



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

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## **Decision Summary**

**Committee:**

**Date:**

**Committee Clerk:**

**TEL:**

**COUNCIL**

**WEDNESDAY 7 SEPTEMBER 2022**

**Andrea Woodside**

**01484 221000**

### **Chair**

Councillor Masood Ahmed

### **Councillors Attended**

Councillor Karen Allison

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 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 Tyler Hawkins

Councillor Lisa Holmes

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 Vivien Lees-Hamilton  
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 Kath Pinnock  
Councillor Jackie Ramsay  
Councillor Elizabeth Reynolds  
Councillor Mohammad Sarwar  
Councillor Cathy Scott  
Councillor Joshua Sheard  
Councillor Will Simpson  
Councillor Anthony Smith  
Councillor Elizabeth Smaje  
Councillor Richard Smith  
Councillor Melanie Stephen  
Councillor Mohan Sokhal  
Councillor John Taylor  
Councillor Graham Turner  
Councillor Sheikh Ullah  
Councillor Paul White  
Councillor Adam Zaman  
Councillor Habiban Zaman

### **Apologies**

Councillor Fran Perry, Councillor Kath Taylor, Councillor Mark Thompson, Councillor Lesley Warner and Councillor Michael Watson

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## **1: Announcements by the Mayor and Chief Executive**

To receive any announcements from the Mayor and Chief Executive.

The Mayor made a statement in regards to the recent flooding disaster in Pakistan and expressed condolences on behalf of the Council to those who had been affected. He advised that donations to support the relief effort could be made via the Disasters Emergency Committee website.

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## **2: Apologies for absence**

Group Business Managers to submit any apologies for absence.

Apologies for absence were received on behalf of Councillors Perry, K Taylor Thompson, Warner and Watson.

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## **3: Minutes of Previous Meeting**

To agree and authorise the Mayor to sign the Minutes of Council held on 13 July 2022.

**RESOLVED** – That the Minutes of the Meeting held on 13 July 2022 be approved as a correct record.

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## **4: Declaration of Interests**

Councillors will be asked to advise 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 upon an item, or any other interests.

No interests were declared.

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## **5: Petitions (From Members of the Council)**

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

Council received petitions from (i) Councillor H Zaman presenting objection to the sale of cars at Yard No.1, to the rear of 4-16 Purwell Lane, Batley and (ii) Councillor A Pinnock requesting the retention of the Oakenshaw Cross in its existing location.

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

Council will receive any petitions and/or receive 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 submit a petition at the meeting (any petition should relate to a matter on which Council has power 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 and petition from Veronica and Ian Woolin requesting traffic calming measures at Granny Lane / Stenard Lane, Mirfield.

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## **7: Public Question Time**

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

Council received the following questions under Council Procedure Rule 11;

### **Question from Veronica Woolin**

‘Councillor Mather said that the speed limits are appropriate for the area, however, we have recorded on 3 sections of the road, 38.5mph. Is it okay that regularly traffic goes at that speed alongside a riverside that doesn’t have any protection?’

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

### **Question from Ian Woolin**

‘Councillor Mather spoke about not many reports of accidents in the area. When we looked at the accident reports neither of the accidents that we referred to were on there. Are you confident that the information that you have is full and accurate.

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

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## **8: West Yorkshire Combined Authority - Minutes**

To receive the Minutes of the Meetings of the West Yorkshire Combined Authority held on 17 March 2022 and 23 June 2022.

The Minutes of West Yorkshire Combined Authority held on 17 March and 23 June 2022 were received and noted.

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## **9: Financial Outturn Report 2021-2022, to include the Revenue, Capital and Housing Revenue Account Outturn Position and Annual Report on Treasury Management (Reference from Cabinet)**

To receive information on the Council’s 2021/22 financial outturn position for General Fund Revenue, Housing Revenue Account (HRA) and Capital Plan, and consider proposals for revenue and capital rollover from 2021/22 to 2022/23.

Contact: James Anderson, Head of Accountancy

**RESOLVED –**

- 1) That in relation to the General Fund (i) the revenue outturn position for 2021/22 including COVID impacts be noted; (ii) the application of the Councils flexible capital receipts strategy to the value of £3.1m applied against eligible transformation in 2021/22, in line with the Councils approved budget plans in February 2022 be noted; (iii) the Government's £13.5m funding contribution on 31 March 2022 towards the Council's Dedicated Schools Grant (DSG) deficit be noted; (iv) approval be given to the drawdown from the Council's earmarked demand reserve to offset the Almondbury Community School deficit school balance write-down (£1.954m) to the Council's general fund in 2021/22 in line with DSG guidance; (v) the year end position on corporate reserves and balances be noted; (vi) the proposed use of pre-existing reserves and endorse the proposed use of new reserves as set out in section 1.9 in the report be re-affirmed; (vii) the regular monitoring and review of corporate reserves in 2022/23 to be reported to Cabinet as part of the Quarterly financial monitoring cycle be noted;
  - 2) That the year end position on the Collection Fund including COVID impacts be noted.
  - 3) That the Housing Revenue Account revenue outturn and reserves position 2021/22 be noted;
  - 4) That in relation to Capital (i) the Council capital outturn position for 2021/22 be noted; (ii) approval be given for the £33.7m capital rollover from 2021/22 to 2022/23; (iii) approval be given to the revised capital plan for the period 2022/23 after taking into account rollover, the re-phasing of schemes and changes to grant assumptions; (iv) approval be given, retrospectively, for the transfer of £1.2m to Spen Valley Leisure Centre from within the Capital Plan to meet contractually bound payments; (v) approval be given for the additional £350k borrowing for George Hotel for successful phase one completion.
  - 5) That the Review of Treasury Management activity for 2020/21 be noted.
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**10: Council Budget Strategy Update; 2023/24 and Future Years  
(Reference from Cabinet)**

To consider the approach to the annual update of the Council's Medium Term Financial Plan (MTFP).

Contact: James Anderson, Head of Accountancy

**RESOLVED –**

- 1) The funding and spend assumptions informing the updated budget forecasts as set out in the report, including the minimum usable reserve requirement advised by the S151 officer, being £47m (para 2.2.7 refers), and the budget gap figures (para 1.3.9 refers), be noted.
- 2) That the current and forecast earmarked reserves and general balances as set out at Appendix A be noted.

- 3) That approval be given to the financial planning framework (section 1.3 refers) for the general fund revenue and Housing Revenue Account (section 1.9 refers).
  - 4) That approval be given to the financial planning framework for general fund and HRA capital (section 1.10 refers).
  - 5) That the corporate budget timetable, as set out at Appendix D to the report, refers.
  - 6) That authority be delegated to the Chief Executive and Leader of the Council, in consultation with the Director of Finance and Corporate portfolio holder, to consider expression of interest to continue to participate in the Leeds City Region business rate pool for 2023/2024, by the Government deadline of 22 September 2022.
  - 7) That authority be delegated to the Strategic Director (Environment and Climate Change) in consultation with the Cabinet Member (Corporate Services), the Service Director (Finance) and the Service Director (Legal, Governance and Commissioning), to conclude contract negotiations and, on behalf of the Council, enter into a new contractual arrangement in a timely manner for Council electricity supplies either directly or through a preferred broker, from 1 April 2023 onwards. (Delegated authority is requested to (i) re-procure the Council's electricity supply contract via a call off from a framework from an established central purchasing body and (ii) grant authority to award a contract for the Council's electricity supply from April 2023).
  - 8) That authority be delegated to the Strategic Director (Corporate Strategy, Commissioning and Public Health) to agree the approach to budget consultation and relevant timescales in consultation with the Cabinet Member (Corporate Services).
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## **11: Joint Health and Wellbeing Strategy Refresh (Reference from Cabinet)**

To consider the refreshed Joint Health and Wellbeing Strategy.

Contact: Rachel Spencer-Henshall, Strategic Director – Corporate Strategy, Commissioning and Public Health

### **RESOLVED –**

- 1) That the content of the Health and Wellbeing Strategy be received and that it be noted that (i) additional amendments may be necessary subject to feedback from partners and (ii) that a set of materials to help communicate the Strategy was being developed.
  - 2) That authority be delegated to the Strategic Director (Corporate Strategy, Commissioning and Public Health) to make any further minor amendments to the document.
  - 3) That the Joint Health and Wellbeing Strategy be adopted, subject to final approval by the Health and Wellbeing Board.
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## **12: Revised Gambling Policy - Statement of Principles (Reference from Licensing & Safety Committee)**

To consider the adoption of the Council's Gambling Policy (Statement of Principles).

Contact: Russell Williams, Operational Manager – Public Protection

**RESOLVED** - That the revised Gambling Policy – Statement of Principles, as set out at Appendix 2 of the report, be approved to take effect for a period of three years from 30 September 2022.

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## **13: Revisions to Terms of Reference - Health and Wellbeing Board (Reference from Corporate Governance and Audit Committee)**

To consider proposed revisions to the Terms of Reference of Health and Wellbeing Board.

Contact: Phil Longworth, Integrated Support

**RESOLVED** – That the revised Terms of Reference of Health and Wellbeing Board be approved.

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## **14: Report of Members' Allowances Independent Review Panel (Reference from Corporate Governance and Audit Committee)**

To consider the recommendations of the Members' Allowances Independent Review Panel.

Contact: Samantha Lawton, Head of Governance

**RESOLVED** –

- 1) That thanks be conveyed to the Members' Allowances Independent Review Panel for their work and approach to the review.
  - 2) That the recommendations of the Members' Allowances Independent Review Panel, as set out at Appendix A and Appendix B of the report, and the draft scheme as set out at Appendix C, be noted.
  - 3) That the recommendations of Corporate Governance and Audit Committee, as set out at paragraph 2.7 of the report, and the draft scheme as set out at Appendix D, be noted.
  - 4) That approval be given to the implementation of an annual increase for both the basic and all special responsibility allowances on a percentage basis in line with the agreed annual pay award for Council employees.
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## **15: 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.

Item not considered (due to time constraints).

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## **16: Key Discussion - Cost of Living Crisis**

A key discussion will take place on cost of living and the impact it is having upon communities within Kirklees.

Council held a key discussion on the cost of living crisis.

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## **17: Motion submitted in accordance with Council Procedure Rule 14 as to Kirklees Council's 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:

- 1) All Kirklees party leaders be invited to sign a letter to the Secretary of State for Levelling Up, Housing and Communities, to ask them to address the reliance on outdated 2014 data in the absence of the provision of clear guidance to better reflect local population growth;

2) Council officers be instructed to commence a review of the Kirklees Local Plan at the earliest opportunity.”

Item not considered (due to time constraints).

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**18: Motion submitted in accordance with Council Procedure Rule 14 as to Tackling Speeding and Reviewing Road Safety Measures**

To consider the following Motion in the names of Councillors J Taylor and D Hall;

“This Council notes that:

Concerns about speeding across Kirklees is one of the issues raised most frequently with elected members particularly in villages and other residential areas.

The responsibility for addressing speeding is split with enforcement the responsibility of West Yorkshire Police, whilst the operational priorities are set by the West Yorkshire Mayor.

The criteria for installing a speed camera are set out in the 2007 Department of Transport Circular and implementation of this sits with the West Yorkshire Casualty Reduction Partnership.

The responsibility for monitoring speeds and for road safety sits with Kirklees Council.

A review of speed limits across the district was initiated by the Council in 2019 but the final report has not yet been made public and there have been no indication if any recommendations contained in it have been, or will be, actioned.

The speed indicator devices which were deployed across the borough and used to highlight speeds in speeding hotspots were withdrawn by the Council in 2020 and have not yet been re-introduced.

This Council therefore resolves to:

- a) Write to the West Yorkshire Mayor and ask her to update the Council on her plans for addressing speeding across Kirklees and to provide quarterly updates on progress.
- b) Write to the Secretary of State for Transport to ask him to review the criteria for the installation of speed cameras under the 2007 Circular to reflect the highlighted concerns locally with regard to continued speeding.
- c) Undertake a review of road safety and speeding reduction plans in Kirklees by 31 January 2023 and publish the results of this including proposed outcomes and how these will be measured.”

Item not considered (due to time constraints).

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