

Name of meeting: Corporate Governance and Audit Committee

Date: 25th June 2021

Title of report: Proposed amendments to Council Procedure Rule 35

Purpose of report:

To set out proposed changes to the Council's constitution, namely CPR 35, as described in paragraph 2 below, for consideration by the Committee.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	NO
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	NO
The Decision - Is it eligible for call in by Scrutiny?	NO
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall – 17th June 2021
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 17th June 2021
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 17th June 2021
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: All

Ward councillors consulted: NO

Public or private: Public

Has GDPR been considered? YES

1. Summary

- 1.1 At Annual Council an amendment to item 10 on the agenda was proposed by Cllr Hall and Cllr Bolt.
- 1.2 The effect of the amendment, if adopted, would be to exclude certain members from sitting on Strategic Planning Committee as well as any of the

Planning Sub-Committees.

- 1.3 The amendment as proposed was not considered, as the proposal had not been considered by the Corporate Governance and Audit Committee (CGA), before going on to Council.
- 1.4 The proposer of the amendment was advised that the proposed amendment needed to be referred to CGA before it could be put before Council and a subsequent proposal was agreed at Annual Council referring the amendment for consideration at CGA before being referred back to a meeting of Council.

2. Information required to take a decision

- 2.01 The full text of the proposed amendment is as follows:

Addendum to CPR35: rule2: section 3 (in italics)

(2) The Council subject to any statutory provision:-

(iii) shall not appoint the Leader, the Deputy Leader of the Council or any Members of the Cabinet as members of the Overview and Scrutiny Committee or its Panels **or the Strategic Planning Committee or Sub-Committee thereof.**

- 2.02 The amendment proposed is highlighted above and consists of extending the provisions of CPR 35, rule 2.
- 2.03 It was suggested when moving the amendment that Cabinet members, having an involvement in strategic decision making, ought not to then be involved in planning decisions through the Strategic Planning Committee or either of the Sub-Committees. It was further suggested that the planning process should be non-political.
- 2.04 Comparison with other local authorities in West Yorkshire and York (WYLAW members) shows that:
 - i. Leeds City Council places no restrictions in its CPRs
 - ii. City of Bradford Metropolitan District Council places no restrictions in its CPRs or Articles of the Constitution
 - iii. At Wakefield Council Cabinet members are not able to be members of the Planning & Highways Committee.
 - iv. Calderdale Council places no restrictions in its CPRs
 - v. York City Council places no restrictions in its CPRs
 - vi. Selby District Council places no restrictions in its CPRs
- 2.05 The Local Plan that was approved by Council does set out an overarching planning and development strategy which would act to minimize any political influence in the planning process that a Cabinet member or indeed any other member may have at Committee or Sub-Committee level.
- 2.06 There are also other checks and balances in place to ensure that decisions are taken properly:
 - i. All members who sit on the Strategic Planning Committee or any of the Planning Sub-Committees are required to undergo planning specific

training, which includes issues around predetermination and bias, and are required to be given an annual update on planning matters before they can sit on any of the committees as decision makers. As part of the training, it is made clear to members that decisions are to be taken by them as a Planning Authority and not taken along political lines.

- ii. The members Code of Conduct does deal with any interests that members may have and this would be applicable at any Strategic Planning Committee or Planning Sub-Committee meeting at which a member of the Cabinet was present in a decision making role. There are specific rules about declaring interests and participation / non-participation in meetings.
- iii. Part of the duties of the Legal Officer who is present at the Planning meetings is to ensure that only relevant planning issues are considered as part of the decision making process and that decisions are taken as a Planning Authority.

3. Implications for the Council

It is essential the Council's Constitution is regularly reviewed to ensure that it remains fit for purpose and that it enables Council meetings to be conducted in a fair, business like and effective manner.

3.1 Working with people

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

N/A

3.5 Improving Outcomes for Children

N/A

3.6 Other implications (eg Legal/Financial or Human Resources)

N/A

4. Consultees and their opinions

N/A.

5. Next steps and timelines

- 5.1 Any amendments recommended by Corporate Governance and Audit will be put before Council for consideration, with any amendments agreed upon resulting in an update being made to the Constitution.

6. Officer recommendations and reasons

That Committee:

- a. Consider the proposed amendment and either:
 - i. Recommend to Council that it be adopted;
 - ii. Reject the proposed amendment.

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer

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

9. Background Papers and History of Decisions

Report to Annual Council dated May 19th 2021.

10. Service Director responsible

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

11. Appendices

N/A