

Contact Officer: Penny Bunker

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Friday 9th March 2018

Present: Councillor Hilary Richards (Chair)
Councillor Julie Stewart-Turner
Councillor Carole Pattison
Councillor Kath Pinnock
Councillor Ken Sims
Councillor John Lawson

Apologies: Councillor Linda Wilkinson
Councillor Nigel Patrick

1 Membership of the Committee

(1) Apologies for absence were received from Cllr Nigel Patrick and Cllr Linda Wilkinson

(2) Cllr John Lawson substituted for Cllr Linda Wilkinson

2 Minutes of Previous Meeting

Cllr Kath Pinnock made reference to a previous discussion of the Committee regarding Fresh Horizons. It was agreed that an item be included on a future agenda as soon as possible.

RESOLVED -

(1) The minutes of the meeting held on 30 January 2018 were agreed as a correct record

(2) That a report on the issue previously raised by Cllr Wilkinson concerning Fresh Horizons be included on the agenda for the Committee as soon as possible.

3 Interests

No interests were declared.

4 Admission of the Public

It was agreed that all agenda items would be considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No public questions were received.

7 Report of Members Allowances Independent Review Panel

The Committee received a report which set out the recommendations of the Members Allowances Independent Review Panel regarding the Members Allowances Scheme for 2018/19.

The report put forward recommendations concerning:

- The level of basic allowance
- Special responsibility allowances, in particular the recommendation to establish a pool of members to serve on the Foster Panel at a daily rate. The Group Business Managers to determine the size of the pool.

The Committee supported the proposal to move to a pool arrangement for Fostering Panel duties given the high volume of work involved. The importance of providing appropriate training for the role was also highlighted.

RESOLVED -

- (1) That the recommendations of the Members Allowances Independent Review Panel, as set out at Appendix A to the report, be noted
- (2) That the Committee recommends that the Council approves and adopts the Members Allowances Scheme for 2108/19, as set out in Appendix B to the report, with effect from 1 April 2018.

8 Amendment Options for the Scrutiny Call in Process

The Committee considered a report on amendment options for the Council's call in process. It was noted that following previous discussions at the Corporate Governance & Audit Committee, officers had undertaken benchmarking work to look at practice elsewhere and develop potential options as to how the call in process might be amended in Kirklees.

In developing the options officers had considered the principles underpinning scrutiny in Kirklees and reviewed the decision making principles to bring them in line with current best practice. The Committee was also provided with the views of political groups concerning the options within the report.

The proposed options were:

- A requirement for Councillors calling in a decision to set out how they had tried to resolve the concerns prior to calling in the decision.
- Amending the constitution to clarify that supporting evidence and reasons to illustrate which decision making principles had been breached should be included in the call in request.
- Amendment to the call in proforma in line with the approval of any options.
- Updating of the decision making principles to simplify in line with good practice and to ensure clarity of interpretation.

Corporate Governance and Audit Committee - 9 March 2018

- That the decision on the validity of a call in request be determined by the Service Director, Legal, Governance & Commissioning in consultation with the Chair of Overview & Scrutiny.

In considering the options presented, the Committee did not support the introduction of a requirement to demonstrate steps taken to resolve concerns but it was suggested that a section could be included within the proforma to allow for information to be included where appropriate. It was noted that not all political groups supported change to the call in procedure. The Committee supported the clarification of the decision making principles and the submission of supporting evidence to illustrate the breach of decision making principles.

RESOLVED -

- (1) That the call in proforma be amended to include a section where a signatory may set out, where appropriate, any steps they have taken to try to resolve their concerns prior to calling in the cabinet decision.
- (2) That the Scrutiny Procedure Rules in the Constitution be amended to clarify that supporting evidence and reasons to illustrate how the decision making principle(s) has been breached should be included in the call in request. Officers to amend the call in proforma to allow for evidence to be included.
- (3) That the decision making principles in Article 13 of the constitution, as set out in appendix 2 of the report, be simplified in line with good practice and to ensure clarity of interpretation.
- (4) That the decision about the validity of a call in request will be determined by the Service Director, Legal, Governance and Commissioning in consultation with the Chair of Overview and Scrutiny.
- (5) That any required amendments to the constitution will be considered at the Annual Council Meeting.

9 Procurement Update

The Committee received a report on procurement compliance activity in 2017/18. The Committee noted an overview of headline activities which had been undertaken to strengthen procurement rule compliance during the financial year. These have included guidance and reminders about the Contract Procedure Rules to all managers; bespoke training sessions on procurement compliance and an initial review and refresh of the content of the procurement internet page.

The report continued to provide information on the procurement transformation project which focusses on three strands of work, namely improving data visibility, developing future ways of working and delivering procurement savings in specific spend categories.

In noting that the operating model for procurement was to move to a category led procurement model, the Committee explored how officers were going to ensure compliance with the revised model. The Committee also discussed the use of local

Corporate Governance and Audit Committee - 9 March 2018

contractors and the additional benefits to the economy of Kirklees of such an approach.

RESOLVED -

- (1) That the current position regarding procurement compliance activity in 2017/18 be noted.
- (2) That a further update report be provided for the Corporate Governance and Audit Committee during the next municipal year.

10 Amendment to Officer Scheme of Delegation

The Committee received a report which updated on the position regarding the Section 151 Officer and the consequential constitutional change to the officer non-executive delegated decision making. The Committee noted that the Service Director, Finance, IT and Transactional Services had left the Council and the Section 151 responsibilities had been filled on an acting basis for up to 6 months or until the recruitment of a permanent replacement. The report set out interim proposals for the responsibility of other non-executive functions which would be carried out by the Service Director Legal, Governance and Commissioning and the Service Director Policy, Intelligence and Public Health. In considering the report the Committee requested that a time period for the temporary arrangements be specified within the report to Council.

RESOLVED -

- (1) That the appointment of the Acting Service Director - Finance, IT and Transactional Services as the Section 151 statutory officer, be noted.
- (2) That the proposed changes to the responsibility for non –executive functions, as set out in the report, be agreed in principle and recommended to Council for agreement.
- (3) That the report be referred to Council to note the change in personnel.