

Kirklees Council



Main Hall - Town Hall, Huddersfield

Tuesday 7 November 2023

Dear Member

The Council will meet on Wednesday 15 November 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 Meeting

1 - 8

To approve the Minutes of the Meeting of Council held on 18 October 2023.

4: Declaration of Interests

9 - 10

Members will be asked to say if there are any items on the Agenda

in which they have any disclosable pecuniary interests or any other interests, which may prevent them from participating in any discussion of the items or participating in any vote upon the items.

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 (Thursday 9 November) 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

11 - 24

To receive the Minutes of the Meetings of West Yorkshire Combined Authority held on 7 September and 29 September 2023.

9: Kirklees Local Plan Review and Update (Reference from Cabinet) 25 - 72

To consider the report.

Contact: Jo Scrutton, Planning Policy

10: Appointment of Chair - Growth and Regeneration Scrutiny Panel 73 - 76

To consider the appointment of the Panel Chair.

Contact: Julie Muscroft, Legal Governance and Commissioning

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

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

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

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 Elected Mayor's current priorities.

13: 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."

14: Motion submitted in accordance with Council Procedure Rule 14 as to School Uniform Costs

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

This Council notes that:

- 1) School uniform can be a significant expense for many families and the cost-of-living crisis means that buying school uniforms is an even bigger concern than usual for many parents;
- 2) Recent research by the Children’s Society found that parents spent on average £287 a year on primary school uniforms and £422 a year on secondary uniforms, with branded items costing more. The Children’s Society also found that pupils are expected to have an average of 3 branded items of uniform, while almost a third of secondary school pupils are required to own up to branded items;
- 3) The cost of uniforms can be unnecessarily pushed up by practices such as sourcing a uniform from a single specialist provider;
- 4) The Government has published new statutory guidance aimed at making school uniforms more affordable after a legal requirement to do so passed into law in 2021. In contrast to the previous school uniform guidance, which was non-statutory, the Education (Guidance about Costs of School Uniforms) Act, which was introduced in the House of Commons in February 2020, and completed its stages in 2021, became law with cross-party support and requires the Government to publish legally binding guidance requiring school authorities to consider costs when setting school uniform policies. Schools and their governing boards must have regard to the statutory guidance when developing and implementing their school and trust uniform policies. The main points of the statutory guidance are:
 - (i) Schools need to ensure that their uniform is affordable.
 - (ii) In considering costs, schools will need to think about the total costs of school uniforms.
 - (iii) Schools should keep the use of branded items to a minimum.
 - (iv) Schools should ensure that their uniform supplier arrangements give the highest priority to cost and value for money (including the quality and durability of the garment).

(v) Schools should ensure that second-hand uniforms are available for parents to acquire. Information on second-hand uniforms should be clear for parents of current and prospective pupils and published on the school's website.

This Council believes that:

- 1) The statutory guidance set out by the Government is having a limited impact – branded items are still rife and a survey by The Children's Society shows that uniform costs are rising. The statutory guidance is not clear enough and has been interpreted differently by schools. Many schools are failing to adhere to it;
- 2) Spending on school uniform is a lottery. Some schools require parents to spend money on expensive uniform from specialist shops, while other schools will allow parents to buy from the high street, often at a significantly reduced price, and a small minority of schools do not require pupils to wear a uniform at all;
- 3) The cost of highly branded school uniform policies is unacceptable. The country is experiencing a cost-of-living crisis. Families are facing a huge squeeze on their income and expensive school uniform policies are forcing families to spend a lot of extra money they simply do not have;
- 4) Schools are under huge range of pressures and are often lack resources to help and support parents, while many local authorities no longer provide the school uniform grant, which supports disadvantaged families to help deal with the costs. The Kirklees grant was phased out in 2010 and Kirklees Council is no longer offering school uniform grants. While some schools offer support to families with the cost of buying their uniforms, this taxpayer-funded support would go much further if the uniform requirements were less expensive. Reducing the cost of uniform policies would help to ensure such funds could be spent on things that enhance education, such as school trips;
- 5) The Children's Society should be supported in its recommendations to make school uniforms more affordable. This includes:
 - The Government reissuing school uniform guidance to all schools to remind them of their responsibilities in relation to the affordability and availability of school uniforms.
 - The Government to make the school uniform guidance a requirement, so that schools have a legally binding

commitment to comply with it.

- The Government should also explore capping the cost of school uniforms, which would help to ensure that parents are not paying unreasonable costs.

This Council, therefore, resolves to:

- 1) Write to the Secretary of State for Education to call on the Government to review and update its statutory guidance, to ensure that the guidance is clear and unambiguous. As a minimum, the guidance should be amended to:
 - Include a limit on the number of branded items in a state school uniform, with an appropriate number of items specified for primary and secondary schools.
 - Prohibit schools from requiring branded items where more than 1 item would need to be purchased, such as shirts, non-PE polo shirts, skirts or trousers.
 - Prevent schools from requiring branded items that are substantially more expensive than the unbranded equivalent or similar items at other local schools.
 - Prevent schools from requiring multiple items of the same type of footwear, such as indoor and outdoor shoes and indoor and outdoor trainers for PE.

If a school does not comply with the updated statutory guidance in time for the 2024/25 academic year, parents should be able to complain directly to the Department for Education, who should be able to enforce compliance with the guidance.

In addition, Ofsted, should be tasked with policing school's compliance with the school uniform rules as part of their inspections;

- 2) Work collaboratively with schools across the Kirklees district to:
 - Ensure schools understand the importance of cost-effective uniform policies.
 - Ensure schools have fair and effective uniform policies.
 - Ensure schools are complying with the Government's statutory guidance.
 - Ensure schools do not punish their students for uniform breaches outside their control.

- Ensure schools are able to provide appropriate support to families struggling with the cost of school uniform.
- 3) The Council should regularly monitor the costs of uniform across the district and support schools to make changes, where necessary, such as complying with the requirement to signpost parents to second-hand uniforms.”
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15: Motion submitted in accordance with Council Procedure Rule 14 as to Small Business Saturday

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

“This Council notes that:

- 1) Small Business Saturday is an annual event which was created to encourage consumers to ‘shop local’, in person and online, and to support small, independent businesses in their communities;
- 2) Small Business Saturday 2023 is coming up on Saturday 2nd December. Small Business Saturday has grown into a significant event – with £1.1 billion spent at small businesses during the 2020 event alone;
- 3) This is an excellent opportunity to promote small businesses in Kirklees and to celebrate the contribution smaller businesses make to our district.

This Council believes that:

- 1) Small businesses are the heart and soul of our local high streets. They help give our villages and towns in Kirklees their unique character and employ thousands of local people. It is only by supporting our local independent businesses that we can also help our local high streets thrive;
- 2) Now, more than ever, we need to be supporting our small businesses and local shops, who are currently experiencing enormous challenges, including economic, political and social uncertainty, the cost-of-living crisis and impact on consumer spending, the rising cost of bills and a reduction in profit margins due to inflation. A side effect of rising inflation is higher interest rates, which has an impact on borrowing and enabling businesses to access finance, including business loans. According to recent reports, UK high street businesses could face a quadrupling of their tax bills next year and close to a £2 billion increase in business rate payments;

3) Local businesses are vital to local economies – they are significant creators of jobs and are more likely to hire people who live locally. The money spent at a local business is more likely to stay in the community. They are the backbone of our communities, bringing people together and building local character. However, many small businesses will close unless we support them better.

This Council resolves to:

1) Instruct the Chief Executive and Heads of Service to ensure that the Council participates in Small Business Saturday on Saturday 2nd December 2023;

2) Request that officers work closely with local business organisations and smaller enterprises across Kirklees to make them aware of Small Business Saturday and encourage them to sign up;

3) Ensure that Small Business Saturday is promoted prominently on the Council's website, social media channels and other external communications;

4) Develop a year-round communications plan to continue promoting local small businesses and encouraging residents in Kirklees to shop local all year round;

5) Investigate further ways to increase shopper numbers around Small Business Saturday and in the lead up to Christmas – such as free car parking in the town centre on busy shopping days – and establish a regular programme of measures to support small businesses.”

16: Motion submitted in accordance with Council Procedure Rule 14 as to NHS Dental Contract Reform

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

“This Council notes that:

- 1) NHS dentistry operates differently from other aspects of NHS healthcare. Most dentists are not employed directly by the NHS but operate as independent contractors. In practice, this means that dentists purchase and equip the surgery, hire staff and pay all the running costs (such as wages, materials and insurance) in order to provide an NHS dental service;
- 2) Dentists enter into agreements with NHS England to provide a certain number of treatments per year. The contract gives NHS dental practices targets to hit, and this is known as units

of dental activity (UDA). If dental practices do not hit their targets, they risk losing a significant part of their NHS funding;

- 3) Dentists are paid by the NHS according to a points system. They are effectively paid the same for the delivery of a check-up as they would be for performing root canal work, despite the latter requiring far more work and taking much longer;
- 4) There is a shortage of dentists in England. According to NHS figures, the number of dentists providing NHS care in England fell from 23,733 at the end of 2020 to 21,544 at the end of January this year. This means that the NHS now has the smallest number of dentists it has had for over a decade. It is also a local problem, with Kirklees losing 11% of its dentists, meaning that it is among the 25 most affected areas nationally.

This Council believes that:

- 6) Access to NHS dental care and treatment has become enormously limited and this is a huge issue. Many people across Kirklees and England have been forced to go private and are battling to get treatment as practices stop seeing NHS patients. Many people travel miles outside their areas to access NHS treatment and some have even travelled overseas for treatment. Sadly, there has been a rise in do-it-yourself dentistry, which is enormously risky and can be harmful to dental health;
- 7) Dental care is an essential part of health care and should be available to all, yet oral health inequality is widening across Kirklees and across the country. A shortage of NHS appointments and treatment is particularly affecting those on low incomes the hardest, as well as patients with high levels of need, including those who are vulnerable. A lack of access to NHS dental care has real implications; it is deepening health inequalities and resulting in a rise of health issues, such as tooth decay, gum disease and oral cancer;
- 8) Dental surgeries have been forced to scale back their services. In part this is due to recruitment and retention issues, as well as NHS dental care services being underfunded and overstretched. There are staffing shortages which has been exacerbated by Brexit and Covid-19. Many dentists are unhappy with the NHS dental contract, according to the British Dental Association, and this may also be a significant factor;

- 9) The current NHS dental contract is unworkable and is not fit-for-purpose. The dental contract, introduced in 2006, has attracted criticism from a range of bodies, including the British Dental Association and patient groups. It effectively remunerates dentists solely on their activity, meaning that dental surgeries are incentivised not to deal with the most serious cases. It wrongly puts the focus on meeting targets rather than delivering good patient care. Over the last year, there have been some changes made to the NHS dental contract, but as the British Dental Association note, these minor changes do not go far enough in helping to tackle the current crisis;
- 10) In some cases, dentists are losing money to see patients, particularly those with high needs. Many newly qualified dentists are simply unable to cover the costs of providing NHS treatment. Many dentists are feeling pressure to go private in order to cover wages and equipment costs and to survive as a business; many are leaving the profession entirely;
- 11) There has been a worrying shift towards the privatisation of NHS dentistry. The current system is failing patients and dental teams and contributing significantly to access problems in Kirklees and across the country. The dental contract needs to be replaced with a more modern system which puts prevention at its heart and better reflects dentistry in the 21st century;
- 12) While a commitment to reform the current NHS dental contract has been an established goal of successive governments, progress has been slow and has not been substantive. The current government and NHS England must intervene and speed up dental contract reform. Urgent and fundamental reform is required to ensure that people can access the dental care they are entitled to. In addition, the government needs to provide sustained funding to tackle the underlying problems of dental access and affordability.

This Council, therefore, resolves that:

The Leader of the Council writes to the Parliamentary Under-Secretary of State for Primary Care and Public health to demand an urgent independent review of the NHS dental contract.”

17: 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, which 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:
 - (i) 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;
 - (ii) They provide the Council with an action plan outlining the steps they are taking to mitigate such instances of sewage discharge; and
 - (iii) 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

A handwritten signature in black ink, appearing to read 'S Mawson', written in a cursive style.

Steve Mawson
Chief Executive