

Contact Officer: Andrea Woodside

**COUNCIL**

**KIRKLEES COUNCIL**

**At the Annual Meeting of the Council of the Borough of Kirklees held at Council Chamber - Town Hall, Huddersfield on Wednesday 25 May 2016**

**PRESENT**

**The Mayor (Councillor Jim Dodds) in the Chair**

**COUNCILLORS**

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

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

It was moved by Councillor Light and seconded by Councillor D Hall;

That Councillor Jim Dodds is hereby elected Mayor of the Council of the Metropolitan Borough of Kirklees for the municipal year from now until his successor accepts office and signs the required declaration.

The Motion on being put to the meeting was CARRIED.

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Councillor Jim Dodds then made the declaration of Acceptance of Office required by law, took the Chair and returned thanks for his election and named Mrs Carol Dodds as his Mayoress for the coming year.

**The Mayor (Councillor Jim Dodds) in the Chair.**

### **Vote of Thanks to Retiring Mayor**

It was moved by Councillor E Firth, seconded by Councillor Richards and

#### **RESOLVED -**

(1) That the best thanks of the Council are due and are hereby tendered to Councillor Paul Kane for the efficient and dignified manner in which he has performed the important and varied duties of the Office of Mayor during the period May 2015 to May 2016.

(2) That the hearty thanks of the Council be tendered to Mrs Susan Bedford for her services as Mayoress.

Councillor Paul Kane then returned his thanks.

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

It was moved by Councillor N Turner and seconded by Councillor Marchington:

That Councillor Christine Iredale is hereby appointed Deputy Mayor of the Council of the Metropolitan Borough of Kirklees for the ensuing year.

The Motion on being put to the meeting was CARRIED.

Councillor Christine Iredale then made the declaration of Acceptance of Office as required by law and returned thanks for her appointment and named Mr Robert Iredale as her Consort for the coming year.

### **3 To approve as a correct record and authorise the signing of the Minutes of the Ordinary Meeting of the Council held on 23 March 2016**

It was moved by The Mayor (Councillor Dodds), seconded by the Deputy Mayor (Councillor Iredale) and

**RESOLVED -** That the Minutes of the Ordinary Meeting of the Council held on 23 March 2016 be approved and signed as a correct record.

### **ADJOURNMENT**

At this point the meeting adjourned for a short period of time.

(Upon resumption)

### **4 Interests**

No declarations of interest were made.

### **5 Announcements by the Mayor and Chief Executive**

The Chief Executive advised of the official return of the election of Councillors held on 5 May 2016, as detailed within the considered report.

The Mayor conveyed congratulations to all newly elected and re-elected Councillors.

The Chief Executive advised that Councillor David Sheard had submitted his resignation of the Leader of the Council and outlined the consequential implications upon the Council's executive arrangements.

Tributes were paid to Councillor Sheard in his capacity as former Council Leader by the Mayor and Councillors Pandor, Light, N Turner and Cooper.

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

Apologies for absence were received on behalf of Councillors Hughes, C Scott, Sheard, G Turner and Palfreeman.

### **7 Election of Leader of the Council**

It was moved by Councillor Calvert and seconded by Councillor Sokhal that Councillor Shabir Pandor be elected as Leader of the Council, in accordance with Article 7 of the Constitution.

On being put to the vote, the motion was LOST.

There were no further nominations.

### **ADJOURNMENT**

The meeting adjourned for a short period of time.

(Upon resumption)

### **8 Notification of Deputy Leader, Cabinet Membership and Delegation of Executive Functions**

(This item was not considered as a consequence of no Leader being appointed at the previous agenda item)

### **9 Proposed Amendments to Council Procedure Rules (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards and seconded by Councillor J Taylor;

‘That the proposed amendments to Council Procedure Rules, as set out within the considered report, be approved.’

Whereupon it was moved by Councillor D Hall, and seconded by Councillor Bolt by way of AMENDMENT;

“That the revisions to Council Procedure Rules, as set out in the considered report be approved, subject to the following amendments, and that authority be delegated to the Assistant Director – Legal, Governance and Monitoring, to make any consequential drafting changes;

(i) Remove paragraphs 9A and 9B.

(ii) Insert in Paragraph 5 (1) after (e):

(f) To consider any petitions and deputations on which the Council has powers or duties or which affect the area of Kirklees in accordance with Rules 9 and 10;

(g) To consider any questions from the public in accordance with Rule 11; and

(h) To consider any questions by Members to the Leader or Cabinet Members in accordance with Rule 12

(and re-number subsequent paragraphs)

(iii) Insert after paragraph 5;

#### **5B Petition Scheme Debates**

In accordance with the Council's Petition Scheme, the Petition Organiser will be permitted five minutes to present their petition. The subject matter will then be debated by Council for a maximum of 15 minutes.

(iv) Paragraph 9

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Delete “the HEA Cabinet meeting referred to in Rule 9A before”.

(v) Paragraph 10

Delete “a HEA Cabinet meeting referred to in Rule 9A” and insert: “Council (except the Annual Meeting and Budget Meeting)”

The AMENDMENT, on being put to the vote was carried.

There being no further amendment, the motion was put to the vote and it was;

### **RESOLVED**

“That the revisions to Council Procedure Rules, as set out in the considered report be approved, subject to the following amendments, and that authority be delegated to the Assistant Director – Legal, Governance and Monitoring, to make any consequential drafting changes;

(i) Remove paragraphs 9A and 9B.

(ii) Insert in Paragraph 5 (1) after (e):

(f) To consider any petitions and deputations on which the Council has powers or duties or which affect the area of Kirklees in accordance with Rules 9 and 10;

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(h) To consider any questions by Members to the Leader or Cabinet Members in accordance with Rule 12

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(iii) Insert after paragraph 5;

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## **10 Proposed Amendments to the Terms of Reference of Health and Wellbeing Board (Reference from Corporate and Audit Committee)**

It was moved by Councillor Richards, seconded by Councillor J Taylor and;

### **RESOLVED -**

That approval be given to the revised the Terms of Reference of Health and Wellbeing Board as detailed within the considered report, subject to the amendment of ‘Purpose and Functions of the Board; Para 2’ to read ‘To develop, publish and own the Joint Strategic Needs Assessment for Kirklees (JSNA) (which is known locally as the Kirklees Joint Strategic Assessment(KJSA)) to inform local planning, commissioning and delivery of services and meet the legal responsibilities of Kirklees Council and the Clinical Commissioning Groups.’

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- 11 Proposed Amendments to Council Financial Procedure Rules (Reference from Corporate Governance and Audit Committee)**  
It was moved by Councillor Richards, seconded by Councillor J Taylor and;
- RESOLVED -**  
That the amendments to Council Financial Procedure Rules, as set out within the considered report, be approved.
- 12 Proposed Amendments to Council Contract Procedure Rules (Reference from Corporate Governance and Audit Committee)**  
It was moved by Councillor Richards, seconded by Councillor J Taylor and;
- RESOLVED -**  
That the amendments to Council Contract Procedure Rules, as set out within the considered report, be approved.
- 13 Meetings of Council - 2016/2017 (Reference from Corporate Governance and Audit Committee)**  
It was moved by Councillor Richards, seconded by Councillor J Taylor and;
- RESOLVED -**  
That the Schedule of Council Meetings for the 2016-2017 municipal year, as listed within the considered report, be approved.
- 14 Committees of the Council**  
It was moved by Councillor Sokhal, seconded by Councillor Patrick and;
- RESOLVED -**  
That approval be given to the establishment of the Committees/Panel/Boards for the ensuing year, as detailed within the considered report.
- 15 Corporate Parenting Board**  
It was moved by Councillor Sokhal, seconded by Councillor Patrick and;
- RESOLVED -**  
(1) That approval be given to the re-establishment of the Corporate Parenting Board for the 2016-2017 municipal year.  
(2) That approval be given to the membership of the Board on a 1:1:1:1 ratio.  
(3) That the Terms of Reference of the Board be unchanged from those previously approved on 24 June 2015, and as set out within the considered report.
- 16 Allocation of Seats**  
It was moved by Councillor Sokhal, seconded by Councillor Patrick and;
- RESOLVED –**  
(1) That the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 shall not apply to the Corporate Governance and Audit Committee, Overview and Management Scrutiny Committee and Health and Wellbeing Board, for the ensuing Municipal Year.  
(2) That the number and proportion of Members of Committees, Boards and Panels be in accordance with the schedule as set out in the considered report.
- 17 Dates/Times of Committees, Boards and Panels**  
It was moved by Councillor Sokhal, seconded by Councillor Patrick and;
- RESOLVED -**

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That the dates and times of Committee, Boards and Panels be in accordance with the schedule as set out at Item 17 of the Council Summons.

### 18 **Membership of Committees, Boards and Panels and Ratio of Substitutes Panel**

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

#### **RESOLVED -**

(1) That the Membership of Committees, Boards and Panels be determined in accordance with the schedule circulated to each Member and that the appointment of two Elected Parent Governors and the two denominational representatives to the Overview and Scrutiny Management Committee be agreed.

(2) That a panel of substitute Members for each Group be established on a 6:6:4:4 ratio; that any Member from such panel be authorised to substitute for Member(s) provided that details of substitutions, if any, are reported to the meeting, and that any such substitution shall be effective for the whole of that meeting only.

(3) That the provision of a 'Substitute Member' shall not apply to the Overview and Scrutiny Management Committee, Health and Social Care Scrutiny Panel, District Committees, Standards Committee, Standards Sub-Committee and Health and Wellbeing Board.

(4) That the Business Manager to each Group be empowered to forward to the Assistant Director, Legal, Governance and Monitoring, no later than six clear working days prior to a meeting of a Committee or Panel, any changes in the membership of a Committee or Panel which do not involve a Member of the Substitutes Panel and any change(s) to the names of those Members included on the panel of substitutes approved by the Annual Council meeting.

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

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

#### **RESOLVED -**

(1) That, in regard to West Yorkshire Combined Authority, (i) the Leader of the Council be appointed as a Member, and (ii) that authority be delegated to the Chief Executive in consultation with political group leaders to jointly agree with the other constituent Councils the appointment of the three additional members of the Combined Authority for political balance in accordance with paragraph 1 (3) of Schedule 1 of the 2014 West Yorkshire Combined Authority Order, together with a substitute for each of the three members.

(2) That, in the event that a Leader of the Council is not appointed at the Annual Meeting, the Leader of the largest political group shall be appointed as the Member of West Yorkshire Combined Authority.

(3) That it be noted that, pursuant to (1) above, in the absence of any agreement between the West Yorkshire Councils, no additional West Yorkshire Combined Authority Members will be appointed for political balance.

(4) That the Council's appointments to (i) West Yorkshire Fire and Rescue Authority, (ii) West Yorkshire Combined Authority Transport Committee, (iii) West Yorkshire Combined Authority Overview and Scrutiny Committee and (iv) Substitute for Leader at West Yorkshire Combined Authority be referred to Group Business Managers for determination.

(5) That the Council's appointments to West Yorkshire Police and Crime Panel be referred to the Chief Executive, in consultation with Group Business Managers, to determine.

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

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

#### **RESOLVED -**

(1) That the allocation of places/ratios, as appropriate, in the report at item 20 of the Council Summons, be confirmed; that Group Business Managers put forward nominations to the Director of

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Resources to fill any vacancies or make any adjustments to nominees previously put forward, as appropriate, subject to (4) below.

(2) That those bodies with executive functions be referred to The Leader of the Council to put forward nominees.

(3) That in relation to the Yorkshire Purchasing Organisation Joint Committee, the Council agrees to waive political balance rules which apply in accordance with Section 17 of the Local Government and Housing Act 1989 and that the Leader of the Council, in determining the nominees, resolves which Member will have the one vote on behalf of the Council.

(4) That one of the Council Trustees on Kirklees Active Leisure, to be nominated by Group Business Managers, be authorised to represent the Council for the purposes of Member meetings, pursuant to Section 323 of the Companies Act 2006, to exercise a vote, and that Council notes that David Smith, Director of Resources, will continue as Company Secretary, with no director status or voting rights.

(5) Further, Council notes that Julie Muscroft, Assistant Director (Legal, Governance and Monitoring) and Paul Kemp, Acting Assistant Director (Investment and Regeneration) are respectively Company Secretaries for Kirklees Theatre Trust, and Kirklees Stadium Development Limited.

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

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

#### **RESOLVED -**

(1) That the nomination of Councillors to reply to oral questions at Council Meetings on behalf of (i) Kirklees Neighbourhood Housing (ii) Kirklees Active Leisure and (iii) West Yorkshire Police and Crime Panel, be referred to Group Business Managers for determination.

(2) That Council notes that spokespersons for the:-

West Yorkshire Combined Authority  
West Yorkshire Fire and Rescue Authority  
West Yorkshire Joint Services Committee; will be notified by those bodies

### 22 **To appoint the Chairs of the following Committees etc for the Municipal Year 2016/17, if considered appropriate**

It was moved by Councillor Sokhal, seconded by Councillor Patrick and;

#### **RESOLVED -**

That the appointment of Chairs of Committees and Panels be approved as listed below

<b>Committee/Board/Panel</b>	<b>Appointed Chair</b>
Appeals Panel	Cllr Armer
Corporate Governance & Audit Committee	Cllr Richards
Health and Wellbeing Board (dependent upon appointment of Cabinet)	Position not appointed
Licensing & Safety Committee	Cllr A U Pinnock
Overview & Scrutiny Management Committee	Cllr Stewart-Turner
Personnel Committee	Cllr Pandor
Policy Committee	Cllr Walker

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Scrutiny Panel – Health	Cllr Smaje
Standards Committee	Cllr Patrick
Strategic Planning Committee	Cllr Sokhal
District Committee – Batley & Spen	Cllr Lowe
District Committee – Dewsbury & Mirfield	Cllr Dad
District Committee – Huddersfield	Cllr Ullah
District Committee – Kirklees Rural	Cllr Watson
Planning Sub Committee – Heavy Woollen	Cllr Kane
Planning Sub Committee – Huddersfield	Cllr Lyons