



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

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 15 JANUARY 2020

Andrea Woodside

01484 221000

Chair

Councillor Mumtaz Hussain

Councillors Attended

Councillor Masood Ahmed
Councillor Mahmood Akhtar
Councillor Bill Armer
Councillor Gulfam Asif
Councillor Donna Bellamy
Councillor Martyn Bolt
Councillor Cahal Burke
Councillor Aafaq Butt
Councillor Andrew Cooper
Councillor Paola Antonia Davies
Councillor Paul Davies
Councillor Richard Eastwood
Councillor Donald Firth
Councillor Eric Firth
Councillor Charlotte Goodwin
Councillor Michelle Grainger-Mead
Councillor Charles Greaves
Councillor David Hall
Councillor Steve Hall
Councillor Lisa Holmes
Councillor Erin Hill
Councillor James Homewood
Councillor Yusra Hussain
Councillor Christine Iredale
Councillor Manisha Roma Kaushik
Councillor Viv Kendrick
Councillor Musarrat Khan

Councillor John Lawson
Councillor Vivien Lees-Hamilton
Councillor Susan Lee-Richards
Councillor Fazila Loonat
Councillor Gwen Lowe
Councillor Aleks Lukic
Councillor Terry Lyons
Councillor Andrew Marchington
Councillor Naheed Mather
Councillor Peter McBride
Councillor Bernard McGuin
Councillor Alison Munro
Councillor Richard Murgatroyd
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 Mohammad Sarwar
Councillor Cathy Scott
Councillor Will Simpson
Councillor Elizabeth Smaje
Councillor Anthony Smith
Councillor Richard Smith
Councillor Mohan Sokhal
Councillor John Taylor
Councillor Mark Thompson
Councillor Graham Turner
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Rob Walker
Councillor Lesley Warner
Councillor Michael Watson
Councillor Paul White
Councillor Habiban Zaman

Co-optees

Attendees

Observers

Apologies

Councillor Karen Allison, Councillor Nosheen Dad and Councillor Kath Taylor

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 Councillor Chris Harpin, who passed away on 19 December

The Mayor presented former Mayor, Councillor Gwen Lowe, with the Mayoral Yearbook for 2018-19

The Chief Executive welcomed Councillor Donna Bellamy and Councillor Eric Firth, following the by-elections held on 12 December 2019, as members for Colne Valley and Dewsbury East wards respectively.

The Solicitor to the Council reminded Council of the restrictions applying to voting under Section 106 of the Local Government Act 1992, in respect of Agenda Item 10

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

Apologies for absence were received on behalf of Councillors Alison, Dad and K Taylor

3: Minutes of Previous Meeting

To agree and authorise the Mayor to sign the Minutes of Council held on 13 November 2019.

The Minutes of the last meeting of Council, held on 13 November 2019, were approved as a correct record.

4: Declaration of Interests

The Councillors will be asked to advise if there are any items listed on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on the item, or any other interest.

Councillor Murgatroyd declared an 'other' interest in respect of Agenda item 14 as Chair of an Adult and Social Care Co-operative.

Councillors Ahmed, Armer, Lyons, Patrick, Smaje, and Zaman declared an 'other' interest in Agenda Item 16 on the grounds that either they or a family member were

in receipt of a free television licence.

Councillor Y Hussain declared an 'other' interest in respect of Agenda item 18 as an employee of Bradford District Care Foundation Trust.

Councillor Smaje declared an 'other' interest in respect of Agenda item 18 as Co-Chair of the Calderdale and Kirklees Joint Health Overview and Scrutiny Panel and took no part in the debate and vote on the Motion.

Councillor Simpson declared an 'other' interest in respect of Agenda item 18 as a member of the Calderdale and Kirklees Joint Health Overview and Scrutiny Panel.

Councillors Hamilton, Loonat, Munro, Warner and Zaman declared an 'other' interest in respect of Agenda item 18 as members of the Health and Adult Social Care Scrutiny Panel.

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.

(Any person wishing to make a deputation is requested to contact andrea.woodside@kirklees.gov.uk / leigh.webb@kirklees.gov.uk (tel 01484 221000) and will be required to complete a form at least 24 hours in advance of the meeting).

Council received deputations from (i) Lydia Blundell, representing Huddersfield Students Union, in regards to the Educating Kirklees event (ii) Clare Walters in regards to the environmental impact of reported emissions from the Syngenta site (iii) Alice Stoker regarding the Climate Commission and public engagement. (iv) Stephen Ashen in regards to planning policy relating to the use or disposal of Council assets.

The Cabinet Member for Learning, Aspiration and Communities (Councillor Pattinson) responded to (i). The Cabinet Member for Greener Kirklees (Councillor Mather) responded to (ii) and (iii). The Cabinet Member for Corporate (Councillor Turner) responded to (iv).

7: Public Question Time

The Committee will hear any questions from the general public.

Council received questions from;

- (i) Mike Prior, on behalf of Kirklees Climate Emergency Group, in relation to planning policy guidance and the climate emergency.

A response was provided by the Deputy Leader, Councillor McBride

- (ii) Clare Walters, regarding the enforcement of Environment Agency regulations relating to the Syngenta site.

A response was provided by the Cabinet Member for Greener Kirklees, Councillor Mather.

- (iii) Stephen Ashen, regarding planning revenues.

A response was provided by the Deputy Leader, Councillor McBride

8: Proposed Revision to Statement of Licensing Policy 2020-2025 (Reference from Licensing and Safety Committee)

To consider the report.

Contact: Stephanie Mashiter, Licensing Service

That the revised Statement of Licensing Policy, as appended to the report, be adopted as the Council's Statement of Licensing Policy for the next five year period in order for the Council to fulfil its duties under the Licensing Act 2003.

9: Treasury Management Activity 2019/2020 - Half Yearly Monitoring (Reference from Cabinet)

To receive the report.

Contact: Eamonn Croston, Service Director – Finance

That the half year treasury management performance during 2019/2020 be received and noted.

10: Calculation of Council Tax Base 2020/2021 (Reference from Cabinet)

To consider the report.

Contact: Eamonn Croston, Service Director – Finance

That the Council Taxbase 2020/2021 for Kirklees, and the five Parish and Town Council areas, be approved as set out on Page 101.

11: Peer Challenge Feedback Report and Action Plan (Reference from Cabinet)

To consider the report.

Contact: Kate McNicholas, Head of Policy, Partnerships and Corporate Planning

That Council notes the report and approves the appended action plan.

12: Appointment of Chair - Heavy Woollen Area Planning Sub Committee

To confirm the appointment of Councillor S Hall as Chair of Planning Sub Committee (Heavy Woollen Area) for the remainder of the municipal year.

That Councillor Steve Hall be appointed as Chair of the Heavy Woollen Planning Sub Committee for the remainder of the 2019/2020 municipal year

13: Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons

To receive written questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons in accordance with Council Procedure Rule 12/12(1).

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

- (1) Question by Councillor Cooper to The Leader of the Council – Councillor Pandor

Have Cabinet Members met with the developers or their representatives regarding development proposals for Castle Hill?

The Leader to responded hereto

- (2) Question by Councillor Cooper to The Chair of the Strategic Planning Committee– Councillor S Hall

How can we ensure that when we specify an electric vehicle charging point is installed in developments that it is actually installed and properly

commissioned?

The Chair of the Strategic Planning Committee, Councillor S Hall responded hereto.

- (3) Question by Councillor Munro to The Deputy Leader of the Council – Councillor McBride

I have been requested to ask this question on behalf of a resident as follows:

This Council has declared a Climate Emergency and people understand we are facing a climate emergency situation and that extreme weather patterns should always be factored in to any plans concerning development. The recent flooding in South Yorkshire showed many modern recently built homes being the victims of flood waters. These houses would have gone through all the same assessments and checks as the ones used by this Council, yet they flooded. Is it the case, therefore, that all the current flooding models and assessments used in planning developments are outdated?

The Deputy Leader responded hereto.

- (4) Question by Councillor Munro to The Deputy Leader of the Council – Councillor McBride

Please can you tell me why we as councillors are faced with contemplating a planning application for Castle Hill in the near future, that is detrimental to the iconic status of this hill, detrimental to our heritage, detrimental to our environment as a result of a potential increase in visitors journeying to the site, (bearing in mind Kirklees have declared a climate emergency) when in comparison to the age of the ancient hill fort these plans are a venture that is relatively short term?

The Deputy Leader responded hereto.

- (5) Question by Councillor Munro to The Cabinet Member for Culture and Environment – Councillor Walker

How long will it be before the assessment of Tolson Museum is finished and will that assessment be shared with Ward councillors as soon as it is completed?

The Cabinet Member responded hereto.

(Due to time constraints, responses to question 6-35 inclusive would be dealt with by way of written response).

14: Key Discussion - Developing Dementia Design in Kirklees

Council will receive a presentation from the Strategic Director for Adults and Health 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 Strategic Director for Adults and Health prior to undertaking the key discussion debate.

15: Motion as to Forgotten Workers - Update

To receive an update from the Cabinet Member – Corporate Services on the progress of the resolution of Council on 18 September 2019.

That the update be noted.

16: Motion submitted in accordance with Council Procedure Rule 14 as to Pension Credit

To consider the following Motion in the names of Councillors Simpson, Pandor, Turner, McBride, O'Donovan, Zaman, Khan, Ahmed, Walker, Warner, Loonat, P Davies, Homewood and Lowe;

“This Council;

- (i) believes that the abolition of free TV licences is a terrible blow to many vulnerable older people who already struggle to make ends meet and particularly to those who are housebound or isolated and rely on their TV for company
- (ii) notes the pledge made in the Conservative Party 2017 manifesto to fully fund the TV licence for all over 75s
- (iii) notes the Independent Age Credit ‘Credit Where It’s Due’ campaign report, which found that £21m of support for Kirklees’ most vulnerable pensioners is being held back by the barriers to accessing Pension Credit
- (iv) does not believe it is acceptable that almost half of all pensioners in Kirklees who are entitled to Pension Credit do not receive it. These vulnerable older residents will also now lose their free TV licences and will be pushed further into deprivation

This Council therefore resolves;

- (i) to write to the new Prime Minister to outline the unacceptable effect that this policy will have on Kirklees' most vulnerable pensioners and call upon him to back the 'Credit Where It's Due' campaign to reform Pension Credit to better support Kirklees' most vulnerable older residents
- (ii) to use opportunities that exist within the Council to promote the availability of Pension Credit to residents to ensure as many residents as possible are aware of its availability."

Motion approved.

17: Motion submitted in accordance with Council Procedure Rule 14 as to Improving School Air Quality

To consider the following Motion in the names of Councillors Munro, Burke, Lawson, A Pinnock, K Pinnock, Iredale, Eastwood, P A Davies, A Smith and Marchington;

"This Council notes:

1. That clean air is one of the most fundamental requirements for a healthy environment;
2. That, according to Defra, the inhalation of particulate pollution can have adverse health impacts and there is 'understood to be no safe threshold below which no adverse effects would be anticipated'.
3. That polluted air is a silent killer, with an estimated 28,000 – 36,000 deaths in the UK attributed to long-term exposure to air pollution. It also costs our health system between £8.5bn and £18.6 billion each year and has been linked to the development of a range of medical issues, including respiratory disease, coronary heart disease, lung cancer and dementia;
4. That road transport is the principal source of both particulate matter and nitrogen dioxide pollution;
5. That Kirklees Council has an Air Quality Action Plan which outlines the need to improve the physical infrastructure across the district to ensure that walking and cycling is easier. The Council has also declared a 'climate emergency' and established a councillor-led working party to identify practical measures to reduce emissions, take environmental considerations in mind when developing new policies and to propose targets for future action;
6. Public Health England's *Review of Interventions to Improve Outdoor Air Quality and Public Health* (2019) report, which outlines measures to

tackle air pollution, including improving air quality at schools;

7. Some schools in Kirklees have expressed concern about the impact of air pollution on pupils and would be supportive of measures and initiatives to improve air quality.

This Council believes that:

Air pollution particularly affects the most vulnerable in society. It poses a serious threat to the health of children, whose lungs are still developing;

1. Local authorities, including Kirklees Council, have a hugely important role in tackling air pollution and improving air quality across the district. Children need to be a priority in improving air quality and the Council need to do more to tackle air pollution at schools across Kirklees to ensure that our children are healthy;
2. The Government's *Clean Air Strategy* (2019) has failed to show adequate leadership in tackling air pollution at a national level. Local authorities, including Kirklees Council, need to respond and shift their focus towards preventative measures in tackling air pollution, rather than being reactive;
3. The Council needs to develop a dialogue and work more closely with local schools and parents to discuss air quality issues. The Council understands that tackling air pollution can require a holistic approach;
4. It is important that the Council promotes sustainable active travel, including walking and cycling to schools;
5. There are opportunities for the Council to work with local schools to devise and implement new initiatives to tackle air pollution, including conducting school air quality audits; creating 'no idling zones' for motor vehicles outside schools; promoting 'School Streets' and 'Street Play'. It is also vital to regularly monitor air quality outside all schools across the district.

This Council, therefore, resolves to:

1. Ask Cabinet to engage with local schools to prepare school air quality audits in order to help identify bespoke and tailored local measures to tackle toxic air pollution;
2. Ask Cabinet to engage with schools to design and deliver air pollution campaigns that engage with and encourage pupils to learn about air pollution in their area;
3. Ask Cabinet to consider pilot schemes to tackle air pollution at schools across Kirklees. This might include 'Street Play' and 'Car Free School Streets', which enables local authorities to use existing powers to allow temporary road closures outside schools. These types of initiatives cut down on traffic and parking pressures outside schools, provide greater opportunities for children to play outdoors, improve road safety and

promote a healthy environment;

4. Promote vehicle 'no idling' zones outside schools and ask Cabinet to investigate the possibility of implementing a programme of work to educate pupils and parents about the dangers of vehicle engine idling on health;
5. Actively encourage local businesses to sponsor green walls and pollution-absorbing trees near schools"

Motion approved.

18: Motion submitted in accordance with Council Procedure Rule 14 as to Interest Rates Starving NHS Trusts

To consider the following Motion in the names of Councillors Munro, Burke, Lawson, A Pinnock, K Pinnock, Iredale, Eastwood, P A Davies, A Smith and Marchington:

"This Council notes that:

1. Following Freedom of Information requests by the national Liberal Democrat party, it has been revealed that health trusts across England have paid more than £607m in interest payments since 2013-14;
2. Calderdale and Huddersfield NHS Foundation Trust has paid at least £2,841,049 in interest on outstanding debt since 2013-14. Yorkshire Ambulance Service NHS Trust has paid £575,776 in interest, while Mid Yorkshire Hospitals NHS Trust has paid at least £4,734,551 in the same period;
3. NHS health trusts paid almost £63m of interest on outstanding debt in 2013/14, rising dramatically to over £205m in 2017/18. NHS trusts across England are more than £1.2bn in debt;
4. Health trusts can request repayable loans from the Department of Health and Social Care if they face a shortfall in funding, but the Government charges interest of up to 6% on the loans. Currently, nearly a third of loans have rates of 3.5% or more;
5. The scheme of 'deficit loans', which requires health trusts to pay back the loans with interest, replaced the system of permanent public investment in 2014;
6. Kirklees Council has responsibility for improving local public health services. The *Health and Social Care Act 2012* conferred new duties on local authorities, including Kirklees Council, to improve public health as well as existing social care obligations, which are impacted by NHS services.

This Council believes that:

1. The excessive interest rates and the compounding lack of investment in our NHS is putting the future of health trusts, including Calderdale and Huddersfield NHS Foundation Trust, in jeopardy by forcing them to take out loans to stay afloat day-to-day and impacting the residents in Kirklees;
2. The budget deficits experienced by health trusts are often the result of underfunding, rather than overspending;
3. The current system of loans and interest payments does little to provide long-term planning or improve the quality of patient care. There need to be changes to the way that money moves around the NHS. The current system is forcing our local health trusts to make further cuts in spending on patients to pay interest charges. In doing so, it is undermining local health care across Kirklees.

This Council, therefore, resolves:

That the Leader of the Council writes to the Secretary of State for Health and Social Care, requesting an urgent review of the current system of loans and interest payments in the health sector.”

Motion approved.

19: Motion submitted in accordance with Council Procedure Rule 14 as to Proportional Representation in Local Elections

To consider the following Motion in the names of Councillors Cooper, Lee-Richards and Allison;

This Council notes that;

The electoral system used for local elections in England and Wales, First Past the Post (FPTP), is not a fair system, because it means that votes do not have equal weight and many votes are wasted. This leads to voter apathy and a feeling of disconnection from local democracy. Certain parties are over-represented, the most extreme example in May 2019 being Havant, where the Conservative Party took all of the seats up for election on Havant Council with just 43.9% of the vote.

The alternative to FPTP is a system of proportional representation (PR), where votes cast for parties translates more or less directly into seats won. There are many variants of PR. The Single Transferable Vote system (STV) variant of PR is already in use for local elections in Scotland and Northern Ireland. With this system, voters rank candidates and those who receive the most backing (including second and subsequent choices) are elected to serve in multi-member wards.

Kirklees Council (in common with most other Metropolitan councils) already has multi-member wards and thus the transfer to a similar system would be easier than if the wards were single-member.

The introduction of PR for local elections in Scotland has led to an increase in turnout, which was 47% at the last elections, held in 2017. In contrast turnout in Kirklees in 2019 was 33%.

A move to a system of PR for local elections would necessitate moving to all-out elections every four years, rather than the current one-third system. This would benefit the council and Kirklees residents too, since it would mean more time for decision-making.

This Council believes that a move to the use of proportional representation for local elections would boost turn-out, make the council more representative of the political make-up of its residents, and improve the quality of its decision-making, thereby benefiting all Kirklees residents.

This Council resolves to;

- write to the Minister responsible for Housing, Communities and Local Government requesting that Kirklees be allowed to pilot a system of Proportional Representation on the Scottish model at the earliest possible election
- signal our interest to be a pilot area for Proportional Representation to the Electoral Commission
- work through the Local Government Association to promote Proportional Representation more widely in English and Welsh Local Authorities.

Motion not approved

20: Response to Motion of Council - Universal Credit

To receive the response of the Department for Work and Pensions to the Motion of Council, approved on 16 October 2019, as to Universal Credit.

That the update be noted.
