

Contact Officer: Alaina McGlade

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Council Chamber - Town Hall, Huddersfield on Wednesday 21 March 2018**

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 Nosheen Dad
Councillor Jim Dodds	Councillor Richard Eastwood
Councillor Eric Firth	Councillor Donald Firth
Councillor Michelle Grainger-Mead	Councillor Charles Greaves
Councillor David Hall	Councillor Steve Hall
Councillor Lisa Holmes	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 Fazila Loonat	Councillor Gwen Lowe
Councillor Terry Lyons	Councillor Andrew Marchington
Councillor Naheed Mather	Councillor Peter McBride
Councillor Bernard McGuin	Councillor Darren O'Donovan
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 Rob Walker
Councillor Michael Watson	Councillor Gemma Wilson
Councillor Linda Wilkinson	Councillor Habiban Zaman

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

The Mayor invited Members to pay tribute to the Elected Members who would not be seeking re-election at the end of the municipal year; Councillors Calvert, Dodds and Wilkinson. The Chief Executive also announced that she had received notice that Councillor Palfreeman would be resigning as a councillor and Members were invited to pay tribute to Councillor Palfreeman also.

142 **Apologies for absence**

Apologies for absence were received on behalf of Councillors Cooper, Hill, O'Neill and Palfreeman.

143 **Minutes of Previous Meeting**

It was moved by the Mayor, seconded by the Deputy Mayor and;

RESOLVED - That the minutes of the meeting held on 14 February 2018 be approved as a correct record.

144 **Declaration of Interests**

There were no interests declared.

145 **Petitions (From Members of the Council)**

There were no petitions received.

146 **Deputations & Petitions (From Members of the Public)**

Council received (i) a deputation from Celia Moorhouse on behalf of Friends of Batley Library in regards to Batley Library, (ii) a deputation and petition from Leif Wilks on behalf of Friends of Birstall Library in regards to Birstall Library and, (iii) a deputation and petition from Brian Coleman on behalf of Grange Moor Community Association in regards to consultation on play areas.

Councillor Graham Turner, Joint Cabinet Portfolio Holder for Corporate responded to the deputations relating to libraries and Councillor Musarrat Khan, Joint Cabinet Portfolio Holder for Corporate responded to the deputation relating to play areas.

147 **Public Question Time**

There were no questions received.

At this stage of the Meeting, Council moved to the consideration of Agenda Item No. 19 (Minute No. 159 refers) and Agenda Item No. 18 (Minute No. 158 refers)

148 **Devolution Report**

It was moved by Councillor Pandor, seconded by Councillor Sheard, and;

RESOLVED - That the report be received and noted.

149 **Constitution - Proposed Changes to Terms of Reference of Corporate Governance and Audit Committee (Reference from Corporate Governance and Audit Committee)**

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

- (1) The amended Terms of Reference providing authority to Corporate Governance and Audit Committee to receive regular updates and to monitor the Council's use of RIPA during the year be approved.
- (2) Authority be delegated to the Service Director – Legal, Governance & Commissioning to make the amendments to the constitution to reflect the changes set out above.

150 **Report of Members Allowances Independent Review Panel (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards, seconded by Councillor Lawson, and;

RESOLVED - That the recommendations of both the Corporate Governance and Audit Committee and the Members' Allowances Independent Review Panel regarding the Members' Allowances Scheme for 2018/19, be approved with effect from 1 April 2018.

151 **Amendment to Officer Scheme of Delegation (Reference from Corporate Governance and Audit Committee)**

It was moved by Councillor Richards, seconded by Councillor Lawson, and;

RESOLVED - That Council;

- (1) Note the appointment of the Acting Service Director – Finance, IT and Transactional Services as the Section 151 statutory officer;
- (2) Agree the proposed changes to the responsibility for non-executive functions, as set out in the report; and
- (3) Delegate authority to the Monitoring Officer to make the necessary amendments to the Constitution to do this.

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

(1) Question by Councillor Rob Walker to the Cabinet Member for Children (Councillor Masood Ahmed)

“Following the government’s announcement on the 13th March of changes to the eligibility for free school meals for working families in receipt of Universal Credit how many children in Kirklees are set to lose out on free school meals”?

The Cabinet Member replied thereto

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(2) Question by Councillor Habiban Zaman to Cabinet Member for Corporate
(Councillor Graham Turner and Councillor Musarrat Khan)

“Why are the nation’s roads getting worse”?

The Cabinet Member replied thereto

(3) Question by Councillor Richard Smith to Cabinet Member for Economy
(Cllr Peter McBride)

“Given that the Secretary of State for Transport has recently announced a specific Bypass Fund” has the Cabinet Member looked at the criteria to see if Flockton or other proposed schemes fit and can the Cabinet Member inform members of his view on an application for a Flockton Bypass”?

The Cabinet Member replied thereto

(4) Question by Councillor Richard Smith to Cabinet Member for Economy
(Cllr Peter McBride)

“Can the Cabinet member provide timescales and confirm the route for the widely publicised £77M A62 Cooper Bridge Bypass”?

Question not considered (due to time constraints)

(5) Question by Councillor Richard Smith to Cabinet Member for Economy
(Cllr Peter McBride)

“Could the Cabinet Member explain what Kirklees Council is doing to take advantage of the Major Road Network funding”?

Question not considered (due to time constraints)

(6) Question by Councillor James Homewood to Cabinet Member for Economy
(Councillor Naheed Mather)

“Cllr Mather, in this chamber members of the opposition have said that you would not deliver on housing, can you tell us what the council has delivered”

Question not considered (due to time constraints)

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(7) Question by Councillor Steve Hall to Councillor Darren O'Donovan, West Yorkshire Fire & Rescue Authority

Q1 "How has West Yorkshire Fire and Rescue Service responded to the needs of the community following critical incidents in Kirklees"?

Question not considered (due to time constraints)

(8) Question by Councillor Judith Hughes to Cabinet Member for Adults and Public Health – (Cllr Cathy Scott)

"Last week was the National Fire Chiefs Councils national sprinkler awareness week, could you tell me whether Kirklees Council & KNH are going to retro-fit sprinklers into the 4 High Rise buildings within Kirklees"?

Question not considered (due to time constraints)

(9) Question by Councillor Darren O'Donovan to the Cabinet Member for Economy (Cllr Naheed Mather)

"Cllr Mather, I was very encouraged to see that the Cabinet has agreed to invest significant sum into our Town Centres. Do you agree that this will re-vitalise Huddersfield and Dewsbury".

Question not considered (due to time constraints)

(10) Question by Councillor Martyn Bolt to the Leader (Cllr David Sheard)

"Can the Cabinet Member confirm if he still believes the Labour Cabinet's Local Plan as being investigated to be sound"?

Question not considered (due to time constraints)

(11) Question by Councillor Martyn Bolt to the Cabinet Members for Corporate – Councillors Graham Turner/Cllr Musarrat Khan

"How many contracts does the Cabinet have with the private sector, and in what Services Areas are they? Does he feel they give best value for money"?

Question not considered (due to time constraints)

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(12) Question by Councillor Martyn Bolt to the Cabinet Member for Corporate –Cllr Musarrat Khan

“Does the Cabinet Member feel that they have sufficient capacity and are taking advantage within the Highways Service of developing new schemes for funding and the benefit of Kirklees residents”?

Question not considered (due to time constraints)

(13) Question by Councillor David Hall to The Leader

“What support is the Cabinet putting in place for Members of this Council, and our colleagues on the five Town/Parish Councils, in preparation for the GDPR law changes in May”?

Question not considered (due to time constraints)

(14) Question by Councillor Michael Watson to The Leader

“Defining one school day as one school being closed for all or part of a day how many school days have been lost in Kirklees as a consequence of weather related events since 1 January 2018”?

Question not considered (due to time constraints)

(15) Question by Councillor Michael Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“At present I am receiving a high number of calls from residents in the Emley area regarding potholes that have occurred as a consequence of the recent poor weather. I understand extra resources have been allocated by the Highways Team for repairing potholes and I wish them well with what is clearly a challenging project. Could the cabinet member give an indication of when it is anticipated the teams will be able to attend to the potholes in the Emley area”?

Question not considered (due to time constraints)

(16) Question by Councillor Michael Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“Does the council compensate motorists whose tyres are damaged as a consequence of potholes”?

Question not considered (due to time constraints)

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(17) Question by Councillor Michael Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“It seems to me that key to keeping on top of the potholes issue is the reporting of potholes as soon as possible and to this end the residents of Kirklees can very much be our eyes and ears so to speak. One option for doing this would be to develop an app which would enable users to photograph a pothole and send its precise location at the click of a button. Does the cabinet member agree this could be a useful tool to assist the highways team”?

Question not considered (due to time constraints)

(18) Question by Councillor Michael Watson to Cabinet Member for Corporate (Place, Environment and Customer Contact Services) – Councillor Musarrat Khan

“Whilst out delivering leaflets in Denby Dale advising local residents of the work their Conservative Ward Councillors and Parish Councillors had been doing throughout the last year it came to my attention that the traffic lights at the pedestrian crossing near the library were not working. Clearly problems such as this should be reported as soon as possible and it would be in accord with the principles of new council to encourage members of the public to report faults. What is the best way for them to do this”?

Question not considered (due to time constraints)

(19) Question by Councillor Nicola Turner to Cabinet Member for Corporate Councillor Musarrat Khan

“What is the authority’s definition of a pothole and are potholes graded in any way?”

Question not considered (due to time constraints)

(20) Question by Councillor Nicola Turner Cabinet Member for Corporate Councillor Musarrat Khan

“Currently, how many reported potholes are there across Kirklees? On average, how long does it take for them to get filled, once reported? What was the longest time it took for a pothole to get filled in the past year after being reported?”

Question not considered (due to time constraints)

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(21) Question by Councillor Andrew Pinnock to Cabinet Member for Corporate Councillor Musarrat Khan

“Can we have an update on the trial of the pothole MultiHog machines?”

Question not considered (due to time constraints)

(22) Question by Nicola Turner to Cabinet Member for Economy – Councillor Naheed Mather

“You promised a review on waste services. Has this taken place?”

Question not considered (due to time constraints)

(23) Question withdrawn

(24) Question by Councillor Cahal Burke to the Deputy Leader of the Council Councillor Shabir Pandor

“You were recently part of a delegation from the Leeds City Region at an international property and investment event in Cannes, in France. Can you give us feedback about this event, whether anything is happening and whether it was a success for Kirklees?”

Question not considered (due to time constraints)

(25) Question by Councillor Nicola Turner to the Cabinet Member Corporate Councillor Graham Turner & Councillor Musarrat Khan

“Is there a policy on where beehives may be kept in Kirklees?”

Question not considered (due to time constraints)

(26) Question by Councillor Cahal Burke to the Cabinet Member for Adults and Public Health

“Campaigners fighting to save Huddersfield Royal Infirmary have been granted permission for a judicial review into the plan to downgrade the hospital and move A&E services. What else can the Council do to support the legal case?”

Question not considered (due to time constraints)

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(27) Question by Councillor Cahal Burke to the Cabinet for Corporate Councillor Graham Turner and Councillor Musarrat Khan

“Air quality is a major local, regional and national issue. In Kirklees, there are 7 new areas where the National Air Quality Objectives are being breached, including Ainley Top in Lindley ward and Outlane in the Colne Valley ward, and these areas have been declared as Air Quality Management Areas. I understand that by law, the Council must produce action plans detailing measures it will take to improve the air quality in these areas.

Can you confirm that these Air Quality Management Areas have now been set up and how will they help to address the issue of poor air quality?”

Question not considered (due to time constraints)

(28) Question by Councillor Andrew Pinnock to Cabinet Member for Corporate Councillor Graham Turner & Councillor Musarrat Khan

“There are 7 new areas across Kirklees which have been declared as Air Quality Management Areas by council officers, because of poor air quality. Why isn't Chain Bar, in Cleckheaton, included in this list?”

Question not considered (due to time constraints)

(29) Question by Councillor Nicola Turner to Cabinet Member for Adults and Public Health Councillor Cathy Scott

“The decision to downgrade Huddersfield Royal Infirmary has been referred to Jeremy Hunt and the Independent Reconfiguration Panel. What else can the Council do?”

Question not considered (due to time constraints)

(30) Question by Councillor Lisa Holmes to Cabinet Member for Councillor Graham Turner & Councillor Musarrat Khan

“How many reports of fly tipping were received for the Liversedge & Gomersal Ward for the periods 17/3/2017 to 16/3/18 & 17/3/16 to 16/3/17”?

Question not considered (due to time constraints)

(31) Question by Councillor Lisa Holmes to Cabinet Member for Councillor Masood Ahmed & Cllr Viv Kendrick

“How effective is our CAMHS service in supporting vulnerable young people”?

Question not considered (due to time constraints)

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(32) Question by Councillor Lisa Holmes to Cabinet Member for Children Councillor Masood Ahmed and Councillor Viv Kendrick

“What benefits will we see coming from the Healthy Child Program in the next 12 months”?

Question not considered (due to time constraints)

(33) Question by Councillor Fazila Fadia to Cabinet Member for Adults and Public Health Councillor Cathy Scott

"How many applications do we have currently for council housing and what stock is available?"

Question not considered (due to time constraints)

(34) Question by Councillor Eric Firth for to Cabinet Member for Adults and Public Health Councillor Cathy Scott

“Cllr Scott everyone recognises that Social Care needs a sustainable funding solution. This needs central government to act in the way that this council agreed last year. Whilst there has been some temporary money – how will you use it”?

Question not considered (due to time constraints)

(35) Question by Councillor Eric Firth to Cllr Darren O’Donovan – West Yorkshire Fire & Rescue Authority

“What is WYFRS doing to support the increasing vulnerability of people living across Kirklees communities”

Question not considered (due to time constraints)

153 **Minutes of Cabinet and Cabinet Committee Local Issues**

The Minutes of Cabinet held on 21 November, 8 December, 19 December 2017, 15 January, 23 January and 30 January 2018, and Cabinet Committee – Local Issues held on 24 January 2018 were received for information.

154 **West Yorkshire Combined Authority Minutes**

Item not considered (due to time constraints)

155 **Holding the Executive to Account**

Item not considered (due to time constraints)

156 Minutes of Other Committees

The undermentioned Minutes were received for information;

(a) Standards Committee – 17 January 2017, 24 May 2017 and 6 September 2017

(b) Health and Wellbeing Board – 28 September 2017

(c) Corporate Parenting Board – 13 November 2017 and 22 January 2018

(d) Corporate Governance and Audit Committee – 17 November 2017 and 30 January 2018

(e) Overview and Scrutiny Management Committee – 27 November 2017 and 15 January 2018

(f) Strategic Planning Committee – 30 November 2017, 21 December 2017, 11 January 2018 and 8 February 2018

(g) Appeals Panel – 14 December 2017 and 25 January 2018

(h) Personnel Committee – 18 December 2017

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

Item not considered (due to time constraints)

158 Motion submitted in accordance with Council Procedure Rule 14 as to the Government's review of the Electrification of the Transpennine Railway

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

RESOLVED -

“The Council calls on the Secretary of State for Transport to recommit to the electrification of Transpennine Railway. We note that on the day he confirmed support for the £30 billion Crossrail project he cancelled electrification of strategic significance to Yorkshire, the Midlands, North West and South West and deferred a decision on Transpennine.

As the Transpennine Railway is the main artery for rail freight and passenger movements in the North, we therefore seek the support of our Yorkshire MP's and particularly those in Kirklees, to join forces with the Mayors of Liverpool and Manchester and the Leader of Leeds Council, in stressing the urgency of this matter and its significance as a project which could in part redress the imbalance of regional investment in the UK and lend some meaning to the term Northern Powerhouse.”

159 Motion submitted in Accordance with Council Procedure Rule 14 to address the Clean Air for Kirklees

It was moved by Councillor Khan, and seconded by Councillor Kendrick that;

“This motion calls upon the Environment Secretary Michael Gove to urgently take further action to fix the dangerous growing problem of air pollution in our towns and cities. Following a third court order that slams the Government's Air Quality Plan as inadequate and unlawful, the UK Government has been urged to produce a national Clean Air Act which demonstrates the Government taking responsibility as well as local authorities.

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Clean air is considered to be a basic requirement of human health and well-being. However, air pollution continues to pose a serious threat to health of the public. Air pollution is contributing to approximately 40,000 early deaths a year in the UK. When dissected down to a Kirklees level that was the equivalent to 137 deaths per year associated with poor air quality in 2015.

This Council believes that air pollution in the UK is a public health crisis, with the World Health Organisation and Public Health England describing it as the largest environmental risk to public health.

Kirklees is undertaking a number of projects and interventions to improve the health of our residents and improve the local environment. This includes everything from leading on the West Yorkshire ECO-Stars Freight Recognition scheme, retrofitting school transport buses, Smart Traffic Lights, encouraging low emission taxis, installing a strategic electric vehicle charging network across the District, assessing the impact of housing developments on air quality, and providing concessional parking for low emission vehicles.

This Council therefore requests the Chief Executive to write to the Secretary of State for Environment urging the Government to act immediately to protect the health, wellbeing and economic sustainability for our generation and those of the future. The Government must work with local authorities and industry to make sustainable evidence based changes supported by long-term consistent and stable funding.”

Whereupon it was moved by Councillor Smaje, and seconded by Councillor Bolt, by way of AMENDMENT that;

“Delete ALL text after ‘This motion..’ and replace with:

...recognises the urgent need to take further action to fix the dangerous growing problem of air pollution and calls on the Cabinet to prepare and bring to Council at the earliest opportunity an up-to-date Clean Air Strategy which covers the whole of the borough.”

Subsequent to this, in accordance with Council Procedure Rule 14 (11), the mover and seconder of the original motion, and with the consent of the meeting, indicated their acceptance to the inclusion of the amendment as an ADDENDUM to the original motion;

“This motion calls upon the Environment Secretary Michael Gove to urgently take further action to fix the dangerous growing problem of air pollution in our towns and cities. Following a third court order that slams the Government’s Air Quality Plan as inadequate and unlawful, the UK Government has been urged to produce a national Clean Air Act which demonstrates the Government taking responsibility as well as local authorities.

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This motion recognises the urgent need to take further action to fix the dangerous growing problem of air pollution and calls on the Cabinet to prepare and bring to Council at the earliest opportunity, an up-to-date Clean Air Strategy which covers the whole of the borough.”

The MOTION INCLUDING THE ADDENDUM, on being put to the vote, was CARRIED, and it was therefore RESOLVED -

That;

“This motion calls upon the Environment Secretary Michael Gove to urgently take further action to fix the dangerous growing problem of air pollution in our towns and cities. Following a third court order that slams the Government’s Air Quality Plan as inadequate and unlawful, the UK Government has been urged to produce a national Clean Air Act which demonstrates the Government taking responsibility as well as local authorities.

Clean air is considered to be a basic requirement of human health and well-being. However, air pollution continues to pose a serious threat to health of the public. Air pollution is contributing to approximately 40,000 early deaths a year in the UK. When dissected down to a Kirklees level that was the equivalent to 137 deaths per year associated with poor air quality in 2015.

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This motion recognises the urgent need to take further action to fix the dangerous growing problem of air pollution and calls on the Cabinet to prepare and bring to Council at the earliest opportunity, an up-to-date Clean Air Strategy which covers the whole of the borough.”