



**Service Director - Governance and
Commissioning Support**

Julie Muscroft

Governance and Democratic Services

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 26 APRIL 2017

Andrea Woodside

01484 221000

Chair

Councillor Jim Dodds

Councillors Attended

M Ahmed, M Akhtar, K Allison, B Armer, D Bellamy, M Bolt, C Burke, A Cooper, R Eastwood, F Fadia, E Firth, M Grainger-Mead, C Greaves, D Hall, L Holmes, E Hill, E Holroyd-Doveton, J Homewood, J Hughes, C Iredale, P Kane, M Kaushik, V Kendrick, M Khan, J Lawson, V Lees-Hamilton, R Light, G Lowe, T Lyons, A Marchington, N Mather, P McBride, B McGuin, D O'Donovan, M O'Neill, S Pandor, N Patrick, C Pattison, M Pervaiz, A U Pinnock, A Pinnock, K Pinnock, H Richards, M Sarwar, C Scott, D Sheard, K Sims, E Smaje, Smith, M Sokhal, J Stewart-Turner, J Taylor, K Taylor, G Turner, N Turner, S Ullah, M Watson, G Wilson, L Wilkinson and R Walker

Apologies

Councillor Gulfam Asif, Councillor Jean Calvert, Councillor Nosheen Dad, Councillor Donald Firth, Councillor Steve Hall, Councillor Mumtaz Hussain and Councillor Andrew Palfreeman

1: Announcements by the Mayor and Chief Executive

To receive any announcements by the Mayor and Chief Executive.

The Mayor advised that the Agenda included business that had not been considered at the previous meeting, held on 22 March 2017, due to the early termination of the meeting, and provided an update on the repairs that had been undertaken to the Council Chamber roof.

The Mayor advised Council of the death of former Councillor Derrick Yates, who had represented the Liversedge and Gomersal Ward from 2004 to 2011. Tributes were made by Councillors D Hall, Marchington, Sheard and Holmes.

The Chief Executive advised that the pre-election period, prior to the 8 June 2017 General Election, would commence on 5 May 2017, and confirmed that the scheduled Extra-Ordinary Council Meeting would be taking place on 10 May 2017.

2: Apologies for absence

Group Business managers will report any apologies for absence.

Apologies for absence were received on behalf of Councillors Asif, Calvert, Dad, D Firth, S Hall, Hussain and Palfreeman.

3: Minutes of Previous Meeting

To receive the Minutes of the previous meetings of Council, held on 15 February 2017 and 22 March 2017.

Approved as a correct record.

4: Declaration of Interests

The Councillors will be asked to say if there are any items of the Agenda in which they have a Disclosable Pecuniary Interests, which would prevent them from participating in any discussion of them items or participating in any vote upon the items, or any other interests.

Details to follow.

5: Petitions

Any Member of the Council can submit a petition, in accordance with Council Procedure Rule 9.

No petitions were received.

6: Deputations/Petitions

Council will receive any petitions from members of the public, in accordance with Council Procedure Rule 10 or will receive any deputations, in accordance with Council Procedure Rule 10.

Council received and noted deputations from (i) Kim Leadbeater in regards to 'The Great Get Together', an event to be held in memory of Jo Cox (ii) Maureen Sykes in respect of Agenda Item 18 and (iii) Emsuda Selman in respect of Agenda Item 8.

7: Questions by Members of the Public

Council will receive any questions from members of the public, in accordance with Council Procedure Rule 11.

No questions were asked.

8: Motion submitted in accordance with Council Procedure Rule 14 as to Remembering Srebrenica

To consider the following Motion in the names of Councillors Bolt, Cooper, Greaves, D Hall, Lawson, Pandor, Sheard and N Turner.

'This Council;

- Notes that 2017 is the twenty-second anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 Muslim men and boys killed by Serbian nationalist forces.
- Notes that in 2009 the European Parliament passed a resolution that 11 July should be recognised as the day of commemoration of the Srebrenica genocide all over the EU; and in 2015 urged the development of educational and cultural programmes that promote an understanding of the causes of such atrocities and raise awareness about the need to nurture peace and to promote human rights and interreligious tolerance.

All UK political parties have supported the work of Remembering Srebrenica in this regard.

- Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all.
- Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica.

The Council resolves to:

- Support Remembering Srebrenica delegates from Kirklees MBC who visited Bosnia on the 'Lessons from Srebrenica' education programme and have been working tirelessly in the community to raise awareness of the genocide and learn the lessons of Srebrenica.
- Support Srebrenica memorial events in July each year throughout Kirklees MBC as part of the UK-wide Remembering Srebrenica Memorial Week.
- Support the work of Remembering Srebrenica in communities across Kirklees MBC to learn the lessons from Srebrenica to tackle hatred and intolerance to help build a better, safer and more cohesive society for everyone.
- Encourage and support schools and education providers to bring the lessons of Srebrenica to young people across Kirklees MBC
- Request that the Civic Office considers organising an event for survivors families residing within the Kirklees Community'

NB - Support does not mean any impact on the budget

Motion approved.

9: West Yorkshire Combined Authority

To receive the Minutes of the previous meeting of West Yorkshire Combined Authority, held on 29 September, 1 December 2016, and 2 February 2017 in accordance with Council Procedure Rule 5.

Received and noted.

10: Review of Standards Regime and Member Code of Conduct (Reference from Corporate Governance and Audit Committee)

To consider the report.

Contact: Samantha Lawton, Senior Legal Officer

- 1) That the Code of Conduct be amended so that it is more directional in regards to poor behaviour and provides specific examples, and includes a lack of response to a complaint as an example of poor behaviour (subject to the consideration of extenuating circumstances).
- 2) That Members sign the revised Code of Conduct when newly elected, or when re-elected from the implementation of the new Code.
- 3) That Section 5.1 of the Code of Conduct be amended to simplify the definition of interests which are not disclosable interests (other interests).
- 4) That the current practice of verbal declarations of interests by Members at meetings be continued.
- 5) That the process of deciding whether a complaint merits consideration through the standards process be clarified to reflect that the decision will be made by the Monitoring Officer and an Independent Person.
- 6) That, if a complaint proceeds, the process of making decisions on standards matters at the first stage of the process be amended to refer to the decision makers being the Monitoring Officer, Chair of Standards Committee, and an Independent Person, following consultation with Group Business Managers.
- 7) That, pursuant to (5) above, the Standards process be amended to include a clearer process for the early dismissal of complaints that are considered to be minor.
- 8) That the Terms of Reference for the Standards Committee be amended to reflect additional matters as detailed within the considered report.
- 9) That the process relating to the granting of dispensations be amended to make provision for the Monitoring Officer to consult with Group Business Managers prior to Budget Council and during the summer period.
- 10) That the sanctions detailed at Appendices 1 and 8 of the considered report be adopted.
- 11) That any cases that are referred to the police whereby criminal investigation ceases automatically be subject to the standards process.
- 12) That the standards process continue without the right of appeal.
- 13) That Members be required to attend appropriate training following the review of the Code and standards process.

14) That the standards process be amended to include express provision for the expectations of behaviour of members of the public to be considered when a decision is made regarding a complaint.

15) That the change in role of the Independent Person be acknowledged and that the role profile and remuneration be reviewed accordingly in consultation with Group Business Managers, that the role be advertised and that the appointment/s be submitted to Council.

16) That it be noted that the position of the Group Business Manager and the Chair of Standards Committee cannot be held by the same Councillor.

17) That authority be delegated to the Monitoring Officer to implement the necessary changes to the Constitution and the information available on the website.

11: Review of Planning Committees (Reference from Corporate Governance and Audit Committee)

To consider the report.

Contact: Simon Taylor, Head of Development Management

1) That the Planning Sub-Committees be constituted with a total of 11 Members for the 2017/2018 municipal year.

2) That additional training be provided to the Chairs of all Planning Committees.

3) That, for pre-application position statements, it be agreed that public speaking not be usual practise but that it could be considered a helpful addition to be determined at the discretion of the Chair.

12: Written Questions to the Leader and Cabinet Members

To receive written questions to the Leader and Cabinet in accordance with Council Procedure Rule 12.

(Note: The deadline for the submission of written questions is 10.00am on the day prior to the Council meeting)

The schedule of submitted written questions will tabled at the meeting.

Question by Councillor J Taylor to the Cabinet Member for Economy, Skills, Transportation and Planning (Cllr McBride)

“Please can you let me know how the Council plans to save £550,000 from

the Policy, Strategy & Commissioning area in the current financial year 2017/18”

The Cabinet Member responded thereto.

Question by Councillor J Taylor to the Cabinet Member for Economy, Skills, Transportation & Planning (Cllr McBride)

“What proposals does the Council have to improve public engagement with the planning process in line with the Democracy Commission objectives?”

The Cabinet Member responded thereto.

Question by Councillor Smith to the Cabinet Member for Economy, Skills, Transportation & Planning (Cllr McBride)

“What is the average number of comments received on Planning Applications?”

The Cabinet Member responded thereto.

Question by Councillor B Armer to the Cabinet Member for Economy, Skills, Transportation & Planning (Cllr McBride)

“Does the Cabinet Member agree, in line with the Council Leader's support for devolution of functions to, for example, District Committees, that this Council should do all in its power to bring democratic decision-making on important matters relating to the future shape and economic performance of their communities nearer to the residents of Kirklees?”

The Cabinet Member responded thereto.

Question by Councillor B Armer to the Cabinet Member for Family Support and Child Protection (Cllr Hill)

“Does the Cabinet Member believe that it is important for the balanced development of our children that they have out of school access to safe spaces where they can learn to interact with peers, improve their cognitive skills and develop their abilities in reasoning and literacy?”

The Cabinet Member responded thereto.

Question by Councillor B Armer to the Cabinet Member for Adults, Health and Activity to Improve Health (Cllr Kendrick)

“The Cabinet Member is well aware of the challenges facing our ageing population, including the threat of dementia. Does she agree with me, in the context of her portfolio duty to promote "Health & Activity to Improve Health" that it is important that this Council should provide as much mental stimulus,

in a social setting, as is possible for older people?"

The Cabinet Member responded thereto.

Question by Councillor Armer to the Cabinet Member for Housing and Enforcement Management (Cllr Mather)

"Will the Cabinet Member please explain why the six-foot long limit on trailer size at Household Waste Recycling Centres was chosen, and is rigorously enforced, regardless of the fact that most manufacturers now only offer two metre long models?"

The Cabinet Member responded thereto.

Question by Councillor Watson to the Leader of the Council (Cllr Sheard)

"I have recently had cause to raise with the Chief Executive my concerns as to the Standards of preparation and quality of presentations given by officers at public meetings of the Kirklees District Committee. I believe that every single officer and elected member of the Council is a representative of the council and should adopt the highest standards in everything they do but in particular when appearing in front of the members of the public we all serve.

Does the leader support this view and if so what can he / will he do in order to improve standards across the council?"

The Cabinet Member responded thereto.

Question by Councillor Watson to the Deputy Leader of the Council (Cllr Pandor)

"I have attended a number of events with the Leeds Enterprise Partnership recently and have heard some very positive messages about our region. I have seen the Chief Executives of a number of Local Authorities speaking out and promoting not only their own council areas but the region as a whole. I have seen political leaders campaigning for the region and articulating very eloquently the many positives offered by our region to those who might choose to live here, to invest here and to do business here. Unfortunately the name "Kirklees" has been rarely mentioned and we just do not seem to be part of this process of marketing the region to the rest of the world.

Does the Cabinet Member believe that Kirklees is a key player in the team that is seeking to promote our region nationally and internationally? If so could he explain how we are?"

The Cabinet Member responded thereto.

Question by Councillor Watson to the Cabinet Member for Highways and Neighbourhoods (Cllr Khan)

“The streetscape in Huddersfield Town Centre is poor with, in many instances, poorly kept buildings which contribute to an overall impression of a lack of care and attention to the neighbourhood and a lack of pride in our town. Some buildings have plants growing out of the gutters and are unpainted and scruffy. Even McDonalds – a highly successful and well respected corporation conscious of its image and brand operates from a building in Huddersfield that is covered with flaking paint.

Does the Cabinet Member consider the streetscape to be satisfactory and if not what plans does she have to improve the town centre neighbourhood?

The Cabinet Member responded thereto.

13: Minutes of Cabinet and Cabinet Committee - Local Issues

To receive for information; The minutes of Cabinet held on 03 October, 12 October, 18 October, 15 November, 28 November, 13 December 2016, 17 January, 31 January and 07 February 2017 and Cabinet Committee – Local Issues held on 19 October 2016 and 22 February 2017.

Received and noted.

14: Holding the Executive to Account

(a) To receive the following updates from Cabinet Members;

Councillor Khan – Highways and Neighbourhoods
Councillor Mather – Housing and Enforcement Management
Councillor Pandor – Strategy and Strategic Resources

b) Oral Questions/Comments to Cabinet Members on their Portfolios and relevant Cabinet Minutes;

- a) Highways and Neighbourhoods (Councillor Khan)
- b) Housing and Enforcement Management (Councillor Mather)
- c) Economy, Skills, Transportation and Planning (Councillor McBride)
- d) Strategy and Strategic Resources, New Council and Regional Issues (Councillors Pandor and Sheard)
- e) Asset Strategy, Resources and Creative Kirklees (Councillor G Turner)
- f) Community Cohesion and Schools (Councillor Ahmed)
- g) Family Support and Child Protection (Councillor Hill)
- h) Adults, Health and Activity to Improve Health (Councillor Kendrick)

Council received Portfolio Updates from Councillor Khan (Highways and Neighbourhoods), Councillor Mather (Housing and Enforcement Management) and Councillor Pandor (Strategy and Strategic Resources).

Council addressed oral questions to Councillors Khan and Mather.

15: Minutes of Other Committees

- (a) Appeals Panel
- (b) Corporate Governance and Audit Committee
- (c) Corporate Parenting Board
- (d) District Committee – Batley and Spen
- (e) District Committee – Dewsbury and Mirfield
- (f) District Committee – Huddersfield
- (g) District Committee – Kirklees Rural
- (h) Health and Well Being Board
- (i) Licensing and Safety Committee
- (j) Overview and Scrutiny Management Committee
- (k) Personnel Committee
- (l) Policy Committee
- (m) Standards Committee
- (n) Strategic Planning Committee

Received and noted.

16: Written Questions to Chairs of Committees and Nominated Spokespersons

To receive written questions to Chairs of Committees and Nominated Spokespersons in accordance with Council Procedure Rule 12 (1)

(Note: The deadline for the submission of written questions is 10.00am on the day prior to the Council meeting)

No questions were received.

17: Oral Questions to Committee Chairs and Nominated Spokespersons of Joint Committees/External Bodies

- (a) Appeals Panel (Councillor Armer)
- (b) Corporate Governance and Audit Committee (Councillor Richards)
- (c) Corporate Parenting Panel (Councillor Hill)
- (d) District Committee - Batley and Spen (Councillor Lowe)

- (e) District Committee - Dewsbury and Mirfield (Councillor Dad)
- (f) District Committee - Huddersfield (Councillor Ullah)
- (g) District Committee - Kirklees Rural (Councillor Watson)
- (h) Employee Relations Sub Committee (Councillor Pandor)
- (i) Health and Wellbeing Board (Councillor Kendrick)
- (j) Licensing and Safety Committee - including Licensing Panel and Regulatory Panel (Councillor A U Pinnock)
- (k) Overview and Scrutiny Management Committee (Councillor Stewart-Turner)
- (l) Personnel Committee (Councillor Pandor)
- (m) Planning Sub Committee - Heavy Woollen Area (Councillor Kane)
- (n) Planning Sub Committee - Huddersfield Area (Councillor Lyons)
- (o) Policy Committee (Councillor Walker)
- (p) Strategic Planning Committee (Councillor Sokhal)
- (q) Kirklees Neighbourhood Housing (Councillor Smaje)
- (r) Kirklees Active Leisure (Councillor Sokhal)
- (s) West Yorkshire Combined Authority (Councillor Sheard)
- (t) West Yorkshire Fire and Rescue Authority (Councillor O'Donovan)
- (u) West Yorkshire Joint Service Committee (Councillor Pandor)
- (v) West Yorkshire Police and Crime Panel (Councillor Hussain)

Details to follow.

18: Motion submitted in accordance with Council Procedure Rule 14 as to Constitution of Planning Sub-Committees

To consider the following Motion in the names of Councillors D Hall, Bolt, J Taylor, Patrick, Armer, Watson and Smith;

'This Council notes the difficulty that residents of Kirkburton and Denby Dale wards have in accessing Council Planning Sub-Committee Meetings held in Dewsbury Town Hall. It recognises that without access to private transport it can take several hours to get to Dewsbury, often by having to change in Huddersfield Town Centre. It notes that in all other Council matters these wards are recognised as part of Kirklees Rural District and that in line with the Council's desire to encourage the public to access and engage with Council decisions the move of the planning applications for these wards be determined in Huddersfield rather than Dewsbury.

This Council resolves that the current arrangements for Planning decisions be amended to allow for one Strategic Planning Committee and 2 Planning Sub-Committees, a Heavy Woollen Planning Sub Committee based in Dewsbury covering the Birstall and Birkenshaw, Cleckheaton, Heckmondwike, Liversedge and Gomersal, Batley East, Batley West, Dewsbury East, Dewsbury West, Dewsbury South and Mirfield wards and a Huddersfield Planning Sub Committee covering the Lindley, Colne Valley, Holme Valley North, Holme

Valley South, Crosland Moor and Netherton, Golcar, Ashbrow, Greenhead, Newsome, Dalton, Almondbury, Kirkburton and Denby Dale Wards.

This Council therefore instructs the Assistant Director (Legal, Governance and Monitoring) to take appropriate steps to make the necessary changes to the constitution required to implement the amendments, including the submission of a report to Corporate Governance and Audit Committee for consideration, prior to the implementation of the changes at the beginning of the 2017/2018 municipal year.'

The Motion was not approved.

19: Motion submitted in accordance with Council Procedure Rule 14 as to address the Conservative Government legislate to stop land-banking

To consider the following Motion in the names of Councillors McBride and Mather;

'As the Government concede in their recent white paper that the housing market is broken, this Council asks the Government to legislate to stop land-banking, reverse the policy of selling council houses and fund both local authorities and housing associations to provide the numbers of affordable houses which are urgently required nationwide.

This Council want to implement its plan to build 31,500 houses in the next 15 years with the aim to produce at least 1/3 of these affordable to the wider housing market. This may in part respond to current demand of 12,000 seeking council housing.

We therefore urge the government to remove the disincentive of the Right to Buy, remove the cap on borrowing to spend on housing and for government itself to invest via HCA in social affordable housing.

We for our part will bring forward the necessary land for the needs of all sectors of the housing market to fulfil our part of the bargain to which the white paper refers.

The motion asks that the leaders of all our political groups sign a joint letter to the relevant Secretaries of State, and campaign through local MPs and the LGA.'

The Motion was carried.

20: Motion submitted in accordance with Council Procedure Rule 14 as to Real Term Cuts to England's Primary and Secondary Schools

To consider the following Motion in the names of Councillors Burke, Eastwood, Lawson, Marchington, A Pinnock, K Pinnock, N Turner and Wilkinson;

'This Council:

- 1) Recognises that the financial outlook for local schools is likely to deteriorate as cost pressures increase;
- 2) Regrets the phasing out of the Education Services Grant and its impact on schools and the Council;
- 3) Calls upon HM Government to increase the schools budget in order to prevent a serious detrimental impact on class size, support for pupils with special needs or valuable extra-curricular activities;
- 4) Asks the Chief Executive to write to all local MPs, urging them to raise the Council's concerns with the Secretary of State for Education.'

Item not considered (due to time constraints).

21: Motion submitted in accordance with Council Procedure Rule 14 as to Allocation of Additional Government Funding

To consider the following Motion in the names of Councillors D Hall and J Taylor;

'This Council acknowledges and welcomes the additional funding provided for Social Care Integration provided by the Chancellor in his Budget proposals.

This Council notes that additional funding of over £8.2m in 2017/18, and almost £16.2m over the next three years has been provided to support Social Care Integration and notes that the Council had already, in the Budget approved by this Council on 15 February 2017, provisioned monies to support the transformation of Social Care Integration by 2020.

In acknowledging this additional Government Funding, this Council calls on the Labour Cabinet to revisit and revise its own budget proposals.

This Council suggests that the Cabinet should consider the following:

- Not implementing the proposed cut of £1.9m to the Library Service across the borough.
- Cancelling the proposed Service Review and instead recognise the valuable role that Libraries play in communities and commit to improving

this service and safeguarding Libraries for the future, retaining the experienced workforce whose future is now very uncertain.'

Item not considered (due to time constraints).
