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Monday 26 June 2023

Notice of Meeting

Dear Member

Environment and Climate Change Scrutiny Panel

The **Environment and Climate Change Scrutiny Panel** will meet in the **Meeting Room 3 - Town Hall, Huddersfield** at **2.00 pm** on **Tuesday 4 July 2023**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Panel members are:-

Member

Councillor Jackie Ramsay (Chair)
Councillor Timothy Bamford
Councillor Hannah McKerchar
Councillor Matthew McLoughlin
Councillor Will Simpson
Councillor John Taylor

Responsible For:

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive apologies for absence from those Members who are unable to attend the meeting.

2: Minutes of the Previous Meeting

1 - 10

To approve the Minutes of the meeting of the Economy and Regeneration Scrutiny Panel held on 21st March 2023.

Contact: Jodie Harris, Principal Governance and Democratic Engagement Officer

3: Interests

11 - 12

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Panel 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.

6: 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.

7: Cumulative Impact Assessment

13 - 22

The Panel will consider a report on proposals to introduce a Cumulative Impact Assessment (CIA) Policy under the Licensing Act 2003.

Contact: Russell Williams, Public Protection Operational Manager

8: White Rose Forest - Summary review of 2022/23 and looking ahead to 2023/4

23 - 34

The Panel will consider a presentation on White Rose Forest - Summary review of 2022/23 and looking ahead to 2023/24.

Contact: Guy Thompson, White Rose Forest Programme Director

9: Work Programme 2023/24

35 - 40

The Panel will consider its work programme for 2023/24.

Contact: Jodie Harris, Principal Governance and Democratic Engagement Officer

Economy and Neighbourhoods Scrutiny Panel Minutes Tuesday 21 March 2023

Present:

Cllr Yusra Hussain
Cllr Matthew McLoughlin
Cllr Tyler Hawkins
Cllr Aafaq Butt
Councillor John Taylor
Jane Emery (Co-optee)
Jonathan Milner (Co-optee)

Attendees:

Councillor Elizabeth Smaje, Chair of Scrutiny
Councillor Will Simpson, Cabinet Member for Culture and Greener Kirklees
Katherine Armitage, Service Director - Environmental Strategy and Climate Change
Judith Stones, Operational Manager Public Protection
Leanne Perry, Environmental Health Group Leader
James Kaye, Environmental Health Group Leader

Apologies:

Councillor Martyn Bolt
Chris Friend (Co-optee).

1. Membership of the Panel

Apologies were received from Councillor Martyn Bolt and Chris Friend (co-optee).

2. Minutes of the Previous Meeting

The Panel considered the Minutes of the Meeting of the Panel held on 28th February 2023.

RESOLVED: The Minutes of the meeting held on 28th February 2023 were agreed as a correct record.

3. Interests

No Interests were declared.

4. Admission of the Public

All items were considered in the public session.

5. Deputations/Petitions

No deputations or petitions were received.

6. Public Question Time

No questions were received from the public.

7. Statutory Health and Safety Service Plan 2022-2023

The Panel considered the Statutory Health and Safety Service Plan 2022-2023 presented by James Kaye, Environmental Health Group Leader. Councillor Will

Simpson, Cabinet Member for Culture and Greener Kirklees was also in attendance. It was highlighted that:

- Legislation determined the type of activities that Local Authorities were required to regulate.
- 65% of GB workplaces were enforced by Local Authorities, including retail and leisure businesses, warehouses and office environments.
- Kirklees Council Health and Safety team was a small team (1.8 full time equivalents and 3 warrant officers).
- Kirklees Council was duty bound under the act to have the provisions in place to deliver the health and safety function.
- The Health and Safety Team aimed to work with others to protect people's health and safety by ensuring risks in the workplace were properly managed.
- This was achieved through risk-based interventions, the use of national/local intelligence to inform priorities and the use of a wide range of interventions.
- It was also important to deliver service priorities whilst working towards Corporate Outcomes: People, Partners, and Place.
- Work was delivered in accordance with the Enforcement Code Guidance and a transparent approach was taken through welcoming review by the HSE (LAE1 stat return) and other critical friends.
- In year 21/22, the health and safety team carried out 9 proactive inspections.
- There were also 96 non-inspection interventions including legionella advice to nightclubs opening after the pandemic in July 2021 to ensure water systems in these venues were safe and flushed prior to re-opening.
- The team liaised with the safety advisory group to provide insight into users of large inflatable devices (i.e.- bouncy castles or slides) and how operators should manage risk.
- Work was undertaken around wet cupping interventions to address blood borne disease risks.
- Service priorities for 2022/23 included:
 - The proactive inspection of warehouses to address, workplace transport, working at a height, manual handling and welfare facilities for drivers.
 - Electrical safety within the hospitality was also a key service priority due to the increased prevalence of outdoor spaces following the Covid-19 pandemic.
 - A review of customer safety information was to be given to user of trampoline parks.
- Potential emerging demands which may impact future service delivery included the provision of the Aesthetics Industry.
- Currently the delivery of non-cosmetic treatments such as Botox and facial fillers were unregulated.
- The associated risks had led the UK government to begin to bring forward an amendment to the Health and Care Act 2022.
- The suggested approach would be to introduce a licensing regime for Aesthetics businesses and practitioners.

- There were 70+ businesses in Kirklees, who would all require visits, advice and a licence which would place additional pressure on the Health and Safety Team.
- Historic terror attacks within the UK identified that security at public venues needed to be improved.
- The proposed legislation (Martyn's Law-Protected Duty) placed a legal duty on those responsible for certain locations to consider the threat of terrorism and to implement appropriate and proportionate controls.
- The government had promised to introduce a regulatory inspection regime, but it was still unclear if local authorities would be made responsible for regulation.
- Premises would fall into scope of the new duty if the venue delivered a qualifying activity (i.e.- food and drink, sports grounds, public building etc)
- Maximum capacity was also considered, and 2 thresholds were to be created, which were 100+ or 800+.
- If responsibility for regulation fell to the Local Authority, the impact would be high and additional resources would be needed.

The Panel welcomed and noted the presentation and, in the discussion, to follow asked a number of questions in relation to performance monitoring, comparability with other local authorities and recruitment challenges, which James Kaye responded to as follows.

In response to questions, from the Panel in relation to how well Kirklees compare with other Local Authorities and performance monitoring and assessment it was advised that the 'Critical Friend' approach was used to compare Kirklees, in areas such as recruitment of staff and performance with other West Yorkshire Authorities. This showed that Kirklees did compare favourably or in line with its neighbours. In relation to challenges around recruitment, the Panel were reassured that statutory requirements were being fulfilled with current staffing levels, but there were national challenges in the recruitment of trained health and safety staff. The Panel were advised that this was due to a number of factors, but it was highlighted that the Private Sector had a stronger offer which drew staff away from the Public Sector in this area. To address this, Kirklees were looking at training staff internally and ensuring that more experienced staff shared their knowledge and skills with newer staff to ensure this wasn't lost following their retirement. In relation to performance monitoring and assessment, it was noted that Local Authorities were regulated externally by the HSE.

In response to a question from the Panel in relation to the number of fatalities investigated, it was highlighted that there had been no fatalities as a result of an accident/ health and safety risk since 2013 which was positive.

In response to a question around apprenticeship offers in the service area, it was advised that there were currently 2 apprentices employed and there was potential to recruit a third going forwards.

In response to a question from the Panel in relation to the number of accident/ reports and complaints which were then followed up, it was advised that due to lack of resources that it was not possible to follow up on every report. It was explained that the HSE had a developed a selection criterion which must be adhered to. The

threshold to trigger investigation was high due to the limited resources. The team was also not notified of near misses.

The Panel noted the response and expressed understanding that not every complaint could be investigated acknowledging that this highlighted how under resourced the Health and Safety field was.

In response to a question in relation to occurrences of multiple complaints, and if there were trigger points for investigation following receipt of these (even if the nature of the complaints were minor). James Kaye provided reassurance that a number of complaints for the same premise would trigger visit and proactive investigation.

In response to a question about health and safety in relation to work related stress and how this may be investigated going forwards, it was advised that the approach was still to be developed but was a part of the services forward plan.

In response to a question around the schedule for checking Wet-Cupping and Aesthetics Providers, and how soon these regulations would be approved, it was advised that there would be no schedule, and that the visits for wet-cupping ended in 2022. The amendment to the legislation was awaiting consultation and if the scheme was introduced once licensed premises would be provided with advice on a 2 yearly cycle for example.

The Panel acknowledged the response but asked for reassurance that local complaints would trigger investigation highlighting that any report of the transmission of blood borne illness required action. In response James Kaye confirmed that any complaints of that nature would be investigated and agreed with the importance of this.

Councillor Elizabeth Smaje, Chair of Scrutiny, noted that several venues had been transferred to local community groups in Kirklees and asked what information would be provided in relation to the new regulations under Martyn's Law to help them understand what they should do to ensure compliance.

In response, James Kaye advised that information would be provided if it was confirmed that Local Authorities would be responsible for regulation when the legislation was introduced. The type of advice to be provided was not known yet, but there would be thresholds which would determine what each type of business would be required to do.

The Panel noted the response and recommended that liaison with those Council services who supported Community groups who had taken on an asset transfer be undertaken to support this work.

The Panel asked further questions covering partnership work, spotting data trends, staff retention and progress in meeting the set targets for the Warehouse Project. The Panel also wanted to know if staff were trained to identify breaches of labour law, or signs of slavery and trafficking when visiting premises.

In response to a question from the Panel about meeting the set target for the warehouses project, James Kaye confirmed that the team were currently working in line with the timescales set out. The project may continue into new financial year, but the national priorities wouldn't change, and the scope of the project may be broadened.

In response to the question from the Panel in relation to staff retention, James Kaye advised that the team and senior management endeavoured to retain staff and a lot did remain with the Council however the private sector financial offer was currently more attractive than the public in this area and this did have a significant impact on recruitment and retention.

In response to a question from the Panel in relation to action against breaches in labour law and identifying signs of slaver/ trafficking, James Kaye reassured the Panel that staff were trained to identify signs of this activity and any concerns arising would be raised immediately and cascaded through the intelligence portal to be acted on as soon as possible.

In response to a question from the Panel around the amendment to legislation in to introduce a licensing regime for Aesthetics businesses and practitioners and whether the new duty would be accompanied by additional resources to support this, James Kaye advised that it was anticipated that this would be the case and Service Leads had been forthcoming with praise for the team, and expressed confidence that when needed additional resources would be provided.

The Panel noted the responses to their questions, and further highlighted that there were currently several Boards who managed the aesthetic industry and wanted to understand more about how the Council would work alongside the external organisations following the amendment.

In response, James Kaye advised that these organisations were professional bodies which practitioners and business paid to be a part of or be trained by. These bodies could not but regulate themselves so this would be a part of the Councils responsibility, but the Council could also work closely with Boards and contact these bodies for advice for example. In the ascetics industry there was no gold standard yet, and these organisations would play a key role to play in terms of licensing and health and safety regulations.

Councillor Will Simpson closed the discussion by expressing thanks to the Health and Safety team for their positive, important, work in helping to keep residents safe.

RESOLVED: The Panel noted the Statutory Health and Safety Service Plan 2022- 23 and recommended that:

1. Liaison with Council services who supported Community Groups be undertaken to help increase their understanding of the regulations under Martyn's Law, if this responsibility be delegated to the Local Authority under the new legislation.

8. Food Safety Service Plan 2023

The Panel considered the Food Safety Plan 2023 which was presented by Leanne Perry, Environmental Health Group Leader. Councillor Will Simpson, Cabinet Member for Culture and Greener Kirklees, was also in attendance. It was highlighted that:

- The Food Standards Agency (FSA) had a key role overseeing local authority activities concerning food safety enforcement.
- Food Safety Service Plans are seen by the Agency as an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- The Food Safety Service Plan was a requirement of the Food Law Code of Practice.
- **The Plan outlined:**
 - The number and types of food businesses in Kirklees (4,052 businesses)
 - The demographics of Kirklees
 - The Councils approach to delivery of official controls
 - The assessment of the number of official controls that will be due over the course of the year (including new registrations of approximately 550 businesses per year, on average)
 - The assessment of whether adequate resources existed to meet the Councils obligations.
- **Reporting against the priorities of the Food Safety Service Plan 2022, at Quatre 3 (Q3) of the 2022/23 period showed that:**
 - All milestones were achieved with regards to meeting the minimum requirements of the FSA Local Authority Recovery Plan from 1 July 2021 to 2023/24.
 - The ambition to exceed the expectations of the Recovery Plan and complete 50% of lower risk premises was achieved with only 38% of these businesses remaining.
 - FSA Milestones for 31st March 2022 were on target.
 - Maintaining the implementation of the Food Hygiene Rating Scheme (FHRS) included monitoring officers' ratings and participating in the national FHRS consistency exercise.
 - A review of alternative intervention approach for lower risk premises was ongoing in Q3.
 - All officers had completed appropriate Continuing Professional Development (CPD)
 - Work to increase and improve access to information for businesses on the Council website was ongoing at the end of Q3.
 - 'Steps to Success' Workshops were delivered to 0-2 FHR businesses in January 2023 and these were being expanded to include areas of high deprivation and poor levels of food hygiene.
 - The first food sampling contract was set up and quotes requested from others at the end of Q3.
 - Further promotion of consultancy services, to support local businesses with technical advice was ongoing.
 - Joint work had been undertaken with West Yorkshire (WY) Food Safety Teams and WY Trading Standards in relation to the promotion of changes to food labelling requirements in 'Natasha's Law'.

- This work included the development of clear and consistent messages across West Yorkshire and Yorkshire.
- A trial of a mobile working solutions to improve efficiency and provide high-quality reports for food businesses was in progress and used by 4 officers.
- The trial was to be evaluated at the beginning and end of Q3.
- **The Priorities of the Food Safety Service Plan 2023/2024 included:**
 - Undertaking 100% of the inspection programme of interventions in accordance with the frequencies set out in the Food Law Code of Practice.
 - Continuing to meet statutory obligations, using a risk-based approach and continuing to implement the National FHRs.
 - Continue to review the alternative approach to food hygiene interventions and work consistently with Food Safety Teams in West Yorkshire.
 - The continuation of a more focused, place-based approach, to address inequalities that indicate a correlation between areas of deprivation and poor food hygiene ratings.
 - Further development of potential commercial opportunities to provide support to our businesses and protect public health.
 - Increase businesses' resilience through improved information on the website; adopting the FSA's online 'Register a Food Business' platform.
 - Develop a communications strategy to address poor standards and provide information to businesses in a way they like to access information.
 - Continue the trial of the use of mobile solutions with a view to expand this to all officers.
 - The Steps to Success Workshops were to be expanded to businesses in areas of deprivation and poor food hygiene ratings.
 - The further promotion of Natasha's Law across West Yorkshire.
- **Longer term priorities and emerging issues for the Food Safety Team included:**
 - Workforce planning and 'growing our own' to address the lack of appropriately qualified and competent officers nationally, including FSA developments in officer qualification.
 - Increasing the amount of proactive work being undertaken, such as the Steps to Success workshops, sampling of food and environmental swabbing and follow up visits/intelligence gathering.
 - Engaging with the consultation process that related to the FSA's development of a new regulatory model and to consider the longer-term impacts and resource implications.
 - Monitoring food hygiene standards in relation to the impacts on businesses of the Cost-of-Living Crisis and support businesses.

The Panel noted the presentation commenting that the information presented was very interesting and important.

In the discussion to follow the Panel asked questions in relation to; (i) the number of farms shown in the data, (ii) the challenges around recruitment and what action had been taken locally (i.e.- joint working with local education providers) to address this. In relation to improving the website and the information available the Panel also commented that this was positive work but that it was important to provide the information to those businesses who did not seek information and required

intervention. The Panel also wanted to know what was being done to support businesses with the cost of appropriate food hygiene interventions. In response to the questions raised, Leanne Perry advised as follows.

In response to the question from the Panel about the low number of registered farms, it was advised that some farms were categorised as primary producers whereas others may sell their own produce. Their registration was dependent on how they were categorised which was why the number in the data appeared low for the area.

In response to the question around working with local education providers, it was advised that this work had not been undertaken yet, but this was in view as an important step in encouraging students who had just completed apprenticeships in environmental health into work with the Local Authority. The Panel noted the answer and suggested Kirklees College and local 6 form colleges as key partners. This was noted and it was agreed to work in partnership with local education partners to support the attraction and retention of qualified staff into this area of work.

In relation to the question around providing information to poor performers around food hygiene, it was advised that following a visit those businesses were invited to the Steps to Success workshops. If they did not respond to the invite, they would be visited by a steward who would encourage their attendance. Those who were not proactive about improving their food hygiene rating would then follow the path to enforcement. The Panel noted the response and wanted to understand more about the path to enforcement. Leanne Perry advised that the pathway included 'Improvement Notices,' a legal document which once served provided timescales for improvement and compliance. If needed, this would be followed by an invite to a PACE interview followed by formal cautions or prosecutions. It was emphasised that the enforcement pathway was a graduated approach which allowed timescales for improvement at every step.

In relation to the question round the cost to businesses in meeting hygiene standards, it was advised that this didn't just effect businesses in areas of high deprivation, but prices were rising, and all businesses were feeling the impact of this. However, there was a correlation between areas of high deprivation and businesses with poor hygiene ratings, which is why the place-based approach was important to support those businesses.

The Panel noted the responses and further asked why consultation/engagement had not been carried out prior to the development of the plan. In response, Judith Stones, Operational Manager Public Protection advised that consultation and engagement was not undertaken in the development of the service plan as the creation of the plan was a statutory requirement and to report under the code of practice. The purpose of the plan was to identify what work was to be undertaken under the next 12 months and if there were adequate resources to facilitate this. Judith further agreed however that engagement was essential to understanding, how to support businesses and agreed the possibility of incorporating engagement could be taken forward and developed in subsequent years, alongside increasing place-based working and engagement with elected members. The Panel also requested that the conflicting wording in the report be amended to reflect this.

The Panel noted the responses and asked a number of further questions to understand more about; (i) the healthy holidays scheme, (ii) the nature of the 5 high risk premises listed, (iii) the categorisation of Farm Shops (iv) the complaints process, and (v) the data, noting areas of significant increases as well as the downwards trend in the number of requests for advice from businesses. Leanne Perry responded to the questions asked and issues raised as follows:

- Businesses could apply to be on the Healthy Holidays Scheme which provided a budget to provide food. All businesses must have achieved a food hygiene rating of 3 or above.
- Farm shops were categorised under Retail.
- The high-risk businesses were listed under category A, these were inspected regularly so these figures fluctuated month on month. Food businesses were rated high as category A if there were numerous contraventions.
- Complaints were RAG rated; high risk complaints would determine the response.
- Significant increases in data trends were a result of decreases during the pandemic, where figures declined in 19/20 and then began to increase this year.
- The decline in the requests for advice may be due to automated information sent upon registration by email and the improvements to information on the website.

The Panel noted the responses and asked further questions in relation to (i) notification of complaints to ward members, (ii) how businesses were rated, were these judged only by hygiene standards or were there different elements of consideration for different types of business, and (iii) were inspections a surprise? Leanne Perry responded to the questions asked and issues raised as follows.

- Where there was successful prosecution or a closure, contact was always made by email to inform ward members, but notification was not given of routine complaints due to the volume received.
- The unrated businesses were newly registered, low risk businesses.
- Type of businesses were risk rated (i.e., a manufacture would be rated as a higher risk as they produced more products). The rating was also dependent on three factors including hygiene, structure, and confidence in management.

The Panel noted the responses and expressed congratulations to the team for their work highlighting its importance in keeping residents safe. The use of mobile devices was also noted as a positive step in improving efficiency and the Panel expressed interest in understanding the outcomes of the trial in the future. The Panel also wanted to understand more about how work with WY Services around trading standards was monitored to avoid any duplication or reduce this.

Leanne Perry responded to advise that Kirklees Council worked closely with Trading Standards and other West Yorkshire authorities. In respect of allergens and Natasha's law responsibilities were clearly split, between cross-contamination and labelling. Where there were issues with Natasha's Law that Kirklees did not have enforcement powers to address, Kirklees would consult with Trading Standards to follow up on.

Councillor Will Simpson closed the discussion by thanking the team for their positive work, highlighting its importance.

RESOLVED: The Panel noted the Food Safety Service Plan 2023 and recommended that:

1. Work be undertaken in partnership with local education partners to help address recruitment challenges by attracting qualified new staff.
2. Consultation/engagement exercises be developed and incorporating into the approach in subsequent years, alongside increasing place-based working and engagement with elected members.
3. The conflicting wording around engagement be clarified in the report.
4. The outcomes of the mobile device trial be provided to the Panel at an appropriate time.

9. Work Programme 2022/23

The Panel considered its work programme for the 2022/23 and were invited to put forward comments and suggestions for inclusion in 2023/2024. The Panel expressed thanks to the Chair, and the Chair thanked the Panel for their contributions to scrutiny throughout the year.

RESOLVED: That the 2022/2023 work programme be noted.

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Environment and Climate Change Scrutiny Panel

Date: 4 July 2023

Title of report: Cumulative Impact Assessment

Purpose of report: The purpose of this report is to brief Members of the Environment and Climate Change Scrutiny Panel on proposals to introduce a Cumulative Impact Assessment (CIA) Policy under the Licensing Act 2003.

Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Colin Parr, Strategic Director, Environment and Climate Change - 22/06/2023
Is it also signed off by the Service Director for Finance?	N/A
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 22/06/2023
Cabinet member portfolio	Cllr Naheed Mather

Electoral wards affected: Newsome and Dewsbury East

Ward councillors consulted: None in the context of this report

Public or private: Public

Has GDPR been considered? Yes, there is no personal data contained in this report.

1. Summary

- 1.1 On the 28 June 2023 members of the Licensing and Safety Committee will consider a report outlining proposals to introduce a cumulative impact assessment ('CIA') for both Huddersfield and Dewsbury town centres.
- 1.2 This follows work undertaken with Public Health and West Yorkshire Police to establish if sufficient evidence existed to commence consultation on proposals to publish a Cumulative Impact Assessment policy for Huddersfield and Dewsbury town centres.
- 1.3 The evidence collated by public health and presented to the licensing service indicates there is a need to consider proposals to introduce a CIA in those two locations.

2 Information required to take a decision

Background

- 2.1 The Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate. The existing Statement of Licensing Policy for Kirklees Council became effective on 15th January 2020.
- 2.2 In April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances, publish a cumulative impact assessment ('the Assessment').
- 2.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 2.4 The Assessment must set out the evidence to support the authority's opinion, must be consulted upon before it is published, it must be reviewed at least every three years, with any review having to be consulted upon and any revisions published along with the evidence.
- 2.5 By publishing an Assessment, the Council is setting out a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described in a CIA. The Assessment does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits; and it is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.
- 2.6 An applicant wishing to obtain a new licence or vary a licence for premises, within a cumulative impact area, will be expected to demonstrate through the

operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.

Existing Statement of Licensing Policy

- 2.7 The Council's existing Statement of Licensing Policy, which is scheduled to be reviewed during the 23 / 24 financial year, contains a section with general information on the cumulative impact of licensed premises but at the last review no assessments on specific areas were introduced.

Evidence to Support CIA

- 2.8 Working with colleagues in Public Health and with data provided by West Yorkshire Police, evidence was presented to members of the Licensing and Safety Committee that suggests offences with links to alcohol are an issue in both Dewsbury Town Centre and Huddersfield Town Centre, the evidence presented to the Licensing and Safety Committee can be seen at appendix I.
- 2.9 Due to the timescales for preparing this report, a verbal update on the decision of the Licensing and Safety Committee will be provided to Members of Board at the meeting on the 4 July 2023.
- 2.10 If Members of the Licensing and Safety Committee agree there is sufficient evidence to consult on proposals to introduce a CIA, then the following timescales will apply-
- July 2023 – September 2023 – 12-week consultation
 - October 2023 – November 2023 – analyse consultation, prepare report back to Licensing and Safety Committee to consider consultation results and recommendation to Full Council
 - January 2024 - Report to Full Council to consider recommendation from Licensing and Safety and adopt / reject CIA.

Public Health Perspective

- 2.11 In 2012 the Police and Social Responsibility Act 2011 introduced public health as a responsible authority under the Licensing Act 2003. However, there is still no licensing objective linked to 'public health' and it remains the case that in the absence of public health objective it is difficult for the Director of Public Health or their nominated officer, to make representations against individual applications under the licensing act.
- 2.12 However, given the impact upon population-level health that alcohol consumption can cause, public health in Kirklees, like other local authorities are working more closely with the licensing team on how data Public Health have access to can be utilised to
- shape and strengthen the Council's statement of licensing policy,

- assist responsible authorities and interested parties, to determine if an application in a specific area would impact on the licensing objectives,
- provide data and evidence to assess if the concentration of premises in a particular area impacts the Council's duties to promote the licensing objectives, and therefore warrant the introduction of a 'cumulative impact assessment'.

2.13 In addition, public health are looking at how the data they have access to can be used to, develop a 'alcohol toolkit' that will support other responsible authorities, ward members and the public to make their own representations against / or in support of an application.

Scope of Cumulative Impact Assessment

2.14 While officers have looked at the evidence for both Huddersfield and Dewsbury town centres, there is potential for ward members to request consideration be given to introducing CIA's in other areas of the district.

2.15 The evidence to support the introduction of a CIA has to be robust and able to stand up to judicial scrutiny; and as part of the full review of the Council's statement of Licensing Policy, officers can work with Members to explore whether consideration should be given to other areas, and whether the evidence is sufficient to support such a step.

Other Interventions

2.16 It is understood that introducing a CIA takes time but that the effects of alcohol related crime are being felt now.

2.17 Therefore, to mitigate the current risks officers are looking at what other interventions can be undertaken done to reduce the issues currently being experienced, interventions such as -

- Public Space Protection Orders ('PSPO')

Officers are reviewing the Council's current PSPO's to ensure they are more robust.

- High Strength Alcohol

Officers are working with premises to establish a voluntary agreement with convenience stores selling alcohol, to remove sale of single high strength cans of alcohol (6% or above)

- Licence review

Officers are collating evidence to support the potential review of individual premises licences.

- Multi-agency approach

- 2.18 Officers are looking at a multi-agency approach to tackling street drinkers, starting with Dewsbury, working with charities and the rough sleeping team to offer support to street drinkers, and use this opportunity to gather evidence as to which shops are selling alcohol to the street drinkers.

3 Implications for the Council

3.1 Working with People

Proposals to introduce a CIA policy requires a thorough consultation process. Officers will work with the Councils Consultation and Engagement team to ensure the consultation reaches as many residents as possible to ensure their views are taken into account.

3.2 Working with Partners

Officers have worked alongside Public Health and West Yorkshire Police to ensure the evidence is robust and can stand up to any potential challenge.

Notwithstanding the work being undertaken on the CIA, officers are continuing to work with other external agencies to address the issues of 'on street drinking'.

3.3 Place Based Working

Information from Public Health and West Yorkshire Police has been utilised to identify that there is a need to consult upon the introduction of a CIA. By using the information from the Kirklees Alcohol Toolkit, as well as information from Ward Councillors and residents it will be possible to ensure the CIA is targeted where it will be the most effective.

3.4 Climate Change and Air Quality

There are no Climate or Air Quality issues associated with this report.

3.5 Improving outcomes for children

The Council's plan set out two main areas for improving outcomes for children, they are "Best Start in Life" and "Aspire and Achieve."

It is too early to ascertain if the introduction on a cumulative impact assessment will impact these areas.

3.6 Financial Implications for the people living or working in Kirklees

There are no financial implications in the context of this report.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

Legal

The introduction of a CIA will result in sections of the Council's existing statement of licensing policy being reviewed, which in turn opens the Council to risk of Judicial Review.

As the introduction of a CIA will not impact existing operators, only new applications or applications to vary a premises licence, officers consider this risk to be low.

Human Resources

There will be no impact on HR in the context of this report. Resources will be required to facilitate the consultation; these will be met by existing staff members within the Licensing Service.

Armed Forces Covenant

There will be no impact on the Armed Forces Covenant in the context of this report.

Integrated Impact Assessment (IIA)

An integrated impact assessment will be completed as part of the proposals.

4 Consultation

Consultation is taking place in accordance with the requirements of the Licensing Act 2003

5 Next steps and timelines

Subject to the decision of the Licensing and Safety Committee on the 28 June 2023, the next steps are:-

- July 2023 – September 2023 – 12-week consultation
- October 2023 – November 2023 – analyse consultation, prepare report back to Licensing and Safety Committee to consider consultation results and recommendation to Full Council
- January 2024 - Report to Full Council to consider recommendation from Licensing and Safety and adopt / reject CIA.

6 Officer recommendations and reasons

Members of the Environment and Climate Change Scrutiny Board are asked to note the report and proposals to introduce a cumulative impact assessment for both Huddersfield and Dewsbury Town centres.

7 Cabinet Portfolio Holder's recommendations

Not applicable in the context of this report; however, the Cabinet Portfolio Holder provided comments in relation to the report presented to the Licensing and Safety

Committee with those comments being that the Cabinet Member agreed with the officers recommendations to approve consultation.

8 Contact officer

Russell Williams
Public Protection Operational Manager
Tel: 01484 221000
Email: russell.williams@kirklees.gov.uk

9 Background Papers and History of Decisions

Licensing and Safety Committee decision - [Agenda for Licensing and Safety Committee on Wednesday 28th June 2023, 10.00 am | Kirklees Council](#)

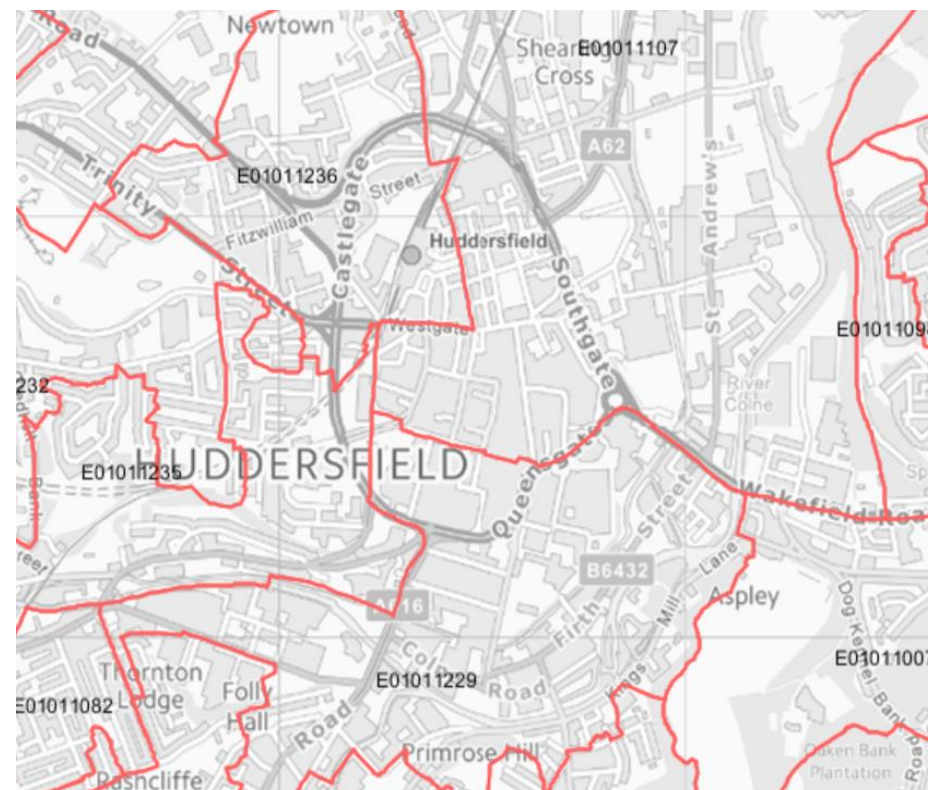
10 Service Director responsible

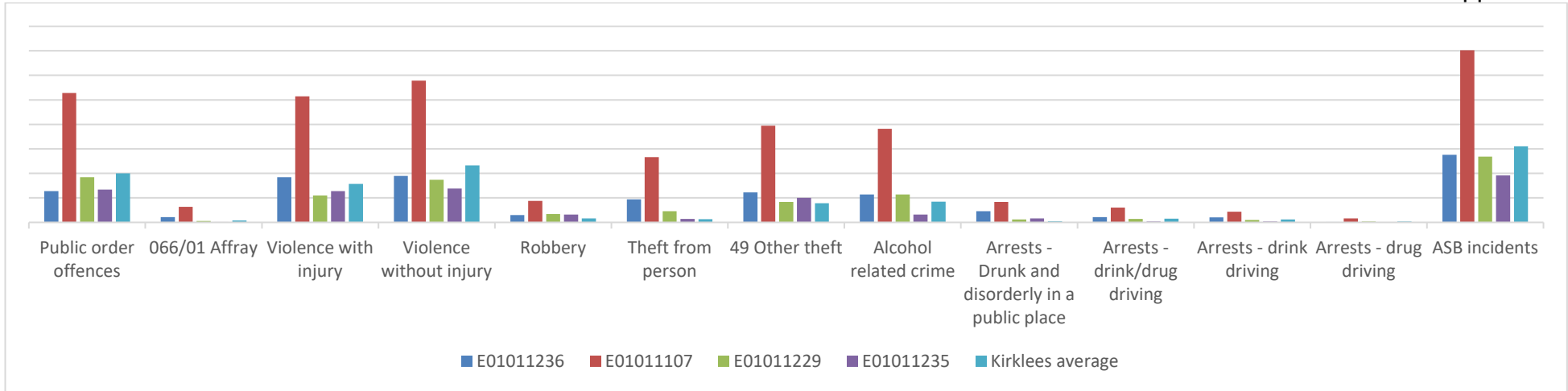
Katherine Armitage
Service Director – Climate Change and Environment
Tel: 01484 221000
Email: Katherine.armitage@kirklees.gov.uk

Huddersfield Centre

- E01011236 Top of ring road - Trinity Street across to St John's Road
- E01011107 Majority of town centre and out Leeds Road
- E01011229 Bottom of centre - Queensgate to Lockwood Road
- E01011235 Leisure centre, bus station over to Manchester Road

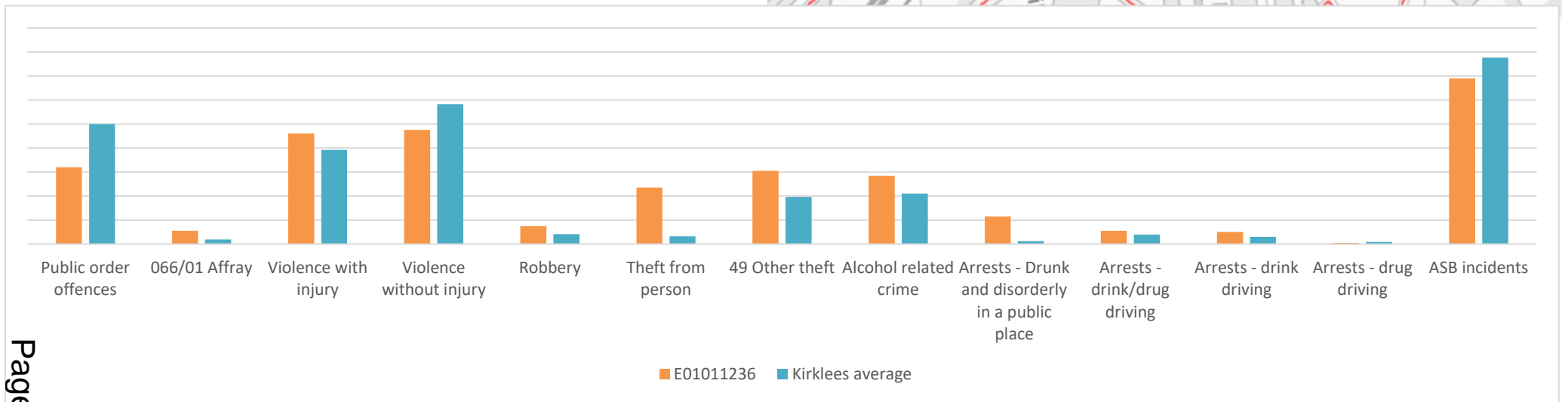
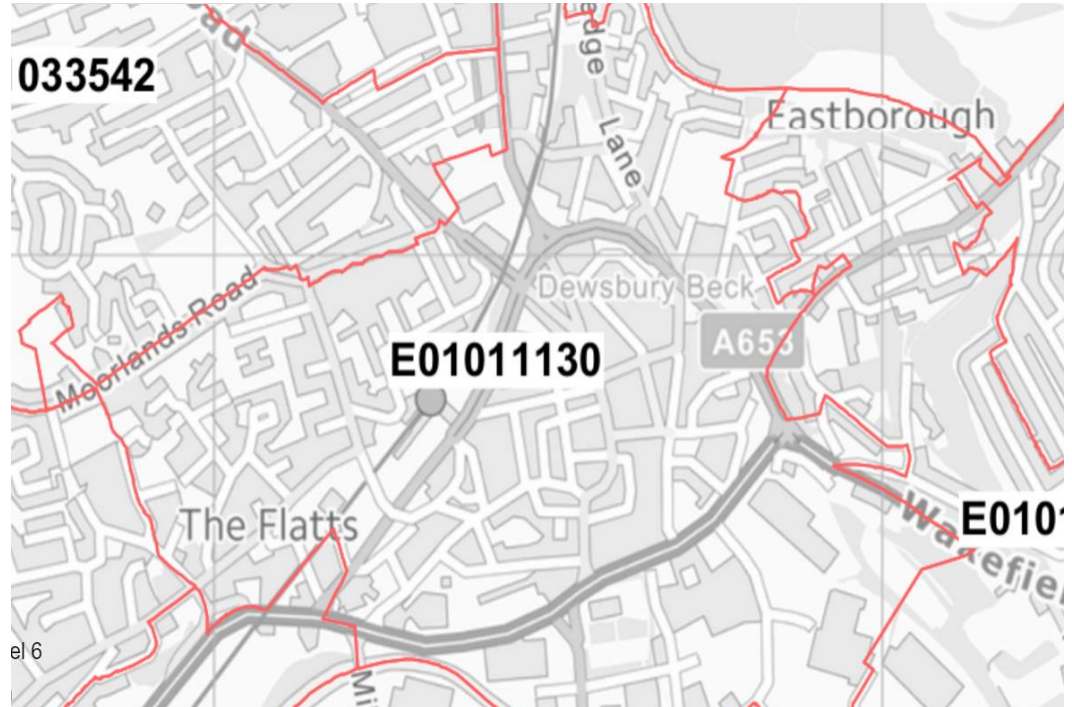
	- Value less than 50				
	LSOA				
Offence	E01011236	E01011107	E01011229	E01011235	Kirklees Average
Public order offences	64	264	92	67	100
066/01 Affray					
Violence with injury	92	257	55	64	78
Violence without injury	95	289	87	69	116
Robbery					
Theft from person		133			
49 Other theft	61	197		50	
Alcohol related crime	57	191	57		
Arrests - Drunk and disorderly in a public place					
Arrests - drink/drug driving					
Arrests - drink driving					
Arrests - drug driving					
ASB incidents	138	351	134	96	155
Total crime	563	2301	850	483	810





Dewsbury Centre

Offence	LSOA	Kirklees average
	E01011236	
Public order offences	64	100
066/01 Affray		
Violence with injury	92	78
Violence without injury	95	116
Robbery		
Theft from person		
49 Other theft	61	
Alcohol related crime	57	
Arrests - Drunk and disorderly in a public place		
Arrests - drink/drug driving		
Arrests - drink driving		
Arrests - drug driving		
ASB incidents	138	155
Total crime	563	810



White Rose Forest – Summary Review of 2022/23 and looking ahead to 2023/24



“White Rose Forest 2022-23 season achievements film”

<https://youtu.be/CAfax4Wsv2M>



England's Community Forest Trees for Climate 2022/23



White
Rose
Forest

England's Community Forests (ECF)	Target Hectares	1/6/2023	Difference with Allocated	%
City of Trees	75	60	-15	80%
Cumbria	40	45	5	112%
Forest of Avon	80	81	1	101%
Forest of Marston Vale	120	119	-1	99%
Forest of Mercia	50	36	-14	71%
Great Western	60	11	-49	19%
Greenwood	72	44	-28	62%
Humber Forest	80	43	-37	54%
NE Community Forest	159	75	-84	47%
Plymouth	54	58	4	107%
Thames Chase	40	17	-23	43%
The Mersey Forest	183	95	-88	52%
White Rose Forest	400	329	-71	82%
	1433	1015	-418	71%



Summary points to note



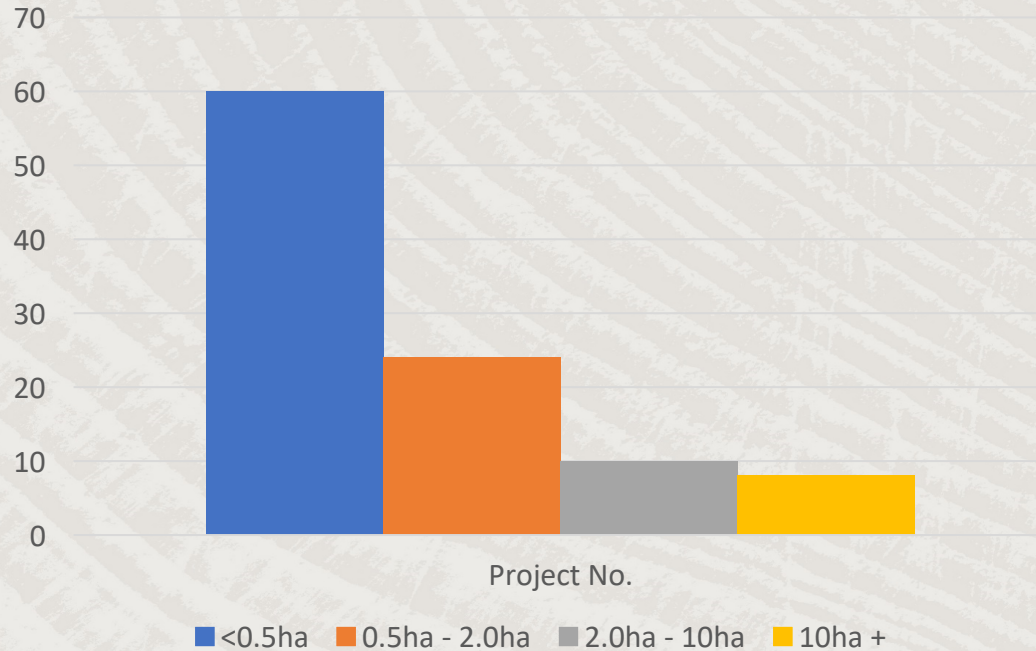
- The ECF network covers 20% of England's land area but delivered more woodland than any other single Woodland Creation partnership including the Forestry Commission
- The WRF has a national profile with a growing reputation
- From a standing start ...After just 3 seasons WRF has
 - created 805 hectares of new woodland and supported planting 1600 standard trees ,
 - invested £6.7m with landowners *(FC and WT figures to add)*
 - over 30,000 households will have more access to local woodlands
 - 235 hectares of new woodland have been planted next to our existing ancient woodland resource protecting its biodiversity value
- The “WRF Delivery Pathway” is working and Kirklees /Community Forest Trust have recruited of a very capable and ambitious WRF Core Team



WRF's 22/23 Programme Analysis

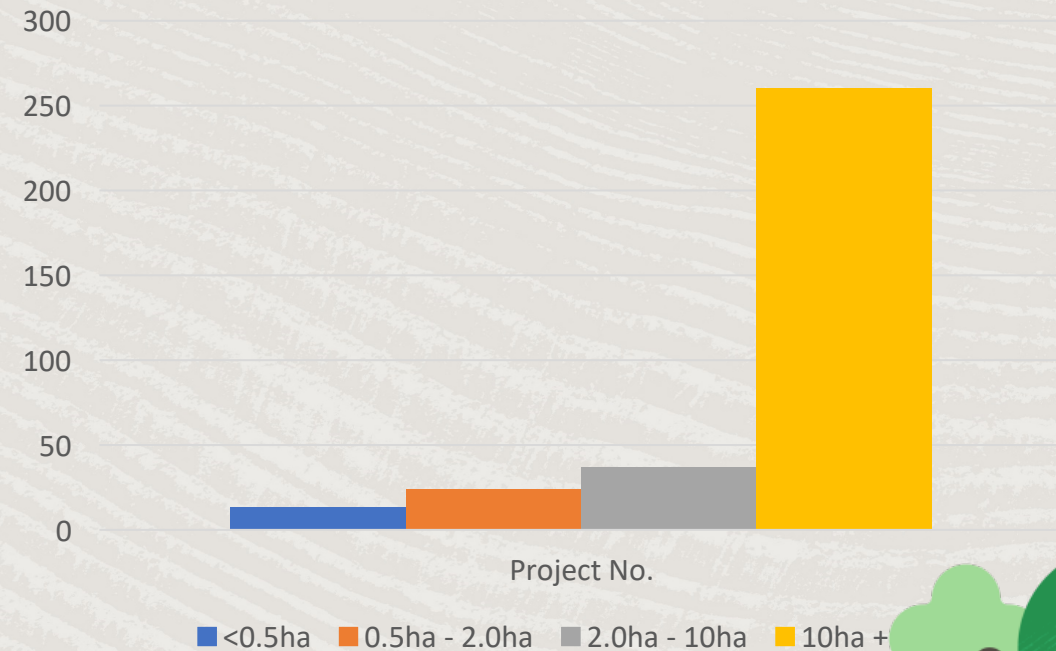
22/23 Project Size (Nos.)

Project No. by Project Size Class



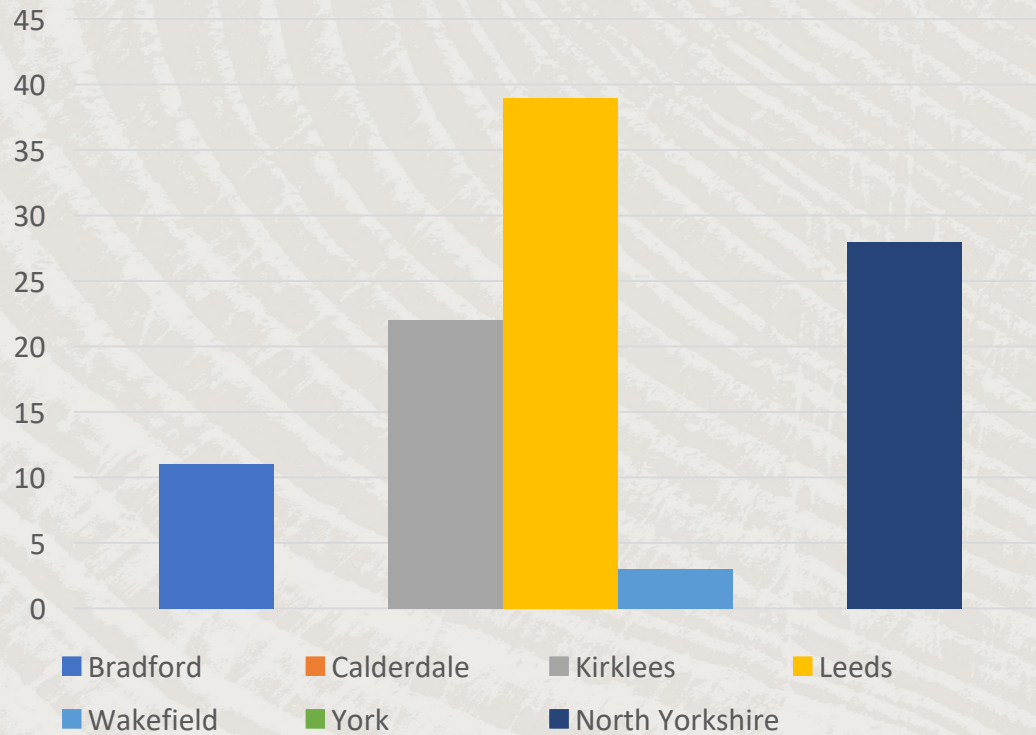
22/23 Project Size (ha)

Project Ha by Project Size Class

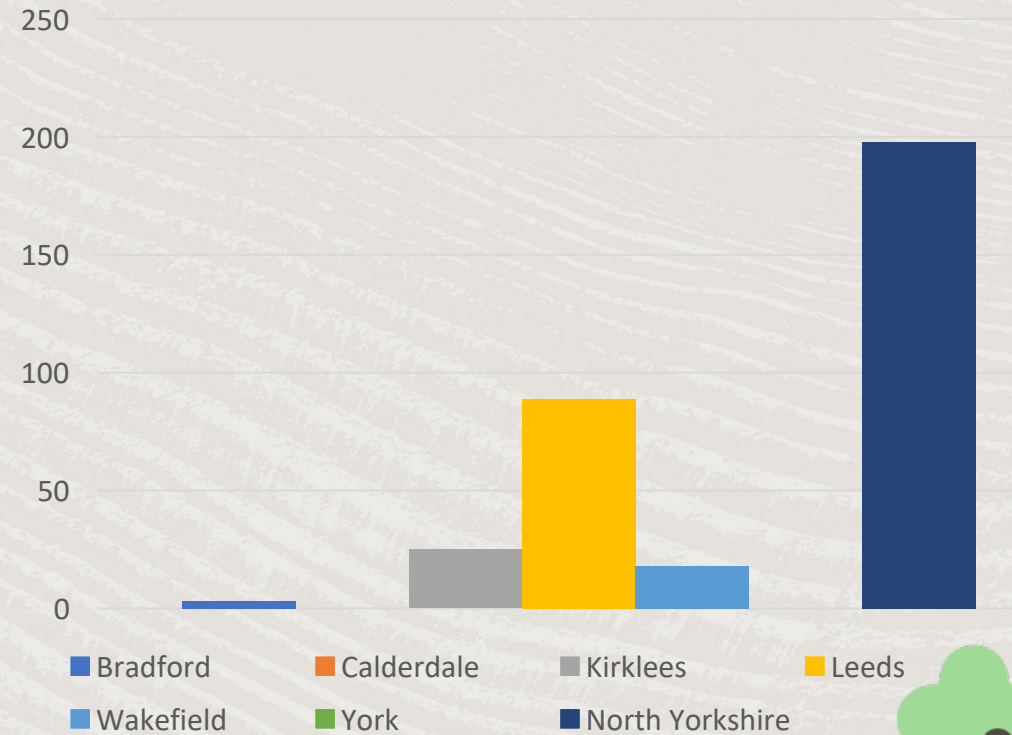


WRF's 22/23 Programme by Local Authority

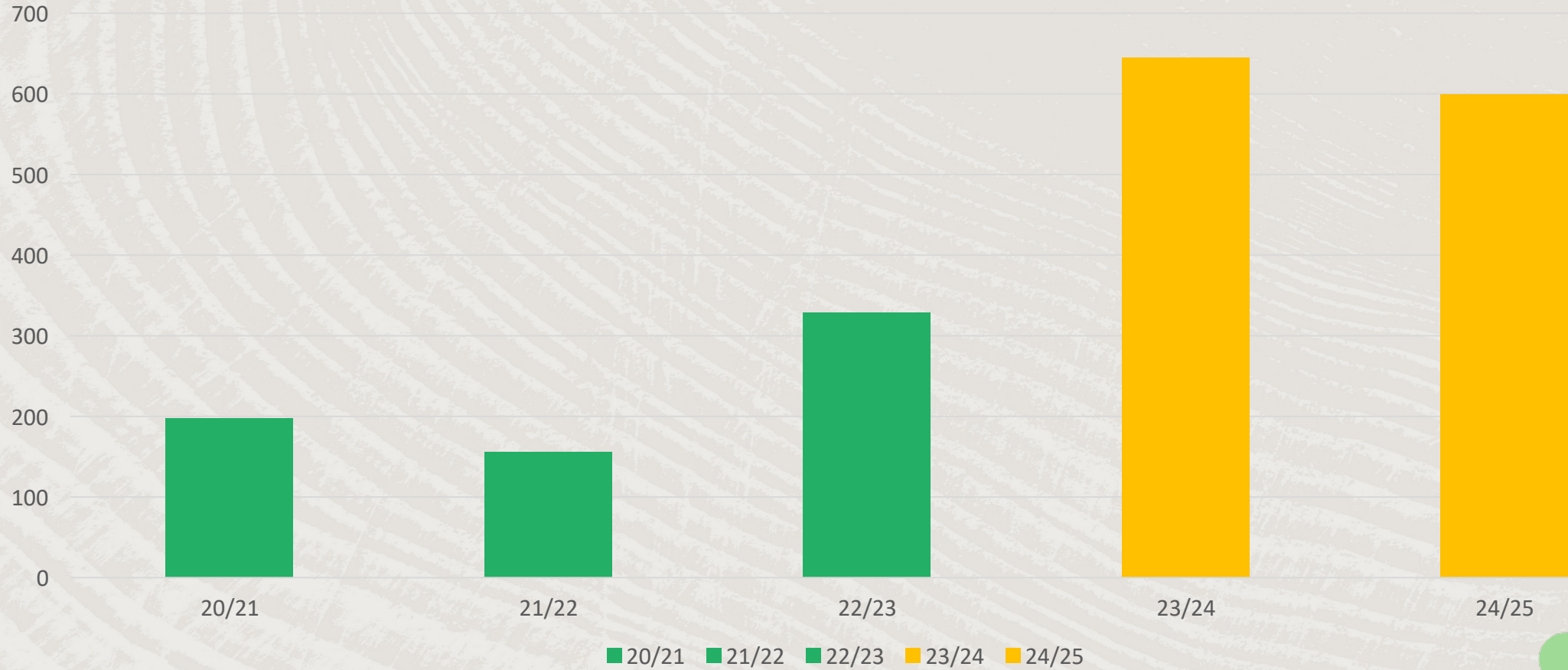
22/23 Project Numbers



22/23 Hectares

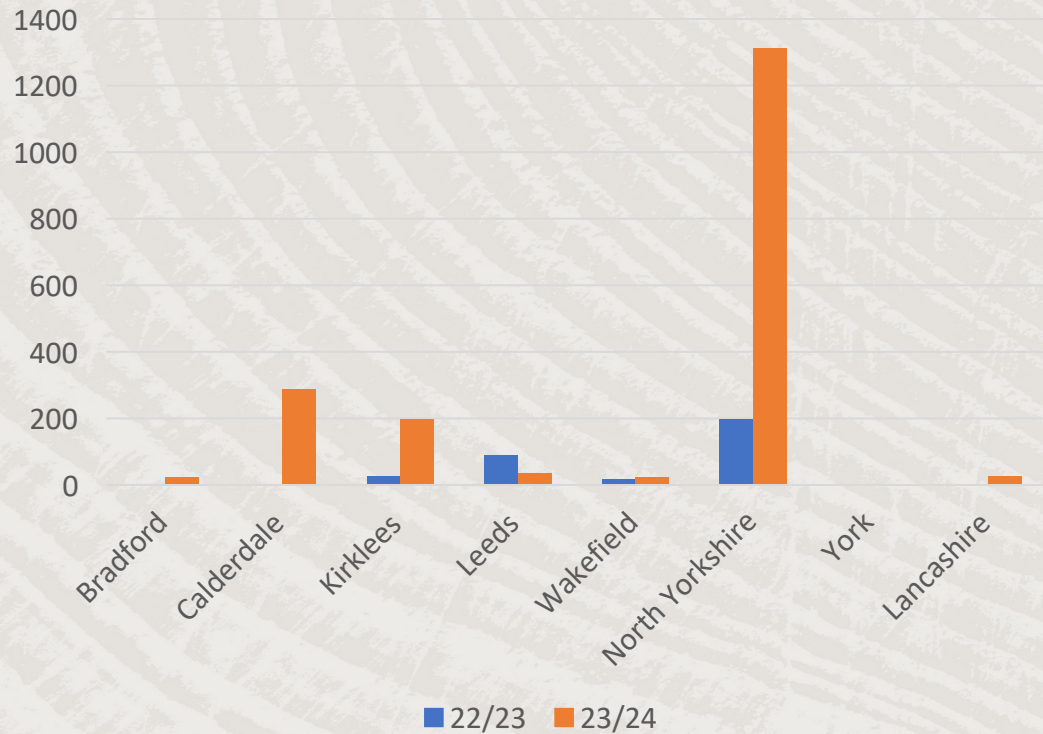


WRF's 23/24 & 24/25 Targets (we need to achieve 1955 hectares by 2025)

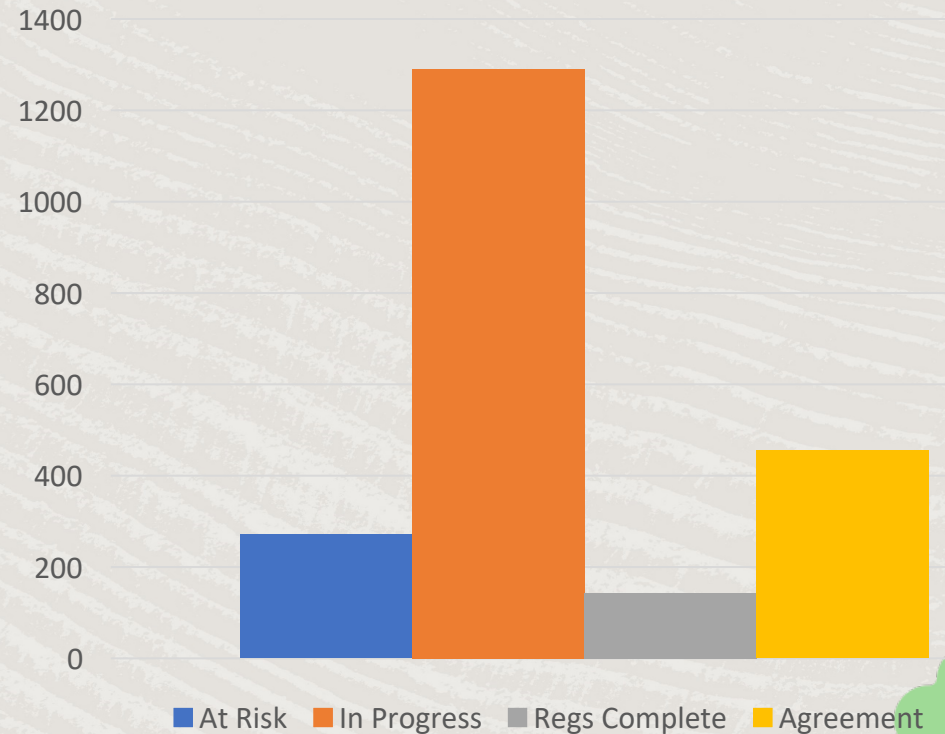


WRF's 23/24 & 24/25 Pipeline

Growing Pipeline



23/24 & 24/25 Pipeline Status



Other significant highlights from 2022/23



- Revenue and Capital is Secured to March 2025
- ECF network working with DEFRA to write a Comprehensive Spending Review document for post 2025
- Green Finance post 2025 working being undertaken aiming for a Blended (Public/Private) Approach e.g. Northern Forest Fund

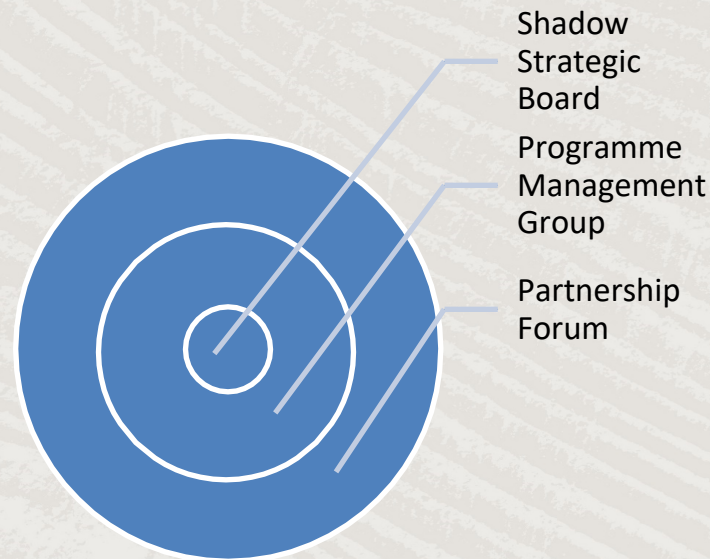


Other significant highlights from 2022/23



Governance transition underway

- 2022/23 saw review and a start of a governance revision of the joint venture (2009) to respond to changing region governance and a surge in both political interest and resources for Community Forests
- Reduce ownership of the WRF to a higher level Strategic Board of fewer core statutory authorities but build in wider partnership interests and drivers to retain our community roots



Other significant highlights from 2022/23



WRF Plan 2025-2050 underway

- Vision, targets and ambitions for woodland creation and woodland management for North and West Yorkshire (Set priorities for our part of the Northern Forest)
- Plan will be linked to
 - Local Nature Recovery Strategies
 - Climate Resilience
 - Green Skills
 - Mental Well Being
 - Local Authority Policies and National Park Plans
 - National Forestry Plans and ambitions
 - Evidence base for DEFRA and other funding
- Project Manager Post currently being recruited with a small WRF Steering Group of Forestry Commission , Woodland Trust , West Yorkshire Combined Authority , North Yorkshire and Leeds City Councils leads to help steer the Plan's development
- Working to a tight deadline of March 2025 and suggested launch **1st August 2025**





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Forest

Thank You Any Questions?



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(DRAFT) CLIMATE CHANGE AND ENVIRONMENTAL SCRUTINY PANEL – WORK PROGRAMME 2023/2024

MEMBERS: Cllrs Jackie Ramsay (Chair) John Taylor, Matthew McLoughlin, Timothy Bamford, Hannah McKercher, Matthew McLoughlin , Will Simpson, Chris Friend (Coptee) and Jane Emery (Coptee)

SUPPORT: Jodie Harris – Principal Governance and Democratic Engagement Officer

FULL PANEL DISCUSSION		
THEME/ISSUE	APPROACH / AREAS OF FOCUS	OUTCOMES / ACTIONS
Cumulative Impact Assessment	<p>New Issue:</p> <p><u>Meeting of the Panel to be held 4th July 2023</u></p> <p>The purpose of this report is to brief Members of the Environment and Climate Change Scrutiny Panel on proposals to introduce a Cumulative Impact Assessment Policy under the Licensing Act 2003.</p>	
Waste Strategy Update	<p><u>Meeting of the Panel to be held 30th August 2023 (TBC)</u></p> <p>In 2023/2024, the Environment and Climate Change Panel will receive an update around work undertaken to refresh the strategy in light of recent financial challenges and changes to legislation.</p> <p><i>Background:</i></p> <p><i>The former Economy and Neighbourhoods Scrutiny Panel first scrutinised the new Waste Strategy in 2021. In 2022/23 there was a focus on pre-decision scrutiny of the Waste Strategy Capital Update and the Cabinet decision 2nd August 2022 was taken to approve funds.</i></p>	

	<p><i>Overall, the Panel were supportive of the strategy and recommended that, 'the idea of rewarding individual businesses be considered in the development of the Community Reward Scheme. A joined up and borough wide approach be taken to the reuse shop and bulky waste initiatives in later stages of development'.</i></p>	
Environmental Sustainability Strategy	<p>New Issue:</p> <p><u>Meeting of the Panel to be held 30th August 2023 (TBC)</u></p> <p>The Panel will receive an update on the Environmental Sustainability Strategy.</p>	
Heat District Energy Network	<p><u>Meeting of the Panel to be held 25th October 2023 (TBC)</u></p> <p>The Panel will receive an update on the Heat District Energy Network.</p> <p><i>Background:</i></p> <p><i>The former Economy and Neighbourhoods Scrutiny Panel were updated on the outcome of the Huddersfield District Energy Network Outline Business Case Study, draft Cabinet report and proposed next steps prior to Cabinet adoption 20th September 2022.</i></p>	
Air Quality Action Plan Update	<p><u>Meeting of the Panel to be held 25th October 2023 (TBC)</u></p> <p>The Panel will consider an update in respect of the Air Quality Action Plan which was a 5-year plan that was agreed in December 2018.</p> <p><i>Background:</i></p>	

	<p><i>The former Economy and Neighbourhoods Scrutiny Panel received an update in October 2019. A number of areas to monitor were identified following implementation of the Action Plan.</i></p> <ol style="list-style-type: none"> 1. <i>Which measures have proven effective, and which provide good value for money.</i> 2. <i>Addressing the issue of vehicles with idling engines particularly outside schools.</i> 3. <i>How the planning system can be used/will address issues in relation to infrastructure to encourage sustainable transport/active travel.</i> 4. <i>Improving infrastructure to encourage travel by public transport/cycling and walking.</i> 5. <i>Encouraging/ facilitating better options for travel to school to reduce use of private cars.</i> <p><i>In 2022/23 the Panel received notification of the publication of the Annual Status Report (ASR) for consideration with a view for a formal update to follow. The ASR provided a look back on Air Quality monitoring data for the calendar year of 2021 as well as some progress made in relation to the Air Quality Action Plan (AQAP)</i></p>	
<p>Learning from Snow Wardens (Winter Maintenance update)</p>	<p><u>Meeting of the Panel to be held 25th October 2023 (TBC)</u></p> <p>In 2023/2024, the Environment and Climate Change Panel will receive an update around learning from snow wardens, under the theme of Winter Maintenance.</p> <p><i>Background:</i></p> <p><i>The former Economy and Neighbourhoods Scrutiny Panel reviewed the approach taken to Winter Maintenance 7th September 2021 which included a focus on the link to planning.</i></p>	

	<i>Key issues noted included the maintenance of active travel routes during winter and of the challenges around housing growth, resources, and capacity for winter maintenance. It was agreed that the current policy for winter maintenance should be assessed. This work was undertaken and an update was given 30th August 2022.</i>	
Waste Procurement	<p><u>Meeting of the Panel to be held 29th November 2023 (TBC)</u></p> <p>The Panel will consider an update in relation to Waste Procurement to in relation to work undertaken in the scrutiny of the Waste Strategy update.</p>	
Future of Bereavement Services	<p>New Issue:</p> <p><u>Meeting of the Panel to be held 29th November 2023 (TBC)</u></p> <p>The Panel will receive an update in respect of the Future of Bereavement Services.</p>	
Parks and Greenspace Vision	<p><u>Meeting of the Panel to be held 10th January 2024 (TBC)</u></p> <p>The Panel will receive an update in respect of Parks and Greenspace Vision</p>	
Highways and Road Safety	<p><u>Meeting of the Panel to be held 21st February 2024 (TBC)</u></p> <p>The Panel will consider an update in relation to Highways and Road Safety.</p> <p><i>Background:</i></p>	1.

	<p><i>The former Economy and Neighbourhoods Scrutiny Panel received a presentation around Highways Safety which set out The Councils statutory responsibilities, (as per the Highways Safety Act), (i.e.- Safe vehicles, speeds, roads and behaviours as well as Post collision learning and care). The presentation also covered issues in relation to capital funding, and the Vision Zero ambition to eliminate road deaths and serious injuries (KSI's) to zero by 2040 and improve road safety for everyone using a safe systems approach. The Panel recommended that more emphasis be placed on enforcement and that the council continue to promote, persuade and influence driver behaviour as well as maintaining strong partnership work with the Police.</i></p>	
<p>Statutory Health and Safety Service Plan 2022- 23</p> <p>Food Safety Service Plan 2023</p>	<p><u>Meeting of the Panel to be held 27th March 2024 (TBC)</u></p> <p>The Environment and Climate Change Panel will receive an update in respect of the Health and Safety and Food Safety Service Plans.</p> <p><i>Background:</i></p> <p><i>The former Economy and Neighbourhoods Scrutiny Panel received an update on the performance of the Food Safety Team against the priorities set in the Food Safety Service Plan 2022 and the delivery of the Health and Safety Service Plan 2022-23. Overall, the Panel were positive about the updates and recommended that communication with Community Groups to help increase their understanding of the regulations under Martyn's Law (if brought forward) were key.</i></p>	
LEAD MEMBER BRIEFING ISSUES		
THEME/ISSUE	APPROACH / AREAS OF FOCUS	LEAD OFFICER

1.		
2.		
3.		
4.		
5.		

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