
COUNCIL

Thursday, 18th May, 2023

Present: Councillors Judith Addison, Dominik Allen, Josh Allen, Heather Anderson, Noordad Aziz, Mike Booth, Scott Brerton, Peter Britcliffe, Steve Button, Danny Cassidy, Andrew Clegg, Jodi Clements, Loraine Cox, Paul Cox, Munsif Dad BEM JP, Bernard Dawson MBE, Peter Edwards, Melissa Fisher, Marlene Haworth, Susan Hayes, Carole Haythornthwaite, Terry Hurn, Abdul Khan, Zak Khan, Sajid Mahmood, Colin McKenzie, Dave Parkins, Joyce Plummer, Kath Pratt, Steven Smithson, Kate Walsh, Kimberley Whitehead and Mohammed Younis

Apologies: Councillors Caroline Montague and Paddy Short

The meeting was opened by the retiring Mayor, Councillor Abdul Khan.

The Mayor welcomed all to the meeting. He gave a short speech in which he thanked all those who had supported him throughout the year and recalled some of its highlights. He also gave his best wishes to the Mayor Elect, Councillor Terry Hurn and his wife, Jean.

1 Election of Mayor 2023/24

It was proposed by Councillor Marlene Haworth and seconded by Councillor Munsif Dad BEM JP, that Councillor Terry Hurn be elected Mayor of the Borough of Hyndburn for the Municipal Year 2023/24.

Resolved - **That, in pursuance of Section 23 of the Local Government Act 1972, Councillor Terry Hurn be elected to the Office of Mayor of the Borough of Hyndburn for the Municipal Year 2023/24.**

A short adjournment was called, whereupon the retiring Mayor, Councillor Abdul Khan and the newly-elected Mayor, Councillor Terry Hurn, along with the Leaders of the political groups present and Executive Director (Legal and Democratic Services) left the Council Chamber.

Following the adjournment, Councillor Hurn took his place in the Mayor's seat and the retiring Mayor attached the Mayoral Fob to the Chain now worn by the newly-elected Mayor. Councillor Hurn then read and signed the Declaration of Acceptance of Office of Mayor.

Councillor Hurn undertook to do the best for the Borough and thanked the retiring Mayor for his service in the preceding year.

2 Election of Deputy Mayor 2023/24

The Mayor invited nominations for the election of Deputy Mayor of the Borough of Hyndburn for the Municipal Year 2023/24. It was proposed by Councillor Marlene Haworth and seconded by Councillor Peter Britcliffe that Councillor Joyce Plummer be elected to the Office of Deputy Mayor. A second nomination was moved by Councillor Munsif Dad BEM

JP and seconded by Councillor Melissa Fisher that Councillor Noordad Aziz be elected to that Office. Councillor Dad commented that the Council's practice in previous years had been to alternate between Conservative and Labour appointments on an annual basis.

The Mayor determined that the nominations should be voted upon in alphabetical order based upon the nominees' surnames. Accordingly, the question of Councillor Aziz would be determined first.

In accordance with Council Procedure Rule A16.5, six Members present at the meeting called for recorded votes on the nominations.

The **MOTION** to elect Councillor Aziz was then put to the **VOTE**.

For the Motion

Councillors Heather Anderson, Noordad Aziz, Mike Booth, Scott Brerton, Steven Button, Andrew Clegg, Jodi Clements, Paul Cox, Munsif Dad BEM JP, Bernard Dawson, Melissa Fisher, Abdul Khan, Colin McKenzie, Dave Parkins, Kate Walsh and Kimberley Whitehead.

Against the Motion

Councillors Judith Addison, Dominik Allen, Josh Allen, Peter Britcliffe, Danny Cassidy, Loraine Cox, Peter Edwards, Marlene Haworth, Susan Hayes, Carole Haythornthwaite, Terry Hurn (Mayor), Zak Khan, Sajid Mahmood, Joyce Plummer, Kath Pratt, Steven Smithson and Mohammed Younis.

Abstentions

None

Accordingly, the **MOTION** was **LOST**.

The **MOTION** to elect Councillor Plummer was then put to the **VOTE**.

For the Motion

Councillors Judith Addison, Dominik Allen, Josh Allen, Peter Britcliffe, Danny Cassidy, Loraine Cox, Peter Edwards, Marlene Haworth, Susan Hayes, Carole Haythornthwaite, Terry Hurn (Mayor), Zak Khan, Sajid Mahmood, Joyce Plummer, Kath Pratt, Steven Smithson and Mohammed Younis.

Against the Motion

Councillors Heather Anderson, Noordad Aziz, Mike Booth, Scott Brerton, Steven Button, Andrew Clegg, Jodi Clements, Paul Cox, Munsif Dad BEM JP, Bernard Dawson, Melissa Fisher, Abdul Khan, Colin McKenzie, Dave Parkins, Kate Walsh and Kimberley Whitehead.

Abstentions

None

Accordingly, the **MOTION** was **CARRIED**.

Resolved

- **That, in pursuance of Section 24 of the Local Government Act 1972, Councillor Joyce Plummer be**

elected to the Office of Deputy Mayor of the Borough of Hyndburn for the Municipal Year 2023/24.

Councillor Plummer then read and signed the Declaration of Acceptance of Office of Deputy Mayor.

3 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Caroline Montague and Paddy Short.

4 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations submitted.

5 Announcements

(a) Welcome

The Mayor welcomed all of the newly elected Members to the Council and wished them well throughout their time in office.

(a) Congratulations to the new Mayor and Deputy Mayor

The Acting Leader of the Council, Marlene Howarth, congratulated Councillor Hurn on his appointment as Mayor and Councillor Plummer as Deputy Mayor and wished them well for the year ahead. She hoped that they would enjoy the role immensely. Councillor Munsif Dad BEM JP added his congratulations to Councillor Hurn and Mrs Hurn.

(b) Votes of Thanks

The Acting Leader of the Council thanked the retiring Mayor, Councillor Abdul Khan, for his excellent service over the past year. She hoped that he had thoroughly enjoyed the role and would similarly enjoy his retirement from such a busy schedule. Councillor Dad also spoke to praise Councillor Khan, who had been a great ambassador for the Borough. Councillor Dad recalled the sense of pride felt during Councillor Khan's visit to his native Kashmir, in Pakistan.

Councillor Clegg gave his apologies at this point due to a personal appointment and left the meeting.

(c) Coronation Plaques

The Acting Leader of the Council indicated that the Council had purchased some commemorative plaques for the coronation of King Charles III, to be distributed to local schools. Councillors were invited to arrange for their distribution and presentation to schools in their wards. The plaques were available for collection on the table outside of the Council Chamber.

(d) Mercer Hall

The Acting Leader of the Council reported that there had been a large water leak at Mercer Hall, which had caused an unplanned closure. The Chief Executive of Hyndburn Leisure had updated her today, as follows:

Essentially, a major water leak to the cold-water tank and a burst pipe to the mains water supply had been identified on Monday afternoon at Mercer Hall Leisure Centre. The leak had been stopped temporarily.

There had been concerns that the incident might have affected the structural integrity of the building, as the cellar was full of water. Accordingly, the building had been closed since Monday evening, in light of the lack of running water and potential structural movement.

A member of the Hyndburn Leisure team had met on site with a structural engineer on Tuesday who had confirmed that everything was structurally fine.

Before any firm costings for repairs could be obtained an inspection of the undercroft area for any asbestos-containing materials following the pipe burst was required. An inspection had taken place this morning and samples had been taken from around the affected area. The outcome of that survey was awaited.

Social Media posts would continue to be added to Hyndburn Leisure's social media pages and the team had been contacting customers individually by phone to notify them of the closure. There were currently 251 members at Mercer Hall.

Yesterday, the team had contacted every Mercer Hall member for whom Hyndburn Leisure held an email address (216 people) and had made courtesy calls to other customers - they had spoken to 37 Feelgood members to inform them about the unplanned closure. Hyndburn leisure would continue to make calls during the week and would keep customers and stakeholders informed as more information became available.

6 Confirmation of Minutes

The Minutes of the meeting of the Council held on 23rd March 2023 were submitted for approval as a correct record.

Resolved

- **That, subject to an amendment to Paragraph 4 of the Minute relating to the Motion Submitted on Notice – Levelling Up Bid Outcome to correct the name recorded as Councillor “Zak Allen” to “Zak Khan”, the Minutes of the Council meeting held on the 23rd March 2023 be approved as a correct record.**

7 Appointment of the Council Leader 2023/24 to 2026/27

Council was asked to appoint a Leader of the Council for a four-year term, from this meeting until the Council's Annual Meeting in May 2027. In December 2010, the Council had adopted the Leader and Cabinet model of governance, in accordance with the Local Government and Public Involvement in Health Act 2007. Under this arrangement, Council would elect a Leader for a four-year term.

The Localism Act 2011 had subsequently taken out the requirement for the Leader to be elected for a four-year term, leaving the duration of tenure to local choice. However, at that time the Council had elected to continue with its existing governance arrangements whereby the Leader be elected for a four-year term. It was again recommended that the Leader be elected for a four-year term.

A nomination for Councillor Marlene Haworth was **MOVED** and **SECONDED**.

Councillor Noordad Aziz suggested that the appointment be made for no longer than the nominee's term of office, which in the case of Councillor Haworth was 2025/26. It was further suggested that, because the Council elected Members in thirds, a system of appointing a Leader each year might, in fact, be more appropriate and democratic. Councillor McKenzie also spoke in favour of a one year term of office. Councillor Peter Britcliffe spoke in favour of the 'strong leader model' which was the name given to the four-year term upon its original introduction.

An **AMENDMENT** was **MOVED AND SECONDED**

"That Councillor Marlene Howarth be elected Leader of the Council for a one year period, with her term of office ending at the Council's Annual Meeting in May 2024."

On being put to the **VOTE** the **AMENDMENT** was **LOST**

A second nomination for Leader was **MOVED** and **SECONDED**, for the appointment of Councillor Munsif Dad BEM JP.

The Mayor determined that the nominations should be voted upon in alphabetical order based upon the nominees' surnames. Accordingly, the nomination of Councillor Dad would be determined first.

In accordance with Council Procedure Rule A16.5, six Members present at the meeting called for recorded votes on the nominations.

The **MOTION** to elect Councillor Dad for a four-year term was then put to the **VOTE**.

For the Motion

Councillors Heather Anderson, Noordad Aziz, Mike Booth, Scott Brerton, Steven Button, Jodi Clements, Paul Cox, Munsif Dad BEM JP, Bernard Dawson, Melissa Fisher, Abdul Khan, Colin McKenzie, Dave Parkins, Kate Walsh and Kimberley Whitehead.

Against the Motion

Councillors Judith Addison, Dominik Allen, Josh Allen, Peter Britcliffe, Danny Cassidy, Loraine Cox, Peter Edwards, Marlene Haworth, Susan Hayes, Carole Haythornthwaite, Terry Hurn (Mayor), Zak Khan, Sajid Mahmood, Joyce Plummer, Kath Pratt, Steven Smithson and Mohammed Younis.

Abstentions

None

Accordingly, the **MOTION** was **LOST**.

The **MOTION** to elect Councillor Haworth for a four-year term was then put to the **VOTE**.

For the Motion

Councillors Judith Addison, Dominik Allen, Josh Allen, Peter Britcliffe, Danny Cassidy, Loraine Cox, Peter Edwards, Marlene Haworth, Susan Hayes, Carole Haythornthwaite, Terry Hurn (Mayor), Zak Khan, Sajid Mahmood, Joyce Plummer, Kath Pratt, Steven Smithson and Mohammed Younis.

Against the Motion

Councillors Heather Anderson, Noordad Aziz, Mike Booth, Scott Breton, Steven Button, Jodi Clements, Paul Cox, Munsif Dad BEM JP, Bernard Dawson, Melissa Fisher, Abdul Khan, Colin McKenzie, Dave Parkins, Kate Walsh and Kimberley Whitehead.

Abstentions

None

Accordingly, the **MOTION** was **CARRIED**.

Councillor Haworth thanked those members who had supported her election as Leader today. She stated that she hoped to bring a fresh start to the community and would lead the Council with great pride. Her background as a ward councillor for a very long time in St Oswalds had provided her with a valuable apprenticeship. She was fully committed to serving the people of the Borough and ensuring that they had a strong and effective Council.

The Leader paid tribute to her predecessor, Miles Parkinson OBE, who had served for over a decade as Council Leader. This was no easy task and he had genuinely cared about the Borough. She wished him well for the future.

The new leadership would make a fresh start and close a chapter on any unsettling events in the past. The people of Hyndburn had voted the Conservatives into power and this would be a cohesive and competent administration, with councillors working hard for the area. The new Cabinet members would address any shortcomings and bring positive change. With a small number of Conservative councillors in the previous Cabinet, fly tipping had already been reduced and investment secured from the Levelling Up Fund and UK Shared Prosperity Fund. A priority was to improve all of Hyndburn, including the townships of Great Harwood, Rishton, Oswaldtwistle and Clayton-le-Moors, each receiving their fair share of resources, so that all could prosper together.

The Leader gave an undertaking to work collaboratively with any councillor genuinely interested in making Hyndburn a better place. This was already happening between the local Conservative Party and the MP in Westminster. The new administration would make a truly positive difference. Some key aims were to provide low Council Tax, a strategic thinking Council and respect for the environment.

Resolved

- That Councillor Marlene Howarth be elected Leader of the Council for a four year period, with her term of office ending at the Council's Annual Meeting in May 2027.

8 Declaration of the Returning Officer for the Local Elections on 4th May 2023

The declaration of the Returning Officer of those elected at the local elections held on 4th May 2023 was submitted as follows:-

Electoral Ward	Name and Address of Elected Councillor	Party
Altham	Councillor Steve Button 34 Meadowside Avenue, Clayton le Moors, Accrington, BB5 5XF	Labour

Barnfield	Councillor Michael David Booth 57 Manchester Road, Accrington, BB5 2BW	Labour
Baxenden	Councillor Kathleen Iris Pratt 120 Hollins Lane, Accrington, BB5 2JS	Conservative
Central	Councillor Mohammed Younis 68-70 Nuttall Street, Accrington, BB5 2HL	Conservative
Church	Councillor Loraine Cox 27 Pansy Street South, Accrington, BB5 4BS	Conservative
Clayton-le-Moors	Councillor Melissa Margaret Fisher 33 Collingwood, Clayton le Moors, Accrington, BB5 5QP	Labour & Cooperative
Huncoat	Councillor David Parkins 25 Elder Court, Huncoat, Accrington, BB5 6JP	Labour
Immanuel	Councillor Judith Helen Addison 77 Catlow Hall Street, Oswaldtwistle, Accrington, BB5 3EZ	Conservative
Milnshaw	Councillor Paul Cox 27 Pansy Street South, Accrington, BB5 4BS	Labour
Overton	Councillor Heather Margaret Anderson 4 Wordsworth Drive, Great Harwood, BB6 7LA	Labour
Rishton	Councillor Katie-Louise Walsh 72 Livesey Street, Rishton, BB1 4DY	Labour & Cooperative
St Oswald's	Councillor Zak Khan 24 Aspen Fold, Oswaldtwistle, Accrington, BB5 4PH	Conservative

The Mayor repeated his welcome to all new Members and wished them well in their new role. He also placed on record his thanks to those former councillors who had not been returned at the elections and wished them well for the future.

Councillor Munsif Dad added his welcomed to new councillors and thanks to those who had not been returned. He gave a special mention to former councillor Mohammad Ayub whom he had known for over 20 years.

Councillor Whitehead asked if the Returning Officer had any information about the number of electors turned away from polling stations due to a lack of voter identification documents. Jane Ellis, Executive Director (Legal and Democratic Services), who was the Returning Officer, indicated that the returns from the polling stations would have captured the relevant details and that, after collating this information, the numbers could be provide to Councillor Whitehead outside of the meeting.

Councillors Aziz and Fisher raised some concerns about intimidation experienced by candidates and the safety implications in relation to their families. The behaviour of one particular individual during the elections had been very troubling and had necessitated intervention by the Police. Councillors were reminded that a number of MPs had sadly

been murdered in the course of their duties in recent years. The Leader was asked to build respect and work across parties to improve standards of behaviours. Councillor Haworth confirmed that she was aware of the situation during the elections and the individual concerned. To some extend social media had played a part in inciting unacceptable behaviour. The 'mainstream' parties had contested the elections cleanly, but 'outsiders' sometimes brought problems. The Leader was happy to meet with the Opposition to discuss what could be done make elections safer. No-one should be afraid to knock on a door while canvassing. Everybody should work together to encourage respect.

Councillor Paul Cox reminded all that every councillor had sought election to try to make things better for the community they lived in. This took effort, including working with schools and community groups and was not simply confined to public meetings in the Council Chamber. It was incumbent on society to be respectful towards and proud of, both candidates who put themselves forward and those who were ultimately elected and gave up their time freely.

Resolved - **To note the list of councillors elected on 4th May 2023.**

9 Appointment of Committees, Sub-Committees, Panels and Working Groups 2023/24

The Leader of the Council submitted proposals for the appointment of Committees, Sub-Committees, Panels and Working Groups for the Municipal Year 2023/24, including the terms of reference for those bodies. Proposals for the political balance were tabled at the meeting as an addendum to sections 3, 4 and 5 of the report. The addendum also included Appendices 1 and 2 (terms of reference), and Appendix 3 (the proposed membership of those bodies).

Councillor Munsif Dad reported a correction to the information at Appendix 1, which should have shown the Shadow Chair of Planning Committee as Councillor Dave Parkins and Councillor Bernard Dawson as an ordinary member of that Committee.

Resolved

- (1) **That the terms of reference of Council, Cabinet and other constituted bodies, as outlined in Appendices 1 and 2 of the report be approved.**
- (2) **That the political composition of Committees and Sub-Committees of the Council, as set out in Paragraph 4.7 of the addendum to the report, be approved.**
- (3) **That the membership of those Committees and Sub-Committees and the proposed Chairs and Vice-Chairs, as set out in Appendix 3, be approved.**
- (4) **That the membership of Panels and Working Groups, together with the proposed Chairs, as set out in Appendix 3, be approved.**
- (5) **That a Councillor unable to attend a meeting, of which he/she is a member, be authorised to appoint a Councillor not serving on that particular Committee, Sub-Committee, Panel or Working Group to act as a substitute in accordance with Council Procedure Rule A26.8.**

10 Appointments to Outside Bodies 2023/24

A report relating to the appointment of Council representatives to Outside Bodies and Organisations for the Municipal Year 2023/24 was submitted for approval.

The report included information on the deletion of one role in relation to the Hyndburn GP Commissioning Consortium, as CCGs had been disestablished following the creation of NHS Integrated Care Boards with effect from 1st July 2022. The full list of bodies and the nominations was tabled at the meeting.

In accordance with the Council's Procedure Rule A1.2(x), the Council was required to receive nominations and make appointments to outside bodies and organisations, except where appointment to those bodies had been delegated by the Council or was exercisable only by the Executive.

Councillor Noordad Aziz expressed disappointment that, under the previous Agenda item, the Regeneration and Housing and Panel had been disestablished, particularly in view of the need to attract funding to improve levels of insulation and obtain better Energy Performance Certificate (EPC) ratings for homes. Councillor Zak Khan agreed that these were important priorities and indicated that the Net Zero Working Group was considering similar issues. He had already been working with schools, the Citizens Advice Bureau and others to raise awareness. Councillor Parkins spoke in favour of reinstating the Panel, as some areas suffered from vermin and tenants in the private rented sector and in Housing Association properties were often on limited income. The Leader agreed to keep the status of the Panel under review.

Councillor Munsif Dad moved an **AMENDMENT** in respect of the Assistant Armed Forces Champion role, to replace Councillor Judith Addison, with Councillor Dave Parkins, in the light of his previous military service. The amendment was seconded by Councillor Melissa Fisher. The Leader indicated that the request should have been raised with her before the meeting and that it would be unfair on Councillor Addison to make an unannounced change.

Councillor Bernard Dawson expressed disappointment that there had not been a more equal distribution of appointments between the Conservative and Labour parties to reflect the number of seats held by each. He also added that it was important for appointees to attend their respective outside bodies on a regular basis. Councillor Fisher observed that certain appointees did not attend meetings regularly.

Councillor Addison indicated that she would be prepared to relinquish the Assistant Armed Forces Champion role, if so requested. She also expressed some support for the view that appointments to outside bodies could be more evenly split. On the question of attendance, she noted that some local authorities asked their appointees provide formal reports back to the Council to promote active engagement.

Councillor Dave Parkins confirmed that he had experience of 9 years active military service.

The Leader agreed to discuss the appointment of the Assistant Armed Forces Champion with Councillor Addison after the meeting.

With the consent of the meeting Councillor Dad withdrew the **AMENDMENT**.

Resolved - **That the appointments to Outside Bodies and Organisations for the Municipal Year 2023/24, as set out in Appendix A to the report, be approved.**

11 Scheme of Delegation 2023/24

The Council's constitution required that the scheme of delegation to officers was approved each year at the Annual Meeting. It was also good practice to review the scheme of delegation regularly to keep it up to date. This helped to ensure that the Council's decision-making processes operated as effectively as possible and in accordance with legal requirements.

The proposed scheme of delegation for 2023/24 was set out in Schedule 1 to the report. The changes this year were minor and related to:

- The removal of the Deputy Chief Executive designation;
- Tidying up officer delegations relating to the Council's environmental health functions following the appointment of a Head of Environmental Health and to reflect changes to legislation.

In accordance with The Local Government any Public Involvement in Health Act 2007, the Council had adopted the "Leader and Cabinet Executive (England) model" with effect from the 9th May 2011. By law, the Leader of the Council was now required to allocate responsibility for the Council's executive functions and this included approving the Council's scheme of delegation of executive functions. The delegations set out in Part 2 of the scheme appended to the report would therefore be submitted to the Leader of the Council for approval after the Annual Meeting.

Councillor Whitehead referred to the delegation on page 9 of Schedule 1, in respect of the as delegated authority to dispose of items from the Haworth Art Gallery up to the value of £25k, and sought an assurance that there was no intention 'to sell off the family jewels'.

Resolved **That the Council agrees the scheme of delegation to officers, as set out in Schedule 1 to the report.**

12 Review of the Constitution

Members considered a report of the Executive Director (Legal and Democratic Services) on a review of the constitution. The Council was required by law to have a written constitution. The Council's written constitution was reviewed regularly and a copy of the constitution was available on the Council's website.

A review of the constitution was undertaken annually to:

- (i) ensure the constitution accurately reflected the Council's political management arrangements; and
- (ii) ensure the constitution reflected changes to the law, staffing structures and best practice guidance;

As a result of the annual review a number of amendments to the constitution had been proposed for approval as follows.

Finance Procedure Rules

These Rules had not been updated for a number of years. The existing Rules had recently been reviewed by the Head of Accountancy Services and confirmed to still be substantially up to date, accurate and fit for purpose, with only minor clerical amendments being made (largely to reflect changes to job titles and typographical errors or to make the document easier to read.) These amendments had been made and the revised version was set out as Appendix 1 to the report.

Standards Committee – Procedures for Dealing with Standards Complaints

Until late last year the Council had not had a complaint about a councillor progress to an internal hearing for over 10 years. The number of complaints about councillors had also risen considerably over the last two municipal years. This recent experience had highlighted the need to clarify the Council's procedures so they were both more comprehensive and easier to understand, both for the councillors concerned and for complainants. In addition, the procedures for dealing with complaints after completion of a formal investigation to the internal hearing stage were shown to be overly complicated and this element of the complaint process had been significantly simplified in the draft procedures now proposed. Also, the procedures to be followed at the Council's Standards Hearing Sub-Committee had been rewritten to make them clearer and easier to follow.

A revised procedure had been set out at Appendix 2 to this report. The Council's basic approach to handling member complaints remained largely the same and reflected the approach of most other local authorities, with more minor complaints dealt with informally by the Monitoring Officer and more serious complaints referred for investigation. The process had hopefully been explained more fully and in plainer English and, if approved, full details of the revised procedures would be made available on the Council's website.

Civic Protocol

This had not been reviewed or updated for a number of years and had become out of date as local practices, procedures and staffing arrangements had changed. The revised protocol set out at Appendix 3 to the report had been amended in particular to:

- Reflect the changed arrangements for organisation of the Mayor's Ball;
- Reflect practice in recent years for the offer of free places to the Mayor Making and Mayor's Ball (with the number of free places at the Mayor Making having been reduced to enable the event to remain within budget); and
- Provide a payment to the Deputy Mayor of £5,000.00 to reflect the costs and expenses associated with that office. A payment was already made to the Mayor.

Overview & Scrutiny Procedure Rules

Revised Overview & Procedure Rules were set out at Appendix 4 to the report. These contained the following minor amendments to the version currently in force:

- The proposed new rules had a common procedure for the selection of scrutiny co-optees, with all nominations being considered by the relevant Overview & Scrutiny Committee before they were presented to Council for approval, whether the nomination came from a councillor or a member of the public; and
- The inclusion of a new provision confirming that, if there was a dispute about which Overview & Scrutiny Committee should deal with a call-in item, the dispute would be resolved by the Executive Director (Legal & Democratic Services), who would make

her decision having regard to the terms of reference of the Committees to determine which had the better claim to jurisdiction; and

- The inclusion of a requirement for an annual report to Council giving details of all call-ins over the preceding 12 months and the outcome of the same (rather than these being reported individually to the next Council meeting after the call-in, as happened now).

In relation to the Civic Protocol Councillor Munsif Dad BEM JP highlighted the proposal to make a payment of £5k to the Deputy Mayor. He recalled his year as Deputy Mayor, prior to his mayoral year in 2014/15, and was of the view that the level of events attended would be insufficient to warrant such a payment.

Amendment 1

An **AMENDMENT** was **MOVED AND SECONDED** as follows:

“That in respect of recommendation 2.1 (iii) the following wording should be deleted:

‘...and also agrees to establish an annual payment to the Deputy Mayor of £5000 in respect of the costs and expenses associated with that office (such payment to be in addition to the payment already made to the Mayor to cover the costs and expenses of his / her office)’.”

Councillor Judith Addison recalled a similar experience to Councillor Dad and suggested that a payment should be made, but of a lesser amount. Councillor Peter Britcliffe reported that the current Mayor and Mayoress had attended a large number of events during their year as deputies.

Amendment 2

A second **AMENDMENT** was **MOVED AND SECONDED** as follows:

“That in respect of recommendation 2.1 (iii) the following wording should be inserted after the words ‘...also agrees...’ and before the words ‘...to establish...’:

‘...that the Independent Remuneration Panel be requested to consider and make a recommendation to the Council, which the Council shall have due regard to, on the matter of a proposal...’”

The Mayor commented that it had been a privilege to undertake the Deputy role and that it had not been undertaken for financial gain. He considered that a £5k payment might be too much. Councillor Dawson reminded Members that historically the Deputy Mayor had received a payment, but that currently it was only paid at the Mayor's discretion from within his/her own allowance. Councillor Zak Khan considered that it was right for a payment to be made, particularly where the Mayor was unable to accept an engagement and a Deputy Mayor had to take unpaid leave from work. Councillor Munsif Dad commented that it might have been useful to hold cross-party discussions on this matter before the meeting. The Leader responded that she would be happy to discuss the matter further with Councillor Dad. She offered to refer the matter to the Independent Remuneration Panel for a view. In the interim it was proposed that the £5k payment should be introduced.

In accordance with Council Procedure Rule A16.5, six Members present at the meeting called for a recorded vote on Amendment 1.

Amendment 1 was then put to the **VOTE**.

For the Motion

Councillors Heather Anderson, Mike Booth, Scott Breton, Steven Button, Jodi Clements, Munsif Dad BEM JP, Bernard Dawson, Melissa Fisher, Terry Hurn (Mayor), Abdul Khan, Colin McKenzie, Dave Parkins and Kate Walsh.

Against the Motion

Councillors Judith Addison, Dominik Allen, Josh Allen, Peter Britcliffe, Danny Cassidy, Loraine Cox, Peter Edwards, Marlene Haworth, Susan Hayes, Carole Haythornthwaite, Zak Khan, Sajid Mahmood, Kath Pratt, Steven Smithson and Mohammed Younis.

Abstentions

Councillor Noordad Aziz, Paul Cox, Joyce Plummer and Kimberley Whitehead

Accordingly, the **MOTION** was **LOST**.

With the consent of the meeting Amendment 2 was then withdrawn.

Councillor Noordad Aziz proposed a further amendment.

Amendment 3

An **AMENDMENT** was **MOVED AND SECONDED** as follows:

“That in respect of recommendation 2.1 (iii) the following wording should be inserted after the words ‘...also agrees...’

‘...that the Independent Remuneration Panel be requested to consider and make a recommendation to the Council about whether to make any payment to the Deputy Mayor and, if so, the amount of any such payment and that no payments be shall be made until the Panel’s recommendation has been discussed and determined by the Council.

and the following words should be deleted ‘...to establish an annual payment to the Deputy Mayor of £5000 in respect of the costs and expenses associated with that office (such payment to be in addition to the payment already made to the Mayor to cover the costs and expenses of his / her office)’.”

Councillor Addison suggested a monthly payment to the Deputy Mayor based upon the number of engagements undertaken, as this might be more flexible and responsive to the level of commitments. Councillor Walsh endorsed this arrangement, in principle, but felt that it would be difficult to administer.

Amendment 3 was then put to the **VOTE** and was **CARRIED**.

The substantive **MOTION** was then put to the **VOTE**.

Resolved

- **That Council:**

- (1) **Agrees to adopt the Finance Procedure Rules set out in the report at Appendix 1;**

- (2) **Agrees to adopt the Standards Committee Procedures for Dealing with Complaints set out at Appendix 2 to the report;**
- (3). **Agrees to adopt the Civic Protocol set out at Appendix 3 to the report and also agrees that the Independent Remuneration Panel be requested to consider and make a recommendation to the Council about whether to make any payment to the Deputy Mayor and, if so, the amount of any such payment and that no payments be shall be made until the Panel's recommendation has been discussed and determined by the Council; and**
- (4) **Agrees to adopt the Overview & Scrutiny Procedure Rules set out at Appendix 4 to the report**

13 Annual Review of the Planning and Licensing Codes of Practice

A report seeking approval of the Planning and Licensing Codes of Practice following an annual review of the same was submitted. Local Authorities were recommended, as a matter of good practice, to supplement their Member Code of Conduct with specific Codes of Practice to assist Members involved in the planning and licensing processes. These were complex areas, involving quasi-judicial decision-making and the codes were designed to give members guidance about dealing with the difficult issues that could arise – such as conflicts of interest, dealing with applicants, possible bias and predetermination etc.

There were only a few, minor changes to the codes proposed this year. The changes were intended to make the documents shorter, clearer and easier to read. In addition, a summary page had been added at the start of each code, setting out the key points in an easy to read format for quick reference purposes, with the rest of the code offering more detailed guidance.

Following a recommendation of the Member Learning & Development Panel in 2016, members sitting on Planning and Licensing / Judicial Committees were required to have undergone training before they served on the Committee and took part in decision making.

It was intended that all members serving on the Planning, Licensing and Judicial Committees would receive training in respect of their respective code of practice as soon as possible after approval of the codes of conduct. These sessions would be as short and informal as possible and would be delivered by Legal Services staff and their Planning and Licensing colleagues at no additional cost to the Council.

Resolved

- (1) **That Council approves the Planning Code of Practice and Licensing Code of Practice as appended to the report.**
- (2) **That Council notes that training will be arranged for all members of the Planning and Judicial Committees in respect of their respective code of practice as soon as possible in the new municipal year.**

14 Timetable of Meetings 2023/24

The proposed Timetable of Meetings for 2023/24 was submitted for approval. It was noted that there was some flexibility around agreed dates, subject to consultation with Chairs, Vice-Chairs and the political party leaders about any in-year changes.

Resolved - **That the Timetable of Meetings for 2023/24 be approved.**

15 Record of Attendance at Council Meetings 2022/23

A report relating to the annual attendance of Members at Council meetings held in 2022/23 was submitted for information. The report, detailing the attendance of Councillors at eligible meetings of the Council, was submitted each year to the Annual Meeting of the Council.

Resolved - **That the report be noted.**

The Mayor thanked everyone for their attendance and looked forward to seeing Members at the Mayor Making Council and celebration on Saturday 27th May 2023.

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed