



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

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 8 DECEMBER 2021

Andrea Woodside

01484 221000

Chair

Councillor Nigel Patrick

Councillors Attended

Councillor Masood Ahmed
Councillor Karen Allison
Councillor Bill Armer
Councillor Timothy Bamford
Councillor Donna Bellamy
Councillor Cahal Burke
Councillor Aafaq Butt
Councillor Andrew Cooper
Councillor Paola Antonia Davies
Councillor Paul Davies
Councillor Donald Firth
Councillor Eric Firth
Councillor Charles Greaves
Councillor Adam Gregg
Councillor David Hall
Councillor Steve Hall
Councillor Erin Hill
Councillor James Homewood
Councillor Robert Iredale
Councillor Manisha Roma Kaushik
Councillor Viv Kendrick
Councillor Musarrat Khan
Councillor John Lawson
Councillor Vivien Lees-Hamilton
Councillor Susan Lee-Richards
Councillor Aleks Lukic
Councillor Terry Lyons

Councillor Andrew Marchington
Councillor Naheed Mather
Councillor Peter McBride
Councillor Bernard McGuin
Councillor Matthew McLoughlin
Councillor Alison Munro
Councillor Darren O'Donovan
Councillor Shabir Pandor
Councillor Carole Pattison
Councillor Mussarat Pervaiz
Councillor Amanda Pinnock
Councillor Andrew Pinnock
Councillor Jackie Ramsay
Councillor Elizabeth Reynolds
Councillor Mohammad Sarwar
Councillor Cathy Scott
Councillor Joshua Sheard
Councillor Will Simpson
Councillor Elizabeth Smaje
Councillor Anthony Smith
Councillor Richard Smith
Councillor Mohan Sokhal
Councillor John Taylor
Councillor Mark Thompson
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Lesley Warner
Councillor Michael Watson
Councillor Paul White

Apologies

Councillor Mahmood Akhtar, Councillor Martyn Bolt, Councillor Nosheen Dad, Councillor Lisa Holmes, Councillor Mumtaz Hussain, Councillor Yusra Hussain, Councillor Fazila Loonat, Councillor Gwen Lowe, Councillor Kath Pinnock, Councillor Melanie Stephen, Councillor Kath Taylor and Councillor Habiban Zaman

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

The Mayor advised that Agenda Item 12 would be considered immediately after Agenda Item 7.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

Apologies for absence were received on behalf of Councillors Akhtar, Bolt, Dad, Holmes, M Hussain, Y Hussain, Loonat, Lowe, K Pinnock, Stephen, K Taylor and Zaman.

3: Minutes of Previous Meeting

To agree and authorise the Mayor to sign the Minutes of Council held on 17 November 2021.

RESOLVED – That the Minutes of the Meeting held on 17 November 2021 be approved as a correct record.

4: Declaration of Interests

The Councillors will be asked to say if there are any items of the Agenda in which they have a Disclosable Pecuniary Interests, which would prevent them from participating in any discussion of them items or participating in any vote upon the items, or any other interests.

No interests were declared.

5: Petitions (From Members of the Council)

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

Councillor Lee-Richards submitted a petition which requested that traffic speeds be investigated on Hall Bower Lane and proposals be produced to reduce traffic speeds.

Councillor Burke submitted a petition which opposed proposals to make Occupation Road, Lindley, a one way system.

Councillor Cooper submitted a petition which request that the Council reverses its decision to revoke the commitment to include a Rugby League Museum in the George Hotel, Huddersfield.

6: Deputations & Petitions (From Members of the Public)

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

Council received a deputation from Gez Walsh and Bob Morse, Platform 1, which sought to heighten awareness of the mental health charity and outlined

the work of the organisation's role in providing crisis support across Kirklees.

7: Public Question Time

The Committee will hear any questions from the general public.

Council received the following questions;

(i) Question from David Heathcote

“Would the Cabinet provide a figure for the actual number of cyclists who used Occupation Road, Lindley, as an active travel route pre and post lockdown, and what the projected uptake in use is with the proposed plans?”

A response was provided by the Cabinet Member for Environment (Councillor Mather).

(ii) Question from Keith Mallinson

“Two months ago I asked Council what was being done to address the road safety concerns of residents on the new Harron Homes estate in Shaw Cross and was assured that things were in hand. Please can you tell me specifically what actions the Council has taken to mitigate these concerns and to get the roads completed?”

A response was provided by the Cabinet Member for Environment (Councillor Mather).

(iii) Question from Greg Christofi

“With regards to the Holmfirth scheme and the protection of my bakery business, will the Council consider allowing the flour man for twenty minutes once a week to park in a loading lot so they can save one of the busiest businesses in Holmfirth?”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

(iv) Question from Tejinder Ajiz

“What are the lessons that Kirklees have drawn or should properly draw in their Corporate governance; strategic thinking; how we as individuals; groups; organisations treat each other and those who we are supposed to serve to learn from, incorporate, accept, adapt and change how we respect and treat other people; as individuals and as a leading organisation in Kirklees from the lives; contributions ; successes and failures as exemplified by Marcus Rashford, Footballer; Azeem Rafiq, former Cricketer at Yorkshire County Cricket Club; Prince Philip, the Queen's consort, who died recently in his

nineties; Keir Starmer, Labour Party Leader?”

A response was provided by the Leader of the Council (Councillor Pandor).

(v) Question from Jonathan Bray

“On behalf of Holmfirth access scheme and businesses in Holmfirth, if businesses see a downturn in revenue of over 20% will the businesses receive compensation for the disruption caused by the access scheme?”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

(vi) Question from Jonathan Bray

“When is the Holmfirth access scheme likely to start and finish?”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

8: 'Making' (bringing into force) the Holme Valley Neighbourhood Development Plan and Consequential Updates to the Kirklees Development Plan Policies Map

To consider the report.

Contact: Jo Scrutton, Planning Policy

RESOLVED –

- 1) That the outcome of the Holme Valley Neighbourhood Development Plan referendum, as outlined within the considered report, pursuant to Section 38 Sub Section 3A (a) of the Planning and Compulsory Act (as amended) and (as updated by the Neighbourhood Plan Regulations 2017) be noted.
- 2) That the Council makes (brings into force) the Holme Valley Neighbourhood Development Plan Made Plan (as outlined at Appendix 3 of the report pursuant to Section 38A (4)(A) of the Planning and Compulsory Act (as amended)).
- 3) That, pursuant to (1) above, authority be delegated to the Strategic Director (Growth and Regeneration) to prepare consequential updates to the Kirklees Development Plan policies map to illustrate geographically the Holme Valley Neighbourhood Area 8, character areas and relevant Holme Valley Neighbourhood Development Plan policy designations.
- 4) That, pursuant to (2) above, authority be delegated to the Strategic Director (Growth and Regeneration) to make any further amendments to the Holme Valley Neighbourhood Development Plan that relate

exclusively to factual updates, grammatical and formatting corrections for the purposes of publishing the plan.

- 5) That, pursuant to (1) above, authority be delegated to the Strategic Director (Growth and Regeneration) to (i) take the necessary steps to publicise the making of the Holme Valley Neighbourhood Development Plan and (ii) prepare and publicise the post-adoption sustainability appraisal/strategic environmental assessment statement in accordance with the regulations governing such matters.

9: Code of Conduct Model (Reference from Corporate Governance and Audit Committee)

To consider the report.

Contact: David Stickley, Legal Services

RESOLVED - That Council adopt the draft hybrid code, as based upon the Local Government Association Model Code, as set out at the Appendix to the report.

10: Overview and Scrutiny Annual Report 2020/2021

To receive the report.

Contact: Leigh Webb, Governance Manager

Council received and noted the Overview and Scrutiny Annual Report 2020/2021.

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

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

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

Written questions (1) to (8) as submitted were considered under Council Procedure Rule 12.

Questions (9) to (12) were not heard due to time constraints.

12: Key Discussion - Elected Mayor (West Yorkshire Combined Authority)

The Elected Mayor (West Yorkshire Combined Authority) will be present for the

Council's Key Discussion debate, which will include an update on the Mayor's current priorities.

Tracy Brabin, Elected Mayor of West Yorkshire, attended for the Key Discussion and provided a short presentation prior to a question and answer session.

13: Motion submitted in accordance with Council Procedure Rule 14 as to the Principal Area Boundary Review

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

“The Local Government Boundary Commission for England (LGBCE) undertakes periodic electoral governance reviews of Kirklees Council which consider how many wards are required and what their boundaries should be, how many councillors are needed to support the arrangements and how frequently elections should be held. It is noted that discussions are currently being undertaken to set a commencement date for this electoral review.

The recommendations of the Kirklees Democracy Commission, the changes to UK politics, the move towards community and place-based working and the desire for Neighbourhood plans all point to a desire for greater involvement and influence in local decision-making.

In addition to an electoral review, this Council wants to undertake a Principal Area Boundary Review (PABR) to specifically consider splitting Kirklees Council. A PABR can help to establish residents' views on how they want to be represented and would commence the statutory process for making these changes.

This Council directs the Chief Executive and the Leader and Cabinet to make this intention clear in discussions with the Local Government Boundary Commission for England, to request a PABR to be undertaken alongside or in advance of the Electoral review, to refer this matter to the Corporate Governance and Audit Committee, and to update Council on progress on 16 March 2022.”

Item not considered (due to time constraints).

14: Motion submitted in accordance with Council Procedure Rule 14 as to Community Governance Review of Town, Parish and Community Councils within the Borough of Kirklees

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

“The last full review of the governance arrangements for Town, Parish and Community councils within the borough of Kirklees was undertaken in 2009,

with a commitment for an updated review to be undertaken by 2019.

The recommendations of the Kirklees Democracy Commission, the changes to UK politics, the move towards community and place-based working and the desire for Neighbourhood plans all point to a desire for greater involvement in local decision-making.

A Kirklees-wide CGR can help to establish residents' views on how they want to be represented, whether they wish to create new local councils or to alter the existing ones, as well as to commence the statutory process for making these changes.

This Council directs the Chief Executive and the Leader and Cabinet to undertake a Community Governance Review at its earliest opportunity, to make this intention clear in discussions with the Local Government Boundary Commission for England, to refer this matter to the Corporate Governance and Audit Committee, and to update Council on progress on 16 March 2022."

Item not considered (due to time constraints).

15: Motion submitted in accordance with Council Procedure Rule 14 as to Support for Smokefree Fund

To consider the following Motion in the names of Councillors Khan, Pandor, Scott, Greaves, White and Lyons;

"This Council notes that:

- On 9th June 2021, All-Party Parliamentary Group (APPG) on Smoking and Health launched its report and recommendations for the forthcoming Tobacco Control Plan to secure the Government's ambition of a Smokefree country by 2030. On 10th June there was a Westminster Hall debate on APPG recommendations. The recommendations included a "Smokefree Fund" secured through a polluter pays amendment to the Health and Social Care Bill.
- The next Tobacco Control Plan for England is expected before the end of 2021
- The Government's ambition is that by 2030 less than 1 in 20 people in England will smoke
- It is recognised that achieving a smokefree 2030 will be 'extremely challenging', particularly in areas of deprivation and among people living with mental health conditions and will require 'bold action to both discourage young people from starting in the first place, and to support smokers to quit'. In the two years since the ambition was stated, an estimated 200,000 children under the age of 16 have started smoking, two thirds of who will without action, become regular smokers.
- Fluctuations in desire to quit and success at quitting, have taught us that sustained declines in smoking prevalence are only achieved when action

is systematic, co-ordinated and properly resourced.

- The Chief Medical Officer, Professor Chris Whitty, pointed out recently, this is an industry that kills people for profit, and more people are likely to have died last year and this year from smoking than COVID-19.
- Smoking not only kills people prematurely, but it also drives them into poverty and reduces healthy life expectancy, with smokers needing help with everyday tasks 7 years earlier than those who've never smoked. But this burden is not equal. Smoking is concentrated among disadvantaged groups locking in poverty and poor health across the generations.
- In 2019 the smoking rate in Kirklees is 14.3%, which is above the national average of 13.9%. The highest rates of smoking in Kirklees are in the wards with the highest levels of deprivation; Dewsbury West, (17.1%) Dewsbury East (15.8%) and Batley West (15.8%) and Batley East (15.9%).
- The total additional spending on social care in Kirklees as a result of smoking for adults aged 50 and over in 2021 was approximately: £9,162,617. Please see the Action on Smoking (ASH) Social Care cost calculator available at <https://ash.org.uk/information-and-resources/reports-submissions/reports/costtosocialcare/>
- Kirklees Council Public Health supports the work of Breathe2025, Yorkshire and Humber's tobacco control collaboration through the tobacco community of improvement in partnership with PHE and other LA's. Through working together, we are better at achieving our aims of a smokefree generation.

This Council Resolves:

- To commit to registering support as a council to the ASH Smokefree Roadmap to achieving a smokefree society by 2030, already supported by over 74 organisations, including; Sheffield City Council, Gateshead Council, Newcastle City Council, North Tyneside Council, South Tyneside Council, West Yorkshire and Harrogate ICS, Greater Manchester Combined Authority, Cancer Research UK, Royal College of General Practitioners, Faculty of Public Health, Association of Directors of Public Health, Royal College of Physicians, The Health Foundation, Royal Society for Public Health, NCSCT (National Centre for Smoking Cessation and Training) Full List and pledge at <https://smokefreeaction.org.uk/smokefree2030/>
- To write to all local MPs to ask them to sign up to the pledge publicly and work with the council on achieving its aims
- To ask the Cabinet to review the Tobacco Control Plan for England (which is yet to be released) and agree a position on behalf of the Council"

Item not considered (due to time constraints).

