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**COUNCIL**

**KIRKLEES COUNCIL**

**At a Meeting of the Council of the Borough of Kirklees held at  
the Town Hall, Huddersfield on Wednesday 24 March 2010**

**PRESENT**

**The Mayor (Councillor Julie Stewart Turner) in the Chair**

**COUNCILLORS**

M AHMED  
M AKHTAR  
M BATES  
R BATTYE  
M BOLT  
T BRICE  
J CALVERT  
J COOK  
A COOPER  
A DENHAM  
J DODDS  
M FEARNLEY  
D M FIRTH  
E FIRTH  
J GRUNSELL  
D J HALL  
S HALL  
D HARDCASTLE  
M HARKIN  
C HARRIS  
K HUSSAIN  
M HUSSAIN  
N HUSSAIN  
K IQBAL  
C M IREDALE  
R IREDALE  
B JONES  
P KANE  
M KHAN  
V LEES-HAMILTON  
R C LIGHT  
G LOWE  
P McBRIDE  
A C MARCHINGTON

H MAYET  
A MURPHY  
P O'NEILL  
A PALFREEMAN  
S PANDOR  
R PARCHMENT  
S PATEL  
N PATRICK  
A C PINNOCK  
K M PINNOCK  
A RAISTRICK  
D RIDGWAY  
R ROBERTS  
R ROGERS  
M SARWAR  
C SCOTT  
D SHEARD  
G SIMPSON  
K D SIMS  
E E SMAJE  
C M L SMITH  
K SMITH  
J SMITHSON  
M SOKHAL  
C STANFIELD  
K TAYLOR  
N TURNER  
M WALTON  
E WARD  
L WILKINSON  
A WOODHEAD  
D WOODHEAD  
D YATES

**118 Announcements by the Mayor**

On behalf of all Members of the Council the Mayor paid tribute to Councillor Raistrick, who would be retiring in May. Councillors K Pinnock and Sheard also paid their tributes.

**119 Apologies for Absence**

Apologies for absence were received on behalf of Councillor B Smith.

**120 Minutes of Meeting of the Budget Council**

It was moved by the Mayor (Councillor Stewart Turner), seconded by the Deputy Mayor (Councillor Palfreeman) and

**RESOLVED - That the Minutes of the meeting of Budget Council held on 24 February 2010 be approved and signed by the Mayor as a correct record.**

**121 Declarations of Interest**

(1) The undermentioned Councillors each declared a personal interest in Item 11 of the Council Summons relating to the Members' Allowances Scheme 2010/11, on the basis that each is in receipt of the allowance:-

Councillors Ahmed, Bates, Battye, Bolt, Brice, Calvert, Cook, Denham, Dodds, Fearnley, D Firth, E Firth, Grunsell, D Hall, S Hall, Hardcastle, Harris, K Hussain, N Hussain, Iqbal, C Iredale, R Iredale, Jones, Kane, Khan, Lees-Hamilton, Light, Marchington, Mayet, Murphy, Palfreeman, Pandor, Parchment, Patel, Patrick, Rogers, Sarwar, Scott, Sims, Smaje, C Smith, K Smith, Smithson, Stanfield, Stewart Turner, Taylor, Turner, Walton, Ward, Wilkinson, T Woodhead and Yates.

(2) The undermentioned Councillors each declared a prejudicial interest in Item 11 of the Council Summons relating to the Members' Allowances Scheme 2010/11 on the basis that each is in receipt of the allowance:-

Councillors Akhtar, Harkin, M Hussain, Lowe, O'Neill and Sokhal.

(3) The undermentioned Councillors each declared a personal interest in all matters on the Council Summons relating to Building Schools for the Future i.e., deputation from the National Union of Teachers, and relevant Cabinet Minutes, for the reasons indicated:

Councillor Bolt - Has children in Kirklees schools.  
Councillor Calvert - Has a niece/nephew in the schools involved.  
Councillor M Hussain - Has a son at Castle Hall, Mirfield.  
Councillor N Hussain - Is a member of Dewsbury Endowed Schools Foundation Trust.  
Councillor Jones - Is a teachers' trades union officer.  
Councillor Lees-Hamilton - Has a child in education at Heckmondwike Grammar School.  
Councillor Patel - Has a daughter at Heckmondwike Grammar School.  
Councillor Scott - Has family attending St John Fishers School.

(4) The undermentioned Councillors each declared a prejudicial interest in all matters on the Council Summons relating to Building Schools for the Future i.e., deputation from the National Union of Teachers, and relevant Cabinet Minutes, for the reasons indicated:-

Councillor Ahmed - Has a daughter and niece at Westborough High School and a nephew at Thornhill High School and at Castle Hall.

Councillor E Firth - Is Chair of Dewsbury Endowed Schools Foundation Trust and is a Governor of Earlsheaton Technical College.

Councillor Mayet - Has a daughter-in-law who is a teacher at Howden Clough Girls School.

Councillor Murphy - Is a Director of Kirklees Schools Services Limited.

Councillor Pandor - Has children attending the affected schools and relations working in secondary schools in North Kirklees.

Councillor Raistrick - Is a Governor of Whitcliffe Mount Specialist Business and Enterprise College.

Councillor Smaje - Is a Governor of Birkenshaw First School.

(5) Councillor K Hussain declared a personal interest in Building Schools for the Future related items set out in Minute 326 of Cabinet held 17 December 2009 and Minute 400 of Cabinet held on 16 February 2010 on the grounds that he has family attending local schools, including Westborough High School.

(6) Councillor Cook declared a personal interest in Building Schools for the Future related issues set out in the relevant Cabinet Minutes, on the grounds that he is a Governor of Denby First (A) School.

(7) Councillor D Hall declared a prejudicial interest in the Building Schools for the Future related issue set out in Minute 326 of Cabinet held on 17 December 2009 on the grounds that his wife is employed at Westborough High School.

(8) Councillor Light declared a prejudicial interest in the Building Schools for the Future related issue in Minute 357 of Cabinet held on 19 January 2010 on the grounds that he is a Governor of, and has a child at, East Bierley First School.

(9) Councillor K Pinnock declared a prejudicial interest in the Building Schools for the Future related deputation from the National Union of Teachers, on the grounds that she is Chair of Governors at Whitcliffe Mount School.

(10) Councillor Bates declared a personal interest in Minute 388 of Cabinet held on 9 February 2010 relating to Council Tax Reduction Scheme on the grounds she is in receipt of the discount.

(11) Councillor Cooper declared a personal interest in Minute 389 of Cabinet held 9 February 2010 relating to Greening the Gap Project, on the grounds he is employed by Yorkshire Energy Services.

(12) Councillor Harris declared a personal interest in relation to the proposed Cabinet question on the Reading Friend Scheme on the grounds that she is involved in this initiative.

(13) Councillor K Hussain declared a personal interest in Minute 316 of Cabinet held on 17 December 2009 relating to CCTV Scheme for Taxis on the grounds that his son is a taxi driver with the Council.

(14) Councillor Khan declared a prejudicial interest in the item on the Council Summons relating to the Scrutiny report on Pain Management on the grounds that he is a Kirklees Primary Care Trust Board Member.

(15) Councillor Light declared a personal interest in Minute 60 of the Overview and Scrutiny Management Committee held on 12 January 2010 relating to Flood Risk in Kirklees on the grounds that he is a Board Member of the Environment Agency.

(16) Councillor Lowe declared a personal interest in the item on the Council Summons relating to the Scrutiny Pain Management report on the grounds that she is employed by Mid Yorkshire Hospitals NHS Trust.

(17) Councillor Lowe declared a prejudicial interest in the Motion on the Council Summons relating to Implementation of "Your Hospitals Your Say" on the grounds that she is employed by Mid Yorkshire Hospitals NHS Trust.

(18) The undermentioned Councillors each declared a prejudicial interest in Minute 366 of Cabinet held on 1 February 2010 relating to Loan and Grant Agreement for Kirklees Historic Buildings Trust, for the reasons indicated:-

Councillor A Pinnock - Is Chair of Kirklees Historic Buildings Trust  
Councillor Smaje - Is a member of Kirklees Historic Buildings Trust.

(19) Councillor K Smith declared a personal interest in the item on the Council Summons concerning a deputation from Unison on the grounds that he is a retired member of that Union.

**122 Petitions**

No petitions were received.

**123 Deputations**

Council received a deputation from the National Union of Teachers in relation to the Building Schools for the Future programme in Kirklees and with specific reference to the proposed academy on the Howden Clough site in Batley. Councillor K Smith, Cabinet Portfolio Holder for Children and Families, responded to the deputation.

Council received a deputation from Unison expressing concern, in relation to Single Status, about the approach being followed by the Council following previous assurances there would be no income loss for staff, and also about the withdrawal of right of appeal by staff to Elected Members. Councillor Khan, Cabinet Portfolio Holder for Corporate, responded to the deputation.

Under Procedural Rules the Mayor directed that the subject matter of the deputations be referred to the Director for Children and Young People and to the Chief Executive respectively, for investigation and report back to Cabinet or appropriate Committee.

**124 Questions by Members of the Public**

A question was put concerning an accusation about the publishing of the Conservative Budget, and asking if the allegation would be retracted. Councillor Khan replied thereto.

A question was put, referring to impending cuts from university and college budgets, and asking what action the Council was prepared to take. Councillor Kan replied thereto.

A question was put, asking if the Council would guarantee maintenance of full local authority services after the election. Councillor Khan replied thereto.

**125 Kirklees Policy Green Paper on Adults Social Care**

Council received a presentation from the Director for Adults and Communities on the Adult Social Care Green Paper, highlighting the resource issues at national level and the challenges faced by an ageing population, and the major changes underway to transform the way in which Adult Social Care Services are designed and delivered, in order to become more responsive and cost effective. Council then adjourned into breakout groups to discuss the issues in detail.

Council noted that feedback from the breakout groups would be reported to the All Party Policy Panel.

**126 Scrutiny - Pain Management**

Councillor Smaje, Lead Member of the Health Inequalities Scrutiny Panel, presented the report of the Panel's inquiry into pain management, outlining its findings and recommendations.

Council received the report for information.

**127 Reference from Cabinet - Annual Audit and Inspection Letter**

Council noted the Annual Audit and Inspection Letter which was presented for information, having initially been considered by, and referred from, Cabinet of 22 February 2010.

**128 Reference from Corporate Governance and Audit Committee - Members' Allowances Scheme 2010/11**

It was moved by Councillor Raistrick, seconded by Councillor E Firth and

**RESOLVED - That, as recommended by the Corporate Governance and Audit Committee of 5 February 2010, Council approves and adopts the Members' Allowances Scheme for 2010/11, as set out in Appendix A to the submitted report, with effect from 1 April 2010.**

**129 Reference from Corporate Governance and Audit Committee - Executive Arrangements**

It was moved by Councillor Raistrick, seconded by Councillor E Firth that, as recommended by Corporate Governance and Audit Committee of 12 March 2010, Council approves changes to the Council's Executive arrangements as set out in Section 5 of the submitted covering report.

Whereupon it was moved by Councillor C Smith, seconded by Councillor K Smith by way of AMENDMENT, that Council Procedure Rule 39(8), relating to the makeup of the Standards Committee required for a meeting to proceed, be amended to read "No meeting of the Standards Committee may proceed unless at least two Kirklees Members and one Independent Member and (for Parish business only) at least one Parish Member, are present".

The Amendment, on being put to the meeting, was CARRIED, whereupon it became the SUBSTANTIVE MOTION.

Whereupon it was moved by Councillor Dodds, seconded by Councillor Bolt by way of AMENDMENT, that Appendix 1 of the submitted report be amended to read as follows:-

7.6.2 No such resolution may be considered by the Authority unless a notice of Motion has been submitted in writing and delivered to the Assistant Director (Legal and Governance) by 10.00am on the day of the Council meeting at which the Motion is to be considered. The notice of Motion must be signed by five Members.

To amend the text within Appendix 2 of the submitted report to read as follows:-

2. Time and Place of Ordinary and Additional Meetings and Notice of and Summons to Meetings.

Venue and Start Time

(3) All ordinary meetings of the Council will be held at 2.00pm in the Town Hall, Huddersfield, or at such other times and places as may be agreed in respect of particular meetings by the Chief Executive in consultation with the Mayor and the Leader of the Council or on the recommendation of the Corporate Governance and Audit Committee.

The Amendment, on being put to the meeting, was LOST.

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

**RESOLVED -**

**(1) That approval be given to the changes to the Council's Executive arrangements, as set out in Section 5 of the submitted covering report, namely:-**

- \* **The Council's Executive form should be the "new style" Leader and Cabinet Executive form and that this come into operation three days after the local elections in 2010.**
- \* **The Councillor who holds the office of Leader of Kirklees Metropolitan Council who is in office on 9 May 2010 should remain in office until the conclusion of the annual meeting of Council in May 2010.**

- \* The scheme of responsibility for Kirklees Metropolitan Council's executive functions listed in Part 3 of the Council's Constitution in force on 9 May 2010 should remain in force until the annual meeting of the Council in May 2010.
- \* The revised Article 7 at Appendix 1 which contains provisions, inter alia, for the removal of the Leader be approved with effect from three days after the local election in 2010.
- \* The revised Council Procedure Rules at Appendix 2 are approved with effect from three days after the local elections in 2010.
- \* The allocation of local choice functions be approved as set out in Appendix 4.
- \* The Monitoring Officer be granted delegated authority to make any amendments to the Constitution not covered by this report that may be required to give effect to these legislative changes.

(2) That Council Procedure Rule 39(8), relating to the makeup of the Standards Committee required for a meeting to proceed, be amended to read "No meeting of the Standards Committee may proceed unless at least two Kirklees Members and one Independent Member and (for Parish business only) at least one Parish Member, are present".

**130 Reference from Corporate Governance and Audit Committee - Responsibility for Functions - Changes to Delegation Arrangements**

It was moved by Councillor Raistrick, seconded by Councillor E Firth and

**RESOLVED - That, as recommended by the Corporate Governance and Audit Committee of 12 March 2010, Council approves changes to the Council's decision making arrangements, as set out in Section 5 of the submitted covering report, namely**

- \* The revised Articles set out in the report to Corporate Governance and Audit Committee, as attached, be approved with effect from:-

- Article 4.2 - 3 days after the local elections in May 2010
- Article 4.4 - the conclusion of the Annual Council meeting in May 2010
- Article 12 - 6 April 2010 except for the designation of the Scrutiny Officer which will take effect on 1 April 2010
- Article 13.5 - the conclusion of the Annual Council meeting in May 2010
- Article 13.6 - 6 April 2010
- Article 14 - 6 April 2010
- Article 16 - 6 April 2010

- \* The amended scheme of officer delegations set out in Appendix 3 of the report to Corporate Governance and Audit Committee be approved with effect from 6 April 2010.
- \* Delegated authority be given to the Monitoring Officer to amend the Constitution as necessary to specify that authority for the exercise of all executive functions derives from the Leader with effect from the conclusion of the Annual Council meeting in May 2010.
- \* Delegated authority be given to the Monitoring Officer to amend the Constitution as necessary to ensure that details of the correct revised post titles for the Assistant Directors are included with effect from 6 April 2010.
- \* The Scrutiny and Governance Manager is appointed the Scrutiny Officer pursuant to Section 31 of the Local Democracy, Economic Development and Consultation Act 2009 with effect from 1 April 2010.

(At this point in the meeting, in accordance with Council Procedure Rule 47, it was agreed to suspend Council Procedure Rule 5(2) to enable consideration of the Five Minute Motion on the Council Summons as the next item of business)

**131 Five Minute Motion submitted in accordance with Council Procedure Rule 14(5) as to Implementation of "Your Hospitals Your Say"**

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

**RESOLVED - "This Council is angered and dismayed at the decision not to fulfil the pledge to invest in a new world class cancer treatment service at Dewsbury Hospital.**

**The pledge was made in the consultation document Your Hospitals Your Say.**

**This Council agrees that this decision makes a mockery of the consultation and that local people have been seriously misled by the proposals in the consultation document.**

**This Council therefore resolves to:**

- 1. contact NHS Kirklees and local MPs asking them to support the full implementation of Your Hospitals Your Say by investing in the specialist cancer service at Dewsbury hospital, and**
- 2. ask the Secretary of State for Health to reverse the decision and to give an absolute commitment that a full range of acute services will be retained at Dewsbury hospital.**

**This Council also supports the statement Mike Potts, the Chief Executive of NHS Kirklees, made about this decision. He said, 'We are, extremely disappointed that we are not currently able to proceed with developing the specialist centre at Dewsbury'."**

(At this point in the meeting it was agreed, under Council Procedure Rule 47, to continue with the suspension of Council Procedure Rule 5(2), in order to proceed to the item on the Council Summons concerning Oral Questions to Cabinet Members on their Portfolios and on relevant Cabinet Minutes)

**132 Oral Questions to Cabinet Members on their Portfolios and on relevant Cabinet Minutes**

- (a) Councillor Smaje addressed a question to Councillor Pandor, relating to that part of his Cabinet portfolio concerning Adults and Communities, relating to how local Member priorities were addressed within Cabinet priorities.

**Councillor Pandor replied thereto.**

- (b) Councillor Smaje addressed a question to Councillor O'Neill (Cabinet portfolio holder for Adults and Communities) in relation to the continued deployment of the post of Lifeline Worker, specifically within the Fieldhead and Wilton estates in Batley.

**Councillor O'Neill replied thereto.**

- (c) Councillor Sims addressed a question to Councillor Khan (Cabinet portfolio holder for Corporate) as to his involvement in the current Senior Management restructure, and specifically sought comment, in the current climate of redundancies and salary cuts, on the current structure of the Executive Management Group.

**Councillor Khan replied thereto.**

- (d) Councillor Light addressed a question to Councillor Khan (Cabinet portfolio holder for Corporate) asking if he would ensure that all responses to public consultation would be taken account of, and all statutory procedures adhered to, prior to Cabinet taking any decisions on any items on which the Council consults the public.

**Councillor Khan replied thereto.**

- (e) Councillor D Hall addressed a question to Councillor Khan (Cabinet portfolio holder for Corporate) referring to his statement in the local press that increasing parking charges at the present time would hamper recovery from the recession, and asking why a report was being taken to Cabinet next week seeking increases in car parking charges in Huddersfield and Dewsbury.

**Councillor Khan replied thereto.**

- (f) Councillor Cooper addressed a question to Councillor Khan (Cabinet portfolio holder for Corporate) referring to the Council's current financial position, and enquiring as to what democratic process the Council went through in changing its bank to the Co-operative Bank, and commenting on the traditional support by the Co-operative movement for the Labour Party.

**Councillor Khan replied thereto.**

(At this point in the meeting, having earlier reached the normal time for the conclusion of the meeting and agreed upon an extension of time, it was agreed to close the meeting with the result that all remaining business was deferred)