

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 13 December 2017**

### **PRESENT**

**The Mayor (Councillor Christine Iredale) in the Chair**

### **COUNCILLORS**

Councillor Masood Ahmed	Councillor Mahmood Akhtar
Councillor Karen Allison	Councillor Bill Armer
Councillor Gulfam Asif	Councillor Donna Bellamy
Councillor Martyn Bolt	Councillor Cahal Burke
Councillor Jean Calvert	Councillor Andrew Cooper
Councillor Jim Dodds	Councillor Richard Eastwood
Councillor Eric Firth	Councillor Donald Firth
Councillor David Hall	Councillor Steve Hall
Councillor Lisa Holmes	Councillor Erin Hill
Councillor Edgar Holroyd-Doveton	Councillor James Homewood
Councillor Judith Hughes	Councillor Mumtaz Hussain
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 Andrew Palfreeman
Councillor Shabir Pandor	Councillor Nigel Patrick
Councillor Carole Pattison	Councillor Amanda Pinnock
Councillor Andrew Pinnock	Councillor Kath Pinnock
Councillor Hilary Richards	Councillor Cathy Scott
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 Rob Walker	Councillor Michael Watson
Councillor Gemma Wilson	Councillor Linda Wilkinson
Councillor Habiban Zaman	

**101 Announcements by the Mayor and Chief Executive**

The Mayor announced that the Council had received an award at the Annual Meeting of the Association of Democratic Services Officers in recognition of its work on the Democracy Commission. The award was presented to the meeting by Councillor Marchington.

In respect of Agenda Item 9 (Changes to Procedures for the Dismissal of Statutory Officers), the Chief Executive declared an interest on behalf of herself and the Service Director – Legal, Governance and Commissioning (Minute No. 109 refers).

**102 Apologies for absence**

Apologies for absence were received on behalf of Councillors Dad, Grainger-Mead, Greaves, Loonat, Pervaiz, Sheard and Sarwar.

**103 Minutes of Previous Meeting**

**RESOLVED** - That the minutes of the meeting held on 15 November 2017 be approved as a correct record.

**104 Declaration of Interests**

Councillors N Turner, Lowe, Marchington, D Hall, Smith, Scott, O'Donovan, Hill, Pandor, Khan and A U Pinnock declared an 'other' interest in Agenda Item 19 on the grounds that either they, or a family member, were employed within the public sector (Minute No. 119 refers).

Councillor Pandor declared an 'other' interest in Agenda Item 10 on the grounds that he may have family members affected by the Council Tax Reduction Scheme (Minute No 110 refers).

**105 Petitions (From Members Of The Council)**

Councillor Marchington presented a petition on behalf of residents of Golcar, Longwood and Milnsbridge requesting that the Council reconsiders the decision to remove the play area and litter bins from the Rufford Road Playing Field, Golcar.

**106 Deputations/Petitions (From Members Of The Public)**

Debby Fulgoni submitted a petition which requested that the Council save the Cemetery Road allotments by rejecting any proposed development of the site and preserving Huddersfield's natural heritage.

**107 Public Question Time**

No questions were asked.

**108 Amendment to Councillors Allowances Scheme (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards, seconded by Councillor Stewart-Turner, and

**RESOLVED** - That approval be given to the changes to the Councillor's Allowances Scheme, as set out at Appendix 1 of the considered report.

**109 Changes to Procedures for Dismissal of Statutory Officers (Reference from Corporate Governance and Audit Committee)**

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It was moved by Councillor Richards, seconded by Councillor Stewart-Turner, and

### **RESOLVED –**

- 1) That Option A, as detailed within the considered report, be approved.
- 2) That the terms of reference and composition of the Committee, as set out at Appendix B of the considered report, be approved.
- 3) That approval be given to the amendments to the Officer Employment Procedure, as set out at Appendix C of the considered report.
- 4) That authority be delegated to the Head of Legal Services to make amendments to the Constitution to reflect these changes.

#### **110 Review of Council Tax Reduction Scheme (Reference from Cabinet)**

It was moved by Councillor G Turner, seconded by Councillor Pandor, and

### **RESOLVED –**

- 1) That Options 4 and 6, as detailed within the considered report, be approved.
- 2) That authority be delegated to the Service Director (Finance, IT and Transactional Services) to approve the taxbase as a result of changes to the scheme, and that the impact be incorporated into the budget report to be submitted to Council on 14 February 2018.

#### **111 Half Yearly Treasury Management Report (Reference from Cabinet)**

It was moved by Councillor G Turner, seconded by Councillor Pandor, and

### **RESOLVED –**

- 1) That the half-year treasury management performance on 2017-2018 be noted.
- 2) That approval be given to the 'opt-up' application to professional client status as part of the Markets in Financial Instruments Directive in order for the Council to continue to be able to access the widest range of instruments in line with approved strategy, from January 2018.
- 3) That approval be given to the changes as set out in Appendix 6 of the report regarding current Treasury Management Practices wording and the substitution of Director of Resources with Chief Finance Officer.
- 4) That it be noted that the CIPFA consultation on the current treasury management and prudential codes and that any revisions will be incorporated as appropriate into the forthcoming Treasury Management Strategy 2018/2019.
- 5) That approval be given to the 'liquidity risk' Management Strategy and approach in relation to the Council and Kirklees Neighbourhood Housing.

#### **112 Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons**

(During the consideration of this item it was moved by Councillor Bolt, seconded by Councillor J Taylor, and resolved that Council Procedure Rule 12(7) be suspended to enable all submitted written questions to be received).

Council received the following written questions in accordance with the Council Procedure Rule 12(12)(1):

**(1) Question by Councillor Cooper to The Cabinet Member for Corporate (Councillor Khan)**

“When will the play area that the Council has removed between Manor Rise and Manor Street, Newsome, be replaced?”

**The Cabinet Member replied thereto.**

**(2) Question by Councillor Cooper to The Cabinet Member for Corporate (Councillor Khan)**

“Why did the report on the changes to Bereavement Services charges go forward to the Cabinet meeting in September?”

**The Cabinet Member replied thereto.**

**(3) Question by Councillor Cooper to The Cabinet Member for Corporate (Councillor Khan)**

“Given the predictable nature of the responses to the engagement exercise on Bereavement Charges how and when will the Council respond?”

**The Cabinet Member replied thereto.**

**(4) Question Councillor Cooper to The Cabinet Member for Economy (Councillor Mather)**

“What action has the Council taken to implement the recommendations of the motion on flying lanterns passed by Full Council on 2 September 2015?”

**The Cabinet Member replied thereto.**

**(5) Question by Councillor Cooper to The Deputy Leader of the Council (Councillor Pandor)**

“We understand that you will be leading for the Cabinet on the Kirklees Budget.

Can you detail for us your priorities in the Budget Setting Process?”

**The Deputy Leader replied thereto.**

**(6) Question by Councillor Cooper to The Cabinet Members for Economy (Councillors Mather /McBride)**

“When will Cabinet consider the Passivhaus report referred from Policy Committee several months ago?”

**The Cabinet Member replied thereto.**

**(7) Question by Councillor Burke to The Cabinet Member for Economy (Councillor Mather)**

“What proportion of plastic in Kirklees’ domestic waste is recycled?”

**The Cabinet Member replied thereto.**

**(8) Question by Councillor Burke to The Cabinet Member for Children (Councillor Ahmed)**

“The Kirklees population is estimated to be 461,500 by 2025, an increase of 27,200 people from 2015. What provision is being made for new schools and school places?”

**The Cabinet Member replied thereto.**

**(9) Question by Councillor N Turner to The Cabinet Member for Corporate (Councillor Khan)**

“In regard to gritting night patrols, please would the Cabinet member inform us as to how these patrols are carried out in particular with reference to vehicles used and exactly what equipment is used to measure the temperature?”

**The Cabinet Member replied thereto.**

**(10) Question by Councillor N Turner to The Cabinet Member for Corporate (Councillor Khan)**

“Please would the Cabinet member tell us how residents are to be informed about which bins are being collected on which days now that the Council is no longer providing a calendar?”

**The Cabinet Member replied thereto.**

**(11) Question by Councillor N Turner to The Cabinet Member for Corporate (Councillor Khan)**

“Please would the Cabinet Member tell me when I can expect the Speed Indicator Device in Outlane to be repaired/replaced?”

**The Cabinet Member replied thereto.**

**(12) Question by Councillor Eastwood to The Cabinet Member for Corporate (Councillor G Turner)**

“How much capital has the Council borrowed to invest in developments that are not related to land or buildings owned by the Council (for instance, the HD One hotel)?”

**The Cabinet Member replied thereto.**

**(13) Question by Councillor N Turner to The Cabinet Member for Economy (Councillor Mather)**

“How much fly-tipping has been recorded since the bulky waste collection became a paid for service?”

**The Cabinet Member replied thereto.**

**(14) Question by Councillor A Pinnock to The Cabinet Member for Corporate (Councillor Khan)**

“All Councillors have had emails from Messrs Badat of the Snowdon Street mosque in Batley about the rise in burial fees. How does the Cabinet Member respond to the questions posed by these emails?”

**The Cabinet Member replied thereto.**

**(15) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)**

“Who is liable if a legal challenge is made to penalty notices given by Kingdom?”

**The Cabinet Member replied thereto.**

**(16) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)**

“What lessons have been learnt from wrongly issued penalty notices given by Kingdom officers in the Mereside area in the Almondbury ward?”

**The Cabinet Member replied thereto.**

**(17) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)**

“What % of a £75 penalty notice goes to Kirklees Council?”

**The Cabinet Member replied thereto.**

**(18) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)**

“Research from Cumbria University shows that firms like Kingdom fail to change the behaviour of people and that there is no incentive for Kingdom, or others, to change behaviour because they rely on giving out penalty notices rather than advice. Do you agree?”

**The Cabinet Member replied thereto.**

**(19) Question by Councillor Watson to The Cabinet Member for Corporate (Councillor Khan)**

“When in 2017 are the last dates for Green and Grey bin collections in Carr Hill Road, Upper Cumberworth, and when are the first collections scheduled in 2018?”

**The Cabinet Member replied thereto.**

**(20) Question by Councillor Watson to The Cabinet Member for Corporate (Councillor Khan)**

“The Chairman of Dewsbury County Conservative Association recently wrote directly to the Secretary Of State for Communities and Local Government following concerns raised by local residents that the proposed increased charges for funeral services on a Friday afternoon might be considered discriminatory towards the Muslim Community.

Have the Council now revised its burial fee proposals in light of such concerns?”

**The Cabinet Member replied thereto.**

**(21) Question by Councillor Watson to The Chair of Planning Sub Committee (Heavy Woollen Area) (Councillor Kane)**

“Planning consent was granted some time ago for the development of circa 200 dwellings at Pilling Lane Scissett.

When was the long stop date for commencing the development in accordance with the planning Permission?

Did work commence on site before that date?

If so who took the decision that they were satisfied work had commenced?

Upon what evidence was this decision taken?

When was the decision taken?”

**The Chair of Planning Sub Committee replied thereto.**

**(22) Question by Councillor Watson to The Chair of Planning Sub Committee (Heavy Woollen Area) (Councillor Kane)**

“In relation to the aforementioned planning permission at Pilling Lane Scissett;

Was there a requirement for a Construction Management Plan to be agreed before works could commence on site?

If so when was it submitted?

If so when was it approved and by whom?”

**The Chair of Planning Sub Committee replied thereto.**

**(23) Question by Councillor Watson to The Cabinet Member for Corporate (Councillor G Turner)**

“I understand that the Council Cabinet acts as a trustee of the Scissett Baths Charity. In the past when the charity has disposed of assets the proceeds of sale have been accounted for through the accounts of the council. Have any such transactions passed through the accounts of the council in the last 12 months?”

**The Cabinet Member replied thereto.**



## Council - 13 December 2017

- 113 Minutes of Cabinet and Cabinet Committee Local Issues**  
The Minutes of Cabinet held on 22 August, 19 September, 17 October and 8 November 2017, and Cabinet Committee – Local Issues held on 20 September 2017, were received and noted.
- 114 Holding the Executive to Account**  
Council received Portfolio Holder updates from (a) The Cabinet Member for Adults and Public Health (Councillor Kendrick) and (b) The Cabinet Member Children’s Services (Councillor Ahmed).
- At the conclusion of the presentations, oral questions were put to the following Cabinet Portfolio Holders within the remaining time permitted for this item;
- (i) Adults and Public Health Portfolio
  - (ii) Children’s Portfolio
  - (iii) Corporate Portfolio
- 115 Minutes of Other Committees**  
The undermentioned Minutes were received for information;
- (a) Appeals Panel – 29 September 2017, 2 November 2017 and 17 November 2017
  - (b) Corporate Governance and Audit Committee – 15 September 2017
  - (c) Corporate Parenting Board – 18 September 2017 and 18 July 2017
  - (d) Licensing and Safety Committee – 18 July 2017
  - (e) Overview and Scrutiny Management Committee – 18 September 2017
  - (f) Personnel Committee – 19 September 2017
  - (g) Strategic Planning Committee – 7 September 2017, 5 October 2017 and 2 November 2017
- 116 Oral Questions to Committee Chairs and Nominated Spokespersons of Joint Committees/External Bodies**  
Item not considered (due to time constraints).
- 117 Motion submitted in accordance with Council Procedure Rule 14 as to the the Government's review of the Electrification of the Transpennine Railway**  
Item not considered (due to time constraints).
- 118 Motion submitted in accordance with Council Procedure Rule 14 as to Clean Air for Kirklees**  
Item not considered (due to time constraints).
- 119 Motion submitted in accordance with Council Procedure Rule 14 to address removal of the 1% pay cap for all public sector workers**  
Item not considered (due to time constraints).
- 120 Motion submitted in accordance with Council Procedure Rule 14 as to Care Leavers Council Tax Exemption**  
Item not considered (due to time constraints).