

COUNCIL

KIRKLEES METROPOLITAN COUNCIL

**At a Special Meeting of the Council of the Borough of Kirklees held at
the Town Hall, Huddersfield on Wednesday 13 April 2005**

PRESENT

The Mayor (Councillor Harkin) in the Chair

COUNCILLORS

G ALVY
P BATTYE
M M BLANSHARD
S M BOLT
M BOWER
MRS M BOWER
T BRICE
A COOPER
A DENHAM
W J DODDS
S E FALLOWS
M FEARNLEY
D M FIRTH
E A FIRTH
D J HALL
M HEMINGWAY
D J HILLAS
D HULLOCK
N HUSSAIN
K IQBAL
C M IREDALE
R C IREDALE
M KHAN

D LINDLEY
T LYONS
A C G MARCHINGTON
M H MAYET
A MURPHY
A K OLDROYD
A PALFREEMAN
K PATRICK
A C PINNOCK
K M PINNOCK
A RAISTRICK
K D SIMS
E E SMAJE
K SMITH
J R SMITHSON
C M STANFIELD
J STEWART TURNER
K TAYLOR
M WALTON
E WARD
L M WILKINSON
A O WOODHEAD
D YATES

121 Announcements by the Mayor and Chief Executive

There were no formal announcements by the Mayor and Chief Executive relative to items included on the Agenda.

122 Apologies for Absence

Apologies for absence were received from Councillors S Awan, M Bates, R Battye, K Hussain, J M Scott, D Sheard and C M Smith

123 Declarations of Interests

There were no Declarations of Interests.

124 Freedom of the Borough : The Citizens of Besancon

It was moved by the Mayor (Councillor M Harkin) seconded by the Deputy Mayor (Councillor M Fearnley).

In recognition of the Twinning links formed between the former Huddersfield County Borough Council and this Council and in order to commemorate the 50th Anniversary during 2005 of the Twinning links Council approves the granting of the Freedom of the Borough on the citizens of Besancon through the Office of the Mayor of Besancon and that in order to confer the honour of the Freedom of the Borough as outlined above, a Special Meeting of the Council be held in the evening of Friday 7 October 2005 at the Town Hall, Huddersfield.

The Motion, on being put to the meeting was **CARRIED** and it was

RESOLVED - That Council approves the granting of the Freedom of the Borough on the citizens of Besancon through the Office of the Mayor of Besancon and that in order to confer the honour of the Freedom of the Borough as outlined above, a Special Meeting of the Council be held in the evening of Friday 7 October 2005 at the Town Hall, Huddersfield.

M4C3

Contact Officer: John Quarmby, Tel. 01484 221703

COUNCIL

KIRKLEES METROPOLITAN COUNCIL

**At a Meeting of the Council of the Borough of Kirklees held at
the Town Hall, Huddersfield on Wednesday 13 April 2005**

PRESENT

The Mayor (Councillor Mary Harkin) in the Chair

COUNCILLORS

M AKHTAR
G ALVY
I AMEEN
T J ASLAM
M BATES
P BATTYE
G BEEVER
M BLANSHARD
S M BOLT
M BOWER
MRS M BOWER
T BRICE
J CALVERT
A V COOPER
A E DENHAM
W J DODDS
A M ELLAM
D EXLEY
M R FEARNLEY
D FIRTH
E A FIRTH
D J HALL
M HEMINGWAY
D HILLAS
D HULLOCK
N HUSSAIN
K IQBAL
C M IREDALE
R IREDALE
P KANE
M KHAN
R LIGHT

D LINDLEY
T LYONS
A C G MARCHINGTON
P MCBRIDE
M H MAYET
A MURPHY
A K OLDROYD
A PALFREEMAN
S PANDOR
K N PATRICK
A C PINNOCK
K A PINNOCK
A RAISTRICK
M SARWAR
J M SCOTT
D SHEARD
K D SIMS
E E SMAJE
A SMITH
C M L SMITH
K SMITH
J R SMITHSON
M SOKHAL
C M STANFIELD
J STEWART TURNER
K TAYLOR
M WALTON
E WARD
L M WILKINSON
A O WOODHEAD
D YATES

- 125 Adjournment of Meeting**
It was moved by the Mayor (Councillor Harkin) seconded by the Deputy Mayor (Councillor M Fearnley) and
- RESOLVED - That in accordance with Council Procedure Rule 15(18) the Council adjourns for discussion of policy development issues and reconvenes at 3.15 p.m. to consider the items of business set out in the Agenda.**
- (Upon Resumption)**
- 126 Announcements by the Mayor and the Chief Executive**
The Mayor welcomed to the meeting Members and officers from Bath and North East Somerset Council.
- There were no announcements by the Chief Executive.
- 126 Apologies for Absence**
Apologies for absence were received from Councillors S Awan, R Battye, S Fallows and K Hussain.
- 127 Minutes**
It was moved by the Mayor (Councillor Harkin), seconded by the Deputy Mayor (Councillor Fearnley) and
- RESOLVED - That the Minutes of the Meeting of the Council held on 23 February 2005 be approved and signed as correct a record.**
- 128 Declarations of Interest**
Councillor M Harkin declared a personal interest in respect of Minutes 28 page 93 and Minute 7 page 140 of the Council Agenda as to Batley Family Community Centre.
- Councillor A Marchington declared a personal interest in respect of Minute 12 page 76 of the Council Agenda as to Schools Budget 2005/06.
- Councillor K Pinnock declared a personal interest in respect of Minute 115 page 70; Minute 127 page 74; and Minute 13 page 77 of the Council Agenda as to West Yorkshire Strategic Area Review undertaken by the Learning and Skills Council, Kingsgate - Agreement of Profit Share and West Yorkshire Strategic Area Review - Learning and Skills Council respectively.
- Councillor A Denham declared a personal interest in respect of Minute 15 page 87 and Minute 56 page 96 as to Kirklees Music School - Service Level Agreement and Friendly Street Development, Media Centre respectively.
- Councillor R Iredale declared a personal interest in respect of Item 16 of the Council Agenda.
- Councillor L Wilkinson declared a personal interest in respect of Minute 15 page 87 of the Council Agenda as to Kirklees Music School - Service Level Agreement.
- Councillor J Smithson declared a personal interest in respect of Minute 127 page 74 as to Kingsgate - Agreement of Profit Share.
- Councillor G Beever declared a personal interest in respect of Item 16 of the Council Agenda.
- Councillor E Ward declared a personal interest in respect of Minute 15 page 87 of the Council Agenda as to Kirklees Music School - Service Level Agreement.
- Councillor R Light declared a personal interest in respect of Minute 121 page 111 as to the Horse Passports Regulations 2004.

129

Petitions

The following petitions were submitted

Councillor E Firth submitted a petition to stop the new extended bus lane on Halifax Road, Dewsbury.

Councillor E Firth submitted a petition expressing concern at the level of service received from Arriva Buses for the 205 and 206 Dewsbury to Pudsey and return service.

Councillor K Iqbal submitted a petition from residents of Cardwell Terrace, Savile Town, Dewsbury requesting improvements to the unadopted street.

Councillor D Hullock submitted a petition requesting traffic calming at Rockhouse Drive, Hartley Street, Tolson Street, Pyrah Street and Stonefield Terrace, Dewsbury.

It was moved by Councillor P Battye, seconded by Councillor Hemingway and

RESOLVED - That the petitions be referred to the appropriate officer for investigation and report thereon to Cabinet or appropriate Committee on action taken.

130

Matters Referred from Cabinet, a Committee etc to Council for Approval/Noting

(a) Reference from Planning Sub-Committee (Heavy Woollen Area) of 6 January 2005

Council considered a reference from the above Sub-Committee in relation to a report by the Local Government Ombudsman on an investigation into a complaint against the Council and action taken by Sub-Committee in response thereto.

It was moved by Councillor Murphy, seconded by Councillor Iqbal and

RESOLVED - That the action taken by the Planning Sub-Committee in response to the report by the Ombudsman be noted.

(b) Reference from Cabinet Committee for Policy and Resources of 2 March 2005

Council considered a reference from the above Cabinet Committee in relation to a request by the Grants Advisory Committee to amend their Terms of Reference.

It was moved by Councillor K Pinnock, seconded by Councillor Smithson and

RESOLVED - That the recommendation of the Cabinet Committee to the effect that the request be deferred for further consideration at the Annual Meeting of the Council to be held on 18 May 2005 be approved.

(c) Reference from Licensing and Safety Committee of 14 March 2005

Council considered a reference for the above mentioned Committee in relation to variations to the Terms of Reference of the Committee, Regulatory Panels and Licensing Panels.

It was moved by Councillor Sheard, seconded by Councillor C Iredale and

RESOLVED -

(1) That the Terms of Reference of the Licensing and Safety Committee; Regulatory Panels and Licensing Panels as set out in Appendix A, B and C to the submitted report be approved and adopted together with any consequential changes to the Constitution of the Council and

(2) That the Regulatory Panels shall consist of 5 Members and that 3 Members shall form a quorum.

(d) Reference from Cabinet Committee for Policy and Resources of 30 March 2005

Council considered a reference from the above Cabinet Committee in relation to the Safer Communities Strategy for 2005/08.

It was moved by Councillor Raistrick, seconded by Councillor P Battye and

RESOLVED - That the Safer Communities Strategy for 2005/08 as circulated at item 7(D) of the Council Summons be approved and adopted.

(e) Reference from Council Business Committee of 31 March 2005

Council considered a reference from the above mentioned Committee in relation to the final report on the Council's contribution to addressing Health Inequalities.

It was moved by Councillor Hullock, seconded by Councillor Hemingway and

RESOLVED - That the content of the final report on the Council's contribution to addressing Health Inequalities arising from the 'Break Out' session held on 15 September 2004 be noted.

131 Minutes of Meetings of Cabinet and Cabinet Committees

It was moved by the Mayor (Councillor Harkin), seconded by the Deputy Mayor (Councillor Fearnley) and

RESOLVED - That the Minutes of meetings of Cabinet and Cabinet Committees as set out in the Council Summons at item 8 be received.

132 Oral Questions to Cabinet Members

During this item oral questions were addressed to Cabinet Members on their Portfolios. Members considered also a report on various meetings of external organisations attended by Cabinet Members and others during the period 13 December 2004 to 18 March 2005.

Councillor Bolt addressed a question to the Cabinet Member for Administration and Business (Councillor P Battye) about Mirfield Area Committee.

The Cabinet Member replied thereto.

Councillor Sheard addressed a question to the Cabinet Member for Children's Services (Councillor Alvy) about Heckmondwike Grammar School.

The Cabinet Member replied thereto.

Councillor Bolt addressed a question to the Cabinet Member for Environment and Highways (Councillor Denham) about the Highways Agency plans for the M62/M1 and ramp metering and implications for local roads.

The Cabinet Member replied thereto.

Councillor Sheard addressed a question to the Cabinet Member for Environment and Highways (Councillor Denham) about traffic calming measures and if they contributed to road safety.

The Cabinet Member replied thereto.

Councillor Sims addressed a question to the Cabinet Member for Environment and Highways (Councillor Denham) about whether she considered it within her remit to look at and think about future transport plans.

The Cabinet Member replied thereto.

Councillor Sheard addressed a question to the Cabinet Member for Health and Social Services (Councillor Hullock) about Government funding for the provision of a Health Centre in Savile Town.

The Cabinet Member replied thereto.

Councillor Bates addressed a question to the Cabinet Member for Health and Social Services (Councillor Hullock) about support for foster carers.

The Cabinet Member replied thereto.

In the absence of the Cabinet Member for Housing and Property the Cabinet Member for Policy and Resources (Councillor K Pinnock) agreed to reply to any questions addressed to that Cabinet Member.

Councillor Sims asked a question about the Cabinet Member for Housing and Property not being at Council meetings to answer question.

The Cabinet Member for Policy and Resources replied thereto.

Councillor D Firth asked a question about the replacement of new toilet seats in the Holme Valley South area provided under the Decent Homes Programme.

The Cabinet Member for Policy and Resources replied thereto.

Councillor Bates addressed a question about the Decent Homes Programme.

The Cabinet Member for Policy and Resources replied thereto.

Councillor Walton addressed a question about the possibility of questions relating to management matters undertaken by Kirklees Neighbourhood Housing being referred to Board Members for a response.

The Cabinet Member for Policy and Resources replied thereto.

133 Minutes of Meetings of Other Committees

It was moved by the Mayor (Councillor Harkin), seconded by the Deputy Mayor (Councillor Fearnley) and

RESOLVED - That the Minutes of meetings of other Committees as set out in the Council Summons at Item 10 be received.

134 Oral Questions to Chairs of Committees

There were no oral questions to Chairs of Committees on matters within the Terms of Reference of the Committee.

135 Written Questions by Elected Members under Council Procedure Rule 13

The following written questions were considered:

- (a) **Question by Councillor A Smith to the Cabinet Member for Environment and Highways (Councillor Denham)**

Please can you explain why the Gledholt Rd/Heaton Rd safety improvements have been delayed?

The response by the Cabinet Member was circulated at the meeting.

- (b) **Question by Councillor Brice to the Leader of the Council (Councillor K Pinnock)**

Will the Leader of this Council give a solid commitment from this Council to work with the Forget Me Not Trust and find some suitable land in the Borough upon which a much needed children's hospice can be built following the decision to block the proposals on Lindley Moor?

The response by the Leader of the Council was circulated at the meeting.

136 Deputations Pursuant to Council Procedure Rule 9

- (a) Council received a deputation who addressed Council about the size and height of the proposed toilet block at New Street, Slaithwaite, Huddersfield

The Cabinet Member for Environment and Highways replied thereto.

It was moved by Councillor P Battye, seconded by Councillor Hemingway and

RESOLVED - That the comments of the deputation be noted and that the submitted petition be referred to the appropriate officer for investigation and report to Cabinet or appropriate Committee.

- (b) Council received a deputation who addressed Council about road safety on the A637 Barnsley Road, Flockton.

The Cabinet Member for Environment and Highways replied thereto.

It was moved by Councillor P Battye, seconded by Councillor Hemingway and

RESOLVED - That the comments of the deputation be noted and that the submitted petition be referred to the appropriate officer for investigation and report thereon to Cabinet or appropriate Committee.

- (c) Council received a deputation who addressed Council about land to the rear of Taylor Hill Road, in Council ownership, being disposed of at some future date for development.

The Cabinet Member for Housing and Property replied thereto.

It was moved by Councillor P Battye, seconded by Councillor Hemingway and

RESOLVED - That the comments of the deputation be noted and referred to the appropriate officer for investigation.

- (d) Council received a deputation from the Dominic Rogers Trust who made reference to the aims of the Trust and sought Member support thereon.

The Cabinet Member for Housing and Property replied thereto.

It was moved by Councillor P Battye, seconded by Councillor Hemingway and

RESOLVED - That the comments of the deputation be noted and referred to the appropriate officer for investigation.

137

Motion under Council Procedure Rule 14 as to Public Health

It was moved by Councillor Raistrick, seconded by Councillor Marchington.

"This Council recognises the huge contribution made to the health of the people of Kirklees by those who work in and manage our local NHS namely our Primary Care Trust organisations, South West Yorkshire Mental Health Trust, Calderdale and Huddersfield NHS Trust and Mid Yorkshire Hospitals Trust.

The Council is committed to supporting this good work and to ensuring that the people of Kirklees have access to locally delivered high quality, safe and secure health services.

The Council further believes that the most effective way of achieving this is for:

- * investment priorities and health services to be set and commissioned locally;
- * un-elected Strategic Health authorities to be scrapped and the democratic deficit to be addressed through local democratic accountability;
- * the Department of Health to ensure that appropriate public health goals are set and supported across all government departments."

The Motion, on being put to the meeting was CARRIED and it was

RESOLVED - "This Council recognises the huge contribution made to the health of the people of Kirklees by those who work in and manage our local NHS namely our Primary Care Trust organisations, South West Yorkshire Mental Health Trust, Calderdale and Huddersfield NHS Trust and Mid Yorkshire Hospitals Trust.

The Council is committed to supporting this good work and to ensuring that the people of Kirklees have access to locally delivered high quality, safe and secure health services.

The Council further believes that the most effective way of achieving this is for:

- * investment priorities and health services to be set and commissioned locally;
- * un-elected Strategic Health authorities to be scrapped and the democratic deficit to be addressed through local democratic accountability;
- * the Department of Health to ensure that appropriate public health goals are set and supported across all government departments."

138

Motion under Council Procedure Rule 14 as to Public Transport

It was moved by Councillor P Battye, seconded by Councillor Wilkinson.

"This Council believes that deregulation and competition in public passenger transport in Kirklees has not worked and bus services are not as good as they were.

It notes that:

1. Bus services have been steadily getting worse for many years.
2. Too many places receive inadequate service (or even no service at all) in terms of times, frequency of buses and reliability.
3. Too many bus routes change too frequently.
4. The PTA is powerless to prevent private bus companies creaming off profitable routes at peak times making an all day service uneconomic.
5. This has led to more car usage, increased road congestion and environmental pollution.

This Council believes that

1. People want reliable, frequent and stable services on appropriate routes.
2. The bus service network should aim to provide services to meet the needs of every citizen.
3. Bus services need to be clean, comfortable, cheap, safe and reliable.
4. Effective public transport in and between towns and cities, which encourages greater public use, is essential to reduce pollution and congestion.
5. The most effective way of achieving this is through regulated public transport with much strengthened roles and responsibilities for West Yorkshire, and other PTAs.
6. The first step in this process is introducing Quality Bus Contracts throughout West Yorkshire."

The Motion, on being put to the meeting was CARRIED and it was

RESOLVED - "This Council believes that deregulation and competition in public passenger transport in Kirklees has not worked and bus services are not as good as they were.

It notes that:

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2. Too many places receive inadequate service (or even no service at all) in terms of times, frequency of buses and reliability.
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This Council believes that

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4. Effective public transport in and between towns and cities, which encourages greater public use, is essential to reduce pollution and congestion.
5. The most effective way of achieving this is through regulated public transport with much strengthened roles and responsibilities for West Yorkshire, and other PTAs.
6. The first step in this process is introducing Quality Bus Contracts throughout West Yorkshire."

139

Motion Under Council Procedure Rule 14 as to the Dominic Rogers Trust

It was moved by Councillor K Smith, seconded by Councillor Walton.

"This Council notes with approval the work being undertaken by the Dominic Rogers Trust in trying to reduce deaths due to carbon monoxide poisoning from faulty gas appliances.

This Council notes the following facts:

- * Most homes do not have electric carbon monoxide/smoke detectors.
- * Very few home appliances are adequately maintained to guard against carbon monoxide leaks.
- * More than 50 known home deaths result every year from CO poisoning caused by faulty heating appliances. (source: www.dti.gov.uk) and that there are some estimated 3500 unexplained deaths, many of which are thought to be due to CO poisoning from other sources.

The Council therefore supports the Dominic Rogers Trust aim to raise £60,000 to fit 2000 electric carbon monoxide and smoke detectors in the most at risk homes in our borough. The council welcomes the fact that £10,000 has already been raised from local charitable sources and that the Chief Executive of WYFA is minded to support a request from members to contribute £10,000, therefore this Council calls for the following actions:

1. That Cabinet seeks all means possible to contribute £20,000 to the campaign.
2. That Cllr's Light, Khan Beaver and Iredale, being representatives on West Yorkshire Fire Authority, formally request the Chief Executive of WYFA to make a £10,000 contribution to the campaign.
3. Members and officers actively seek other funding sources to secure the remaining £20,000."

Whereupon it was moved by Councillor Cooper, seconded by Councillor Stewart Turner by way of AMENDMENT.

Under "This Council notes the following facts" add the following bullet point

- * "That Housing staff in partnership with Transco have surveyed a number of households at risk and 211 have been identified as having potentially dangerous installation and been referred for action".

Delete '2000' from the fourth paragraph

Add to actions the following part (4)

4. "The Council will investigate establishing a gas servicing scheme for private householders providing tendered prices with approved contractors."

Add to end of action

Campaign's objectives.

Following debate it was moved by Councillor Kane, seconded by Councillor Calvert - That in accordance with Council Procedure Rule 18 (16) (e) the question (on the Amendment) be now put.

The Motion, on being put to the meeting was CARRIED.

Whereupon the Amendment, on being put to the meeting, was declared LOST.

The Original Motion, on being put to the meeting was CARRIED and it was

RESOLVED - "This Council notes with approval the work being undertaken by the Dominic Rogers Trust in trying to reduce deaths due to carbon monoxide poisoning from faulty gas appliances.

This Council notes the following facts:

- * **Most homes do not have electric carbon monoxide/smoke detectors.**
- * **Very few home appliances are adequately maintained to guard against carbon monoxide leaks.**
- * **More than 50 known home deaths result every year from CO poisoning caused by faulty heating appliances. (source: www.dti.gov.uk) and that there are some estimated 3500 unexplained deaths, many of which are thought to be due to CO poisoning from other sources.**

The Council therefore supports the Dominic Rogers Trust aim to raise £60,000 to fit 2000 electric carbon monoxide and smoke detectors in the most at risk homes in our borough. The council welcomes the fact that £10,000 has already been raised from local charitable sources and that the Chief Executive of WYFA is minded to support a request from members to contribute £10,000, therefore this Council calls for the following actions:

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2. **That Cllr's Light, Khan Beaver and Iredale, being representatives on West Yorkshire Fire Authority, formally request the Chief Executive of WYFA to make a £10,000 contribution to the campaign.**
3. **Members and officers actively seek other funding sources to secure the remaining £20,000."**

140 Motion re the Duke of Wellington's Regiment

Council considered a report which set out a reply from the Rht. Hon. Adam Ingram MP, Minister of State for the Armed Forces to the Motion approved by Council on 1 December 2004 as to The Duke of Wellington's Regiment.

It was moved by Councillor Dodds, seconded by Councillor K Pinnock and

RESOLVED - That the reply received be noted.