

M4CAB5

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KIRKLEES METROPOLITAN COUNCIL

CABINET

Wednesday 28 January 2004

Present: Councillor K Pinnock in the Chair
Councillors P Batty, Beever, Payne, A Pinnock, Raistrick, J R Smithson
and S A Smithson

Observers: Councillors Bolt, Khan and Light

Apologies for absence were received from Councillor Cooper

353 Minutes of Previous Meetings

RESOLVED - That the Minutes of the meetings of the Cabinet held on 7 and 14 January 2004 be approved and signed as correct records.

354 Admission of the Public

The Cabinet determined those items which would be considered in private session.

355 Public Question Time

Kath Jones a Mirfield resident asked a number questions in respect of the Review of Parks and Open Spaces undertaken recently. Ms Jones wanted to know whether all areas would be given the opportunity for a review. The Chair responded that the Council was in the early stages of consulting on the Local Development Framework which would review land use in all areas of Kirklees. In respect of Parks and Open Spaces Councillor J Smithson provided information on the Capital Programme of Investment. A document listing all the public parks and recreation areas in Kirklees could be provided. Ms Jones enquired whether Mirfield had been given the chance to undertake its own study with funding from Mirfield Area Committee. The Chair responded that this could be possible.

356 Policies for Older People - Proposals for Continued Developments (Councillor Payne declared a personal interest in this item on the basis that he is a Member of the Older People's Partnership Board)

The Cabinet considered a report giving a revised overview of current social care services for older people living in Kirklees and which recommended proposals for future services to be provided from five homes subject to consultation in 2003. The report proposed that a new

Kirklees run residential unit be built in South Kirklees to meet growing demand for the services for older people who have mental health problems. The report sought agreement for a protocol for managing the transition of residents from homes.

The report also gave information considered by the Multi Agency Partnership Board for Older People Services in Kirklees, sought approval for Officers to enter into procurement discussions for the new build and required Officers to return to Cabinet to present a report on expressions of interest received and detailed proposals for re-provision.

The Council's Policy for the future vision of services for vulnerable older people was determined by the full Council on 12 July 2000. The Policy was based on recommendations from the all party Services for Older People Policy Panel contained in the report "Improving the Quality of Life for Vulnerable Older People". The following three broad areas which were identified within the Policy remained central to the agenda for improvement:-

- (i) Developing an even wider spectrum of care services. These services needed to be able to cater for increasingly complex needs and also low key preventative services
- (ii) Developing services that had a preventative rehabilitative and recuperative element within their scope. These should run as a common thread through all services e.g., home care, day care, sheltered housing, residential care etc.
- (iii) Improving the quality of present services. This could mean providing services ourselves or buying services from different providers, constantly questioning who could offer users and carers the best service at the right price.

To date implementation of the policy had enabled development of a wide range of services to allow more older people to be supported at home and retain their independence. It had also enabled development of enhanced residential and supported living services.

As part as the continued implementation of this policy the Cabinet on 29 January 2003 approved the start of consultations in respect of potential changes to services currently provided at Moorlands Grange (Netherton), Oakes Villa (Oakes), Claremont House (Heckmondwike), Knowl Park House (Mirfield) and Ings Grove House (Mirfield). Proposals for future service development were debated at Cabinet and Council on 16 July 2003 and on 23 July 2003 by the Cabinet where the proposals were agreed in principle, subject to presentation of a further report addressing a number of issues raised. The decision of 23 July 2003 was:-

- (i) That Cabinet agrees in principle that it wishes to see the investment of £4m. of capital proceeds in order to develop a new pattern of services outlined in the submitted report
- (ii) That Cabinet restates the commitment that no residents should be required to move if there is a clinical assessment that identifies an unacceptable risk to that individual
- (iii) That before any decision is made to proceed with these changes Officers prepare a further report to the Cabinet that deals with the following matters:-
 - * The way that individual medical and social work assessments will be undertaken if these changes are proceeded with
 - * Further detail on the evidence that demonstrates how risks arising from moves and other changes for residents can be brought within acceptable limits
 - * An identification of different strategies for achieving these changes in ways which minimise disruption for residents together with the costs that will be associated with these approaches
 - * A detailed analysis of the balance that will exist between public sector and private sector provision given the best estimates of the likely demand for residential care in future years
 - * That the issues raised at today's meeting be taken on board in the report.

During the past five months further complex consultations had taken place particularly in regard to the wellbeing of residents living in the five homes which had been the subject of consultation. It remained the Council's priority to ensure the wellbeing of all its current residents in homes for older people and to secure appropriate and viable services of a high quality in future years for the next generation of older people.

A protocol was set out for supporting residents who would be affected by the proposals. Key issues included the proposals to ensure moves took place outside the Winter months and that where possible friendship groups would be supported to move together. In addition during this period changes in capital financial regulations had given opportunity for Officers to evaluate the possibility of new opportunities for the care and provision as well as the future of the buildings themselves. The Transitions Protocol would be used to support residents and relatives to consider options for alternative accommodation including moves to other Council homes if this is their wish and there would be opportunities for some staff to move from those homes being re-provided to other KMC homes.

Advice received from the Council's Health and Safety Section and Architect was that it would be unacceptable to redevelop facilities with residents remaining in situ. During the Autumn of 2003 the Government's intentions regarding capital borrowing became clearer through its announcement on prudential borrowing which enabled the Council to manage capital financing in a more flexible way.

The Capital Plan to be considered by the full Council on 3 March 2004 would include a further £3m. available for investment in services for older people. This meant that resources currently allocated within the draft Capital Plan to fund re-provision of services provided by these five homes was £7.1m.

The Council was required under the Human Rights Act 1998 to make decisions which do not breach the rights of individuals under the European Convention on Human Rights. The closure of homes and moves of service users had given rise to claims against other Local Authorities based on allegations that they had breached various articles of the European Convention of Human Rights and Human Rights Act 1998.

The Cabinet received advice from the Solicitor to the Council in respect of Article 2 which guarantees an absolute right to life, in respect of Article 3 which guarantees the absolute right not to be tortured or subjected to inhuman or degrading treatment and Article 8 which guarantees the right to respect for home and private life. The Courts had in various cases made it clear that Local Authorities could reasonably exercise their judgement on these issues. The advice of the Solicitor to the Council was that the Cabinet could reasonably reach a balanced decision that implementation of the programme and planned transfers following the protocol steps would not breach the Council's obligations under the European Convention of Human Rights and Human Rights Act.

The Cabinet heard representations from relatives of residents in the affected homes and from Roger Grigg on behalf of UNISON. The Cabinet noted that management and UNISON together needed to meet with staff to set out the facts and to reassure them. The Cabinet also heard representations from Councillors Bolt, Khan and Light. It was noted that 134 people are currently resident in the five affected homes against a total number of beds registered of 175.

It was proposed that:-

- * Claremont House be developed into a 40 bed residential establishment for older people with mental health needs
- * Knowl Park house be decommissioned as a residential home but retained to provide day services for older people by Kirklees Social Services.

- * Ings Grove House be developed as a 38 bed short break residential unit run by Social Services
- * Oakes Villa be decommissioned as a residential home but retained to provide day services for older people and become a base for assessment services, run by Kirklees Social Services
- * Moorlands Grange be developed into a 36 bed residential establishment providing assessment, rehabilitation and long stay residential beds. Non-residential intermediate care services also to be established on this site. The service to be managed and provided by Kirklees Social Services.

RESOLVED -

(1) That the proposals for the following homes which are set out in further detail in the report be approved:-

- * Claremont House - Heckmondwike Ward
- * Ings Grove House - Mirfield Ward
- * Knowl Park House - Mirfield Ward
- * Moorlands Grange - Crosland Moor Ward
- * Oakes Villa - Lindley Ward

(2) That the Transitions Protocol as set out in Appendix 1 of the report be agreed.

(3) That Officers be authorised to enter into procurement discussions with contractors to meet the requirements of Decision 1 above and to place an OJEC advert to determine expressions of interest and comply with European Procurement Legislation.

(4) That preparatory negotiations be authorised to take place for the provision of a new residential facility in South Kirklees for older people who have mental health problems.

(5) That Officers report back to the Cabinet as appropriate to advise them of the progress on the use of the Transitions Protocol to enable Members to consider the outcomes of the updated assessments and the proposals for alternative placements shortly before residents are asked to move.

357

Annual Audit Letter

The Cabinet received the Annual Audit Letter produced by the Audit Commission. The Letter summarised the conclusions and significant issues arising from the 2002/2003 Audit and Inspection Programme and commented on other current issues.

The Letter set out key messages. These included that the Council had once again been assessed as excellent in the way it served its local people and had made improvements in key service areas over the last year. The Council was well placed to further improve the way it works and

services it provides to local people. Over the last twelve months the Council had developed and published a new Performance Plan which included 16 corporate improvement priorities. These were built upon the Council's four strategic aims as well as Kirklees Partnerships Vision 2012 and had formed the centrepiece of much development work carried out this year.

Historically benefit processing had been one of the main weaknesses in the Council's service delivery but performance was now improving in this key area. This improvement was also supporting improvements in the Council's main income collection activities. The improvements achieved to date needed to be further progressed throughout the remainder of 2003/2004 to deliver the higher targets the Council was aiming for.

In common with other Local Authorities the Council was facing more demanding targets in future years for the publication of audited accounts. Progress in developing an accounts closure timetable for 2003/2004 would need to be kept under review to ensure that these earlier deadlines would be met.

It was noted that a response to the Audit Letter would be incorporated in the annual Council Improvement Plan presented to the Cabinet. The Audit Letter would be considered by the full Council meeting on 11 February 2004.

RESOLVED - That the Annual Audit Letter be received.

358 Environmental Waste Skelmanthorpe Depot - Essential Improvements

The Cabinet considered capital expenditure in 2003/2004 on essential improvements at Skelmanthorpe Cleansing Depot.

The report sought approval to spend £15,000 on minor structural related works at the Skelmanthorpe Cleansing Depot, deemed essential to bring working conditions to an acceptable level. This could be funded from the £87,000 capital reserve set aside in Environmental Waste Services for these types of work. No further capital expenditure was planned pending the outcome of a review of depot accommodation. Photographs showing the condition of the depot building were circulated at the meeting.

RESOLVED - That the proposed expenditure for 2003/2004 be approved in order that the proposed works may commence.

359 Modernisation Council Wide Initiative Supplementary Report 2003/2004

The Cabinet considered the funding of a new Management Priority Initiative and further support for a corporate priority.

£100,000 was requested to support a programme of Urban Street improvements which had been identified as a management priority Initiative. The work would be completed by the end of March 2004.

£50,000 was required to complete work on tidying Town Centre shrub beds in all Town Centres and to provide mulch.

£35,000 was required for the hire of three further ride on street cleaning machines which would allow a wider coverage of streets receiving mechanical cleaning and more frequent mechanical cleaning on arterial roads where pavements get dirty due to a combination of weather and some overspill from gritting between January and March 2004.

£10,000 was required to appoint two temporary staff to deal with further enforcement activity on litter and fly tipping.

£5,000 was required to improve lighting and generally tidy the Trinity Street Subway in Huddersfield.

£9,000 was required to support the roll out of a Project Management Handbook across the Council.

RESOLVED - That £100,000 from the Modernisation CWI Budget be allocated to support the programme of Urban Street Improvements and that £9,000 be allocated to support the rollout of Project Management across the Council.

360

Land at Westgate/Wilton Terrace, Cleckheaton

The Cabinet considered the principle of disposal of an area of land which is currently part of an area of open space at Westgate/Wilton Terrace, Cleckheaton.

A registered Social Landlord (Housing Association) wished to develop a supported living unit providing six units with warden accommodation for people with learning difficulties at the site. The required planning application had been submitted. The Cabinet was informed that on 8 January 2004 the decision was made to delegate planning approval to Officers subject to a more secure type of fencing being used and to a noise assessment being undertaken before a final decision is made. A final decision had not yet been made on the planning application by Officers.

The scheme fulfilled a need within the Council's Housing Strategy and approved development programme for 2004. The proposed unit would re-house Social Services clients, many of whom had lived locally for many years in a more old fashioned institutionalised Council establishment which was no longer conducive to delivery of new models of care.

The land vested with Housing Services who supported the proposal. It was not maintained open space but was vacant and adjoined a maintained area.

The proposal to dispose of this area of open space had been advertised in the local press and 14 objections received in response. Many of the objections referred to Planning and Highways matters.

The Cabinet heard representations from Mr Ellis and Ms Bell objecting to the proposed use of the site.

RESOLVED - That subject to planning permission being granted for the proposed development and also to terms being agreed for the purchase of land that disposal of the site be authorised.

361 Attendance at Annual Conference of the Chartered Institute of Housing

The Cabinet considered Member attendance at the Annual Conference of the Chartered Institute of Housing 15 to 18 June 2004 in Harrogate.

The Conference was an important event in the Housing calendar. In addition to providing a wide range of information from exhibitions and sessions it had enabled links to be forged with regional colleagues and other Lead Members. This assisted in policy development and collaborative approaches for tackling housing problems such as disrepair and market failure.

RESOLVED - That approval be given to the Lead Cabinet Member for Housing and Property and the Lead Scrutiny Member for Housing to attend the Annual Conference of the Chartered Institute of Housing on 15 to 18 June 2004 and that the Lead Cabinet Member provide a written report on the event.

362 Allocations Policy Re Employees of Kirklees Metropolitan Council and Kirklees Neighbourhood Housing Retiring and Leaving Tide Accommodation

The Cabinet considered future Rehousing Policy in respect of Council employees who live in tied accommodation.

RESOLVED - That a decision on this matter be deferred for further information in respect of the view of the Caretaker Liaison Group in respect of all the options in the report, guidance on ex-Servicemen classed as priority homeless, expectations on caretakers particularly in terms of their contracts and an indication of the length of service when employees retire.

363 Exclusion of the Public

RESOLVED - That acting under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following items 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, as specifically stated in each of the undermentioned Minutes.

364 Lease of Premises at Park Valley Mills, Meltham Road, Lockwood, Huddersfield

(Exempt information relating to terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property or supply of goods or services)

The Cabinet considered entering into a lease which was at a rental greater than open market value in respect of the Council occupying premises to be used as offices by Community Education following the Cabinet decision of 17 December 2003.

The Council occupied approximately 3,500 square feet of office accommodation and 28 car parking spaces at Park Valley Mills, Meltham Road, Lockwood, Huddersfield on a three year lease contracted out of the Landlord Tenant Act 1954. The accommodation was presently occupied by Fast Lane which was part of the Community Education and Regeneration Service within the Education Service. The report set out the terms of the lease.

RESOLVED -

(1) That the Council take the lease on the terms offered and accepted by the Education Service because this is in the best interest of the Council at present .

(2) That the Council accepts the risks identified in the report relating to possible increase in the rent, increase in service charge and the demand for a bond.

365 Former Dewsbury Public Baths, Old Westgate, Dewsbury

(Exempt information relating to terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services)

The Cabinet considered the potential sale of the former public baths in Dewsbury and whether the property should be placed on the open market for sale or offered to two special purchasers to put forward their best bids.

The former public baths in Dewsbury were currently held on a periodic tenancy. The tenant had approached the Council with a request to purchase a freehold interest in the property. The property was currently partly used as a club and the remainder was vacant and in poor condition.

The Council had also been approached by a company which would like to buy the former public baths.

RESOLVED -

(1) That the principle of sale of the former public baths to Bradbury Investments and Arrow Squash be approved.

(2) That approval of the terms be delegated to the Head of Design and Property Service.

M4CAB6

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KIRKLEES METROPOLITAN COUNCIL

CABINET

Wednesday 4 February 2004

Present: Councillor K Pinnock in the Chair
Councillors Battye, Beever, Cooper, Payne, A Pinnock, Raistrick, J R
Smithson and S A Smithson

366 Apologies for Absence

No apologies for absence were received.

367 Interests

Councillor Payne declared a personal interest in Agenda Item No. 8, West Yorkshire Pennine Local Access Forum, on the grounds that he is a representative of KMC at the Forum.

Councillor K Pinnock declared a personal interest in Agenda Item No. 16, St George's Warehouse, Huddersfield, on the grounds that she is a Board Member of Yorkshire Forward.

368 Admission of the Public

The Cabinet determined those items which would be considered in private session.

369 Objections to Proposed Traffic Regulation Order - Laneside Quarries, Kirkheaton

Cabinet received a report which requested that consideration be given to objections that had been received in respect of the proposal to introduce a weight restriction to protect the local communities from HGV traffic associated with quarrying and landfill operations at Laneside and Temple Quarries, Kirkheaton. The report indicated that planning approval had been granted to undertake quarrying and landfill operations at Laneside and Temple Quarries, which was likely to generate a significant level of Heavy Goods Vehicle movements in the area. Due to this, it was proposed that HGV access to the Quarries be restricted to the B6118, and in order to ensure this and protect the surrounding villages, a 7.5 tonne weight restriction would be applied to vehicles travelling on the minor roads through Kirkheaton, Lepton, Thornhill, Thornhill Lees, Bristfield, Grange Moor, Whitley and Hopton.

The report indicated that these proposals were formally advertised between 12 September and 6 October 2003 following a large public consultation exercise. It was noted that during this period five formal

objections and one letter of support were received. The considered report outlined details of the objections that had been received.

RESOLVED -

(1) That the Officer's proposal to introduce a weight restriction of 7.5 tonnes to vehicles travelling on minor roads through Kirkheaton, Lepton, Thornhill, Thornhill Lees, Bristfield, Grange Moor, Whitley and Hopton be implemented as advertised and that the objections to the Order, as detailed within the report, be overruled.

(2) That the Order be reviewed after 12 months of operation in order for its performance to be evaluated.

370 Objections to Proposed Traffic Calming Features at Longhill Road, Deighton

Cabinet received a report which requested that consideration be given to an objection to the introduction of traffic calming features on Longhill Road, Deighton. The report advised Cabinet that planning approval had been granted for phased development/redevelopment of housing in the Brackenhall area of Deighton. It indicated that a condition of the planning approval was to develop, consult and advertise proposals for a traffic calming scheme for the full length of Longhill Road, Deighton. Following the receipt of an objection in respect of the proposed traffic calming measures, discussions took place with the objector, K-Line Travel, and the proposals were revised. It was noted that the objection was then withdrawn by K-Line Travel and that the amendments to the scheme were advertised between 10 October and 3 November 2003. Cabinet noted that during this period one formal objection was received, details of which were outlined in the considered report.

RESOLVED - That the amended scheme for traffic calming features at Longhill Road, Deighton, be implemented as advertised and that the objection, as detailed within the report, be overruled.

371 West Yorkshire Pennine Local Access Forum

Cabinet received a report which indicated that on 23 April 2001, Kirklees Environment and Transportation Board had resolved to set up a joint Local Access Forum between Bradford, Calderdale and Kirklees Local Authorities. The report indicated that as the Regulations governing the establishment of the Forum were not published until 2002, the membership of the West Yorkshire Pennine Local Access Forum needed to be reviewed. It also indicated that it was necessary to confirm the appointment of the existing members of the Local Access Forum as a requirement under the Countryside and Rights of Way Act 2000, until the end of their current term of appointment in September 2004. It was requested that approval be sought to extend the period of office of existing members for a further three year period from that date.

RESOLVED -

(1) That the appointment of current members of the Forum, and an extension of their term of office, for a further three year period from the end of September 2004, be approved.

(2) That the funding of associated costs for performing the secretarial function be approved.

372 Priority Matrix for Applications to Divert or Stop-up a Public Right of Way/Applications to Amend the Definitive Map and Statement

Cabinet received a report which requested that consideration be given to a priority matrix for applications made to Highways and Transportation Services to "stop-up" or divert a public Right of Way and to amend the Definitive Map and Statement. The report indicated that Officers had the capacity to deal with approximately 12 applications per year and that the prioritisation matrix, as detailed within the report, sought to determine the order in which they would be considered.

RESOLVED - That the prioritisation matrix for scoring the priority of applications made to Highways and Transportation Services to stop-up or divert a Public Right of Way, and to amend the Definitive Map and Statement, as detailed within the report, be approved.

373 Consolidation of the Council's On-Street Parking Places Orders 1938 to 2002

Cabinet received a report which advised that the Council's On-Street Parking restrictions were currently contained within several legal Orders to which numerous amendments and variations had been made over recent years. It indicated that it was therefore proposed to consolidate the various Orders into one Order which would revoke the provisions of all of the existing Orders and would re-enact those provisions, without any changes of substance.

The report advised that the Consolidation Order would simplify the Council's administrative processes, particularly in relation to (i) the processing of prosecutions, (ii) the review of parking tariffs, (iii) responding to queries and requests for advice from members of the public, (iv) the supply of copies of the current parking provisions to members of the public. The report indicated that the Consolidation Order should lead to an improved performance by both Highways Services and the Legal Services.

RESOLVED - That the Solicitor to the Council be authorised to make an Order to consolidate the Council's On-Street Parking Places Order 1938 to 2002.

374 Hagg Wood, Woodhead Road, Brockholes and Netherthong - Agreement with Landowners

Cabinet received a report which sought approval for the Authority to enter into agreements with landowners containing restrictions, regulations, obligations and activities within parcels of land at Hagg Wood, Brockholes,

in order to improve the safety of the highway. The report gave details of measures that had been undertaken to improve the safety of the site though it stated that a permanent solution to the problems of obscured sightlines needed to be found.

Cabinet were advised that provisions contained within the Highways Act 1980 allow for the Council and the landowners to enter into formal agreements to restrict and regulate the use of land. It was noted that under these provisions Draft Agreements had been forwarded to the landowners for their agreement.

RESOLVED - That the Solicitor to the Council be authorised to complete the Agreements pursuant to Section 253 of the Highways Act 1980 in relation to the restriction of land use adjacent to the highway at Hagg Wood, Woodhead Road, Brockholes.

375 Housing Revenue Account - Revenue Budget 2004/2005

The Cabinet received a report which provided details of proposed rent increases for Housing Revenue Account and Non-Housing Revenue Account dwellings, an increase in service charges and other rents, an increase for concierge services, the management fee to be paid to Kirklees Neighbourhood Housing in 2004/2005 and the utilisation of balances.

Appendices to the report provided details on (i) the Housing Revenue Account Budget 3 year Summary (ii) the schedule of proposed 2004/2005 increases for rents and service charges, (iii) KNH Management Fee proposal for 2004/2005, (iv) Repairs and Maintenance Budget 2004/2005, (v) Housing Revenue Account Balances position and (vi) Budget Consultation at Housing Management Committees.

RESOLVED

(1) That the content of the report and the proposed rent increase of 3.1% for Housing Revenue Account dwellings and non-Housing Revenue Account dwellings be approved.

(2) That the increase in service charges and other rents, as outlined within the submitted report, in line with the retail price index of 2.8%, be approved.

(3) That an increase for concierge services of 2.8%, plus £2, be approved.

(4) That approval be given to the payment of the management fee (revenue) of £10.7m. to Kirklees Neighbourhood Housing in 2004/2005, together with the incorporation of the performance incentive element, as detailed within the report.

(5) That the proposals for the utilisation of balances, as described in Appendix 5 to the report be approved.

376 Member Attendance at Communications For Members Workshop
Cabinet received a report which sought authorisation for Councillor P Battye to attend a Communications for Members Workshop, to be hosted by the Improvement and Development Agency for Local Government, on 24 February 2004.

The report indicated that the theme of the Workshop fell within Councillor Battye's Cabinet Portfolio and that the cost of £200, would be met by the Director of Corporate Development.

RESOLVED -

(1) That the attendance of Councillor P Battye at a Communication for Members Workshop on 24 February 2004, be approved.

(2) That Councillor Battye be requested to submit a report to a future meeting of the Cabinet, providing details on the content of the Conference.

377 Exclusion of the Public

RESOLVED - That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items 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.

378 The DRAM Centre

(Exempt information relating to the terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract)

The Cabinet received a report which provided details of an amended package of Council financial support to the DRAM Centre Project.

RESOLVED - That approval be given for an additional capital contribution of £150,000 to the DRAM Centre Project, subject to the agreement of a fixed rental of £15,000 per annum being agreed with the DRAM Centre Board.

379 St George's Warehouse, Huddersfield

(Exempt information relating to the financial and business affairs of persons other than the Authority)

The Cabinet received a report which requested that consideration be given to the underwriting of one of the conditions of grant which was obtained to carry out a feasibility study and to undertake the first off-site works that would serve the future development of St George's Warehouse.

RESOLVED -

(1) That the Director of Regeneration be authorised to (a) accept the grant offers from Yorkshire Forward and European Development Fund and (b) procure the pedestrian link feasibility study and the Fitzwilliam Street/St John's Road junction works, as detailed within the report.

(2) That the need to set aside £95,000 in the Regeneration Capital Plan 2008/2009, in order to underwrite the conditions of the ERDS Grant, be noted.

380 Mental Health Act 1983 - Section 117 - Refund of Charges

(Exempt information relating to advice received from Counsel in connection with the determination of a matter affecting the Authority)

Cabinet received a report requesting that consideration be given to the backdating of refunds to clients who were charged for care provided under Section 117 of the Mental Health Act 1983.

RESOLVED - That approval be given to the repayment of the fees charged to clients who received care under Section 117 of the Mental Health Act 1983 and that such payments be back-dated to cover the charges levied to 28 July 1993.

381 Deighton and Brackenhall Initiative (DBI) - Approval of Phase 2 Site Development Proposals

(Exempt information relating to the amount of expenditure to be incurred by the Authority under any contract for goods or services, and to the financial and business affairs of persons other than the Authority)

The Cabinet considered the formal approval of the Phase 2 proposals submitted by Southdale Homes Ltd, under the terms of the DBI Partnership Agreement, delegating decisions for any minor variations to the Partnership Agreement for future phases to the Director of Housing and noted a general progress report on the Community Dividend generated by Land and Property sales as part of the scheme.

RESOLVED -

(1) That the proposals for development of the Deighton and Brackenhall Initiative Phase 2 be approved.

(2) That the transfer of the land at nil consideration under the terms of the Partnership Agreement, subject to receiving the necessary consents from the ODPM, be approved.

(3) That the overall progress being made with the Community Dividend of £401,108 and the additional dividend funds generated as overage from house sales on Phase 1 of £371,441 be noted.

(4) That approval be given for the Director of Housing, upon the advice of the Solicitor to the Council, to approve minor variations to the Partnership Agreement relating to the development in all its phases.

382 Compulsory Purchase of 39 Ruskin Grove, Sheepridge, Huddersfield
(Exempt information relating to information which, if disclosed to the public, would reveal that the Authority proposes to give under any enactment a notice under or by virtue of when requirements are imposed on a person)

The Cabinet received a report which requested that consideration be given to the approval of the Compulsory Purchase of 39 Ruskin Grove, Sheepridge, Huddersfield.

RESOLVED - That approval be given to proceed with the Compulsory Purchase of 39 Ruskin Grove, Sheepridge, Huddersfield, under the Town and Country Planning Act Section 226 (1)(a) 1990 and all other enabling powers, and to submit the Order to the Secretary of State for confirmation.