

Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Council Chamber - Town Hall, Huddersfield on Wednesday 26 April 2017**

PRESENT

The Mayor (Councillor Jim Dodds) in the Chair

COUNCILLORS

Councillor Masood Ahmed	Councillor Mahmood Akhtar
Councillor Karen Allison	Councillor Bill Armer
Councillor Donna Bellamy	Councillor Martyn Bolt
Councillor Cahal Burke	Councillor Andrew Cooper
Councillor Richard Eastwood	Councillor Fazila Fadia
Councillor Eric Firth	Councillor Michelle Grainger-Mead
Councillor Charles Greaves	Councillor David Hall
Councillor Lisa Holmes	Councillor Erin Hill
Councillor Edgar Holroyd-Doveton	Councillor James Homewood
Councillor Judith Hughes	Councillor Christine Iredale
Councillor Paul Kane	Councillor Manisha Roma Kaushik
Councillor Viv Kendrick	Councillor Musarrat Khan
Councillor John Lawson	Councillor Vivien Lees-Hamilton
Councillor Robert Light	Councillor Gwen Lowe
Councillor Terry Lyons	Councillor Andrew Marchington
Councillor Naheed Mather	Councillor Peter McBride
Councillor Bernard McGuin	Councillor Darren O'Donovan
Councillor Marielle O'Neill	Councillor Shabir Pandor
Councillor Nigel Patrick	Councillor Carole Pattison
Councillor Mussarat Pervaiz	Councillor Amanda Pinnock
Councillor Andrew Pinnock	Councillor Kath Pinnock
Councillor Hilary Richards	Councillor Mohammad Sarwar
Councillor Cathy Scott	Councillor David Sheard
Councillor Ken Sims	Councillor Elizabeth Smaje
Councillor Richard Smith	Councillor Mohan Sokhal
Councillor Julie Stewart-Turner	Councillor John Taylor
Councillor Kath Taylor	Councillor Graham Turner
Councillor Nicola Turner	Councillor Sheikh Ullah
Councillor Michael Watson	Councillor Gemma Wilson
Councillor Linda Wilkinson	Councillor Rob Walker

144 Announcements by the Mayor and Chief Executive

The Mayor advised that the Agenda included business that had not been considered at the previous meeting, held on 22 March 2017, due to the early termination of the meeting, and provided an update on the repairs that had been undertaken to the Council Chamber roof.

The Mayor advised Council of the death of former Councillor Derrick Yates, who had represented the Liversedge and Gomersal Ward from 2004 to 2011. Tributes were made by Councillors D Hall, Marchington, Sheard and Holmes.

The Chief Executive advised that the pre-election period, prior to the 8 June 2017 General Election, would commence on 5 May 2017, and confirmed that the scheduled Extra-Ordinary Council Meeting would be taking place on 10 May 2017.

145 Apologies for absence

Apologies for absence were received on behalf of Councillors Asif, Calvert, Dad, D Firth, S Hall, Hussain and Palfreeman.

146 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meetings of Council held on 15 February 2017 and 22 March 2017 be approved as a correct record.

147 Declaration of Interests

Councillor Hill declared on 'other' interest in Agenda Item 9 (Minute No. 152 refers) on the grounds that her partner works for West Yorkshire Combined Authority.

In relation to Agenda Item 20 (Minute No. 163 refers), declarations were made by Councillors K Pinnock, Allison, Walker, D Hall, Smaje, Lawson, Pattison, Richards, Hughes and Holmes in their capacity as School Governors.

148 Petitions

No petitions were received.

149 Deputations/Petitions

Council received and noted deputations from (i) Kim Leadbeater in regards to 'The Great Get Together', an event to be held in memory of Jo Cox (ii) Maureen Sykes in respect of Agenda Item 18 (Minute No. 161 refers) and (iii) Emsuda Selman in respect of Agenda Item 8 (Minute No. 151 refers).

150 Questions by Members of the Public

No questions were asked.

151 Motion submitted in accordance with Council Procedure Rule 14 as to Remembering Srebrenica

It was moved by Councillor Pandor and seconded by Councillor D Hall;

‘That this Council;

- Notes that 2017 is the twenty-second anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 Muslim men and boys killed by Serbian nationalist forces.
- Notes that in 2009 the European Parliament passed a resolution that 11 July should be recognised as the day of commemoration of the Srebrenica genocide all over the EU; and in 2015 urged the development of educational and cultural programmes that promote an understanding of the causes of such atrocities and raise awareness about the need to nurture peace and to promote human rights and interreligious tolerance. 4 All UK political parties have supported the work of Remembering Srebrenica in this regard.
- Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all.
- Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica.

The Council resolves to:

- Support Remembering Srebrenica delegates from Kirklees MBC who visited Bosnia on the ‘Lessons from Srebrenica’ education programme and have been working tirelessly in the community to raise awareness of the genocide and learn the lessons of Srebrenica.
- Support Srebrenica memorial events in July each year throughout Kirklees MBC as part of the UK-wide Remembering Srebrenica Memorial Week.
- Support the work of Remembering Srebrenica in communities across Kirklees MBC to learn the lessons from Srebrenica to tackle hatred and intolerance to help build a better, safer and more cohesive society for everyone. • Encourage and support schools and education providers to bring the lessons of Srebrenica to young people across Kirklees MBC

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- Request that the Civic Office considers organising an event for survivors families residing within the Kirklees Community'

The Motion on being put to the vote, was CARRIED, and it was;

RESOLVED -

'That this Council;

- Notes that 2017 is the twenty-second anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 Muslim men and boys killed by Serbian nationalist forces.
- Notes that in 2009 the European Parliament passed a resolution that 11 July should be recognised as the day of commemoration of the Srebrenica genocide all over the EU; and in 2015 urged the development of educational and cultural programmes that promote an understanding of the causes of such atrocities and raise awareness about the need to nurture peace and to promote human rights and interreligious tolerance. 4 All UK political parties have supported the work of Remembering Srebrenica in this regard.
- Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all.
- Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica.

The Council resolves to:

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- Support the work of Remembering Srebrenica in communities across Kirklees MBC to learn the lessons from Srebrenica to tackle hatred and intolerance to help build a better, safer and more cohesive society for everyone. • Encourage and support schools and education providers to bring the lessons of Srebrenica to young people across Kirklees MBC
- Request that the Civic Office considers organising an event for survivors families residing within the Kirklees Community'

152 West Yorkshire Combined Authority

Council received the Minutes of the Meeting of West Yorkshire Combined Authority held on 29 September 2016, 1 December 2016 and 2 February 2017.

RESOLVED –

That the Minutes of the Meetings of West Yorkshire Combined Authority, held on 29 September 2016, 1 December 2016 and 2 February 2017 be received and noted.

153 Review of Standards Regime and Member Code of Conduct (Reference from Corporate Governance and Audit Committee)

It was moved by Councillor Richards, seconded by Councillor J Taylor, and

RESOLVED -

- 1) That the Code of Conduct be amended so that it is more directional in regards to poor behaviour and provides specific examples, and includes a lack of response to a complaint as an example of poor behaviour (subject to the consideration of extenuating circumstances).
- 2) That Members sign the revised Code of Conduct when newly elected, or when re-elected from the implementation of the new Code.
- 3) That Section 5.1 of the Code of Conduct be amended to simplify the definition of interests which are not disclosable interests (other interests).
- 4) That the current practice of verbal declarations of interests by Members at meetings be continued.
- 5) That the process of deciding whether a complaint merits consideration through the standards process be clarified to reflect that the decision will be made by the Monitoring Officer and an Independent Person.
- 6) That, if a complaint proceeds, the process of making decisions on standards matters at the first stage of the process be amended to refer to the decision makers being the Monitoring Officer, Chair of Standards Committee, and an Independent Person, following consultation with Group Business Managers.
- 7) That, pursuant to (5) above, the Standards process be amended to include a clearer process for the early dismissal of complaints that are considered to be minor.
- 8) That the Terms of Reference for the Standards Committee be amended to reflect additional matters as detailed within the considered report.
- 9) That the process relating to the granting of dispensations be amended to make provision for the Monitoring Officer to consult with Group Business Managers prior to Budget Council and during the summer period.

- 10) That the sanctions detailed at Appendices 1 and 8 of the considered report be adopted.
- 11) That any cases that are referred to the police whereby criminal investigation ceases automatically be subject to the standards process.
- 12) That the standards process continue without the right of appeal.
- 13) That Members be required to attend appropriate training following the review of the Code and standards process.
- 14) That the standards process be amended to include express provision for the expectations of behaviour of members of the public to be considered when a decision is made regarding a complaint.
- 15) That the change in role of the Independent Person be acknowledged and that the role profile and remuneration be reviewed accordingly in consultation with Group Business Managers, that the role be advertised and that the appointment/s be submitted to Council.
- 16) That it be noted that the position of the Group Business Manager and the Chair of Standards Committee cannot be held by the same Councillor.
- 17) That authority be delegated to the Monitoring Officer to implement the necessary changes to the Constitution and the information available on the website.

154 **Review of Planning Committees (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards and seconded by Councillor Wilkinson that;

- (i) Members be asked to determine the allocated number of seats to each of the Planning Sub-Committees, to take effect from the beginning of the 2017/2018 municipal year;
- (ii) Additional training be provided to Chairs of all Planning Committees;
- (iii) For pre-application position statements, it be agreed that public speaking not be usual practice but that it could be a helpful addition at the discretion of the Chair."

Whereby it was moved by Councillor D Hall, and seconded by Councillor Marchington;

'That the Planning Sub-Committees be constituted with a total of 11 members for the 2017/18 municipal year.'

The proposal, on being put to the vote, was CARRIED. Whereby it was moved by way of AMENDMENT by Councillor Watson, and seconded by Councillor Sims;

'That recommendation (iii) be amended to allow public speaking at the pre-application stage at Planning Committees in line with the protocol for other applications.'

The AMENDMENT, on being put to the vote was LOST. The substantive motion was put to the vote, CARRIED and it was therefore;

RESOLVED -

- 1) That the Planning Sub-Committees be constituted with a total of 11 Members for the 2017/2018 municipal year.
- 2) That additional training be provided to the Chairs of all Planning Committees.
- 3) That, for pre-application position statements, it be agreed that public speaking not be usual practise but that it could be considered a helpful addition to be determined at the discretion of the Chair.

155

Written Questions to the Leader and Cabinet Members

Question by Councillor J Taylor to the Cabinet Member for Economy, Skills, Transportation and Planning (Cllr McBride)

"Please can you let me know how the Council plans to save £550,000 from the Policy, Strategy & Commissioning area in the current financial year 2017/18"

The Cabinet Member responded thereto.

Question by Councillor J Taylor to the Cabinet Member for Economy, Skills, Transportation & Planning (Cllr McBride)

"What proposals does the Council have to improve public engagement with the planning process in line with the Democracy Commission objectives?"

The Cabinet Member responded thereto.

Question by Councillor Smith to the Cabinet Member for Economy, Skills, Transportation & Planning (Cllr McBride)

"What is the average number of comments received on Planning Applications?"

The Cabinet Member responded thereto.

Question by Councillor B Armer to the Cabinet Member for Economy, Skills, Transportation & Planning (Cllr McBride)

"Does the Cabinet Member agree, in line with the Council Leader's support for devolution of functions to, for example, District Committees, that this Council should do all in its power to bring democratic decision-making on important matters relating to the future shape and economic performance of their communities nearer to the residents of Kirklees?"

The Cabinet Member responded thereto.

Question by Councillor B Armer to the Cabinet Member for Family Support and Child Protection (Cllr Hill)

"Does the Cabinet Member believe that it is important for the balanced development of our children that they have out of school access to safe spaces where they can learn to interact with peers, improve their cognitive skills and develop their abilities in reasoning and literacy?"

The Cabinet Member responded thereto.

Question by Councillor B Armer to the Cabinet Member for Adults, Health and Activity to Improve Health (Cllr Kendrick)

"The Cabinet Member is well aware of the challenges facing our ageing population, including the threat of dementia. Does she agree with me, in the context of her portfolio duty to promote "Health & Activity to Improve Health" that it is important that this Council should provide as much mental stimulus, in a social setting, as is possible for older people?"

The Cabinet Member responded thereto.

Question by Councillor Armer to the Cabinet Member for Housing and Enforcement Management (Cllr Mather)

"Will the Cabinet Member please explain why the six-foot long limit on trailer size at Household Waste Recycling Centres was chosen, and is rigorously enforced, regardless of the fact that most manufacturers now only offer two metre long models?"

The Cabinet Member responded thereto.

Question by Councillor Watson to the Leader of the Council (Cllr Sheard)

"I have recently had cause to raise with the Chief Executive my concerns as to the Standards of preparation and quality of presentations given by officers at public meetings of the Kirklees District Committee. I believe that every single officer and elected member of the Council is a representative of the council and should adopt

the highest standards in everything they do but in particular when appearing in front of the members of the public we all serve.

Does the leader support this view and if so what can he / will he do in order to improve standards across the council?"

The Cabinet Member responded thereto.

Question by Councillor Watson to the Deputy Leader of the Council (Cllr Pandor)

"I have attended a number of events with the Leeds Enterprise Partnership recently and have heard some very positive messages about our region. I have seen the Chief Executives of a number of Local Authorities speaking out and promoting not only their own council areas but the region as a whole. I have seen political leaders campaigning for the region and articulating very eloquently the many positives offered by our region to those who might choose to live here, to invest here and to do business here. Unfortunately the name "Kirklees" has been rarely mentioned and we just do not seem to be part of this process of marketing the region to the rest of the world.

Does the Cabinet Member believe that Kirklees is a key player in the team that is seeking to promote our region nationally and internationally? If so could he explain how we are?"

The Cabinet Member responded thereto.

Question by Councillor Watson to the Cabinet Member for Highways and Neighbourhoods (Cllr Khan)

"The streetscape in Huddersfield Town Centre is poor with, in many instances, poorly kept buildings which contribute to an overall impression of a lack of care and attention to the neighbourhood and a lack of pride in our town. Some buildings have plants growing out of the gutters and are unpainted and scruffy. Even McDonalds – a highly successful and well respected corporation conscious of its image and brand operates from a building in Huddersfield that is covered with flaking paint.

Does the Cabinet Member consider the streetscape to be satisfactory and if not what plans does she have to improve the town centre neighbourhood?"

The Cabinet Member responded thereto.

156 Minutes of Cabinet and Cabinet Committee - Local Issues

Council received the Minutes of the Meetings of Cabinet held on 3 October, 12 October, 18 October, 15 November, 28 November and 13 December 2016, and 17 January, 31 January and 7 February 2017, and Cabinet Committee – Local Issues held on 19 October 2016 and 22 February 2017.

RESOLVED –

That the Minutes of Cabinet and Cabinet Committee – Local Issues, be received and noted.

157 Holding the Executive to Account

Council received Portfolio Holder updates from (a) the Cabinet Member for Highways and Neighbourhoods (Councillor Khan), (b) the Cabinet Member for Housing and Enforcement Management (Councillor Mather) and (c) the Cabinet Member for Strategy and Strategic Resources (Councillor Pandor).

At the conclusion of the presentations, oral questions were put to the following Cabinet Portfolio Holders with the remaining time permitted for this item;

- (i) Cabinet Member for Highways and Neighbourhoods (Councillor Khan)
- (ii) Cabinet Member for Housing Enforcement and Management (Councillor Mather)

158 Minutes of Other Committees

The undermentioned Minutes were received for information:

- (a) Appeals Panel – 16 September 2016, 31 January 2017 and 14 March 2017
- (b) Corporate Governance and Audit Committee – 23 September 2016, 18 November 2016, 20 January 2017, 27 January 2017 and 10 March 2017
- (c) Corporate Parenting Board – 28 November 2016, 16 January 2017 and 20 February 2017
- (d) District Committee – Batley and Spen – 23 August 2016, 17 November 2016 and 7 February 2017
- (e) District Committee – Dewsbury and Mirfield – 6 October 2016, 29 November 2016 and 23 February 2017
- (f) District Committee – Huddersfield – 27 September 2016, 6 December 2016 and 14 February 2017
- (g) District Committee – Kirklees Rural – 29 September 2016, 22 November 2016 and 25 February 2017
- (h) Health and Wellbeing Board – 29 September 2016, 24 November 2016, 26 January 2017 and 2 March 2017
- (i) Licensing and Safety Committee – 13 December 2016
- (j) Overview and Scrutiny Management Committee – 17 October 2016, 7 November 2016, 6 January 2017, 23 January 2017, 13 February 2017, 6 March 2017 and 27 March 2017
- (k) Personnel Committee – 17 November 2016 and 25 January 2017
- (l) Policy Committee – 31 October 2016, 28 November 2016 and 9 January 2017
- (m) Standards Committee – 17 January 2017
- (n) Strategic Planning Committee – 3 November 2016, 1 December 2016, 5 January 2017, 2 February 2017 and 2 March 2017

159 Written Questions to Chairs of Committees and Nominated Spokespersons

No written questions were submitted.

160 Oral Questions to Committee Chairs and Nominated Spokespersons of Joint Committees/External Bodies

Council received oral questions addressed to:

- (a) The Chair of the Corporate Governance and Audit Committee (Councillor Richards)
- (b) The Chair of the Licensing and Safety Committee (Councillor Scott)
- (c) The Chair of the Overview and Scrutiny Management Committee (Councillor Stewart-Turner)
- (d) The Spokesperson for Kirklees Active Leisure (Councillor Sokhal)
- (e) The Spokesperson for West Yorkshire Combined Authority (delegated to Councillor E Firth)
- (f) The Spokesperson for West Yorkshire Police and Crime Panel (delegated to Councillor Wilkinson in the absence of Councillor Hussain)

161 Motion submitted in accordance with Council Procedure Rule 14 as to Constitution of Planning Sub-Committees

It was moved by Councillor Taylor, and seconded by Councillor D Hall;

‘That this Council notes the difficulty that residents of Kirkburton and Denby Dale wards have in accessing Council Planning Sub-Committee Meetings held in Dewsbury Town Hall. It recognises that without access to private transport it can take several hours to get to Dewsbury, often by having to change in Huddersfield Town Centre. It notes that in all other Council matters these wards are recognised as part of Kirklees Rural District and that in line with the Council's desire to encourage the public to access and engage with Council decisions the move of the planning applications for these wards be determined in Huddersfield rather than Dewsbury.

This Council resolves that the current arrangements for Planning decisions be amended to allow for one Strategic Planning Committee and 2 Planning SubCommittees, a Heavy Woollen Planning Sub Committee based in Dewsbury covering the Birstall and Birkenshaw, Cleckheaton, Heckmondwike, Liversedge and Gomersal, Batley East, Batley West, Dewsbury East, Dewsbury West, Dewsbury South and Mirfield wards and a Huddersfield Planning Sub Committee covering the Lindley, Colne Valley, Holme Valley North, Holme 12 Valley South, Crosland Moor and Netherton, Golcar, Ashbrow, Greenhead, Newsome, Dalton, Almondbury, Kirkburton and Denby Dale Wards.

This Council therefore instructs the Assistant Director (Legal, Governance and Monitoring) to take appropriate steps to make the necessary changes to the

constitution required to implement the amendments, including the submission of a report to Corporate Governance and Audit Committee for consideration, prior to the implementation of the changes at the beginning of the 2017/2018 municipal year.'

The Motion, on being put to the vote, was lost.

RESOLVED –

That the motion not be approved.

162 Motion submitted in accordance with Council Procedure Rule 14 as to address the Conservative Government legislate to stop land-banking

It was moved by Councillor Mather, and seconded by Councillor McBride;

'That as the Government concede in their recent white paper that the housing market is broken, this Council asks the Government to legislate to stop land-banking, reverse the policy of selling council houses and fund both local authorities and housing associations to provide the numbers of affordable houses which are urgently required nationwide.

This Council want to implement its plan to build 31,500 houses in the next 15 years with the aim to produce at least 1/3 of these affordable to the wider housing market. This may in part respond to current demand of 12,000 seeking council housing.

We therefore urge the government to remove the disincentive of the Right to Buy, remove the cap on borrowing to spend on housing and for government itself to invest via HCA in social affordable housing.

We for our part will bring forward the necessary land for the needs of all sectors of the housing market to fulfil our part of the bargain to which the white paper refers.

The motion asks that the leaders of all our political groups sign a joint letter to the relevant Secretaries of State, and campaign through local MPs and the LGA.'

Whereby it was moved by Councillor D Hall, and seconded by Councillor Bolt, by way of AMENDMENT, that;

'All text in Paragraph 1 after "This Council" be deleted and replaced with "calls on the Cabinet urgently to open a dialogue with small, medium and large house builders in order to find ways to bring forward existing brown field sites for development".'

The AMENDMENT, on being put to the vote was LOST.

The SUBSTANTIVE Motion, on being put to the vote, was CARRIED, and it was therefore;

RESOLVED –

‘That as the Government concede in their recent white paper that the housing market is broken, this Council asks the Government to legislate to stop land-banking, reverse the policy of selling council houses and fund both local authorities and housing associations to provide the numbers of affordable houses which are urgently required nationwide.

This Council want to implement its plan to build 31,500 houses in the next 15 years with the aim to produce at least 1/3 of these affordable to the wider housing market. This may in part respond to current demand of 12,000 seeking council housing.

We therefore urge the government to remove the disincentive of the Right to Buy, remove the cap on borrowing to spend on housing and for government itself to invest via HCA in social affordable housing.

We for our part will bring forward the necessary land for the needs of all sectors of the housing market to fulfil our part of the bargain to which the white paper refers.

The motion asks that the leaders of all our political groups sign a joint letter to the relevant Secretaries of State, and campaign through local MPs and the LGA.’

163 Motion submitted in accordance with Council Procedure Rule 14 as to Real Term Cuts to England's Primary and Secondary Schools

Item not considered (due to time constraints).

164 Motion submitted in accordance with Council Procedure Rule 14 as to Allocation of Additional Government Funding

Item not considered (due to time constraints).