

Decision Summary

Committee: Council
Date: 14 September 2011
Committee Clerk: Adrian Johnson
Tel: 01484 221000

1. Announcements by the Mayor and the Chief Executive

To note.

Decision: The Mayor reported that, over the weekend of 24/25 September 2011, Members of the Liberal Democrat Group, between them, would be walking the Kirklees Way in aid of the Mayor's Charity; any sponsorship or others wishing to join the fund raising event would be most welcome.

The Mayor reported a response from the Royal Norwegian Embassy expressing thanks to the Council for their message of sympathy and support for the victims of the atrocities in Oslo and Utoeya Island.

2. Apologies

Group Business Managers will say if any Members are unable to be present.

Decision: Apologies for absence were received on behalf of Councillors D Hall, Holroyd-Doveton, M Hussain, Palfreeman, Simpson, Stewart Turner and Wilkinson.

3. Minutes of the meeting of the Council held 27 July 2011

To agree and authorise the Mayor to sign as a correct record.

Decision: Approved as a correct record and signed by the Mayor.

In relation to Minute 52 concerning the Armed Forces Community Covenant, the Chair of Overview and Scrutiny Management Committee, Councillor Patrick, reported that the Committee had considered the referral request to establish an Ad Hoc Scrutiny Committee to investigate all aspects and implications of the role of Cabinet in creating a Kirklees Community Covenant and had declined the request on the grounds that it was inappropriate for Scrutiny to be involved in a policy formulation issue and that the Scrutiny resources for the year were already prioritised.

4. Interests

Members will say if they have interests personal or prejudicial in items included on this Agenda.

Decision: Detailed report to be attached, when finalised.

5. Petitions

Any Member of the Council can present a petition. In accordance with Council Procedure Rule 9 the Council will refer that petition to the appropriate Assistant Director for investigation and report thereon to Cabinet or any appropriate Committee.

Decision: Councillor Iqbal submitted a petition from residents of Thornhill Lees and Dewsbury South seeking support for Thornhill Lees Community Action Group in protecting the local environment against the unsustainable development of housing in Thornhill Lees.

Councillor Stanfield submitted a petition on behalf of residents of Lindley Ward seeking the support of the Council in negotiating with the NHS Trust for a scheme to help residents with the financial burden of paying for parking permits on 11 streets in the vicinity of Huddersfield Royal Infirmary.

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

6. Deputations

To receive deputations pursuant to Council Procedure Rule 10:

- (a) Unison, in relation to privatisation of Home Care.
- (b) Save Kirklees Home Care Services.
- (c) Colne Valley Residents Action Group in relation to operation of a chemical company in Linthwaite.
- (d) Unison, in relation to the Conservative Group Motion on Trade Union Facilities (item 19 of the Summons).
- (e) Kirklees Federation of Tenants and Residents Association in relation to lifetime secure tenancies for Council tenants; petition to be presented.
- (f) Any others.

Decision: Please see additional report.

7. Questions by Members of the Public

To answer questions (if any) by members of the public pursuant to Council Procedure Rule 11.

Decision: Please see additional report.

8. Armed Forces Community Covenant

Further to the Motion approved by Council on 27 July 2011, to receive a presentation from Major John Mayo, Yorkshire Regiment, HQ15 (North East) Brigade.

Contact: Adrian Johnson 01484 221712

Decision: Council received a presentation from Councillor Major Mayo of the Yorkshire Regiment explaining the benefits of the Council adopting the Covenant and providing advice on implementation, including the appointment of a Council representative as Armed Forces Champion and the creation of an Action Plan to illustrate the Council's intentions in supporting the local Armed Forces community. Council confirmed its support in principle for the proposed way forward, and Councillor Calvert, Cabinet Portfolio Holder for Health, Well-being and Communities, indicated she would identify an Armed Forces Champion for the Council.

(Council agreed the suspension of Council Procedure Rules (5 - Order of Business, and 14(5) - Five Minute Motions) to bring forward the Motions at Items 19 and 22, with full debate. These items will be placed in this order in the Minutes and the decisions are recorded at 19 and 22 respectively).

9. Reference from Standards Committee of 18 July 2011 - Annual Report, 2010-11

To consider approval; Mr Paul Blythe, Chair of the Standards Committee, has been invited to attend.

Contact: Vanessa Redfern 01484 221439

Decision: Approved the Annual Report of the Standards Committee for 2010-11.

10. Children and Young People Plan 2011-2012

To consider approval, as recommended by the Children's Trust Board.

Contact: Matthew Holland 01484 225138

Decision: That, in line with the Policy Framework for the Council, the Children and Young People Plan for 2011-12, as recommended by the Children's Trust Board, be approved.

11. Notification of Deputy Leader Appointment and Changes to Cabinet

Leader to report.

Decision: Councillor Khan paid tribute to Councillor K Smith for his service as former Deputy Leader and announced the new Deputy Leader of the Council would be Councillor Sheard and that Councillor Scott would be joining the Cabinet under the Resources Portfolio.

12. Written Questions to the Leader and Cabinet Members

To consider; written questions must be received by the Acting Assistant Director, Legal, Governance and Monitoring, by 10.00 am on the working day before the Council meeting; in the first instance any questions submitted previously to Cabinet which have not been answered at the meeting due to time constraints will be dealt with.

(A schedule of any written questions received will be circulated at the Council meeting)

(Council Procedure Rule 12 applies)

NB: Time allowed for this item and item 13 is 30 Minutes.

Decision: (a) Question by Councillor A Pinnock to the Cabinet Member for Children's Services (Councillor Harris):

'How many children are there in the current Year 5 (i.e. Year 6 from September 2011) in the existing Whitcliffe Mount pyramid, which includes Birkenshaw.'

The Cabinet Member replied thereto.

(b) Question by Councillor Burke to the Cabinet Member for Children's Services (Councillor Harris):

'Which administration of this Council wanted to have a co-ed High School in Birstall and which administration has constantly opposed such a proposal.'

The Cabinet Member replied thereto.

(During consideration of this item the normal time for concluding Council business was reached, with the result that the further business of the Council was not considered and which would now be dealt with, as appropriate, in accordance with the relevant Council Procedure Rules.

13. Written Questions to the Chairs of Committees/Sub-Committees/Panels and Spokespersons of Joint Committees/External Bodies (the latter as defined in Council Procedure Rule 13 (4))

To consider; written questions must be received by the Acting Assistant Director, Legal, Governance and Monitoring by 10.00am on the working day before the Council meeting.

(A schedule of any written questions received will be circulated at the Council meeting)

(Council Procedure Rule 12 applies)

Decision: Item not considered due to time constraints, with the exception of Question (c) which was dealt with earlier following the deputation at Item 6(c).

14. Minutes of meetings of Cabinet and Cabinet Committee - Local Issues

To receive for information.

(Council Procedure Rule 13 applies)

Decision: The Minutes were received for information.

15. Cabinet Members' Portfolio Progress on Priorities

To receive a presentation from the Place Portfolio Holders.

(Council Procedure Rule 13(2) applies)

Decision: Item not considered due to time constraints.

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

- (a) Place (Councillors Sheard and McBride)
- (b) Children's Services (Councillors Harris and O'Neill)
- (c) Health, Well-Being and Communities (Councillors Calvert and Walton)
- (d) Resources (Councillor Pandor)

(Council Procedure Rule 13(2) applies)

NB: Time allowed is 60 minutes, including this item and questions/comments on the Minutes at item 14 and on the Members' portfolio plans at item 15)

Decision: Item not considered due to time constraints.

17. Minutes of other Committees

- (a) Corporate Governance and Audit Committee
- (b) Overview and Scrutiny Management Committee
- (c) Personnel Committee
- (d) Standards Committee

(Council Procedure Rule 13 applies)

Decision: The Minutes were received for information.

18. Oral Questions/Comments, within the respective Terms of Reference, to Chairs of Committees/Sub-Committees/Panels and the Council's Nominated Spokespersons of Joint Committees/External Bodies

To consider, as under:-

- (a) Corporate Governance and Audit Committee (Councillor Wilkinson)
- (b) Licensing and Safety Committee (including Licensing Panel and Regulatory Panel) (Councillor Ahmed)
- (c) Overview and Scrutiny Management Committee (Councillor Patrick)
- (d) Personnel Committee (Councillor Khan)
- (e) Planning and Highways Committee (Councillor C Smith)
- (f) Planning Sub-Committee (Heavy Woollen Area) (Councillor Kane)
- (g) Planning Sub-Committee (Huddersfield Area) (Councillor D Firth)
- (h) Standards Committee (Councillor C Smith)
- (i) Kirklees Neighbourhood Housing (Councillor Walton)
- (j) Kirklees Active Leisure (Councillor Stubbley)
- (k) West Yorkshire Integrated Transport Authority (Councillor Lowe)
- (l) West Yorkshire Fire and Rescue Authority (Councillor Ridgway)
- (m) West Yorkshire Police Authority (Councillor K Smith)
- (n) West Yorkshire Joint Services Committee (Councillor Sokhal)
- (o) Leeds City Region Leaders' Board (Councillor Khan)

(Council Procedure Rules 13(3) and (4) refer)

NB: Time allowed is 30 minutes, including this item and on the Minutes at item 17.

Decision: Item not considered due to time constraints.

19. Five Minute Motion submitted in accordance with Council Procedure Rule 14(5) as to Trade Union Facilities

To consider the following Motion in the names of Councillors D Hall and Light:-

'This Council understands and recognises the valuable role played by Trades Unions in ensuring effective industrial relations and reaffirms the principle of providing reasonable support to Trades Unions including time off for stewards for this purpose.

However, this Council believes that given the current state of the public finances taxpayer subsidy of full time Trade Union officials should now be brought to an end.

The £339,000 annual cost to taxpayers in Kirklees for 9 full time convenors is now unjustifiable both in terms of the massive budget pressure faced by Kirklees Council and the programme of cuts to frontline services currently being undertaken by the Labour administration.

This Council also notes the wider context of the huge donations that Trade Unions are able to offer to the Labour Party.'

Decision: Approved the following Motion:-

'This Council understands and recognises the valuable role played by Trades Unions in ensuring effective industrial relations and reaffirms the principle of providing reasonable support to Trades Unions including time off for stewards for this purpose.'

20. Five Minute Motion submitted in accordance with Council Procedure Rule 14(5) as to Member Rights

To consider the following Motion in the names of Councillors D Hall and Light:-

'This council believes that all 69 members of Council have equal rights as democratically elected representatives of the public of Kirklees.

It further considers that this should mean equal access to information, to data used for decision making and to officers of the Council.

Whilst it recognises the role of the executive however it does not convey to them exclusive rights over the above.'

Decision: Item not considered due to time constraints.

21. Five Minute Motion submitted in accordance with Council Procedure Rule 14(5) as to '20s Plenty where you live'

To consider the following Motion in the names of Councillors Stanfield, Burke, Ridgway, A Pinnock, K Hussain, Parchment, Iredale, Denham, Blanchard, K Pinnock, Marchington and Lawson:-

* This Council believes that all residential areas should be safe for all road users and that the safety on the roads must be one of the Council's primary concerns.

This Council notes that:

* Residents' complaints about drivers disregarding the speed limit are commonplace and frequent in most areas

* Portsmouth Council has reported a 7% reduction in accidents since making '20s plenty where you live' a City wide initiative in 2008 (imposing 20mph speed limits on all residential roads). This figure includes a reduction in accidents involving children and significantly fewer accidents involving older people and those with disabilities.

* The Department of Transport's Interim evaluation of the Portsmouth scheme, September 2010, shows strong evidence of creating a safer environment with less aggressive driving. The scheme has generally been supported by the residents of Portsmouth.

* Cambridge and Edinburgh started piloting schemes in 2010, while Bristol has a scheme up and running. Chichester, Worthing, Bodmin and Norwich are awaiting County Council Approval.

* In June this year the European Transport Committee called for a 20mph speed limit for all residential streets.

* It is now easier for councils to introduce 20 mph speed limits thanks to changes to Department for Transport rules announced by Norman Baker MP recently.

* In 2009 the Department of Transport recommended that all residential roads be made subject to 20mph speed limits.

Therefore this Council resolves to:

* Instruct appropriate officers to prepare a feasibility study in relation to the introduction of "20's plenty where you live" across Kirklees with a view to making all residential roads in Kirklees subject to a 20mph speed limit - if this speed is considered appropriate where children go to school, it should also be appropriate where they live.

* Instruct appropriate officers, as part of the feasibility study, to explore options for empowering and involving the community in monitoring and enforcing the 20mph speed limit through such initiatives as "speedwatch" and to engage with the police as part of this process to determine how they would be willing to support/assist such groups/initiatives.

Decision: Item not considered due to time constraints.

22. Five Minute Motion submitted in accordance with Council Procedure Rule 14(5) as to Local Development

To consider the following Motion in the names of Councillors A Pinnock and Ridgway:-

'This Council notes the warnings given by the Government about the consequences of not having an up-to-date development plan.

This Council recognises that without an up-to-date plan, developers will have the right to apply to build anywhere.

In consequence, this Council agrees to submit a core strategy for Kirklees to the Secretary of State for independent examination as soon as possible, and certainly within the next six months.

Further, this Council views with the utmost concern, the reported emergence of changes to planning laws being introduced by the Coalition Government, whereby planning decisions will be made easier in rural areas.

On the basis that the Liberal Democrats have consistently campaigned to protect the Green Belt and our beloved green spaces, this Council resolves to:

* write to the minister responsible to condemn any erosion of such protection based on spurious arguments for the need for housing.

* watch with great interest to see how local backbench MPs will subsequently vote in this matter.'

Decision: Approved the following Motion:-

'This Council notes the warnings given by the Government about the consequences of not having an up-to-date development plan.

This Council recognises that without an up-to-date plan, developers will have the right to apply to build anywhere.

In consequence, this Council agrees to submit a core strategy for Kirklees to the Secretary of State for independent examination as soon as possible, and certainly within the next six months.

23. Government Response to Council Motion on Private Members' Bill Re Installation of Smoke Alarms to Rented Property

To note, for information.

Contact: Adrian Johnson 01484 221712

Decision: Noted the response from the Department for Communities and Local Government.

