

Kirklees Council



Main Hall - Town Hall, Huddersfield

Tuesday 5 September 2023

Dear Member

The Council will meet on Wednesday 13 September 2023 at 5.30 pm in the Main Hall - Town Hall, Huddersfield.

This meeting will be webcast live and will be available to view via the Council's website.

The following matters will be debated:

Pages

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

3: Minutes of Previous Meetings

To approve the Minutes of the Meetings of Council held on the 12 July 2023 and 18 August 2023.

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4: Declaration of Interests

11 - 12

Members will advise if there are any items on the Agenda in which they have a Disposable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

5: Petitions (From Members of the Council)

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

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

Council will receive any petitions and/or 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 relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

7: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

8: West Yorkshire Combined Authority - Minutes

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To receive the Minutes of the Meetings of West Yorkshire Combined Authority held on 2 February, 16 March, 25 May and 22 June 2023.

9: Election of the Leader of the Council

To elect the Leader of the Council in accordance with Article 7 of the Constitution.

10: Planning Scheme of Delegation and Planning Committees (Reference from Corporate Governance and Audit Committee) 67 - 128

To consider the report.

Contact: Mathias Franklin, Head of Planning and Development

11: Members Allowances Scheme (Reference from Corporate Governance and Audit Committee) 129 - 136

To consider the report.

Contact: Julie Muscroft – Service Director, Legal, Governance and Commissioning

12: Council Budget Strategy Update: 2024/2025 and Future Years (Reference from Cabinet) 137 - 200

To consider the report.

Contact: James Anderson, Head of Accountancy

13: Overview and Scrutiny Annual Report 2022/2023 201 - 278

To receive the Overview and Scrutiny Annual Report.

Contact: Leigh Webb, Governance Manager

14: Appointment of Committee and Panel Chairs

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To consider the report and appoint Chairpersons.

Contact: Julie Muscroft – Service Director, Legal, Governance and Commissioning

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.

16: Key Discussion - Addressing The Council's Financial Challenge

Council will hold a Key Discussion on Addressing the Council's Financial Challenge.

(Under the provision of Council Procedure Rule 5 (5), this agenda item must commence not later than 7.00pm).

17: Motion submitted in accordance with Council Procedure Rule 14 as to the Ending of the Practice of using Council Street Furniture for the Displaying of Election Posters

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

“This Council notes that:

The ‘Election Campaign Material Policy’ (last updated 24 January 2023) currently allows for small posters to be placed on the authority’s lamp posts.

The use of election posters on street furniture is mixed across Kirklees and political parties and there is no discernible correlation between those areas where posters are used and increased engagement or turnout. The policy distracts both Police and Council resources in needing to police it and where posters are used it can leave a place looking very untidy, especially when posters become defaced, damaged or start to peel. There are also issues about

fairness in that posters cannot be installed in areas where streetlights are hosted in other ways, such as on telegraph poles, which means some more rural parts of the borough do not have the same level of Council support.

Their use is often hotly objected to by residents, especially where the poster is from a candidate the resident does not support, generating further work for Council Officers. Whilst there was a place for this type of advertising in the past, the current proliferation of media which are open to candidates to communicate their message to the electorate means that this is no longer the effective medium it may have been.

Furthermore, the Council does an excellent job in letting the public know when there is an election, and does so through a wide variety of media, as does the press, social media and political parties.

Removing the ability to erect posters on Council owned assets allows the following benefits:

- Reduces workload for Council staff and Police.
- Reduces the use of single use plastic (cable ties), which are often left to pollute the environment or remain around the lamppost.
- Frees up time for candidates and activists to engage with the public directly.
- Removes the health & safety issues and road safety issues associated with the erection and removal of posters.
- Frees up election expenses to be used to communicate directly with the electorate.

This Council therefore resolves to update the 'Election Campaign Material Policy' to remove the ability for parties to use Council street furniture for the displaying of election posters."

18: Motion submitted in accordance with Council Procedure Rule 14 as to Helping address the Council's Financial Crisis

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

"This Council notes that:

- 1) Like many other local authorities, Kirklees Council faces financial challenges that are on a scale and depth not seen in its fifty-year history;

- 2) While budget measures taken in March 2023 have provided savings in Quarter 1, these savings have already been outstripped by increasing need and unexpected costs, ongoing Government reductions in funding and rising charges, especially energy. Rising demand in social care for children and adults has also resulted in increasing pressure due to unresolved Government funding;
- 3) A new Leader and Cabinet will be in place at September Council. Kirklees Liberal Democrat group believe that there is an opportunity for a new Cabinet to reassess decisions made by previous portfolio holders and to refresh the council as a whole, both in terms of its priorities and the way it marshals all its resources to deal with the complex issues faced by its residents in these challenging times.

This Council believes that:

This process should be aided by councillors and officers from the Local Government Association (LGA) who are able to independently and constructively challenge (peer challenge) the Administration and report back their findings.

This Council, therefore, resolves to:

Instruct the relevant Cabinet member to:

- Ask the Council's Section 151 officer to assess any costs or financial risks involved in requesting a peer challenge through the Local Government Association. That assessment should also outline the possible costs and risks of not inviting a peer challenge. The information should be reported to a meeting of Cabinet for a decision as soon as possible;
- Inform the Department for Levelling Up, Housing and Communities (DLUHC) of this decision as part of the Council's ongoing conversation with them to avoid Government intervention."

19: Motion submitted in accordance with Council Procedure Rule 14 as to Kirklees Council's Financial Position

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

"The Council is facing a severe financial crisis that will affect our ability to deliver services for the people of Kirklees. It is vital that the

Council comes together to address this crisis and finds innovative ways to tackle the funding gap that needs to be bridged to provide the support and services needed by local people.

This Council asks Kirklees Cabinet to:

1. Investigate establishing a Corporate Opportunities Register to demonstrate that the Council is aware of and has considered all potential external funding and partnerships that will help the Council achieve its objectives.
 2. Work with the Community, Voluntary Sectors and Parish Councils to maximise external funding that the Council can't access to deliver local schemes and services e.g. National Lottery funding, Parish council funds and other sources.
 3. Consider new working patterns for employees, where appropriate, in consultation with staff and Trade Unions to help preserve jobs within the Council and the skills and capacity needed to bid for external funding and deliver projects. Also consider approving overtime when it helps the council generate income.
 4. Establish a local lottery to help support activity by the voluntary and community sectors. This has had a positive impact in other areas.
 5. Ask Leaders from all parties on the Council to jointly lobby Government regarding the resources needed to deliver local services.
 6. Take advantage of support available from the Local Government Association to help with financial resilience.
 7. Explore how we might collaborate effectively with other West Yorkshire Councils to share costs and provide shared services and back office functions.
 8. Work with West Yorkshire Combined Authority to see how funding such as gainshare may be better used to help the Council achieve its objectives.
 9. Ensure cost saving measures such as use of pool cars are being fully utilised and expand the supply of pool cars if necessary, on an invest to save basis.
 10. Provide space for timely discussion of all parties budget proposals with the aim of producing a cross party budget amendment for the 2024/25 financial year."
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20: Motion submitted in accordance with Council Procedure Rule 14 as to Water Quality and Sewage Discharge

To consider the following Motion in the names of Councillors Marchington and P A Davies;

“This Council notes that:

- 1) Most of the UK has a combined sewerage system, meaning that both rainwater and waste water (from toilets, bathrooms and kitchens) are carried in the same pipes to a sewage treatment works. However, during heavy rainfall, the capacity of these pipes can be exceeded, which has the potential to back up and flood people’s homes, roads and open spaces, unless it is allowed to spill elsewhere. As a result, the system is designed to overflow occasionally and discharge excess wastewater into our rivers and seas. However, data shows that the use of overflows is not occasional, as it should be;
- 2) Sewage and wastewater discharge is a significant factor in water quality and has an adverse impact on the health of river ecosystems;
- 3) According to the Wildlife Trusts, only 16% of waters in England are currently in good ecological health and none meet chemical standards. This means that, overall, there are no rivers, lakes, estuaries or seas in England that are currently in a healthy condition;
- 4) This is a local issue as well. Last year, the amount of time sewage was allowed to spill into Yorkshire’s waterways was 232,054 hours, with 54,273 monitored spill events. According to the Environment Agency, parts of Yorkshire have some of the highest number of serious water pollution incidents in England and Kirklees has ranked amongst the highest in recent years. Data from 2021 has revealed that 5 of the top 20 most polluted rivers are in Yorkshire, with the River Calder the second most sewage-polluted waterway in the country, with sewage flowing into the river and tributaries for 27,901 hours.

This Council believes that:

- 1) Healthy waterways are the foundation for all life, but our rivers and lakes have become poisoned, with has had a hugely negative impact on aquatic wildlife and habitats;
- 2) The Government needs to set out more ambitious targets to repair the damage inflicted on our rivers and watercourses;

- 3) The council has a number of legal responsibilities in relation to protecting its rivers and watercourses as well as in relation to public health;
- 4) Local authorities, including Kirklees Council, should also have powers to fine water utility companies for preventable sewage dumping. The Council should use its voice to put pressure on water companies and the Government to make improvements and fulfil their obligations to Kirklees residents, and resident elsewhere across the country;
- 5) Many Kirklees residents are concerned about water quality and the impact of regular wastewater discharge and untreated sewage into our rivers, and the impact that this has on human health and wildlife. Now, more than ever, water quality is at the forefront of public consciousness, as releasing sewage into rivers is no longer an emergency-only situation occurring as a result of severe rainfall, but a regular occurrence. This is at a time when water companies are reportedly pushing to be allowed to increase water bills in England by up to 40% by 2030 to pay for the sewage crisis, essentially offloading the cost of cleaning up sewage spills on to British households.

This Council, therefore, resolves to:

1. Work collaboratively with the Canal & River Trust, Yorkshire Water and the Government, to improve water quality and the health of our rivers, lakes and watercourses across our district;
2. Write to the Secretary of State for Environment, Food and Rural Affairs calling for an urgent ban on sewage discharge in our rivers, lakes and watercourses. Furthermore, to request that the Government is more ambitious in its overall target to improve water quality. It should be in line with the Wildlife Trusts' target for at least 75% of rivers, streams and other freshwater bodies to reach an overall 'clean waters' status by 2042;
3. Write to Yorkshire Water to request that:
 - (1) They stop the routine discharge of sewage in our district's rivers, lakes and watercourses and invest in appropriate infrastructure to reduce the frequency of the discharges;
 - (2) They provide the Council with an action plan outlining the steps they are taking to mitigate such instances of sewage discharge; and
 - (3) They review the plan on a 6 monthly basis to consider how they are complying with their legal obligations on this issue."

By Order of the Council

J. Geelman

Chief Executive