



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

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 7 NOVEMBER 2018

Andrea Woodside

01484 221000

Chair

Councillor Gwen Lowe

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 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 Judith Hughes
Councillor Mumtaz Hussain
Councillor Christine Iredale
Councillor Paul Kane
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 Will Simpson
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 Habiban Zaman
Councillor Nell Griffiths
Councillor Alison Munro
Councillor Richard Murgatroyd
Councillor Mark Thompson
Councillor Harpreet Uppal

Apologies

Councillor Andrew Cooper, Councillor Nosheen Dad, Councillor Donald Firth, Councillor Manisha Roma Kaushik, Councillor Cathy Scott and Councillor Michael Watson

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

The Mayor presented the former Mayor, Councillor Christine Iredale, with the 2017/2018 Mayoral Yearbook in recognition of her term of office.

The Mayor made the statement that the Chamber was unified in its condemnation of the criminals who had carried out sexual abuse of children within the Borough, and that its thoughts were with the survivors and their families. She advised that the Council and its partners would act to protect children, expose wrongdoing, and bring the abusers to justice.

The Mayor advised that, in accordance with Council Procedure Rule 33(3), the filming of the meeting from the public gallery had been permitted.

The Chief Executive gave notice of the election of Councillor Will Simpson to Denby Dale Ward, following the by-election held on 1 November 2018, and welcomed Councillor Simpson to the Council.

Councillor Light gave notice that he would be submitting his resignation as Councillor for Birstall and Birkenshaw ward with effect from 16 November 2018. Tributes were paid by Councillors D Hall, Smaje, Pandor and Lawson.

2: Apologies for absence

To receive any apologies for absence.

Apologies for absence were received on behalf of Councillors Cooper, Dad, D Firth, Kaushik, Scott and Watson.

3: Minutes of Previous Meeting

To agree and authorise the Mayor to sign the Minutes of Council held on 10 October 2018.

That the Minutes of Council held on 10 October 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.

Councillor Armer declared a personal interest in Agenda Item 17 on the grounds that he knew of some families who had been affected.

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.

Council received a deputation from Mr Chris Owen with regards to the development of integrated care systems and the impact local upon health care provision.

A response was provided by the Leader of the Council.

No petitions were received.

7: Public Question Time

The Committee will hear any questions from the general public.

Council received a question from Mr Chris Owen regarding the difference between sustainable transformation plans and integrated care plans.

A response was provided by the Leader of the Council.

8: West Yorkshire Combined Authority - Minutes

To receive the Minutes of the Meeting of the West Yorkshire Combined Authority held on 2 August 2018.

Received and noted.

9: Scrutiny Update

To receive an update on areas of Overview and Scrutiny work.

Contact: Penny Bunker, Governance and Democratic Engagement Manager.

Item not considered (due to time constraints).

10: Annual Report of Director of Public Health - Healthy Ageing

To receive the report of the Director of Public Health

Contact: Rachel Spencer-Henshall, Director of Public Health.

Council received a presentation from the Director of Public Health on Healthy Ageing, which was followed by questions and comments from Members of the Council.

11: Key Discussion - Health Inequalities

Council will be invited to discuss the issue of Health Inequalities and information to support this discussion will be provided in the presentation of the Director of Public Health.

(Under the provision of Council Procedure Rule 5(5), the Key Discussion shall commence no later than 7.00pm. Council Procedure Rule 18 (23) permits a maximum of 60 minutes for this item).

Council held a Key Discussion on the subject of Health Inequalities. The item was introduced by the Cabinet Member for Health and Social Care, Councillor Khan.

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.

Item not considered (due to time constraints).

13: 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.”

Motion approved.

14: 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).

15: 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).

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

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, Khan, Kendrick, Mather, McBride, Ahmed, Scott, Turner, Lowe, A U Pinnock and Walker.

“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.

Additionally, Government plans to bring in temporary migrant workers to the UK from outside the EU to fill labour shortfalls after Brexit could leave thousands of people at risk of exploitation. Proposals for 5,000 non-EU workers to come on six-month visas to work on British farms over the next two years could create a hotbed for modern slavery unless key safeguards are adopted.

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

To 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.

And ask the Chief Executive to write to the Government to ask that they:

- Commit to improved standards of protecting all victims, regardless of their nationality, and put those standards into law.
- Ensure all victims are supported through their trauma, and protected from their traffickers. The government should work with civil society to build a comprehensive long-term system of protection for all victims of modern slavery practices.
- Develop a child advocates scheme to protect trafficked children should be rolled out as soon as possible. We still see children going missing from the care of authorities at 'alarming' rate.
- Restore the full right for migrant domestic workers to change employers, to give them a route out of abuse. The ability to legally leave one's abusive employer without worrying about deportation is the most basic protection everyone should have.
- Invest: The police need resources to carry out complex trafficking investigations. In the current climate of cuts, these often complex investigations are too often bumped down in the priority order for more

‘urgent’ work, with results easier to show.

- Ensure that in its Brexit negotiations, the UK it retains full access to European intelligence and mechanisms making international investigations possible.
- Review the performance of the Transparency in Supply Chains Clause of the Modern Slavery Act, to identify where it can be strengthened to ensure that efforts against slavery in international business supply chains are optimised.”

Motion approved.

17: Motion submitted in accordance with Council Procedure Rule 14 as to Child Sexual Exploitation

To consider the following Motion in the names of Councillors D Hall and Watson.

“This Council resolves that the Leader of the Council should write to the Home Secretary for the purposes of inviting the Minister to cause an inquiry to be held under the provisions of the Inquiries Act 2005 in relation to a case where it appears to him that particular events have caused, or are capable of causing, public concern, those events being the conviction of a number of individuals from the Kirklees area for offences of Child Sexual Exploitation and the ongoing prosecution of a number of other individuals from the same area for offences of Child Sexual Exploitation.”

(This Agenda item is submitted as Opposition Priority Business, in accordance with Council Procedure Rule 17, and shall therefore be brought forward if the consideration of the item has not commenced within two hours of the start of the meeting).

The Motion was approved as Amended;

“This Council resolves that, in light of the recent widely publicised cases relating to CSE in this area, the Leader of the Council should write to the Home Secretary for the purposes of inviting the Minister to cause an inquiry to be held under the provision of the Inquiries Act 2005 in relation to a case where it appears to him that particular events have caused, or are capable of causing, public concern, those events being the conviction of a large number of individuals, across England, for offences of child sexual exploitation; specifically to examine the role of public bodies and statutory agencies charged with protecting children and apprehending and convicting criminals.

This Council notes that the Kirklees Safeguarding Children’s Board has commissioned an independent review into child sexual exploitation, the outcomes of which will be made public.”
