



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

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 12 DECEMBER 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 Cahal Burke

Councillor Nosheen Dad

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

Councillor James Homewood

Councillor Judith Hughes

Councillor Mumtaz Hussain

Councillor Christine Iredale

Councillor Paul Kane

Councillor Manisha Roma Kaushik

Councillor Viv Kendrick

Councillor Musarrat Khan

Councillor John Lawson

Councillor Vivien Lees-Hamilton

Councillor Terry Lyons
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 Will Simpson
Councillor Ken Sims
Councillor Elizabeth Smaje
Councillor Richard Smith
Councillor Mohan Sokhal
Councillor Julie Stewart-Turner
Councillor John Taylor
Councillor Graham Turner
Councillor Rob Walker
Councillor Michael Watson
Councillor Gemma Wilson
Councillor Habiban Zaman
Councillor Nell Griffiths
Councillor Alison Munro
Councillor Richard Murgatroyd
Councillor Mark Thompson
Councillor Harpreet Uppal

Apologies

Councillor Martyn Bolt, Councillor Andrew Cooper, Councillor Edgar Holroyd-Doveton, Councillor Fazila Loonat, Councillor Kath Taylor and Councillor Sheikh Ullah

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

The Mayor informed Council of the death of former Labour Councillor Austin Calvert, who had represented Birstall and Birkenshaw Ward for three periods of Office between 1979 and 2000, and conveyed the Council's condolences to his family.

The Mayor invited an announcement from Councillor Turner, who informed Council of the success of Carol Stump, Chief Librarian, who had been appointed President Elect of Libraries Connected and would take up the role of President in June.

The Mayor invited an announcement from Councillor Ahmed, who presented an award which had been received by the Council in recognition of its commitment to the Armed Forces Covenant and provision of support to the Armed Forces Community.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

Apologies for absence were received on behalf of Councillors Bolt, Cooper, Holroyd-Doveton, Loonat, Ullah and K Taylor.

3: Minutes of Previous Meeting

To agree and authorise the Mayor to sign the Minutes of Council held on 7 November 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.

Council received a deputation from Mr Aleks Lukic in regards to the serving of non-stunned meat in Kirklees Schools.

The Cabinet Member for Learning and Aspiration, Councillor Ahmed, responded to the deputation.

No petitions were received.

7: Public Question Time

The Committee will hear any questions from the general public.

No questions were asked.

8: Inclusion & Diversity Annual Report and revised Strategy Action Plan (Reference from Cabinet)

To consider the report.

Contact: David Bundy, Corporate Policy

That the Annual Inclusion and Diversity report, and the progress made in Year One of the 2017-2021 of the Strategy be noted, and that the priorities as set out in the Year 2 Action Plan be supported.

9: Treasury Management - Half Yearly Monitoring (Reference from Cabinet/Corporate Governance and Audit Committee)

To consider the report.

Contact: Eamonn Croston, Service Director – Finance

(1) That the half yearly treasury management performance in 2018-2019, as set out within the considered report, be noted.

(2) That approval be given to amending the Council's current investment strategy to include the Local Authority Property Fund as a potential investment source.

(3) That, pursuant to (2) above, the proposal for Officers to further explore an investment opportunity of between £5m and £10m in the Fund be endorsed, and that subject to further Government clarification on the statutory override, and other risk considerations, any such proposals into the forthcoming 2019/20 annual treasury management strategy and annual budget be formalised for consideration.

10: Gambling Policy (Reference from Licensing and Safety Committee)

To consider the report.

Contact: Russell Williams, Public Protection – Licensing

(1) That the responses to the consultation on the revised Statement of Principles, as set out within the Appendix of the considered report, be noted.

(2) That the revised Gambling Policy – Statement of Principles be approved, with effect from 31 January 2019 for a period of three years.

11: 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.

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

(1) Question by Councillor Smith to The Cabinet Member for Economy - Councillor McBride

“What has Kirklees done this year or planning to do next year to help retailers in our Town Centres?”

The Cabinet Member responded thereto.

(2) Question by Councillor Smith to The Cabinet Member for Economy - Councillor McBride

“Can you update Council on plans for the North Kirklees Orbital Route, including timescales please?”

The Cabinet Member responded thereto.

(3) Question by Councillor Smith to The Cabinet Member for Economy - Councillor McBride

“What is your view on the impact of the Cooper Bridge scheme on the B6118 to Grange Moor and Barnsley Road through Flockton?”

The Cabinet Member responded thereto.

(4) Question by Councillor J Taylor to The Spokesperson for WYCA Transport Committee - Councillor Kaushik

“Can the Member tell me what work is/has been done to promote, improve and enhance passenger access and uptake to the stations in the Kirkburton ward on the Penistone Line, given that this is Kirklees sole rail access to the key South Yorkshire connections at Barnsley & Sheffield & in preparation for HS2?”

The Cabinet Member responded thereto.

(5) Question by Councillor A Pinnock to The Leader of the Council - Councillor Pandor

‘How will a Brexit deal, or no deal, impact on the Council and local people?’

The Leader of the Council responded thereto.

(6) Question by Councillor A Pinnock to The Leader of the Council - Councillor Pandor

‘Is the Leader of the Council satisfied that Kirklees will retain good rail connectivity with the rest of the country, given that proposed infrastructure projects have been either cancelled or cut back?’

The Leader of the Council responded thereto.

(7) Question by Councillor A Pinnock to The Cabinet Member for Communities & Environment - Councillor Mather

‘Does the Council’s waste disposal contractor ship recycled waste materials to other countries; what are they and to which countries?’

The Cabinet Member responded thereto.

(8) Question by Councillor Armer to The Leader of the Council – Councillor S Pandor

‘Previous practice regarding written questions which have not been responded to in Council due to time constraints has been to email a response to the questioner, copied to all Councillors, shortly after the relevant meeting. Why has this practice been abandoned without prior notice?’

The Leader of the Council responded thereto.

(9) Question by Councillor Bellamy to the Spokesperson for WYCA Transport Committee - Councillor M Kaushik

‘Given the continuing problems for public transport users in Kirklees but the

Colne Valley in particular will you call a meeting of the Kirklees District Consultation Sub Committee (DCSC) to discuss these matters and ensure that in order to have a full and frank discussion all partners are invited?’

The Spokesperson responded thereto.

(10) Question by Councillor J Taylor to the Cabinet Member for Economy - Councillor McBride

‘Would Cllr Mc Bride like to join me in welcoming the Government's support for the High St with the reduction in Business Rates by one third for Retail Properties for two years?’

The Cabinet Member responded thereto.

(11) Question by Councillor J Taylor to The Cabinet Member for Economy - Councillor McBride

‘Market stallholders, like Retail shop owners, are finding times tough. Could Cllr McBride update the Council on its plans for markets and when the details regarding the consultant led assessment of Dewsbury Market will be made available to members?’

The Cabinet Member responded thereto.

(12) Question by Councillor Watson to The Cabinet Member for Children - Councillor Kendrick

‘Fostering children is a vocation which can be both rewarding and challenging and it is understandable that it may not be for everyone. I have seen reports that suggest that Kirklees was struggling to fill a hole in foster care provision and is spending increasing amounts on agency carers because of the inability to recruit carers. How many Kirklees Children are currently placed in foster care and of those how many are placed with Kirklees Council Foster carers and how many are out of area or with agency carers?’

The Cabinet Member responded thereto.

(13) Question by Councillor Watson to The Cabinet Member for Children - Councillor Kendrick

‘What is the weekly cost of a Kirklees foster child placed with a Kirklees Council foster carer and the cost of placing a child with an agency or out of area carer?’

The Cabinet Member responded thereto.

(14) Question by Councillor Watson to The Cabinet Member for Communities & Environment - Councillor Mather

'Have recently purchased a small trailer off eBay which means I can take rubbish to Bromley Farm tip and avoid messing up the car. I am told I can only use it 12 times per year. Why is this?'

The Cabinet Member responded thereto.

(15) Question by Councillor Watson to The Cabinet Member for Communities & Environment – Councillor Mather

'Concerns have been raised with me by a resident of Upper Cumberworth as to the provision of refuse service over the Christmas period in the following terms:

"I write to you in astonishment regarding the appalling lack of service over the Christmas period. After receiving an email alert yesterday, I checked the council website and discovered that there would be no black bin collection after 11th December until 4th January – an extra ten days on top of the usual two-week period. This is at a time when the majority of people, I would imagine, produce more waste than usual.

Contrast this to Leeds, where we used to live, where collections are either only one day earlier or later, with collections occurring on the Sundays to keep up during the holiday period.

In Leeds of course, there is a weekly food waste collection, regardless of whether it is green or black bin week. As I have previously raised a far greater variety of items can be placed in green bins and brown bin garden waste collections occur over the Spring to Autumn period.

Neighbouring Barnsley and Calderdale also seem to have a much more up to date service.

- i) Why is the Kirklees waste collection service, and I use the term loosely, so backward?
- ii) Please can you advise what we should do with an extra 10 day's worth of potentially very smelly food waste which is likely to attract unwanted attention from cats, foxes mice and rats?
- iii) Will extra bags left with the bin be collected?
- iv) Are there any plans to improve and modernise the service, and if not – why not?'

The Cabinet Member responded thereto.

(16) Question by Councillor Iredale to The Cabinet Member for Economy - Councillor McBride

"What are the long-term plans for Huddersfield and Dewsbury markets?"

The Cabinet Member responded thereto.

(17) Question by Councillor Eastwood to The Cabinet Member for Economy - Councillor McBride

'Why is the free parking on Saturdays in Huddersfield in the lead up to Xmas restricted to after 2pm?'

The Cabinet Member responded thereto.

(18) Question by Councillor Eastwood to The Cabinet Member for Communities & Environment - Councillor Mather

'What is the Council doing to promote domestic recycling efficiency?'

The Cabinet Member responded thereto.

(19) Question by Councillor Burke to The Leader of the Council - Councillor Pandor

'Could you provide an update on the Council's £5m Regeneration Masterplan for Huddersfield Town Centre?'

The Leader of the Council responded thereto.

(20) Question by Councillor Burke to The Cabinet Member for Health & Social Care - Councillor Khan

'How are our plans for a new hospital in Kirklees affected by the recent announcement that the Health Secretary has made a decision on Huddersfield Royal Infirmary and that Calderdale and Huddersfield trust would be given £197m to go ahead with their Plan B?'

The Cabinet Member responded thereto.

12: Minutes of Cabinet

To receive for information; the minutes of Cabinet held on 18 September, 2 October and 16 October 2018, and Cabinet Committee Local Issues held on 2 August 2018.

That the Cabinet Minutes be received and noted.

13: Holding the Executive to Account

(a) To receive Portfolio Updates from Councillor Scott (Democracy) and Councillor Turner (Corporate)

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

(i) Housing and Democracy Portfolio (Councillor Scott)

(ii) Corporate Portfolio (Councillor Turner)

(iii) Communities and Environment Portfolio (Councillor Mather)

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

(v) Learning and Aspiration Portfolio (Councillor Ahmed)

(vi) The Leader of the Council

(vii) The Deputy Leader of the Council

(viii) Economy Portfolio (Councillor McBride)

(ix) Children's Portfolio (Councillor Kendrick)

Council received Portfolio Updates from the Portfolio Holder for Housing and Democracy, Councillor Scott, and the Portfolio Holder for Corporate Services, Councillor Turner.

(Questions were not received due to time constraints).

14: 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) Health and Wellbeing Board

(v) Licensing and Safety Committee

(vi) Overview and Scrutiny Management Committee

(vii) Strategic Planning Committee

Item not considered (due to time constraints).

15: Oral Questions to Committee/Sub Committee/Panel 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) Scrutiny Panel – Children’s (Councillor Burke)
- (l) Scrutiny Panel – Corporate (Councillor Asif)
- (m) Scrutiny Panel – Economy and Neighbourhoods (Councillor Walker)
- (n) Scrutiny Panel – Health and Adult Social Care (Councillor Smaje)
- (o) Standards Committee (Councillor E Firth)
- (p) Strategic Planning Committee (Councillor S Hall)
- (q) Kirklees Neighbourhood Housing (Councillor Smaje)
- (r) Kirklees Active Leisure (Councillor Sokhal)
- (s) West Yorkshire Combined Authority (Councillor Pandor)
- (t) West Yorkshire Combined Authority Transport Committee (Councillor Kaushik)
- (u) West Yorkshire Fire and Rescue Authority (Councillor O’Donovan)
- (v) West Yorkshire Joint Services Committee (to be confirmed)
- (w) West Yorkshire Police and Crime Panel (Councillor A U Pinnock)

Item not considered (due to time constraints).

16: 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 and 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).

17: 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).

18: Motion submitted in accordance with Council Procedure Rule 14 as to Period Dignity

To consider the following Motion in the names of Councillors Zaman, Stewart-Turner, Dad, Griffiths, Hill, Hughes, Kaushik, Kendrick, Khan, Loonat, Lowe, Mather, O'Neill, Pattison, Pervaiz, A U Pinnock, Richards, Scott, Uppal, Greaves, Iredale, Munro, K Pinnock, Wilson, Allison, Pandor, Lawson, Cooper, Ahmed, Akhtar, Asif, E Firth, S Hall, Holroyd-Doveton, Homewood, Hussain, Kane, McBride, Murgatroyd, O'Donovan, Sarwar, Sheard, Simpson, Sokhal, Turner, Ullah, Walker, Burke, Eastwood, A Pinnock, and Lyons;

“This Council:

Notes that women and girls find themselves in a position where they either can't access sanitary products or can't afford sanitary products.

Notes that, low wages and zero-hour contracts are just some of the reasons that women are forced to make difficult decisions about whether to purchase sanitary products.

Is concerned that women and girls are resorting to using items such as socks and tissues in place of sanitary products, putting their health at significant risk and more than one in ten girls have had to improvise sanitary wear due to affordability issues.

Is further concerned that women and girls are missing work or school each month because they can't afford sanitary products.

Believes that women and girls should be able to experience their periods with dignity.

The District of Kirklees is no exception to this national issue and its effects on women's health, who are more likely to suffer from anxiety, depression or in school bullying; the consequence of which can have a negative impact on the local economy and educational attainment.

This Council resolves:

To call on the Government to carry out research into the impact that inadequate sanitary protection can have on women and girls so that it has a better understanding of the true impact of period poverty.

To call on the Government and CBI to carry out research into the impact that inadequate sanitary protection has on the economy including factors such as lost working days compared to the cost of business providing sanitary products at no charge to employees.

To further call on the Government to make sanitary products available for women and girls from low income households who are struggling to afford these essential items, including making sanitary products available in schools and colleges at no charge.

To ask Cabinet to work with schools and colleges to seek to provide sanitary products at no charge in toilet facilities until a time when the Government changes policy.

To ask Cabinet to conduct a feasibility study to assess the financial impact on the Council should it resolve in the future to provide sanitary products in its toilet facilities.”

Item not considered (due to time constraints).
