



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

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Governance and Commissioning

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 13 JULY 2022

Andrea Woodside

01484 221000

Chair

Councillor Masood Ahmed

Councillors Attended

Councillor Ammar Anwar

Councillor Bill Armer

Councillor Timothy Bamford

Councillor Cahal Burke

Councillor Aafaq Butt

Councillor Martyn Bolt

Councillor Andrew Cooper

Councillor Moses Crook

Councillor Nosheen Dad

Councillor Paul Davies

Councillor Donald Firth

Councillor Eric Firth

Councillor Adam Gregg

Councillor David Hall

Councillor Steve Hall

Councillor Tyler Hawkins

Councillor James Homewood

Councillor Yusra Hussain

Councillor Manisha Roma Kaushik

Councillor Viv Kendrick

Councillor Musarrat Khan

Councillor Fazila Loonat

Councillor Jo Lawson

Councillor John Lawson

Councillor Susan Lee-Richards

Councillor Gwen Lowe

Councillor Aleks Lukic

Councillor Andrew Marchington

Councillor Naheed Mather
Councillor Harry McCarthy
Councillor Tony McGrath
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 Cathy Scott
Councillor Will Simpson
Councillor Elizabeth Smaje
Councillor Richard Smith
Councillor Melanie Stephen
Councillor Mohan Sokhal
Councillor John Taylor
Councillor Mark Thompson
Councillor Graham Turner
Councillor Sheikh Ullah
Councillor Lesley Warner
Councillor Michael Watson
Councillor Adam Zaman
Councillor Habiban Zaman

Apologies

Councillor Karen Allison, Councillor Paola Antonia Davies, Councillor Charles Greaves, Councillor Lisa Holmes, Councillor Vivien Lees-Hamilton, Councillor Fran Perry, Councillor Kath Pinnock, Councillor Elizabeth Reynolds, Councillor Mohammad Sarwar, Councillor Joshua Sheard, Councillor Anthony Smith, Councillor Kath Taylor and Councillor Paul White

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

There were no announcements.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

Apologies for absence were received from Councillors Allison, PA Davies, Greaves, Lees-Hamilton, Holmes, Perry, K Pinnock, Reynolds, Sarwar, Sheard, A Smith, K Taylor and White.

3: Minutes of Previous Meeting

To agree and authorise the Mayor to sign the Minutes of Annual Council held on 25 May 2022.

Approved as a correct record.

4: Declaration of Interests

The Councillors will be asked to say if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, 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 Lowe submitted a petition, on behalf of residents of Smithies Moor Rise and Smithies Moor Close, Batley, which requested that the Council alleviate the continued use of the road as a 'rat run' by introducing appropriate traffic calming measures.

Councillor Bolt submitted a petition which requested a fairer planning process in Kirklees.

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

Council 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.

None received.

7: Public Question Time

Council will receive any questions from the general public in accordance with Council Procedure Rule 11.

No questions were asked.

8: West Yorkshire Combined Authority - Minutes

To receive the Minutes of the Meeting of West Yorkshire Combined Authority held on 3 February 2022.

The Minutes of the Meeting of West Yorkshire Combined Authority held on 3 February 2022 were received and noted.

9: Corporate Safeguarding Policy (Reference from Cabinet)

To consider the Cross Council Corporate Safeguarding Policy.

Contact: Alexia Gray, Quality Standards and Safeguarding Partnerships

RESOLVED –

- 1) That the refreshed Corporate Safeguarding Policy be approved and adopted.
 - 2) That authority be delegated to the Strategic Director with responsibility for the Corporate Safeguarding Oversight Group, in consultation with the relevant Cabinet Member, to review the policy and guidance on an annual basis and make technical amendments where appropriate, allowing engagement to take place with stakeholders.
 - 3) That, in the event that there are new legislative requirements which would require a fundamental change, the policy shall be resubmitted to Cabinet and Council for consideration.
 - 4) That the Corporate Safeguarding Policy be included on the Policy Framework.
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10: Inclusive Communities Framework (Reference from Cabinet)

To consider the adoption of the Inclusive Communities Framework and the inclusion of the framework within the Council's Policy Framework.

Contact: Stephen Bonnell – Policy, Partnerships and Corporate Planning

RESOLVED –

- 1) That the contents of the Inclusive Communities Framework, as recommended by the Communities Board, be noted.
- 2) That the Inclusive Communities Framework be adopted and included

within Article 4 of the Council's Policy Framework.

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.

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

Questions 4 to 18 were not considered due to time constraints.

12: Minutes of Cabinet and Cabinet Committee - Local Issues

To receive for information; the Minutes of (i) Cabinet held on 22 February 2022, 8 March 2022, 5 April 2022 and 14 June 2022 and (ii) Cabinet Committee – Local Issues held on 24 November 2021, 24 February 2022 and 23 March 2022.

Item not considered due to time constraints.

13: Holding the Executive to Account

(a) To receive a portfolio update from the Leader of the Council on the priorities of Cabinet.

(b) To receive oral questions/comments to Cabinet Members on their portfolios and relevant cabinet minutes;

- The Leader of the Council (Councillor Pandor)
- The Deputy Leader of the Council / Housing and Democracy Portfolio (Councillor Scott)
- Children's Portfolio (Councillor Kendrick)
- Corporate Portfolio (Councillor P Davies)
- Culture and Greener Kirklees Portfolio (Councillor Simpson)
- Environment Portfolio (Councillor Mather)
- Health and Social Care Portfolio (Councillor Khan)
- Learning, Aspiration and Communities Portfolio (Councillor Pattison)
- Regeneration Portfolio (Councillor Turner)
- Transport (Councillor E Firth)

Item not considered due to time constraints.

14: Minutes of Other Committees

- (i) Corporate Governance and Audit Committee
- (ii) Corporate Parenting Board
- (iii) Health and Wellbeing Board
- (iv) Licensing and Safety Committee
- (v) Overview and Scrutiny Management Committee
- (vi) Personnel Committee
- (vii) Standards Committee
- (viii) Strategic Planning Committee

Item not considered due to time constraints.

15: Oral Questions to Committee/Sub Committee/Panel Chairs and Nominated Spokespersons of Joint Committees/External Bodies

To receive oral questions in accordance with Council Procedure Rule 13(4):

- Appeals Panel (Councillor Reynolds)
- Corporate Governance and Audit Committee (Councillor Hussain)
- Corporate Parenting Board (Councillor Kendrick)
- Health and Wellbeing Board (Councillor Kendrick)
- Licensing and Safety Committee - including Licensing and Regulatory Panel (Councillor A U Pinnock)
- Overview and Scrutiny Management Committee (Councillor Smaje)
- Personnel Committee (Councillor Pandor)
- Planning Sub Committee - Heavy Woollen Area (Councillor Lowe)
- Planning Sub Committee - Huddersfield Area (Councillor Ullah)
- Scrutiny Panel – Childrens (Councillor Marchington)
- Scrutiny Panel – Corporate (Councillor J Taylor)
- Scrutiny Panel - Economy and Neighbourhoods (Councillor Hussain)
- Scrutiny Panel – Health and Adult Social Care (Councillor Ramsay)
- Standards Committee (Councillor J D Lawson)
- Strategic Planning Committee (Councillor S Hall)
- Kirklees Active Leisure (Councillor Sokhal)
- West Yorkshire Combined Authority (Councillor Pandor)
- West Yorkshire Combined Authority Transport Committee (Councillor Butt)
- West Yorkshire Fire and Rescue Authority (Councillor O'Donovan)
- West Yorkshire Joint Services Committee (Councillor Zaman)
- West Yorkshire Police and Crime Panel (Councillor S Hall)

Item not considered due to time constraints.

16: Motion submitted in accordance with Council Procedure Rule 14 as to the Adoption of the All-Party Parliamentary Group on British Muslims' definition of Islamophobia

To consider the following Motion in the names of Councillors Pandor, Scott, J Lawson, Marchington, Cooper and Greaves;

This Council notes the Motion to adopt the All-Party Parliamentary Group (APPG) on British Muslims' definition of Islamophobia - "Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness" - together with the explanatory guidelines put forward by the Coalition Against Islamophobia.

- Islamophobia is a growing issue, both locally and nationally, as Muslims were targeted in 45% of all religious hate crime offences recorded in England and Wales in 2020/21, meaning they experience far more religiously motivated hate crime than any other group.
- That 75 academics, over 750 Muslim organisations and institutions, Plaid Cymru, the Labour Party (England & Scotland), the Liberal Democrats (England & Scotland), the SNP, the Scottish Conservatives, the Scottish Greens, 50 councils nationwide and many more have adopted the APPG definition of Islamophobia.
- As per the Public Sector Equality Duty enshrined in the 2010 Equality Act, the council must give due regard to the need to eliminate unlawful discrimination and advance equality of opportunity for members of communities with a protected characteristic, including Muslims, such that they are able to participate in society on an equal footing with their non-Muslim counterparts.
- Islamophobia is one of the principal barriers to the participation of Muslims in public, economic, political, and social spheres of life and must urgently be addressed.

This Council believes that:

- Adopting a definition of Islamophobia is essential to tackling Islamophobia in a targeted and effective manner.
- Without a definition of Islamophobia, one cannot identify how Islamophobia manifests itself and functions and therefore, cannot devise meaningful strategies to address it.
- The APPG definition should be accompanied by the Coalition Against Islamophobia's explanatory guidelines to provide a more holistic understanding of Islamophobia, which can be accessed online.

This Council therefore resolves to:-

- To adopt the All-Party Parliamentary Group (APPG) on British Muslims' definition of Islamophobia
- Work with Communities and all relevant stakeholders to both raise awareness of the issues surrounding Islamophobia and to challenge and tackle instances of Islamophobia.

- Write to Government urging the adoption of the APPG definition of Islamophobia.

Motion approved.

17: Motion submitted in accordance with Council Procedure Rule 14 as to as to the Adoption of the Definition of Antisemitism as set out by the International Holocaust Remembrance Alliance

To consider the following Motion in the names of Councillors Pandor, Scott, D Hall, J Taylor, Lawson, Marchington, Cooper and Greaves;

“This Council notes with concern that the Community Security Trust has reported a huge increase in antisemitic hate crime in 2021.

The Council therefore welcomes the UK Government’s announcement on December 11th, 2016, that it will sign up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) guidelines on antisemitism. The Council also notes that the new definition has been adopted by the Government, Labour Party, Scottish and Welsh Assemblies, Greater London Authority and Greater Manchester Combined Authority along with numerous other Councils across the country.

The Council notes the definition reads as follows: -:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

The guidelines highlight manifestations of antisemitism as including:

“• Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.

• Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions.

• Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.

• Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).

• Accusing the Jews as a people, or Israel as a state, of inventing or

exaggerating the Holocaust.

- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.”

This Council believes that everyone is equal irrespective of their race or religion. This means that all forms of hate crime must be condemned. This Council welcomes the cross-party support within the Council for combating antisemitism in all its manifestations.

This Council therefore resolves to adopt the above definition of antisemitism as set out by the International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.”

Motion approved.

18: Motion submitted in accordance with Council Procedure Rule 14 as to the Cost of Living Crisis

To consider the following Motion in the names of Councillors Marchington and J Lawson;

This Council notes that:

- On 1 April 2022, Ofgem increased the energy price cap by 54%;
- In light of the increased energy price cap, the average standard tariff energy bill will increase by £693 per year, from £1,277 to £1,971. The average pre-pay meter energy bill will increase by £708 per year (Ofgem 2022);
- On 6 April 2022, the Government increased national insurance by 1.25 percentage points, which is projected to cost the average Kirklees family an additional £600 per year;
- The Government has suspended the pension ‘triple lock’ for 2022/23, meaning that the state pension will increase by 3.1%, instead of the 8.3% under the triple lock formula. The decision to suspend the triple lock could cost Kirklees pensioners almost £500 a year (TUC 2022);
- The decision taken in June 2022 to impose a ‘windfall tax’ on the super-

profits of oil and gas companies and to redistribute this as a one-off payment of £400 to households later this year. Council notes that the windfall tax was first proposed by Sir Ed Davey MP, leader of the Liberal Democrats, in May 2022. Though this windfall tax is welcome, Council believes it does not go nearly far enough and the Government should be doing much more to support local people through the cost-of-living crisis.

This Council believes that:

The cost-of-living crisis, which is being caused predominantly by high inflation outstripping wage and benefit increases and exacerbated by recent tax increases, affects all of us, but will hit poorer households harder. It will also have a significant impact on community and charitable organisations, and may impact on their vital services, and it will impact on businesses. Unfortunately, the crisis will also have an impact on people's mental health and wellbeing.

This Council, therefore, declares a 'Cost of Living Emergency' and calls on the Government to:

- Immediately reduce the standard rate of VAT from 20% to 17.5% for one year, saving the average Kirklees household £600 this year;
- Immediately reintroduce the pensions triple lock to support Kirklees pensioners;
- Immediately restore the Universal Credit supplement of £20, which was cancelled by the Government in September 2021;

The Council instructs the Chief Executive to write to the Secretary of State for Work and Pensions to express the Council's demands for VAT to be cut to 17.5%, for the reintroduction of the pensions triple-lock and for the £20 Universal Credit supplement to be restored.

Finally, Council calls for a cost-of-living emergency summit, attended by a range of stakeholders, including Citizens Advice, food banks, local trade unions and chambers of commerce. Local MPs will also be invited to attend this hybrid meeting."

MOTION APPROVED AS AMENDED;

This Council notes:

On 1 April 2022, Ofgem increased the energy price cap by 54%;

- In light of the increased energy price cap, the average standard tariff energy bill will increase by £693 per year, from £1,277 to £1,971. The average pre-pay meter energy bill will increase by £708 per year (Ofgem 2022);
- On 6 April 2022, the Government increased national insurance by 1.25 percentage points, which is projected to cost the average Kirklees family an additional £600 per year;
- The Government has suspended the pension 'triple lock' for 2022/23, meaning that the state pension will increase by 3.1%, instead of the 8.3%

under the triple lock formula. The decision to suspend the triple lock could cost Kirklees pensioners almost £500 a year (TUC 2022);

- The decision taken in June 2022 to impose a ‘windfall tax’ on the super-profits of oil and gas companies and to redistribute this as a one-off payment of £400 to households later this year. Though this windfall tax is welcome together with more recent government announcements on support for our citizens, Council believes it does not go nearly far enough and the Government should be doing much more to support local people through the cost-of living crisis.

This Council believes that: The cost-of-living crisis, which is being caused predominantly by high inflation outstripping wage and benefit increases and exacerbated by recent tax increases, affects all of us, but will hit poorer households harder. It will also have a significant impact on community and charitable organisations, and may impact on their vital services, and it will impact on businesses. Unfortunately, the crisis will also have an impact on people’s mental health and wellbeing.

This Council therefore notes the focus that this Administration has given to this crisis. This has led to the Council providing the following cost of living support to its citizens:

- Funding 3 foodbanks in Kirklees Council
- Partnership, with Cummins and the Bread-and-Butter Thing – provision of affordable food to communities
- Partnership with VCSE on tackling poverty
- £650K LWP fund
- A one-off £70 per child payment to families entitled to free school meals
- A one-off payment to pensioners who claim council tax reduction
- Cost of living advice and support for citizens through our Cost-of-Living campaign
 - Financial advice
 - Benefit advice
 - Housing advice

Further this Council notes that Cost of Living support is now a key objective for all the Council’s Directorates and work is being carried out to identify initiatives to further assist our citizens with the current and projected financial issues they face due to raising energy costs and overall inflationary pressures. Our partnership with the Voluntary sector is crucial in this and at Cabinet on 5th July a package of investment was agreed which will provide financial support to the sector in Kirklees to help it assist citizens in this cost-of-living crisis.

This Council recognises that as a Local Authority we can only do so much, (the LGA has starkly shown that there is at least a £3.6bn shortfall in funding for LAs, further hampering LAs in supporting their citizens), Government needs to take immediate and significant action to help the millions who are suffering because of this Crisis. This is not simply a matter of topping up people’s incomes so that they can afford some of the luxuries of life, it is about people being able to put food on the table for their children and keeping a roof over

their heads. And it is not about short-term fixes: the Government need to put in place actions which will provide sustainable support to those in need.

This Council, therefore, declares a 'Cost of Living Emergency' and calls on the Government to:

- Immediately reduce the standard rate of VAT from 20% to 17.5% for one year, saving the average Kirklees household £600 this year;
- Immediately reintroduce the pensions triple lock to support Kirklees pensioners;
- Immediately restore the Universal Credit supplement of £20, which was cancelled by the Government in September 2021;
- Immediately provide additional financial support to LAs to resolve the gap in funding as outlined by the LGA.

The Council instructs the Chief Executive to write to the Secretary of State for Work and Pensions to express the Council's demands for VAT to be cut to 17.5%, for the reintroduction of the pensions triple lock, for the £20 Universal Credit supplement to be restored and that LA funding is brought in line with the LGA's demands.-

This Council requires that Cabinet continues to work in partnership with the voluntary sector with the limited resources available from Central Government to support families who are experiencing continuing hardship due to the cost-of-living crisis."

19: Motion submitted in accordance with Council Procedure Rule 14 as to Kirklees Council Local Plan

To consider the following Motion in the names of Councillors Munro and Marchington;

"This Council notes that:

- 1) Local authorities, including Kirklees Council, are responsible for identifying housing need in their areas. The National Planning Policy Framework sets out an approach to identifying 'objectively assessed housing need'. Government guidance in the National Planning Practice policy outlines a recommended approach to determining 'objectively assessed need' through a Strategic Housing Market Assessment' (SHMA). This guidance is based on outdated ONS population data from 2014.
- 2) Kirklees Council, like other local authorities, has set out a vision for future development in the borough through its Local Plan. This outlines the Council's housing and industry development strategy for the borough, including a target to build 31,140 new homes between 2013 and 2031 and is based on ONS data predictions on population growth in 2014, as recommended by the Government;

- 3) Kirklees Local Plan was adopted in February 2019;
- 4) There is a requirement for local authorities, including Kirklees Council, to review whether their local plans need updating at least once every 5 years, taking into account changing circumstances affecting the area or any relevant changes in national policy. The National Planning Policy Framework states that relevant strategic policies will need updating at least once every 5 years if their applicable local housing need figure has changed significantly.

This Council believes that:

- 1) There is a lack of clarity in the Government guidance to local authorities on calculating 'objectively assessed need';
- 2) Current national planning policy and strategy prioritises arbitrary and often inflated housing targets over local circumstances and local need. Local authorities, including Kirklees Council, are required to release land for development to ensure that housing targets are met. This is problematic, as local authorities are responsible for meeting the housing targets and are compelled, through national policy, to release more land for development in a bid to meet the targets. Creating higher than necessary housing targets mean that local authorities are required to identify additional sites for housing development. Inevitably, this means additional housing on inappropriate sites in the countryside, with developers often deciding to maximise profits and build on greenbelt land rather than brownfield land;
- 3) The housing figures set out in local plans are often unrealistic, which developers do not have the will or the capacity to meet. The outcome is that building rates stay low and housing targets are missed, while greenbelt land is built on and brownfield land remains vacant. When housing targets for building new homes are missed, this can result in reduced local planning control and greenbelt land being unnecessarily lost;
- 4) Housing targets are based on 2014 ONS data which may be considered flawed, with unreliable numbers and a flawed methodology. It is a 'top-down approach' which imposes housing targets on local authorities and is not being balanced with a consideration of environmental constraints and housebuilder capacity and does not result in proper planning for infrastructure;
- 5) While Kirklees Council should review its Local Plan at the first opportunity to ensure that it reflects local need and is based on up-to-date population projections, it is guided by national planning policy. The Government had previously committed to the introduction of the Planning Bill, which would reform the planning system and impact on local plans, including Kirklees Council's Local Plan. However, there was a lack of progress with the legislation. Now the Government have introduced the Levelling Up and Regeneration Bill. The Bill introduces a number of reforms to the planning system, but the finer detail is unknown. The Bill is currently progressing through Parliament in the early stages and is currently at the Committee stage.

6) The Council needs greater clarity and guidance from Government.

This Council, therefore, resolves that:

The Leader of the Council writes to the Rt Hon Stuart Andrew MP, the Minister of State for Housing, to address the reliance on outdated ONS 2014 data in the absence of the provision of clear guidance to better reflect local population growth.”

Item not considered due to time constraints.
