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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 23 March 2011**

PRESENT

The Mayor (Councillor Andrew Palfreeman) in the Chair

COUNCILLORS

M AHMED
M AKHTAR
M BATES
R BATTYE
M BOLT
C BURKE
J CALVERT
J COOK
A COOPER
A DENHAM
J DODDS
M FEARNLEY
D M FIRTH
E FIRTH
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
V KENDRICK
M KHAN
J LAWSON
V LEES-HAMILTON
R C LIGHT
G LOWE

T LYONS
P McBRIDE
A C MARCHINGTON
A MURPHY
S PANDOR
S PATEL
R PARCHMENT
N PATRICK
C PATTISON
A C PINNOCK
K M PINNOCK
D RIDGWAY
C SCOTT
D SHEARD
G SIMPSON
K D SIMS
E E SMAJE
B SMITH
C M L SMITH
K SMITH
J SMITHSON
M SOKHAL
C STANFIELD
J STEWART TURNER
K TAYLOR
N TURNER
M WALTON
E WARD
L WILKINSON
A WOODHEAD
D WOODHEAD
D YATES

125 Announcements by the Mayor/Chief Executive

The Mayor announced that Councillor Cahal Burke would be running the Liverpool Half Marathon the following Sunday to raise funds for the Mayor's Charity; Members wishing to make a contribution were invited to go to his JustGiving website.

The Mayor announced he would be attending a workshop run by the Huddersfield Choral Society so would need to adjourn Council at the appropriate point for his departure to allow the Deputy Mayor to preside over the remainder of the meeting.

The Mayor announced Councillor Peter O'Neill had suffered two minor strokes, and it was agreed that the Council's best wishes be conveyed to him and his family.

The Mayor provided details of minor adjustments to the running order of business.

Councillors Fearnley, Harkin, Jones, Smithson and Yates would be retiring in May, and the Mayor and Councillors Khan, K Pinnock and Light paid their personal tributes.

126 Apologies for Absence

Apologies for absence were received on behalf of Councillors Mayet, O'Neill and Sarwar.

127 Minutes of the Meeting of the Budget Council held on 23 February 2011

It was moved by the Mayor (Councillor Palfreeman), seconded by the Deputy Mayor (Councillor E Firth) and

RESOLVED - That the Minutes of the meeting of Budget Council held on 23 February 2011 be approved and signed by the Mayor as a correct record.

128 Declarations of Interest

(1) The undermentioned Councillors each declared a prejudicial interest in Minute 246 of the Cabinet meeting held 15 December 2010 as to 'Pilot Loan Product for Empty Homes Project - Deighton and Brackenhall/Ashbrow, Huddersfield', for the reasons indicated:-

Councillor K Smith - Director of Deighton Brackenhall Initiative Limited
Councillor Cath Harris - Director of Deighton Brackenhall Initiative Limited and Fresh Horizons
Councillor Jean Calvert - Chair of Deighton Brackenhall Initiative Limited.

(2) Councillor Light declared a prejudicial interest in the Deputations relative to Birstall, Birkenshaw and Gomersal Community Trust, and any issues arising in that connection, in his capacity as a member of that Trust.

(3) Councillor Bates declared a personal interest in paragraph 1.9 of the report on the Cabinet Members' portfolio's progress on priorities for Adults and Communities, in relation to the reference to the Dewsbury Society for the Blind in that section of the report, in her capacity as a Member of the Management Committee and also the President of that Society.

(4) Councillor Pandor declared a personal interest in the Deputations concerning Batley Girls High School issues on the grounds that he had a family relation working at the School.

(5) The undermentioned Councillors each declared a personal interest in the Deputation and Motion relative to the proposals for the Paediatric Cardiac Surgery at Leeds Hospital, for the reasons indicated:-

Councillor Smaje - Is a Council Member on the Regional Scrutiny Panel
Councillor Khan - Is a non-executive Director of Kirklees Primary Care Trust.

(6) Councillor Hardcastle placed on record his personal interest in relation to the Deputation and Motion on the proposals for the Paediatric Cardiac Surgery at Leeds Hospital, although he had not been present in the meeting during consideration of those matters, on the grounds he has a son who regularly attends the Unit.

129 Petitions

Councillor Bates submitted a petition from local residents against the building of a supermarket store in Littletown/Liversedge.

Councillor Stewart Turner submitted a petition from local residents calling on the Council to protect greenfield land between High Lane/Ashes Lane/New Laithe Hill and also land adjacent to Jackroyd Lane and Newsome Road from development, and further seeking the support of the Council to get this land re-designated as green belt and protected from development under the new Local Development Framework.

Councillor Battye submitted a petition from local residents calling on the Council to install a pedestrian crossing by the junction of Long Lane with Dalton Green Lane and Briggate.

In accordance with Council Procedure Rule 9(3) the Mayor directed that the subject matter of the petitions be referred to the appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee.

130 Deputation

Council received a deputation in relation to proposals to withdraw the paediatric cardiac surgery at Leeds Hospital.

In accordance with Council Procedure Rule 10(6) the Mayor directed that the subject matter of the deputation be referred to the appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee.

131 Five Minute Motion submitted in accordance with Council Procedure Rule 14(5) as to Leeds Children's Heart Surgery Unit - Leeds General Infirmary (LGI)

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

RESOLVED - "This Council notes with concern the potential closure of the Children's Heart Surgery Unit at Leeds General Infirmary, as a result of the Department of Health's 'Safe and Sustainable' review of Children's Heart Surgery Units.

The closure of the Leeds Unit, which serves a large population centre, will have a severe impact on Yorkshire families, including those living in Kirklees, and would mean that parents with sick children would have to travel to Newcastle, Liverpool or Leicester, to receive the essential treatment currently provided in Leeds. This will cause extreme difficulty as a result of the distances families will have to travel, at a time of high anxiety about their child's health.

This Council recognises that a Joint Health Scrutiny Committee is currently meeting to fully consider the proposals for children's congenital cardiac surgery services. Whilst not wishing to pre-determine the findings of that review, nevertheless this Council wishes to express serious concerns about the impacts of removing services from the Leeds area. These concerns to be forwarded in a letter to the Department of Health with copies to all MP's within the Kirklees area.

This Council also requests that representations be made on behalf of the Council as part of the Department of Health's consultation exercise in support of the retention of the Leeds Children's Heart Surgery Unit."

132 Deputations

Council received deputations regarding the following:-

- (a) Indoor Bowling in Huddersfield, relative to the new Huddersfield Sports Centre.
- (b) Heavy Goods Vehicles through Emley Village.
- (c) Secondary School Provision in North Kirklees, the Future for Batley Girls High School, and Sixth Form Provision in North Kirklees from:-

Jackie Eames - Head Teacher at Batley Girls High School

Joe-Anne Atkinson, Julie Haigh, Sophie Clerk, Syka Bashir, Joanne Hardcastle and Howard Glen

- (d) Birstall, Birkenshaw and Gomersal Community Trust in relation to a proposed free school in the Birkenshaw area, from:-

Nicky Woods and Neil Auty; NB: A deputation by Lisa Holmes was commenced and ruled out of order by the Deputy Mayor on the grounds it contained personal comments.

The Mayor vacated the meeting during the Deputations, following which the Deputy Mayor presided for the remainder of the meeting.

In accordance with Council Procedure Rule 10(6) the Mayor/Deputy Mayor (as appropriate) directed that the subject matter of the Deputations be referred to the appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee, together with the submitted Petition in relation to the Indoor Bowling Deputation.

133 Questions by Members of the Public

Council received questions around the future provision of indoor bowling following the decision not to include provision in the new Huddersfield Sports Centre.

The Leader responded thereto.

Council received questions relative to the future of Batley Girls High School and Sixth Form Provision in North Kirklees.

Councillor K Smith, Cabinet Portfolio Holder for Children and Families, responded thereto.

134 Reference from Corporate Governance and Audit Committee - Members' Allowances Scheme, 2011/12

RESOLVED -

(1) That, subject to (2) below, as recommended by the Corporate Governance and Audit Committee, the Council approves and adopts the Members' Allowances Scheme for 2011/12, as set out in Appendix A to the submitted report, with effect from 1 April 2011.

(2) That the Council notes that the rate payable for travel and subsistence for duties outside the district, agreed in Appendix A as being paid at HMRC rates which are 40p per mile for the first 10,000 business miles in the tax year, had been increased in the Chancellor's Budget that day to 45p per mile.

135 Updated Officer Delegation Scheme

It was moved by Councillor Pandor, seconded by Councillor Khan

That the proposed changes to the Officer Delegation Scheme set out in Appendix 1 to the submitted report be approved, and that the Council's Monitoring Officer be given delegated authority to make all of the necessary amendments to the Constitution.

Whereupon it was moved by Councillor Smithson, seconded by Councillor K Pinnock by way of AMENDMENT

That the Motion as submitted be approved, subject to the Corporate Governance and Audit Committee being asked to review the circumstances in which highways matters are referred to Cabinet Committee - Local Issues.

The above Amendment was accepted by the proposer and seconder of the Motion, whereupon it was

RESOLVED -

(1) That, subject to (2) below, the proposed changes to the Officer Delegation Scheme set out in Appendix 1 to the submitted report be approved, and that the Council's Monitoring Officer be given delegated authority to make all the necessary amendments to the Constitution.

(2) That the Corporate Governance and Audit Committee be asked to review the circumstances in which highways matters are referred to Cabinet Committee - Local Issues.

136 Minutes of Meetings of Cabinet and Cabinet Committee - Local Issues

The Minutes of meetings of the Cabinet held on 23 and 30 November 2010, 7 and 21 December 2010, 4 and 18 January 2011, and 1, 9 and 15 February 2011, and of the Cabinet Committee - Local Issues held on 10 November and 8 December 2010, and 5 January 2011, were received for information.

137 Cabinet Members' Portfolio's Progress on Priorities

Cabinet received a progress report on priorities, as submitted by the Cabinet Portfolio Holders for Adults and Communities, namely Councillors Walton and O'Neill, including that part of the portfolio applicable to Councillor Pandor, and also received a presentation by Councillor Walton.

138 Oral Questions to Cabinet Members on their Portfolios and on Relevant Cabinet Minutes

(a) Councillor Light addressed a question to Councillor K Smith, Cabinet Portfolio Holder for Children and Families referring to comments made by Councillor K Smith at the Cabinet on 15 March 2011, and seeking his views in relation to the Building Schools for the Future Consultation document for Howden Clough and Batley, and also the consultation document for Primary Schools for the Future in terms of the design which provided no space for a respondent's address.

Councillor K Smith replied thereto.

(b) Councillor K Pinnock addressed a question to Councillor K Smith, Cabinet Portfolio Holder for Children and Families, asking if he would agree that the Birstall, Birkenshaw and Gomersal Community Trust, in advertising their proposed school, to include families from Birstall, had provided misleading information via a recent television programme in that the catchment walking to school distance would exclude 95% of children living in Birstall.

Councillor K Smith replied thereto.

(c) Councillor K Pinnock addressed a question to Councillor K Smith, Cabinet Portfolio Holder for Children and Families, asking if he would agree that any group wanting to change the education provision in an area ought to publish all the information, including its full application for a proposed new school, openly, honestly and transparently.

Councillor K Smith replied thereto.

(d) Councillor D Hall addressed a question to Councillor K Smith, Cabinet Portfolio Holder for Children and Families, in relation to the potential funding for education provision in North Kirklees and the finalisation of plans for education in that area.

Councillor K Smith replied thereto.

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Minutes of other Committees

The Minutes of the undermentioned Committee meetings were received for information:

- (a) Corporate Governance and Audit Committee - 25 November 2010 and 4 February 2011
- (b) Kirklees Youth Council - 20 November 2010, 8 January and 21 February 2011
- (c) Overview and Scrutiny Management Committee - 14 December 2010 and 18 January 2011
- (d) Personnel Committee - 6 December 2010 and 7 January 2011
- (e) Planning and Highways Committee - 24 January 2011
- (f) Standards Committee - 7 December 2010 and 1 February 2011.

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Government Responses to Motions Approved and Adopted by the Council

Council noted, for information, responses from the relevant Government departments to the Motions approved and adopted by previous meetings of the Council, as under:

- (a) Welcoming the End of the Tenant Tax (20 October 2010 Council)
- (b) School Sport Partnership Funding (8 December 2010 Council)
- (c) Establishing a Minimum Efficiency Standard for Private Rented Properties (8 December 2010 Council)
- (d) Comprehensive Spending Review (8 December 2010 Council)
- (e) Siting of Wind Turbines (19 January 2011 Council)

(At this point in the meeting the normal time for concluding Council business was reached, with the result that the remaining business of the Council was not considered but deferred to a future meeting or to be otherwise dealt with, as appropriate, in accordance with Council Procedure Rules)