



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

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 10 OCTOBER 2018

Andrea Woodside

01484 221000

Chair

Councillor Mumtaz Hussain

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 Nosheen Dad
Councillor Richard Eastwood
Councillor Eric Firth
Councillor Michelle Grainger-Mead
Councillor Charles Greaves
Councillor David Hall
Councillor Steve Hall
Councillor Lisa Holmes
Councillor Erin Hill
Councillor Edgar Holroyd-Doveton
Councillor James Homewood
Councillor Christine Iredale
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 Terry Lyons
Councillor Naheed Mather
Councillor Peter McBride
Councillor Bernard McGuin
Councillor Darren O'Donovan
Councillor Marielle O'Neill
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 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 Sheikh Ullah
Councillor Rob Walker
Councillor Michael Watson
Councillor Habiban Zaman
Councillor Nell Griffiths
Councillor Alison Munro
Councillor Richard Murgatroyd
Councillor Mark Thompson
Councillor Harpreet Uppal

Councillor Andrew Cooper, Councillor Donald Firth, Councillor Judith Hughes,
Councillor Gwen Lowe (Chair), Councillor Cathy Scott and Councillor Gemma Wilson

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

The Deputy Mayor informed Council, that in the absence of the Mayor, Councillor Gwen Lowe, he would Chair this meeting of Council.

The Deputy Mayor invited the Cabinet Member for Corporate Services to announce that the Council's Market Service and Creative Economy Team had won the 'Innovation of the Year' Award at the recent National Association of British Market Authorities (NABMA) conference.

The Chief Executive (i) welcomed the Members of Youth Council who had attended to observe the meeting and (ii) reminded Council of the restrictions applying to voting under Section 106 of the Local Government Act 1992, in respect of Agenda Item 8.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

Apologies for absence were received on behalf of Councillors Cooper, D Firth, Hughes, Lowe, Scott and Wilson.

3: Minutes of Previous Meeting

To agree and authorise the Mayor to sign the Minutes of Council held on 12 September 2018.

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.

No interests were declared.

5: Petitions (From Members of the Council)

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

No petitions were 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.

- (a) Council received a deputation from Caroline Goodwill in respect of Red House, Gomersal, and the importance of preserving local heritage assets.
- (b) Council received a deputation on behalf of the Friends of Mill Lane School, delivered by Michelle Illingworth, which raised issues relating to road and traffic safety concerns within the vicinity of the school. A petition was also submitted.
- (c) Council received a deputation from June Jones, on behalf of Unite Union, in regards to the Motion on Universal Credit at Agenda Item 15.
- (d) Council received a deputation from Elena Delaney, Charlotte Michaels and pupils from Scissett Middle School in respect of road and traffic safety concerns, and in regards to the Motion on Flockton Traffic Issues at Agenda Item 14.
- (e) Council received a deputation from Stephanie Tague in respect of the impact of potential car parking charging upon the vitality of Cleckheaton Town Centre. A petition was also submitted.

The Cabinet Member for Economy (Cllr Turner) responded to (a) and (c). The Cabinet Member for Communities and Environment responded to (b), (d) and (e). With regards to (b), the Cabinet Member advised that the matter would be referred to Cabinet Committee – Local Issues.

7: Public Question Time

The Committee will hear any questions from the general public.

Questions were received from (i) Caroline Goodwill in respect of proposals for the site at Red House, Gomersal and (ii) Elena Delaney in respect of funding for improvements to the road infrastructure within the Flockton area.

The Cabinet Member for Corporate Services responded to (i). The Cabinet Member for Economy responded to (ii).

8: Council Budget Strategy Update 2019-2022 (Reference from Cabinet)

To consider the report.

Contact: Eamonn Croston – Service Director (Finance)

- 1) That the decision of Cabinet, as set out at Paragraph 1 of the considered report, be noted.
- 2) That approval be given to the updated baseline general fund revenue and Housing Revenue Account budget forecasts over the 2019-2022 period, as set out at Appendix A (general fund) and Appendix C (HRA) of the considered report.
- 3) That approval be given to the revisions to earmarked reserves and general balances, as set out at Appendix B.
- 4) That approval be given to the changes to the existing plan, as set out at Appendix D.
- 5) That approval be given to the flexible receipts strategy, as set out at Appendix E.

9: 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 D Hall to the Cabinet Member for Communities and Environment (Councillor Mather)

‘What is the Council’s policy on replacing concrete litter bins?’

The Cabinet Member to responded thereto.

- (2) Question by Councillor D Hall to the Cabinet Member for Economy (Councillor McBride)

‘Please will you give an update on Pioneer House, including total spending to date on the project?’

The Cabinet Member to responded thereto.

- (3)** Question by Councillor D Hall to the Cabinet Member for Economy (Councillor McBride)

“How long will it take to complete your masterplans for Huddersfield and Dewsbury town centres?”

The Cabinet Member responded thereto.

- (4)** Question by Councillor D Hall to the Cabinet Member for Housing and Democracy (Councillor Scott)

‘Not counting the 550 “Excellent Homes for Life” units commissioned by the last Conservative administration, how many council houses have been built in Kirklees since 2009?’

The Cabinet Member for Economy responded on behalf of Councillor Scott.

- (5)** Question by Councillor Iredale to the Cabinet Member for Corporate Services (Councillor Turner)

‘How are you measuring satisfaction with the Council’s automated telephone system?’

The Cabinet Member responded thereto.

- (6)** Question by Councillor A Pinnock to the Cabinet Member for Communities and Environment (Councillor Mather)

‘Can the Council claim compensation from Virgin Media where the installation of new cables result in local pavements and verges being damaged?’

The Cabinet Member responded thereto.

- (7)** Question by Councillor Eastwood to the Cabinet Member for Communities and Environment (Councillor Mather)

‘There are estate agents ‘for sale’ signs cluttering a piece of council-owned land in Lindley. Numerous requests have been made to remove the signs, but the signs have remained in place and no enforcement has been undertaken by the Council. When can residents expect to see the signs removed?’

The Cabinet Member responded thereto.

- (8) Question by Councillor D Hall to the Cabinet Member for Corporate Services (Councillor Turner)

‘How many new dwellings are expected per year in your new budget assumptions?’

The Cabinet Member responded thereto.

- (9) Question by Councillor D Hall to the Cabinet Member for Economy (Councillor McBride)

‘How many new dwellings are expected per year in your Local Plan?’

The Cabinet Member responded thereto.

- (10) Question by Councillor Holmes to the Lead Member for Children’s Scrutiny Panel (Councillor Burke)

‘Have you, as Chair of Children’s Scrutiny, asked the Police to attend a meeting to provide Members with a full briefing on the current CSE situation in Kirklees?’

The Lead Member responded thereto.

- (11) Question by Councillor Smith to the Leader of the Council (Councillor Pandor)

‘Can we be confident that the threatened Bin Strike is now not going to happen?’

The Leader responded thereto.

10: Minutes of Cabinet

To receive for information; the minutes of Cabinet held on 21 and 29 August 2018.

The Minutes of Cabinet, held on 21 and 29 August 2018 were received, for information.

11: Holding the Executive to Account

(a) To receive a Portfolio Update from the Portfolio Holders for Economy (Councillor McBride) and Health and Social Care (Councillor Khan)

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

(i) Economy Portfolio (Councillor McBride)

(ii) Health and Social Care Portfolio (Councillor Khan)

(iii) The Deputy Leader of the Council (Councillor Sheard)

(iv) Communities and Environment Portfolio (Councillor Mather)

(v) Corporate Portfolio (Councillor Turner)

(vi) Learning and Aspiration Portfolio (Councillor Ahmed)

(vii) Housing and Democracy Portfolio (Councillor Scott)

(viii) The Leader of the Council (Councillor Pandor)

(ix) Children's Portfolio (Councillor Kendrick)

Council received Portfolio Updates from the Cabinet Member for Economy (Councillor McBride) and the Cabinet Member for Health and Social Care (Councillor Khan).

Oral questions were addressed to the Cabinet Member for Economy (Councillor McBride).

(The remainder of oral questions were not received due to time constraints).

12: Minutes of Other Committees

To receive for information the minutes of the following Committees;

(i) Appeals Panel

(ii) Corporate Parenting Board

(iii) Overview and Scrutiny Management Committee

(iv) Personnel Committee

(v) Strategic Planning Committee

The following Minutes were received for information;

(a) Appeals Panel – 27 July 2018

(b) Corporate Parenting Board – 30 April 2018

(c) Overview and Scrutiny Management Committee – 3 September 2018

(d) Personnel Committee – 30 July 2018

(e) Strategic Planning Committee – 2 August and 30 August 2018.

13: 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 Pandor)
- (e) Health and Wellbeing Board (Councillor Pandor)
- (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 Pandor)
- (i) Planning Sub Committee - Heavy Woollen Area (Councillor Kane)
- (j) Planning Sub Committee – Huddersfield Area (Councillor Lyons)
- (k) Standards Committee (Councillor E Firth)
- (l) Strategic Planning Committee (Councillor S Hall)
- (m) Kirklees Neighbourhood Housing (Councillor Smaje)
- (n) Kirklees Active Leisure (Councillor Sokhal)
- (o) West Yorkshire Combined Authority (Councillor Pandor)
- (p) West Yorkshire Combined Authority Transport Committee (Councillor Kaushik)
- (q) West Yorkshire Fire and Rescue Authority (Councillor O'Donovan)
- (r) West Yorkshire Joint Services Committee (to be confirmed)
- (s) West Yorkshire Police and Crime Panel (Councillor Hussain)

Oral Questions to the following Chairs and Spokespersons were received;

- Strategic Planning Committee (Councillor S Hall)
- Kirklees Neighbourhood Housing (Councillor Smaje)
- Kirklees Active Leisure (Councillor Sokhal)
- West Yorkshire Police and Crime Panel (Councillor A U Pinnock)

14: Motion submitted in accordance with Council Procedure Rule 14 as to Flockton Traffic Issues

To consider the following Motion in the names of Councillors Smith, J Taylor and D Hall.

“This Council notes that work is now underway to produce an Option Assessment Report in relation to the North Kirklees Orbital Route which will help to determine if this is a viable scheme to develop.

Additionally the £77 million Cooper Bridge by pass, linking the [A644 near junction 25](#) M62 and the A62 near Bradley Bar is currently in the Design phase.

The Council recognises that both these schemes have the potential to significantly affect the volume and flow of traffic in and around the village of Flockton and on the B6118.

Given the existing severe traffic problems affecting the village of Flockton and the undoubted increase in the future with developments already in construction and the potential from the Local Plan, the Council recognises that even if it were to overlook the 2 major road schemes already mentioned, without intervention, this situation will only continue to deteriorate.

Therefore the council calls on the Cabinet to undertake an assessment of any impact upon the village of Flockton & B6118 from the NKOR and A62 scheme and to ensure that due consideration is given to the issues in Flockton prior to any work starting on either of these road schemes.”

Item not considered (due to time constraints).

15: Motion submitted in accordance with Council Procedure Rule 14 as to Universal Credit

To consider the following Motion in the names of Councillors Uppal, A U Pinnock, Homewood, Ullah, Murgatroyd, Griffiths, Kaushik, Richards, Walker, Loonat, Hill, McBride, Mather, Khan and Pandor.

“This Council notes the Universal Credit (UC) policy and its roll out is flawed, causing unnecessary hardship to local families and people across the country whilst failing to meet its original aims.

This Council further notes, that in Kirklees, following the roll out of UC Full Service in November 2017, over 12,730 people are now in receipt of UC support, which has led to problems with rent arrears, and general indebtedness particularly from the 5 week minimum wait for an initial payment; as a result, there has been an increased use of local welfare service provision and foodbanks. From 1/11/17 to 31/3/18 there was 2,177 referrals from the local welfare provision team to four Kirklees foodbanks, up 27% from the same period in the previous year. Recent figures from The Welcome Centre Foodbank in Huddersfield show that between May to July 2018 referrals due to Universal Credit stood at 611; in the first four months of 2018 the centre received 469 referrals.

Official figures show hundreds of thousands of UC payments made nationally are being subject to deductions used to pay back arrears in rent, council tax and utility bills, pushing families into a downward spiral of debt and poverty. Similarly, the local welfare provision team in Kirklees are taking more calls from residents who have not been able to make their UC payment last due to budgeting issues or deductions taken from their payments due to advances, arrears payments or tax credit overpayments. Between 1 April to 24 August 2018, 64% of referrals from the local welfare provision team to local foodbanks and/or fuel vouchers were due to UC claimants struggling with budgeting or low income. This compares to 33% for the period 1/11/17 to 31/3/18.

In addition, for people on UC who are in work, but are paid weekly or fortnightly, the monthly UC payment is causing additional budgeting problems; self-employed workers on UC are significantly worse off than under legacy benefits and compared with employees; and disabled people are being pushed into poverty with the abolition of disability premiums when transitioning on to UC. Furthermore UC payments currently go to one named member of a household. With the present policy there is a real danger that if the whole payment goes to one named individual there is no guarantee that the money will be distributed fairly within the household.

This Council therefore resolves to write to the Secretary of State for Work and Pensions, making these points, demanding that the Government addresses these issues, and stops the roll out and transition of people on to Universal Credit.”

Item not considered (due to time constraints).

16: Motion submitted in accordance with Council Procedure Rule 14 as to Giving People a say on the Final Brexit Deal

To consider the following Motion in the names of Councillors Lawson, A Pinnock, K Pinnock, Iredale, Burke, Eastwood, Wilson, Munro, Cooper, Stewart-Turner and Allison.

“This Council notes:

- The growing concern at the prospect of the UK leaving the European Union (EU) with either a bad deal or no deal at all.
- The growing support for people to have a say on the final Brexit deal, including support from organisations such as the British Medical Association, the Royal College of Nursing, GMB, Prospect, TSSA, business leaders and student unions representing over 980,000 students at 60 universities and colleges.

This Council believes that:

- By voting to leave the EU in June 2016, the UK voted for departure but not the destination. There has never been a consensus about how to leave and about our future relationship with the EU post-Brexit, but the years since the referendum on the UK’s membership of the EU has shown the complexity of the task and how challenging Brexit is to deliver.
- Since the referendum, there has been meaningful debate about our EU membership; there is now greater public awareness about the nature and impact of Brexit on the UK and there is ongoing movement in public opinion.
- The future direction of the country post-Brexit should not be decided by a small number of parliamentarians in Westminster. This is too big an issue and will affect all of us for generations to come; sovereignty rests with the people.
- The decision to leave the EU and subsequent negotiations has created political, social and economic uncertainty in the UK. Brexit is likely to have a major impact on local authorities, including Kirklees Council, potentially reducing funding for local and regional investment and

development projects, affecting governance and legal frameworks and impacting on the progress of devolution deals.

- There are implications for Kirklees as a result of Brexit and there is consternation from some of our residents, including non-UK EU nationals, about what Brexit may mean for them. For instance, leaving may have an impact on our local health services, with recent NHS data revealing that 31 nurses and health visitors from EU member states left Calderdale and Huddersfield NHS Foundation Trust between March 2017 and March 2018. Brexit is already having an impact on our local manufacturing industry, while some businesses in our region are reconsidering investment plans in new production and new jobs while they await the Brexit deal. Furthermore, Brexit may limit the educational opportunities for our young people. It may cause damage to our local economy and public services and result in a squeeze in living standards.
- As a country, we are not close to resolving the big issues about which people care about; parliament is deadlocked and the impasse will cause insurmountable damage to the UK. A public vote is the only way to move forward.
- The British people deserve the right to have a final say on what direction the country should take on Brexit and must have a vote on the UK's final deal with the European Union.

This Council, therefore, resolves to:

- Request that Cabinet updates and maintains the Council's Risk Register, ensuring that the Register includes an up-to-date and robust account of the risks associated with Brexit;
- Be proactive in planning, outlining the issues and risks associated with different Brexit scenarios, assessing the possible impact on the Council and local area and implementing recommend measures as soon as possible;
- Support people to have a say on any final Brexit deal through a vote; Ask the Leader of the Council to write to the Prime Minister expressing the Council's support for people to have a final say on the Brexit deal."

Item not considered (due to time constraints).

17: Motion submitted in accordance with Council Procedure Rule 14 as to Modern Slavery

To consider the following Motion in the names of Councillors Hughes, Pandor, Sheard, Ahmed, Kendrick, Khan, Mather, McBride, Scott, Turner, Walker, A U Pinnock and Lowe.

"This Council notes;

Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.

There were 5145 potential victims were submitted to the National Referral Mechanism in 2017; a 35% increase on 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office.

Modern Slavery is happening nationwide, including the Kirklees district. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

This Council believes:

- That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK, including Kirklees.
- That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.
- That Councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.

This Council resolves:

To adopt a policy against Modern Slavery to ensure our procurement practices don't support slavery; and ask Cabinet to ensure that:

- its corporate procurement team is trained to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply;
- its Contractors are required to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance;
- any abnormally low-cost tenders are challenged to ensure they do not rely upon the potential contractor practising modern slavery;
- it highlights to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one;
- it publicises its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery;
- its tendered contractors are encouraged to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery;
- it reviews its contractual spending regularly to identify any potential issues with modern slavery;
- it highlights for its suppliers any risks identified concerning modern slavery and refers them to the relevant agencies to be addressed;

- it refers for investigation via the National Crime Agency’s national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery; and
- it reports publicly on the implementation of this policy annually.”

Item not considered (due to time constraints).
