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**COUNCIL**

**KIRKLEES COUNCIL**

**At a Meeting of the Council of the Borough of Kirklees held at  
The Town Hall, Huddersfield on Wednesday 5 December 2012**

**PRESENT**

**The Mayor (Councillor David Ridgway) in the Chair**

**COUNCILLORS**

M AHMED  
M AKHTAR  
R BARRACLOUGH  
M BATES  
D K BELLAMY  
J C BLANCHARD  
S M BOLT  
T BRICE  
C BURKE  
J CALVERT  
A V COOPER  
D M FIRTH  
E FIRTH  
C GREAVES  
D J HALL  
S HALL  
C HARRIS  
M HEMINGWAY  
L J HOLMES  
E HOLROYD-DOVETON  
J M HUGHES  
M HUSSAIN  
P KANE  
V KENDRICK  
M KHAN  
J C LAWSON  
V LEES-HAMILTON  
R C LIGHT  
T LYONS  
P McBRIDE  
A C G MARCHINGTON

N MATHER  
M H MAYET  
P O'NEILL  
A PALFREEMAN  
S PANDOR  
A PATEL  
N PATRICK  
C A PATTISON  
A C PINNOCK  
K M PINNOCK  
C PREEST  
H S RICHARDS  
K ROWLING  
P SALVESON  
C SCOTT  
P SCOTT  
D SHEARD  
G SIMPSON  
K D SIMS  
E E SMAJE  
C M L SMITH  
K A SMITH  
M S SOKHAL  
J STEWART TURNER  
A L STUBLEY  
K TAYLOR  
G TURNER  
N TURNER  
M WALTON  
E WARD  
L M WILKINSON

**72 Announcements by the Mayor**

- (a) The Mayor advised of the death of the former Chief Executive of Kirklees Council, Eric Dixon.
- (b) The Mayor also advised that he would be participating in the Town Centre Santa Dash at the weekend and would welcome any donations of sponsorship to the Mayor's Charity.

- 73 Apologies for Absence**  
Apologies for absence were received of behalf of Councillors Dodds, Lowe, Hardcastle, O'Donovan, S Patel and Sarwar.
- 74 Minutes of the Meeting of the Council held 24 October 2012**  
It was moved by the Mayor (Councillor Ridgway), seconded by the Deputy Mayor (Councillor Bolt) and
- RESOLVED - That the Minutes of the meeting of the Council held on 24 October 2012 be approved and signed by the Mayor as a correct record.**
- 75 Declarations of Interests**  
Councillors K Smith and D Hall declared a Disclosable Pecuniary Interest in the item on the Council Summons relating to Allowances for Kirklees Representatives on West Yorkshire Police and Crime Panel on the grounds that they are members of the Panel.
- Councillor Light declared an 'other' interest in the item on the Council Summons relating to Tackling Climate Change in his capacity as Deputy Chair/Board Member of the Environment Agency.
- Councillor Calvert declared an 'other' interest in the item on the Council Summons relating to Revised Gambling Policy in her capacity as Secretary of a Club which held a Premises Licence.
- 76 Petitions**
- (a) Councillor N Turner submitted a petition on behalf of the residents of Waingate Park, Linthwaite, requesting the installation of a speed bump/sleeping policeman on Waingate Park.
- (b) Councillor Burke submitted a petition on behalf of the residents of Woodlea Avenue, Lindley, seeking a height reduction and height cap of trees at Middle Wood.
- In accordance with Council Procedure Rule 9(3) the Mayor directed that the subject matters be referred to the appropriate Assistant Director for investigation and report to Cabinet or an appropriate Committee.
- 77 Deputations**  
Council received a deputation from Mr Vic Watson, Huddersfield Town Crier, who wished to raise awareness of the British Town Crier Championships which are to be held in Yorkshire this year. He sought financial support for the accommodation costs of participants.
- The appropriate Cabinet Member (Councillor Jean Calvert) responded thereto.
- 78 Questions by Members of the Public**  
No questions were asked.
- 79 Constitutional Amendments**  
It was moved by Councillor Richards, seconded by Councillor D Hall and
- RESOLVED -**
- (1) That a new, politically balanced 'Neighbourhoods Committee' of 6 Members (ratio 2:2:1:1) be established to discharge the Council's neighbourhood planning responsibilities under the Localism Act 2011.
- (2) That the terms of reference for the Neighbourhoods Committee be agreed as follows:
- (i) To process all applications that are submitted to the Authority for the making of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders in accordance with the requirements of Part 6 Chapter 3

and Schedules 9, 10, 11 and 12 of the Localism Act 2011 and all applicable subordinate legislation, including:

- \* Receiving and responding to consultation
- \* Appointing an independent examiner, making necessary arrangements for holding an examination and participating in the examination
- \* Determining content of representation at examination
- \* Considering the recommendations of the examiner
- \* Confirming that draft proposals meet all necessary requirements including general conformity with strategic policies contained in the core strategy
- \* Making decisions whether to decline to consider the proposals, refuse the proposals or initiate a referendum
- \* Extending the area in which a referendum will take place as considered appropriate

(ii) To process all applications for the designation of a Neighbourhood Forum in accordance with the requirements of Part 6 Chapter 3 and Schedule 9 of the Localism Act 2011 and all applicable subordinate legislation and to make decisions to designate or refuse to designate those Forums and to withdraw an organisation or body's designation as a Neighbourhood Forum in appropriate circumstances.

(iii) To process all applications for the designation of Neighbourhood Areas in accordance with the requirements of Part 6 Chapter 3 and Schedule 9 of the Localism Act 2011 and all applicable subordinate legislation and to make decisions to designate or refuse to designate those Areas.

(3) That the following functions and responsibilities be delegated to the Director of Economy, Skills and Environment and such other nominated officers as she considers to be appropriate:

- \* Giving advice and assistance to applicants
- \* Making recommendations to the Neighbourhoods Committee as to the designation of Forums and Areas
- \* Receiving and responding to consultation
- \* Checking compliance with procedures, all relevant legislation and conformity with plans
- \* Undertaking publicity
- \* Determining content of representation at examination

(4) That the inclusion of the following additional plans/strategies within the Council's Policy Framework be approved:

Equality & Diversity Strategy  
Joint Health & Wellbeing Strategy  
Making it Personal – Commissioning Strategy for Adults  
Community Cohesion Strategy  
Integrated Investment Strategy  
Commissioning Housing Strategy  
Carbon Reduction Strategy  
Early Learning and Childcare 2011-2014

and that authority be delegated to the Council's Monitoring Officer to amend Article 4 of the Constitution accordingly.

(5) That a new 'Policy Committee' of 11 Members (ratio 5:3:2:1) be established, from the start of the next municipal year, to review policies within the Council's Policy Framework together with recommendations for policy review referred from Area Committees.

(6) That authority be delegated to the Monitoring Officer to prepare detailed terms of reference for the new Policy Committee.

(7) That approval be given for the Policy Committee to meet in shadow form until formally established by Council in May 2013 and that nominations for membership of the shadow committee be provided to the Monitoring Officer by the Group Business Managers.

(8) That Council notes the policy focus for area decision making and the Chief Executive's suggested way forward set out in paragraph 2.7 above.

(9) That authority be delegated to the Monitoring Officer to make all consequential constitutional amendments.

**80**

### **Reference from Cabinet - Local Council Tax Scheme**

It was moved by Councillor Sheard and seconded by Councillor Khan that

(1) Council approves the proposed draft Council Tax Support Scheme, as consulted and set out within the submitted report that

(i) Includes the protection of certain vulnerable classes (approximately 17,754 pensioner and households under the Pensioner Default Scheme and 3,517 working age households deemed vulnerable in classes 1 - 3 of the Council Tax Support (working age) Scheme)

(ii) Passes on the 10% (approximately 21,466 households and approximately £3,150,265) cut in government funding to the working age classes not protected (i.e. Classes 4-6 under the Council Tax Support (working age) Scheme).

(iii) Removes second adult rebate from working age scheme (approximately 252 households and approximately £61,000).

(2) That Council takes a final decision on the approval of the proposed draft Council Tax Scheme in light of the announcement of the amount of central government support, which is due after the Chancellor's statement from 5 December 2012, and will be reported to Council on 15 January 2013.

Whereupon it was moved by Councillor K Pinnock, seconded by Councillor N Turner by way of AMENDMENT

"That this Council

(1) Recognises that it is paramount that Kirklees adopts its own Council Tax Support Scheme by 31 January 2013.

(2) Is concerned that the full range of options have been withheld from the public consultation.

(3) Acknowledges that the options consulted on disregarded other ways of dealing with the 10% reduction in Council Tax funding including the introduction of charges to empty and second home discounts.

(4) Notes that this option, according to Officers' figures, would generate enough money to bridge the funding gap without cutting people's Council Tax Benefit and thus avoid having to cause widespread financial difficulty to many who work part time or on reduced hours, are disabled, single parents, suffering from illnesses such as depression and

anxiety, and carers for family members or are young people struggling to find employment.

(5) Notes that other local authorities have taken these steps but Kirklees has not.

(6) Recognises that Kirklees Liberal Democrats have been proposing that Council make use of Empty Homes Powers for 8 months.

(7) Has a corporate priority of doing all it can to reduce poverty.

Council, therefore

(1) Resolves to instruct Cabinet to consult on a different scheme that includes the following options

(i) Council applying to receive the government's one off transitional grant

(ii) Council removing discounts for Class A and C empty properties as well as those for second homes.

(iii) Council introducing a premium charge for homes empty for longer than 2 years.

(2) Instructs Cabinet to return to the meeting of Council on 16 January 2013 with revised recommendations."

At the request of a Member, supported by at least five other Members, a recorded vote was taken on the Amendment in accordance with Council Procedure Rule 24(3) as follows

FOR: Councillors Barraclough, Burke, Blanchard, Cooper, Greaves, Marchington, A Pinnock, K Pinnock, P Scott, Stewart-Turner, N Turner and Wilkinson

(12 VOTES)

AGAINST: Councillors Ahmed, Akhtar, Bates, Bellamy, Brice, Calvert, D Firth, E Firth, D Hall, S Hall, Harris, Holmes, Hughes, Hussain, Kane, Kendrick, Khan, Lees-Hamilton, Light, Mather, McBride, O'Neill, Palfreeman, Pandor, A Patel, Patrick, Pattison, Preest, Richards, Rowling, C Scott, Sheard, Sims, Simpson, C Smith, K Smith, Smaje, Stubbley, Sokhal, Salvesson, Taylor, G Turner, Walton and Ward

(44 VOTES)

ABSTAINED: Councillors Holroyd-Doveton and Lyons

(2 VOTES)

The Amendment, on being put to the meeting, was declared LOST whereupon it was moved by Councillor Light, seconded by Councillor D Hall by way of AMENDMENT

"That this Council notes Cabinet's preferences for the new Local Council Tax Benefit Scheme and resolves to defer any final decision on the scheme until the January Council to allow further consideration of the merits of the government's Transition Scheme and the implication of today's Autumn Statement on the Scheme and the Council's finances."

The Amendment, on being put to the meeting, was CARRIED and became the SUBSTANTIVE MOTION

There being no further amendments the Substantive Motion was put to the meeting and CARRIED, and it was

**RESOLVED - That this Council notes Cabinet's preferences for the new Local Council Tax Benefit Scheme and resolves to defer any final decision on the scheme until the January Council to allow further consideration of the merits of the Government's Transition Scheme and the implication of today's Autumn Statement on the Scheme and the Council's finances.**

**81 Reference from Licensing and Safety Committee - Revised Gambling Policy**

It was moved by Councillor Hussain, seconded by Councillor Sokhal and

**RESOLVED - That the Kirklees Gambling Policy (Statement of Principles) 2013-2016 be adopted.**

**82 Reference from Corporate Governance and Audit Committee - Allowances for Kirklees Representatives on West Yorkshire Police and Crime Panel**

It was moved by Councillor Richards, seconded by Councillor Sheard and

**RESOLVED - That an amendment to the 2012/2013 Members Allowances Scheme be approved in order to allow the introduction of a new SRA of Band C1 for each Police and Crime Panel Member, with immediate effect.**

**83 Reference from Cabinet - Climate Local Commitment: Tackling Climate Change, Stimulating a Green Economy and Providing Affordable Warmth in Homes**

It was moved by Councillor Khan, seconded by Councillor McBride and

**RESOLVED**

**(1) That the Council signs up to 'Climate Local' with immediate effect and removes all reference to previous environmental policies.**

**(2) That a work programme be developed to deliver the commitment as outlined in Appendix 2 of the considered report.**

**84 Written Questions, under Council Procedure Rule 12, to the Leader and Cabinet Members**

**(1) Question by Councillor Phil Scott to the Leader (Councillor Mehboob Khan)**

"Could the leader of the council please advise on the cost to this council to buy the Thandi partnership out of their contract that they currently have on Castle hill?"

**The Cabinet Member responded thereto.**

**(2) Question by Councillor Robert Light to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Birkenshaw in the next three months?"

**The Cabinet Member responded thereto.**

**(3) Question by Councillor Andrew Palfreeman to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit East Bierley in the next three months?"

**The Cabinet Member responded thereto.**

**(4) Question by Councillor Elizabeth Smaje to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Birstall in the next three months?"

**The Cabinet Member responded thereto.**

**(5) Question by Councillor David Hall to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Liversedge in the next three months?"

**The Cabinet Member responded thereto.**

**(6) Question by Councillor Lisa Holmes to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Gomersal in the next three months?"

**The Cabinet Member responded thereto.**

**(7) Question by Councillor Margaret Bates to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Roberttown in the next three months?"

**The Cabinet Member responded thereto.**

**(8) Question Withdrawn**

**(9) Question by Councillor Elaine Ward to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Skelmanthorpe in the next three months?"

**The Cabinet Member responded thereto.**

**(10) Question Withdrawn**

**(11) Question by Councillor Nigel Patrick to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Holmfirth in the next three months?"

**The Cabinet Member responded thereto.**

**(12) Question Withdrawn**

**(13) Question by Councillor Ken Sims to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Hepworth in the next three months?"

**The Cabinet Member responded thereto.**

**(14) Question withdrawn**

**(15) Question by Councillor Mark Hemingway to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Lindley in the next three months?"

**The Cabinet Member responded thereto.**

**(16) Question Withdrawn**

**(17) Question by Councillor Vivian Lees-Hamilton to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Upper Hopton in the next three months?"

**The Cabinet Member responded thereto.**

**(18) Question by Councillor Donna Bellamy to the Leader (Councillor Mehboob Khan)**

"Has the Leader of the Council got any plans to visit Colne Valley Ward in the next three months?"

**The Cabinet Member responded thereto.**

**(19) Question by Councillor Graham Simpson to the Cabinet Member for Resources (Councillor David Sheard)**

"Following the changes in the way that the Housing Revenue Account (HRA) is being administered with money now being retained locally, could Councillor Sheard tell me what will be the projected increase to the HRA funding in Kirklees over a one year period?"

**The Cabinet Member responded thereto.**

**(20) Question by Councillor John Lawson to the Cabinet Member for Place (Councillors McBride/C Scott)**

"I note that the Labour run Council in Oldham is in the process of withdrawing funding for School Crossing Patrols. Can the Cabinet confirm that they have no similar process for any part of Kirklees?"

**The Cabinet Member responded thereto.**

**(21) Question by Councillor Andrew Pinnock to the Cabinet Member for Place (Councillor McBride)**

"Can the Cabinet Member please tell us how many planning applications there are currently to develop Provisional Open Land sites (i.e. land not allocated for housing in the UDP)?"

**The Cabinet Member responded thereto.**

**(22) Question by Councillor Linda Wilkinson to the Cabinet Member for Health, Well-Being and Communities (Councillor Walton/Calvert)**

"Unison has published the results of its 'Time to Care' survey of homecare workers. Their report paints a picture of a low paid and regularly undervalued group of workers who are propping up a failing system, either to their cost or to the cost of their patients and their dignity. For example, 79.1% of the 431 respondents said they had too many appointments booked in each day and they had to rush their visits or do overtime for no additional pay. Unison concludes that it is unethical for Council's to commission services that are delivered in this way?"

**The Cabinet Member responded thereto.**

**(23) Question by Councillor James Blanchard to the Cabinet Member for Place (Councillor McBride/Scott)**

"In December 2011 this Council agreed an amended notice which requested that Cabinet prepare a report on the introduction of 20mph zones in Kirklees. The motion agreed set a deadline of June 2012 for its presentation to Council. Can the Cabinet Member responsible please explain why no report has been tabled and when we might expect it to be put before Council?"



**The Cabinet Member responded thereto.**

**(24) Question by Councillor Cahal Burke to the Cabinet Member for Place (Councillor McBride/Scott)**

"At a recent Council Meeting Members were told that the long awaited Section 106 database would soon be available to Councillors and Officers. Could the Cabinet Member please provide an update on its delivery?"

**The Cabinet Member responded thereto.**

**85 Written Questions, under Council Procedure Rule 12, to Chairs of Committees/Sub-Committees/Panels and Spokespersons of Joint Committees/External Bodies**

**(1) Question by Councillor Phil Scott to Councillor Mehboob Khan (Chair of West Yorkshire Fire and Rescue Authority)**

"During the Bonfire Night period did the number of call outs the fire service had to deal with across the West Yorkshire go up or down when compared to last year?"

**Councillor Khan responded thereto.**

**(2) Question by Councillor Phil Scott to Councillor Mehboob Khan (Chair of West Yorkshire Fire and Rescue Authority)**

"When compared to 2011, what was the percentage increase this year in the number of primary and secondary and deliberate primary and deliberate secondary fire call outs the fire service has to respond to in Kirklees between the 4<sup>th</sup> and 8<sup>th</sup> of November?"

**Councillor Khan responded thereto.**

**(3) Question by Councillor Phil Scott to Councillor Mehboob Khan (Chair of West Yorkshire Fire and Rescue Authority)**

"Can the Chair of the Fire Authority confirm how many premises in Kirklees have been granted a licence to sell fireworks in the last 12 months and what the net cost to the fire service is for providing this service?"

**Councillor Khan responded thereto.**

**(4) Question by Councillor Phil Scott to Councillor Mehboob Khan (Chair of West Yorkshire Fire and Rescue Authority)**

"Does that Chair think increasing the cost of a licence would reduce the number of sales outlets and therefore reduce the chances that fireworks are used irresponsibly with the benefit of improving public safety whilst reducing the burden on the fire service?"

**Councillor Khan responded thereto.**

**(5) Question by Councillor Nicola Turner to Councillor Mehboob Khan (Chair of West Yorkshire Fire and Rescue Authority)**

"Would the spokesperson for the Fire Authority tell me how many Audi and Range Rover Evoque cars are being leased by the Fire Authority as Company Cars and at what annual cost?"

**Councillor Khan responded thereto.**

**86 Minutes of Meetings of Cabinet and Cabinet Committee - Local Issues**

The Minutes of Cabinet held on 25 September, 9 October, 23 October and 6 November 2012, together with the Cabinet Committee - Local Issues on 19 September 2012, were received for information.

**87 Cabinet Members Portfolio Plans**

Council noted the progress made in respect of the Council's Corporate Plan Priorities on

- (i) Engaging life chances for children and young people
- (ii) Supporting old people to be healthy, active and included

**88 Oral Questions/Comments to Cabinet Members on their Portfolios and on relevant Cabinet Minutes**

- (a) Councillor N Turner addressed a question to Councillor McBride (Cabinet Portfolio Holder for Place), raising concerns regarding the problems being caused by the Ale Trail in Marsden and Slaithwaite, and requesting support in dealing with anti social behaviour issues.

Councillor McBride replied thereto

- (b) Councillor Marchington made comment/raised concerns regarding the impact of road traffic works in the Milnsbridge area, complimenting Highways Officers on the quality of the works undertaken but questioning Cabinet decision making, specifically the consultation of Ward Members.

Councillor McBride replied thereto

- (c) Councillor Cooper addressed a question to Councillor McBride (Cabinet Member for Place) regarding flooding and traffic safety concerns relating to Stirley Hill Cemetery site.

Councillor McBride replied thereto

**89 Minutes of Other Committees**

The Minutes of the undermentioned Committee meetings were received for information:

- (a) Area Committee - Batley, Birstall and Birkenshaw - 26 June 2012.
- (b) Area Committee - Colne Valley - 19 July 2012.
- (c) Area Committee - Dewsbury - 10 July 2012.
- (d) Area Committee - Holme Valley - 28 June 2012.
- (e) Area Committee - Huddersfield - 7 August 2012.
- (f) Area Committee - Mirfield, Denby Dale and Kirkburton - 10 September 2012.
- (g) Area Committee - Spen Valley - 3 July 2012 and 21 August 2012.
- (h) Corporate Governance and Audit Committee - 23 November 2012.
- (i) Licensing and Safety Committee - 29 October 2012.
- (j) Overview and Scrutiny Management Committee - 1 November 2012.
- (k) Personnel Committee - 15 October 2012.

**Oral Questions/Comments, within the respective Terms of Reference, to Chairs of Committee/Sub-Committees/Panels and the Council's Nominated Spokespersons of Joint Committee/External Bodies**

- (a) Councillor Marchington addressed a question to Councillor Hughes (Chair of Huddersfield Area Committee) seeking information on how many grants to Community Organisations within the Greenhead Ward had been approved by the Area Committee in the past twelve months.

Councillor Hughes replied thereto.

- (b) Councillor Khan addressed a question to Councillor Ward (Chair of Mirfield, Denby Dale and Kirkburton Area Committee), seeking an update on the request to Area Committee funds to ensure long term sustainability of Shepley library.

Councillor Ward replied thereto.

- (c) Councillor Sheard made comment regarding the positive work of Spen Valley Area Committee, and highlighted a number of projects that had been supported with Area Committee funding.

- (d) Councillor Sims addressed a question to Councillor Sheard (Chair of Employee Relations Sub-Committee) regarding the heating of the Council Chamber.

Councillor Sheard replied thereto.

(At this point Council business was concluded due to a heating fault within the Chamber).