

Contact Officer: Jodie Harris

KIRKLEES COUNCIL

ECONOMY AND NEIGHBOURHOODS SCRUTINY PANEL

Tuesday 19th October 2021

Present: Councillor Harpreet Uppal (Chair)
Councillor Gwen Lowe
Councillor Martyn Bolt
Councillor John Taylor
Councillor Robert Iredale

Co-optees

In attendance: Eric Hughes - Head of Business and Assurance Transformation
Naz Parkar - Service Director for Homes and Neighbourhoods
Michelle Anderson–Dore - Head of Partnerships for Growth and Regeneration
Mathias Franklin – Head of Planning and Development
Hannah Morrison – Senior Planning Officer, Planning Policy
Johanna Scrutton – Planning Policy Team Leader, Planning and Development
Lucy Wearmouth – Public Health Manager, Public Health
Beth Wallis – Project Officer, Public Health

Observers: Councillor Peter McBride
Councillor Elizabeth Smaje
Councillor Mussarat Khan

Apologies: Councillor Yusra Hussain
Chris Friend (Co-Optee)
Andrew Bird (Co-Optee)

1 Membership of the Committee

Apologies were received from Councillor Yusra Hussain, Andrew Bird (Co-optee) and Chris Friend (Co-optee).

2 Minutes of the Previous Meeting

The Panel considered the minutes of the previous meeting held on 7 September 2021.

RESOLVED -

The Minutes of the meeting held on the 7 September 2021 were agreed as a correct record.

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3 Interests

Councillor Taylor declared an interest regarding his position as a member of the advisory board for Kirklees Neighbourhood Housing in relation to agenda item 7.

4 Admission of the Public

All items were considered in the public session.

5 Deputations/Petitions

No deputation or petitions were received.

6 Public Question Time

No questions were received from the public.

Councillor Bolt advised he had been approached by residents of Leeds Road and Oak Road who had raised some concerns in relation to aspects of the A62 Cooper Bridge Corridor Improvement Scheme. Councillor Bolt queried the potential to call in the decision made by Cabinet on the 12th October 2021 and asked if members of the panel would consent to this.

Councillor Uppal advised that any signatories to a call in notice would need to demonstrate that there had been a breach in the Councils decision making principals by filling out a proforma and returning this to the relevant parties no later than 5pm.

Councillor Iredale noted the importance of giving the public every opportunity to have their say and agreed he would support this.

RESOLVED: It was agreed that Jodie Harris, Principal Governance and Democratic Engagement Officer provide Councillor Bolt and Councillor Iredale the Call-in Proforma.

7 Kirklees Housing and Neighbourhoods and Estate Management Update

The Panel considered the report Kirklees Homes and Neighbourhoods and Estate Management Update presented by Naz Parkar, Service Director for Homes and Neighbourhoods, Eric Hughes - Head of Business and Assurance Transformation and Michelle Anderson-Dore - Head of Partnerships for Growth and Regeneration. Councillor Peter McBride the Cabinet Portfolio Holder for Regeneration was also in attendance.

Naz Parkar gave an update on transferring Kirklees Neighbourhood Housing, to Council Management. Naz explained that the transfer was almost complete and had been largely successful. Naz highlighted that the key ambition was to continue to consolidate and embed services within the wider council, ensure the safety of high-rise residents and address compliance issues. Naz also noted that the strategic ambition was to work in a restorative / place-based way, engaging fully with stakeholders and tenants.

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Eric Hughes gave a presentation and explained that:

- A decision was taken in October 2020 to transfer Kirklees Neighbourhood Housing to Council Management.
- This meant that the housing management and maintenance services previously provided by KNH were to be delivered directly by the Council under the Homes and Neighbourhood Service.
- 2021-22 was the 'transition/alignment' phase with a key focus on aligning and embedding the new service with the Council.
- The service was funded through the housing revenue account and was focused on the delivery of repairs, maintenance and housing management services to tenants and customers across Kirklees.
- A Core part of the offer was hearing the tenants voice using a restorative place-based model, increasing environmental improvements, delivering capital programmes that included tenants wants and desires, as well as conferences, consultations, STAR feedback and a Challenge Panel.
- Estate engagement had included action days, litter picks, weed removal, joint working with other services and consultation with residents to improve areas.
- The Tenants Advisory and Grants Panel were involved in shaping policies and procedures regarding anti-social behaviour.
- Compliance with the gas and electrical safety regime was good, and there was a view to extending this to include the big 6 .
- The MCS (microgeneration certification scheme) accredited had been renewed to install green technologies such as air source heat pumps.
- There were objectives to support the local economy by using sub-contractors to carry out works and investing in apprenticeships.
- There was a £152m investment to improve homes and neighbourhoods over the next 10 years.
- The investment aimed to rectify inherent building defects, improve thermal efficiency, add kerb appeal and deliver environmental improvements.
- £98m of investment was for new housing over the next 10 years with low Carbon Mixed tenure and modern methods of construction. 3 sites were currently underway: Fernside, Corfe Close and Howley.
- On delivering affordable warmth and reducing the carbon footprint the target was for Council homes to be SAP rating of band C (minimum) by 2030.
- A Housing Advisory Board had been developed to scrutinise housing activities.
- The service excellence initiative was at the start of the next phase of continuous improvement and will be the springboard of activities in the services transformation journey from April 22 onwards.
- Service Excellence meant getting the basics right, building on the Quality Management Framework, linking to Corporate Objectives and using a restorative place-based approach.

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- Current Improvements included the implementation of a new housing management system, building safety reviews, high rise consultations and options appraisals, new extra care development and management, succession planning, and supporting adults and young people into work through initiatives such as the Works Better employment programme and the Kickstart scheme.
- There had also been a focus on tackling inequalities impacting on council tenants and strengthen the tenants' voice through the new Housing Advisory Board and the Tenant Advisory and Grants Panel

The panel agreed that the tenants voice is paramount and questioned what was been done to improve how the Council incorporates this when making decisions?

Eric Hughes advised that there was a great focus on the tenant's voice and that the Housing Advisory Board was made up of 50% of tenants. He further explained strategies such as STAR surveys and transactional surveys were used to gain tenants feedback.

Michelle Anderson–Dore, Head of Partnerships for Growth and Regeneration also advised there were 40 tenants on the Tenants and Residents Association, which was high in comparison across the sector.

The Panel asked if home visits to tenants had re-commenced following the implementation of Covid-19 resections?

In response, Eric Hughes advised that visits had reduced considerably and each visit was risk assessed throughout the pandemic, but highlighted that the 'estate walk abouts' had re-convened and that customer service centres had re-opened meaning more face-to-face contact with tenants was taking place.

The Panel noted the need for good ventilation as one of the Covid-19 safety public health recommendations and highlighted concerns about damp and mould in Council properties. The Panel also noted the immediate reaction to problems with cladding and high-rise properties and questioned what risk assessment had been done in relation to ventilation and where did it sit on the risk register?

In response, Eric Hughes confirmed the risk register was owned by the Service and that the Decent Homes Standards required the Council to provide properties that did not have damp or mould. Eric further advised on plans to carry out further in-depth surveys and put in remedial action where required. The Panel noted the need for this to be given the same priority as the response to high rise flats.

The Panel acknowledged there was a lot of positive work carried out by Kirklees Neighbourhood Housing and shared the importance of these services being available to more than just Council house tenants. The Panel highlighted that all Kirklees residents should be treated equally.

Eric Hughes advised Homes and Neighbourhoods is funded through the Housing Revenue Account which comes from tenants rent, so the tenants would views were prioritised on how this money should be reinvested. Eric highlighted that Homes and

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Neighbourhoods was still in its transition phase and agreed on the need to work with services across the council, to share skills and knowledge to address general issues.

Michelle Anderson-Dore highlighted other pieces of work that were ongoing that were available to all residents in Kirklees and agreed on the importance of using expertise from within Homes and Neighbourhoods and other parts of the Council to deliver the best outcomes for everyone. Michelle added that the place-standard looked at Kirklees as a whole not just council tenants.

The Panel highlighted the importance of going out and talking to people who do not usually come forward to take part in Council engagement activities.

In response to the Panels comments, Councillor McBride questioned if there was a common policy for council houses and the rest of housing. He further added however that the service was still learning how to fully integrate back within the Council and its primary concern needed to be overall housing. Councillor McBride also highlighted the lack of reference to councillors and asked what their involvement would be.

The Panel highlighted the need for more support to TRA's (Tenants and Residents Association) and raised a concern in relation to some Kirklees properties only having one door which was a fire safety risk.

Eric Hughes responded to the question relating to properties only having one door and asked Councillor Lowe to send him the details of the properties concerned. In regards to TRA'S he explained that over the last few years, a range of mechanisms had been built to engage all tenants and residents Michelle Anderson-Dore added that TRA's would continue to be supported and there was a strong focus on involving more tenants of a younger age. This meant there had to be various models to meet the needs of all tenants.

The Panel highlighted some concerns in relation to the Berry Brow flats and requested a copy of the independent compliance review. The Panel also asked if there was a plan for demolition whilst questioning the cost effectiveness of bringing the flats up to standard prior to demolition.

Eric Hughes responded to the concerns relating to the Berry Brow flats and confirmed there was no date scheduled for demolition. Eric advised that the work due to be carried out on the flats was fire safety work which was required for residents to live there safely. Michelle Anderson -Dore also shared that they were in the process of agreeing the programme for high rise buildings and that individual family circumstances would be taken into account.

The Panel noted the cost of replacing the fire doors was £600,000 and questioned the cost effectiveness of this highlighting that the doors had been replaced previously. Eric Hughes advised it was not the purchasing and receipt of the door that had been the issue, it was the certification of the doors which was a national issue.

RESOLVED:

The Panel noted the **Kirklees Homes and Neighbourhoods and Estate Management Update** highlighting the that hearing the tenants voice was paramount and the importance of supporting TRA's and building relationships with other Council services. It was agreed that:

1. An urgent response should be taken in relation to the risk assessment around ventilation and the issues surrounding damp and mould should be investigated.
2. Consideration should be given to the makeup of advisory boards to include councillor representations.
3. That an update on Estate management and progress in this area be shared with the Panel.
4. That Eric Hugh's be provided with the details in relation to Kirklees properties with one door and for a response setting out any required actions be provided to the panel.
5. The Independent compliance report to be shared with the panel.
6. A copy of the presentation slides be shared with the panel.

8 Hot Food Takeaway Supplementary Planning Guidance (SPD)

The Panel considered a report setting out the approach taken in the emerging draft **Hot Food Takeaway Supplementary Planning Guidance (SPD)** presented by Hannah Morrison - Senior Planning Officer, Mathias Franklin – Head of Planning and Development and Johanna Scrutton – Planning Policy Team Leader, Planning and Development.

Lucy Wearmouth – Public Health Manager, Public Health, Beth Wallis – Project Officer, Public Health and Councillor Mussarat Khan Cabinet Portfolio holder for Health and Social Care were also in attendance.

Hannah Morrison gave a presentation which highlighted the following key points:

- The SPD was jointly produced between planning, public health and environmental health.
- It set out the framework on how planning applications for hot food takeaways would be assessed, and some of its principles would apply to existing takeaways who applied to vary their conditions.
- The purpose of the SPD was to add clarity to exiting policies such as LP16 and LP47 relating to health , food and drink uses.
- It was important to balance health and well-being issues and the needs of small business who were likely to be affected.
- It was not a blanket ban on hot food takeaways, and public health intelligence data was used alongside other considerations to ensure that the approach was proportionate.
- This was not the only solution to issues within the Authority relating to health and obesity and included signposts to all Council initiatives that were available to businesses and residents.
- The SPD supports other council priorities such as improving health and its commitment to the healthy weight declaration.

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- The SPD set out 7 principles that any application for a hot food takeaway will need to have regard to including:
 - 4 relating to Residential Amenities – noise, odours, waste disposal, takeaway design, community safety, highway safety.
 - Town Centre Vitality and Viability – impact on local towns and centres to avoid clustering of takeaways.
 - Proximity to School – restricting the opening hours of hot food takeaways that were within 400 metres of a school to help improve childhood obesity.
 - Public Health Toolkit – to support residents to live in and access healthy environments.
- There was a relationship between deprivation and obesity. In the most deprived areas, there was likely to be more hot food takeaway clustering.
- Public health intelligence was used to inform place-based decision making.
- There were key indicators to show the impact obesity had within a specific area. If the indicators were significantly above the Kirklees average, the recommendation would be that the takeaway didn't open.
- Around 80% of postcodes would be accepted using this tool, but if they were rejected, mitigations were built into the process.
- The next steps were public consultation on the 9th November which would last for 6 weeks and be followed by a Cabinet decision to adopt the SPD mid-2022.

The Panel noted that 80% of postcodes would be accepted using the tool and asked in relation to public health if this meant there little problem in approving new takeaways. Lucy Wearmouth confirmed that the 80% accepted wouldn't be significantly above the Kirklees average so it would be ok for those post codes to have a takeaway.

The Panel noted some of the figures around obesity and overweight children were quite significant in some areas and queried whether these areas were densely populated with takeaways and would fall into the remaining 20%.

Lucy Wearmouth advised it would be a combination of indicators, the public health indicator did not include the clustering of takeaways, but this was included in another section of the SPD and there would be a collation of data between all indicators. Hannah Morrison, Senior Planning Officer, Planning Policy, also added that for a place to be rejected it would have to have scored above the Kirklees average on all 7 indicators.

The Panel acknowledged the tool was proportionate but asked if the approach was too cautious.

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Mathias Franklin advised this was the approach was evidence-based and was fair and reasonable. It was a consultation to gauge people's opinions on the implications of the balance between economic towns and tacking health. Mathias further advised that the document could be revisited in time and there was a commitment to review it periodically to monitor performance.

The Panel highlighted that there were areas more densely populated with takeaways than others and agreed it would be useful in determining whether an application needed objecting to. Hannah Morrison added that the toolkit would be available online and would calculate the results so that all resident, councillors, and the applicant could use this tool before submitting an application.

The Panel raised some concerns relating to new takeaways opening such as additional litter and the need for additional parking. The Panel also noted the section of the SPD that made reference to avoiding clustering of takeaways (no more than 3 in a row) and questioned how this would affect the new development in Batley Town Centre which was predominantly for takeaways.

In response, Mathias Franklin explained that the issues were around the vitality of a centre and taking into consideration health, environmental issues which are relevant to planning considerations and the impact on local centres. Mathias highlighted the importance of having a range of types of business that people could use, that sustained the centre throughout the day and the evening. Mathias also shared that the purpose was to try to balance the number of clusters, plan for the future and manage future growth so that centres had a fair chance of staying viable, being attractive and having a range of services for people.

Councillor Khan highlighted that the policy demonstrated how we could use public health intelligence to tackle wider health inequalities and that one of the main benefits was to allow the Council to influence hot food industries to provide healthier food options. Councillor Khan advised that the FINE Team (Food Initiative and Education Project) could offer support and advice on how places could offer more nutritionally balanced menus and make improvements to their menu choices.

Responding to a question about whether village centres were included in the SPD. Hannah Morrison confirmed that all principles within the SPD applied to hot food takeaways across Kirklees, including district and local centres. This was apart from the principle regarding the proximity to schools and the tool kit, which would not apply within Huddersfield, Dewsbury and Batley, Cleckheaton, Heckmondwike and Holmfirth.

The Panel highlighted that FINE was an advisory service (which couldn't be enforced) and questioned the implications of this in relation to takeaways being able to get around regulations or planning considerations.

Mathias Franklin explained the need to work collaboratively with businesses to help develop opportunities and diversification. Mathias highlighted that planning was part of the journey but also education and choice, so that people could see viable business opportunities.

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The Panel noted there would be some learning when the SPD was adopted and questioned if it was something that could be done without a formal process. In response Mathias advised the SPD could be updated but there would need to be a consultation process, highlighting the importance of asking people's opinions.

The Panel requested that data regarding the 400 metre exclusions zone and how many takeaways were within that perimeter be provided.

Councillor Khan thanked everyone for their comments and noted overall the panel were in support. Councillor Khan highlighted the gap in the local hot food industry in terms of healthy choices and the opportunities for business to open and have healthy hot food on offer. Councillor Khan acknowledged we could not stop people feeding their children unhealthy foods, but we could try to influence the hot food market and raise awareness.

Councillor McBride highlight that this was an opportunity to use planning as a creative tool to make and support wider Council proprieties and control development. Councillor McBride advised there were a number of areas being transformed due to lack of planning or ability to control by planning. The SPD would be used wisely and affectively to ensure the exact location of a takeaways and the impact.

Hannah Morrison responded to the question asked relating to the 400-meter exclusions zone and advised there was lots of evidence and research carried out and other authorities use this. Hannah advised there would be more detailed information within the SPD setting out the justification for this. Hannah also shared that the SPD was based on evidence, including academic research and actual data.

The panel queried the criteria in relation to what was classed as a hot food takeaway and whether this could apply to larger multinational chains?

Hannah Morrison responded to the above question and confirmed hot food takeaways were defined by the planning used class (A5 used class) Hannah also advised that this applied equally to large multinationals, small businesses and drive throughs.

Lucy Wearmouth shared it was brilliant to be using public health to inform planning decisions across the council and agreed it was an innovative approach. Lucy also added, with regards to an earlier question about being too cautious, that it was important to be cautious at the beginning and take measures along the way to see how it goes.

RESOLVED: The Panel noted the draft Hot Food Takeaway Supplementary Planning Guidance (SPD) and it was agreed that:

1. Investigative work was undertaken to determine how to expand and add to the benefits of the FINE programme.
2. The public health tool kit was updated as required.
3. An update be provided to the Panel following the consultation stage.

Clarification was provided in relation to principal and town centres.

9 Work Programme 2021/22

Councillor Bolt noted the Transpennine route upgrade scheduled for April 2022 and asked if an update could be provided at each meeting.

Councillor Taylor shared an update on the Transpennine line, highlighting there had been discussions with legal advisors, network rail and other parties and that the Council was now in a much more comfortable position with what was being proposed. Councillor Taylor agreed it would be helpful to have an update.

RESOLVED: The Panel noted the work programme for 2021/22 and it was agreed that an update on the Transpennine line be provided to the Panel.