



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

Julie Muscroft

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 21 MARCH 2018

Alaina McGlade

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 Nosheen Dad

Councillor Jim Dodds

Councillor Richard Eastwood

Councillor Eric Firth

Councillor Donald Firth

Councillor Michelle Grainger-Mead

Councillor Charles Greaves

Councillor David Hall

Councillor Steve Hall

Councillor Lisa Holmes

Councillor Erin Hill (Currently on Maternity Leave)

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 Fazila Loonat
Councillor Gwen Lowe
Councillor Terry Lyons
Councillor Andrew Marchington
Councillor Naheed Mather
Councillor Peter McBride
Councillor Bernard McGuin
Councillor Darren O'Donovan
Councillor Shabir Pandor
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Mussarat Pervaiz
Councillor Amanda Pinnock
Councillor Andrew Pinnock
Councillor Kath Pinnock
Councillor Hilary Richards
Councillor Mohammad Sarwar
Councillor Cathy Scott
Councillor David Sheard
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 Gemma Wilson
Councillor Linda Wilkinson
Councillor Habiban Zaman

Apologies

Councillor Andrew Cooper, Councillor Marielle O'Neill and Councillor Andrew Palfreeman

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

The Mayor invited Members to pay tribute to the Elected Members who would not be seeking re-election at the end of the municipal year; Councillors Calvert, Dodds and Wilkinson. The Chief Executive also announced that she had received notice that Councillor Palfreeman would be resigning as a councillor and Members were invited to pay tribute to Councillor Palfreeman also.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

Apologies for absence were received on behalf of Councillors Cooper, O'Neill and Palfreeman.

3: Minutes of Previous Meeting

To agree and authorise the Mayor to sign the Minutes of Council held on 14 February 2018.

That the minutes of the meeting held on 14 February 2018 be 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.

There were no interests declared.

5: Petitions (From Members of the Council)

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

There were no petitions received.

6: Deputations & Petitions (From Members of the Public)

The Committee 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.

Council received (i) a deputation from Celia Moorhouse on behalf of Friends of Batley Library in regards to Batley Library, (ii) a deputation and petition from Leif Wilks on behalf of Friends of Birstall Library in regards to Birstall Library and, (iii) a deputation and petition from Brian Coleman on behalf of Grange Moor Community Association in regards to consultation on play areas.

7: Public Question Time

The Committee will hear any questions from the general public.

There were no questions received.

8: Devolution Report

To receive and discuss the report.

That the report be received and noted.

9: Constitution - Proposed Changes to Terms of Reference of Corporate Governance and Audit Committee (Reference from Corporate Governance and Audit Committee)

To consider the report.

Contact: Samantha Lawton, Legal Services.

That;

- (1) Members approved the amended terms of reference providing authority to Corporate Governance and Audit Committee to receive regular updates and to monitor the Council's use of RIPA during the year.
 - (2) Authority be delegated to the Service Director – Legal, Governance & Commissioning to make the amendments to the constitution to reflect the changes set out above.
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10: Report of Members Allowances Independent Review Panel (Reference from Corporate Governance and Audit Committee)

To consider the report.

Contact: Carl Whistlecraft, Head of Democracy.

That Council considered the recommendations of both the Corporate Governance and Audit Committee and the Members' Allowances Independent Review Panel and approved the Members' Allowances Scheme for 2018/19, with effect from 1 April 2018.

11: Amendment to Officer Scheme of Delegation (Reference from Corporate Governance and Audit Committee)

To consider the report.

Contact: Julie Muscroft, Service Director – Legal, Governance & Commissioning.

That Council;

- (1) Noted the appointment of the Acting Service Director – Finance, IT and Transactional Services as the Section 151 statutory officer;
 - (2) Agreed the proposed changes to the responsibility for non-executive functions, as set out in the report; and
 - (3) Delegated authority to the Monitoring Officer to make the necessary amendments to the Constitution to do this.
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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 Rob Walker to the Cabinet Member for Children (Councillor Masood Ahmed)

“Following the government’s announcement on the 13th March of changes to the eligibility for free school meals for working families in receipt of Universal Credit how many children in Kirklees are set to lose out on free school meals”?

The Cabinet Member replied thereto

- (2) Question by Councillor Habiban Zaman to Cabinet Member for Corporate
(Councillor Graham Turner and Councillor Musarrat Khan)**

“Why are the nation’s roads getting worse”?

The Cabinet Member replied thereto

- (3) Question by Councillor Richard Smith to Cabinet Member for Economy
(Cllr Peter McBride)**

“Given that the Secretary of State for Transport has recently announced a specific Bypass Fund” has the Cabinet Member looked at the criteria to see if Flockton or other proposed schemes fit and can the Cabinet Member inform members of his view on an application for a Flockton Bypass”?

The Cabinet Member replied thereto

- (4) Question by Councillor Richard Smith to Cabinet Member for Economy
(Cllr Peter McBride)**

“Can the Cabinet member provide timescales and confirm the route for the widely publicised £77M A62 Cooper Bridge Bypass”?

Question not considered (due to time constraints)

- (5) Question by Councillor Richard Smith to Cabinet Member for Economy
(Cllr Peter McBride)**

“Could the Cabinet Member explain what Kirklees Council is doing to take advantage of the Major Road Network funding”?

Question not considered (due to time constraints)

- (6) Question by Councillor James Homewood to Cabinet Member for Economy (Councillor Naheed Mather)**

“Cllr Mather, in this chamber members of the opposition have said that you would not deliver on housing, can you tell us what the council has delivered”

Question not considered (due to time constraints)

- (7) Question by Councillor Steve Hall to Councillor Darren O’Donovan, West Yorkshire Fire & Rescue Authority**

Q1 “How has West Yorkshire Fire and Rescue Service responded to the needs of the community following critical incidents in Kirklees”?

Question not considered (due to time constraints)

(8) Question by Councillor Judith Hughes to Cabinet Member for Adults and Public Health – (Cllr Cathy Scott)

“Last week was the National Fire Chiefs Councils national sprinkler awareness week, could you tell me whether Kirklees Council & KNH are going to retro-fit sprinklers into the 4 High Rise buildings within Kirklees”?

Question not considered (due to time constraints)

(9) Question by Councillor Darren O’Donovan to the Cabinet Member for Economy (Cllr Naheed Mather)

“Cllr Mather, I was very encouraged to see that the Cabinet has agreed to invest significant sum into our Town Centres. Do you agree that this will re-vitalise Huddersfield and Dewsbury”.

Question not considered (due to time constraints)

(10) Question by Councillor Martyn Bolt to the Leader (Cllr David Sheard)

“Can the Cabinet Member confirm if he still believes the Labour Cabinet’s Local Plan as being investigated to be sound”?

Question not considered (due to time constraints)

(11) Question by Councillor Martyn Bolt to the Cabinet Members for Corporate – Councillors Graham Turner/Cllr Musarrat Khan

“How many contracts does the Cabinet have with the private sector, and in what Services Areas are they? Does he feel they give best value for money”?

Question not considered (due to time constraints)

(12) Question by Councillor Martyn Bolt to the Cabinet Member for Corporate –Cllr Musarrat Khan

“Does the Cabinet Member feel that they have sufficient capacity and are taking advantage within the Highways Service of developing new schemes for funding and the benefit of Kirklees residents”?

Question not considered (due to time constraints)

(13) Question by Councillor David Hall to The Leader

“What support is the Cabinet putting in place for Members of this Council, and our colleagues on the five Town/Parish Councils, in preparation for the GDPR law changes in May”?

Question not considered (due to time constraints)

(14) Question by Councillor M R Watson to The Leader

“Defining one school day as one school being closed for all or part of a day how many school days have been lost in Kirklees as a consequence of weather related events since 1 January 2018”?

Question not considered (due to time constraints)

(15) Question by Councillor M R Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“At present I am receiving a high number of calls from residents in the Emley area regarding potholes that have occurred as a consequence of the recent poor weather. I understand extra resources have been allocated by the Highways Team for repairing potholes and I wish them well with what is clearly a challenging project. Could the cabinet member give an indication of when it is anticipated the teams will be able to attend to the potholes in the Emley area”?

Question not considered (due to time constraints)

(16) Question by Councillor M R Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“Does the council compensate motorists whose tyres are damaged as a consequence of potholes”?

Question not considered (due to time constraints)

(17) Question by Councillor M R Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“It seems to me that key to keeping on top of the potholes issue is the reporting of potholes as soon as possible and to this end the residents of Kirklees can very much be our eyes and ears so to speak. One option for doing this would be to develop an app which would enable users to photograph a pothole and send its precise location at the click of a button. Does the cabinet member agree this could be a useful tool to assist the highways team”?

Question not considered (due to time constraints)

(18) Question by Councillor M R Watson to Cabinet Member for Corporate (Place, Environment and Customer Contact Services) – Councillor Musarrat Khan

“Whilst out delivering leaflets in Denby Dale advising local residents of the work their Conservative Ward Councillors and Parish Councillors had been doing throughout the last year it came to my attention that the traffic lights at the pedestrian crossing near the library were not working. Clearly problems such as this should be reported as soon as possible and it would be in accord with the principles of new council to encourage members of the public to report faults. What is the best way for them to do this”?

Question not considered (due to time constraints)

(19) Question by Councillor Nicola Turner to Cabinet Member for Corporate Councillor Musarrat Khan

“What is the authority’s definition of a pothole and are potholes graded in any way?”

Question not considered (due to time constraints)

(20) Question by Councillor Nicola Turner Cabinet Member for Corporate Councillor Musarrat Khan

“Currently, how many reported potholes are there across Kirklees? On average, how long does it take for them to get filled, once reported? What was the longest time it took for a pothole to get filled in the past year after being reported?”

Question not considered (due to time constraints)

(21) Question by Councillor Andrew Pinnock to Cabinet Member for Corporate Councillor Musarrat Khan

“Can we have an update on the trial of the pothole MultiHog machines?”

Question not considered (due to time constraints)

**(22) Question by Nicola Turner to Cabinet Member for Economy –
Councillor Naheed Mather**

“You promised a review on waste services. Has this taken place?”

Question not considered (due to time constraints)

(23) Question withdrawn

**(24) Question by Councillor Cahal Burke to the Deputy Leader of the
Council Councillor Shabir Pandor**

“You were recently part of a delegation from the Leeds City Region at an international property and investment event in Cannes, in France. Can you give us feedback about this event, whether anything is happening and whether it was a success for Kirklees?”

Question not considered (due to time constraints)

**(25) Question by Councillor Nicola Turner to the Cabinet Member
Corporate Councillor Graham Turner & Councillor Musarrat
Khan**

“Is there a policy on where beehives may be kept in Kirklees?”

Question not considered (due to time constraints)

**(26) Question by Councillor Cahal Burke to the Cabinet Member for
Adults and Public Health**

“Campaigners fighting to save Huddersfield Royal Infirmary have been granted permission for a judicial review into the plan to downgrade the hospital and move A&E services. What else can the Council do to support the legal case?”

Question not considered (due to time constraints)

(27) Question by Councillor Cahal Burke to the Cabinet for Corporate Councillor Graham Turner and Councillor Musarrat Khan

“Air quality is a major local, regional and national issue. In Kirklees, there are 7 new areas where the National Air Quality Objectives are being breached, including Ainley Top in Lindley ward and Outlane in the Colne Valley ward, and these areas have been declared as Air Quality Management Areas. I understand that by law, the Council must produce action plans detailing measures it will take to improve the air quality in these areas.

Can you confirm that these Air Quality Management Areas have now been set up and how will they help to address the issue of poor air quality?”

Question not considered (due to time constraints)

(28) Question by Councillor Andrew Pinnock to Cabinet Member for Corporate Councillor Graham Turner & Councillor Musarrat Khan

“There are 7 new areas across Kirklees which have been declared as Air Quality Management Areas by council officers, because of poor air quality. Why isn’t Chain Bar, in Cleckheaton, included in this list?”

Question not considered (due to time constraints)

(29) Question by Councillor Nicola Turner to Cabinet Member for Adults and Public Health Councillor Cathy Scott

“The decision to downgrade Huddersfield Royal Infirmary has been referred to Jeremy Hunt and the Independent Reconfiguration Panel. What else can the Council do?”

Question not considered (due to time constraints)

(30) Question by Councillor Lisa Holmes to Cabinet Member for Councillor Graham Turner & Councillor Musarrat Khan

“How many reports of fly tipping were received for the Liversedge & Gomersal Ward for the periods 17/3/2017 to 16/3/18 & 17/3/16 to 16/3/17”?

Question not considered (due to time constraints)

(31) Question by Councillor Lisa Holmes to Cabinet Member for Councillor Masood Ahmed & Cllr Viv Kendrick

“How effective is our CAMHS service in supporting vulnerable young people”?

Question not considered (due to time constraints)

(32) Question by Councillor Lisa Holmes to Cabinet Member for Children Councillor Masood Ahmed and Councillor Viv Kendrick

“What benefits will we see coming from the Healthy Child Program in the next 12 months”?

Question not considered (due to time constraints)

(33) Question by Councillor Fazila Fadia to Cabinet Member for Adults and Public Health Councillor Cathy Scott

"How many applications do we have currently for council housing and what stock is available?"

Question not considered (due to time constraints)

(34) Question by Councillor Eric for to Cabinet Member for Adults and Public Health Councillor Cathy Scott

“Cllr Scott everyone recognises that Social Care needs a sustainable funding solution. This needs central government to act in the way that this council agreed last year. Whilst there has been some temporary money – how will you use it”?

Question not considered (due to time constraints)

**(35) Question by Councillor Eric Firth to Cllr Darren O’Donovan –
West Yorkshire Fire & Rescue Authority**

“What is WYFRS doing to support the increasing vulnerability of people living across Kirklees communities”

Question not considered (due to time constraints)

13: Minutes of Cabinet and Cabinet Committee Local Issues

To receive for information; the minutes of Cabinet held on 21 November, 8 December, 19 December 2017, 15 January, 23 January and 30 January 2018, and Cabinet Committee – Local Issues held on 24 January 2018.

That the Minutes of Cabinet held on 21 November, 8 December, 19 December 2017, 15 January, 23 January and 30 January 2018, and Cabinet Committee – Local Issues held on 24 January 2018, be received and noted.

14: West Yorkshire Combined Authority Minutes

To receive the Minutes of the Meeting of the West Yorkshire Combined Authority held on 14 December 2017.

Item not considered (due to time constraints)

15: Holding the Executive to Account

- (a) To receive a Portfolio Update on the Adults and Public Health Portfolio – Councillor Scott - presentation on the Healthy Child Programme;
- (b) Oral Questions/Comments to Cabinet Members on their Portfolios and relevant Cabinet Minutes;
 - (i) Adults and Public Health Portfolio (Councillor Scott)
 - (ii) Children’s Portfolio (Councillors Ahmed and Kendrick)
 - (iii) Corporate Portfolio (Councillors Khan and Turner)
 - (iv) Economy Portfolio (Councillors Mather and McBride)
 - (v) Strategy and Strategic Resources Portfolio (Councillors Sheard and Pandor)

Item not considered (due to time constraints)

16: Minutes of Other Committees

To receive for information the minutes of the following Committees;

- (i) Standards Committee
- (ii) Health & Wellbeing Board
- (iii) Corporate Parenting Board
- (iv) Corporate Governance and Audit Committee
- (v) Overview and Scrutiny Management Committee
- (vi) Strategic Planning Committee
- (vii) Appeals Panel
- (viii) Personnel Committee

Received and noted.

17: 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 Board (Councillor Kendrick)
- (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)

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

To consider the following Motion in the names of Councillors Sheard, 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."

Motion approved.

19: Motion submitted in Accordance with Council Procedure Rule 14 to address the Clean Air for Kirklees

To consider the following Motion in the names of Councillors Khan, Sheard and Pandor.

"This motion calls upon the Environment Secretary Michael Gove to urgently take further action to fix the dangerous growing problem of air pollution in our towns and cities. Following a third court order that slams the Government's Air Quality Plan as inadequate and unlawful, the UK Government has been urged to 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.

Kirklees is undertaking a number of projects and interventions to improve the health of our residents and improve the local environment. This includes everything from leading on the West Yorkshire ECO-Stars Freight Recognition scheme, retrofitting school transport buses, Smart Traffic Lights, encouraging low emission taxis, installing a strategic electric vehicle charging network across the District, assessing the impact of housing developments on air quality, and providing concessional parking for low emission vehicles.

This Cabinet therefore requests the Chief Executive to write to the Secretary of State for Environment urging the Government to act immediately to protect the health, wellbeing and economic sustainability for our generation and those of the future. The Government must work with local authorities and industry to make sustainable evidence based changes supported by long-term consistent and stable funding."

Motion approved, subject to the addition of:

'This motion recognises the urgent need to take further action to fix the dangerous growing problem of air pollution and calls on the Cabinet to prepare and bring to Council at the earliest opportunity, an up-to-date Clean Air Strategy which covers the whole of the borough.'
