



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 13 DECEMBER 2017

Andrea Woodside

01484 221000

Chair

Councillor Christine Iredale

Councillors Attended

Councillor Masood Ahmed

Councillor Mahmood Akhtar

Councillor Karen Allison

Councillor Bill Armer

Councillor Gulfam Asif

Councillor Donna Bellamy

Councillor Martyn Bolt

Councillor Cahal Burke

Councillor Jean Calvert

Councillor Andrew Cooper

Councillor Jim Dodds

Councillor Richard Eastwood

Councillor Eric Firth

Councillor Donald Firth

Councillor David Hall

Councillor Steve Hall

Councillor Lisa Holmes

Councillor Erin Hill

Councillor Edgar Holroyd-Doveton

Councillor James Homewood

Councillor Judith Hughes

Councillor Mumtaz Hussain

Councillor Paul Kane

Councillor Manisha Roma Kaushik

Councillor Viv Kendrick

Councillor Musarrat Khan

Councillor John Lawson

Councillor Vivien Lees-Hamilton
Councillor Robert Light
Councillor Gwen Lowe
Councillor Terry Lyons
Councillor Andrew Marchington
Councillor Naheed Mather
Councillor Peter McBride
Councillor Bernard McGuin
Councillor Darren O'Donovan
Councillor Marielle O'Neill
Councillor Andrew Palfreeman
Councillor Shabir Pandor
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Amanda Pinnock
Councillor Andrew Pinnock
Councillor Kath Pinnock
Councillor Hilary Richards
Councillor Cathy Scott
Councillor Ken Sims
Councillor Elizabeth Smaje
Councillor Richard Smith
Councillor Mohan Sokhal
Councillor Julie Stewart-Turner
Councillor John Taylor
Councillor Kath Taylor
Councillor Graham Turner
Councillor Nicola Turner
Councillor Sheikh Ullah
Councillor Rob Walker
Councillor Michael Watson
Councillor Linda Wilkinson
Councillor Habiban Zaman

Apologies

Councillor Nosheen Dad, Councillor Michelle Grainger-Mead, Councillor Charles Greaves, Councillor Fazila Loonat, Councillor Mussarat Pervaiz, Councillor Mohammad Sarwar and Councillor David Sheard

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

The Mayor announced that the Council had received an award at the Annual Meeting of the Association of Democratic Services Officers in recognition of its work on the Democracy Commission. The award was presented to the meeting by Councillor Marchington.

In respect of Agenda Item 9 (Changes to Procedures for the Dismissal of Statutory Officers), the Chief Executive declared an interest on behalf of herself and the Service Director – Legal, Governance and Commissioning.

2: Apologies for absence

To receive any apologies for absence.

Apologies for absence were received on behalf of Councillors Dad, Grainger-Mead, Greaves, Loonat, Pervaiz, Sheard and Sarwar.

3: Minutes of Previous Meeting

To receive the Minutes of Council held on 15 November 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.

Councillors N Turner, Lowe, Marchington, D Hall, Smith, Scott, O'Donovan, Hill, Pandor, Khan and A U Pinnock declared an 'other' interest in Agenda Item 19 on the grounds that either they, or a family member, were employed within the public sector.

Councillor Pandor declared an 'other' interest in Agenda Item 10 on the grounds that he may have family members affected by the Council Tax Reduction Scheme.

5: Petitions (From Members Of The Council)

To receive any Petitions from Members of the Council in accordance with Council Procedure Rule 9.

Councillor Marchington presented a petition on behalf of residents of Golcar, Longwood and Milnsbridge requesting that the Council reconsiders the decision to remove the play area and litter bins from the Rufford Road Playing Field, Golcar.

6: Deputations/Petitions (From Members Of The Public)

The Council will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to

something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

Debby Fulgoni submitted a petition which requested that the Council save the Cemetery Road allotments by rejecting any proposed development of the site and preserving Huddersfield's natural heritage.

7: Public Question Time

The Council will hear any questions from the general public.

No questions were asked.

8: Amendment to Councillors Allowances Scheme (Reference from Corporate Governance and Audit Committee)

To consider the report.

Contact: Carl Whistlecraft, Head of Democracy.

That approval be given to the changes to the Councillor's Allowances Scheme, as set out at Appendix 1 of the considered report.

9: Changes to Procedures for Dismissal of Statutory Officers (Reference from Corporate Governance and Audit Committee)

To consider the report.

Contact: Samantha Lawton, Legal Services.

- 1) That Option A, as detailed within the considered report, be approved.
 - 2) That the terms of reference and composition of the Committee, as set out at Appendix B of the considered report, be approved.
 - 3) That approval be given to the amendments to the Officer Employment Procedure, as set out at Appendix C of the considered report.
 - 4) That authority be delegated to the Head of Legal Services to make amendments to the Constitution to reflect these changes.
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10: Review of Council Tax Reduction Scheme (Reference from Cabinet)

To consider the report.

Contact: Julian Hobson, Exchequer and Welfare Service.

- 1) That Options 4 and 6, as detailed within the considered report, be approved.
 - 2) That authority be delegated to the Service Director (Finance, IT and Transactional Services) to approve the taxbase as a result of changes to the scheme, and that the impact be incorporated into the budget report to be submitted to Council on 14 February 2018.
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11: Half Yearly Treasury Management Report (Reference from Cabinet)

To consider the report.

Contact: Eamonn Croston, Strategic Finance.

- 1) That the half-year treasury management performance on 2017-2018 be noted.
 - 2) That approval be given to the 'opt-up' application to professional client status as part of the Markets in Financial Instruments Directive in order for the Council to continue to be able to access the widest range of instruments in line with approved strategy, from January 2018.
 - 3) That approval be given to the changes as set out in Appendix 6 of the report regarding current Treasury Management Practices wording and the substitution of Director of Resources with Chief Finance Officer.
 - 4) That it be noted that the CIPFA consultation on the current treasury management and prudential codes and that any revisions will be incorporated as appropriate into the forthcoming Treasury Management Strategy 2018/2019.
 - 5) That approval be given to the 'liquidity risk' Management Strategy and approach in relation to the Council and Kirklees Neighbourhood Housing.
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12: Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons

To receive written questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons in accordance with Council Procedure Rule 12/12(1).

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

(1) Question by Councillor Cooper to The Cabinet Member for Corporate (Councillor Khan)

"When will the play area that the Council has removed between Manor Rise and Manor Street, Newsome, be replaced?"

The Cabinet Member replied thereto.

(2) Question by Councillor Cooper to The Cabinet Member for Corporate (Councillor Khan)

“Why did the report on the changes to Bereavement Services charges go forward to the Cabinet meeting in September?”

The Cabinet Member replied thereto.

(3) Question by Councillor Cooper to The Cabinet Member for Corporate (Councillor Khan)

“Given the predictable nature of the responses to the engagement exercise on Bereavement Charges how and when will the Council respond?”

The Cabinet Member replied thereto.

(4) Question Councillor Cooper to The Cabinet Member for Economy (Councillor Mather)

“What action has the Council taken to implement the recommendations of the motion on flying lanterns passed by Full Council on 2 September 2015?”

The Cabinet Member replied thereto.

(5) Question by Councillor Cooper to The Deputy Leader of the Council (Councillor Pandor)

“We understand that you will be leading for the Cabinet on the Kirklees Budget.

Can you detail for us your priorities in the Budget Setting Process?”

The Deputy Leader replied thereto.

(6) Question by Councillor Cooper to The Cabinet Members for Economy (Councillors Mather /McBride)

“When will Cabinet consider the Passivhaus report referred from Policy Committee several months ago?”

The Cabinet Member replied thereto.

(7) Question by Councillor Burke to The Cabinet Member for Economy (Councillor Mather)

“What proportion of plastic in Kirklees’ domestic waste is recycled?”

The Cabinet Member replied thereto.

(8) Question by Councillor Burke to The Cabinet Member for Children (Councillor Ahmed)

“The Kirklees population is estimated to be 461,500 by 2025, an increase of 27,200 people from 2015. What provision is being made for new schools and school places?”

The Cabinet Member replied thereto.

(9) Question by Councillor N Turner to The Cabinet Member for Corporate (Councillor Khan)

“In regard to gritting night patrols, please would the Cabinet member inform us as to how these patrols are carried out in particular with reference to vehicles used and exactly what equipment is used to measure the temperature?”

The Cabinet Member replied thereto.

(10) Question by Councillor N Turner to The Cabinet Member for Corporate (Councillor Khan)

“Please would the Cabinet member tell us how residents are to be informed about which bins are being collected on which days now that the Council is no longer providing a calendar?”

The Cabinet Member replied thereto.

(11) Question by Councillor N Turner to The Cabinet Member for Corporate (Councillor Khan)

“Please would the Cabinet Member tell me when I can expect the Speed Indicator Device in Outlane to be repaired/replaced?”

The Cabinet Member replied thereto.

(12) Question by Councillor Eastwood to The Cabinet Member for Corporate (Councillor G Turner)

“How much capital has the Council borrowed to invest in developments that are not related to land or buildings owned by the Council (for instance, the HD One hotel)?”

The Cabinet Member replied thereto.

(13) Question by Councillor N Turner to The Cabinet Member for Economy (Councillor Mather)

“How much fly-tipping has been recorded since the bulky waste collection became a paid for service?”

The Cabinet Member replied thereto.

(14) Question by Councillor A Pinnock to The Cabinet Member for Corporate (Councillor Khan)

“All Councillors have had emails from Messrs Badat of the Snowdon Street mosque in Batley about the rise in burial fees. How does the Cabinet Member respond to the questions posed by these emails?”

The Cabinet Member replied thereto.

(15) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)

“Who is liable if a legal challenge is made to penalty notices given by Kingdom?”

The Cabinet Member replied thereto.

(16) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)

“What lessons have been learnt from wrongly issued penalty notices given by Kingdom officers in the Mereside area in the Almondbury ward?”

The Cabinet Member replied thereto.

(17) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)

“What % of a £75 penalty notice goes to Kirklees Council?”

The Cabinet Member replied thereto.

(18) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)

“Research from Cumbria University shows that firms like Kingdom fail to change the behaviour of people and that there is no incentive for Kingdom, or others, to change behaviour because they rely on giving out penalty notices rather than advice. Do you agree?”

The Cabinet Member replied thereto.

(19) Question by Councillor Watson to The Cabinet Member for Corporate (Councillor Khan)

“When in 2017 are the last dates for Green and Grey bin collections in Carr Hill Road, Upper Cumberworth, and when are the first collections scheduled in 2018?”

The Cabinet Member replied thereto.

(20) Question by Councillor Watson to The Cabinet Member for Corporate (Councillor Khan)

“The Chairman of Dewsbury County Conservative Association recently wrote directly to the Secretary Of State for Communities and Local Government following concerns raised by local residents that the proposed increased charges for funeral services on a Friday afternoon might be considered discriminatory towards the Muslim Community.

Have the Council now revised its burial fee proposals in light of such concerns?”

The Cabinet Member replied thereto.

(21) Question by Councillor Watson to The Chair of Planning Sub Committee (Heavy Woollen Area) (Councillor Kane)

“Planning consent was granted some time ago for the development of circa 200 dwellings at Pilling Lane Scissett.

When was the long stop date for commencing the development in accordance with the planning Permission?

Did work commence on site before that date?

If so who took the decision that they were satisfied work had commenced?

Upon what evidence was this decision taken?

When was the decision taken?”

The Chair of Planning Sub Committee replied thereto.

(22) Question by Councillor Watson to The Chair of Planning Sub Committee (Heavy Woollen Area) (Councillor Kane)

“In relation to the aforementioned planning permission at Pilling Lane Scissett;

Was there a requirement for a Construction Management Plan to be agreed before works could commence on site?

If so when was it submitted?

If so when was it approved and by whom?"

The Chair of Planning Sub Committee replied thereto.

(23) Question by Councillor Watson to The Cabinet Member for Corporate (Councillor G Turner)

"I understand that the Council Cabinet acts as a trustee of the Scissett Baths Charity. In the past when the charity has disposed of assets the proceeds of sale have been accounted for through the accounts of the council. Have any such transactions passed through the accounts of the council in the last 12 months?"

The Cabinet Member replied thereto.

13: Minutes of Cabinet and Cabinet Committee Local Issues

To receive for information; the minutes of Cabinet held on 22 August, 19 September, 17 October and 8 November 2017, and Cabinet Committee – Local Issues held on 20 September 2017.

That the Minutes of Cabinet held on 22 August, 19 September, 17 October and 8 November 2017, and Cabinet Committee – Local Issues held on 20 September 2017, be received and noted.

14: Holding the Executive to Account

(a) To receive a Portfolio Updates on (i) Adults and Public Health Portfolio – Councillor Kendrick and (ii) Children’s Portfolio – Councillor Ahmed

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

- (i) Adults and Public Health Portfolio (Councillors Kendrick and Scott)
- (ii) Children’s Portfolio (Councillors Ahmed and Hill)
- (iii) Corporate Portfolio (Councillors Khan and Turner)
- (iv) Economy Portfolio (Councillors Mather and McBride)
- Strategy and Strategic Resources Portfolio (Councillors Sheard and Pandor)

Council received Cabinet Member Portfolio Updates from Councillors Kendrick (Adults and Public Health Portfolio) and Councillor Ahmed (Children’s Portfolio).

Within the remaining time permitted for this item, oral questions were presented to the following Cabinet Portfolios; Adults and Public Health and Children's.

15: Minutes of Other Committees

To receive for information the minutes of the following Committees;

- (i) Appeals Panel
- (ii) Corporate Governance and Audit Committee
- (iii) Corporate Parenting Board
- (iv) Licensing and Safety Committee
- (v) Overview and Scrutiny Management Committee
- (vi) Personnel Committee
- (vii) Strategic Planning Committee

Received and noted.

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

- (a) Appeals Panel (Councillor Dad)
- (b) Corporate Governance and Audit Committee (Councillor Richards)
- (c) Corporate Parenting Panel (Councillor Hill)
- (d) Employee Relations Sub Committee (Councillor Sheard)
- (e) Health and Wellbeing Board (Councillor Sheard)
- (f) Licensing and Safety Committee – including Licensing Panel and Regulatory Panel (Councillor Pattison)
- (g) Overview and Scrutiny Management Committee (Councillor Stewart-Turner)
- (h) Personnel Committee (Councillor Sheard)
- (i) Planning Sub Committee - Heavy Woollen Area (Councillor Kane)
- (j) Planning Sub Committee – Huddersfield Area (Councillor Lyons)
- (k) Strategic Planning Committee (Councillor S Hall)
- (l) Kirklees Neighbourhood Housing (Councillor Smaje)
- (m) Kirklees Active Leisure (Councillor Sokhal)
- (n) West Yorkshire Combined Authority (Councillor Sheard)
- (o) West Yorkshire Combined Authority Transport Committee (Councillor Kaushik)
- (p) West Yorkshire Fire and Rescue Authority (Councillor O'Donovan)
- (q) West Yorkshire Joint Services Committee (Councillor Pandor)
- (r) West Yorkshire Police and Crime Panel (Councillor Hussain)

Item not considered (due to time constraints).

17: Motion submitted in accordance with Council Procedure Rule 14 as to the the Government's review of the Electrification of the Transpennine Railway

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

“The Council calls on the Secretary of State for Transport to recommit to the electrification of Transpennine Railway. We note that on the day he confirmed support for the £30 billion Crossrail project he cancelled electrification of strategic significance to Yorkshire, the Midlands, North West and South West and deferred a decision on Transpennine.

As the Transpennine Railway is the main artery for rail freight and passenger movements in the North, we therefore seek the support of our Yorkshire MP's and particularly those in Kirklees, to join forces with the Mayors of Liverpool and Manchester and the Leader of Leeds Council, in stressing the urgency of this matter and its significance as a project which could in part redress the imbalance of regional investment in the UK and lend some meaning to the term Northern Powerhouse.”

Item not considered (due to time constraints).

18: Motion submitted in accordance with Council Procedure Rule 14 as to Clean Air for Kirklees

To consider the following Motion in the names of Councillors Khan and Kendrick;

“This Motion calls upon the Environment Secretary Michael Gove to urgently review the Government's updated clean air plan and produce a national Clean Air Act which demonstrates the Government taking responsibility as well as local authorities.

Clean air is considered to be a basic requirement of human health and well-being. However, air pollution continues to pose a serious threat to health of the public. Air pollution is contributing to approximately 40,000 early deaths a year in the UK. When dissected down to a Kirklees level that was the equivalent to 137 deaths per year associated with poor air quality in 2015.

This Council believes that air pollution in the UK is a public health crisis, with the World Health Organisation and Public Health England describing it as the largest environmental risk to public health.

Currently Kirklees Council are working on the following improvement projects;

- Kirklees Council led on the creation of the West Yorkshire ECO-Stars freight recognition scheme. The scheme encourages operators of commercial vehicles to clean up their fleets and at the same time saves operating costs. This scheme is a free initiative to West Yorkshire businesses. The success of this scheme is

currently under review and an extension to the scheme is being explored for 2017/18 & 2018/19

- Over 100 school transport buses have been retrofitted with exhaust technology to remove harmful exhaust emissions.
- Kirklees Council have installed Smart traffic lights at the busier junctions across the district to improve vehicle flows and reduce congestion where possible, which in turn reduces emissions
- Further to this Kirklees Council are working with a 3rd party company to rationalise this traffic management system to improve air quality further by running a pilot which uses modelled air pollution emissions to dictate traffic light changes. The pilot for this scheme is along the A62 Leeds Road.
- West Yorkshire has been awarded funding from central government to encourage low emission taxis. Kirklees along with the other 4 West Yorkshire Authorities are looking to install a strategic electric vehicle (EV) taxi charging network across the district, along with funding for the private hire sector.
- Kirklees Council are considering releasing further Hackney License plates for E.V Taxis in order to encourage further EV uptake
- Air Quality Assessments were conducted on the Local Plan to assess the cumulative impact of development on air quality across the district.
- Kirklees are working with the West Yorkshire Authorities and the combined authority to create a public electric vehicle charging network.
- Kirklees Council has the Green Parking Season Ticket, which allows Ultra Low Emission Vehicles to Park within Council car parks for free
- Working with DEFRA to improve the understanding of West Yorkshire Air Quality issues by installing a National AQ monitor within Kirklees
- Continuing to integrate the West Yorkshire Low Emission Strategy into Kirklees Council policy & operations and also working with partnership agencies to include relevant elements of the WYLES into their operations

The Council urges the Government to act immediately to protect the health, wellbeing and economic sustainability for our generation and those of the future. The Government is urged to work with local authorities and industry to make long-term sustainable evidence based changes.”

Item not considered (due to time constraints).

19: Motion submitted in accordance with Council Procedure Rule 14 to address removal of the 1% pay cap for all public sector workers

To consider the following Motion in the names of Councillors G Turner, Kendrick, N Turner and Lawson;

“This Motion calls on the Government to remove the 1% pay cap for all public sector workers.

The current plan to remove the cap for police and prison officers is divisive and unfair; why should nurses saving lives, be valued less than a prison officer?

The public sector needs a rise for all and this must be fully funded by government and not come from existing budgets, as this would continue the decline in the vital services provided by the public sector.

With inflation currently above 2% a rise of only 1% since 2013 and a total pay freeze for the two years before that means that the public sectors living standards will fall at well over 1% this year and have fallen significantly since 2010. Public sector workers are effectively receiving real time pay cuts.

This policy has created staff shortages in large parts of the public sector and has added to the costs of parts of the public sector as agency staff have to be employed, only adding to the costs of the sector at a time when it's struggling to deliver services due to the general underfunding of public services.

A low wage public sector does nothing to attract the talent and much needed workers of the future in to the sector, and largely discriminates against woman who make up 2 thirds of the public sector.

Higher wages among public sector workers would lead to increased spending and increased income tax collected by the Treasury.

This Council, therefore, agrees that:

The Chief Executive should write to the Chancellor of the Exchequer and the Secretary of State for Communities and Local Government to request that:

- The pay cap is lifted across the public sector, to allow the implementation of the recommendations of Pay Review Bodies and negotiations with employers; and
- Subsequent pay increases be fully funded via the central government settlement, not through existing departmental budgets, which could result in further cuts to public services.”

Item not considered (due to time constraints).

20: Motion submitted in accordance with Council Procedure Rule 14 as to Care Leavers Council Tax Exemption

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

“This Council notes that:

- 1) Last year, a number of young people (aged 16 or over) left the care of Kirklees Local Authority and began the difficult transition into adulthood;
- 2) The recent Ofsted report on the authority's Children's Services identified the experiences and progress of care leavers as requiring improvement and recommended proactive support;
- 3) A 2016 report by The Children's Society found that when care leavers move into independent accommodation, they begin to manage their own budget

fully for the first time. The report showed that care leavers can find this extremely challenging and with no family to support them and insufficient financial education, are falling into debt and financial difficulty;

- 4) Research from The Centre for Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care;
- 5) The local authority has a duty of care to care leavers.

This Council believes that:

- 1) Care leavers need support to make their transition from care to adult life as smooth as possible and to reduce the chance of falling into debt as they begin to manage their own finances;
- 2) Care leavers are a particularly vulnerable group for council tax debt.

This Council, therefore, resolves:

- 1) To investigate options to exempt care leavers from Council Tax until they are 25;
- 2) To report back to Council in time for budget setting for 2018/19.”

Item not considered (due to time constraints).
