall warn them regarding their conduct.</p> <p>Member not be heard</p> <p>If a member at a Council meeting any Member of the Council (in the opinion of the Mayor) persistently disregards (in the opinion of the Chair/Mayor) the ruling of the Chair/Mayor or behaves irregularly, improperly, offensively or obstructs the business of the Council, the Chair/Mayor or any other Member may move "That the Member named be not heard further on the item of business before the Council". If the motion is seconded it shall be determined voted on without discussion.</p> <p>General Disturbance</p> <p>(3) In the event of general disturbance which in the opinion of the Mayor renders the despatch of business impossible, the Mayor may decide to adjourn the meeting of the Council for as long as he/she considers necessary. If there is a general disturbance which the Chair/Mayor decides makes orderly business impossible, the Chair/Mayor may adjourn the meeting for as long as they think necessary.</p>	
36(1)	<p>Observer Attendance by Councillors at Committees, Sub-Committees or Panels</p> <p>(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. That Councillor shall be able to speak once for 5 minutes on any items on the agenda have the same speaking rights as any Member of that Committee Sub-Committee or Panel.</p>	<p>Amendment suggested to allow non committee/panel elected members to contribute to debate on individual agenda items. Time limit suggested to allow for the Chair to manage the debate and allow range of potential speakers.</p>

MONITORING OFFICER PROTOCOL

1. Introduction to Statutory Responsibilities

- 1.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged.
- 1.2 The role of the Monitoring Officer rests with the Service Director – Legal, Governance and Commissioning. The Monitoring Officer may nominate a member of staff to act as Deputy Monitoring Officer while absent or ill and has appointed the Head of Legal Service and Head of Safeguarding as Deputy Monitoring Officers. The Deputies will act only in the absence of the Monitoring Officer.
- 1.3 The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of corporate decision making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards.
- 1.4 A summary list of the Monitoring Officer's responsibilities appears in the Annex attached. The Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-
 - (a) complying with the law (including any relevant Codes of Conduct);
 - (b) complying with any general guidance, codes or protocols issued from time to time, by the Standards Committee and the Monitoring Officer;
 - (c) making lawful and proportionate decisions: and
 - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute.

2. Working Arrangements

- 2.1 Having excellent working relations with Members and officers will assist in the discharge of the statutory responsibilities by the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members and Directors are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:-
 - 2.2.1 **Resources**
 - (a) report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions,

- (b) have sufficient resources to enable him/her to address any matters concerning his/her Monitoring Officer functions;
- (c) have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions.
- (d) appoint a deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer.

2.2.2 Access to information/meetings

- (a) be alerted by Members and officers to any issue(s) that may become of concern to the authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise:
- (b) have advance notice, (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- (c) have the right to attend (including the right to be heard) any meeting of the authority (including meetings at which officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- (d) be a member of the Corporate Management Team and will have advance notice of those meetings, agenda and reports and the right to attend and speak;
- (e) in carrying out any investigation(s), have unqualified access to any information held by the Council and to any officer who can assist in the discharge of his/her functions.

2.2.3 Relationships

- (a) ensure the other statutory officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (b) meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (c) have a close working relationship of respect and trust with the Mayor and the chairs of the Cabinet, Standards Committee and Scrutiny Committee with a view to ensuring the effective and efficient discharge of Council business;

- (d) develop effective working liaison and relationship, with the Local Audit Framework and the Local Government and Social Care Ombudsman (including having the authority, on behalf of the Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- (e) in consultation, as necessary, with the Leader, Cabinet and Standards Committee, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- (f) make arrangements to ensure effective communication between his/her office and clerks to parish councils on Monitoring Officer and Standards Committee issues.

2.2.4 Standards Matters

- (a) give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Standards Committee (unless the Chair of Standards Committee agrees a report is not necessary) if, in the opinion of the Monitoring Officer, there is a serious breach of the Members Code of Conduct,
- (b) subject to the approval of the Standards Committee, be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues.
- (c) provide information in response to a contact from a member of the public about an elected member(s) provided that it would not compromise the Monitoring Officer should a formal complaint be made subsequently by the member of the public.

2.2.5 Constitution

Review and monitor the Constitution in accordance with Article 15.1 of the Constitution and consult with the Chief Finance Officer and Head of Paid Service before taking any report to the relevant committee to approve amendments to the Constitution

3. Member and Officer Responsibilities

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and officers will report any breaches of statutory duty procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

4. Advice

The Monitoring Officer is also available for Members and officers to consult on any issues relating to the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (eg Council Procedure Rules, Policy Framework, Terms of Reference, Scheme of Delegations, etc).

4.1 Working Arrangements

The following arrangements and understandings between the Monitoring Officer and colleagues and members are designed to help ensure the effective discharge of their functions:-

Meetings

- 4.1.1 The Monitoring Officer will have advance notice of all meetings whether informal or formal between Chief Officers and members of the Cabinet or Chairs of Committees, where any procedural, vires or other constitutional matters are likely to arise;
- 4.1.2 The Monitoring Officer will have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Cabinet Member, Committee meetings or Executive Management Team;
- 4.1.3 The Monitoring Officer will have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Cabinet Member, Committee meetings or Executive Management Team.

Miscellaneous

The Monitoring Officer will:-

- (a) establish and maintain the Register of Members' Interests, and the Register of Gifts and Hospitality.
- (b) receive copies of certificates under the Local Authorities (Contracts) regulations 1997.
- (c) be the Proper Officer for Access for Information.
- (d) advise on whether executive decisions are within the Budget & Policy Framework.
- (e) be the primary Qualified Person for considering whether certain information is exempt from disclosure under the Freedom of Information Act.

5. Monitoring the Protocol

Annually, the Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.

6. Sanctions for Breach of Protocol

Complaints of a breach of this Protocol by an Officer will be referred to the relevant Executive Director and/or the Chief Executive for appropriate action to be considered, including disciplinary investigation if appropriate.

ANNEX 1

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 and 5A Local Government and Housing Act 1989.
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 and 5A Local Government and Housing Act 1989.
3	Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4	Report on resources.	Section 5 Local Government and Housing Act 1989.
5	Establish and maintain registers of Members' interests and gifts and hospitality.	Section 29 Localism Act 2011
6	Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.	Local Authorities (Contracts) Regulations 1997.
7	Maintain, review and monitor the Constitution.	Constitution - Articles 12.3 and 15.1
8	Support the Standards Committee - key role in promotion and maintenance of standards of conduct.	Section 27 Localism Act
12	Proper Officer for access to information	Constitution - Article 12
13	Advise whether executive decisions are within the budget and policy framework	Constitution Article 12
14	Advise on vices issues, maladministration, financial impropriety, probity budget and policy framework issues to all Members.	Constitution Article 12

15	To be responsible for the operation and maintenance of the whistleblowing policy	Whistleblowing: Independent Reporting of Concerns at Work
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ANNEX 2

STANDARDS PROCESS

KIRKLEES STANDARDS PROCESS – BRIEF DESCRIPTION

All complaints are subject to an initial assessment that involves consideration by the Monitoring Officer and Independent person to decide whether it is a matter which raises (a) Code of Conduct issue(s). Consideration will also be given to the public interest test at this initial stage¹.

Wherever possible, any complaints will be resolved at this first stage where appropriate and will only proceed to the Standards process outlined below where they cannot be resolved by the Group Business Manager working with the Member who is complained about.

Where it appears that the complaint is a 'repeat complaint' the Monitoring Officer will consider whether it is appropriate to use the 'fast track' option to resolve the complaint. This option condenses the process set out below, allowing complaints to be dealt with more quickly where, on assessment, it is determined that there would be no benefit from using the extended process.

The process is briefly described below. It was adopted by the Council pursuant to the Localism Act 2011 and replaced the previous Standards regime. A link to the current approach is attached:

<http://www.kirklees.gov.uk/beta/contact-the-council/councillor-complaints.aspx>

Under the Standards arrangements the process is briefly as follows:

1. When a complaint is to proceed it is shared with the Councillor or Councillors who are the subject of the complaint and they are given (usually) 14 days to respond to the complaint made. The complaint is also shared with the

¹ Kirklees Council adopted a public interest test as one of the best practice recommendations from the CSPL. The test essentially asks if we can investigate a complaint and, if so, whether we should. 'Can' requires us to be satisfied that the person complained of is a Councillor, that the conduct complained about is covered by the code and that the conduct complained of occurred within the last 6 months, in the absence of any exceptional circumstances. 'Should' requires us to consider what evidence there is that supports the complaint, whether the conduct is something that it is possible to investigate and whether any investigation would be proportionate and in the public interest.

Councillor's Group Leader and Group business Manager (if the Councillor is in a political group).

2. When the response is received that is shared with the complainant who is able to make further comments (usually within 14 days).
3. Appropriate research will be conducted as appropriate, by the Monitoring Officer staff looking at documents, websites, witnesses and other evidence or information which may assist in informing a decision.
4. Once that has happened a summary report is written and the summary report is circulated to members of the Assessment Panel with relevant background papers (e.g. the complaint and response/emails). The Assessment Panel meets and consists of the Business Managers of each group, myself as Monitoring Officer (as well as a member of my staff usually) the Independent Person and the Chair of Standards. At the Assessment Panel the views of the Business Managers are sought in relation to the complaint/as well as any background papers. These are taken into account but ultimately the decision in relation to what action (if any) is taken is the decision of the Independent Person, Chair of Standards and I. Councillor(s) who are the subject of the complaint and complainants are not required to attend.
5. There are various actions/decisions which might be taken including:
 - No further action is required
 - An apology
 - It might involve training
 - It might involve a conciliation meeting
 - The decision might also contain some advice for future reference
 - In addition, if the matter is more serious, the Assessment Panel might decide that we need to have a further investigation in which case I would commission someone to carry out that investigation (internally or a third party) and the results of that would be considered at a Sub-Committee of the Standards Committee. In turn the Sub-Committee would report any decision to the Standards Committee and make a recommendation about any actions. This might be a recommendation that the issues be considered by Council and/or consent of the relevant Councillor
6. I will inform the Councillor, their party Leader and the Group Business Manager of any decision as well as the Complainant.
7. A copy of the decision notice will be published on the Kirklees website to record the outcome of the complaint.

The 'fast track' process will move directly to stage 3, with the exception that the details of the complaint will still be shared with Group Leader and Business Manager, where applicable.

Stage 4 is amended to bypass the assessment panel, meaning that the decision on the complaint is made by the Monitoring Officer, Chair of Standards and the Independent Person, without any input from Group Business Managers.

Stages 5 to 7 will proceed as normal.

If you have got any questions or queries about the process please contact myself or David Stickley (Senior Legal Officer).

Appendix 6

Proposed Officer Code of Conduct

KIRKLEES COUNCIL OFFICERS' CODE OF CONDUCT

INTRODUCTION AND INTERPRETATION

This Code of Conduct is in two parts.

The first part, **Standards and Principles**, sets out the fundamental standards of behaviour and propriety the Council requires of its employees and office holders. These are the guiding principles of your employment.

The second part, **Putting the Standards and Principles into practice**, gives examples of how the standards and principles require employees to act or behave in certain specific circumstances.

Other Council policies, protocols and procedures also contain guidance and directions to employees on standards of behaviour; for example the Employee Handbook contains standards of behaviour that employees must follow.

Interpretation

Who does this code cover?

This code covers all employees and office holders of the Council except teachers employed by the Council to work in maintained schools (who have their own set of professional standards).

This Code is not intended to supersede any code or rules of behaviour that may be imposed on employees by virtue of regulation by professional bodies, such as the SRA. Wherever there is any contradiction, officers will be expected to comply with the rules of their own professional bodies.

Part 1 – Standards and Principles

- **Selflessness**

Employees should act in the public interest at all times and should not act to gain financial or other benefits for themselves, their family or friends above or beyond their proper remuneration.

- **Integrity**

Employees must not place themselves under financial or other obligations to outside individuals or organisations that might seek to influence them in the performance of their duties. An employee should avoid behaviour that might cause the public to suspect an improper influence.

- **Objectivity and Impartiality**

In carrying out their duties Employees should show sound judgement and make choices or give advice on merit. Employees must remain politically neutral. Employees must observe any legal restrictions on political activity. This is particularly important for any employees who hold a politically restricted post.

- **Accountability**

Employees are accountable to the Council for their actions and the Council is accountable to the public.

- **Openness**

Employees should be as open as possible about the decisions and actions they take and must not prevent another person gaining access to information that they are entitled to by law. Equally employees should not disclose information that is confidential without proper authority and in the public interest.

- **Honesty**

Employees must behave honestly. Employees must declare personal interests as required by the Council and must not allow conflicts of interest to damage the public interest or undermine the integrity and standing of the Council.

- **Trust and Confidence**

Employees must not do anything calculated or likely to damage the relationship of trust and confidence between them and the Council and must serve the Council faithfully. Employees must use reasonable care and skill in performance of their duties. Employees must not do anything to discredit the Council or bring the Council into disrepute. This principle extends to activities in the employee's "private life".

- **Respect for others**

Employees must treat colleagues and the public with respect and courtesy and not discriminate unlawfully against anyone. Employees must maintain a high level of professionalism, objectivity and courtesy in their dealings with elected members.

- **Stewardship**

Employees must use public funds and Council assets properly, efficiently and with consideration for the environment.

Part 2 –Putting the Standards and Principles into Practice

***Selflessness,
Inducements,***

***Corruption,
Bribery
Integrity,
Honesty
Gifts and Hospitality***

Kirklees Council must be and must be seen to be free of corruption.

Kirklees Council takes the probity of its employees very seriously. This reflects the seriousness with which the law treats the corruption of public employees and office holders.

The Prevention of Corruption Acts 1889 and 1916 make it an offence for an employee to accept any gift or consideration as an inducement or reward for:-

- Doing or refraining from doing anything in their employment capacity; or
- Showing favour or disfavour, to any person in their employment capacity.

The Local Government Act 1972 makes it a criminal offence for anyone to accept any fee or reward whatsoever other than their normal remuneration.

Misconduct in a public office is itself a serious criminal offence.

The Bribery Act 2010 makes it an offence for a person to request, agree to receive or accept a financial or other advantage.

These are serious criminal offences for which public employees can and routinely are sent to prison even where the size of the bribe or inducement is comparatively small. This is of course in addition to any disciplinary action that the Council as employer would take.

Practical Steps

You should not accept personal gifts through your work for the Council and you should discourage service users or other people or organisations from offering gifts. This particularly applies to suppliers or other commercial organisations who deal with the Council.

You must do nothing that could be construed as acceptance of a gift for services rendered.

Gifts

Any gifts, regardless of value, must be declared and recorded in your service's Gifts and Hospitality record. Your Head of Service is responsible for maintaining this record and for making sure you know how to make declarations.

The only items permitted to be retained are

- Items of an advertising or marketing nature, for example pens, mugs, calendars etc. of a nominal value (less than £25) which may be used in the workplace.

- Items of a token value (less than £25) from an individual service user with whom the Council has a direct welfare or caring relationship.
- Gifts from other parts of the Council, or from partner organisations, such as KAL, or Lawrence Batley Theatre, for example, may be retained but must be recorded (including complementary tickets to events).

If you are offered or sent a gift whose value exceeds this you should, where possible, decline or return the gift and explain the reasons for doing so. If it is not possible to decline or return the gift without causing offence, you should pass it to your Head of Service.

Hospitality

Hospitality, such as meals, alcoholic drinks, or invitations to social events, must be appropriate and incidental to your duties. Any hospitality received, except for tea or coffee, should be recorded in your service's Gifts and Hospitality record.

You should be particularly cautious about accepting hospitality from any organisations that have commercial dealings with the Council.

***Openness,
Honesty,
Trust and Confidence
Financial Interests
Conflicts of Interest***

You must declare to your Head of Service if you have any financial interest in any Council supplier or contractor, or if any of your relatives or close friends have a contractual relationship with the Council.

You must also declare if you are active within or have a personal interest in any charity, voluntary organisation, club or society or similar body which has a business relationship with the Council or receives grants or similar assistance.

You must declare any directorship or management role in any company, business, charity or voluntary organisation. The requirement to declare any directorship or management role exists even if the company or business is not actively trading or operates outside of Kirklees.

Any shareholding or interest in any business or ownership of shares in a company (other than shares in a public limited company comprising less than either 2500 shares or 0.1% of issued share capital).

You must declare membership of any secret organisation.

It is the responsibility of your Head of Service to maintain a register and to make you aware of how to declare any relevant interests. It is your responsibility to make accurate and up-to-date declarations.

Other Employment

You are permitted to have other jobs provided these do not have a detrimental impact on your work for the Council – for example by making you too tired to do your Council job properly, or where they create an unacceptable conflict of interest.

You are responsible for making your Head of Service aware of any potential impact or conflict of interest.

You must not undertake any work or do anything that might give rise to a suspicion that clients or customers of yours might get preferential treatment in their dealings with the Council.

You must not use your position with the Council to gain a private advantage or benefit for you or a member of your family.

Employees who provide professional or technical advice to the Council – for example lawyers, architects, engineers; or who are involved in the Council's regulatory functions - for example planning officers, Licensing officers, Environmental Health Officers should be particularly careful to avoid compromising their integrity and objectivity in their activities outside work.

The Employee Handbook gives further guidance in this area.

Integrity, Honesty, Trust and Confidence and Stewardship Use of Council Assets and Resources

You must use public funds and Council assets properly and efficiently.

You must not use any Council property or assets for your own personal benefit or gain (unless expressly permitted to do so). This means for example not to undertake private work on Council premises, not using Council equipment, tools or materials for private purposes.

You must use Council equipment and materials carefully and responsibly. You must help the Council avoid waste, damage and unnecessary expenditure.

You must follow the Council's rules and procedures for example the Contract Procedure Rules and the Financial Procedure Rules, as set out in the Council's Constitution.

You must follow the Council's Green policies and help the Council minimise its impact on the environment.

Openness,

***Accountability,
Trust and Confidence,
Information,
Confidentiality,
Loyalty and Whistleblowing***

All employees are accountable to the Council and the Council is accountable to the public.

The Council and its employees are subject to the rule of law.

You are required to carry out reasonable and lawful instructions given to you in the course of your employment. You are not required to do anything unlawful.

If you see something seriously wrong in your workplace you have a responsibility to voice any concerns you have with your manager or someone more senior – your Head of Service or other senior officer.

The Council has a whistleblowing policy and procedure which is part of the anti-fraud, anti-corruption and anti-bribery strategy. You will not be victimised or suffer disadvantage if you report genuine concerns.

You are under a duty to report suspected abuse of vulnerable adults or children.

Confidential Information

In the course of your work you may have access to information which is confidential. Information may be confidential for a number of reasons.

It may be information that the Council is justified in keeping confidential for commercial or administrative reasons, or it may be information held about individuals which by its nature is confidential.

The unauthorised use or disclosure of personal confidential information may be unlawful and put the Council at risk of adverse public criticism and having to pay compensation or financial penalties.

Practical steps

You must not make unauthorised disclosure of confidential information.

You must be alert to any unauthorised persons seeking to obtain confidential information from you and you should report this to your line manager or Head of Service. You must be aware of and comply with the Council's policies and procedures in relation to the security of information and not risk the loss or misuse of data – particularly sensitive personal data relating to individuals.

You must not misuse confidential information for your own personal gain or advantage. Unauthorised disclosure of confidential information in return for money or other inducement is likely to be a serious criminal offence.

As well as protecting confidential information the law gives individuals legal rights to access both their personal data and certain kinds of information held by the Council. You must help the Council comply with its legal obligations under the Data Protection Act, the Freedom of Information Act and the Environmental Impact Regulations.

You must be able to identify any formal requests for information, either as a Subject Access Request, or a Freedom of Information Act or the Environmental Impact Regulations request, and to deal with these appropriately.

You will be required to undertake training relevant to your role on data protection issues.

***Selflessness, Objectivity
and Impartiality,
Accountability
Working with Councillors***

Employees and councillors have a common purpose in serving the community. But their responsibilities are distinct. Councillors are responsible to the electorate for their term of office. Employees are responsible to the Council through their management.

Employees provide independent, impartial, professional advice and expertise and work to implement the policies and decisions taken by the Council.

Councillors have a political dimension to their roles, whereas employees do not and they should therefore take care to be politically neutral in their dealings with elected Councillors.

Mutual respect and courtesy between employees and councillors is essential for good local government and should be maintained at all times.

Councillors have their own Code of Conduct that sets out behavioural expectations that they are required to comply with, and the Constitution contains a 'Member-Officer Protocol' that employees should be familiar with.

Your work with councillors should follow these principles.

1. The mutual commitment to public service;
2. Mutual courtesy and respect;
3. Avoidance of over familiarity with individual members;
4. Provision of timely, accurate and impartial advice and information to members;
5. Political neutrality;
6. Sensitivity to the political context in which the councillors work.

If you work in a politically restricted post then you must observe the restrictions on your political activities. If you are contemplating standing for election to the Council you should make yourself familiar with the restrictions on employment. More information is found in the Employee Handbook.

***Trust, Confidence and
Respect for Others
Behaviour outside Work, social media,
respect and equality***

Employees are entitled to a private life away from work. However you should not do anything in your private life that is calculated or likely to bring the Council into disrepute. For example you should not post anything on social media sites that makes reference to your role within the Council or is likely to bring the Council into disrepute or upset or offend your colleagues. You must observe the Council's policies and procedures with regard to use of electronic and social media.

You must make yourself familiar with and observe the Council's policies relating to dignity at work and equality of opportunity.

You must treat colleagues and members of the community with respect and dignity at all times.

The Council is subject by law to the public sector equality duty. Under this duty, the Council must have due regard to the need to:-

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between who share a protected characteristic and those who do not.

You must not do anything in the course of your employment which is inconsistent with the public sector equality duty and you must help the Council put it into effect.

Conclusion

If you are uncertain about any aspect of the Code of Conduct you should seek guidance from your line manager or Head of Service. Further information, can be found in:

- Kirklees behaviours
- Employee Handbook
- Whistleblowing Policy
- Member-Officer Protocol
- My Learning
- Members Code of Conduct

Appendix 7

**LICENSING AND SAFETY COMMITTEE
PROTOCOL**

Licensing and Safety Committee Protocol

This Protocol sets out principles to guide members and officers in determining licensing applications and making other decisions within the terms of reference of the Licensing and Safety Committee.

Although it is of particular relevance to members of the Licensing and Safety Committee, it applies to all members of the Council who may become involved in licensing matters.

PROTOCOL - LICENSING AND SAFETY COMMITTEE

1. Introduction

This protocol contains guidance for members of the Licensing and Safety Committee. If members are uncertain about the application of the Protocol, they should seek guidance from officers, preferably in advance of any meeting.

Licensing has a very important role to play in the life of the district. The Licensing and Safety Committee determines applications under the Licensing Act 2003 and applications under the Gambling Act 2005, through its Licensing Panel. The Licensing Act 2003 regulates 'licensable activities' which are defined in the Act as the sale of alcohol, regulated entertainment and late-night refreshment. The Gambling Act 2005 regulates the licensing of gambling premises and certain permissions.

In this Protocol, reference to 'the Regulations' means The Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005 No 44) and/or The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 (SI 2007 No 173)

2. Interests of the Whole Community

Members of the Licensing and Safety Committee should determine licensing matters in the interests of the whole community of the district.

All applications should be determined with regard to the relevant legislation, including the licensing objectives, the statutory guidance and the Licensing and Gambling policy adopted by the Council.

Members of the Licensing and Safety Committee should not prejudge licensing applications nor do anything that may reasonably be taken as giving an indication of having prejudged licensing applications.

All other members should have regard to these principles when dealing with licensing matters and must avoid giving an impression that the Council may have prejudged the matter.

3. Participation of Members

Members must consider carefully whether it is right for them to participate in a matter before the Committee. There are two elements to this:

- where they have Disclosable Personal Interests (DPI) and / or Other interests
- where members of the public may feel that the member will not be able to approach matters with an open mind and consider the application on its own merits.

While this Protocol seeks to guide Members each situation will be different and Members should seek guidance from Officers.

4. Disclosable Pecuniary Interest (DPI) and Other Interests

Members must comply with the provisions regarding DPI's and other interests set out in the Code of Conduct for Members. In particular, members must be mindful that if they have a "DPI" as defined in the Members' Code of Conduct, they must withdraw from the meeting and take no part in the matter.

The only exception to this is where a member may attend to make representations, answer questions or give evidence provided that they are entitled to do so under the relevant sections of the Licensing Act 2003 and the Gambling 2005; see Section 8 below.

Pre-judgment

While the Code of Conduct for Members provides guidance on DPIs and Other interests which may affect a member's ability to take part in the decision-making process, members may have additional interests which may influence their decision which will not amount to a DPI or another interest for the purposes of the Code. In order to maintain the integrity of the licensing system, members should be careful to ensure that such interests do not unduly influence their decisions. Such interests may arise: -

- from ward concerns
- from membership of other Committees of the Council
- from membership of other public or community bodies
- from membership of voluntary associations and trusts (including where appointed by the Council)
- from a connection with a particular policy initiative of the Council.
- from membership of clubs, societies and groups
- from hobbies and other leisure interests
- from employment or professional concerns

Such interests may mean that a Member is involved with a licensing application before the matter comes before the Licensing and Safety Committee. Such involvement need not on its own debar a member from participating in making the licensing decision when the matter is considered by the Licensing and Safety Committee providing that the member has not already decided how they will vote on the matter before the Committee. Members should, however, always consider carefully whether in any particular case they can reasonably be seen to approach the application on its own merits and with an open mind. If the member considers that this is not possible, the member should withdraw from consideration of that item.

As a minimum, the integrity of the licensing system requires openness on the part of members; it must operate fairly and be seen to operate fairly.

5. Natural Justice

There are two elements to natural justice:

(a) Fairness

When the Licensing and Safety Committee is considering an application, the applicant will be given an opportunity to put ~~his/her~~ **their** case before the Committee, in accordance with the Regulations governing such hearings and the procedure adopted by the Licensing and Safety Committee. If the applicant or their representative do not attend, the Licensing and Safety Committee may proceed in the applicant's absence in accordance with the Regulations and the Procedure.

The Licensing Authority will arrange a hearing when it receives relevant representations under the legislation.

All documentation to be considered by the Licensing and Safety Committee will be available in advance in accordance with the Regulations and the Procedure.

All Members of the Licensing and Safety Committee shall be present throughout the consideration of a particular application. Where a Member arrives late or leaves the room once consideration of the matter has started, that Member shall play no part in the decision-making process for the particular application. Where an application is adjourned it shall be heard by the same Members only, and no others.

(b) Prevention of Bias

The rules about DPs and Other interests are set out in the Code of Conduct for Members and should be strictly adhered to. Members are also referred to the guidance about prejudgement in paragraph 4.

When the Licensing and Safety Committee moves into private session to consider its decision, it should be accompanied only by its Governance Officer and the Panel's legal adviser who shall have taken no substantive part in the debate and shall play no substantive part in the decision-making process other than to record and advise.

6. Hearings

Hearings shall generally be in public and the Committee shall retire to consider its decision and take advice from officers.

7. Debate

Only members of the Licensing and Safety Committee can take part in the decision making.

Members of the Committee must: -

- a) listen to all arguments for and against an application and weigh them up carefully before deciding whether to support or oppose a particular application.

- b) make sure that they are not swayed by arguments which are not directly related to the merits of the application, **considering only those that relate to the Licensing Objectives.**

8. Role of Members in Relation to Applications

Licensing Act 2003

S18 of the Licensing Act 2003 provides that a 'Responsible Authority' or 'Other Person' may make representations to licensing authorities on applications for the grant, variation or renewal of a premises licence for the licensable activities covered by this Act.

While there is no statutory definition of 'Other Person' the guidance issued under the Act, at paragraph 8.13, provides that it may include:-

8.13 any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.

The guidance goes on to say at paragraph 8.14

8.14 While any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

It can be seen therefore that Members are entitled to make representations in relation to this Act and they can do so in their own right, or on behalf of other persons.

Gambling Act 2005

S158 of the Gambling Act 2005 sets out who is an interested party in relation to an application under this Act for a premises licence for gambling. An interested party is a person who: -

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)

Guidance issued under the Act by the Gambling Commission states at Para. 8.16-8.17:

8.16 Interested parties can be people who are democratically elected such as councillors and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

8.17 Save for democratically elected persons, licensing authorities should satisfy themselves on a case by case basis that a person does represent interested parties and request written evidence where necessary. A letter from the interested person(s) they are representing would be sufficient.

9. Lobbying

While recognising that lobbying of members has an important role in the local democratic process, this should not prejudice the licensing process.

Lobbying can, therefore, unless care and common sense are exercised by all concerned, lead to a member's impartiality and integrity being called into question. In order to avoid any such criticism or legal challenge and to preserve ~~your~~ a member's right to vote on an application, ~~you~~ members should follow the following advice.

- Avoid organising support for or opposition to a licensing application or involving ~~yourself themselves~~ in such a process and avoid lobbying other councillors on the issue.
- If applicants, potential applicants or objectors ask to meet ~~you~~ a member about a proposal, ~~refer them they should be referred~~ to another councillor who does not serve on the licensing ~~sub-committee~~ panel and will not be involved in the decision; alternatively ~~refer them they should be referred~~ to an officer.
- If anyone (including another councillor) does lobby ~~you~~ a member or raise issues about a particular proposal, ~~refer them they should be referred~~ to officers for advice on procedure and ~~it should be suggested suggest~~ that they send their comments to officers so that they can be included in the committee report; it is also a good idea to explain why ~~you~~ a member has ~~have~~ to remain completely impartial.
- ~~members should~~ ~~keep~~ a record of any approaches by lobbyists and the response given or action taken; these records should be incorporated in the form attached as an appendix to this protocol and the relevant records produced at the start of each ~~panel sub-committee~~ meeting - but note that this is a separate process from that which relates to declaration of DPI or Other interests under the members' code of conduct.
- When approached by anybody (including the press) regarding a particular application, ~~members should~~ take care to avoid expressing an opinion which others might regard as indicating that ~~you~~ they have already made up ~~your~~ their mind on the issue before hearing all the information and arguments presented at the ~~panel sub-committee~~ meeting. Members ~~You~~ can, if pressed, perhaps, indicate the sort of concerns or issues which ~~you~~ they think ~~will need to be considered you'll need to consider~~ when making any decision, but remember that if ~~you~~ a member cannot clearly demonstrate that at the meeting ~~you~~ they have an open mind and are balancing all the various issues and arguments, ~~you~~ they will run the risk of potentially invalidating the decision and making the Council subject to legal challenge. In addition, members should make sure that ~~you~~ they also say ~~you~~ they will not be making a decision until the meeting.
- If ~~you~~ a member cannot avoid expressing a clear opinion on the decision beforehand, ~~you~~ they should not sit on the ~~panel committee~~ concerned with determining the application.

- Remember that **your-a member's** overriding duty in this role is to the whole community not just to the people in **your their** ward and, taking into account the need to make decisions impartially, **you members** should not improperly favour any person, company, group or locality or appear to do so. If local people put **you a member** under pressure, or **if you they** want to try to be as helpful as possible, **they should** try to explain the reasons why **you-can't they cannot** favour one side or the other, tell them the best way to get their views across, tell them how to contact another councillor who can help them, or refer them to officers who can explain the issues and reasons.

10. Visits to Premises

The main role of the Licensing **and Safety Committee Panel** is to decide individual applications which is a quasi-judicial function. The **Panel Committee** may find it useful in the course of its deliberations on an application to visit the premises in question. While it is proper for the **Panel Committee** to do this, care must be taken not to prejudice the integrity of the licensing process. The following ground rules will help to prevent this.

Arrangements for visits should be approved by the Committee and arranged by officers. Members should not make their own arrangements. If Members are approached **directly**, they should pass the person concerned on to officers.

- Members should not accept any gift or any hospitality during such visits
- There should be no discussion of individual applications with anyone except fellow panel members
- At such visits, there should be no one-to-one discussions between Members and others.
- Officers will always be present at such visits.

11. Press Comments

All members should ensure that any contact which they may have with the press should accord with the principles of this Code and should not affect the integrity of the licensing system.

12. Training

Making good, justifiable licensing decisions is not something which can be done by instinct.

Before serving on any committee or panel making licensing decisions (whether as a full member or as a substitute) any **councillor member** must have undergone suitable training in both the procedural issues outlined in this protocol and in the basic principles of licensing law, so that they can understand the basis on which decisions need to be made and on which officers prepare reports.

New members who do not attend this training will not be able to take part in decision making

~~Suitable training will be provided sufficient to ensure that councillors who wish to be involved in licensing decisions can do so, but you do need to make an effort to attend.~~

This requirement will also apply to training ~~for returning committee members who will be~~ required to refresh and update their knowledge and understanding. Annual ~~update~~ ~~updating~~ training will ~~also~~ be provided ~~to these members~~. ~~You~~ Members will not be able to continue to take part in licensing decisions unless ~~you take~~ ~~they have taken~~ part in that training.

Appendix 8

Councillors and Officers in Kirklees – A Protocol for Working Effectively

Introduction

1. The purpose of this protocol is to guide Councillors and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to foster good working relationships for the benefit of the community. This protocol seeks to provide greater clarity, understanding and best practice of the various relationships between Councillors and Officers of all levels of the Council.

Our councillor / officer relationships should continue to be defined and shaped by our culture and evolve in a way that ensures we are best placed to collectively meet challenges and deliver positive change.

For the most part it is a statement of current practice and convention. It is a source of advice and context in developing such relationships built on trust. This protocol provides a framework for interaction, acknowledging that the officer / councillor relationship is a delicate one. It is a relationship that is at the heart of what the council does and as such needs to be continually nurtured and developed.

This protocol supplements and should be read alongside other codes, procedures and protocols agreed by the Council that regulate the conduct of Councillors and Officers such as the Councillors Code of Conduct, and Officer Codes of Conduct. The objective of these codes is to enhance and maintain the integrity (real and perceived) of local government and they, therefore, demand high standards of personal conduct. The nature and complexity of the relationships means that the protocol cannot be exhaustive. If any Councillor or Officer is unclear about a particular aspect of this Protocol they should contact the Monitoring Officer.

This protocol applies whenever Councillors and Officers are undertaking the Council's business in public and private meetings. This protocol applies to voting non-elected members of committees.

2. Expectations

Councillors and Officers should expect each other to....

- ~~Comply with ethical standards and probity requirements~~

~~Councillors should expect officers to...~~

- ~~Be impartial and apolitical~~

- ~~Implement policy and ensure operational delivery~~
- ~~Be responsible for day to day management~~
- ~~Have respect for the role of councillor and the political process~~
- ~~Be aware Councillors wear different hats and fulfil different roles at different times~~
- ~~Appreciate the pressures that councillors face in carrying out their duties~~
- ~~Be sensitive to the politics~~
- ~~Comply with the Officers Code of Conduct~~

~~Officers should expect Councillors to...~~

- ~~Add a political dimension~~
- ~~Make policy and determine the core values of the council~~
- ~~Be accountable to the electorate and act in the public interest~~
- ~~Be a community leader for the ward they represent~~
- ~~Understand and represent the interests of the wider community and the whole council as well as those of their ward~~
- ~~Avoid becoming involved in day to day management issues~~
- ~~Make difficult/unpopular decisions for the common good of the district~~
- ~~Lobby on national/local policy issues on behalf of the district/region~~
 - ~~Comply with the Members Code of Conduct~~

3. The Kirklees Context

4. COUNCILLOR AND OFFICER ROLES

- Officers and councillors carry out a wide variety of roles. Mutual trust and respect are essential in setting the right tone for effective working relationships between Councillors and Officers. ~~Leadership – councillors should promote and support these principles by leadership and example.~~

Both Officers and Councillors

- Be professional
- Adhere to respective Codes of Conduct and uphold ethics and values of the Council
- Are accountable for decisions and actions
- Maintain confidentiality as appropriate
- Act as an Ambassador for the Council
- Continually develop knowledge and skills – keep up to date on Council policy and performance
- Represent the Council on external bodies and provide feedback
 -
 - Be part of an effective working partnership
 - Contribute to safeguarding the reputation of the council

- Be reliable
- Understand and advise on the needs of local communities
- Ensure the council acts lawfully and its reputation is safeguarded
- Fully consider professional advice as part of decision making
- Ensure the allocation of physical, financial and human resources
- Avoid personal criticism
- Be respectful (but not deferential)
- Be professional (but not jargonistic)
- Trust and respect each other's expertise, knowledge and skills
- Listen and understand each other
- Understand the strategic and long term direction of the council
- Inform and manage citizens expectations
- Build community capacity and society relations and activities
- Understand and explain difficult decisions
- Provide advice, information and guidance

Quick Guide to the Distinct Roles

Councillors	Officers
Accountable to the electorate and act in the public interest	Accountable to the Council
Representative role for a Ward Community Leader understanding and representing the interests of the whole community	Serve the whole Council
Add a political dimension	Politically impartial
Set high level strategy and make high level decisions	Provide guidance on policy Undertake delegated decisions on behalf of Councillors Ensure operational delivery
Do not influence recommendations of reports but may at formal meetings, accept or reject recommendations	Produce reports and make recommendations
Are involved in senior appointments	Day to day staff management and appointment to more junior roles
Regulate certain activities	Implement decisions
Lobby on national/local policy issues	

Key Officer Roles

Statutory Posts. Certain Senior Officers hold posts with mandatory statutory responsibilities including the Chief Executive, the Monitoring Officer (Director of Legal, Governance and Commissioning), appointed under Section 5 of the Local Government and Housing Act 1989, the Chief Finance Officer (Director of Finance and Commercial Services) appointed under Section 151 Local Government Act 1972, the Director of Public Health appointed under Section 2 of the Local Government and Housing Act 1989 and the Executive Director for Children's and Families appointed under Section 18 of the Children Act 2004. Councillors must respect these responsibilities and accept that these Officers may be required to give advice or make decisions which Councillors may not agree with or support.

The Monitoring Officer role includes responsibility for reporting to the Council any case where s/he is of the opinion that a proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code and for investigating any such reportable incident including allegations of breach of Councillors standards of conduct.

The Chief Finance Officer (Section 151 Officer) role includes responsibility for the strategic arrangements for the administration of the Council's financial affairs, delivery by the whole authority of good financial management to safeguarding public money and ensuring it is used appropriately, effectively, efficiently and economically.

The Executive Directors are individually responsible for their portfolio of services and collectively responsible for management of staff their work and delivery of Council functions and priorities. The role of Deputy Chief Executive will be filled by one of the Executive Directors.

Service Directors manage the service for which they have responsibility, ensure that the statutory responsibilities are properly discharged on a day to day basis, account for the efficiency and effectiveness and professional practice of their service.

Officers and Councillors have day to day responsibilities for adhering to the rules of procedure and the financial regulations in the Constitution which are there to protect the whole Council. In addition, certain officers may have, by virtue of their qualifications and memberships of professional bodies, additional requirements placed upon them to comply with additional professional obligations. To further understand roles, Members and Officers refer to the Constitution and easy to read role profiles, job descriptions and induction materials. In reality, there are grey areas, where Councillors and Officers need to work together and for this reason, it is important to set out ways of working, expectations, relationships and communications.

Whilst on a number of levels there is a distinct separation between the two roles, the relationship is most effective when it operates in partnership. In order for such a relationship to work well it is important for each to have an awareness of the distinct boundaries and expectations that each can legitimately have of the other. These (whilst not necessarily exhaustive) are summarised below:

Whilst there is a separation between the two roles it is important to ensure that both are maximised to best effect as both bring skills, knowledge and experience which contributes to a joint leadership approach. Both are indispensable to, and dependent of, one another.

THE PROFESSIONAL RELATIONSHIP

A Guide to Expectations

In forging an effective working relationship, Councillors and Officers will have certain basic expectations of each other. Much of this is about ensuring high standards of behaviour and acting within a clear framework of ethical governance.

Courtesy

It is important that Councillors and Officers are courteous to each other at all times, even if they disagree strongly with each other's views. Contact between Councillors and Officers should always be courteous both in public and in private.

Bullying

Councillors and Officers must not bully any person. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once, or be part of a pattern of behaviour. Councillors may from time to time become frustrated by what they regard as unacceptable or incompetent Officer behaviour. It is self-evident that sometimes these feelings may be entirely justified although sometimes there may be a legitimate reason why Councillor expectations cannot be met – for example, due to Council Policy or a legal requirement. In these circumstances, Councillors are to take up their concerns through the Service or Executive Directors as set out in the dispute procedure described in this document, rather than through public criticism.

Councillor and Officer Development

Councillors and Officers should participate in the Council's development and training programme which is core to their role.

Councillors should participate in Councillor inductions and all learning identified as mandatory from time to time including any committees such as Planning, licensing or the Appeals committee.

What Councillors can expect from Officers

Officers Do	Officers Don't
Pursue lawful policies and comply with the Officers Code of Conduct	Deviate from the Constitution, legal or contractual obligations

Promote inclusion, serve all Councillors equally with dignity, respect and courtesy, regardless of political group or position	
Comply with legal duty to provide professional advice, impartiality and implement Council policy	Allow their personal or political opinions to interfere with their work or professional judgement and advice
Avoid close personal familiarity with Councillors Disclose any personal relationships which might be seen as unduly influencing their work in their role where a personal relationship does exist Follow any Council guidance on personal relationships	
Follow Council procedures when answering or dealing with Councillor enquiries effectively efficiently Respond in a timely manner and keep Councillors updated	
Act with integrity and appropriate [not absolute] levels of confidentiality	<ul style="list-style-type: none"> • Seek to improperly influence Councillors; • Improperly disclose information received from one Councillor to another; or • Raise their personal circumstances or those of another directly with Councillors.
Be prepared to justify and give reasons for decisions made under delegated powers;	
Report the least suspicion of fraud, corruption or impropriety	Conceal any information which it is proper for them to disclose (particularly where they have a duty to reveal it);
Be respectful of the different roles of Councillor and the political process	

Be sensitive to the politics and pressures that Councillors face

What Officers can expect from Councillors

Councillors Do	Councillors Don't
Comply with the Councillor Code of Conduct – ensuring the highest standards of behaviour	
<p>Promote equality and treat all Officers with dignity and respect.</p> <p>Councillors must comply with the equality laws prohibiting discrimination, harassment and victimisation</p> <p>Chairs of meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct</p>	<p>Subject individuals to unreasonable or personal attacks</p> <p>Undermine respect for Officers in public meetings, the media or at any other time when dealing with Council business;</p>
<p>Only ask Officers to provide professional advice on matters that clearly arise from being an elected Councillor;</p> <p>Respect impartiality and integrity of Officers and do not compromise it</p>	<p>Ask Council Officers to improperly spend Council time or resources for political purposes.</p> <p>Insist an Officer changes his/her professional advice</p>
Provide political leadership and direction, making timely decisions	<p>Get involved in day to day management</p> <p>Ask Officers to breach Council procedures or policy when acting on behalf of constituents</p> <p>Put pressure on an Officer on matters which have been delegated for Officer</p>

	<p>decision. A Councillor who behaves in this way may lead Officers to make decisions that are not objective and that cannot be accounted for</p> <p>Seek special or adverse treatment for themselves or any individual by using his/her position as a Councillor, nor improperly seek to gain an advantage or disadvantage for his/herself or any other person when dealing with Council Officers</p>
Apply appropriate levels of confidentiality to information	
Report the least suspicion of fraud, corruption or impropriety	Instruct Officers to take actions which are unlawful, financially improper or likely to amount to maladministration. Councillors have an obligation under their Code of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.
<p>Where relevant to casework or a decision, declare any special relationships/other interests with constituents to relevant Officers and/or constituents.</p> <p>Where the relationship causes a conflict of interests, Councillors will ask another Ward Councillor to assist.</p>	

5. Cabinet and Officers - Decision Making

- 6.1 Kirklees operates a strong leader model of executive governance. As such, Cabinet will take decisions in accordance with the Constitution (see Article 7). Senior officers will be responsible for instructing and deploying staff to implement those decisions.
- 6.2 Implicit within these arrangements is a need for a close working relationship between the members of Cabinet and senior officers. Such relationships should never become, or appear to become, so close as to bring into question the officer's ability to deal impartially with other councillors and political groups. Cabinet must respect the political neutrality of the officers. Officers must ensure that their political neutrality is not compromised.

- 6.3 When producing reports the **Executive** Director / Senior Officer will always be fully responsible for the contents of any report submitted in his / her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between the Cabinet / a Cabinet Member and a senior officer should be referred to the Chief Executive for resolution.
- 6.4 Before taking any formal decisions the Cabinet will seek appropriate professional advice (including the Monitoring Officer and Chief Finance officer in particular) and will not direct officers in the framing of recommendations. Where Cabinet recommendations differ from those of officers, this should be made explicit in the submitted report.
- 6.5 Where officers are taking decisions under their delegated powers they should consider informing the relevant Cabinet Member of their intentions in advance. This is particularly important where such a decision falls within the requirements of the Access to information Regulations 2012, as amended, where there is a requirement for the decision to be recorded, and in all instances where the Officer decision constitutes a Key Decision. Such decisions will be publicly accessible.

6. Overview and Scrutiny Councillors and Officers

- 7.1 Kirklees currently has a single Overview and Scrutiny Management Committee, supported by a Health and Social Care Scrutiny Panel. To undertake in-depth investigations Ad Hoc Panels are established. For full details see Article 6 of the Constitution. In a council with Executive arrangements Overview and Scrutiny plays an important role in scrutinising Cabinet business and the decisions that it takes. It also plays an important role in overseeing policy implementation and service performance.
- 7.2 As part of conducting its business the Committee and / or its Panels will require officers to attend scrutiny meetings. All requests should be made to the relevant Executive Director and / or Service Director in the first instance.
- 7.3 In giving evidence to the Committee or its Panels officers must not be asked to express political views.
- 7.4 Officers should respect scrutiny members in the way they respond to their questions.
- 7.5 Scrutiny members should not question officers in a way which could be interpreted as harassment or bullying. Neither should they ask about matters of a disciplinary nature.
- 7.6 Scrutiny proceedings must not be used to question the capability or competence of officers. Scrutiny members need to make a distinction between scrutinising the policies and performance of the council and its

services, and appraising the personal performance of staff. The latter is not a scrutiny function.

7.7 When Officers are asked to provide information by Overview and Scrutiny Management Committee / Panels they should do so in accordance with the provisions of Section 24 of the Access to Information Procedure Rules.

7. Party Political Groups and Officers

8.1 Political groups have, and will continue to be, an important part of the political and informal governance landscape. In light of this it is possible that officers may be asked to attend a party group meeting whether of the controlling group or an opposition group. Any such request should be made in writing to the Chief Executive and / or the relevant Executive Director. If agreed it will be on the basis that similar arrangements will be made for other groups should they request it.

8.2 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He / she must provide consistent information to each group.

8.3 Officer involvement should be limited to the provision of factual information or professional advice in relation to matters of council business. Officers should not advise on matters of party business and should leave the meeting before the group discuss and / or decide their political course of action.

8.4 Officers should not be put in a position where they feel their political impartiality or integrity are put at risk and may leave the meeting if they believe this is the case.

8.5 Special care should be taken where officers are involved in providing information and advice to a party group meeting where that includes persons who are not members of the council. Due to issues of confidentiality officers may not be able to provide the same level of information and advice.

8.6 Officers must respect the confidentiality of any group discussions at which they are present and will not relay the content of such discussions to another party group or to any other councillors. This shall not prevent an officer providing feedback to other senior officers on a need to know basis.

8. Ward Councillors and Officers

9.1 All of the 23 electoral wards in Kirklees are represented by three councillors. It is they who provide the bedrock of representative democracy and as such it is important that they are supported effectively to carry out their community leadership role. With this in mind, communication is a very important factor for officers to bear in mind. Councillors need to be fully informed about matters affecting their ward.

- 9.2 Executive Directors and Service Directors must ensure that all relevant staff are aware of the requirement to keep local councillors informed. This will allow councillors to perform their local leadership role. This requirement is particularly important:
- (1) During the formative stages of policy development, where practicable and through Policy Committee where appropriate.
 - (2) In relation to significant or sensitive operational matters
 - (3) Whenever any form of public consultation exercise is undertaken, and
 - (4) During a scrutiny episode
- 9.3 Issues may affect a single ward. Where they have a wider impact, a number of local councillors will need to be kept informed.
- 9.4 Where a public meeting is organised by the council to consider a local issue, all councillors representing the wards affected should be invited to the meeting as a matter of course.
- 9.5 In your capacity as an Officer you must not attend ward or constituency political party meetings.
- 9.6 In seeking to deal with constituents' queries or concerns councillors should be mindful of the pressures on officer time. They may not be able to carry out the work required by councillors in the requested timescale. On some occasions it may not be possible to do what the councillor wants. It is important that councillors are realistic when managing the expectations of their constituents in terms of what officers and the council are able to do. Officers have a responsibility to ensure councillors are clear as to what is possible, and more importantly, what is not and to communicate that. Officers should be aware that a timely response is required but timescales will vary from service to service depending on what the enquiry is and how complex it is to answer.

Committees

Committee/panel decisions cannot by law be made by the Chair alone but are made by the committee collectively. The Chair should not seek to influence Officers to reduce the options or withhold information which they should properly report to a committee.

The Senior Officers will offer to arrange regular informal meetings with Chairs as necessary.

Senior Officers (including the Monitoring Officer and the Chief Finance Officer) have the right to attend meetings and to present reports and give advice to committees.

Members of a committee/panel shall take decisions within the remit of that committee and will not otherwise instruct Officers to act.

Chairs and Members of the relevant committee/panel should accept briefings from the Officers to inform decision making for complex or technical cases/items or where there is new national legislation or guidance.

At some committee/panel meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair (or other Members). In these circumstances it is the Officer, not the Chair, who takes the action and is responsible for it. A Chair has no legal power to take decisions on behalf of a committee, neither should they seek inappropriately to influence the Officer. Whilst the Officer is required to consult the Chair, and the Chair may express a view, it is the Officer who takes the final decision.

A Chair (or cabinet Member) are able to take a decision if it has been specifically delegated to them by the Committee/Panel (usually in consultation)

9. Councillors' Access to Documents and Information

(To be read in conjunction with the Access to Information Procedure Rules in the Council's Constitution).

- 10.1 It is important that officers keep councillors routinely informed about the major issues concerning the council. Similarly, councillors should be informed about proposals that affect their ward before they are announced publicly.
- 10.2 Where an issue affecting a particular ward is to be discussed by the Cabinet, a committee, sub-committee or panel on which the local councillor does not serve the councillor will be invited to attend and may speak on it if he or she wishes to do so.
- 10.3 Councillors may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as councillors. This may range from general information about Council services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
 - It is in the public domain, and
 - It is not barred by legislation from being given
 - It does not compromise personal confidentiality
- 10.4 Every member of the Cabinet, Overview and Scrutiny Management Committee / Panels, and / or any other committee or sub-committee has a right to inspect documents about the business of that Cabinet, Overview and Scrutiny Management Committee / Panels, and / or any other committee or sub-committee.
- 10.5 A councillor who is not a member of the Cabinet, Overview and Scrutiny Management Committee / Panels, and / or any other committee or sub-

committee may have access to any document published by that specific part of the Council provided:

- He / she can demonstrate a reasonable need to see the documents in order to carry out his / her role as a councillor (the “need to know” principle), and
- The documents do not contain “confidential” or “exempt” information as defined by law.

10.6 Should disputes occur with regards to the validity of a councillor’s request to see a document on a need to know basis, these will be determined by the Monitoring Officer.

10.7 A councillor should obtain advice from the Monitoring Officer in circumstances where they wish to have access to documents or information:

- Where to do so is likely to be in breach of the Data Protection Act, or
- Where the subject matter is one in which he / she has a personal or “other” interest as defined in the Members’ Code of Conduct.

10.8 Information given to a councillor must only be used by the Councillor for the purpose for which it was provided i.e. in connection with the proper performance of a Councillor’s official duties.

10. Communication and Social Contact Between Officers and Councillors

11.1 Officers must recognise that it is their duty to keep members of all political groups (not just members of the majority party) fully informed about developments of significance in relation to the Council’s activities.

11.2 Regular contact between councillors and senior officers is necessary to ensure the efficient working of the Council. In this context, it is the responsibility of Executive Directors and / or Service Directors to identify senior officers who should have regular contact with councillors and to inform them of that. This will depend upon the nature of the service they provide and the nature of the councillor contact envisaged. As part of any contact and relationship bullying and harassment should not take place.

11.3 Councillors should ensure contact is through the members of staff identified by the Executive Director and /or Service Director and should always bring major concerns about issues directly to the attention of the relevant Executive Director and /or Service Director concerned. Such concerns should, where possible, be evidenced based. Serious problems can arise if councillors’ bypass appropriate lines of communication to Executive Directors and /or Service Directors and their senior colleagues and, for example, deal with more junior members of staff, or more than one member of staff, to seek views on policy issues, non-routine business, or attempt to give instructions to

staff. This has the effect of depriving councillors of the formal, informed and accountable advice they have a right to expect from Executive Directors and /or Service Directors and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager.

11.4 Social contact between senior officers and councillors is only beneficial in a public setting and a work-related context. For example the management team may wish to invite appropriate councillors to an office Christmas lunch. Professionalism must be maintained at all times.

11. Councillors and Council Resources

(To be read in conjunction with the Code of Conduct, Members' Allowances Scheme, Pre-election Guidance and the Support for Councillors document produced by Governance).

12.1 The Council provides councillors with a range of support services (computers, IT facilities, stationery, printing, photocopying etc). Such services should only be used to assist them in discharging their roles as members of the Council. They should not be used in connection with party political or campaigning activities. Personal use of technology is permitted:

- Subject to the terms of the Council's Use of Electronic Communications Policy and Information Security Policy
- Where councillors who have mobile technology have agreed for the appropriate deduction to be made from their allowance.

12.2 Councillors should not approach or pressure officers to carry out duties or provide resources which they are not permitted to give. Examples include:

- Business which is solely to do with a political party;
- Work in connection with a ward or constituency party political meeting;
- Electioneering
- Work associated with an event attended by a councillor in a capacity other than as a Member of the Council;
- Private personal correspondence;
- Work in connection with another body or organisation where a councillor's involvement is other than as a Member of the Council; and
- Support to a councillor in his / her capacity as a councillor of another local authority.

12.3 It is important that councillors are equipped with the skills and knowledge to carry out their roles effectively. Officers have a role to play in ensuring that councillors are kept up to date. Councillors have a responsibility to read appropriate documentation and attend training as relevant to their role.

12. Complaints and Breaches of the Protocol

13.1

13.2 Officers concerns about Councillors

Councillor behaviour needs to be respectful. Bullying or harassment of officers is entirely unacceptable

If an individual officer has a complaint about a Councillor, it should be raised by the officer with their line manager or with the appropriate or Service Director to have an informal discussion.

If the conduct continues or is disputed, an officer may refer the complaint to the Monitoring Officer if there is evidence of a breach of the Code of Conduct.

If informal procedures do not reach a satisfactory conclusion where an Officer feels a Councillor has breached the Councillor Code of Conduct, in particularly serious cases and with the advice of the Monitoring Officer referral of the matter through the Standards Process, may be appropriate.

13.3 Councillor concerns about Officers

Officer behaviour towards Councillors needs to be equally respectful.

If a Councillor has a complaint about an officer or officers, this should be raised with the appropriate Service Director for response.

If a councillor feels that an officer has acted contrary to the spirit of this protocol they should raise it with the relevant Service Director who will consider how the issue should be dealt with

13.4 Councillor Concerns about Senior Officers

If the complaint concerns a Statutory Officer or an Executive Director the complaint may be referred to the Deputy Chief Executive and/or Chief Executive who will consider how the issue should be dealt with.

Where a complaint relates to a Service Director this should be raised with the relevant Executive Director. Where this relates to an Executive Director this should be raised with the Chief Executive.

Nothing in this protocol prevents a councillor from making public, at a meeting or in another appropriate way, a concern about the manner in which the Service has acted. Nor does it prevent councillors at formal meetings being critical of officer advice or action or of the quality of reports before them.

A breach of this protocol by an officer may lead to an investigation under the Council's Disciplinary Policy and Procedure.

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Dates of Council Meetings – 2025/2026 Municipal Year (Reference from Corporate Governance and Audit Committee)

Meeting:	Annual Council
Date:	25 May 2025
Cabinet Member:	Not applicable (Non executive decision)
Key Decision: Eligible for Call In:	No No
Purpose of Report	
To determine dates and times for Meetings of Council for the 2025/2026 Municipal Year.	
Recommendation – That the schedule of Council Meetings for the 2025/2026 Municipal Year be approved.	
Reasons for Recommendation – To enable the scheduling of forthcoming meetings of Council.	
Resource Implications: The overall cost of facilitating each meeting of Full Council is approximately £1500	
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall 08.05.2025
Is it also signed off by the Service Director for Finance?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Samantha Lawton 08.05.2025

Electoral wards affected: Not applicable

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? Not applicable

1. Executive Summary

Council Procedure Rule 2 (1) advises that the dates of ordinary Council Meetings in each Municipal Year will be determined by the Council following recommendations made by the Corporate Governance and Audit Committee.

Council Procedure Rule 5(1) states that there shall be two types of Ordinary meeting of the Council, one which focuses on Holding the Executive to Account, and the other for Key Discussions. No less than four ordinary meetings must be designated as Holding the Executive to Account. Council Procedure Rule 5(6) sets out the requirement that the Elected Mayor of West Yorkshire Combined Authority shall attend at least one meeting each municipal year.

Following a request from Corporate Governance and Audit Committee to reduce the gap in ordinary meetings of the Council between February and July, dates have been scheduled taking into account the start of the pre-election period for the 2026 elections, which will commence on 12 March 2026. Having the budget meeting revert to February, allows an ordinary Council meeting to be held in March in advance of the pre-election period.

The following dates/times were considered by the Corporate Governance and Audit Committee at a meeting held on 25 April 2025 and are recommended to Council for approval. All proposed meetings to be held at 5.30pm.

The meeting of Annual Council, scheduled for 20 May 2026, will commence (with a civic ceremony) at 12.30pm.

Date	Council Meeting
2025	
Wednesday 16th July	Holding Executive to Account
Wednesday 17th September	Key Discussion
Wednesday 15th October	Holding Executive to Account
Wednesday 12th November	Key Discussion
Wednesday 10th December	Holding Executive to Account
2026	
Wednesday 21st January	Key Discussion
Wednesday 25th February	Budget Council
Wednesday 11th March	Holding Executive to Account
Wednesday 20th May	Annual Council

- 2. Information required to take a decision**
Not applicable
- 3. Implications for the Council**
 - 3.1 Council Plan – Not applicable**
 - 3.2 Financial implications –** The cost of facilitating each Council meeting is approximately £1500. Any additional meetings would need to factor in this extra cost.
 - 3.3 Legal implications – Not applicable**
 - 3.4 Other (eg Risk, Integrated Impact Assessment or Human Resources)**
- 4. Consultation – Group Leaders have been advised of the proposed dates.**
- 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 proposed dates will be confirmed for the 2025/2026 Municipal Diary.
- 8. Contact officer – Leigh Webb, Head of Governance**
- 9. Background Papers and History of Decisions – Not applicable**
- 10. Appendices – Not applicable**
- 11. Service Director responsible – Samantha Lawton (Service Director – Legal, Governance and Commissioning)**

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Appointment of Committees, Boards and Panels

Meeting:	Annual Council
Date:	25 May 2025
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 2025/2026 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 2025/2026 Municipal Year.</p>	
Resource Implications: Not applicable	
<p>Date signed off by <u>Strategic Director</u> & name</p> <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>Rachel Spencer Henshall 6.5.25</p> <p>Kevin Mulvaney Not applicable</p> <p>Samantha Lawton 7.5.25</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

Council is asked to determine the appointment of the Committees, Boards and Panels of Council for the 2025/2026 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 2025/2026 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, Head of Governance

9. Background Papers and History of Decisions – Not applicable

10. Appendices – Not applicable

11. Service Director responsible

Samantha Lawton – Service Director for Legal, Governance and Commissioning

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Agenda Item 13

Committees/Panels/Boards	Total No. of members	Labour 23	Cons 16	Lib Dem 10	Green 4	Community Alliance 8	KCI 3	Independents 5	
Appeals Panel	15	5	3	2	1	2	1	1	
Statutory Officer Dismissal Committee	5	2	1	1	0	1	0	0	
Licensing and Safety Committee	15	5	3	2	1	2	1	1	
Standards Committee	7	2	2	1	0	1	1	0	
Personnel Committee	9	3	2	1	1	1	0	1	
Strategic Planning Committee	7	2	2	1	1	1	0	0	
District Wide Planning	9	3	2	1	1	1	0	1	
Corporate Governance and Audit	7	3	2	1	0	1	0	0	
Overview and Scrutiny Panels x 4	24	8	6	4	1	3	1	1	
Overview and Scrutiny Management Committee	5								Panel Chairs x4
Health and Wellbeing Board	5								3 Cabinet Members/ 1 main opposition/1 from other Group

33	23	14	6	13	4	5
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Agenda Item 15

Day	Date	Time	Committee Meeting
Monday	12/05/25		
Tuesday	13/05/25		
Wednesday	14/05/25		
Thursday	15/05/25		
Friday	16/05/25		
Saturday	17/05/25		
Sunday	18/05/25		
Monday	19/05/25		
Tuesday	20/05/25		
Wednesday	21/05/25	12:30	ANNUAL COUNCIL
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		
Saturday	31/05/25		
Sunday	01/06/25		
Monday	02/06/25		
Tuesday	03/06/25	13:00	Licensing And Safety Committee
Wednesday	04/06/25		
Thursday	05/06/25	13:00	District Wide Planning Committee
Friday	06/06/25	09:00	Licensing And Safety Committee
Saturday	07/06/25		
Sunday	08/06/25		
Monday	09/06/25		
Tuesday	10/06/25	09:30	Appeals Panel (School Transport)
Tuesday	10/06/25	13:30	Cabinet
Wednesday	11/06/25	10:00	Cabinet Committee - Local Issues
Thursday	12/06/25		
Friday	13/06/25	10:30	Children's Scrutiny Panel
Saturday	14/06/25		
Sunday	15/06/25		
Monday	16/06/25		
Tuesday	17/06/25	10:00	Licensing Panel
Wednesday	18/06/25	14:00	Overview and Scrutiny Management Committee
Thursday	19/06/25	13:00	Strategic Planning Committee
Friday	20/06/25	10:30	Corporate Governance and Audit Committee
Saturday	21/06/25		
Sunday	22/06/25		
Monday	23/06/25		
Tuesday	24/06/25		
Wednesday	25/06/25	14:00	Environment and Climate Change Scrutiny Panel
Thursday	26/06/25		

Day	Date	Time	Committee Meeting
Friday	27/06/25		
Saturday	28/06/25		
Sunday	29/06/25		
Monday	30/06/25		
Tuesday	01/07/25		
Wednesday	02/07/25	13:30	Health and Adult Social Care Scrutiny Panel
Thursday	03/07/25	10:00	Licensing And Safety Committee
Friday	04/07/25		
Saturday	05/07/25		
Sunday	06/07/25		
Monday	07/07/25		
Tuesday	08/07/25	13:30	Cabinet
Wednesday	09/07/25	10:00	Overview and Scrutiny Management Committee
Thursday	10/07/25	13:00	District Wide Planning Committee
Friday	11/07/25	10:00	Cabinet Committee - Local Issues
Saturday	12/07/25		
Sunday	13/07/25		
Monday	14/07/25		
Tuesday	15/07/25	09:30	Appeals Panel (School Transport)
Wednesday	16/07/25	17:30	Council
Thursday	17/07/25		
Friday	18/07/25		
Saturday	19/07/25		
Sunday	20/07/25		
Monday	21/07/25		
Tuesday	22/07/25		
Wednesday	23/07/25		
Thursday	24/07/25	13:00	Health and Wellbeing Board
Friday	25/07/25	10:00	Overview and Scrutiny Management Committee
Saturday	26/07/25		
Sunday	27/07/25		
Monday	28/07/25		
Tuesday	29/07/25	10:00	Licensing Panel
Wednesday	30/07/25		
Thursday	31/07/25	13:00	Strategic Planning Committee
Friday	01/08/25	10:30	Corporate Governance and Audit Committee
Saturday	02/08/25		
Sunday	03/08/25		
Monday	04/08/25		
Tuesday	05/08/25		
Wednesday	06/08/25	14:00	Health and Adult Social Care Scrutiny Panel
Thursday	07/08/25		
Friday	08/08/25	10:30	Children's Scrutiny Panel
Saturday	09/08/25		
Sunday	10/08/25		
Monday	11/08/25	10:00	Growth and Regeneration Scrutiny Panel
Tuesday	12/08/25	09:30	Appeals Panel (School Transport)

Day	Date	Time	Committee Meeting
Wednesday	13/08/25	14:00	Environment and Climate Change Scrutiny Panel
Thursday	14/08/25		
Friday	15/08/25	10:00	Cabinet Committee - Local Issues
Saturday	16/08/25		
Sunday	17/08/25		
Monday	18/08/25		
Tuesday	19/08/25		
Wednesday	20/08/25		
Thursday	21/08/25		
Friday	22/08/25		
Saturday	23/08/25		
Sunday	24/08/25		
Monday	25/08/25		BANK HOLIDAY
Tuesday	26/08/25		
Wednesday	27/08/25	10:00	Licensing Panel
Thursday	28/08/25		
Friday	29/08/25	10:30	Children's Scrutiny Panel
Saturday	30/08/25		
Sunday	31/08/25		
Monday	01/09/25		
Tuesday	02/09/25		
Wednesday	03/09/25	14:00	Environment and Climate Change Scrutiny Panel
Thursday	04/09/25	13:00	District Wide Planning Committee
Friday	05/09/25		
Saturday	06/09/25		
Sunday	07/09/25		
Monday	08/09/25		
Tuesday	09/09/25	09:30	Appeals Panel (School Transport)
Tuesday	09/09/25	13:30	Cabinet
Wednesday	10/09/25	10:00	Cabinet Committee - Local Issues
Thursday	11/09/25	13:00	Strategic Planning Committee
Friday	12/09/25	10:00	Overview and Scrutiny Management Committee
Saturday	13/09/25		
Sunday	14/09/25		
Monday	15/09/25		
Tuesday	16/09/25		
Wednesday	17/09/25	17:30	Council
Thursday	18/09/25		
Friday	19/09/25		
Saturday	20/09/25		
Sunday	21/09/25		
Monday	22/09/25	10:00	Growth and Regeneration Scrutiny Panel
Tuesday	23/09/25		
Wednesday	24/09/25	14:00	Standards Committee
Thursday	25/09/25	13:00	Health and Wellbeing Board
Friday	26/09/25	10:30	Corporate Governance and Audit Committee
Saturday	27/09/25		

Day	Date	Time	Committee Meeting
Sunday	28/09/25		
Monday	29/09/25		
Tuesday	30/09/25	10:00	Licensing Panel
Wednesday	01/10/25	14:00	Health and Adult Social Care Scrutiny Panel
Thursday	02/10/25		
Friday	03/10/25		
Saturday	04/10/25		
Sunday	05/10/25		
Monday	06/10/25		
Tuesday	07/10/25	09:30	Appeals Panel (School Transport)
Wednesday	08/10/25	14:00	Environment and Climate Change Scrutiny Panel
Thursday	09/10/25	13:00	District Wide Planning Committee
Friday	10/10/25	10:00	Cabinet Committee - Local Issues
Saturday	11/10/25		
Sunday	12/10/25		
Monday	13/10/25		
Tuesday	14/10/25		
Wednesday	15/10/25	17:30	Council
Thursday	16/10/25		
Friday	17/10/25	10:30	Children's Scrutiny Panel
Saturday	18/10/25		
Sunday	19/10/25		
Monday	20/10/25		
Tuesday	21/10/25	13:30	Cabinet
Wednesday	22/10/25		
Thursday	23/10/25	13:00	Strategic Planning Committee
Friday	24/10/25	10:00	Overview and Scrutiny Management Committee
Saturday	25/10/25		
Sunday	26/10/25		
Monday	27/10/25		
Tuesday	28/10/25	10:00	Licensing Panel
Wednesday	29/10/25		
Thursday	30/10/25		
Friday	31/10/25		
Saturday	01/11/25		
Sunday	02/11/25		
Monday	03/11/25	10:00	Growth and Regeneration Scrutiny Panel
Tuesday	04/11/25		
Wednesday	05/11/25		
Thursday	06/11/25	10:00	Licensing And Safety Committee
Friday	07/11/25		
Saturday	08/11/25		
Sunday	09/11/25		
Monday	10/11/25		
Tuesday	11/11/25	09:30	Appeals Panel (School Transport)
Wednesday	12/11/25	17:30	Council
Thursday	13/11/25		

Day	Date	Time	Committee Meeting
Friday	14/11/25		
Saturday	15/11/25		
Sunday	16/11/25		
Monday	17/11/25		
Tuesday	18/11/25		
Wednesday	19/11/25	10:00	Cabinet Committee - Local Issues
Thursday	20/11/25	13:00	Health and Wellbeing Board
Friday	21/11/25		
Saturday	22/11/25		
Sunday	23/11/25		
Monday	24/11/25		
Tuesday	25/11/25	10:00	Licensing Panel
Wednesday	26/11/25	14:00	Environment and Climate Change Scrutiny Panel
Thursday	27/11/25	13:00	District-Wide Planning
Friday	28/11/25	10:30	Corporate Governance and Audit Committee
Saturday	29/11/25		
Sunday	30/11/25		
Monday	01/12/25		
Tuesday	02/12/25	13:30	Cabinet
Wednesday	03/12/25	14:00	Health and Adult Social Care Scrutiny Panel
Thursday	04/12/25	13:00	Strategic Planning Committee
Friday	05/12/25		
Saturday	06/12/25		
Sunday	07/12/25		
Monday	08/12/25		
Tuesday	09/12/25	09:30	Appeals Panel (School Transport)
Wednesday	10/12/25	17:30	Council
Thursday	11/12/25	10:30	Children's Scrutiny Panel
Friday	12/12/25	10:00	Overview and Scrutiny Management Committee
Saturday	13/12/25		
Sunday	14/12/25		
Monday	15/12/25	10:00	Growth and Regeneration Scrutiny Panel
Tuesday	16/12/25	10:00	Licensing Panel
Wednesday	17/12/25	10:00	Cabinet Committee - Local Issues
Thursday	18/12/25		
Friday	19/12/25		
Saturday	20/12/25		
Sunday	21/12/25		
Monday	22/12/25		
Tuesday	23/12/25		
Wednesday	24/12/25		
Thursday	25/12/25		BANK HOLIDAY
Friday	26/12/25		BANK HOLIDAY
Saturday	27/12/25		
Sunday	28/12/25		
Monday	29/12/25		
Tuesday	30/12/25		

Day	Date	Time	Committee Meeting
Wednesday	31/12/25		
Thursday	01/01/26		BANK HOLIDAY
Friday	02/01/26		
Saturday	03/01/26		
Sunday	04/01/26		
Monday	05/01/26		
Tuesday	06/01/26		
Wednesday	07/01/26	14:00	Environment and Climate Change Scrutiny Panel
Thursday	08/01/26		
Friday	09/01/26		
Saturday	10/01/26		
Sunday	11/01/26		
Monday	12/01/26		
Tuesday	13/01/26	09:30	Appeals Panel (School Transport)
Tuesday	13/01/26	13:30	Cabinet
Wednesday	14/01/26	10:00	Cabinet Committee - Local Issues
Thursday	15/01/26	13:00	Strategic Planning Committee
Friday	16/01/26	10:00	Overview and Scrutiny Management Committee
Saturday	17/01/26		
Sunday	18/01/26		
Monday	19/01/26		
Tuesday	20/01/26		
Wednesday	21/01/26	17:30	Council
Thursday	22/01/26	13:00	Health and Wellbeing Board
Friday	23/01/26		
Saturday	24/01/26		
Sunday	25/01/26		
Monday	26/01/26	10:00	Growth and Regeneration Scrutiny Panel
Tuesday	27/01/26		
Wednesday	28/01/26	10:00	Licensing Panel
Thursday	29/01/26	13:00	District Wide Planning Committee
Friday	30/01/26	10:30	Corporate Governance and Audit Committee
Saturday	31/01/26		
Sunday	01/02/26		
Monday	02/02/26		
Tuesday	03/02/26		
Wednesday	04/02/26	14:00	Health and Adult Social Care Scrutiny Panel
Thursday	05/02/26		
Friday	06/02/26	10:30	Children's Scrutiny Panel
Saturday	07/02/26		
Sunday	08/02/26		
Monday	09/02/26		
Tuesday	10/02/26	09:30	Appeals Panel (School Transport)
Tuesday	10/02/26	13:30	Cabinet
Wednesday	11/02/26		
Thursday	12/02/26		
Friday	13/02/26		

Day	Date	Time	Committee Meeting
Saturday	14/02/26		
Sunday	15/02/26		
Monday	16/02/26		
Tuesday	17/02/26		
Wednesday	18/02/26	10:00	Cabinet Committee - Local Issues
Thursday	19/02/26		
Friday	20/02/26		
Saturday	21/02/26		
Sunday	22/02/26		
Monday	23/02/26		
Tuesday	24/02/26	10:00	Licensing Panel
Wednesday	25/02/26	17:30	Council - BUDGET
Wednesday	25/02/26	14:00	Environment and Climate Change Scrutiny Panel
Thursday	26/02/26		
Friday	27/02/26	10:00	Overview and Scrutiny Management Committee
Saturday	28/02/26		
Sunday	01/03/26		
Monday	02/03/26	10:00	Licensing And Safety Committee
Tuesday	03/03/26		
Wednesday	04/03/26	14:00	Health and Adult Social Care Scrutiny Panel
Thursday	05/03/26	13:00	District Wide Planning Committee
Friday	06/03/26		
Saturday	07/03/26		
Sunday	08/03/26		
Monday	09/03/26	10:00	Growth and Regeneration Scrutiny Panel
Tuesday	10/03/26	09:30	Appeals Panel (School Transport)
Wednesday	11/03/26	17:30	Council
Thursday	12/03/26		
Friday	13/03/26	10:00	Cabinet Committee - Local Issues
Saturday	14/03/26		
Sunday	15/03/26		
Monday	16/03/26		
Tuesday	17/03/26		
Wednesday	18/03/26	14:00	Standards Committee
Thursday	19/03/26	10:30	Children's Scrutiny Panel
Friday	20/03/26	10:30	Corporate Governance and Audit Committee
Saturday	21/03/26		
Sunday	22/03/26		
Monday	23/03/26		
Tuesday	24/03/26	13:30	Cabinet
Wednesday	25/03/26		
Thursday	26/03/26	13:00	Health and Wellbeing Board
Friday	27/03/26	10:00	Overview and Scrutiny Management Committee
Saturday	28/03/26		
Sunday	29/03/26		
Monday	30/03/26		
Tuesday	31/03/26	10:00	Licensing Panel

Day	Date	Time	Committee Meeting
Wednesday	01/04/26		
Thursday	02/04/26	13:00	Strategic Planning Committee
Friday	03/04/26		BANK HOLIDAY
Saturday	04/04/26		
Sunday	05/04/26		
Monday	06/04/26		BANK HOLIDAY
Tuesday	07/04/26	09:30	Appeals Panel (School Transport)
Wednesday	08/04/26		
Thursday	09/04/26		
Friday	10/04/26		
Saturday	11/04/26		
Sunday	12/04/26		
Monday	13/04/26		
Tuesday	14/04/26		
Wednesday	15/04/26	14:00	Environment and Climate Change Scrutiny Panel
Thursday	16/04/26	13:00	District Wide Planning Committee
Friday	17/04/26		
Saturday	18/04/26		
Sunday	19/04/26		
Monday	20/04/26	10:00	Growth and Regeneration Scrutiny Panel
Tuesday	21/04/26		
Wednesday	22/04/26	14:00	Health and Adult Social Care Scrutiny Panel
Wednesday	22/04/26	10:00	Cabinet Committee - Local Issues
Thursday	23/04/26		
Friday	24/04/26	10:30	Corporate Governance and Audit Committee
Saturday	25/04/26		
Sunday	26/04/26		
Monday	27/04/26	10:00	Licensing Panel
Tuesday	28/04/26	13:30	Cabinet
Wednesday	29/04/26		
Thursday	30/04/26		
Friday	01/05/26		
Saturday	02/05/26		
Sunday	03/05/26		
Monday	04/05/26		BANK HOLIDAY
Tuesday	05/05/26		
Wednesday	06/05/26		
Thursday	07/05/26		
Friday	08/05/26		
Saturday	09/05/26		
Sunday	10/05/26		
Monday	11/05/26		
Tuesday	12/05/26		
Wednesday	13/05/26		
Thursday	14/05/26		
Friday	15/05/26		
Saturday	16/05/26		

Day	Date	Time	Committee Meeting
Sunday	17/05/26		
Monday	18/05/26		
Tuesday	19/05/26		
Wednesday	20/05/26	12:30	ANNUAL COUNCIL
Thursday	21/05/26		
Friday	22/05/26		
Saturday	23/05/26		
Sunday	24/05/26		

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Appointment of Members to Joint Authorities

Meeting:	Annual Council
Date:	21 May 2025
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 2025/2026.	
<p>Recommendations</p> <p>(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.</p> <p>(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.</p> <p>(3) That Council delegate authority to the Service Director – Legal, Governance and Commissioning (Monitoring Officer), 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 and note that WYCA will appoint to the two Deputy Chair roles.</p> <p>(4) That Council delegate authority to the Service Director – Legal, Governance and Commissioning (Monitoring Officer), in consultation with Group Business Managers, to nominate Members and substitutes to the WYCA Overview and Scrutiny Committee.</p> <p>(5) That Council delegate authority to the Service Director – Legal, Governance and Commissioning (Monitoring Officer), in consultation with the relevant Group Business Manager, to:</p> <ul style="list-style-type: none"> a. confirm any relevant Portfolio Holder to be appointed, or b. make any additional/revised nominations <p>to any WYCA Committee or Panel, as requested by WYCA after this Council’s annual meeting.</p>	

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

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

(6) That Council delegate authority to the Service Director – Legal, Governance and Commissioning (Monitoring Officer), in consultation with the Group Business Managers, to appoint a representative and substitute to the West Yorkshire Business Board (LEP – Leeds City Region Enterprise Partnership)

(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 the Service Director – Legal, Governance and Commissioning (Monitoring Officer), in consultation with the Group Business Managers for determination.

(8) That Council delegate authority to Service Director – Legal, Governance and Commissioning (Monitoring Officer), in consultation with the 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 2025/2026 Municipal Year.

Resource Implications: Not applicable

Date signed off by Strategic Director & name

Rachel Spencer Henshall 6.5.25

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?

Samantha Lawton 6.5.25

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 2025/2026.

2. Information required to take a decision

West Yorkshire Fire & Rescue Authority

The Council is entitled to appoint four Members, on a ratio of 1:1:1:1, 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 (formerly the LEP – Leeds City Region Enterprise Partnership)

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

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 the Service Director – Legal, Governance and Commissioning (Monitoring Officer), in consultation with the 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 the Service Director – Legal, Governance and Commissioning (Monitoring Officer), in consultation with the 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**

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

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

Samantha Lawton – Service Director for Legal, Governance and Commissioning
(Monitoring Officer)



Appointments to Outside Bodies/Other Committees

Meeting:	Annual Council
Date:	21 May 2025
Cabinet Member (if applicable)	Not applicable
Key Decision	No
Eligible for Call In	No – Non Executive Decision
<p>Purpose of Report - To determine the appointment of representatives to Outside Bodies/ Other Committees for the 2025/2026 Municipal Year.</p>	
<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 (Monitoring Officer) to fill places or make any adjustments to nominees, as appropriate, following Annual 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 2025/2026 Municipal Year</p>	
<p>Resource Implications: Not applicable</p>	

Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall 6.5.25
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?	Samantha Lawton 7.5.25

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, as appropriate, to the Outside Bodies as detailed within this report, for the 2025/2026 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 (Monitoring Officer) 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

Further to approval, the relevant organisations will be informed of the appointments.

8. Contact officer

Leigh Webb, Head of Governance

9. Background Papers and History of Decisions

[Kirklees Council Outside Bodies](#)

10. Appendices – Appendix 1 Schedule of Outside Bodies

11. Service Director responsible

Samantha Lawton – Service Director for Legal, Governance and Commissioning
(Monitoring Officer)

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No	NAME	Maximum Number of Reps
19	Migration Yorkshire Board	1
20	Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROL)	1+sub
21	West Yorkshire Adoption Joint Committee ('WYAJC') ONE ADOPTION	1 + sub
22	West Yorkshire Joint Services Committee	2+2 subs
23	Yorkshire and Humber (Local Government) Employers Association	1
24	Yorkshire and Humber Strategic Migration Group	1
25	Yorkshire Purchasing Organisation (YPO) Management Committee	1+sub
26	Yorkshire Purchasing Organisation (YPO) Procurement Holdings Limited Company Board	1
27	Adult Learning Advisory Board	1
28	Armed Forces Covenant Board	1 + PH
30	Community Learning Trust	1
31	Kirklees Active Leisure	2
32	Kirklees Communities Partnership Board (formerly Community Safety Partnership Executive)	4+ PCP members
33	Kirklees Schools Services Ltd	1+1 Alt
34	Local Government Association - General Assembly	4+subs
35	School Organisation Advisory Group	6
36	Veterans Advisory & Pensions Committee, Yorkshire and the Humber	1 + SD
37	West Yorkshire and Harrogate Health and Care Partnership	2
38	West Yorkshire Joint Services - Appointment and Appeals Panel	0
39	West Yorkshire Joint Services - Joint Consultative Committee	0
40	Calderdale and Kirklees Careers Limited	3
41	C&K Careers Limited Holding Company	3
42	Calderdale and Huddersfield NHS Foundation Trust - Council of Governors (formerly known as Membership Council)	1
43	Creative Media Centres Limited	1
44	Dewsbury Endowed Schools Foundation Trust Advisory Working Party	8
45	Environment Agency - Yorkshire Regional Flood and Coastal Committee	1+ Dep
46	Fostering Panel	2
47	Huddersfield Industrial Advisory Panel	1*
48	Kirklees Community Association	6
49	Kirklees Community Fund Grants Panel	2
50	Kirklees Henry Boot Partnership	1+Alt
51	Kirklees Historic Buildings Trust Ltd	6
52	Kirklees Stadium Development Ltd	2 Dir + 1 Alt
53	Kirklees Theatre Trust (Lawrence Batley Theatre)	3
54	Locala Community Partnership Members' Council	1
55	Musica Kirklees (formerly Kirklees Music School)	2
56	National Association of British Market Authorities	3
57	National Coal Mining Museum for England Trust Ltd - Liaison Committee	2

No	NAME	Maximum Number of Reps
58	Peak District National Park Authority	1
60	QED (KMC) Limited (Special Schools)	1
61	Reserve Forces and Cadets Association for Yorkshire and the Humber	1
62	South West Yorkshire Partnership NHS Foundation Trust - Members' Council	1
63	Special Interest Group of Metropolitan Authorities (SIGOMA)	1
64	Standing Advisory Council for Religious Education	4
65	SUEZ (Kirklees) Limited	1+Alt
66	Trans Pennine Trail Members' Steering Group	2
67	West Yorkshire One Adoption - Adoption Panels	2
68	West Yorkshire Pension Fund - Joint Advisory Group	3
69	West Yorkshire Pension Fund - Investment Panel	2
70	Batley Cricket, Athletic and Football Club (formerly Batley Bulldogs)	3+ the Mayor
71	Batley Girls (Rae, Taylor, Hirst and Talbot) Leaving Scholarship Fund	1
72	Batley Grammar School Trustees	1
73	Charles Brook Convalescent Fund	1
74	Dewsbury Guild of Help / Whittuck Charity	2
75	Fletcher Charity	6
76	George Beaumont Foundation	1
77	Golcar Township Lands Charity	2
78	Holly Bank Trust	1
79	Huddersfield Education Trust	2
80	King James School Foundation	1
81	Laneside Landfill Community Trust	1
82	Longwood Grammar School Foundation	1
83	Mirfield Educational Charity	3
84	Mitcheson Bequest	2
85	R J Whitehead Almshouses	1
86	Roebuck Memorial Homes and Gardens	2
88	The Thurstonland School with Ludlum and Horsfall Foundation	1
89	Thornhill Poors Estate Charity	5
90	Walker and Greenwood Educational Charity	6
91	Wheelwright Old Boys War Memorial Fund	1
92	Whitcliffe Mount School Scholarship Trust	1
93	William Greenwood Homes	2
94	Dewsbury Learning Trust	1
95	Globe Innovation Centre Ltd (previously Globe Environmental Business Centre Ltd)	1
96	North Huddersfield Trust	1
97	Spenborough Co-operative Trust	1
100	Kirklees Parenting Board	6+ subs



Spokespersons of Joint Committees and External Bodies

Meeting:	Annual Council
Date:	21 May 2025
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 2025/2026 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 delegated to the relevant Group Business Manager. <p>Reasons for Recommendations</p> <p>To enable the determination of appointment of spokespersons for Joint Committees/External Bodies for the 2025/2026 Municipal Year.</p>	
Resource Implications: Not applicable	
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall 6.5.25
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?	Samantha Lawton 7.5.25
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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 2025/2026 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, Head of Governance

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

10. **Appendices** – Not applicable

11. **Service Director responsible**

Samantha Lawton – Service Director for Legal, Governance and Commissioning
(Monitoring Officer)

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