



**Assistant Director of Legal, Governance and Monitoring**

**Julie Muscroft**

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## Decision Summary

**Committee:**

**Date:**

**Committee Clerk:**

**TEL:**

**CABINET**

**TUESDAY 20 SEPTEMBER 2016**

**Andrea Woodside**

**01484 221000**

### **Chair**

Councillor David Sheard

### **Councillors Attended**

S Pandor, P McBride, N Mather, M Khan, V Kendrick, M Ahmed and G Turner

### **Attendees**

### **Co-optees**

### **Apologies**

Councillor Erin Hill

### **Observers**

Councillor Donna Bellamy  
Councillor Amanda Stubley  
Councillor Linda Wilkinson

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## **1: Membership of the Committee**

To receive apologies for absence of Members who are unable to attend this meeting.

Apologies for absence were received on behalf of Councillor Hill.

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## **2: Interests**

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

Councillor McBride declared a prejudicial interest in Agenda Items 14 and 18 on the grounds that he is a Board Member of Kirklees Stadium Development Limited, and left the meeting during the consideration of these matters.

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## **3: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

It was noted that Agenda Items 16, 17 and 18 would be considered in private session.

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## **4: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

No deputations or petitions were received.

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## **5: Public Question Time**

The Committee will hear any questions from the general public.

No questions were asked.

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## **6: Member Question Time**

To consider questions from Councillors.

Councillor Wilkinson asked a question to Councillor Mather regarding vehicle access to waste disposal sites, pursuant to the response of her earlier question at the meeting of Council on 14 September 2016.

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**7: A better service for children & young people – proposals for consultation**

A report seeking approval to commence consultation on the rationale, vision and principles of an Early Help offer relating to the provision of services to children, young people and families in Kirklees.

Officer: Kathryn Loftus: 01484 221000

1) That the proposals for consultation regarding the proposed future model of early help services be approved.

2) That officers be authorised to commence the consultation exercise, as detailed within the report, with current users of the Early Intervention and Targeted Support Service, and Integrated Youth Support Service.

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**8: Request for approval to consult on the implementation of a revised Adult Social Care Charging Policy**

A report seeking approval for the consultation exercise to take place on the revised Adults Charging Policy and the Deferred Payment policy.

Officer: Damian Crowther: 01484 221000

No decision (Item deferred).

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**9: 184 Wakefield Road, Moldgreen - Proposed Compulsory Purchase Order**

A report seeking approval to make a Compulsory Purchase Order (CPO) for 184 Wakefield Road, Moldgreen.

Officer: Julie Hyde

1) That the Assistant Director (Legal, Governance and Monitoring), be authorised to proceed with the making of a Compulsory Purchase Order for the land shown on 16-0334 under Section 226(1)(a) of the Town and Country Planning Act 1990 and all other enabling powers and submit the order to the Secretary of State for confirmation. The Order shall be called the Kirklees Council (184 Wakefield Road, Moldgreen, Huddersfield) Compulsory Purchase Order 2016.

2) That it be confirmed that, having considered Article 1 of the First Protocol to the Convention on Human Rights, it is in the interest of the community to make the Compulsory Purchase Order and that interference with Convention rights is considered to be necessary and justified.

3) That the Assistant Director (Legal, Governance and Monitoring) be authorised to confirm the Order, if there are no objections and if directed by the confirming authority, in accordance with Section 14a of the Acquisition of Land Act 1981.

4) That the Assistant Director (Place) be authorised to continue negotiations to attempt to acquire the property by agreement and that authority be given to make a discretionary loss payment in accordance with Section 33J of the Land Compensation Act 1973, if appropriate.

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## **10: Expanded Formal Pre-application Service & Development Management Officer Member Communication Protocol**

A report seeking approval to introduce the proposed changes to the Planning Services engagement with service users and members as set out in this report and the two appendices.

Officer: Mathias Franklin: 01484 221000

That the proposed changes to Planning Services engagement with service users, and Elected Members, as detailed within the report, be approved.

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## **11: Freehold Asset Transfer of Holmfirth Civic Hall, Huddersfield Road**

A report seeking approval for the transfer by the Council of the freehold of Holmfirth Civic Hall to Holme Valley Parish Council.

Officer: Mark Gregory: 01484 221000

1) That approval be given to transfer the freehold of Holmfirth Civic Hall from the Council to Holme Valley Parish Council for nil consideration, and to include covenants to ensure that the Civic Hall can be used for Community Use with an exception of up to 30% of commercial use, in line with previous asset transfers.

2) That it be noted that the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) have delegated authority to negotiate and agree the terms and red line boundary of the freehold transfer that relate to the transfer of Holmfirth Civic Hall to Holme Valley Parish Council.

3) That officers be authorised to give three months' notice of termination of Holme Valley Parish Council's tenancy at Holmfirth Council Offices from the date of legal completion of the transfer.

4) That, in the event that the transfer is not actioned within 6 months, the reasons for delay be reviewed at Assets Committee, and that further appropriate action be determined.

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## **12: Abandoned Waste Management Site, the Scotland Yard, Lockwood, Huddersfield**

A report seeking approval of activity and associated expenditure to deal with a fire and unauthorised activities at The Waste Management Site, The Scotland Yard, Lockwood

Officer: Joanne Bartholomew: 01484 221000

- 1) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring), to take all reasonable and necessary steps as detailed in the considered reports in order to ensure the safe removal of waste from the land and to negotiate and/or enter into suitable arrangements to do this using existing call off contracts, where appropriate, and in accordance with Council Contract and Procedure Rules.
- 2) That approval be given to spending up to the values as set out in the report for clearance of the land before a further Cabinet approval is required.
- 3) That the risks involved in the project, and the associated potential cost and time implications, be noted.
- 4) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) to take appropriate action(s) to recover the costs of clearance of the land from appropriate responsible parties, and that officers be asked to fully investigate the options of recovering the cost to the Council of the site clean-up.

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## **13: Leeds City Region - support for strategic housing sites, jobs and skills growth**

A report noting the role of the Leeds City Region Local Enterprise Partnership and Local Growth Fund in helping to bring forward strategic or challenging housing sites for delivery, helping to meet the Council's objectives in its Economic, Joint Health and Wellbeing, and seeking approval of the approaches as set out in the report.

Officer: James Hinchliffe

- 1) That the role of the Leeds City Region Local Enterprise Partnership and Local Growth Fund in helping to bring forward strategic or challenging housing sites for delivery, and helping to meet the Council's Economic, Joint Health and Wellbeing objectives, be noted.
- 2) That the approach to the development of strategic housing sites, as detailed within the considered reports, be approved.

3) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) to (i) conclude the legal arrangements or agreements necessary to enable the Local Enterprise Partnership offer of funding to be drawn down and utilised, to enable development to deliver housing and other infrastructure for growth in Kirklees (ii) progress appropriate negotiations with third parties to enable the development of housing and infrastructure and (iii) negotiate to purchase and assemble land where applicable to enable development sites to be brought forward.

4) That it be noted that a further report will be submitted to Cabinet to outline the support of the HCA and Local Enterprise Partnership in the North Kirklees Growth Zone.

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#### **14: Provision of loan facility to Kirklees Stadium Development Ltd (KSDL) for investment purposes**

A report seeking consideration of a proposal to provide a secured loan facility to Kirklees Stadium Development Ltd (KSDL).

Officer: Paul Kemp: 01484 221000

1) That approval be given to an offer of secured debt to Kirklees Stadium Development Limited (KSDL) to allow KSDL to invest to acquire a majority equity stake in the Snow Sports Centre Special Purpose Vehicle that will develop such a facility at the John Smith's stadium site, Huddersfield.

2) That the Assistant Director (Place), Assistant Director (Legal, Governance and Monitoring) and Assistant Director (Financial Management, Risk, IT and Performance) be authorised to enter into detailed due diligence on the documentation required to progress (1) above, and to progress negotiations on a loan to provide secured debt.

3) That authority be delegated to the Chief Executive, in consultation with the relevant Cabinet Member, to agree the final terms of the loan with KSDL and give consent on behalf of the Council to the terms by which KSDL makes its equity investment into the Special Purpose Vehicle for the Snow Sports Centre.

4) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to enter into any documentation required in connection with the loan to KSDL.

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#### **15: Exclusion of the Public**

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

That acting under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

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**16: Abandoned Waste Management Site, the Scotland Yard, Lockwood, Huddersfield**

Private report in relation to the public report above.

Officer: Joanne Bartholomew: 01484 221000

(This report is recommended to be taken in Private because the information contained in it is considered to be exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely affect overall value for money and could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in council decision-making.

It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely affect overall value for money, could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms and impact on potential legal action to be taken in relation to activities that have taken place at the site, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in council decision-making.)

Cabinet gave consideration to exempt information prior to the determination of Agenda Item 12.

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## **17: Leeds City Region - support for strategic housing sites, jobs and skills growth**

Private appendix in relation to the public report above.

Officer: James Hinchliffe

(The Appendix contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that it would not be in the public interest to disclose the information contained in the Appendix to the report, as disclosure could potentially adversely compromise the commercial confidentiality of negotiations with third parties, and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in Council decision making.)

Cabinet gave consideration to exempt information prior to the determination of Agenda Item 13.

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## **18: Provision of loan facility to Kirklees Stadium Development Ltd (KSDL) for investment purposes**

Private report in relation to the public report above.

Officer: Paul Kemp : 01484 221000

(This report is recommended to be taken in Private because the information contained in it is considered to be exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. The report contains commercially sensitive financial information about a third party. The report is recommended for consideration in private because it contains information relating to an individual, in that it contains commercially sensitive information about a third party who has an interest in investing in commercial development at the John Smith's Stadium site, Huddersfield. The public interest in maintaining confidentiality on the information, which, if made public would contravene data protection legislation and outweighs the public interest in disclosing the information for reasons of open governance.)

Cabinet gave consideration to exempt information prior to the determination of Agenda Item 14.

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