

**REPORT TITLE: Constitution updates**

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| <b>Meeting:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Corporate Governance and Audit Committee</b> |
| <b>Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>20<sup>th</sup> February 2026</b>            |
| <b>Cabinet Member (if applicable)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Cllr Nosheen Dad</b>                         |
| <b>Key Decision Eligible for Call In</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>No<br/>No</b>                                |
| <b>Purpose of Report</b><br><br>To seek approval for a number of amendments to the Constitution to be recommended to Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                 |
| <b>Recommendations</b><br><br>That the Monitoring Officer delegations in Appendix A be noted.<br><br>That the suggested amendments to the following areas set out at paragraph 2 be recommended to Council:- <ul style="list-style-type: none"> <li>• Councillor Safeguarding protocol</li> <li>• Council procedure rules</li> <li>• Protocol for Public Speaking at Planning Committee</li> <li>• Responsibility for Non- Executive functions - CGA – Terms of Reference</li> <li>• Responsibility for Non-Executive functions - Appeals Panel – Terms of Reference</li> <li>• That the work of the cross-party Constitution Working Group be noted</li> <li>• That it be noted that the Constitution has been subject to a review and no amendments other than those set out below are required at this time.</li> </ul> |                                                 |
| <b>Reasons for Recommendations</b> <ul style="list-style-type: none"> <li>• The suggested amendments are intended to update and modernise the Constitution</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                 |
| <b>Resource Implications:</b><br><br>None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                 |
| <b>Date signed off by Executive Director &amp; name</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Rachel Spencer-Henshall</b>                  |

|                                                                                       |                 |
|---------------------------------------------------------------------------------------|-----------------|
| Is it also signed off by the Service Director for Finance?                            | Kevin Mulvaney  |
| Is it also signed off by the Service Director for Legal Governance and Commissioning? | Samantha Lawton |

**Electoral wards affected: All**

**Ward councillors consulted: Members of the Monitoring Officer's Constitution working group**

**Public or private: Public**

**Has GDPR been considered? Yes**

## **1. Executive Summary**

- 1.1 It is essential that the Constitution is subject to regular review and, where necessary, is amended to ensure that it both follows any legal requirements placed on the Council and is fit for purpose.
- 1.2 Whilst certain changes to the Constitution can be made by the Monitoring Officer using delegated powers, most changes need to be made by Council, on the recommendation of this Committee. Appendix A contains a list of all amendments made by the Monitoring Officer using delegated powers since Annual Council in 2025.
- 1.3 The Monitoring Officer set up a cross party Constitution working group in 2024, comprised of officers and members, to review the Constitution and to consider proposed amendments. The group requested to focus only on the Council Procedure Rules and has been meeting again in this municipal year and the proposed changes set out below follow from the discussions by the group.
- 1.4 Not all parts of the Constitution are in need of amendments, but all have been reviewed during the current municipal year. Amendments are requested to the following areas:-

## **2. Information required to take a decision**

### **2.1 Safeguarding Protocol – Part 5.10**

2.1.1 The Safeguarding Protocol has been rewritten and updated. The proposed version adds more information for Members and explains the safeguarding landscape as well as clear explanations regarding relevant officer roles.

2.1.2 The purpose of the rewrite was to modernise and update the Protocol and to make it easier to read and understand.

2.1.3 A copy of the proposed amended Protocol is attached at Appendix B.

## 2.2 Council Procedure Rules (CPRs) – Part 4.1

2.2.1 A number of changes have been proposed to the CPRs. The wording in black is the current wording within the rules and the wording in red is the proposed new wording

Details of these are in table form in Appendix C, which also provides details of the reasons for the proposed changes.

## 2.3 Protocol for Public Speaking at Planning Committee – Part 5.7

2.3.1 There are minor amendments to the protocol, visible on the ‘track change’ version at Appendix D.

## 2.4 Responsibility for Council (Non-Executive) Functions Part 3.3 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 E.

| Section of the Council (Non-Executive) Functions | Proposed changes                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TBC                                              | Add a requirement to for the mandatory training and refresher training for all Members sitting on the Corporate Governance and Audit committee, as per Planning and Licensing requirements                                                                                                                                                                           |
| 7.3                                              | Remove the following from the Terms of Reference for Corporate, Governance and Audit Committee – 7.3 Oversight of the complaints process and the role of the Local Government Ombudsman. This is to meet the new and updated Local Government Ombudsman Guidance which recommends reporting to Cabinet where there is a Cabinet and Leader model form of Governance. |
| 9                                                | Amend the Terms of Reference paragraph 9 to read – Make recommendations arising from any review of a report of the Local Government and Social Care Ombudsman as required following any Cabinet referral<br><br>( Remove – Approving payments or providing other benefits in cases of maladministration as required)                                                 |

## 2.5 Responsibility for Council (Non-Executive) Functions Part XXX Appeals Panel – Terms of Reference

2.5.1 Add a requirement to the Non Executive functions for the mandatory training and refresher training for all Members sitting on the Appeals panel as per Planning and Licensing requirements.

## 3. Implications for the Council

### 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 **Financial Implications for the People Living or Working in Kirklees**  
N/A

3.7 **Other (eg Legal/Financial or Human Resources)**

Regular review of the Constitution will ensure that Kirklees Council is operating lawfully and will also aim to identify any areas where there may be ambiguity with a view to providing clarity.

#### **4. Consultees and their opinions**

4.1 The Constitution Working Group has considered the proposed amendments to the Council Procedure Rules and provided feedback which has informed a number of the changes.

#### **5. Next steps and timelines**

5.1 Any amendments recommended by this Committee will need to be considered by Council and a report to Council will be prepared.

5.2 Any changes to the Constitution agreed by Council will then be put into place.

#### **6. Officer recommendations and reasons**

6.1 That members approve the proposed amendments to the Constitution.

6.2 That members note the work of the cross-party Constitution Working Group

#### **7. Cabinet portfolio holder's recommendations**

N/A

#### **8. Contact officers**

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9. **Background Papers and History of Decisions**

N/A

10. **APPENDICES**

Appendix A – Monitoring Officer amendments under delegations

Appendix B – Councillor Safeguarding Protocol

Appendix C – Council Procedure Rules

Appendix D – Protocol for speaking at Planning Committee

Appendix E – Corporate Governance and Audit Committee – Terms of Reference

11. **Service Director responsible**

Samantha Lawton

Service Director – Legal, Governance and Commissioning

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