



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

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

COUNCIL

WEDNESDAY 13 DECEMBER 2023

Andrea Woodside

01484 221000

Chair

Councillor Cahal Burke

Councillors Attended

Councillor Beverley Addy

Councillor Masood Ahmed

Councillor Itrat Ali

Councillor Karen Allison

Councillor Ammar Anwar

Councillor Zarina Amin

Councillor Bill Armer

Councillor Timothy Bamford

Councillor Donna Bellamy

Councillor Aafaq Butt

Councillor Martyn Bolt

Councillor Andrew Cooper

Councillor Moses Crook

Councillor Nosheen Dad

Councillor Paola Antonia Davies

Councillor Paul Davies

Councillor Eric Firth

Councillor Charles Greaves

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 Jo Lawson

Councillor John Lawson
Councillor Vivien Lees-Hamilton
Councillor Gwen Lowe
Councillor Andrew Marchington
Councillor Naheed Mather
Councillor Harry McCarthy
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Hannah McKerchar
Councillor Matthew McLoughlin
Councillor Paul Moore
Councillor Alison Munro
Councillor Darren O'Donovan
Councillor Shabir Pandor
Councillor Carole Pattison
Councillor Mussarat Pervaiz
Councillor Amanda Pinnock
Councillor Jackie Ramsay
Councillor Elizabeth Reynolds
Councillor Imran Safdar
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 Mark Thompson
Councillor Graham Turner
Councillor Adam Zaman
Councillor Habiban Zaman

Apologies

Councillor Ebrahim Dockrat, Councillor Donald Firth, Councillor Lisa Holmes, Councillor Susan Lee-Richards, Councillor Andrew Pinnock, Councillor Kath Pinnock and Councillor Sheikh Ullah

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

The Mayor presented Omaid Badar with a token of acknowledgement, following his achievement in being awarded Social Worker of the Year.

The Mayor advised that the University of Huddersfield had been successful in being awarded Business School of the Year at The Times Higher Education Awards 2023.

The Mayor also advised of the forthcoming retirement of Civic Attendant Steve Booth, and conveyed thanks for his service to the Civic Office over the past

twelve years.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

Apologies for absence were received on behalf of Councillor Dockrat, Councillor D Firth, Councillor Holmes, Councillor Lee-Richards, Councillor A Pinnock, Councillor K Pinnock and Councillor Ullah.

3: Minutes of Previous Meeting

To approve the Minutes of the Meeting of the Council Meeting held on 15 November 2023.

RESOLVED – That the Minutes of the Meeting held on 15 November 2023 be approved as a correct record.

4: Declaration of Interests

Members will be asked to advise if there are any items on the Agenda in which they have a disclosable pecuniary interest, or any other interests, which may prevent them from participating in the discussion or vote on any of the items.

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.

Council received petitions from Councillor Bolt and Councillor Gregg regarding proposed changes to parking tariffs in Kirklees.

The Mayor advised that, in accordance with Council Procedure Rule 9(3), the subject matter of the petitions be referred to the relevant Service Director.

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 (by Thursday 7 December) and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

In accordance with Council Procedure Rule 10, Council received the following deputations;

- (i) John Beaumont, on behalf of Huddersfield Allotments and Gardens federation, in objection to an increase in allotment rents.

(A response was provided by the Cabinet Member for Culture and Greener Kirklees – Councillor Hussain).

- (ii) Hanifa Darwan, regarding humanitarian crisis.

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

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.

No questions were asked.

8: Council Petition Debate

In accordance with Council Procedure Rule 9a, Council will discuss the subject matter of a previously submitted petition which opposes the potential closure of Claremont House Care Home.

Council held a Petition Debate in accordance with Council Procedure Rule 9a regarding Claremont House Care Home.

9: Elected Member attendance at Meetings

To consider the report.

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

RESOLVED – That the absence of Councillor Donald Firth from qualifying meetings of the Authority, which would ordinarily lead to his disqualification as a Councillor, shall be authorised until 22 May 2024.

**10: Kirklees Council Tax Reduction Scheme Review 2024/2025
(Reference from Cabinet)**

To consider the report.

Contact: Julian Hobson, Welfare and Exchequer Services

RESOLVED –

- 1) That the existing Council Tax Reduction Scheme be reviewed and that Option 2 to reduce protection for all and implement a 25% scheme be adopted in accordance with the scheme as set out in Appendix 5, and that it take effect from 1 April 2024.
 - 2) That the administrative easement, as set out at Option 4, be adopted and developed in order to ensue smooth administration.
 - 3) That the findings of the statutory consultation exercise, as set out at Appendix 4, be noted.
 - 4) That the results of the Integrated Impact Assessment be noted.
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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.

Council received written questions in accordance with Council Procedure Rule 12.

12: Minutes of Cabinet and Cabinet Committee - Local Issues

To receive the Minutes of (i) Cabinet held on 26 September and 17 October 2023 and (ii) Cabinet Committee – Local Issues held on 20 October 2023.

Received and noted.

13: Holding the Executive to Account

- (a) To receive a portfolio update from the Leader of the Council.
- (b) To receive oral questions/comments to Cabinet Members on their

portfolios and relevant Cabinet Minutes;

- The Leader of the Council (Councillor Scott)
- The Deputy Leader of the Council/Corporate Portfolio (Councillor P Davies)
- Children's Services Portfolio (Councillor Kendrick)
- Communities Portfolio (Councillor Pervaiz)
- Culture and Greener Kirklees Portfolio (Councillor Hussain)
- Finance and Regeneration Portfolio (Councillor Turner)
- Health and Social Care Portfolio (Councillor Ramsay)
- Housing and Highways Portfolio (Councillor Crook)
- Learning and Aspiration and Portfolio (Councillor Reynolds)

Council received a portfolio update from the Leader of the Council, which was followed by questions to the Leader and Cabinet Members.

14: Minutes of Other Committees

- (a) Corporate Parenting Board
- (b) Overview and Scrutiny Management Committee
- (c) Strategic Planning Committee

Received and noted.

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 H Zaman)
- Corporate Governance and Audit Committee (Councillor Homewood)
- Corporate Parenting Board (Councillor Kendrick)
- Health and Wellbeing Board (Councillor Ramsay)
- Licensing and Safety Committee - including Licensing and Regulatory Panel (Councillor A U Pinnock)
- Overview and Scrutiny Management Committee (Councillor Smaje)
- Personnel Committee (Councillor Scott)
- Planning Sub Committee - Heavy Woollen Area (Councillor E Firth)
- Planning Sub Committee - Huddersfield Area (Councillor Ullah)
- Scrutiny Panel – Childrens (Councillor Cooper)
- Scrutiny Panel – Environment and Climate Change (Councillor J D Lawson)
- Scrutiny Panel – Growth and Regeneration (Councillor Pandor)
- Scrutiny Panel – Health and Adult Social Care (Councillor Armer)
- Standards Committee (Councillor McCarthy)
- Strategic Planning Committee (Councillor S Hall)
- Kirklees Active Leisure (Councillor Sokhal)
- West Yorkshire Combined Authority (Councillor Scott)
- West Yorkshire Combined Authority Transport Committee (Councillor

Anwar)

- West Yorkshire Fire and Rescue Authority (Councillor O'Donovan)
- West Yorkshire Joint Services Committee (Councillor H Zaman)
- West Yorkshire Police and Crime Panel (Councillor Lowe)

Council received Oral Questions in accordance with Council Procedure Rule 13(4).

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

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

“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:
 - a) Schools need to ensure that their uniform is affordable.
 - b) In considering costs, schools will need to think about the total costs of school uniforms.
 - c) Schools should keep the use of branded items to a minimum.
 - d) 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).

e) 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:
 - (i) 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.
 - (ii) The Government to make the school uniform guidance a requirement, so that schools have a legally binding commitment to comply with it.
 - (iii) 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."

Deferred to the following meeting of Council to enable the submission of a revised Motion, incorporating the Labour Group amendment.

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 Councillor Marchington and Councillor 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;
- 5) The national Liberal Democrat party has published a plan to help tackle the sewage scandal. This includes:
 - A ‘Sewage Tax’ of 16% on water companies to create an emergency fund for cleaning up rivers. The party believe that a significant proportion of the profits that water companies make should be reinvested to protect Britain’s streams and rivers, as it should be the water companies and not consumers who should pay to clean up the mess.
 - Local environmental groups to be added onto water company boards to help support the water companies in their duties to protect and enhance the environment.
 - Water companies should adopt a ‘public benefit company’ model, so that economic and environmental policy objectives are also considered when running the company, rather than just a return for shareholders.

- Ofwat, the water regulator, should be abolished and replaced with a tough new independent regulator with real powers, to protect our rivers and beaches from sewage dumps. The new regulator would have the power to hand out unlimited fines and, if necessary, to prosecute companies who fail to meet their legal duties.
- Rivers in Britain should be given a new 'blue flag status' to protect waterways from sewage dumping. The designations would work in a similar way to the international scheme that exists for beaches and marinas and requires a series of environmental standards to be met.

This Council believes that:

- 6) 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;
- 7) The Government needs to set out more ambitious targets to repair the damage inflicted on our rivers and watercourses;
- 8) The council has a number of legal responsibilities in relation to protecting its rivers and watercourses as well as in relation to public health;
- 9) 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;
- 10) 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. The plan outlined by the national Liberal Democrat party should be adopted to help protect our waterways from sewage dumping;
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."

Deferred to the following meeting of Council to enable the submission of a revised Motion, incorporating the Labour Group amendment.

18: 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 similarly to GP practices in that 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 which commits them to perform a set number of 'units' of treatment every 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 the number of UDAs they provide. UDAs are a measure of the amount of work done during dental treatment. More complex dental treatments count for more UDAs than simpler ones. For example, an examination is 1 UDA, fillings are 3 UDAs and dentures are 12 UDAs, but the UDA bears no relation to the amount of work or true cost of the treatment. This means that NHS dentists have to subsidise more complex work. In addition, dentists have inherited different UDA tariffs, so different dentists get paid different rates for the same treatment.

- 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:

- 1) 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;
- 2) 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;
- 3) 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;
- 4) 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;
- 5) 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. Under the current model, it is difficult for dentists to provide a standard level of care to all patients, given the time constraints and need to meet UDA targets;

- 6) 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;
- 7) 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. These problems lead to increased risk of diabetes, cardiovascular disease and Alzheimer's disease;
- 8) It is shocking that there is a massive surge in children and teenagers needing teeth removed at hospital emergency departments due to decay due to a lack of dental healthcare access. Government data shows that 42,180 operations for tooth extraction took place in NHS hospitals in England in 2021/22 for those aged under 20. Tooth decay is the most common reason for children aged 6-10 to be admitted to hospital. We are failing our children. It is essential that we push the prevention of gingivitis before it progresses to periodontitis due to the high cost to the NHS of treating health related conditions, such as those outlined in the previous paragraph.

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.”

Deferred to the following meeting of Council to enable the submission of a revised Motion, incorporating the Labour Group amendment.
