

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 30th June 2015**

Present: Councillor David Sheard (Chair)  
Councillor Steve Hall  
Councillor Peter McBride  
Councillor Graham Turner

Apologies: Councillor Jean Calvert  
Councillor Erin Hill  
Councillor Cathy Scott  
Councillor Viv Kendrick  
Councillor Shabir Pandor

Observers: Councillor Donna Bellamy

**25 Membership of the Committee**

Apologies for absence were received on behalf of Councillors Calvert, Hill, Kendrick, Pandor and C Scott.

**26 Minutes of previous meeting**

**RESOLVED** - That the Minutes of the meeting held on 5 May 2015 be approved as a correct record.

**27 Interests**

Councillor McBride declared an 'other' interest in Agenda Item 13 on the grounds that he is a Board Member of Kirklees Stadium Development.

**28 Admission of the Public**

It was noted that Agenda Item 19 would be considered in private session (Minute no. 43 refers)

**29 Deputations/Petitions**

No deputations or petitions were received.

**30 Public Question Time**

No questions were asked.

**31 Member Question Time**

No questions were asked.

**32 Implications of Supreme Court Ruling on Deprivation of Liberty Safeguards**

Cabinet received a report which provided information on the implications and impact of the continuing increase in the number of Deprivation of Liberty Safeguards applications being received by the Council, arising as a result of a Supreme Court judgement, and the risks associated with this increase.

The report advised that the Government had made £25m available nationally in 2015/2016 as a contribution towards the costs of Deprivation of Liberty Safeguards, and that the potential Kirklees allocation from this funding was £198, 387. In order to secure funding, Local Authorities were required to submit details of the work being undertaken to increase the efficiency of the Deprivation of Liberty Safeguards system, and to evidence where the use of Deprivation of Liberty Safeguards had improved the wellbeing of service users. Cabinet noted that the Kirklees submission had been made to the Department of Health and also the proposals as set out in the report regarding the use of the funds to alleviate the pressures upon the Authority.

The report set out fuller detail regarding the impact of the Supreme Court judgement in March 2014 which had changed the legal definition and the test for the Deprivation of Liberty Safeguards. The report advised of the impact of the judgement, both locally and nationally, and set out the implications for the Authority.

**RESOLVED -**

(1) That the funding received by the Council from the Department of Health as a contribution to the cost of Deprivation of Liberty Safeguards be allocated towards alleviating the pressures as set out within the report.

(2) That it be noted that the allocation of funding would assist the Council in meeting its statutory obligations in respect of Deprivation of liberty Safeguards.

(3) That the contribution of Deprivation of Liberty Safeguards activity to overall pressure on service provision be noted.

**33 Outcomes from the Statutory Consultation on the proposal about Primary Pupil Places in the Huddersfield South West area**

Cabinet received a report which set out the outcomes of the statutory consultation on proposals regarding primary pupil places within the Huddersfield South West area by (i) bringing together Thornton Lodge Nursery School, Dryclough CE (VC) Infant School and Crosland Moor Junior School, to create one all through voluntary controlled primary school for children aged 2 to 11 years, (ii) creating a new primary academy school to be located on the site of Moor End Academy and (iii) retaining Mount Pleasant Primary School.

The report set out details of the existing provision, consultation methodology, responses to the consultation and the financial implications of the proposals. Cabinet noted that, in terms of next steps, the proposed implementation date was from May 2016.

Appendix A to the report set out details of the consultees, and the consultation document was set out at Appendix B. The responses to the consultation were fully detailed at Appendix C.

**RESOLVED -**

(1) That, in regards to the amalgamation of Thornton Lodge Nursery School, Dryclough CE (VC) Infant School and Crosland Moor Junior School;

(a) The feedback in response to the statutory consultation, as set out within the report, be noted.

(b) It be noted that the consultation process has not raised any significant issues that have not previously been considered.

(c) It be noted that the Leeds Diocesan Board of Education are content to act as the Proposer of the new school within the Diocese of West Yorkshire and the Dales, and that the Officers of the Leeds Diocesan Board of Education will work closely with the Local Authority, Governors and staff of the three schools, to successfully implement the proposal.

(d) Approval be given for Officers to move to the next stage of the process and publish the statutory proposals and notices to bring together Thornton Lodge Nursery School, Dryclough CE (VC) Infant School and Crosland Moor Junior School as a single all-through voluntary controlled primary school for children aged 2 to 11 by (i) discontinuing Thornton Lodge Nursery School, Dryclough CE (VC) Infant School and Crosland Moor Junior School and (ii) establishing a new replacement Church of England voluntary controlled primary school proposed by the Diocese of West Yorkshire and the Dales.

(e) Officers be requested to carry out preliminary and preparatory work with Officers of the Leeds Diocesan Board of Education, parents, governing bodies and staff, to enable successful implementation (if the proposals are ultimately agreed) by engaging relevant parties as widely as possible in planning the changes and in building confidence in future cohesive and inclusive provision in the community.

(f) Approval be given for Officers to carry out further engagement with stakeholders as part of the period of representation and invite further comments for consideration prior to final decision making.

(g) The next steps and timescales for the subsequent stage of the statutory process be noted, and that a further report be submitted to Cabinet for decision at a future date.

(2) That, in regards to the establishment of a new primary academy on the site of Moor End Academy;

(a) The feedback in response to the statutory consultation, as set out within the report, be noted.

(b) It be noted that the consultation process has not raised any significant issues that have not previously been considered.

(c) Approval be given for Officers to progress to the next stage of the process and engage with the Department for Education and publish an invitation to bid document, in line with statutory requirements, and proactively seek proposals from academy sponsors.

(d) Officers be requested to carry out preliminary and preparatory work with parents, governing bodies and staff to enable successful implementation (if the proposals are ultimately agreed) by engaging relevant parties as widely as possible in planning the changes and in building confidence in the future cohesive and inclusive provision in the community.

(e) Officers be requested to continue to carry out preliminary and preparatory work in relation to the interim building solution that would be required for September 2016 and the permanent solution that would be required overall to deliver the proposals, if approved.

**34 Establishment of the Kirklees Economy and Skills Board**

Cabinet received a report which set out proposals for the establishment of the Kirklees Economy and Skills Board with the intention of creating effective planning, governance and accountability arrangements to drive the delivery of the Economic Strategy. The report advised that the Board would not have any statutory responsibilities but would have a primary responsibility to maximise the influence of the district within the West Yorkshire Combined Authority and Leeds City Region local enterprise partnerships structures. In addition, the Board would also present a local, consistent, and combined private and public leadership to deliver the economic vision as defined in the Kirklees Economic Strategy.

Cabinet noted that the Membership of the Board would involve partners from the education and private sectors alongside Senior Elected Members and Council officers, comprising a minimum of 5 and a maximum of 9 Members.

The Terms of Reference were attached as an Appendix to the report.

**RESOLVED -**

(1) That the establishment of the Kirklees Economy and Skills Board be approved, and that recruitment to the Board be undertaken as detailed within the report.

(2) That it be noted that the establishment of the Board would strengthen the district's influence and representation in the City Region Local Enterprise Partnership/West Yorkshire Combined Authority structures, and support increased levels of investment in the district.

**35 Term Dates for the Academic Years September 2016 to July 2017 and September 2017 to July 2018**

Cabinet received a report which set out proposed dates for the academic year September 2016 to July 2017, and September 2017 to July 2018. It was noted that the Council, as the Admission Authority, had responsibility for determining the term dates of community, special and voluntary controlled schools.

The specific term dates for the academic years 2016-2017 and 2017-2018 were set out within the context of the report. It was noted that statutory regulations required 195 school days to be identified within any academic year. The Kirklees policy for determining school dates was set out at Appendix 1.

**RESOLVED -**

(1) That it be noted that the Kirklees Policy for school terms dates generates dates for 2016/17 and 2017/18 where there are some variations between the proposed dates in Kirklees when compared with the dates set by neighbouring authorities.

(2) That it be noted that, following consultation, the start date of the autumn term 2016/2017 and 2017/2018 be adjusted to the first Monday in September which supports the learning and attendance for children, and brings Kirklees in line with the majority of neighbouring authorities.

(3) That the collective view of the majority of consultees, supporting the adoption of the term dates, be noted.

(4) That the term dates for the 2016/2017 and 2017/2018 academic years, as set out in appendices 3 and 4 of the report, be approved, and that it be noted that the number of school days is in accordance with the statutory requirements.

**36**

**Proposed introduction of Public Space Protection Orders**

Cabinet gave consideration to a report which sought authorisation to introduce Public Space Protection Orders, as defined in the Antisocial Behaviour, Crime and Policing Act 2004, and for authorisation for future orders to be defined within a schedule of delegated authority. The report explained that the new Public Space Protection Orders proposed would (i) extend controls of street drinking to cover the route of the ale trail, (ii) extend current Dog Control Orders, (iii) allow for easier action to be taken in instances of public urination and (iv) put controls on nuisance caused by amplified busking. It advised that failure to abide by the Order's would result in the issuing of Fixed Penalty of £100 (with an early repayment reduction of £60). Cabinet noted the legal and financial implications of the scheme, as set out in paragraph 3 of the report.

**RESOLVED -**

(1) That a consultation process for the introduction of Public Space Protection Orders be undertaken.

(2) That, following the completion of the consultation exercise, authority be delegated to the Director of Place, in consultation with the Assistant Director (Legal, Governance and Monitoring), to introduce Public Space Protection Orders in accordance with the regulations as set out in the Anti-Social Behaviour, Crime and Policing Act 2014.

**37**

**Council Capital Outturn & Rollover Report 2014-15 and Capital Investment Plan 2015/16 - 2019/20 Inclusive of Rollover**

Cabinet received a report which detailed the Council's capital expenditure and funding for the year 2014-2015, and explained the variances from the capital plan as

approved by Council in July 2014. The report highlighted an underspend of £51.9m, which represented a 38% variance from budget.

Cabinet noted that the capital plan for 2014/2015, as revised by Council on 16 July 2014, totalled £126.7m and that following quarter three adjustments, the capital plan control total was £134.6m. Subsequent amendments, as set out at appendix 1, resulted in a total of £136.5m at the end of the financial year.

Appendix 2 to the report set out the capital plan outturn 2014-2015. An analysis of major variances from the updated capital plan was detailed in appendix three and appendix four set out information relating to prudential indicators.

**RESOLVED -**

(1) That £7 million uncommitted rollover be removed from the Capital Investment Plan as detailed in paragraph 3.10a of the report.

(2) That the £127,000 uncommitted balance of grant (school broadband) be applied against the capital elements of the Digital Infrastructure rollover bid (£444,000) being considered as part of the Revenue Outturn and Rollover report, as detailed in paragraph 3.10a of the report.

(3) That the potential liability for the Business Innovation and Skills grant repayment be transferred to Risks and Pressures, as detailed in paragraph 3.10a of the report.

(4) That £2 million of additional capital investment be included within the Strategic Asset Utilisation priority to meet cost pressures relating to clearance works at strategic sites, as detailed in paragraph 3.12 of the report.

(5) That a new strategic priority be established which provides match-funding for European Grant opportunities and that the priority be allocated £3 million over two years, as detailed in paragraph 3.12 of the report.

(6) That resources of £9 million be included within the Capital Investment Plan so that an option to offer a loan facility to Kirklees Stadium Development Ltd can be explored, as detailed on paragraph 3.14 of the report.

(7) That the updated Capital Investment Plan be approved and referred to the meeting of Council on 29 July 2015.

**38**

**Annual Report on Treasury Management 2014-15**

Cabinet received a report which detailed Treasury Management Activity for the previous financial year, 2014 to 2015, and reviewed borrowing and investment performance. The report provided information on borrowing and investment strategy, investment activity, borrowing requirements and debt management, the economy and interest rates, trends in activity, and risk and compliance issues. Cabinet noted that the effect of reduced borrowing requirements, additional balances and the continuation of low interest rates would be reflected in the revenue budget monitoring reports during the year.

**RESOLVED** - That the review of Treasury Management activity 2014/2015 be noted.

**39 Council General Fund Revenue Outturn & Rollover 2014-15**

Cabinet received a report which was the final in an agreed quarterly cycle of consolidated Revenue Budget Monitoring statements during the financial year. The report presented the revenue outturn figures for 2014-2015, and made recommendations on the levels of rollover to be permitted in 2014-2015, and the use of reserves and balances including the proposed re-designation of existing rollover reserves built up from previous year approvals.

Cabinet noted that the Council's net revenue budget for 2014-2015 was £324.1m and that this approved budget reflected a planned net saving requirement of £14m in 2014-2015. The report advised that there was an net early achievement of savings of £4.5m, equivalent to 1.4%.

Appendix 3 to the report summarised rollover proposals which related to one off developments that would help the Council achieve forward budget plans. Cabinet noted that the rollover proposals recommended a balanced and prudent approach that took risks and challenges into account.

**RESOLVED -**

(1) That the Revenue Outturn Position for 2014-2015, as detailed in Appendices 1 and 2 of the report, be noted.

(2) That the Revenue Rollover Proposals, as set out in the Revenue Rollover Report and Appendix 3, be approved

(3) That the use of other Corporate Reserves be noted.

(4) That recommendations (1) to (3) be referred to Council on 29 July 2015 for approval.

**40 Housing Revenue Account (HRA) - Financial Outturn 2014-15**

Cabinet received a report which provided information on the revenue and capital outturn of the Housing Revenue Account 2014-2015. It was noted that this was the third year of operation under a self-financing arrangement.

The report provided information on the year end reserves position and base summary of the revenue outturn and reserve position at the year end was set out in Appendices 1 and 2. Cabinet were asked to note that the Council Treasury Management Policy which underpinned capital financial charges incurred by the Housing Revenue Account formed part of the wider Council Treasury Management Strategy report, and also that the Capital outturn position form part of the wider capital plan outturn and rollover update report.

Cabinet noted the key budget variances in the Housing Revenue Account outturn budget, as set out in paragraph 2.3 of the report, specifically in relation to repairs and maintenance, which reflected a £3.3m underspend, equating to 14%, and also in relation to housing management which represented a 4% variance of £1.4m.

Information regarding variances to the capital outturn budget were detailed at paragraph 2.5.

**RESOLVED -**

(1) That the 2014-2015 year end Housing Revenue Account Revenue and Capital Outturn be noted.

(2) That the 2014-2015 year end Housing Revenue Account reserves position be noted.

(3) That the Council's Treasury Management Policy underpinning the capital financing charge incurred by the Housing Revenue Account 2014-2015, which forms part of the wider Council Annual Report on Treasury Management, be noted.

(4) That it be noted that the Housing Revenue Account Capital Outturn position forms part of the wider Council Capital Plan Outturn and Rollover update report.

**41 Old Leeds Road Huddersfield: Exit Agreement**

Cabinet received a report which set out the decision of the Chief Executive, through the use of emergency powers, to authorise that the Council enter into an exit agreement with Tesco Stores Ltd and other Tesco Group Companies following the decision by Tesco that it would not be proceeding with the new store development at Old Leeds Road.

The report advised, that following negotiations between the Council and Tesco, the Chief Executive had exercised emergency powers on 8 May 2015 for the Council to enter into an exit agreement to provide for (i) the parties to withdraw from the agreement for sale 2010, (ii) the Council to retain its land at Old Leeds Road, (iii) Tesco to transfer its land at Old Leeds Road to the Council and (iv) an appropriate settlement from Tesco to the Council.

It was noted that the Council, Tesco and other group companies had completed the exit agreement on 18 May 2015 and that consequently, the Council now owned the entire development site between Southgate, Leeds Road and Old Leeds Road.

**RESOLVED -** That the report be noted.

Cabinet gave consideration to exempt information at Agenda Item 19 (Minute number 43 refers) prior to making a determination on this matter.

**42 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 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.



- 43 Old Leeds Road Huddersfield: Exit Agreement**  
(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. It was considered that the disclosure of the information would be contrary to confidential terms and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information and providing greater openness in the Council's decision making.)

Cabinet received exempt information relating to the decision of the Chief Executive for the Council to enter into an exit agreement from the sale of land at Old Leeds Road, Huddersfield.

This information was considered prior to the determination of Agenda Item 17 (Minute number 41 refers).