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KIRKLEES COUNCIL

ENVIRONMENT AND CLIMATE CHANGE SCRUTINY PANEL

Tuesday 4th July 2023

Present: Councillor Jackie Ramsay (Chair)
Councillor Timothy Bamford
Councillor Matthew McLoughlin
Councillor John Taylor

In attendance: Katherine Armitage, Service Director –
Environmental Strategy and Climate Change
Russell Williams, Operational Manager, Public
Protection
Guy Thompson, White Rose Forest Programme
Director

Apologies: Councillor Hannah McKerchar
Councillor Will Simpson
Jane Emery (Co-optee)

1 Membership of the Panel

Apologies were received from Councillor Hannah McKerchar, Councillor Will Simpson and Jane Emery (Co-Optee).

2 Minutes of the Previous Meeting

The Panel considered the Minutes of the meeting of the former Economy and Neighbourhoods Scrutiny Panel held on 21st March 2023.

RESOLVED: That the Minutes be approved.

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 public questions were received.

7 Cumulative Impact Assessment

The Panel considered a report on proposals to introduce a Cumulative Impact Assessment (CIA) Policy under the Licensing Act 2003 which was presented by Russell Williams, Operational Manager- Public Protection. Katherine Armitage, Service Director – Environmental Strategy and Climate Change was also in attendance.

Russell Williams gave a presentation which explained that the purpose of the report was to brief members of the Environment and Climate Change Scrutiny Panel on proposals to carry out public consultation in respect of introducing a CIA for Huddersfield and Dewsbury Town Centres. It was also advised that:

- The Licensing Act 2003 required the licensing authority to prepare and publish a statement of its licensing policy at least every five years.
- The existing policy was adopted in January 2020 and was due for renewal in 2025.
- A review of the policy was to be undertaken which included a focus on aligning the policy with the Councils vision for the regeneration of its town centres.
- As a part of the review work had been undertaken to consider the introduction of a CIA.
- Cumulative impact was the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- The publication of a CIA set a strong statement of intent about the Councils approach to considering applications.
- It also placed the responsibility to demonstrate the need for a premise and the planned steps to mitigate risks (as identified in the CIA) on the applicant.
- Working with the Councils Public Health Data Intelligence Officers and the West Yorkshire Police local crime statistics had been reviewed over the last 5 years.
- The data showed that alcohol related crime statistics were above average in both Huddersfield and Dewsbury.
- The review demonstrated that there was sufficient evidence to propose Consultation on the introduction of a CIA.
- The scope of a CIA could be applied to a specific class of premises (i.e.- Off Licenses, On Licenses, late night refreshment or a mixture of these).
- Concerns had been raised by Ward Members around the number of Off-licences opening in town centres.
- In response current proposals were to carry out Consultation for the introduction of a CIA which was limited to the off-licence trade.
- Whilst the initial evidence was reviewed for Huddersfield and Dewsbury town centres, there was potential for ward members to request consideration be given to introducing CIA's in other areas.
- The evidence to support the introduction of a CIA had to be robust and able to stand up to judicial scrutiny.
- As part of the full review, work may be undertaken with ward members to investigate if there was sufficient evidence to support the introduction of a CIA elsewhere.
- The next steps were to report to the Licensing and Safety Committee on 19th July 2023.

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- If approved a 12-week consultation would begin and end in September 2023 and the analysis of the outcomes would take place in October/November 2023.
- A report would then be submitted to a meeting of the Full Council to consider any recommendations and for the adoption or rejection of the CIA in January 2024.
- Whilst this process was ongoing, work was being undertaken to reduce the current impact to communities through alternative interventions which included:
 - A review of the Council's current PSPO's to ensure they were more robust.
 - Working with premises selling alcohol to establish a voluntary agreement to remove sale of single high strength cans of alcohol (6% or above).
 - Collating evidence to support the potential review of individual premises licences.
 - Taking a multi-agency approach to tackling street drinkers

The Panel thanked officers for the presentation but raised concerns in relation to the clarity of the data presented as well as noting grammatical errors in the report. In relation to this it was requested that clearer information formatted to a higher standard be presented to the Panel moving forwards. The Panel also noted that one area had significantly higher crime data than the other areas, and wanted to understand more about the boundaries of the assessments and where there was scope for these to be amended noting a lack of clarity around where the lines would be drawn.

In response, Russell Williams acknowledged the lack of clarity in the report and agreed to recirculate the amended map to the Panel. It was also explained that the data marked in red was supplied by the Councils Public Health team, and that the information had been blocked out as it represented a number less than 50. However, Russell acknowledged the Panel's concerns that this did make it more difficult to make comparison and agreed to liaise with Public Health colleagues to obtain the actual figures and to circulate this information after the meeting. In response to the question in relation to the boundaries of the geographical assessment it was advised that the initial Consultation was to be in alignment with the boundaries shown but reassured the Panel that this would be made clearer prior to the start of the consultation period. Russell further highlighted that work would continue with the Police and Public Health as well as Ward Members to determine if the scope of the boundaries needed to be widened or more restricted as part of the Consultation.

The Panel noted the response and raised concerns that the boundaries seemed to exclude the side of Trinity Street adjacent to Greenhead Park and that in doing so, the problems may persist in this area. In relation to this, the Panel requested to understand more about how the maps were determined. In respect of the public Consultation, the Panel wanted to understand more about the process, who was being consulted with and what the desired outcomes were.

In response, Russell Williams noted the concerns raised about Trinity Street and agreed to revisit the boundaries alongside Public Health colleagues as part of the Consultation. In response to questions about the approach to the Consultation, it was advised that the Council was duty bound to consult with the responsible authorities, but consultation would also be held with ward members, trade groups

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and the public. Officers would work with the Councils Consultation team on the approach with the aim of achieving a high number of responses particularly from the public.

Then Panel noted Safer Dewsbury as a useful forum and highlighted that it was important to be inclusive about who was involved and that surrounding areas be included, for example Ravensthorpe and Batley. The Panel further emphasised the importance of setting a clear ambition for the number of responses from the public to ensure the validity of the Consultation and to measure success.

Katherine Armitage, Service Director – Environmental Strategy and Climate Change responded to acknowledge the importance of ensuring adequate representation and agreed that a figure that was deemed to be statistically valid against the overall population be provided when developing the Consultation and the aim would be to achieve above this number of respondents.

In response to the question about how the maps were determined, Russell Williams explained that the maps were produced by Public Health who obtained the data from the Police. This information was then processed using a public health toolkit before being entered into a matrix which produced a score for the area. This model was based on national public health guidance and was used widely by other authorities.

The Panel asked a question around the enforcement of existing licences and scope for these to be included in the CIA.

In response, Russell Williams acknowledged that there were existing challenges and agreed that more work was needed to address these. The intention was to do so through alternative planned interventions, and a part of this involved looking at if there was sufficient evidence to review existing licences.

The Panel welcomed the approach to consider other areas and requested that if approval for Consultation was given that an email be sent to all Ward Members asking them to put forward the areas that they represent for consideration if they felt it would be useful. The Panel also asked to understand more about the other interventions listed and the multiagency approach.

The Panel further highlighted the importance of addressing issues in relation to fast food chains, electronic cigarette/vape shops and street-drinking at family friendly events adding that it would have been helpful for data to be included in relation to alcohol related hospital admissions and the long-term effects of alcohol.

In response, Russell Williams agreed to invite Ward Members to approach officers if they would like an area to be included. In relation to the other interventions, from a licensing point of view the data was essential and part of the work with the multi-agency side was around gathering evidence to be reported to the police which supported the need for a CIA. If the evidence identified individual premises, then intervention could be taken.

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The Panel noted the response, and further recommended that the Consultation dates be reviewed to include the student population.

RESOLVED: The Panel noted the report, 'Cumulative Impact Assessment' and recommended that:

1. The data be reviewed where it was felt to be incorrect (particularly in relation to Dewsbury Town centre) and be shared with the Panel.
2. The maps be made clearer and shared with the Panel following review with the Public Health Department.
3. Where figures less than 50 had been blocked out in the report that liaison took place with the Public Health Department to obtain actual figures and that these be shared with the Panel.
4. The quality of the report presented be improved and formatted to a higher standard before presentation to the Panel moving forwards.
5. A review of areas be undertaken where streets may be excluded by the boundary line and allow for issues to persist (i.e.- Trinity Street).
6. The ambition for the Public Consultation was made clear and that a statistically valid figure against the overall population for the number of public respondents be set to ensure broad representation and meaningful engagement.
7. Consideration be given to amending the period within which the Public Consultation was to be held to ensure the student population be represented.
8. The Panel be informed with the outcomes of the Public Consultation if approved by the Licensing Panel.
9. The Panel be provided with information in relation to; those licences that were being reviewed (i.e.- where areas were congested with premises selling cheap alcohol), the scope for refusal and evidence of good practice.
10. It was important to be inclusive in the approach and that consideration continue to be given to the inclusion of other areas.
11. If the Consultation be approved, that an email be sent to all Ward Members asking them to put forward the areas that they represent for consideration if they felt it would be useful.
12. The Panel to be informed if the Consultation was approved and for an update be provided on progress prior to further consideration by Licensing and Full Council.

8 White Rose Forest – Summary review 2022/23 and looking ahead to 2023/24

The Panel considered a presentation on White Rose Forest - Summary review of 2022/23 and looking ahead to 2023/24. Guy Thompson, White Rose Forest Programme Director gave the update which began with a short video summarising the achievements from the previous reporting year, followed by the presentation which highlighted that:

- The total number of hectares planted in the White Rose Forest (WRF) was 329; a significant amount when compared to the national figure of 1000.
- England's Community Forest (ECF) network covered 20% of England's land cover and delivered more woodland than any other single Woodland Creation Partnership including the Forestry Commission.
- The WRF was in its 3rd year of a 5-year programme and during this time the WRF had gained a national profile with a growing reputation.
- After 3 seasons the WRF had:

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- Created 805 hectares of new woodland and supported the planting of 1600 trees.
- Invested £6.7m with landowners across North and West Yorkshire.
- Over 30,000 households would have more access to local woodlands as a result of the trees planted.
- 235 hectares of new woodland had been planted next to the existing ancient woodland resource protecting its biodiversity value.
- The WRF Delivery pathway was working, and Kirklees and the Community Forest Trust had recruited a capable and ambitious WRF core team.
- A Governance transition was underway to respond to changing region governance and a surge in both political interest and resources for Community Forests.
- A WRF 25-year plan from 2025-2050 (aimed to launch 1st August 2025) was being developed which was to set out the Vision, targets and ambitions for woodland creation and woodland management for North and West Yorkshire.
- The Plan was to prioritise biodiversity, climate resilience, community mental health and job skills.

The Panel noted the presentation and, in the discussion to follow, asked several questions around value for money, measuring success, and the risks of failed trees, with reference to a particular project in Skelmanthorpe where only a few trees had survived due to lack of maintenance or protection.

In response to the questions, Guy Thompson advised that once the scheme had been designed (which was suitable for landowners needs within the context of the site) that the contract was put in place which outlined the amount of maintenance and funding required. Kirklees as the accountable body and on behalf of DEFRA bought in a 15-year woodland. Up until that point if the trees weren't successful, legally the ownness was on the landowner to rectify this. It was also noted that where there were droughts or rain at the wrong time, there were sites where there was inevitably failure.

The Panel wanted to understand more about the Green Streets (the number of Green Streets in Kirklees and the ambition for this). In response, Guy Thompson advised that the 'Green streets' project was aimed at targeting priority communities, areas of job growth and the key routes that linked them. Kirklees were currently undertaking mapping work around its transport routes to identify opportunities for tree planting and woodland creation and further agreed to provide the Panel with Kirklees specific data.

The Panel asked further questions around landownership, and the use of tree guards noting concerns that the decision not to use guards increased the risk of failure.

In response Guy Thompson advised that use of tree guards was dependent on a number of factors arising from the landowner and the purpose of the site. Once the purpose of the woodland was determined, a forester would design the project to ensure that the trees became independent within the landscape and there were numerous ways of doing this, i.e.- fencing, a weeding regime, species selection, or guards etc...Most sites did include the use of guards unless there was a risk of

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increased vandalism, in which case more trees would be planted with the expectation of some losses. There were also some sites that chose to be plastic free, and it was acknowledged that this was a risk, but those landowners choosing not to use tree guards were liable to make up for any losses.

In response to the question about landownership, it was advised that most schemes were Local Authority owned in recent years. The next major grouping of landowners were large estates, but it could take up to 3-4 years to get permissions for planting and as a result there were no expectations for ownership to change in the short-term. Other landowners included tenant farmers, whose landowners agreement was required for investment.

The Panel noted the response and asked what support was available to landowners and if there was any best practice guidance provided to them in relation to the long-term maintenance of trees, and if so if an example could be provided. The Panel also wanted to know how likely it was that the projects would achieve the desired outcomes.

In response, Guy Thompson referred to the WRF delivery pathway which was a bespoke process and involved working with landowners and accessing their needs. The level of support and training was then shaped around this, and Landowners were revisited on a 5 yearly basis to reassess any changing needs. In response to the question about the success of the projects, Guy Thompson expressed confidence that in the current climate the projects would produce woodland in 10-15 years.

The Panel noted the response and asked further questions in respect of checking in with the landowner throughout the contract and about the relationship with parks and green spaces. Guy Thompson responded to advised that the Major Project Service and the core team function covered North and West Yorkshire. The team was separate from the parks and green space function, and it was suggested that it would be best to obtain further details from Kirklees as the landowner. In response to the question about checking in with and visiting landowners Guy Thompson confirmed this was usually after 5 years unless contact was made prior by the landowners due to a particular challenge or unexpected losses.

The Panel further highlighted the importance of biodiversity and the targets in relation to increasing biodiversity. The Panel also wanted to know if there was scope to work with community groups around tree planting and site assessment.

In response, Guy Thompson advised that native species were the default chosen for planting. In the case of Ancient Woodland, it was acknowledged that this was a finite resource which could not be replaced or expanded but action could be taken to plant around it to increase biodiversity. Work was being undertaken with Forest Research to link into key biodiversity corridors in North and West Yorkshire. The targets were long term and were dependent on the individual driver and design working with the landowner.

In response to the question relating to support for Community Groups, Guy Thompson advised that the main challenges to smaller groups arose from the

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complex regulatory processes. Plans to help support Community Groups included the offer of bespoke training in relation to increasing understanding of the delivery pathway, 1:1 meetings to identify training/resource needs, and a planning grant.

RESOLVED: The Panel noted the report, White Rose Forest – Summary review 2022/23 and looking ahead to 2023/24 and recommended that Kirklees specific data be provided in relation to the Green Streets be provided to the Panel.

9 Work Programme (Draft) 2023/24

The Panel considered its Draft Work Programme for the 2023/24 municipal year and noted that this was to be submitted to the next meeting of the Overview and Scrutiny Management Committee for approval. It was agreed that:

RESOLVED: Climate Impact and Air quality Impact be noted as ‘golden threads’ and that information in relation to these areas should be included in reports provided to the Panel.

1. The Forward Plan of key decisions to be reviewed by the Panel regularly to ensure oversight of pre-decision items.
2. An update on Winter Maintenance be provided ahead of the Winter period.
3. A long list of any unscheduled items be added to the work programme.