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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 20 March 2013**

PRESENT

The Mayor (Councillor David Ridgway) in the Chair

COUNCILLORS

M AHMED
M AKHTAR
R BARRACLOUGH
M BATES
D K BELLAMY
J C BLANCHARD
S M BOLT
T BRICE
C BURKE
J CALVERT
A V COOPER
WJ DOODS
E FIRTH
C GREAVES
D J HALL
S HALL
D HARDCASTLE
C HARRIS
M HEMINGWAY
L J HOLMES
J M HUGHES
M HUSSAIN
V KENDRICK
M KHAN
J C LAWSON
V LEES-HAMILTON
R C LIGHT
G LOWE
P McBRIDE
T LYONS
A C G MARCHINGTON

N MATHER
D O'DONOVAN
P O'NEILL
A PALFREEMAN
S PANDOR
A PATEL
S PATEL
N PATRICK
C A PATTISON
A C PINNOCK
K M PINNOCK
C PREEST
H S RICHARDS
K ROWLING
P SALVESON
M SARWAR
P SCOTT
D SHEARD
G SIMPSON
K D SIMS
E E SMAJE
C M L SMITH
K A SMITH
M S SOKHAL
J STEWART TURNER
A L STUBLEY
K TAYLOR
G TURNER
N TURNER
M WALTON
E WARD
L M WILKINSON

115 Announcements by the Mayor

(a) The Mayor expressed thanks to Councillors G Turner and P Scott for their attendance at the Civic Sunday Service on 17 March 2013.

(b) The Mayor reported progress on his charity weight challenge.

(c) The Mayor announced that Councillor Burke would be running in the Greater Manchester Marathon on 28 April 2013 in aid of his charity and urged support.

(d) The Mayor announced, with sadness, that Councillor Hanif Mayet's wife had passed away this week following an illness; Council paid tribute to Councillor Mayet for his loss.

(e) The Mayor paid thanks to all Members of the Council for their conduct in Council during his term of office.

116 Apologies for Absence

Apologies for absence were received of behalf of Councillors D Firth, Holroyd-Doveton, Kane, Mayet and C Scott

117 Minutes of the Meeting of the Budget Council held 20 February 2013

It was moved by the Mayor (Councillor Ridgway), seconded by the Deputy Mayor (Councillor Bolt) and

RESOLVED - That the Minutes of the meeting of the Budget Council held on 20 February 2013 be approved and signed by the Mayor as a correct record.

118 Declarations of Interests

(1) Councillors Smaje, Lawson and Hardcastle each declared an other interest in the Item on the Council summons relating to the petition and proposals by Mid-Yorkshire Hospitals Trust to withdraw Accident and Emergency and reduce all other services at Dewsbury and District Hospital, in their capacity as Members of the Joint Health Scrutiny Panel for Mid-Yorkshire Hospitals.

(2) The undermentioned Councillors each declared a disclosable pecuniary interest in the Item on the Council summons relating to the petition and proposals by Mid-Yorkshire Hospitals Trust to withdraw Accident and Emergency and reduce all other services at Dewsbury and District Hospital, for the reasons indicated:-

Councillor Sheard – Member of Mid-Yorkshire Hospitals Trust

Councillor Low – Employee of Mid-Yorkshire Hospitals Trust

(3) Councillor Bellamy declared a disclosable pecuniary interest in relation to the deputation on the Council summons by the West Yorkshire Federation of Sub Post Masters relative to direct debit payments by Council tenants, as she is a Kirklees Neighbourhood Housing tenant.

(4) Councillor Harris declared a disclosable pecuniary interest in the Item on the Council summons concerning the Housing Commissioning Strategy 2013-16 and in Cabinet Minute 324 of the meeting on the 26 February 2013 relating to this matter, in her capacity as a Board Member of the Fresh Horizons Company which is undertaking empty homes refurbishment.

(5) Councillor Calvert declared an other interest in the Item on the Council summons concerning the Minutes of the Area Committee – Colne Valley of 14 November 2012 concerning the capital grant initially offered to Milnsbridge Social Club, in her capacity as Secretary to that club.

(6) Councillor Khan declared an other interest in the Motion on the Council summons concerning the appointment of the Police and Crime Deputy Commissioner, as he would be involved in the interviews for that appointment.

119 Petitions

(1) Councillor Wilkinson presented a petition from Local Residents seeking the provision of lighting in the young people's skateboard and multi-use games area in Lepton.

Under Procedure Rule 9 (3) The Mayor directed that the subject matter be referred to the appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee.

(2) Council debated a petition under the terms of its Petitions' Scheme relating to proposals by Mid-Yorkshire Hospital Trust to withdraw Accident and Emergency and reduce all other services at Dewsbury and District Hospital and received a presentation by Doctor T Gowda.

Council agreed to commission further investigation into the matter by the relevant Service.

120 Deputations

(a) Council received a deputation lead by Emma Bailey on behalf of 'Save Our Nurseries Campaign' expressing concern about cut backs in nursery provision.

The Cabinet Member for Children's Services (Councillor Harris) responded thereto.

(b) Council received a deputation led by the President of West Yorkshire Federation of Sub Post Masters (Ms Brenda Bodenham) expressing concern about problems which would occur as a result of the imposition of direct debit arrangements on Council tenants for rent collection.

The Cabinet Member for Place (Councillor McBride) responded thereto.

(c) Deputation from Huddersfield Anarchist League led by Mr Ian Brooke expressing concern about the imposition of the bedroom tax, the cutting of Council tax benefit and its impact on, in particular, the unemployed.

The Cabinet Member for Resources (Councillor Sheard) responded thereto.

The Mayor directed that the subject matters in relation to deputations at (a) and (b) above be referred to the appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee, and that the deputation at (c) above be noted.

121 Questions by Members of the Public

Mike Forster, Kirklees Unison, asked a question in relation to the future of Hochtief, a Facilities Management Company which was up for sale, which had implications for future contracts with the Council.

Councillor Khan replied thereto.

Mr Forster asked a supplementary question as to whether Members of the Council would be attending the protest rally regarding the Mid Yorkshire Hospitals Trust proposals, taking place at midday in Dewsbury on 23 March 2013.

The Mayor replied thereto.

122 Update on Chancellor of Exchequer's Budget Statement and Implications for Kirklees

Council noted a presentation provided by the Director of Resources following the Chancellor of the Exchequer's Budget Statement made that day, and highlighting a number of impacts on the Budget for Kirklees in the coming year, and the spending round for 2015/16.

123 Reference from Corporate Governance and Audit Committee – Members' Allowances Scheme, 2013/14

It was moved by Councillor Richards, seconded by Councillor D Hall and

RESOLVED – That the Members' Allowances Scheme for 2013/14, as set out in Appendix A of the submitted report, be approved with effect from 1 April 2013.

124 Reference from Corporate Governance and Audit Committee – Governance Arrangements for the Health and Wellbeing Board

It was moved by Councillor Richards, seconded by Councillor D Hall and

RESOLVED

(1) That Council approves the establishment of a Health and Well-Being Board with effect from 1 April 2013 with a Membership as follows

Voting members: (14)

3 Members of Kirklees Council's Cabinet, one of whom may be the Leader (Council noted the Leader's nomination of Councillors Khan, Harris and Walton)

1 Senior Councillor from the main opposition group (Council noted the Leader's nomination of Councillor Light)

1 Councillor from a political group other than the administration and main opposition group (Council noted the Leader's nomination of Councillor Wilkinson)

Director for Children and Adults

Director of Public Health

A representative of local Health Watch

3 representatives of North Kirklees Clinical Commissioning Group

3 representatives of Greater Huddersfield Clinical Commissioning Group

Non voting members: (2)

Chief Executive Kirklees Council

Members of National HNS Commissioning Board (Statutory requirement: to participate in HWB's preparation of JSNA / JHWS and if requested to participate in exercise of the commissioning functions of the Board in relation to the Kirklees HAWB Area)

Invited observers:

Member of the political group on the Council which is not otherwise represented on the Board (Nomination awaited)

Chief Executive or nominated representative of significant health partners:

Mid Yorkshire Hospitals Trust

Calderdale and Huddersfield Foundation Trust

South West Yorkshire Partnership Foundation Trust

Locala Community Partnerships (as current community health provider)

(2) That Council notes the allocation of voting rights set out at paragraph 3.4 of the submitted report.

(3) That Council notes the arrangements for substitute members, as set out in paragraph 3.5 of the submitted report.

125 Transfer of Public Health Functions to Local Authority – Constitutional Amendments to Council Delegation Scheme

Council noted that the Leader had exercised his executive powers in relation to the delegated powers to be given to the Director of Public Health following the transfer of that position and her staff to the Council with effect from 1 April 2013, and that full details would be provided in the revised Delegation Scheme to be submitted to the Annual Council on 22 May 2013.

126 2013/14 Revisions to the Corporate Plan

It was moved by Councillor Khan, seconded by Councillor Sheard and

RESOLVED – That the Corporate Plan for 2013/14, as submitted, be approved.

127 Housing Commissioning Strategy 2013-16

It was moved by Councillor McBride, seconded by Councillor Khan and

RESOLVED – That the Housing Commissioning Strategy for 2013-16 be approved.

128 Reference from Corporate Governance and Audit Committee and Cabinet – Monitoring Report on Treasury Management (2)

Council noted, for information, the Monitoring Report on Treasury Management covering the period 1 April to 31 December 2012.

Written Questions, under Council Procedure Rule 12, to the Leader and Cabinet Members**(1) Question by Councillor James Blanchard to the Leader (Councillor Mehboob Khan)**

"What reassurances can the council give to Kirklees parents that horsemeat will not be found in Kirklees school meals?"

The Leader and Councillor Pandor (Cabinet Member for Resources) responded thereto.

(2) Question by Councillor James Blanchard to the Leader (Councillor Mehboob Khan)

"What reassurances can the council give to Kirklees parents that pork will not be found in Kirklees school meals labelled as halal?"

The Leader and Councillor Pandor (Cabinet Member for Resources) responded thereto.

(3) Question by Councillor James Blanchard to the Cabinet Member for Place (Councillor Peter McBride)

"What support is the council giving communities to slow down road traffic and prevent accidents?"

The Leader responded on behalf of Councillor McBride.

(4) Question by Councillor Phil Scott to the Cabinet Member for Place (Councillor Peter McBride)

"The number of plastic bags given out to shoppers in England has now risen over two consecutive years for the first time since prior to 2006 with each Kirklees resident on average now using 132 per year. Taking into account this apparent change in consumer behaviour and the action all other devolved parliaments have taken on this matter, does the Cabinet member think it is time for Government to introduce a plastic bag levy in England?"

The Cabinet Member responded thereto.

(5) Question by Councillor Cahal Burke to the Cabinet Member for Place (Councillor Peter McBride)

"Could the Cabinet Member advise when the Section 106 database will come online for members information and use?"

The Cabinet Member responded thereto.

(6) Question by Councillor Cahal Burke to the Cabinet Member for Place (Councillor Peter McBride)

"How much Section 106 moneys attached to developments in Lindley Ward have been lost in the last ten years due to companies experiencing financial difficulties?"

The Cabinet Member responded thereto.

(7) Question by Councillor Nicola Turner to the Cabinet Member for Place (Councillor Peter McBride)

"I am certain that everyone in the chamber will have been shocked and saddened by the resignation of the school crossing patrol person outside Marsden Junior School following

an incident which involved their being abused and then injured by a driver as they helped the children cross Manchester Road. I would like ask what the cabinet member is doing to ensure that the people who do this important job are safe and supported in the light of this recent incident.”

The Cabinet Member responded thereto.

This item concluded at this point, being out of time to consider the remaining questions under Council Procedure Rule 12 (7), which would now be referred to Cabinet under Council Procedure Rule 12 (8).

130 Written Questions to the Chairs of Committees/Sub-Committees/Panels and Spokespersons of Joint Committees

The intended question to the Spokesperson for West Yorkshire Police and Crime Panel could not be considered as it was out of time, and would now be dealt with under the provisions of Council Procedure Rule 12 (8).

131 Minutes of Meetings of Cabinet

The Minutes of the meetings of Cabinet held on 12 and 26 February 2013 were received for information.

132 Cabinet Members' Portfolio Plans

Council received an update on progress made by all portfolio areas against the Council's Corporate Plan priorities re Business Growth and Jobs, specifically on the theme of Leading Kirklees out of Recession, covering Apprenticeships, Kirklees Jobs Fund, Housing, Green Economy, and support for business.

133 Oral Questions/Comments to Cabinet Members on their Portfolios and on relevant Cabinet Minutes

Councillor Lawson asked a question to the Cabinet Member for Health and Well-Being and Communities (Councillor Jean Calvert) referring to the undertaken by the Cabinet Member at the Budget Council meeting in response to the Liberal Democrat Budget amendment that money would be found to rebuild Spenborough Pool if that was needed, within the period of the Capital Plan, and seeking confirmation that was still the case.

Councillor Calvert replied thereto.

134 Minutes of Other Committees

The Minutes of the under mentioned Committee meetings were received for information:-

- (a) Area Committee - Batley, Birstall and Birkenshaw - 25 September and 27 November 2012 and 5 March 2013.
- (b) Area Committee - Colne Valley - 26 September, 14 November and 12 December 2012 and 13 February 2013.
- (c) Area Committee - Dewsbury - 4 September, 23 October and 4 December 2013.
- (d) Area Committee - Holme Valley - 18 October and 29 November 2012.
- (e) Area Committee - Huddersfield - 2 October and 22 November 2012.
- (f) Area Committee - Mirfield, Denby Dale and Kirkburton - 12 November 2012.
- (g) Area Committee - Spenn Valley - 9 October and 4 December 2012.
- (h) Corporate Governance and Audit Committee - 1 February 2013.
- (i) Overview and Scrutiny Management Committee - 22 November 2012 and 14 February 2013.
- (j) Personnel Committee - 18 February 2013

(k) Planning and Highways Committee – 26 November 2012.

135 Oral Questions / Comments, within the Respective Terms of Reference, to Chair of Committee/Sub Committee/Panels and the Council's Nominated Spokespersons of Joint Committees/External Bodies

Councillor Khan asked the following question to Councillor Patrick, Chair of Overview and Scrutiny Management Committee:-

With reference to the referral from Council to the Overview and Scrutiny Management Committee in relation to Changes to Services for Deaf and Hearing Impaired Children and those with Special Educational Needs across Kirklees, when the Committee (Changes to Services for Deaf and Hearing Impaired Children Sub Group) looked into the referral around the overview and implementation of the change in strategy, was the Committee first of all in agreement with the policy change implementation, and did it find any areas of concern on the implementation of the policy and, if so, had those been reported to the relevant Cabinet Members; had the Committee sought further action from Cabinet Members on any areas identified of concern and did it also relay, if there were no concerns, back to the National Deaf Children Society that the Committee was satisfied with the policy as it is; also, when the Committee was looking into the matter, was it made aware that the resources available for expenditure on children with special educational needs which had not been cut had instead been used in such a way to enable young people to have the best start in life to empower them to be as much as possible in mainstream provision.

The question was deferred to Councillor Bellamy (Chair of the Changes to Services for Deaf and Hearing Impaired Children Sub Group) who undertook to supply a written response.

Councillor Khan then asked the following supplementary question:-

In view of the fact of this issue being referred to full Council for a deputation and then being referred back to Scrutiny do you believe that had there been any specific concerns in the implementation of the policy, you would now have recalled those, because they would have been of such importance that they would have been communicated with immediate effect to those Cabinet Members.

Councillor Bellamy undertook to provide a written response to the supplementary question.

136 Motion Submitted in Accordance with Council Procedure Rule 14 as to Appointment of Police and Crime Deputy Commissioner.

In respect of the motion notified on the Council Summons the mover and seconder of the motion, with the agreement of the meeting, accepted alteration of the wording thereto to include a minor amendment in the opening paragraph and an additional part 7 (under the provisions of Council Procedure Rule 14 (11)).

Accordingly, it was moved by Councillor Marchington, seconded by Councillor Cooper and

RESOLVED

This Council notes with deep concern the Police and Crime Commissioner's intention to appoint a Deputy Commissioner from among members of the Labour Party.

Council opposes this decision on the following grounds:

- 1) That in the current climate of reduced public spending, a salary of £53K for a Deputy is unnecessary, excessive and gratuitous;

- 2) That the appointment of a Labour Party Member on such a salary reeks of cronyism that will further damage the fledgling reputation of Commissioners already badly tarnished by the poor turn out last year;
- 3) The appointment of a Labour Party Member on such a salary will damage the reputation of all political figures, reinforcing the public's perception that people are "just in it for the money";
- 4) The decision to appoint a Labour Party Member to the post of Deputy effectively politicises the running of the police force in a way that was not intended;
- 5) That restricting the pool of applicants to just members of the Labour Party may mean that the best candidate for the job and for the people of Kirklees and West Yorkshire may never get a chance to even apply;
- 6) That the Commissioner's decision to restrict applicants to just members of the Labour Party is in fact discriminatory and contradicts the Commissioner's own responsibilities for ensuring equality and diversity within the running of the police force.
- 7) That there was no mention of appointing a political appointee Deputy Police and Crime Commissioner on the Labour Candidates Election literature.

This Council therefore resolves to instruct the Chief Executive to write to the Police and Crime Commissioner immediately informing him of this Chamber's views and its strong opposition to the appointment of a Deputy and that Council would prefer that the exorbitant salary be spent on frontline policing.