



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

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## **Decision Summary**

**Committee:**

**Date:**

**Committee Clerk:**

**TEL:**

**COUNCIL**

**WEDNESDAY 16 JANUARY 2019**

**Andrea Woodside**

**01484 221000**

### **Chair**

Councillor Gwen Lowe

### **Councillors Attended**

Councillor Masood Ahmed

Councillor Mahmood Akhtar

Councillor Bill Armer

Councillor Gulfam Asif

Councillor Donna Bellamy

Councillor Martyn Bolt

Councillor Cahal Burke

Councillor Andrew Cooper

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 Edgar Holroyd-Doveton

Councillor James Homewood

Councillor Judith Hughes

Councillor Mumtaz Hussain

Councillor Christine Iredale

Councillor Manisha Roma Kaushik

Councillor Viv Kendrick

Councillor Musarrat Khan

Councillor John Lawson

Councillor Vivien Lees-Hamilton  
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 Cathy Scott  
Councillor David Sheard  
Councillor Will Simpson  
Councillor Ken Sims  
Councillor Richard Smith  
Councillor Mohan Sokhal  
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

### **Apologies**

Councillor Karen Allison, Councillor Paul Kane, Councillor Elizabeth Smaje and Councillor Julie Stewart-Turner

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## **1: Announcements by the Mayor and Chief Executive**

To receive any announcements from the Mayor and Chief Executive.

The Mayor conveyed the congratulations of Council to both Judith Robinson and Saleem Tariq who had both been recognised in the 2019 New Year's Honours List. Judith, who is a development librarian, had been awarded a British Empire Medal for services to public libraries. Saleem Tariq, former Kirklees Deputy Director of Children's Services, had been awarded an OBE for services to Children's Services.

The Mayor advised that she would be sending a letter of condolence to the

family of Nigel Gawthrop, Mayor of Cambridge City Council, who passed away suddenly last week whilst on holiday in South Africa.

The Mayor also advised Council of the death of former Councillor Adrian Beldon, who had represented Birkby Ward. A tribute was paid by Councillor McBride.

The Monitoring Officer reminded Council of the restrictions applying to voting under Section 106 of the Local Government Act 1992, in respect of Agenda Item 11 (Minute No.122 refers).

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## **2: Apologies for absence**

Group Business Managers to submit any apologies for absence.

Apologies for absence were received on behalf of Councillors Allison, Kane, Smaje and Stewart-Turner.

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## **3: Minutes of Previous Meeting**

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

Approved as a correct record.

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## **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 Bolt declared an 'other' interest in Agenda Item 10 on the grounds that he has responsibility for an empty property. Councillors Smith and Watson declared a Disclosable Pecuniary Interest on the grounds that they have an interest in a property which is currently vacant.

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## **5: Petitions (From Members of the Council)**

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

Councillor McGuin submitted a petition which opposed the relocation of Almondbury Library at Stocks Walk to the site of the former Sure Start Centre.

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## **6: Public Question Time**

The Committee will hear any questions from the general public.

Council received a question from Aleks Lukic, arising from his deputation at the meeting of Council on 12 December 2018.

A response was provided by the Leader of the Council.

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## **7: 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 Ali Stopher, Kiran Bali, Joseph Byrne and Hugh Goulbourne in support of the Motion at Agenda Item 20 – Climate Emergency.
- (b) Council received a deputation on behalf of Almondbury Library Friends Association, delivered by Dr Mike Mitchell and Rob Greenwood, which opposed the relocation of the library from Stocks Walk to the site of the former Sure Start Centre. A petition was also submitted.
- (c) Council received a deputation from Hasan Badat in regards to the Council's Inclusion and Diversity Strategy.
- (d) Council received a deputation from Hanifa Darwan and Yunus Lunat which requested that the Council continue to offer a choice of halal meals within its schools. A petition was also submitted.

The Cabinet Member for Communities and Environment (Councillor Mather) responded to (a). The Cabinet Member for Resources (Councillor Turner) to (b). The Leader of the Council responded to (c). The Cabinet Member for Learning and Aspiration responded to (d).

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## **8: Council Petition Debate**

In accordance with Council Procedure Rule 9a, Council will discuss the subject matter of the previously submitted petitions relating to (i) the serving of non-stunned halal meat in Kirklees Schools and (ii) the impact of introducing car parking charges within Cleckheaton Town Centre.

Council debated the content of the following petitions which had previously been submitted and exceeded the 3,000 signatures petition threshold (i) the serving of non-stunned halal meat in Kirklees Schools and (ii) the impact of introducing car parking charges in Cleckheaton Town Centre. The contents of

the debate were received and noted.

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## **9: West Yorkshire Combined Authority - Minutes**

To receive the Minutes of the Meeting of the West Yorkshire Combined Authority held on 11 October 2018.

Item not considered (due to time constraints)

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## **10: Council Tax - Empty Property Premium (Reference from Cabinet)**

To consider the report.

Contact: Julian Hobson, Policy Officer

- 1) That it be agreed that, in accordance with Section 11B of the Local Government Finance Act 1992, a premium be set which applies with the maximum afforded by the Act under Sections 11B (1A) (1B) and (1C), with effect from the dates set out in those sections:

*(1A) For the financial year beginning on 1 April 2019 the “relevant maximum” is 100.*

*(1B) For the financial year beginning on 1 April 2020 the “relevant maximum” is—*

- a) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is less than 5 years, 100;*
- b) )in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is at least 5 years, 200.*

*(1C) For financial years beginning on or after 1 April 2021 the “relevant maximum” is—*

- a) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is less than 5 years, 100;*
- b) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is at least 5 years but less than 10 years, 200;*
- c) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is at least 10 years, 300. “*

- 2) That, pursuant to (1) above, this be integrated into the incentivising of bringing empty properties back into use to increase the Housing Supply.
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## **11: Calculation of Council Taxbase 2019/2020 (Reference from Cabinet)**

To consider the report.

Contact: Mark Stanley, Corporate Strategy and Public Health

- 1) That the Council Taxbase 2019/2020 for Kirklees, and the five Parish and Town Council areas, be approved as follows;

- Whole of Kirklees	£118,708.56
- Denby Dale	£5,771.84
- Holme Valley	£9,998.83
- Kirkburton	£8,910.47
- Meltham	£2,820.42
- Mirfield	£6,617.91

- 2) That authority be delegated to the Service Director (Finance) to adjust the taxbase to reflect any changes that may be agreed by Members, and to recalculate the taxbase pursuant to Section 3 1B(1) and S67(1) and (2A) of the Local Government Finance Act 1992.

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## **12: Healthy Weight Declaration (Reference from Cabinet)**

To consider the report.

Contact: Carl Mackie, Public Health Manager

Item not considered (due to time constraints)

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## **13: Scrutiny Update**

To receive an update on recent work within Overview and Scrutiny.

Contact: Penny Bunker, Governance and Democratic Engagement Manager

Item deferred.

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## **14: 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)

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## **15: Key Discussion - Council Waste Strategy**

Council will receive a presentation from the Director of Economy and Infrastructure, prior to the Key Discussion debate.

(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 received a presentation from the Director of Economy and Infrastructure prior to undertaking the key discussion debate.

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## **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 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)

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## **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."

Motion not approved.

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## **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."

Motion approved.

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**19: Motion submitted in accordance with Council Procedure Rule 14 as to Adopt Parental Leave Policy for Elected Members**

To consider the following Motion in the names of Councillor Mather, Pandor, McBride, Ahmed, Sheard, Khan, Scott, Kendrick, Turner and O'Donovan;

"This Council notes:

- That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of Councillors in England are women, up 1% since 2017. Of the seats that were up for election in 2018, 38% went to women, up just 3 percentage points on 2014 when these seats were last contested;
- As of summer 2017, only 4% of Councils in England and Wales have parental leave policies, according to research by the Fawcett Society;
- That the role of a Councillor should be open to all, regardless of their background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become Councillors, and is also a step to encourage existing Councillors who may want to start a family to remain as Councillors;
- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

This Council agrees:

- to the principle of adopting a suitable parental leave policy to give all Councillors an entitlement to parental leave after giving birth or adopting, based on the policy attached to this Motion, to ensure that Councillors with children and other caring commitments are supported as appropriate;

and therefore RESOLVES to;

- refer this to the Council's Members Allowances Panel and Corporate Governance and Audit Committee to consider further"

(Please note that the Policy is attached at Agenda Item 19)

Motion approved.

## **20: Motion Submitted in Accordance with Council Procedure Role 14 as to A Climate Emergency in Kirklees**

To consider the following Motion in the names of Councillors R Murgatroyd, S Pandor, D Sheard, N Mather, P McBride, M Sokhal, J Lawson, A Cooper and C Greaves;

"This Council notes;

The United Nations Intergovernmental Panel on Climate Change's warning that we have 12 years to make the necessary changes to limit a rise in global temperatures to 1.5c. Failure to act will see a marked increase in sea levels and flooding, extreme and abrupt changes to weather patterns, crop failures, extinctions of plant, insect and animal species and global economic disruption and crisis. This will detrimentally impact on the well-being of the people of Kirklees and billions of people around the world.

At the Global Climate Talks in Poland last December the UK along with over

200 nations agreed action on Climate Change with a much greater role strongly implied for Local and Regional Authorities like Kirklees in assisting Governments achieve their carbon emission savings.

In the words of Sir David Attenborough:

"Right now, we are facing a man-made disaster of global scale. Our greatest threat in thousands of years. Climate change. If we don't take action, the collapse of our civilisations and the extinction of much of the natural world is on the horizon. The world's people have spoken. Their message is clear. Time is running out.'

We therefore resolve to:

1. Declare a Climate Emergency and publicise this to the people of Kirklees to raise awareness, and support the public to take effective action.
2. Request Cabinet initiate a full Environmental Audit of Kirklees Council to measure its carbon footprint, identify hotspots and work toward being carbon neutral in line with the latest targets set and agreed by the United Nations Intergovernmental Panel on Climate Change; with Cabinet to report to the first meeting of the working party, referred to at 4 below on the scope of the environmental audit
3. Significantly improve our recycling rate to reach the target of 55% by 2025, and ask that the Cabinet implement a range of short term measures to improve recycling rates, in advance of a full review of the waste collection and disposal service.
4. To set up a Councillor Working Party including the appropriate Cabinet Lead with a remit to:
  - a) Commission and oversee the Environmental Audit
  - b) Consult expert opinion in the field, as appropriate
  - c) Identify practical measures to reduce emissions and the Council's carbon footprint
  - d) encourage action in the wider community, businesses and other key organisations e.g. NHS and Educational Institutions
  - e) Report to Full Council within six months with an action plan to address the Emergency and incorporating proposals on the investment implications of this proposed activity
5. The Council to consider Environmental Impact as part of any new policy
6. The Council to seek to collaborate with other Local and Regional Authorities on emission reduction projects as appropriate. The Leader of the Council to write to the Minister of State for Climate Change and Industry requesting that national policy is urgently developed to reflect the seriousness of the current emergency and to release funds to local authorities that would allow them to take the necessary measures at local level."

Motion approved.

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## **21: Responses to Motions - Child Sexual Exploitation/Modern Slavery**

To receive responses to the Motions approved at Council on 7 November 2018 as to (i) Child Sexual Exploitation and (ii) Modern Slavery, in accordance with Council Procedure Rule 5(n).

The responses were received and noted.

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