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KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 9th March 2020

Present: Councillor Elizabeth Smaje (Chair)
Councillor Andrew Cooper
Councillor Harpreet Uppal
Councillor Andrew Marchington
Councillor Habiban Zaman

Observers: Councillor Martin Bolt

58 Membership of Committee

All members of the Committee were present.

59 Minutes of Previous Meeting

The minutes of the Committee meeting held on 13 January 2020 were agreed as a correct record.

60 Interests

No interests were declared

61 Admission of the Public

All items were considered in public session.

62 Deputations/Petitions

No deputations or petitions were received.

63 Public Question Time

There were no public questions received.

64 Leader of the Council - Update on Priorities 2019/20

Councillor Shabir Pandor, Leader of the Council attended the committee meeting to provide an update on his portfolio priorities for the 2019/20 municipal year. The following highlights were noted:-

- The Budget had been approved in February 2020 and included measures to fulfil priorities and continue investment in the Council moving forward. There were 3 key areas, namely regeneration, including place based working, climate change and Children's Services.
- The Committee were advised that the Council remained one of worst funded local authorities nationally. A comprehensive spending review was ongoing and Council Leaders across the country were working on a cross party basis, to get the best deal for local government.

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- Place based and partnership working with local communities to deliver the priorities of residents was a key priority.
- With regards to towns and villages, it was noted that the Dewsbury Blueprint and Huddersfield Masterplan had been launched. An additional £78m had been identified to continue the investment in towns and villages across the district.
- In terms of infrastructure, plans were in place with the West Yorkshire Combined Authority and the Trans-Pennine upgrade would see a £1bn investment in Kirklees.
- An example of capital plan development was Spen Valley Leisure Centre where work had commenced on a scheme totalling £30m
- With regards to housing delivery, a big build event had been launched in September 2019 to build 10,000 new homes by 2023. This was going to plan and over 100 organisations had been engaged to assist.
- Cllr Pandor advised that climate emergency was a global issue and he had recently attended a Climate Emergency conference and outlined the work of Kirklees Council. The Budget in February 2020, had seen investment, including £1m to install 5 new rapid charging points and up to 80 new fast charge points in public car parks. A further £1m had been allocated to add 50 extra electric vehicles to the Council's own fleet and £750k would be invested over the next 12 months in trees and woodland.
- In relation to Children's Services, it was noted that following the Ofsted report of 2019, the Council was now out of special measures and no longer considered inadequate. Cllr Pandor indicated that every child deserved an outstanding council and there were elements in the budget to ensure that the improvement journey continued.
- With regards to flooding, Cllr Pandor referred to the excellent work carried out by staff, the police and fire services and the voluntary sector. It was noted that 69 domestic properties and 40 businesses had been affected. A fund had been developed where up to £750 was available to meet cleaning costs and council tax reductions for up to 3 months for households affected by flooding, and £3k and business rate relief for business affected. It was acknowledged that this was not enough and the Council would continue to work with other partners as well as the Government to address the issues faced.
- Proposals in relation to devolution were moving at pace and positive meetings had been held with the Treasury and Local Government minister. It was hoped that there would be an announcement as part of the budget on 11 March 2020. The Committee were advised that any deal would have to come back to Council for ratification.

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The Committee asked a number of questions and Councillor Pandor's responses are summarised below:-

- With regards to the implications of the recent Heathrow Airport judgement, it was noted that investment needed to be properly thought through and an impact assessment carried out to determine potential climate impact.
- The Council had 30 hybrid pool cars and it was planned to introduce 20 electric vehicles and 24 small electric vehicles.
- A demonstrator project was in development regarding a scheme for passive houses.
- With regards to devolution, it was important to get the best governance structure in place and draw the money down. The deal would see a levelling up of funding and Kirklees stood to gain.

The deal would include transport infrastructure and connectivity and interconnectivity between towns. In terms of skills, intelligence suggested that there was a mismatch between current provision and what businesses required. This would form part on an ongoing dialogue.

Discussions were ongoing as to the governance structure and it was important to ensure that this was democratic in terms of accountability.

- In relation to Children's Services and factors outside of the Council's control, it was noted that Ofsted had highlighted the relationship with partners and schools. In terms of getting the best outcome for children, it was important to take a holistic view with partners working together. This had been reflected in the budget, with investment into specialist social workers and formalised training. It was also noted that the Cabinet Member for Children had held a number of meetings with the Regional Schools' Commissioner.
- With regards to Corona Virus, it was noted that all members of staff had been given clear guidelines in terms of dealing with individual cases. A question in relation to the monitoring of sickness absence was acknowledged.
- There would be investment in all towns and villages and the Batley Action Plan was in the process of being developed.
- The contract for Pioneer House had gone into liquidation, but assurances had been received that business would continue as usual. It was noted that the Chief Executive had written to Dewsbury's elected members to make them aware of the situation. The Council's plan to deliver on Pioneer House would continue.
- Gangs and knife crime had featured in the budget and money was been reinvested to tie in resources more effectively. £600k had been allocated to Youth Services to carry out outreach work.

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- In terms of greener spaces it was noted that money had been invested to address ‘grot spots’ and making the environment greener and this would be devolved at a local level. Cllr Pandor noted the suggestion of illuminated signage in relation to fines, highlighted by a member of the Committee.

Councillor Bolt attended the meeting as an observer and asked a number of questions, the responses to which are summarised below:-

- The communication regarding Pioneer House would be circulated to all Councillors.
- The Committee would be provided with clarification as to the quasi-judicial status of Planning Committees.

Resolved:-

1. The Committee thanked Cllr Pandor, Leader of the Council for attending the meeting and noted the update provided in relation to the priorities he had identified for the 2019/20 municipal year;
2. The communication regarding Pioneer House to be circulated to all Councillors; and
3. The Committee to be provided with clarification as to the quasi-judicial status of Planning Committees.

65 Update on the Climate Emergency Working Party

The Committee received a report which provided an update on progress in developing and implementing the Council’s Climate Change and Air Quality programme.

Councillor Naheed Mather, Cabinet Member, Greener Kirklees, John Atkinson, Project Manager (Climate Emergency) Martin Wood (Operational Manager, Public Protection, Air Quality) Rob Dalby (Greenspace Operational Manager), Wendy Blakeley (Head of Public Protection), Alex Carey (Communications) Will Acornley (Head of Operational Services) and Mathias Franklin (Head of Planning and Development) were in attendance for the item.

In introducing the item, Cllr Mather outlined the importance of this work and the additional funding that had been allocated across the council services. The Committee were advised that for the year 2020/21, Kirklees Council had the largest budget in this respect.

Councillor Mather stated that it was important that everyone felt part of the conversation and to ensure that the most vulnerable residents weren’t left behind.

One of the Committee members sought clarification as to Cllr Mather’s earlier point as to Kirklees having the largest budget. In response, the Committee were advised that there had been a national review of how much councils were spending on

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climate change and in this current year, Kirklees Council's budget was one of the largest. The Committee requested further information in this respect.

The Committee received a presentation which provided an update on the Council's Climate Emergency and Air Quality programme since the November 2019 reports and provided detail on the progress of the Phase 1 programme, the proposed next steps for Phase 2 and how this fit into the established regional working structures.

The key areas of the Committee's discussion and responses to questions are summarised below:

- The Council was working with the National Trust on the work to boost the woodland and green infrastructure via the White Rose Forest.
- The Committee were advised that lessons had been learned in relation to air quality management zones (AQMA) although it was recognised that individual areas had different pollutants, topography and layouts. An example of lessons learned was cited as one of the original air quality management zones in Bradley, which was a traffic management solution using advanced technology on the traffic lights to move vehicles through the junction more effectively. One of this year's costed budget proposals was to expand and develop this trial and roll out into other areas.
- As part of the heat network, work had been ongoing with the Future Highways Research Group and SSE to see if the Council could become a pathfinder. This would mean that while trenching was being done for the heat network, private wiring from the Council's own power network could be added which would also link into the delivery of 5G and the LED street lighting network, as well as on street charging. This would ensure that disruption in digging up roads would be minimised.
- The heat network would be done in Phase 1 and once the core was established, it would be possible to develop add-ons. It was noted that the heat network would provide heat and power and would include electricity where possible in the town centre.
- A Committee Member commented that whilst there was good work outlined in Phase 1, there was not a lot in relation to carbon saving. Therefore more work would be required in Phase 2 if targets were to be achieved.
- It was intended to plant circa 75k trees, form a social enterprise and use local endemic tree stock to develop a nursery and grow stock to order. It was hoped to enter into partnership with a local wildlife charity which would assist with engagement and education and stock could be sold if there was additional capacity. The Committee were advised that if established, the nursery would be certifiable by the Woodland Trust.
- With regards to resources, the Committee noted that this was a cross service piece of work. There had been positive outcomes within the budget and new delegations had been set up. Developments included a cross service project

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team, as well as a dedicated team within the Environment and Infrastructure Directorate to push forward progress. The scoping of Phase 2 would determine how best to deploy resources across the Council.

- Councillor Mather advised that 62 hectares of greening was going on Leeds Road. It was also noted that the Council were keen to follow good practice and consider future-proofing and passive housing might not be the best option for Kirklees.
- In relation to the correlation between climate emergency and planning policy and guidance, it was noted that sustainable development was a cornerstone of planning policy. The Local Plan contained a number of policies which specifically addressed matters such as tree planting and retention, air quality and promoting renewable forms of energy generation and non-private car based travel.

Whilst it was acknowledged that communication might be an issue, the narrative between planning policy and climate emergency were intertwined. The current planning policy was up to date, with a new evidence base and advice from Public Health and Public Protection. Opportunities for improving air quality through new development were being taken and planning conditions attached, eg electric charging scheme on all new developments.

The Committee were advised that the Local Plan would not have been found sound if it had not responded to the basic principles of sustainable development. In terms of policy formation, the Council had an up to date Local Plan and was developing as a series of planning policy guidance booklets. The Committee were advised that there was already a bespoke air quality document in place, which was the cornerstone to advising on sensitive uses near air quality issues.

- The Committee noted 2 regional working projects. One was the North and West Yorkshire Emission Reduction Pathways which would look at what West Yorkshire would need to do between now and the 2038 target to achieve emission reductions across different sectors. Kirklees had a seat on the Steering Group, and the work would be helpful in forming the type of intervention needed in transportation and the built environment.

The second project was a West Yorkshire Combined Authority project looking at developing a methodology that was consistent across the City region for carbon impact assessment methodologies associated with projects, which would be extremely useful for larger infrastructure schemes.

- With regards to the Youth Summit, an officer group had been set up to look at the best way of establishing a youth summit and the related programme of engagement for young people. One of the first actions was to look at what was currently already happening across the district and how the Council could work with them.

In terms of delivery of the summit, the Committee were advised that this was still being developed but it was envisaged that young people would have a key role.

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Cllr Mather confirmed that the Youth Council were involved and that young people would be at the heart of the day. The Committee asked that there be greater involvement of young people from the outset of discussions.

Councillor Bolt was in attendance as an observer and asked a number of questions, the responses to which are summarised below:-

- Bus passes had been removed some time ago as it was felt that these had been paid for but weren't being used. The Council was looking at more innovative schemes to get young people out of private cars and onto public transport.
- Discussions had taken place with the Stadium as to how they could be involved in climate change initiatives and they were keen to get on board.
- In terms of trees, moss trees and moss walls, Cllr Mather advised that she was keen to look at what others were doing in this respect and this was being considered alongside the Council's own work.
- E-bikes were being looked at and workforce incentive schemes were being considered. Moving forward, it was important to ensure that electric charging points also had the capacity to charge e-bikes.
- Whilst there were no taxis situated at the Old Gate Site, awareness of the electric charging points at this location would be raised through communication.

Resolved:-

The Committee:-

1. Thanked Cllr Mather and the officers present for attending the meeting;
2. Requested further information as to the national review of councils' spending on climate change;
3. Acknowledged the work outlined in Phase 1 but asked that more focus be given to carbon saving in Phase 2;
4. Recommended that young people be involved in Youth Summit discussions at an early stage;
5. Advised that there should be further reference to the built environment and existing and housing and new housing within the Plan;
6. Requested that local elected members be informed of and involved in work with school initiatives;
7. Emphasised the importance of accurate communication messages;
8. Recommended that there be more communication of planning guidance; and

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9. That consideration be given to the inclusion of a cycling policy, in relation to climate emergency, as part of the Action Plan.

66 Annual Review of Flood Risk Management Action Plan

The Committee received a report which outlined annual progress against the action plan of the Kirklees Local Flood Risk Management Strategy (the Strategy), approved by Cabinet on 15 January 2013 and updated in November 2016 and February 2019.

Rashid Mahmood, Flood Manager, Planning and Development and Mathias Franklin (Head of Planning and Development) were in attendance for the item.

The key areas of the Committee's discussion and responses to questions are summarised below:

- A Committee Member referred to the important role of drainage clearance in minimising the risk of flood and local community solutions such as flood walls. Whilst the Committee were advised that sandbags would not have been effective against the type of flooding recently experienced, a request was made for a distributed supply of sandbags at a community level.
- It was acknowledged that community engagement was crucial and it was important to educate residents about risk and how they could best manage that in order to make communities more resilient. It was hoped to develop a flood warden initiative which would also assist in flood warning intelligence across the district.

The Committee highlighted the need for effective communications and referred to the recent instances where residents had struggled to get through to the Council via the telephone.

- The telemetry referred to was a form of technology which provided a remote picture as to whether a gulley had silted up. This would indicate which gulleys required a higher frequency of maintenance and the Direct Operations Team could be allocated accordingly. It was hoped to extend this in order to collect further knowledge and maximise efficiency maintenance.
- There had been a number of studies within the Kirklees district and a consultant's study in relation to surface water flood risk within the entire Kirklees district was expected in April 2020.
- In response to concerns raised as to the information provided to Planning Committees by the Environment Agency in order to assess the impact of housing in a particular area, it was noted that the Environment Agency provided the strategic flood risk maps which identified the highest levels of risk. This was a crucial piece of data in informing where land was allocated for housing and employment.

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It was agreed that technical issues in relation to assessing planning applications and flood risk would be picked up with Planning Committees in their annual and refresher training.

- In terms of main river, which was the responsibility of the Environment Agency, the lead local flood authority would advise on planning applications. The general principle was that development should not add to flood risk on site, add to flood risk elsewhere and should wherever possible and practical reduce flood risk. The Committee were advised that most fields were unmanaged and an uncontrolled environment and development could introduce a managed storage system for water. New design could improve drainage from an unmanaged field, being mindful of the challenge to get the water from the site to an appropriate water course.
- The vast majority of new housing was going on sites that both the lead local flood authority, the water agency and the Environment Agency had assessed as the most suitable locations for development across the borough.
- It was acknowledged that there would be an element of disruption during the construction phase, but there were planning conditions and requirements on developers to limit impact. Temporary drainage arrangements should be in place and these should be living documents which could be altered in reaction to extreme events.
- The Planning Service went out to manage major sites and were working closely with colleagues across the technical parts of the Council. Where developers were causing real issue, work would take place with them and action would be taken to bring back into compliance where required.
- In response to a question as to how the telemetry was being used to solve issues, it was noted that this technology was a new Council initiative. Data was being received and it was expected that 12 months of input would be required to fully appreciate the information. It was hoped that the data would inform which gulleys needed more attention.
- The Council worked constantly with the Environment Agency. Further to the recent storm events in February, a database was collected which looked at every property that had been internally flooded and the causes, which could change the view of areas of flooding within Kirklees. Moving forward, this would be captured into wards so that advice could be provided to elected members.
- The Committee were advised that planning sites had been through a sustainability assessment. The majority of the sites in the Local Plan were in areas of lowest flood risk. However, this did not mean that there weren't some sites where there were elements of flood zones 2 and 3. The Planning Service would always steer new development away from any flood zone 3 area, as this was the highest risk. If a site was an allocated site for housing, then that was an appropriate location for housing in principle, subject to the other material considerations being right.

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- The Local Plan was up to date and the Council was in good place to ensure that development was on sites identified as suitable for housing. The Committee were advised that this did not mean that all housing would go on allocations, as there was a windfall element of requirement of circa 400 per year of the 1700 target, but the principles of the Local Plan would be applied.
- Flood risk assessments were required with detailed planning applications and a Plan led approach to housing in Kirklees was being promoted. As previously noted, there was close working with the Environment Agency, who had been data gathering following recent storm events. Modelling was consistently reviewed to ensure that it was fit for purpose and measured against what had actually happened and strategic flood risk maps were periodically reviewed in light of new data.

Councillor Bolt was in attendance as an observer and asked a number of questions, the responses to which are summarised below:-

- The results of a study of surface water risk for Kirklees was expected shortly.
- It was often the case that if a property was not internally flooded then it would not meet the required eligibility criteria for funding, which was a constant challenge. It was believed that central government were looking at the criteria, so that businesses could benefit from funding relating to flood incidents.
- Engagement would continue with those communities affected by incidents.
- With regards to developers' responsibility, it was noted that where developers were applying for planning permission, it was expected that they would provide the right level of information. Planning Service officers would apply their professional judgement, provide challenge and scrutiny and bring forward to elected Members, with a recommendation and explanation as to how that had been arrived at. The Committee were advised that officers did challenge back and improved schemes as they came through.
- With regards to developers' responsibilities, it was acknowledged that some developers could be more collaborative, but equally the Council was in a Plan led situation and it was reiterated that some development could improve drainage of unregulated sites.
- In terms of the site referred to by Cllr Bolt, it was acknowledged that this was a challenging site and there was a known element of flood risk at the access points. It was noted that the majority of the site, where the housing was to be located, could be designed to be out of flood zones.
- It was acknowledged that some parts of the Borough had challenging typography and water networks and this had to be responded to with clever and innovative design, as there was still a requirement to provide good quality housing and jobs.

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- In conclusion, the Committee were advised that the Planning Service was keen to ensure developers built in accordance with their planning permission and where they didn't, action would be taken to regularise that.

Resolved:-

The Committee recommended that:-

1. Areas be designated for the provision of sandbags in areas of high flood risk, so that they could be accessed quickly when required;
2. The flood wardens scheme be put in place as quickly as possible;
3. Councillors be kept informed of surface water reduction measures and engaged as to the typography of areas within their wards;
4. It was important to work and engage with communities across Kirklees who were at most risk and there should be better communication in relation to resilience in an emergency;
5. Planning enforcement should be applied where there was a known flood risk to ensure that risk was mitigated;
6. The Action Plan should include more information in relation to risk mitigation and appraisal of such measures in areas of high flood risk.

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Date of Next Meeting / Agenda Plan

It was noted that the next scheduled meeting would be held on 6 April 2020 at 1400.