

Public Document Pack



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Monday 17 August 2015

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 25 August 2015**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Cabinet members are:-

Member

Councillor David Sheard
Councillor Jean Calvert

Councillor Steve Hall
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Peter McBride
Councillor Shabir Pandor
Councillor Cathy Scott
Councillor Graham Turner

Responsible For:

The Leader
Community Development, Councillors involvement in
a New Council, including Councillor Development
Place - Planning, Highways and Open Spaces
Family Support and Child Protection
Prevention, Early Intervention and Vulnerable Adults
Transportation, Skills, Jobs and Regional Affairs
Schools and Learning
Housing and Relief of Poverty
Resources and Community Safety

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

**Wards
Affected:**

2: Minutes of previous meeting

1 - 20

To approve the Minutes of the meeting of the Committee held on 2 June, 16 June and 30 June 2015.

**Wards
Affected:**

3: Interests

21 - 22

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.

**Wards
Affected:**

4: 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.

**Wards
Affected:**

5: 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.

**Wards
Affected:**

6: Public Question Time

The Committee will hear any questions from the general public.

**Wards
Affected:**

7: Member Question Time

To consider questions from Councillors.

**Wards
Affected:**

RESOURCES AND COMMUNITY SAFETY

8: Corporate Revenue Financial Monitoring Report, Quarter 1, 2015-16

23 - 32

A report presenting the Revenue Financial Monitoring statement for

2015-16, as at Quarter 1.

Officer: Eamonn Croston: 01484 221000

Wards

Affected: All Wards

9: Housing Delivery Plan - Small Sites Project

33 - 76

A report seeking approval of the sale of sites and endorsing the process for disposal of the sites.

Officer: Mark Gregory: 01484 221000

Wards

Affected: Batley East; Batley West; Birstall and Birkenshaw; Colne Valley Dewsbury East; Dewsbury West; Heckmondwike; Kirkburton; Liversedge and Newsome

10: Freehold Asset Transfer of the Public Toilets on Towngate, Holmfirth to the Holme Valley Parish Council

77 - 82

A report seeking approval to transfer the freehold of public toilets on Towngate, Holmfirth to the Holme Valley Parish Council.

Officer: Jonathan Quarmby 01484 221000

Wards

Affected: Holme Valley South

11: Freehold Asset Transfer of the Public Toilets on the South east side of the Village Holme, Holmfirth to the Holme Village Residents Association

83 - 88

A report seeking approval to transfer the freehold of public toilets on the south east side of the Village Holme near Holmfirth, to the Holme Village Residents Association

Officer: Jonathan Quarmby 01484 221000

Wards

Affected: Holme Valley South

PREVENTION, EARLY INTERVENTION AND VULNERABLE ADULTS

12: Revised Independent Sector Residential and Nursing Home Fees 2015/16 89 - 92

A report seeking approval to increase the fees paid to independent sector residential and nursing home providers to reflect the impact of the 2015 increase in the national minimum wage.

Officer: Keith Smith 01484 221000

Wards

Affected: All Wards

PLANNING, HIGHWAYS AND OPEN SPACES

13: Land at Bradford Road, Dewsbury – former Safeway site 93 - 100

A report seeking approval for the marketing and disposal of the Council owned land at Bradford Road, Dewsbury.

Officer: Andrew Jackson 01484 221000

Wards

Affected: Dewsbury East

14: 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.

Wards

Affected:

15. Land at Bradford Road Dewsbury - former Safeway Site

101 -

3

124

Private report in relation to Agenda Item 13.

Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. It is considered that disclosure of the information could prejudice negotiations regarding the disposal of the land and the Council obtaining best consideration. The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

Officer: Andrew Jackson: 01484 221000

Wards

Affected: Dewsbury East

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 2nd June 2015

Present: Councillor David Sheard (Chair)
Councillor Jean Calvert
Councillor Steve Hall
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Peter McBride
Councillor Shabir Pandor
Councillor Cathy Scott
Councillor Graham Turner

1 Membership of the Committee

No apologies for absence were received.

2 Interests

No interests were declared.

3 Admission of the Public

It was noted that all Agenda Items would be considered in public session.

4 Deputations/Petitions

No deputations were received.

5 Public Question Time

No questions were asked.

6 Member Question Time

No questions were asked.

7 Capital Funding of Highway Maintenance

Cabinet received a report which set out details of changes in external grant funding for highway maintenance, the potential impact upon the development of the road maintenance programme and a revised prioritisation method for streets for repair within the unclassified Road Programme.

The report indicated that in January 2014 the Department for Transport had announced a review of how the six year national funding package of £5.853 billion for highway maintenance in England (outside London) was allocated. The outcome of the review was that the Department for Transport grant allocation for highway maintenance would change for the 2015/16 year, and also for future years. It advised that the funding package had been top sliced to create two new funds over and above the traditional needs element that were subject to bids and assessments for an authority to attempt to gain some of the top sliced funding back and reduce the cut. Paragraph 2.4 of the report set out a breakdown of the Department for Transport calculation of the needs element of maintenance grant for Kirklees in 2015/2016.

The report proposed that, during 2015/16 and 2016/17, (i) the local community roads budget and the Ward Members Scheme budget are combined into one Unclassified Road Budget (ii) a prioritised list of roads to resurface, reflecting the asset management need, would be prepared for each District Committee (including officer recommendations) whereby District Committees would have the opportunity to add roads they considered to be a priority and would establish and rank a forward programme for Cabinet approval (iii) the available budget to each District Committee would reflect parking income by district (iv) that the Unclassified Road Budget be spent only on either adopted roads or pavements and (v) that a sum of £250k be set aside within the Unclassified Roads Budget for spending on pavements were their condition presents a risk to the authority in terms of the potential for accidents and subsequent claims.

RESOLVED -

(1) That the changes to the DfT grant funding provision for highways maintenance, as detailed in the report, be noted.

(2) That the proposed prioritisation method for streets for repair as set out in paragraph 2.8 of the report be approved.

8 Return to Statutory Provision in School Transport

Cabinet received a report which provided a summary of the first phase of public consultation on the return to statutory provision in school transport. Cabinet noted that the consultation had invited views on the proposal to remove from the Council's Policy for home to school transport arrangements, the provision of transport assistance where children travel to school that has been chosen on the basis on a parents or child's religion or belief. The report also set out the possible impacts that removing this assistance would have upon school admissions and the relevant local transport networks.

The report advised that the Council currently provided transport assistance to 456 pupils who chose to travel to a school based upon religion or belief, the cost of which was £116k per annum. It advised that neighbouring Authorities had previously implemented the removal of such transport provision and that implementing this would therefore put the Council in line with other Authorities.

Cabinet noted that the public consultation had attracted 926 responses, of which 72% agreed that the Council should end the provision of free travel to faith schools.

The report advised that an analysis was currently being conducted by the School Organisation and Planning Service in order to produce a list of the nearest schools with available places for the 456 children currently in receipt of transport assistance to faith schools in order to demonstrate the possible impact on school admissions in the event that parents decided to remove their child from their current school as a result of the free transport provision ceasing.

It advised that early indications showed that most of the 456 pupils would fall under the qualifying distance and would not be entitled to transport support in the future, realising a saving of £111k.

RESOLVED -

(1) That the proposed policy as set out at Paragraph 5.4 of the report be supported.

(2) That, pursuant to (1) above, Officers be directed to draft a revised policy for further consideration by Cabinet; and that (i) a report be submitted appraising Cabinet of the implications for Council in relation to the Public Sector Equality Duty and (ii) the draft policy shall expressly refer to the relevant statutory guidance and the Council's legal duties and discretionary powers in relation to school transport.

9 Kirklees Cares - Transformation Challenge Award project

Cabinet received a report which provided details of the 'Kirklees Cares' project, which was targeted at helping some of the most vulnerable young people in the area by using a new approach to supporting care leavers. The report advised that Kirklees Cares would create a new peer mentoring service for care leavers, along with making other service improvements, and sought to reinforce the Council's commitment to young people. Cabinet noted that the project was funded via a £400k grant which had been successfully gained from the Department for Communities and Local Government as part of the Transformation Challenge Award. It advised that Kirklees Cares was also closely linked to the Council priority of early intervention and prevention by providing support at an early stage so that people were less likely to need acute services in the future. The project was considered to have a wide range of benefits and had been designed to transform the outcomes for young people who were making a difficult transition into an independent life after being a looked after child/young person. The expected benefits of the approach were set out in paragraph 2.5 of the report.

Cabinet noted that the Kirklees Cares project aimed to achieve its outcomes through (i) providing a new model for leaving care services, integrating voluntary peer and practical support with existing looked after children and care leavers service (ii) providing partnerships with the private sector to provide advice and services to care leavers and (iii) ensuring mobile connectivity for care leavers.

Cabinet noted that the setup of the scheme would take place during April to September 2015, and that it would be delivered from October 2015 onwards.

RESOLVED - That the content of the report, the expected benefits of the approach to care leavers, and the Council's community commitment that all young people leaving Council care will be in employment, education or training, be noted.

10 Proposal to change the upper age range of Ravenshall School from 16 to 19 years.

Cabinet received a report which set out the outcomes of the non-statutory consultation on the proposal to change the upper age range of Ravenshall School from 16 to 19 years. The report advised that the non-statutory consultation had been carried out over a period of over 4 weeks with key stakeholders and that 126 written representations had been received. Paragraph 6.1 of the report set out an analysis of the responses received. Appendix C of the report provided all responses received and the notes of the Governing Body consultation meeting which had taken place on 1 April 2015. Cabinet noted that, if implemented, the change was expected to be effective from September 2016.

RESOLVED -

(1) That the feedback to the non-statutory consultation, and officer commentary addressing the issues raised, as set out in paragraph 6 of the considered report, be noted.

(2) That approval be given for Officers to publish the statutory proposal and notice to change the upper age range of Ravenshall School from 16 and 19 years.

(3) That the timescale for the subsequent stage of the statutory process be noted and that a further report be submitted to Cabinet during October 2015.

11 Representations received from the published statutory notices on proposals affecting specialist provision for children with special educational needs.

Cabinet received a report which advised on the outcome of the statutory processes for the statutory proposals by the Council to (i) discontinue the six transitional places for children with speech language and communication needs at Flatts Nursery School and (ii) reduce the number of transitional places for children with physical impairments from 16 to 15 across both Rawthorpe St James CE (VC) Infant & Nursery and Rawthorpe Junior School.

Cabinet noted the non-statutory consultation had been carried out from 7 January 2015 to 3 February 2015. On 10 March 2015 Cabinet had received a report detailing the outcomes of the consultation and the views expressed by stakeholders during a consultation were described in detail within the Cabinet report. At this meeting the Cabinet agreed to proceed with the statutory processes for the proposal for Flatts Nursery School, Rawthorpe St James CE (VC) Infant and Nursery School and Rawthorpe Junior School. During the 4 week representation period no representations were received.

It was noted that, if approved, officers would support and work with the relevant Governing Bodies at Flatts Nursery School, Rawthorpe St James CE (VC) Infant and Nursery School and Rawthorpe Junior School to finalise arrangements for

pupils, parents and staff and other stakeholders in order to ensure that effective plans were formulated in order to implement the proposals from 1 September 2015.

RESOLVED -

(1) That the advice of the Kirklees School Organisation Advisory Group regarding the validity of the proposals be noted.

(2) That it be noted that (i) all statutory processes have been carried out and (ii) decisions regarding the proposals will be taken within the statutory time period.

(3) That the outcomes and recommendations of the Kirklees School Organisation advisory Group held on 28 April 2015, and the associated officer recommendations for the proposals, be noted.

(4) That the Human Resource and Financial Implications of approving the proposals be noted.

(5) That approval be given to the following without modification or condition;

(i) The discontinuation of provision of six transitional places for children with speech, language and communication needs at Flatts Nursery School and;

(ii) The reduction of the number of transitional places for children with physical impairments from 16 to 5 at both Rawthorpe St James (VC) Infant and Nursery School.

(6) That it be confirmed that full regard has been given to the Equalities Impact Assessment in terms of meeting the obligations of the Equality Act 2010 and the Public Sector Equality Duty 2011 throughout the statutory process for the proposal including the decision to approve.

12 Early Review of 2014-15 Council General Fund Revenue Outturn

Cabinet received a report which set out details of proposals in relation to (i) Capital Funding in relation to short life assets which would generate additional general fund treasury revenue savings of approximately £295k per annum from 2015-2016 onwards and (ii) maximising revenue reserves to roll forward support 2015/2018 medium term financial plan, including the redirect of existing reserves totalling £3m to support 'journey to New Council'. It was noted that the finalised revenue outturn and capital outturn and funding positions for 2014/15 would be reported to Cabinet and Council during July 2015 through the Annual Revenue and Capital Outturn and rollover reports.

Table 1, as set out at paragraph 2.7 of the report, provided an overview of the general fund revenue outturn position for 2014/15 after taking account of the capital funding and reserves proposals set out within the report. Table 2, as set out at paragraph 2.10, provided an overview of the general fund capital outturn and funding position.

The report advised that the £295k per annum additional treasury management saving from 2015/16 onwards, resultant from the capital funding proposal for short life assets would be factored into the annual review of the Council's 3 year Medium Term Financial Plan, in preparation for 2016 to 2019 it advised that the impact on the prudential borrowing ratio (General Fund) to net revenue stream was an estimated reduction of 0.1% per annum to 13.09% by 2017 to 2018, compared to the current approved capital budget plans over the period.

RESOLVED -

(1) That approval be given to the proposed revenue contribution of £2.1m to support capital funding of short-life assets in 2014/2015, with a corresponding reduction in planned borrowing, resulting in £295,000 treasury management savings over a 7 year period from 2015-2016 onwards.

(2) That it be noted that the savings as referred to in (1) above be factored into the annual re-fresh of the Council's Medium Term Financial Plan for the 2016-2019 period.

(3) That approval be given to the proposed use of reserves as part of the final accounts process 2014-2015, including the re-direct of £3m existing rollover reserve to support the 'Journey to New Council', and maximising the workforce restructure reserve available to support 2015-2016 Medium Term Financial Plan.

(4) That the impact of (1) and (3) above on the overall general fund revenue outturn and capital outturn positions for 2014-2015 be noted and that a report be submitted to Cabinet and Council in July 2015 including 2014-2015 rollover considerations.

13 Corporate Performance Report - Quarter 4, 2014-15

Cabinet received a report which provided an overview of the Council's performance in relation to the Corporate Plan and Service Delivery Plans for 2014/15 as at the end of Quarter 4. Cabinet noted that the report had been based upon (i) an overall summary of the performance information submitted from services and evaluation by the Corporate Performance Team (ii) the production of detailed draft Directorate reports highlighting escalations, risks and good performance (subject to approval by Directorate Management Teams) (iii) identified organisational cross cutting themes based on the analysis and challenge and (iv) a summary of the outcomes and achievements of the 2014/15 delivery plan actions in relation to two key strategies.

Cabinet noted that the report was the fourth quarterly performance for 2014/2015, which demonstrated progress against the Council's Corporate Plan and Service Delivery Plans for 2014 to 2015.

RESOLVED - That the Quarter 4, 2014-2015 Corporate Performance Report, be noted.

Contact Officer: Tish Barker

KIRKLEES COUNCIL

CABINET

Tuesday 16th June 2015

Present: Councillor David Sheard (Chair)
Councillor Jean Calvert
Councillor Steve Hall
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Peter McBride
Councillor Shabir Pandor
Councillor Cathy Scott
Councillor Graham Turner

- 14 Membership of the Committee**
All Cabinet Members were present.
- 15 Minutes of previous meetings**
Minutes of meetings of Cabinet held on 21 April and 5 May 2015 were agreed as a correct record.
- 16 Interests**
No interests were declared at the meeting.
- 17 Admission of the Public**
All items were considered in public session.
- 18 Deputations/Petitions**
No deputations or petitions were received by Cabinet.
- 19 Public Question Time**
No questions were asked at the meeting.
- 20 Member Question Time**
No Member questions were asked at the meeting.
- 21 Sands Recreation Ground, Holmfirth, Extension to Skate Park**
Cabinet considered a report setting out emergency action taken by the Chief Executive in relation to proposals for the development within the Recreation Ground

on Sands Lane, Holmfirth, next to Holmfirth Pool of an extension to the Skate Park. The considered report set out the funding in the sum of £80k that had been raised by the Friends Group and Cabinet noted that, to allow completion of the Skate Park by the summer holidays 2015, the contract to undertake the work had been let.

Cabinet noted that the fund raising had been undertaken by the Isacc Atkinson Memorial Fund who had set out the intension of building an extension of the Skate Park as a facility for children and young people of Holmfirth and the wider community.

RESOLVED - That the information on the letting of the contract for works on the extension to the Skate Park, as set out in the considered report be noted.

22 Statement of Community Involvement

Cabinet considered a report seeking the endorsement to consult on a revised draft Statement of Community Involvement, a copy of which was attached at Appendix 1 to the considered report. The draft Statement of Community Involvement set out how the Council would work with communities and stakeholders to develop planning policy documents such as the Kirklees Local Plan or guidance on specific issues.

The report indicated it was intending to go for consultation on the draft statement for a four week period, 1 July to 30 July 2015 and comments received during this period would be analysed and a revised document produced.

RESOLVED -

(1) That the draft Statement of Community Involvement (SCI) be endorsed as set out at Appendix 1 to the considered report and that the Director of Place be authorised to commence the consultation exercise.

(2) The Officers be authorised to analyse and revise the document in light of representations received and to produce a revised SCI to be reported to Cabinet for approval as an executive function and Council for adoption, if appropriate.

23 Business Rates Review

Cabinet considered a report updating Members on the Council's response to the review of business rates proposed by HM Treasury, produced as a result of concerns from many business rate payers, that business rates are in need of reform to make them fit for purpose in the 21st Century economy. The report set out information on the response that had been made to the consultation exercise and which had been submitted to HM Treasury in accordance with their consultation deadline on 12 June 2015.

RESOLVED - That the response to Government as set out in the considered report be noted.

24 The final report of the West Yorkshire Lower Paid Workers' Group

Cabinet considered the final report of the West Yorkshire Combined Authority Lower Paid Worker's Group, which had been established and commissioned to explore collective approaches to answer the question as to what more could be done to support our lowest paid workers.

Cabinet - 16 June 2015

The considered report set out the key lines of enquiry of the group, which made ten recommendations in the form of the West Yorkshire Combined Authority Low Paid Charter, which was set out in the considered report.

Cabinet agreed that officers should prepare a response that details progress being made in Kirklees on this issue in response to the ten recommendations set out in the considered report and agreed that the report should be referred to Council for discussion at its next meeting.

RESOLVED -

(1) That the report be approved and that Officers be requested to prepare a response that details the progress being made in Kirklees on this issue in response to the ten recommendations set out in the considered report.

(2) That the report be referred to Council for consideration at its next meeting.

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).

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KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Name of meeting: Cabinet
Date: 25th August 2015

Title of report: Corporate Revenue Financial Monitoring Report, Quarter 1, 2015-16

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Is it in the Council's Forward Plan?	Yes
Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by <u>Director</u> & name	David Smith, 12 August 2015
Is it signed off by the Director of Resources?	Yes
Is it signed off by the Assistant Director - Legal, Governance and Monitoring	No legal implications
Cabinet member portfolio	Resources

Electoral [wards](#) affected: All
Ward councillors consulted: None

Public or private: Public

1. Purpose of report

- 1.1 This report is the first in an agreed quarterly cycle of consolidated revenue budget monitoring statements to be presented to Cabinet during the course of the financial year.
- 1.2 This report, and the accompanying Appendices A & B presents an overall forecast revenue outturn for 2015-16, as at Quarter 1, including commentary on emerging developments and risks.
- 1.3 The report also includes a summary update on Council reserves also included at Appendix A.

2. Key points

GENERAL FUND

- 2.1 The Council's general fund net controllable revenue budget for 2015-16 is **£314.1million (m)**, and includes a (net) budget reduction of £10m.
- 2.2 Overall, there is a reported Quarter 1 forecast **net overspend position of £783k or 0.2%**, against the **£314.1 m** net controllable revenue budget, as summarised at Appendix A.
- 2.3 Within the overall forecast, there are net Directorate pressures totalling £13.1m; includes demand led pressures on Adults at £4.4m, Children & Young People at £2.9m, and Waste Services at £650k.
- 2.4 There is also a specific pressure on Public Health budgets of £1.6m, impacted on by the government intention to clawback Council public health grant allocations in-year, as part of the overall July 8 budget announcement.
- 2.5 Elsewhere within Place, schools transport is reflecting a current overspend of £1.1m , and this was also acknowledged as part of the formal budget approval process for 2015-18 to be a continuing area of budget risk.
- 2.6 The above pressures have been mitigated in-year partly through Better Care Funding applied of £2.2m to Adults demand led pressures, and Central (contingency) budget set aside to mitigate Directorate pressures, totalling £1.9m.
- 2.7 The Quarter 1 projections also include the proposed drawdown of "one-off" earmarked reserves totalling £5.6m, to mitigate both the volume element of demand led pressures, and other service pressures. These are set out in more detail at Appendix B attached.
- 2.8 There is also a balance of £2.5m Central budget forecast underspend; mainly £1.7m Treasury Management & reflects the impact of previous Cabinet approvals to apply available capital receipt/grant/revenue funding to service debt.
- 2.9 Appendix B to this report summarises key forecast variances across Directorate and Central budget activity, as at Quarter 1.

COLLECTION FUND

- 2.10 The Collection Fund forecasts here are based on Council shares of Collection Fund income due. There is a forecast in-year surplus of £1.8m on Council tax; equivalent to 1.2% against budget income of £141m; mainly due to council tax income collection performance in excess of targeted.
- 2.11 There is a current forecast nil variance against business rates income of £51.4m. There remains the potential for this forecast to change significantly, depending on the outcome of outstanding back-dated valuation appeals currently with the Valuation Office, and for which a £7.5m provision has been set aside in the accounts to mitigate.

HOUSING REVENUE ACCOUNT (HRA)

- 2.12 There is a forecast surplus of £1M against the ring-fenced HRA; equivalent to 1.0% against annual budgeted turnover (income) of £96m. The most significant variance is (£516k) relating to repairs and maintenance; less than anticipated costs on empty homes and responsive repairs. HRA surpluses or deficits at each year end transfer to HRA reserves. The budget announcement on 8 July with regard to a proposed 1% per annum rent reduction over the next 4 years, has significant financial implications for the HRA, and this is covered in the section below (para 2.17).

EMERGING DEVELOPMENTS / RISKS

CHANCELLOR'S JULY 8 BUDGET ANNOUNCEMENT

- 2.13 The Chancellor's budget announcement on 8 July 2015 included the in-year (2015-16) clawback of £200m public health grant nationally. Kirklees estimated share of the clawback is £1.6m, and this is factored into the Quarter 1 monitoring projections. This estimate is subject to current government consultation which runs to the end of August, setting out options for the saving. It is not yet known whether or not the in-year grant reduction will inform the new baseline grant allocation for future years.
- 2.14 There is the possibility of central government departments requesting further in-year grant reductions, including current proposals by the Ministry of Justice to reduce Youth Justice Board grant allocation; potential impact on Kirklees, £87k in-year specific grant reduction. This proposal is currently out to consultation and is not reflected in quarter 1 monitoring.
- 2.15 Government has also deferred Phase 2 of the Care Act, relating to the capping of client contributions towards their care costs, originally to be implemented from 1 April 2016. This has now been deferred to 2020. At this stage it is not known whether or not Government will review the national Care Act New Burdens grant previously incorporated into the 2015/16 national funding settlement. Kirklees grant allocation in 2015-16 is £1.97m of which £600k has been drawn down to date.
- 2.16 There was also a headline announcement regarding significant increases in the current national minimum wage for the over 25's, rising from the current £6.50 per hour, to £7.20 from 2016-17, to £9 per hour by 2020.

The Local Government Association has estimated that the overall cost pressures on Local Government, who are the major purchasers of these services, could be in excess of £1 billion resultant from a minimum wage uplift to £9 per hour by 2020.

The Council implemented a local living wage from April 2015 at £7.88 per hour, and the financial implications of this were factored into approved budget plans. Consideration would need to be given to the impact of any future national minimum wage uplift relative to the Council's current local living wage hourly rate.

- 2.17 Another key announcement concerns proposals to achieve government target welfare spend reductions by 2020; including the proposal to reduce Council housing and registered provider rents by 1% per annum for each of the following 4 years after 2015-16. Effectively about two-thirds of total social housing rents are supported by housing benefit. It is expected that these proposals will be formalised into a forthcoming Housing Bill later in the year, along with other housing related proposals.

This will have a significant impact on the whole social rented housing sector. The impact on Kirklees HRA is a forecast reduction in annual (base) rental income, in excess of £10m per annum by 2020. To put this into perspective, current year budgeted rental income is £84m. The £10m calculated annual rent reduction by 2020 is based on a comparison of what government previously allowed for as annual rental increases across the sector (Consumer Price Index or CPI, plus 1%) compared to the current proposal for a 1% per annum reduction over each of the next 4 years. The calculation is also based on current HM Treasury CPI forecasts over the next 4 years.

Senior officers will be working closely with lead members over the coming months to undertake a more wide ranging assessment of the impact and implications for HRA over the medium term.

- 2.18 There were no specific proposals to revise the national funding allocation (revenue support grant) in-year. However, the Office of Budget Responsibility set out updated public sector expenditure forecasts to 2020 as part of the 8 July budget announcement. These suggest, albeit heavily caveated, that there may be scope for government to review the profile of future year public sector funding reductions across years, and how this may translate to specific local government funding reductions to 2020, compared to current MTFP forecasts. A further report updating the MTFP will be presented to Cabinet on 22 September and Council on 7 October 2015.
- 2.19 Officers will continue to report back to Cabinet through the quarterly monitoring process on emerging national developments and risks, including specific impacts on in-year monitoring. The autumn spending review, which government has announced will be 25 November, will provide further clarification. In preparation for the forthcoming budget round, the Council's budget strategy update report 2016-19, due to Cabinet and full Council early October, will take into account emerging national intelligence where appropriate, including the above.

OTHER

- 2.20 Responsibility for existing clients funded by the Independent Living Fund transferred to Councils from the Department of Works & Pensions, from 1 July 2015. This includes a funding transfer to meet transferred client cost commitments to year end, by way of an un-ring-fenced grant. Members are asked to approve that the £704k funding allocation for Kirklees to cover July to 31 March 2016, be applied for the purposes as set out above. Future year funding allocations will be confirmed as part of the autumn spending review.

- 2.21 The Council has received a further un-ring-fenced Special Educational Needs (SEN) grant allocation of £265k in 2015-16, in addition to the grant allocations for in the previous 2 years, to support the implementation of the Children & Families Act. Members are asked to approve that this funding be applied for the purposes as set out above, managed through the Learning & Skills Service.

GOVERNANCE ARRANGEMENTS – NEW COUNCIL PROGRAMME BOARD

- 2.22 Council Financial Procedure Rules allow for the Director of Resources to delegate budget management responsibility for cross-directorate activity, to a particular Director. The summary reporting format as set out at Appendix A reflects the fact that the Chair of the New Council Programme Board, Director of Economy & Skills, has been given delegated overall budget management responsibility for approved budgets in scope as part of the economic resilience and early intervention & prevention theme work.
- 2.23 Cabinet on 28th July 2015 gave approval to delegate responsibility for spend against the £2.85m New Council Developments Reserve, to the Director of Resources, to support the effective management of the Council's capacity risks associated with the delivery of a New Council.

The Chair of the New Council Programme Board will make more detailed recommendations to the Executive Team in-year, and through the quarterly monitoring report, report to Cabinet in-year on commitments against this reserve. As at Quarter 1, commitments against the £2.85m total an estimated £200k to date; additional temporary senior management capacity within Commissioning, Adult & Public Health to backfill for existing senior management capacity supporting the cross-Directorate early intervention & prevention theme work.

3. Implications for the Council

- 3.1 The Council Budget Report 2015-18 to full Council on 18 February 2015 includes the use of £27.2m available Council general fund "one-off" balances over the medium term financial plan, and a further £4.4m earmarked reserves, to support the MTFP; £31.6m in total.
- 3.2 The use of available "one-off" balances is part of the medium term budget strategy and is intended to buy the Council time to be able to plan ahead for the scale of continuing budget reductions required over the 2015-18 period.
- 3.3 The updated reserves position of the Council, as at Quarter 1, 2015-16 is shown at Appendix A. The proposed drawdown of £5.6m earmarked reserves in-year to mitigate volume / service pressures reflects the Council's continued approach to the management of budget risk in-year.
- 3.4 While the Council overall general fund position is broadly on line with budget, within the overall forecast position there are a number of

significant in-year pressures being mitigated by a combination of one-off reserves, and external funding contribution through Better Care Funding; the sustainability of the latter beyond 2015-16 subject to future clarification in conjunction with health partners.

In order to ensure that the longer financial position is affordable the council will need to deliver in line with the MTFP. As well as exploring additional service redesign and transformation proposals to bridge the anticipated financial shortfall over the medium term and address the longer term demographic and service volume pressures.

4. Consultees and their opinions

This report has been prepared by the Director of Resources in consultation with the Executive Team.

5. Next steps

Cabinet to consider officer recommendations below.

6. Officer recommendations and reasons

Members are asked to :-

- i) note the forecast position at Quarter 1 for the general fund, housing revenue account and collection fund,
- ii) approve the drawdown of £5.6m from earmarked reserves for volume/service pressures,
- iii) approve the use of £246k Special Educational Needs grant allocation in 2015-16 to support Children & Families Act implementation, managed through Learning & Skills Service,
- iv) approve use of £704k Independent Living Fund, funding transfer from Department of Works & Pensions, to meet transferred client cost commitments, managed through Adults service,
- v) note Director of Resources delegated responsibility to the Chair of new Council Programme Board (Director for Economy & Skills) for overall budget management responsibility of cross-directorate theme related budgeted activity, and
- vi) note £200k commitments to date against the £2.85m New Council Developments Reserve.

7. Cabinet portfolio holder recommendation

The portfolio holders support the officer recommendations.

8. Contact officer and relevant papers

Eamonn Croston, Strategic Council Finance Manager
01484 221000

9. Director responsible

David Smith, Director of Resources
01484 221000

APPENDIX A

CORPORATE REVENUE BUDGET MONITORING 2015/16 - MONTH 3

Directorate	Net		Variance £000s	Pressures offset by BCF £000s	Pressures offset by Reserves £000s	Adjusted Forecast Outturn £000s	Adjusted Variance £000s	
	Controllable Budget £000s	Forecast Outturn £000s						
	Children & Young People	61,417						
Commissioning, Public Health & Adults	83,325	91,309	7,984	(2,250)	(3,132)	85,927	2,602	3.1%
Place	32,803	35,506	2,703	0	0	35,506	2,703	8.2%
Resources	32,823	32,150	(673)	0	0	32,150	(673)	-2.1%
Communities, Transformation & Change	6,376	6,248	(128)	0	0	6,248	(128)	-2.0%
Cross-Directorate Themes	38,462	38,318	(144)	0	0	38,318	(144)	-0.4%
Sub-total	255,206	268,345	13,139	(2,250)	(5,606)	260,489	5,283	2.1%
Central Budgets - contingencies offsetting Directorate pressures	1,988	0	(1,988)	0	0	0	(1,988)	
	257,194	268,345	11,151	(2,250)	(5,606)	260,489	3,295	
Other Central Budgets	62,260	59,748	8	(2,512)	0	59,748	(2,512)	-4.0%
Public health grant contribution to MTFP	(6,403)	(6,403)	0	0	0	(6,403)	0	0.0%
Sub-Total	313,051	321,690	8,639	(2,250)	(5,606)	313,834	783	0.3%
District Committee managed budgets	1,059	1,059	0	0	0	1,059	0	0.0%
General Fund Total	314,110	322,749	8,639	(2,250)	(5,606)	314,893	783	0.2%

Housing Revenue Account (HRA)

Repairs & Maintenance	24,041	23,525	-516	0	0	23,525	-516	-2.1%
Housing Management	33,239	33,192	-47	0	0	33,192	-47	-0.1%
Other expenditure	28,715	28,557	-158	0	0	28,557	-158	-0.6%
Sub-total 85,995		85,274	-721	0	0	85,274	-721	-0.8%
Income -95,735		-96,029	-294	0	0	-96,029	-294	0.3%
Surplus/deficit for year		-9,740	-10,755	-1,015	0	-10,755	-1,015	10.4%
Planned appropriation to reserves	9,740	10,755	-1,015	0	0	10,755	1,015	

Collection Fund forecast (Council Share)	Council Tax	Business Rates
	£000s	£000s
Actual Opening balance 1 st April 2015	(4,342)	5,234
Planned contribution to/(from) General Fund 2015/16	1,200	(5,200)
In-year forecast	(1,848)	0

Updated reserves position**(Appendix A continued)****GENERAL FUND**

	Reserves as at 1/4/15	Reserves commitments over MTFP period 15-18	Remaining reserves	Comments
	£m	£m	£m	
Statutory	(24.0)	24.0	-	Schools related reserves
Earmarked	(64.4)	64.4	-	Commitments include £5.6m drawdown against in-year pressures
Risk based	(9.0)	-	(9.0)	Contingency reserve
General Reserves (balances)	(38.0)	33.0*	(5.0)	Remaining reserves reflects minimum balances held
Grand Total	(135.4)	121.4	(14.0)	

HOUSING REVENUE ACCOUNT

	Reserves as at 1/4/2015	Reserves commitments over MTFP period 15-18	Remaining reserves	Comments
	£m	£m	£m	
General reserves (1)	(35.8)	34.3	(1.5)	See note (1)
Major Repairs reserve (2)	-			See note (2)
Grand Total	(35.8)	34.3	(1.5)	

Notes

- (1) includes £9m set aside to support strategic HRA Council priorities, £8.5m set aside for business income risks (welfare reforms – direct payments to tenants); £16.8m to support current & longer term HRA capital plan requirements ;£1.5m working balance
- (2) opening balance of nil reflects the fact that there is an in-year contribution from HRA (annual depreciation charge - currently £15.6m) which is then fully committed in-year to support HRA capital plan and pay down HRA debt. Statutorily this reserve cannot be used for any other purpose.

Highlight variances

Appendix B

Directorate	Activity	Highlight Variances (before BCF/ reserves) £000	Better Care Fund (BCF) applied £000	Earmarked Reserves applied £000	Additional comments on Highlight variances (before BCF/reserves applied)
Children & Young People	Safeguarding & family support ; demand led activity	+2,955		(2,006) *	+£993k fostering; +£1,702k external placements (includes £300k less Clinical Commissioning Groups income than expected)
	Disabled Children's Services	+376		(224) *	additional direct payments
	Child Sexual Exploitation Team	+244		(244)	Pressure on CSE Team; to be met from reserves in 15/16;
	Sub-total	+3,575		(2,474)	
Commissioning, Public Health & Adults	Placement equivalent demand	+4,494	(2,250)	(1,900) *	Older People +£600k; Physical Disabilities +£600k; Learning Disabilities +£2.4m; mental health +£900k BCF funding allocation not factored into budget plans
	(Older People) In-house residential	+614			Mainly agency costs re sickness / vacancies
	Best Partnering	+197			Savings not realised
	Deprivation of Liberty safeguards (DOLS)	nil		(41)	DOLS pressure £239k mainly offset by gov't grant £198k, plus balance from reserves
	Public health expenditure	+872			Incl timing issue on sexual health & substance misuse new contracts +£1,156k & £300k staff vacancy offset
	Public Health Income	+1,680		(1,191)	Our current estimate of gov't in-yr PH grant clawback; part offset by 'uncommitted' PH grant reserves (balance of £0.8m PH reserves committed)
	Sub-total	+7,857		(3,132)	
Place	Waste Services	+651			Contract waste/landfill costs; demand led
	Street cleansing	+560			Changes to working practices & employee reductions – slippage on MTFP savings
	PRP –schools transport	+1,103			+£648k Increased volumes of pupils ; +455k slippage on procurement savings
	Capital delivery & development	+234			Incl. reduced income streams, esp. architects
	Sub-total	+2,548		-	
Resources	Customer & exchequer services	(363)			Includes some vacancy mgt and additional recovery of Housing benefit overpayments

Directorate	Activity	Variance (before reserves) £000	Better Care Fund (BCF) applied £000	Earmarked Reserves applied £000	Additional comments on variances
Resources (continued)	Legal & Governance	(209)			Includes (£322k) support for Council as democratic organisation; part offset by Legal +£112k (currently internal trading – under review)
	Sub-total	(572)		-	
CTC	Support services	(150)			HR Professional - vacancies held
	Sub-total	(150)		-	
Cross-Directorate themes	Economic resilience & early intervention & prevention	(144)			
	Sub-total	(144)		-	
	Central budget contingencies used to offset Directorate pressures	(1988)			Base budget set aside as part of approved MTFP to support Directorate pressures (balance of uncommitted Care Act new Burdens gov't grant £1.3m plus £618k supplementary rev support grant allocation)
Central Budgets	Treasury Management	(1,700)			Net effect of £10.5m capital receipt/revenue contribution/capital grant applied to service debt, plus underspend on cap plan.
	Joint committees	(812)			Mainly one-off refund from ITA (combined authority) re previous years contributions not used, plus joint services charge less than expected
	Sub-total	(4,500)	-	-	
	Grand total (highlight variances)	8,614	(2,250)	(5,606)	

*reserves applied here to volumes element of demand led pressures

HRA	Repairs & Maintenance	(516)			Empty homes (£282k) ; responsive repairs (£282k)
	Income	(293)			Mainly lower voids (£173k)
	total (highlight variances)	(893)	-	-	



Name of meeting: CABINET

Date: 25th August 2015

Title of report: Housing Delivery Plan – Small Sites Project

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Is it in the Council's Forward Plan?	Yes/ No or “not applicable” If yes give date it first went in
Is it eligible for “call in” by Scrutiny?	Yes
Date signed off by <u>Director</u> & name Is it signed off by the Director of Resources? Is it signed off by the Assistant Director - Legal & Governance?	- Jacqui Gedman, Director of Place – 27 th July 2015 - David Smith, Director of Resources – 24 th July 2015 - Julie Muscroft, AD Legal, Governance and Monitoring – 13 th August 2015
Cabinet member portfolio	Joint portfolio Place/Resources/Communities

Electoral [wards](#) affected:

Kirkburton, Denby Dale, Colne Valley, Newsome, Batley East, Batley West, Dewsbury West, Dewsbury East, Liversedge and Gomersal, Heckmondwike, Birstall and Birkenshaw

Ward councillors consulted: Yes

Public or Private: PUBLIC

1. Purpose of report

The Council owns the freehold of a large number of sites which are not being considered as part of the Local Plan process. These sites are typically less than 0.4 hectares and will support up to a maximum of 10 dwellings, although typically the developments will be for less than five dwellings per site.

The sites will have a mixed usage history– from garage sites to slum clearance and many will form vacant open space within residential areas

These sites are seen as key to supporting the economic resilience of the district through the delivery of new additional housing stock, it is also the intent to use this project to stimulate and grow the local house building industry to further support the growth of the local economy.

A high level review of the councils land and property has revealed the potential to create in excess of 250 houses from small sites but ultimately will be dependent on site assessments.

2. Key points

2.1 The decisions before cabinet

The sites to be brought forward for development are typically vacant and may have had informal uses such as car parking or public realm.

The intention is to sell these sites through a public bidding process and cabinet are asked to consider and endorse the approval of the disposal of all sites listed in Appendix A

- a. and in particular in relation to those sites where notices have yet to be placed advertising the disposal, the disposal should be subject to the requirement to observe the provisions of Section 123 (2A) – Public Open Space – see Appendix B - and to return to Cabinet in respect of any objections;
- b. The consideration of the objections raised in relation to the disposal of the sites listed in Appendix B and having considered those objections the approval of the disposals;
- c. That Cabinet notes and approves the method of disposal – see 2.3 below

2.2 Determining sites as surplus

All sites have been evaluated by officers for their strategic value in providing wider economic benefits, and have been appraised for restrictive covenants, encroachments and developability. The sites contained in Appendix A have been assessed and considered suitable for potential development.

A number of sites function as green/open space within residential areas, these are not sites which are allocated as Public Open Space in Planning terms or identified as such within the Unitary Development Plan. These sites could support residential development.

In accordance with our statutory obligations these sites have been advertised for withdrawal as other “open space”, which requires advertising under section 123 (2A). Affected sites and objections received are attached at Appendix B

2.3 Process of disposal

The intention will be to hold two events (in Huddersfield and Dewsbury) at which all of the confirmed sites will be available for consideration. It is the intention to principally target small and medium local house builders and developers but this will be open to everyone. In addition to the sites for sale, there will be representation from wider initiatives and opportunities (such as the Apprenticeship Hub and the Business Hub) which will provide a wider range of opportunities and support.

The confirmed sites will be advertised, on the council’s land and property web page up to 2 weeks prior to the events. This will allow interested parties to

view the site particulars; expected value; legal documentation and planning information in advance of the events.

Bids will be invited and the sale will be awarded to the highest bidder. It is intended that the deadline for the receipt of offers will be 4 weeks after the event. If the sale is not agreed, or does not progress, the site may be offered to the next highest bidder; if this offer is greater than the minimum agreed value.

A draft bidding proforma is attached at Appendix C and prospective bidders will be encouraged to provide additional information to assist in gaining knowledge around the social value of the project.

2.4 Budget

The cost of preparation of sites varies but is typically in the region of £6,500 to £7,000. The preparation costs include for example – Officer time; legal time; planning application submission; ecology reports; topographical reports; flood risk reports; highway reports; noise reports; environmental reports; searches and so forth.

An anticipated potential capital receipt for a typical plot of land to house a single plot could be in the region of £20-30k; a double plot could be in the region of £35-50k and a large detached plot could be in the region of £60k+ but there is a note of caution that these will not be actual net receipt values when considering the preparation costs and officer time. Other factors that could also impact on a potential capital receipt are impossible to determine due to things such as location, supply, demand and competition.

Valuations have not been completed for a number of sites but for illustration purposes only, if it was assumed all sites were medium sized sites and used the lowest valuation (£35k for a double plot), and if all 21 sites were sold, the minimum amount received would be £735,000 in capital receipts. The net value, assuming the highest costs of £7,000 per site, would be £588,000.

Potential additional income from New Homes bonus (NHB) and Council Tax (CT), if the target of 250 units was met, could be in the region of £1.65m over 6 years in NHB and £275k per annum in CT if the units were split between Band A – 100; Band B – 80 and Band C – 70. This calculation is for illustrative purposes only.

3. Implications for the Council

Planning applications have been submitted for the sites listed as 1-10 and 20-21 in Appendix A. The intention is to submit planning applications for the remaining sites in the future.

All of the sites, except number 18 on Appendix A, have also been advertised for the removal of the Public Open Space, the remaining site (number 18), will be advertised at the appropriate time. These have had a number of objections raised and cabinet are asked to consider comments and objections in their decision making.

Cabinet are asked to note that certain sites have received a number of objections which have been considered by officers and deemed inconsequential.

4. Consultees and their opinions

Ward members have been consulted on the recommendations for disposal in this report. For the sites listed at 10 to 19 on Appendix A, ward member comments are attached at Appendix D.

The sites listed from 1 to 9 and 20 to 21 on Appendix A were consulted on in December 2014.

All sites have been evaluated through the Planning process and deemed suitable for residential development.

5. Next steps

Subject to Cabinet approval officers will:-

- a) Inform Local builders and interested parties of the project timescales and advertise sites for disposal on a dedicated council web site
- b) Arrange two event days and commence marketing
- c) Submit planning applications for the remaining sites
- d) Advertise for the removal of Public Open Space for the remaining site

6. Officer recommendations and reasons

It is recommended that:

- 6.1 Cabinet approves the sale of the sites comprising of open space listed in Appendix A but subject to there being no objections received in response to the notices advertising the disposal of the open space; Any objections received as a result of outstanding POS notices would be brought back before Cabinet to consider before making a decision”
- 6.2 Cabinet having considered the objections to the disposals of those sites listed in Appendix B and officer’s analysis of those objections, as outlined in section 3, approves the sale of the two sites;
- 6.3 Cabinet notes and endorses the process for disposal of the sites as set out in this report and delegates to the Assistant Director Physical Resources & Procurement authority to negotiate and finalise the terms of any disposal of a site together with any documents and agreements that are ancillary to it;
- 6.4 Authority to be delegated to the Assistant Director Legal Governance & Monitoring to enter into and execute the instruments of disposition together with any document and agreements that are ancillary to it

Officers are of the opinion that the small sites project will assist in the delivery of new housing; bring income into the Council via capital receipts and deliver key outcomes as identified within the Economic Strategy

7. Cabinet portfolio holder recommendation

Portfolio holders have been consulted and are supportive, commenting that the project will help to stimulate the local economy and assist in providing additional housing within the district.

8. Contact officer and relevant papers

- Mark Gregory – Head of Corporate Landlord

9. Assistant director responsible

- Joanne Bartholomew, Assistant Director, Physical Resources and Procurement

APPENDIX A – SITE LIST

ID	SITE ADDRESS	POS objections received?
1	CHURCH LANE, BIRSTALL	No
2	CLIFFWOOD RISE, CLAYTON WEST	No
3	SOUTH OF 163, NORTH ROAD, RAVENSTHORPE	No
4	BATTYE STREET, DEWSBURY	No
5	NORTH OF LEAK HALL CRES, DENBY DALE	No
6	SOUTH OF LEAK HALL CRES, DENBY DALE	No
7	BREWERTON LANE, STAINCLIFFE	No
8	MANCHESTER ROAD, SLAITHWAITE	No
9	HOLLAND STREET, BATLEY	No
10	UPPER ROAD, BATLEY EAST	Expiry date 28 th Aug
11	ELM STREET, NEWSOME	Expiry date 25 th Aug
12	MANOR STREET, NEWSOME	Expiry date 25 th Aug
13	MOSS STREET, NEWSOME	Expiry date 25 th Aug
14	UPPER GEORGE STREET, HECKMONDWIKE (Opp 38)	No
15	BRIGHTON STREET, HECKMONDWIKE (former garage site)	No
16	UPPER GEORGE STREET, HECKMONDWIKE (Opp 32)	No
17	NORFOLK STREET, BATLEY EAST	Expiry date 28 th Aug
18	NAYLOR STREET, BATLEY EAST	Not yet advertised
19	OASTLER STREET, WEST TOWN, DEWSBURY	Not applicable
20	CLIFFE ROAD, SHEPLEY	Yes (See appendix B)
21	HALIFAX ROAD, LIVERSEDGE	Yes (See appendix B)

APPENDIX B - Sites with Public Open Space Objections

Where a local authority wishes to appropriate or dispose of any other type of open space, the amended Local Government Act 1972, sections 122 or 123 now enables it to advertise its intention in two consecutive weeks in a local newspaper but there is no requirement to display notices at the site. While the authority must consider any objections received, it need take no further action on them and may confirm the appropriation or disposal.

ID	SITE ADDRESS	POS Objections
20	CLIFFE ROAD, SHEPLEY	Yes
21	HALIFAX ROAD, LIVERSEEDGE	Yes

Comments received

The following were received in response to the statutory notice place in the local press concerning the disposal of an area of Public Open Space, as listed above.

Cliffe Road

5 individual letters **objecting** to the proposed disposal

The grounds of objection can be summarised as follows:-

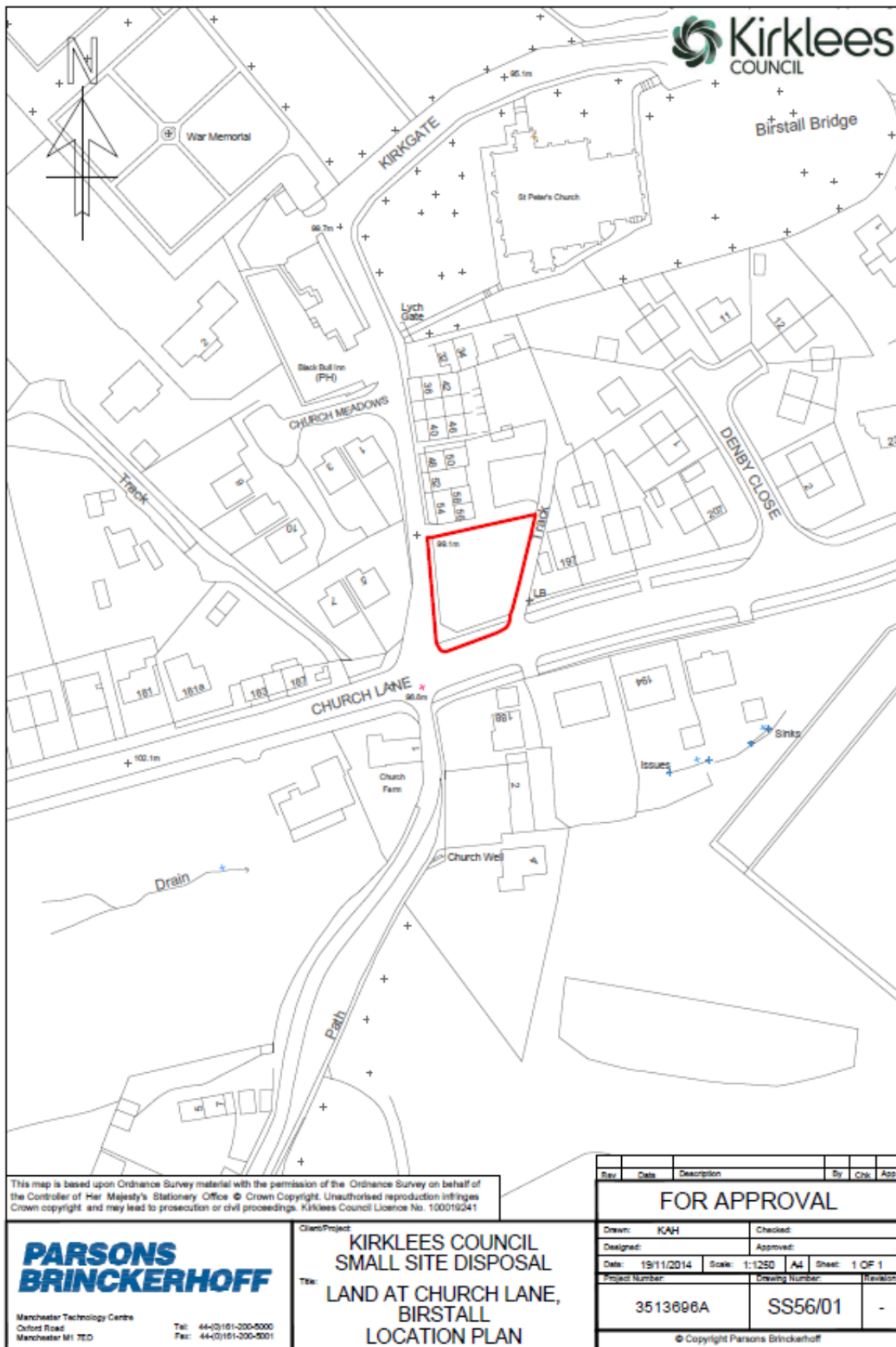
- The land is a valuable community space
- Necessary part of community village life and integral to the character of the village
- Land is well used for recreational purposes
- Site is a quiet haven for wildlife
- Loss of valuable on-street parking
- Increasing the volume of traffic, on a road which is already affected by traffic congestion, particularly passing through the narrow bend
- Potential flooding risk; the land absorbs rainfall
- Compromising privacy

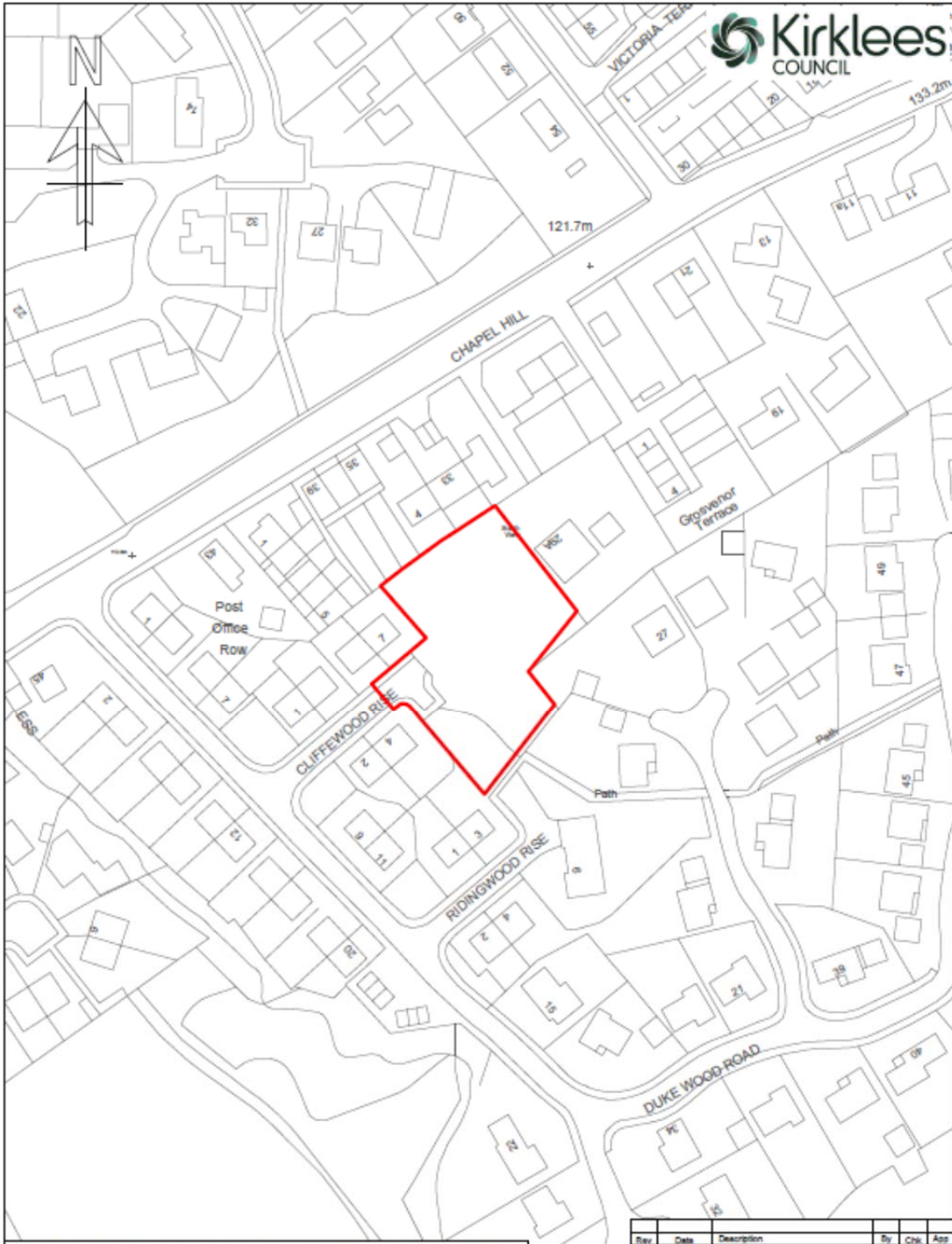
Halifax Road

1 individual letter **objecting** to the proposed disposal

An objection was made on the basis of developing the proposed site and requested that the land be made available for the relocation of Liversedge's historic stocks and for an information board. The stocks are currently situated opposite the site, where they are at risk of collision.

SITE PLANS – Please note these are indicative plans only





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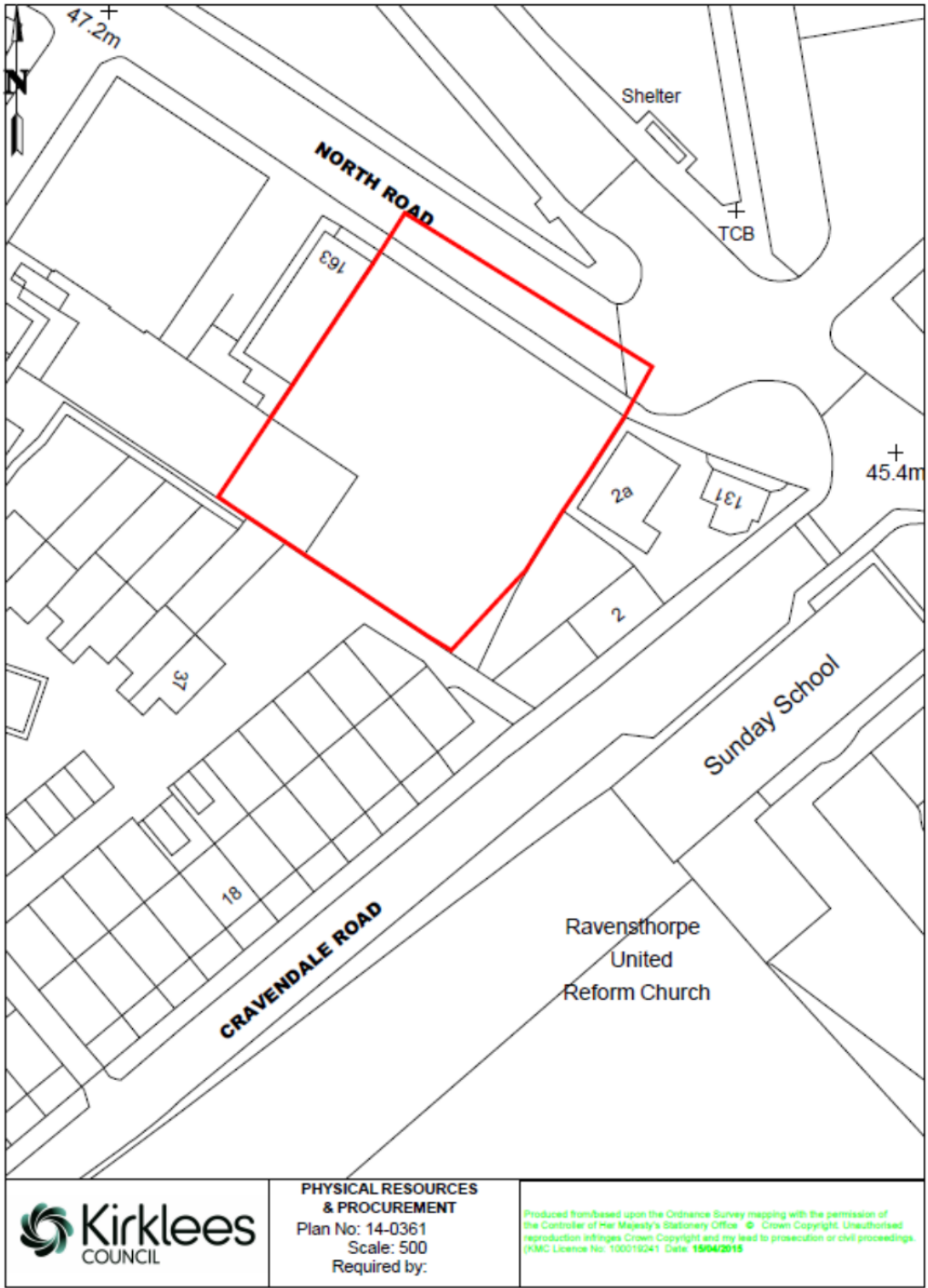
Manchester Technology Centre
Oxford Road
Manchester M1 7ED

Tel: 44-(0)161-200-5000
Fax: 44-(0)161-200-5001

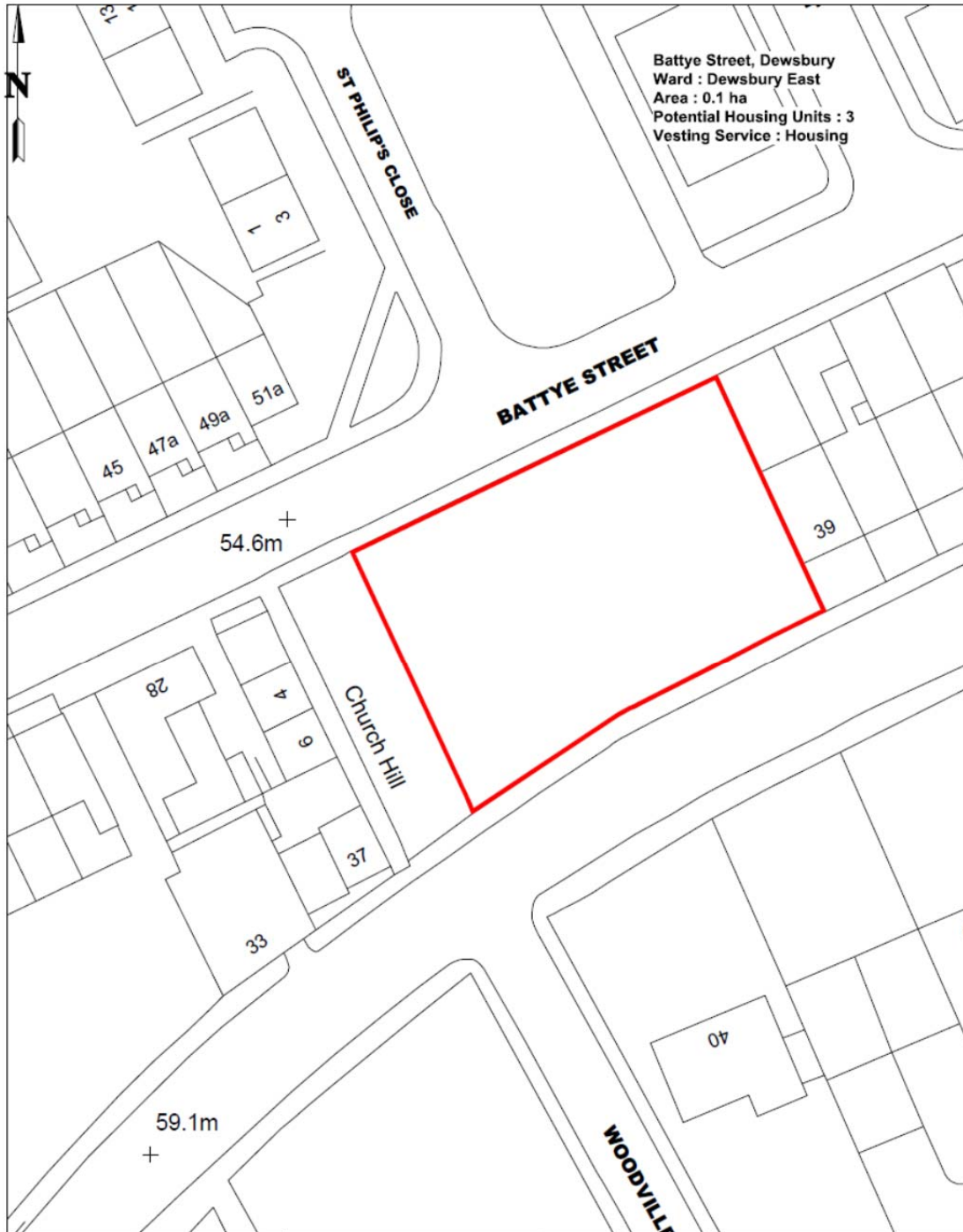
Client/Project
**KIRKLEES COUNCIL
SMALL SITE DISPOSAL**

The
**LAND AT CLIFFEWOOD RISE,
CLAYTON WEST
LOCATION PLAN**


Rev	Date	Description	By	Chk	App
FOR APPROVAL					
Drawn: KAH		Checked:			
Designed:		Approved:			
Date: 08/01/2015	Scale: 1:1250	A4	Sheet: 1 OF 1		
Project Number: 3513606A		Drawing Number: SS07/01		Revision: -	
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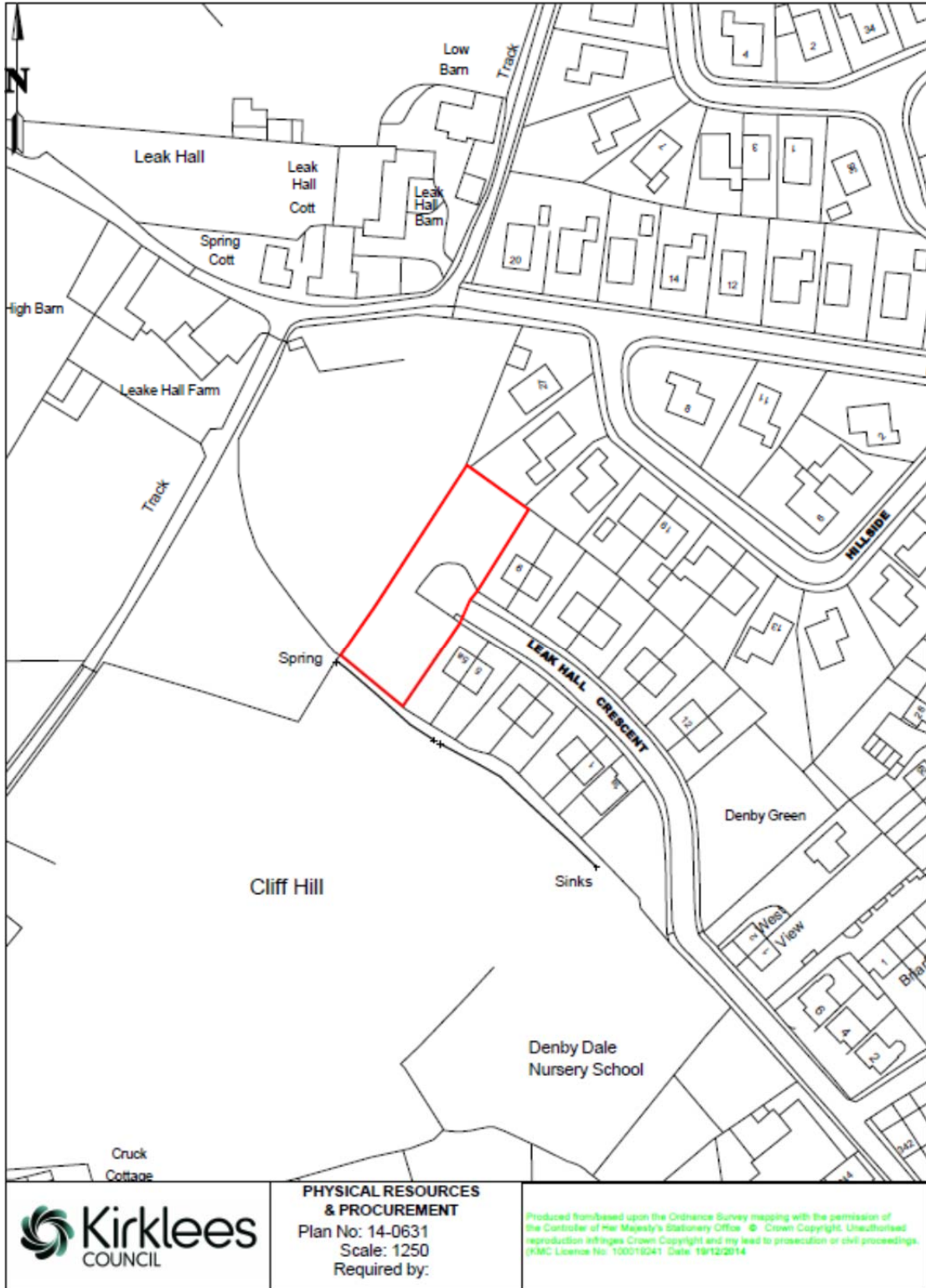


North Road, Ravensthorpe



Batty Street, Dewsbury
 Ward : Dewsbury East
 Area : 0.1 ha
 Potential Housing Units : 3
 Vesting Service : Housing

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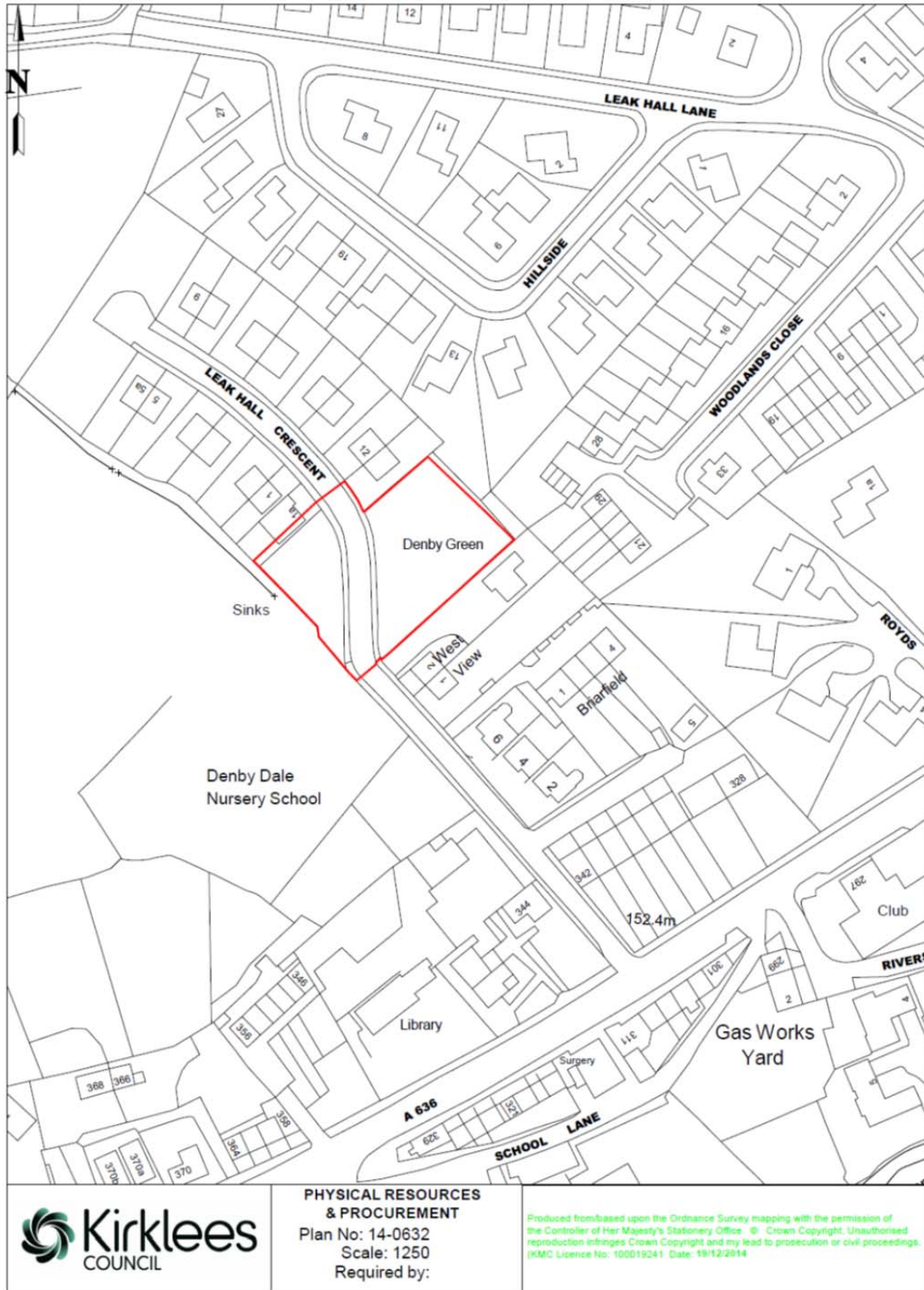


North of Leak Hall Crescent, Denby Dale

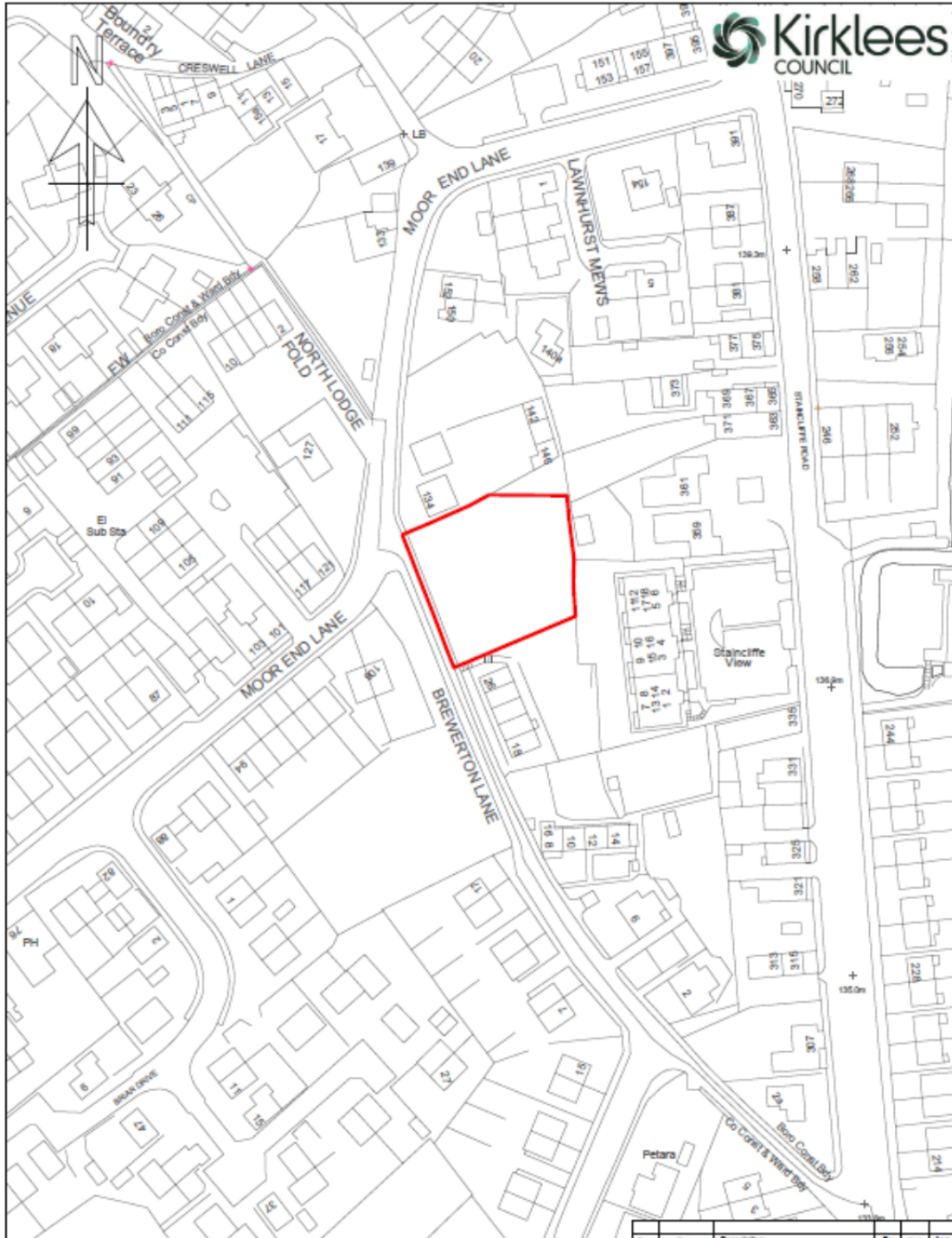


**PHYSICAL RESOURCES
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| South of Leak Hall Crescent, Denby Dale



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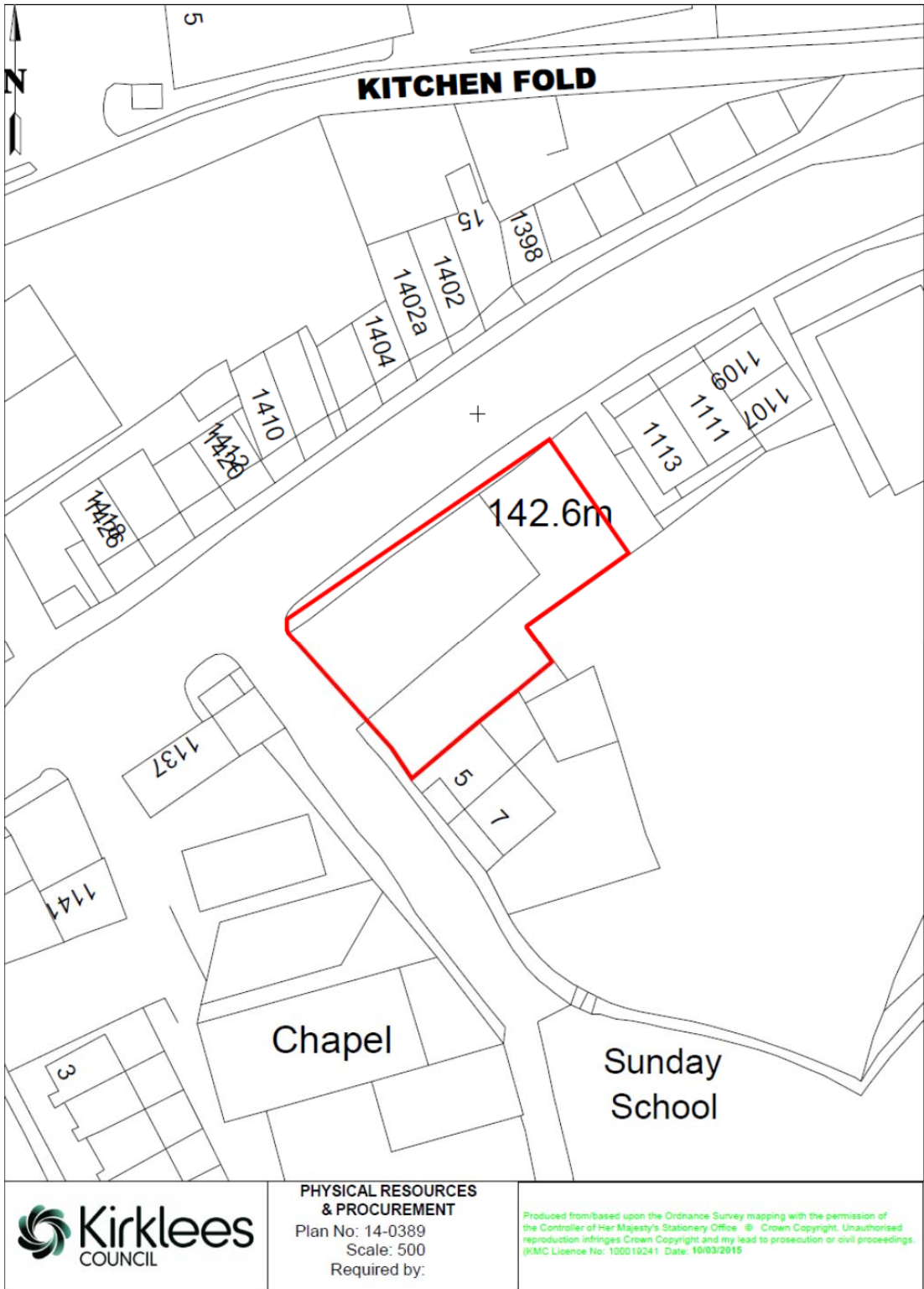
Manchester Technology Centre
 Oxford Road
 Manchester M1 7ED

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 Fax: 44-(0)161-200-9001

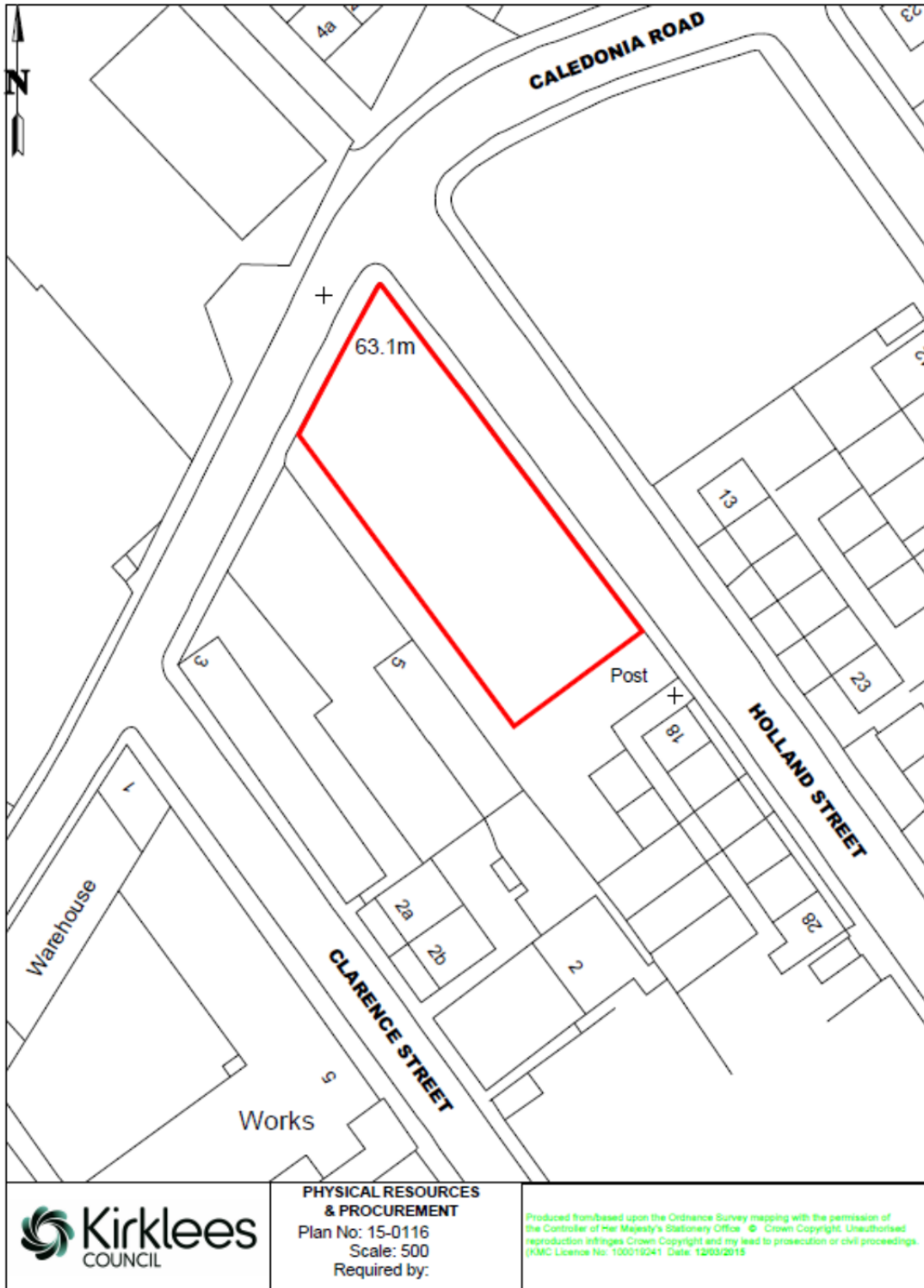
Client/Project
**KIRKLEES COUNCIL
 SMALL SITE DISPOSAL**

**THE
 LAND AT BREWERTON LANE,
 STAINCLIFFE
 LOCATION PLAN**

Rev	Date	Description	By	Chk	App
FOR APPROVAL					
Drawn: KAH			Checked:		
Designed:			Approved:		
Date: 19/11/2014	Scale: 1:1250	A4	Sheet: 1 OF 1		
Project Number:		Drawing Number:		Revision:	
3513806A		SS18/01		-	
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Manchester Road, Slaithwaite

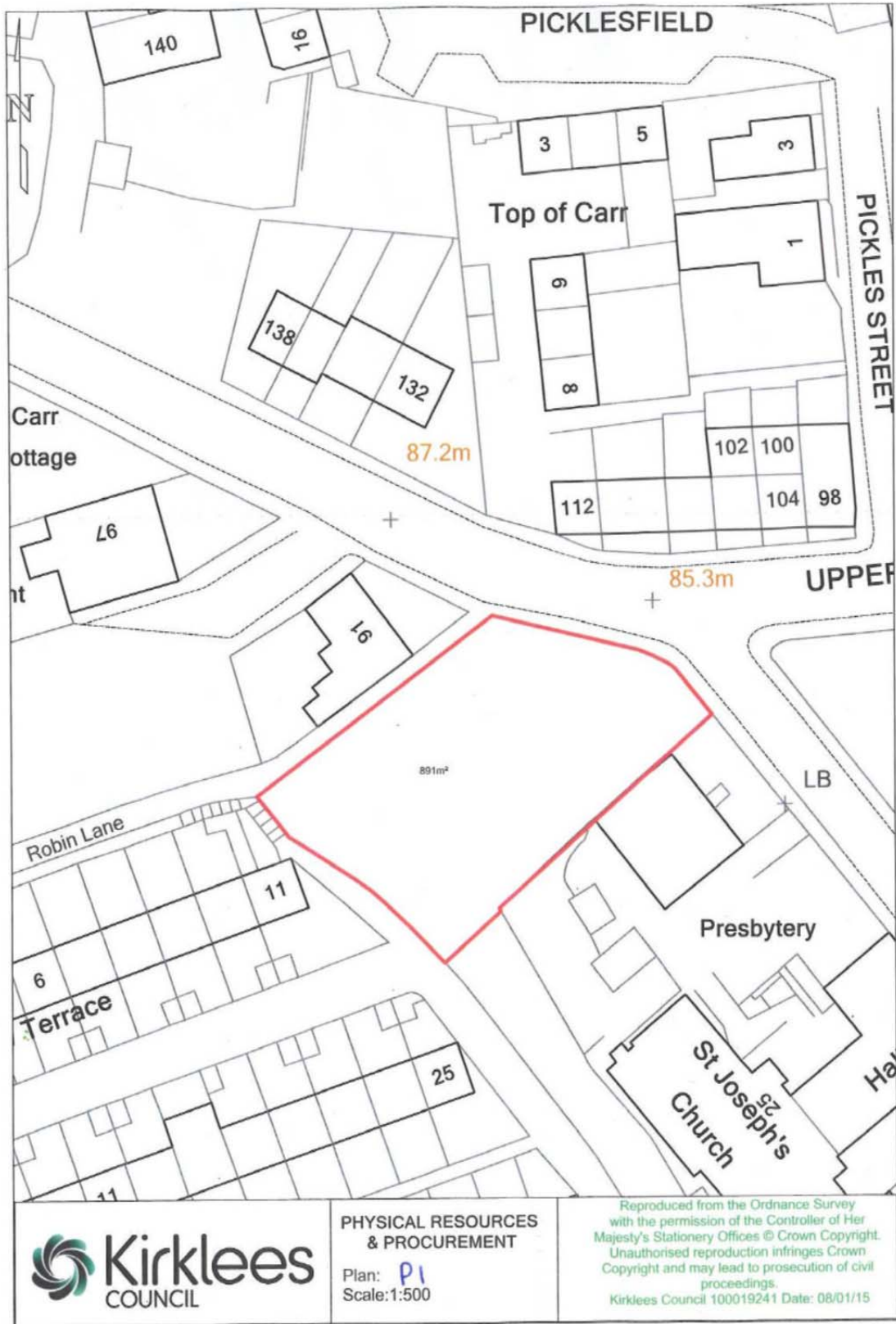


Holland Street, Batley

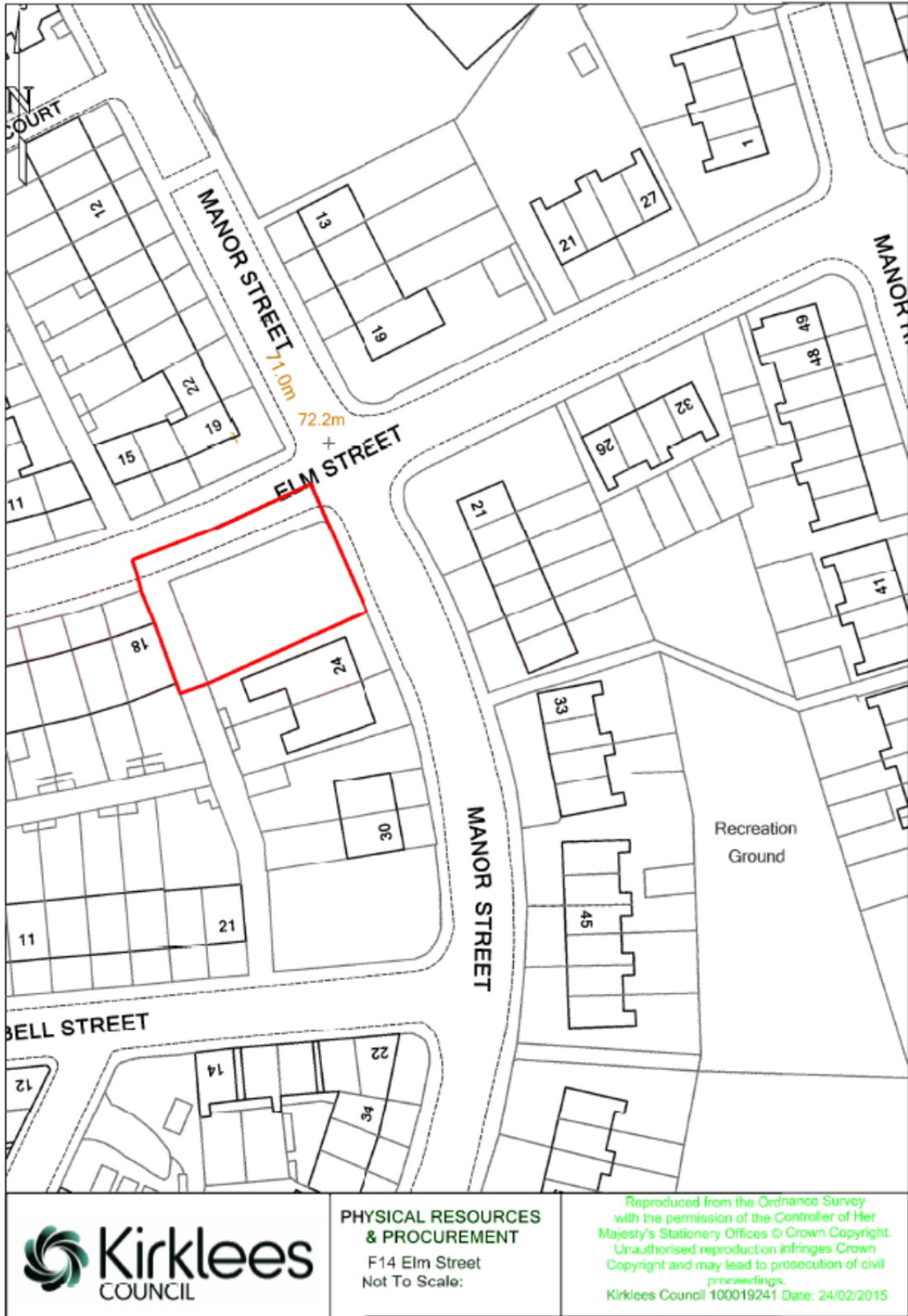


**PHYSICAL RESOURCES
& PROCUREMENT**
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Upper Road, Batley

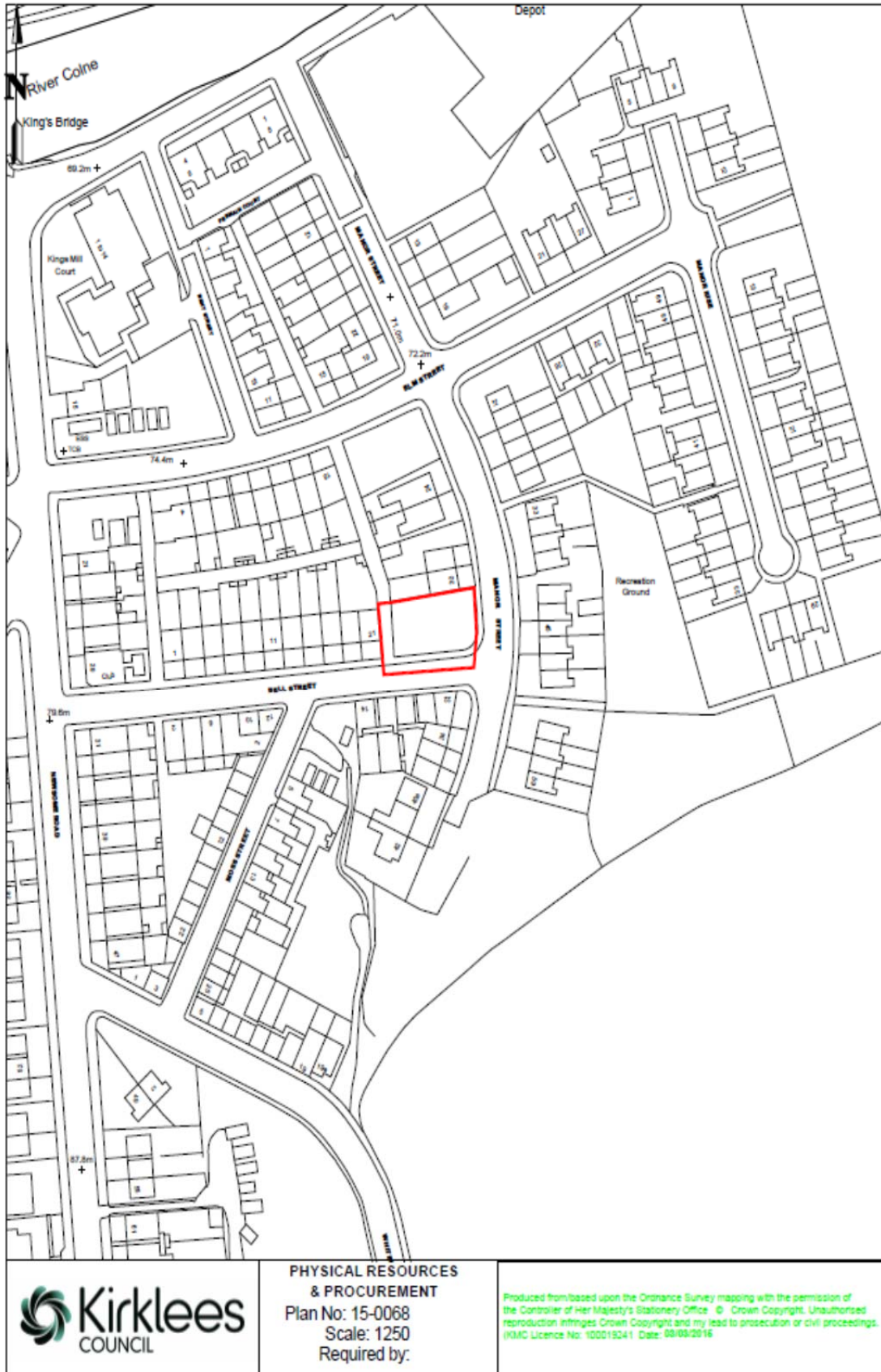


**PHYSICAL RESOURCES
& PROCUREMENT**

F14 Elm Street
Not To Scale:

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Kirklees Council 100019241 Date: 24/02/2015

Elm Street, Newsome



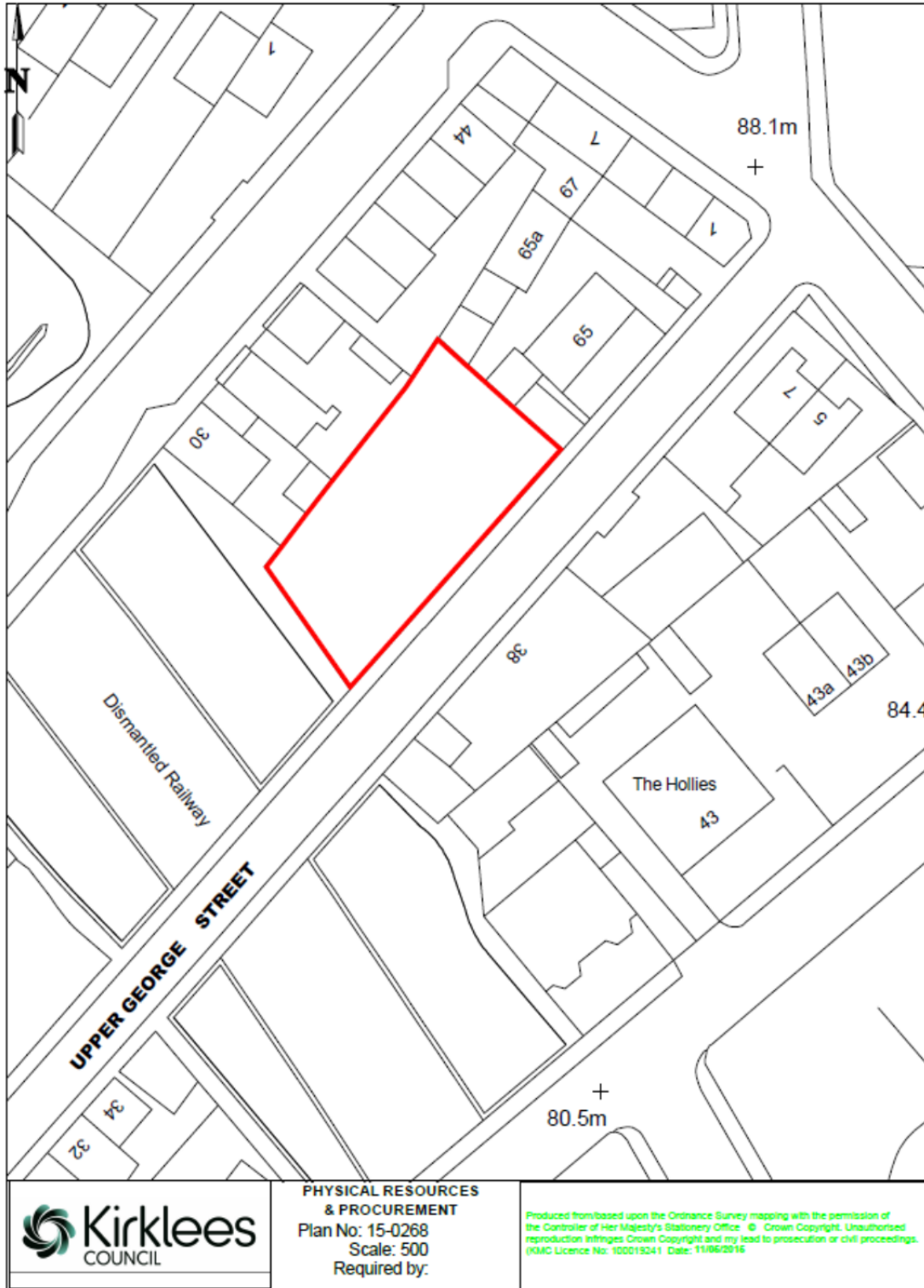
PHYSICAL RESOURCES
& PROCUREMENT
Plan No: 15-0068
Scale: 1250
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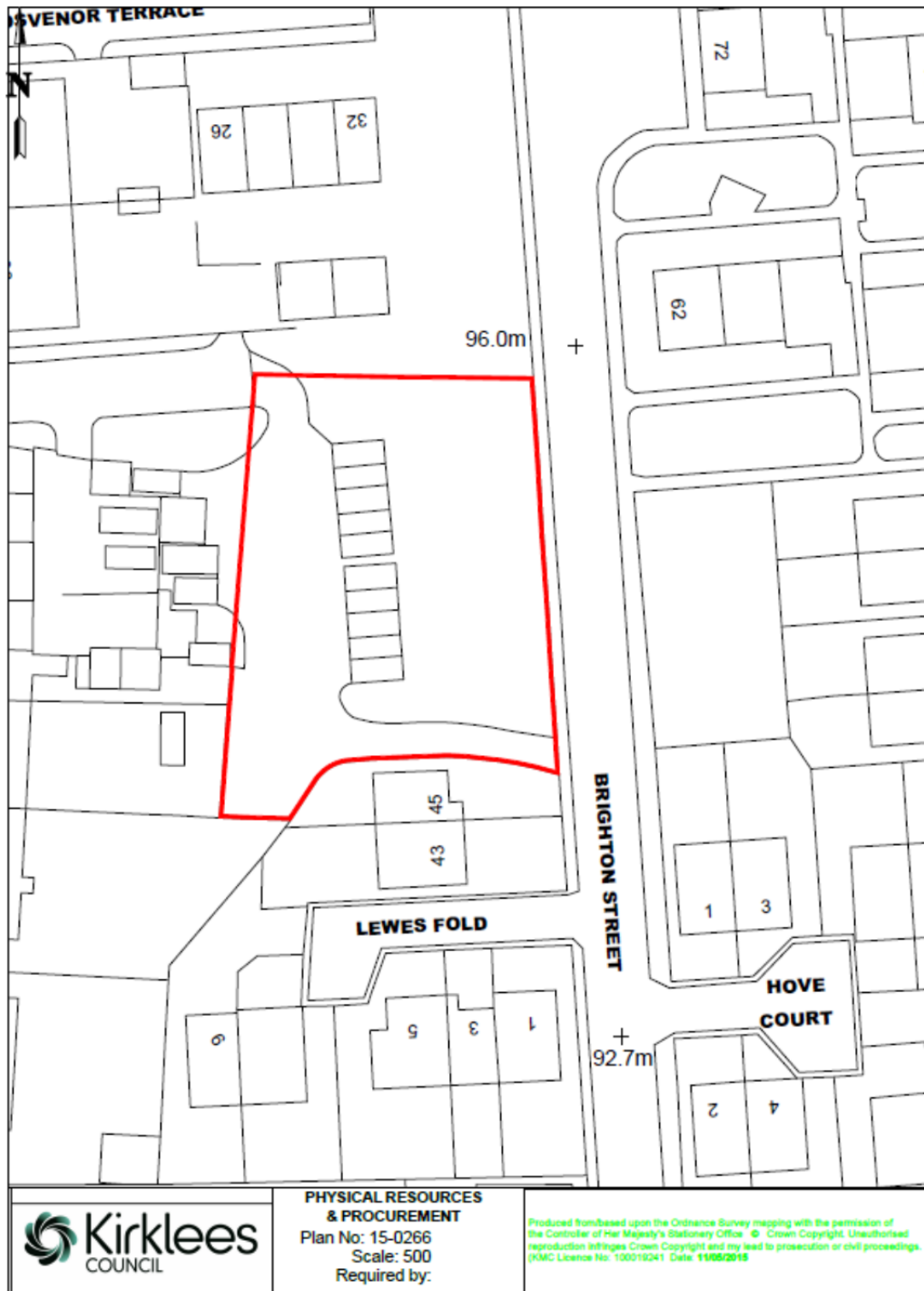
Manor Street, Newsome



Moss Street, Newsome



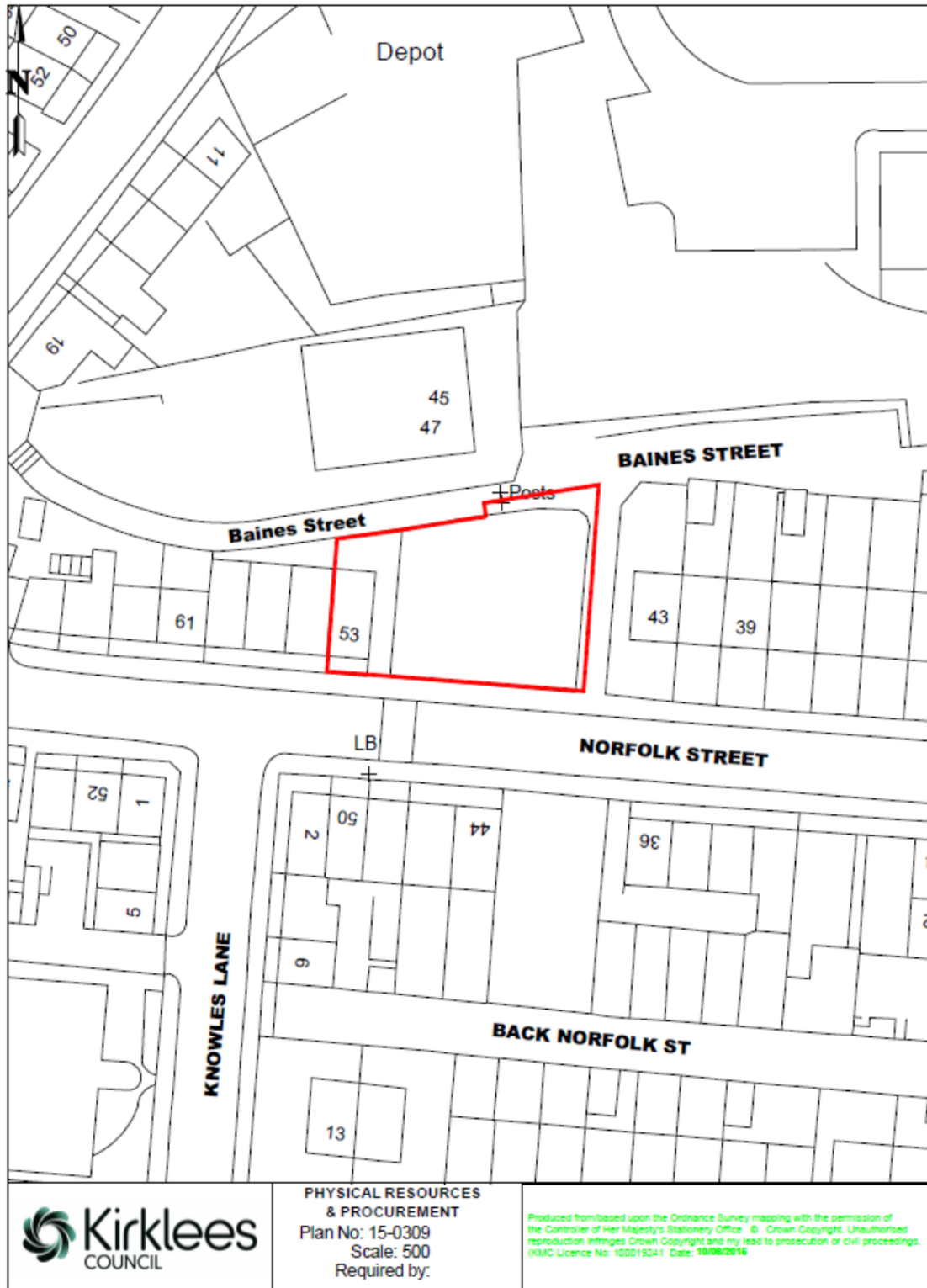
Upper George Street (opp 38), Heckmondwike



Brighton Street (former garage site), Heckmondwike



Upper George Street (opp 32), Heckmondwike



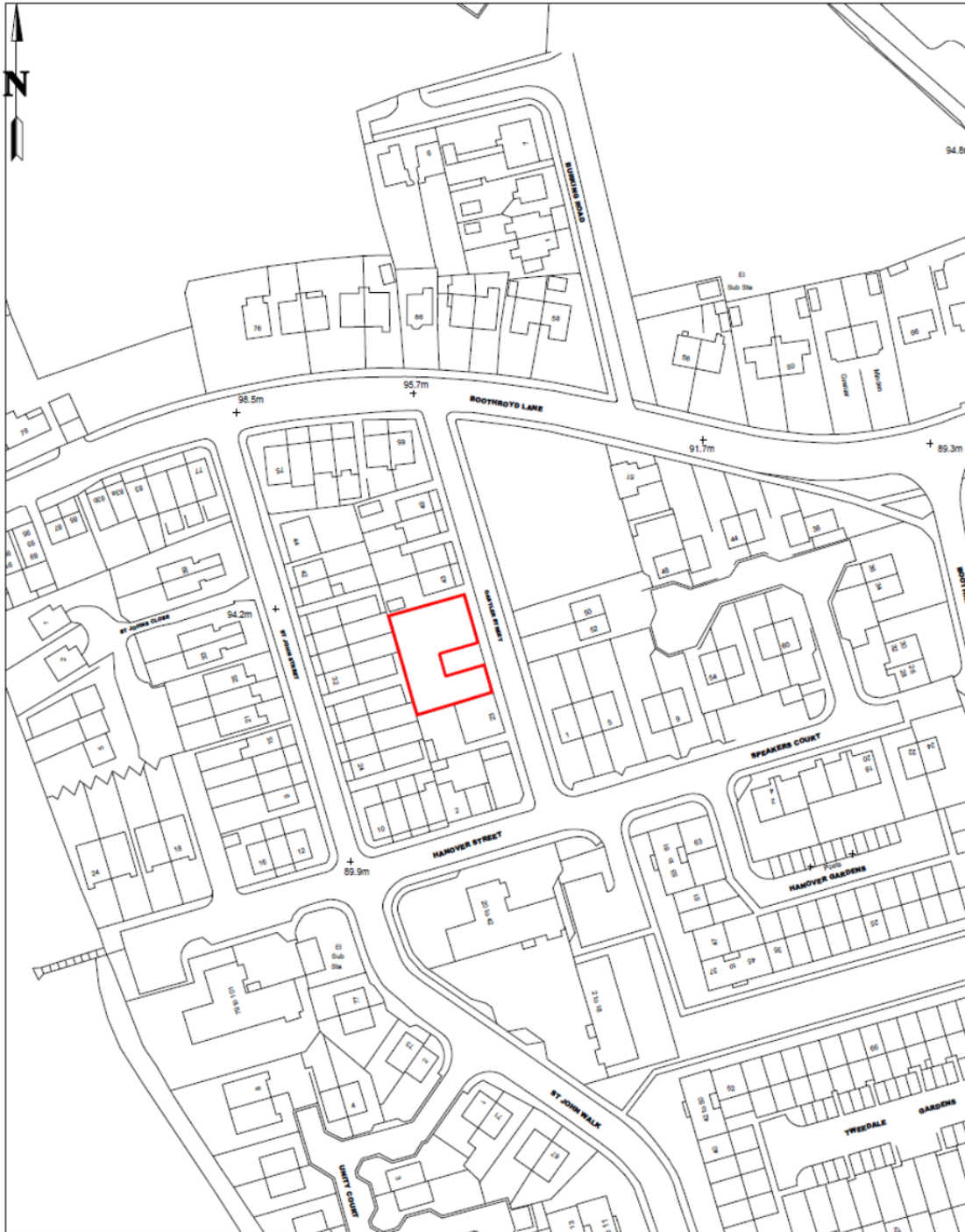
Norfolk Street, Batley


NB: Property number 53 was demolished some time ago and therefore no longer exists.



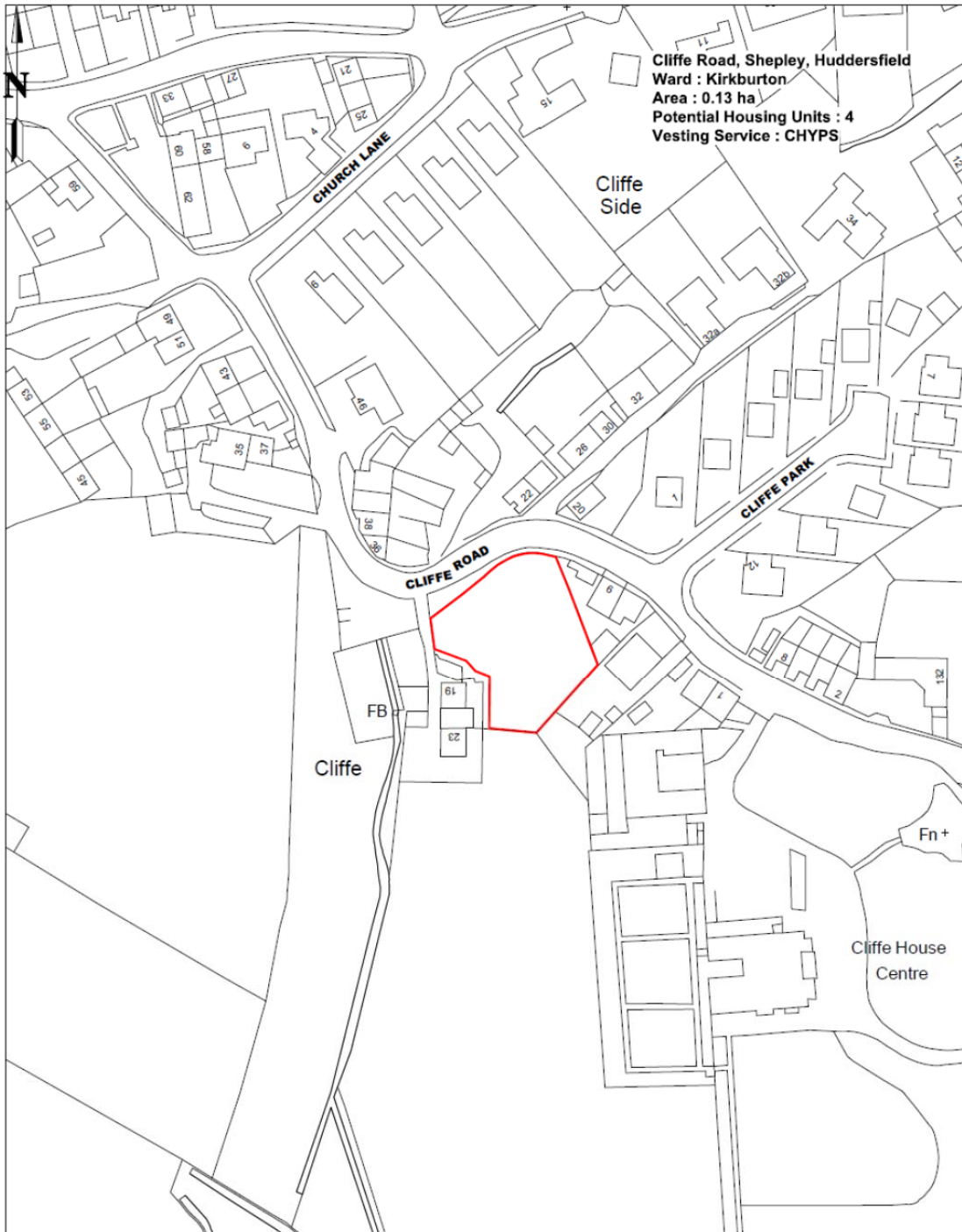
Naylor Street, Batley –

N.B. The council has submitted an application to the Land Registry. This application is to claim ownership for the area of land outside of the red boundary, which is not currently in council ownership. The outcome of this application is not yet determined.



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Oastler Street, West Town, Dewsbury



Cliffe Road, Shepley, Huddersfield
 Ward : Kirkburton
 Area : 0.13 ha
 Potential Housing Units : 4
 Vesting Service : CHYPS



**PHYSICAL RESOURCES
 & PROCUREMENT**
 Plan No: 14-0379
 Scale: 1250
 Required by:

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DRAFT

**Small Sites for Sale
Project**

**Information for bidders
and Bidding Pro forma**

Small Sites for Sale

1. General information

1. Introduction

Kirklees Council are pleased to announce the launch of the **Small Sites for Sale** project. The new scheme aims to create new homes and work with developers and builders to create opportunities for growth and jobs.

The Council has identified a number of small sites for disposal, which are suitable for residential development. The sites vary in size but will hold between 1 and 10 homes.

All sites will be sold with the benefit of outline planning permission for residential development and with required appropriate legal documentation in place.

2. Further information

The sites will be sold by informal tender and sealed bids are invited from interested parties. Bids should be submitted using the form provided in this document. Please see sections 2 and 3 for more details on the process.

For more details on the sites for sale, and to review the available information, please visit;

([WEB ADDRESS](#))

If you have any questions, in the first instance please visit the webpage ([WEB ADDRESS](#)). If you cannot find the answer to your question, please email small.sites@kirklees.gov.uk

3. Important note

No information contained in this document, or any other written or oral information made available to any interested party or its advisors shall form the basis for any warranty, representation or term of any contract by ourselves with any third party.

It does not form any part of an offer or contract and you must not rely on the information as statements or representation.

We reserve the right not to follow up this invitation in any way and / or withdraw from the selection process at any stage and no expense incurred by any person in responding to the invitation and preparing an expression of interest will be reimbursed.

2. Bidding Process

1. Sites are advertised

The sites will be advertised on the web site, from the date shown in paragraph 5 (timescales). The available information will be uploaded onto the website as and when it is made available. Please visit **(ENTER WEB ADDRESS)** to view the sites for sale.

2. Submission of bids

All bids should be submitted using the form provided in this document. The bid must be received before the stated closing date and time and in accordance with the instructions contained in Section 3.

You must ensure you provide all of the information requested and that you confirm your agreement to all of the conditions otherwise your bid may be rendered void.

If you intend to bid for multiple sites, you must complete a separate bidding pro forma for each site and submit these in separate sealed envelopes.

Please note that if a reserve price is set; this is the lowest price the council will accept. Tendered offers should be in excess of this reserve.

3. Evaluation of Tenders

When selling land, the Council is required to obtain best consideration for its disposal so we can demonstrate a consistent approach. This project focusses purely on the highest tender offer

For the Small Sites project this will be the highest tendered price for each site. Tenders will be opened in accordance with agreed Internal financial procedures.

If you do not agree to the terms and conditions statement set out in section 6 your bid will be rejected. The Council reserves the right not to accept the highest, or any offer received if it does not meet the bidding criteria.

4. If your offer has been accepted

You will be notified, in writing, if your offer is accepted.

If your offer is accepted, the Council will regard the site as being “sold subject to contract”. This means that an offer has been accepted and the terms of the sale contract are being agreed. ***Please note that a site is not sold until contracts are signed and exchanged.***

5. Timescales

If the timescales, set out in the offer letter, are not met, the Council reserves the right to withdraw its offer and to sell the site to someone else, or to remarket it.

For further detail on the expected process; please refer to the process diagram at Annex 1.

Sites advertised	xx/xx/xxxx and xx/xx/xxxx
Closing deadline for bids	TIME) on DD / MM / YYYY.
Successful offer notified	Xx/xx/xxxx
Contracts exchanged and deposit received	4 weeks from offer letter
Completion and remaining balance due	4 weeks from contracts exchanged

6. Purchase Costs

The costs listed below are those that you will be expected to pay, **in addition** to the purchase price. You should consider these costs when deciding the maximum amount you wish to bid;

The Councils costs – The council requires purchasers to make a contribution towards the fees that have been incurred; this is a condition of sale. This includes Legal and surveyors costs; planning fees and administration. For these sites, the required contribution will be **2.5%** of the final sale price.

Your own costs - Legal and surveyors costs, Land Registry fees, other search fees and possibly Stamp Duty Land Tax.

Please note: It is expected that payments, for both the deposit and remaining balance, are made via BACS, Debit Card or by cheque (solicitors client account or bankers draft). Cash payments will **not** be accepted, under any circumstances.

Considerations

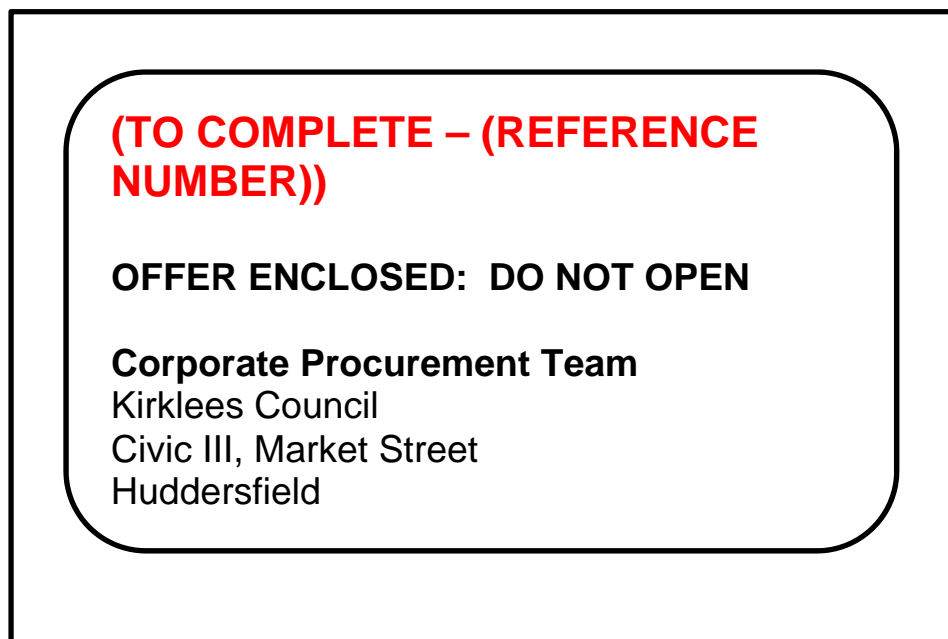
When deciding to make or accept an offer, we recommend that you consider the following;

1. How much is the land and property worth to you? What is the maximum amount that you are willing or able to pay?
2. Do you have the purchase monies in place? If not, how will you raise finance and how long will this take? **Please refer to the timescales in section 5, which sets out when the deposit and balance will be due.**
3. Do you need professional advice about the value of the property or do you want to appoint someone on your behalf? Chartered surveyors specialise in the valuation of land and property and buying and selling property. If you wish to get advice from a surveyor the RICS (www.rics.org) can provide you with details of suitably qualified surveyors.

4. Look at recent sales of similar sites and how much they sold for to give you an indication of market value.
5. Make sure you understand what the restrictions or conditions of sale, set out in the sales details or offer letter, mean. If you are unsure you might want to speak to a chartered surveyor, lawyer or other suitably qualified professional.
6. Consult the Councils Planning Department if you intend to amend the proposed development and make sure that you will be able to develop the land as you want to.
7. Make sure you have considered the purchase costs that you will have to pay when deciding whether you wish to make an offer. Purchase costs such as legal and surveyors costs etc. are payable in addition to the purchase price.

3. SUBMISSION OF OFFER

Offers for the site should be submitted in a **plain envelope** and delivered to the address below **before the deadline**. You should cut out and affix the address label, shown below. The envelope **must not be marked or franked** in any way that may disclose the identity of the bidder. The offer may be invalid if the offeror can be identified by the envelope;



Please ensure that you have included the following in the sealed envelope:-

4. Offer
5. Purchasers details
6. Terms and Conditions

All duly completed.

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4 OFFER (please complete all boxes)

In the box below, please identify the site, for which the enclosed offer relates to:

SITE REFERENCE (LOT number):

SITE ADDRESS:

Closing Date: (XX.XX PM DD / MM / YYYY)

It is recommended that any offer to be of an irregular amount (eg £1001).

Offer:

In £s: _____

In words: _____

Fees: The purchaser agrees to pay the Council a contribution to its fees.
For this site, the contribution is 2.5% of the offer specified above.

I confirm that I understand the terms of stated in the sale particular and to the best of my knowledge, I am not related to any elected Member or Senior Officer of the Council, and submit the above as my offer.

Signed:

Name:

Position:
(if applicable)

Date:

5 PURCHASERS DETAILS

Please complete this section in CAPITAL LETTERS and all sections MUST be completed

Name in which purchase will be made:	
Contact Name:	
Company Name: (if applicable)	
Company Number: (if applicable)	
Correspondence address: Post code:	
Telephone No:	
Mobile No:	
Email Address:	

Solicitors acting on behalf of the purchaser:	
Contact:	
Address: Post Code:	
Telephone Number:	
Mobile Number:	
Email address:	

6 Terms and Conditions

Please review the information below. To validate your offer, you must **tick** each of the statements to confirm that you understand, and agree.

- I understand that these site have been made available for **Residential Development** and I confirm that this site will be developed for this purpose.
- If, after 2 years of purchasing the site, there is no evidence that development of the site has commenced*, the council retains the right to buy back the site for its original purchase price.
- If the buyer sells the site within 2 years of purchasing, and without commencing development*, the buyer will be obliged to pay the Council 50% of any uplift.
- The buyer is required to pay the council a contribution towards its fees. The required contribution is 2.5% of the final sale price.

****A definition of what constitutes development can be found in the Legal documentation.***

Before you submit the offer please read the following;

- The Council will **not** accept any bids which are conditional. Known site information will be disclosed in the legal packs.
- A 10% deposit will be payable upon exchange of contracts. No monies will be refunded in the event that the sale does not complete. The remaining balance will be due on completion.

Data protection act 1998

The personal data you have provided will be processed by the Council for the purposes of considering your offer and, should your offer be acceptable, for negotiating the terms and dealing with the disposal of the property.

Except where the Council is required by Law to do so, the Council will not disclose your personal data without your consent.

For further information about how your personal information is used and your right to access personal information we hold on you please see: <http://www.kirklees.gov.uk/you-kmc/information/dataProtection.aspx>

The Council maintains a list of interested parties for **future property opportunities**; if you would like be notified by email about future property opportunities which the Council believes may be of interest to you, please tick the box

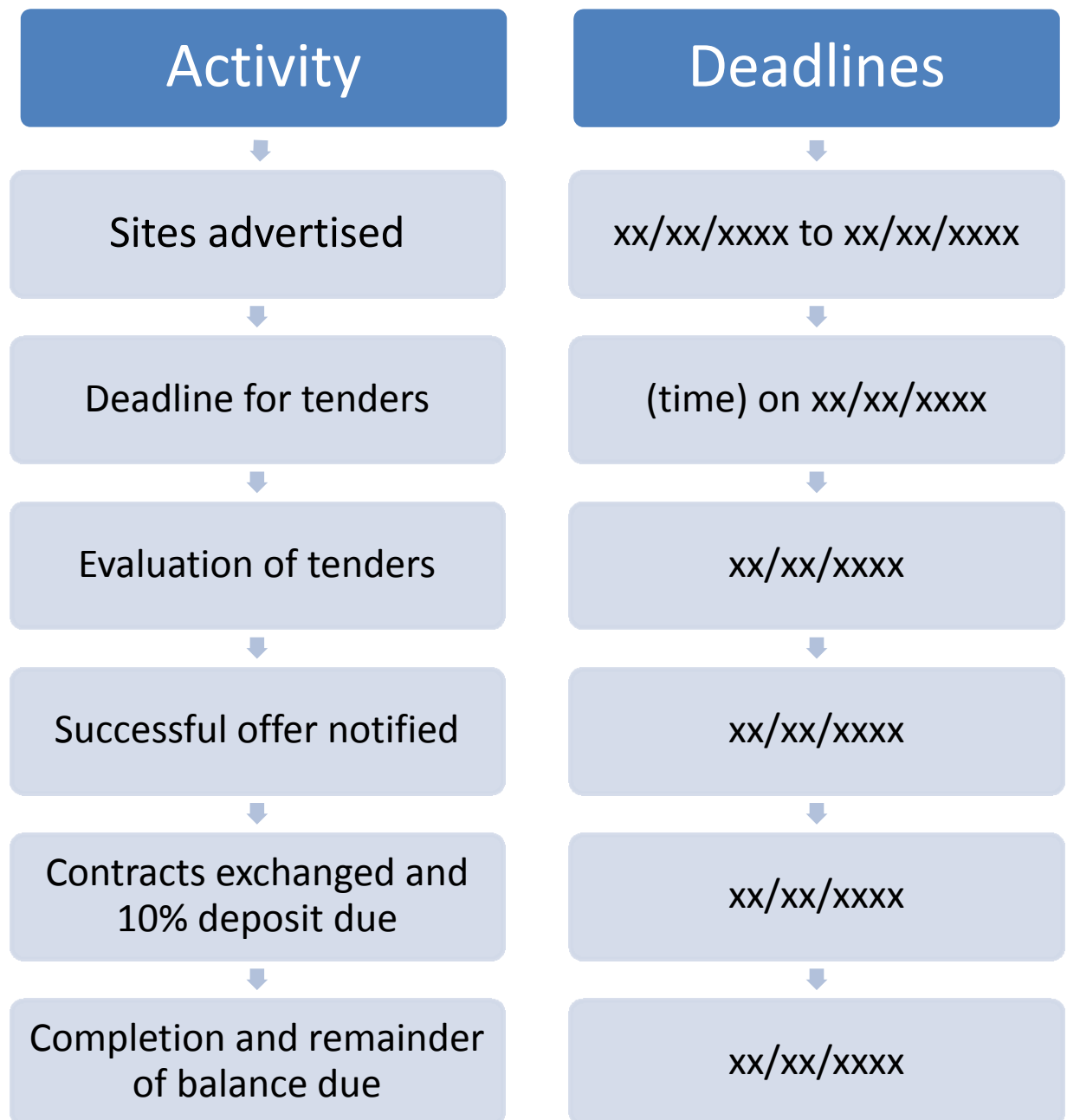
Reservations

No information contained in this document, or any other written or oral information made available to any interested party or its advisors shall form the basis for any warranty, representation or term of any contract by ourselves with any third party.

It does not form any part of an offer or contract and you must not rely on the information as statements or representation

We reserve the right not to follow up this invitation in any way and / or withdraw from the selection process at any stage and no expense incurred by any person in responding to the invitation and preparing an expression of interest will be reimbursed.

Annex 1 - Bidding Process Diagram



APPENDIX 2

Social Value

The Council is committed to supporting the Social Value Act 2012 (http://www.legislation.gov.uk/ukpga/2012/3/pdfs/ukpga_20120003_en.pdf) throughout their disposals and procurements.

The Council is also committed to supporting Apprenticeships, work placements and job creation. If you are interested in offering apprenticeships, work placements or creating new jobs, or would like further information please contact victoria.harper@kirklees.gov.uk who can help guide you to support that is available to you.

We are asking bidders to complete the table below, and whilst the information you provide will not form part of the evaluation process, it will provide important information on the expected social outcomes. This will help us to evaluate success and to help shape future opportunities.

NAME:	
COMPANY: (If applicable)	
If your bid was to be successful, please provide the following information:	
Will you use local labour? If so, what % of your workforce would be local?	
How many jobs would you create?	
How many apprentices would be taken on?	
Please use the box below to provide any further information, or comments, on additional contributions to social value	

APPENDIX D – WARD MEMBER RESPONSES

Batley East

Sites: Upper Road; Naylor Street; Norfolk Street

Date	Councillor	Comment
12.07.2015	Cllr Amanda Stublely	<p>(Naylor Street Site) I have been inundated regarding the letter going out to inform the residents at Upper Road Batley Carr*. This to me will cause over development at Upper Road we have two ongoing applications that has approve to do. This is enough in this area. The impact on the highway will also cause problems. I have been told that this area has been maintained by the residents as well as the council who has cut the grass. I am objecting to the site at Upper Road* being used for development. I have not been contacted regarding the other sites just this one.</p> <p><i>*Alison Bruton responded to this email and qualified the site is actually Naylor St</i></p>
21.07.2015	Cllr Amanda Stublely	<p>Naylor Street Site Can you please tell me what the residents can do to object regarding this site? They are having a meeting on Friday evening to discuss.</p>
28.07.2015	Cllr Hanif Mayet	<p>Naylor Street <u>and</u> Upper Road I know the dilemma the council are facing with all the financial cutbacks and balancing book and do sympathise with officers in looking at ways of reducing cost and disposing of assets which are expensive to maintain However I do share my concerns regarding further developments in Batley Carr area especially around the upper road as I feel that such area is well over developed and due to the size of the road in the area and lack of car parking facilities in the area now that TRINITY CAR PARK BEING SOLD OFF and no longer in use as car park there is major highway issues already in existence which any further development in the area will escalate . it is my understanding that the area in question is currently being maintained by the residents and seem theres no cost to the council so why mend something that's not broken? Hence I do express my objection to the site(s) at Upper Road* been used for development.</p> <p>*Confirmed as an objection to both sites - Naylor Street and Upper Road</p>

28.07.2015	Cllr Mahmood Akhtar	Naylor Street Site I support the views of Councillor Stubley.
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Dewsbury West

Site: Oastler Street

Date	Councillor	Comment
07.07.2015	Cllr Darren O'Donovan	Yes happy for this to be disposed of. Many locals have expressed interest in the land. Please let me know when the auctions will be for this and other DW assets.

No comments received from Cllr Mumtaz Hussain

No comments received from Cllr Karen Rowling

Heckmondwike

Sites: Upper George Street (opp 32); Upper George Street (opp 38);
Brighton Street (former garage site)

Date	Councillor	Comment
06.07.2015	Cllr Steve Hall	The sooner we get rid the better.
04.08.2015	Cllr David Sheard	I would object to the Brighton Street site and would rather look at the land we own in Dale Lane.

No comments received from Cllr Viv Kendrick.

Newsome

Sites: Elm Street; Manor Street; Moss Street

Date	Councillor	Comment
03.07.2015	Cllr Andrew Cooper	We haven't formed a view as a group yet but if we were to support disposal of these sites I would like to specify that Passivhaus design standards are a condition of sale. I also believe given the nature of the area and its proximity to Town that it would be a good site for social housing developments.
07.07.2015	Cllr Julie Stewart-Turner	I don't see any problem to developing the garage site off Moss Street, but it would be sad to lose the open spaces on Elm Street, as there is very little open space in the area already that can be used for positive social interaction.

No comments received from Cllr Karen Allison

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Name of meeting: Cabinet

v8

Date: 25th August 2015

Title of report: Freehold Asset Transfer of the Public toilets situate on
Towngate, Holmfirth to the Holme Valley Parish Council

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan?	No
Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman – 31 July 2015
Is it signed off by the Director of Resources?	David Smith – 10 August 2015
Is it signed off by the Assistant Director - Legal & Governance?	Julie Muscroft – 10 August 2015
Cabinet member portfolio	Cllr Graham Turner

Electoral [wards](#) affected: Holme Valley South

Ward councillors consulted: Cllr Kenneth Sims, Cllr Nigel Patrick & Cllr Donald Firth

Public or private: Public

1. Purpose of report

- 1.1 This report sets out the proposal to transfer the land and toilets which currently make up The Public toilets situate on Towngate, Holmfirth, to the Holme Valley Parish Council

2. Key points

Proposal

- 2.1 The proposal is for the building and land of the Public toilets situate on Towngate, Holmfirth to be transferred to the Holme Valley Parish Council, on a freehold transfer.
- 2.2 The conditions of the freehold sale will include covenants to ensure that the majority of the building is restricted to community use only. The transfer will state that 70% of the floor area of the building is to be used for community use only but Holme Valley Parish Council will have the right to grant a single lease of the remaining 30% of the floor area for a commercial use (subject to planning). This will allow Holme Valley Parish Council to raise funds to contribute to the running of the toilets.

Background

- 2.3 The Holme Valley Parish Council expressed interest in the toilets when Kirklees Council considered the future options for Public toilets situate on Towngate, Holmfirth. The Holme Valley Parish Council expressed interest in managing the toilets for use as public toilets on behalf of the council to ensure the continuation of the toilets within the community. The Holme Valley Parish Council was offered a short term full repairing and insuring lease as an interim arrangement in November 2014 with a view to the full freehold transfer of the toilets.
- 2.4 The Group have been running and managing the building since November 2014, and they have maintained a full repair and insure lease.
- 2.6 The Holme valley Parish Council has submitted a brief application for the transfer of the toilets. This has been assessed by the Facilities Management Team and the Council are confident that the group are a strong organisation and are capable of managing the toilets on a freehold basis.

Asset Transfer

- 2.8 The Quirk Review (Community Management and Ownership of Public Assets) of 2007 brought about a fundamental change in the way that Local Authorities viewed ownership of property within their areas. The Empowering Communities White Paper of 2008, "Communities in Control – Real People / Real Power", further cements the government's commitment to double devolution - taking power from Whitehall through Local Authorities and directly to communities, placing toilets in the control of the community.

Community Asset Transfer involves transferring the ownership of land or buildings from a statutory body to a community organisation at 'less than best consideration' – that is, at less than its full market value – in order to further local social, economic and/or environmental objectives.

- 2.9 The Asset Advancement Policy was developed in response to the Quirk review and subsequent localism agenda, and approved by Cabinet 8 October 2013. The policy allows for assets to be transferred either through long term leases or freehold transfer. The transfer will state that 70% of the floor area of the building is to be used for community use only but Holme Valley Parish Council will have the right to grant a single lease of the remaining 30% of the floor area for a commercial use (subject to planning).
- 2.10 The proposed asset transfer route, subject to Cabinet approval, is to transfer the toilets and land on a freehold basis to the Holme Valley Parish Council at nil cost.

Valuation and Discount

2.12 Unrestricted Value

The unrestricted value is the best price reasonably obtainable for the property and should be expressed in capital terms. It is the market value of the land as currently defined by the RICS Red Book (Practice Statement 3.2), except that it should take into account any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest (a "special purchaser"). When assessing unrestricted value, the valuer must ignore the reduction in value caused by any voluntary condition imposed by the authority. In other words, unrestricted value is the amount that would be paid for the property if the voluntary condition were not imposed (or it is the value of the property subject to a lease without the restriction).

The unrestricted value of Holmfirth Toilets is £120,000 (One hundred and twenty thousand pounds)

Restricted Value

The restricted value is the market value of the property having regard to the terms of the proposed transaction. It is defined in the same way as unrestricted value except that it should take into account the effect on value of any voluntary condition(s).

The restricted value of Holmfirth Toilets is £0 (Nil)

Voluntary Conditions

A voluntary condition is any term or condition of the proposed transaction which the authority chooses to impose. It does not include any term or condition which the authority is obliged to impose, (for example, as a matter of statute), or which runs with the land. Nor does it include any term or condition relating to a matter which is a discretionary rather than a statutory duty of the authority.

The value of voluntary conditions in the proposed transaction is £0 (Nil)

Amount of discount given by the Council

The difference between the unrestricted value of the land to be disposed of and the consideration accepted (the restricted value plus value of any voluntary conditions).

The amount of discount in the proposed transaction is £120,000 (One hundred and twenty thousand pounds)

In respect of *Local Government Act 1972 general disposal consents (England 2003) disposing of land for less than best consideration that can be reasonably obtained* the transaction does not require the Council to seek specific consent from the Secretary of State as the difference between unrestricted value of land to be disposed of and the consideration accepted is £2,000,000 or less.

Revenue Costs

- 2.12 The current building running costs are nil because the Holme Valley Parish Council have been maintaining a full repair and insure lease since November 2014.
- 2.13 Prior to leasing to Holme Valley Parish Council the annual running costs were:
- £30k staff costs
 - £20k premise costs (including a £10k contract for the healthmatic “superloo”)

Expenditure was partially offset by a £6k income p.a.

3. Implications for the Council

- 3.1 The Holme Village Residents Association has been assessed by the Facilities Management Team and the Council are confident that the group are a strong organisation and are capable of managing the toilets on a freehold basis.
- 3.2 The Local Government Act 1972 General Disposal Consent means that specific consent is not required for the disposal of any interest in land/toilets at less than best consideration which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. Officers consider that the transfer of these toilets to Holme Valley Residents Association will be likely to contribute to the economic social and environmental well-being of Holme Village because it will mean that as a consequence public toilets will be likely to continue to be provided.

4. Consultees and their opinions

- 4.1 The Holme Valley Parish Council regularly consult with the local community regarding their needs. When the group took on the lease in November 2014, they carried out a substantial community consultation with regards to the community’s need for the toilets; this consultation was supported by the local Ward Councillors.

5. Officer recommendations and reasons

- 5.1 Members are requested to authorise the Council to transfer the freehold of Public toilets situate on Towngate, Holmfirth to the Holme Valley Parish Council for no premium/no consideration and to include covenants to ensure that Public toilets situate on Towngate, Holmfirth is a building that is available for community use only. The transfer will state that 70% of the floor area of the building is to be used for community use only but Holme Valley Parish Council will have the right to grant a single lease of the remaining 30% of the floor area for a commercial use (subject to planning).
- 5.2 Members are requested to delegate to the Assistant Director for Physical Resources and Procurement, and Assistant Director for Legal Governance & Monitoring, authority to negotiate and agree the terms of the freehold transfer that relate to the transfer of the Public toilets situate on Towngate, Holmfirth to the Holme Valley Parish Council.

6. Cabinet portfolio holder's recommendations

- 6.1 Portfolio Holders on Monday 27th July 2015 recommended that the transfer for the freehold The Public toilets situate on Towngate, Holmfirth, to the Holme Valley Parish Council for no premium/no consideration and to include restrictive covenants, should proceed to full cabinet for approval. The transfer will state that 70% of the floor area of the building is to be used for community use only but Holme Valley Parish Council will have the right to grant a single lease of the remaining 30% of the floor area for a commercial use (subject to planning).
- 6.2 Portfolio Holders on Monday 27th July 2015 recommended that the Assistant Director of Physical Resources and Procurement and Assistant Director Legal Governance & Monitoring should have delegated authority to negotiate and agree the terms of the freehold transfer that relate to the transfer of the Public toilets situate on Towngate, Holmfirth, to the Holme Valley Parish Council.

7. Next Steps

- 7.1 Officers from Physical Resources and Procurement will complete negotiations and agree terms of the transfer for the asset transfer to take place.

8. Contact officer and relevant papers

Mark Gregory, Head of Corporate Landlord
mark.gregory@kirklees.gov.uk

Jonathan Quarmby, Corporate Facilities Manager
Jonathan.quarmby@kirklees.gov.uk

9. Assistant director responsible

Joanne Bartholomew - Assistant Director, Physical Resources & Procurement

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Name of meeting: Cabinet

v8

Date: 25th August 2015

Title of report: Freehold Asset Transfer of the Public Toilets on the South east side of the village Holme, Holmfirth to the Holme Village Residents Association

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan?	No
Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman – 31 July 2015
Is it signed off by the Director of Resources?	David Smith – 10 August 2015
Is it signed off by the Assistant Director - Legal & Governance?	Julie Muscroft – 10 August 2015
Cabinet member portfolio	Cllr Graham Turner

Electoral [wards](#) affected: Holme Valley South

Ward councillors consulted: Cllr Kenneth Sims, Cllr Nigel Patrick & Cllr Donald Firth

Public or private: Public

1. Purpose of report

- 1.1 This report sets out the proposal to transfer the land and toilets which currently make up The Public Toilets on the South east side of the Village Holme, Holmfirth, to the Holme Village Residents Association with the use restricted for community use.

2. Key points

Proposal

- 2.1 The proposal is for the building and land that make up the Public Toilets on the South east side of the village Holme to be transferred to the Holme Village Residents Association, on a freehold transfer.
- 2.2 The conditions of the freehold will include covenants to ensure that Public Toilets on the South east side of the Village Holme is a building that is available for community use only.

Background

- 2.3 The Holme Village Residents Association originated when Kirklees Council considered the future options for Public Toilets on the South east side of the Village Holme. The Holme Village Residents Association was established, to allow a vehicle for asset transfer. The group is made up of members of the local community. The Holme Village Residents Association expressed interest in managing the toilets for use as public toilets on behalf of the council to ensure the continuation of the toilets within the community. The Holme Village Residents Association was offered a short term full repairing and insuring lease as an interim arrangement in July 2014 with a view to the full freehold transfer of the toilets.
- 2.4 The Group have been running and managing the building since January 2012, and they have maintained a full repair and insure lease.
- 2.6 The Holme Village Residents Association has submitted a brief application for the transfer of the toilets. This has been assessed by the Facilities Management Team and the Council are confident that the group are a strong organisation and are capable of managing the toilets on a freehold basis.

Asset Transfer

- 2.8 The Quirk Review (Community Management and Ownership of Public Assets) of 2007 brought about a fundamental change in the way that Local Authorities viewed ownership of property within their areas. The Empowering Communities White Paper of 2008, "Communities in Control – Real People / Real Power", further cements the government's commitment to double devolution - taking power from Whitehall through Local Authorities and directly to communities, placing toilets in the control of the community.

Community Asset Transfer involves **transferring the ownership of land or buildings from a statutory body to a community organisation at 'less than best consideration'** – that is, at less than its full market value – in order to further local social, economic and/or environmental objectives.

- 2.9 The Asset Advancement Policy was developed in response to the Quirk review and subsequent localism agenda, and approved by Cabinet 8 October 2013. The policy allows for assets to be transferred either through long term leases or freehold transfer not only to third sector organisations but also to Town and parish Councils. As part of the transfer, use will be restricted to community use.
- 2.10 The proposed asset transfer route, subject to Cabinet approval, is to transfer the toilets and land on a freehold basis to the Holme Village Residents Association at nil cost.

Valuation and Discount

2.11 Unrestricted Value

The unrestricted value is the best price reasonably obtainable for the property and should be expressed in capital terms. It is the market value of the land as currently defined by the RICS Red Book (Practice Statement 3.2), except that it should take into account any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest (a "special purchaser"). When assessing unrestricted value, the valuer must ignore the reduction in value caused by any voluntary condition imposed by the authority. In other words, unrestricted value is the amount that would be paid for the property if the voluntary condition were not imposed (or it is the value of the property subject to a lease without the restriction).

The unrestricted value of Holme Toilets is £20,000 (Twenty thousand pounds)

Restricted Value

The restricted value is the market value of the property having regard to the terms of the proposed transaction. It is defined in the same way as unrestricted value except that it should take into account the effect on value of any voluntary condition(s).

The restricted value of Holme Toilets is £0 (Nil)

Voluntary Conditions

A voluntary condition is any term or condition of the proposed transaction which the authority chooses to impose. It does not include any term or condition which the authority is obliged to impose, (for example, as a matter of statute), or which runs with the land. Nor does it include any term or condition relating to a matter which is a discretionary rather than a statutory duty of the authority.

The value of voluntary conditions in the proposed transaction is £0 (Nil)

Amount of discount given by the Council

The difference between the unrestricted value of the land to be disposed of and the consideration accepted (the restricted value plus value of any voluntary conditions).

The amount of discount in the proposed transaction is £20,000 (Twenty thousand pounds)

In respect of Local Government Act 1972 general disposal consents (England 2003) disposing of land for less than best consideration that can be reasonably obtained the transaction does not require the Council to seek specific consent from the Secretary of State as the difference between unrestricted value of land to be disposed of and the consideration accepted is £2,000,000 or less.

Revenue Costs

- 2.12 The current building running costs are nil because the Holme Village Residents Association have been maintaining a full repair and insure lease since July 2014.
- 2.13 The estimated running costs in 2013-14 were £1214 made up of:
 - £554 rates
 - £190 water
 - £120 electricity
 - £350 repair

3. Implications for the Council

- 3.1 The Holme Village Residents Association has been assessed by the Facilities Management Team and the Council are confident that the group are a strong organisation and are capable of managing the toilets on a freehold basis.
- 3.2 The Local Government Act 1972 General Disposal Consent means that specific consent is not required for the disposal of any interest in land/toilets at less than best consideration which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. Officers consider that the transfer of these toilets to Holme Valley Residents Association will be likely to contribute to the economic social and environmental well-being of Holme Village because it will mean that as a consequence public toilets will be likely to continue to be provided .

4. Consultees and their opinions

- 4.1 The Holme Village Residents Association regularly consult with the local community regarding the toilets. When the group took on the lease in July 2014, they carried out a substantial community consultation with regards to the community's need for the toilets, and also to attract volunteers to assist with running the toilets. This consultation was supported by the local Ward Councillors.

5. Officer recommendations and reasons

- 5.1 Members are requested to authorise the Council to transfer the freehold of Public Toilets on the South east side of the Village Holme to the Holme Village Residents Association for no premium/no consideration and to include covenants to ensure that Public Toilets on the South east side of the Village Holme is a building that is available for community use only.
- 5.2 Members are requested to delegate to the Assistant Director for Physical Resources and Procurement, and Assistant Director for Legal Governance & Monitoring, authority to negotiate and agree the terms of the freehold transfer that relate to the transfer of the Public Toilets on the South east side of the Village Holme to the Holme Village Residents Association.

6. Cabinet portfolio holder's recommendations

- 6.1 Portfolio Holders on Monday 27th July 2015 recommended that the transfer for the freehold Public Toilets on the South east side of the Village Holme to the Holme Village Residents Association with the use restricted for community use for no premium/no should proceed to Cabinet for approval.
- 6.2 Portfolio Holders on Monday 27th July 2015 recommended that the Assistant Director of Physical Resources and Procurement and Assistant Director Legal Governance & Monitoring should have delegated authority to negotiate and agree the terms of the freehold transfer that relate to the transfer of Public Toilets on the South east side of the Village Holme to the Holme Village Residents Association.

7. Next Steps.

- 7.1 Officers from Physical Resources and Procurement will complete negotiations and agree terms of the transfer for the asset transfer to take place.

8. Contact officer and relevant papers

Mark Gregory, Head of Corporate Landlord
mark.gregory@kirklees.gov.uk

Jonathan Quarmby, Corporate Facilities Manager
Jonathan.quarmby@kirklees.gov.uk

9. Assistant director responsible

Joanne Bartholomew - Assistant Director, Physical Resources & Procurement

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Meeting: CABINET
Date: TUESDAY 25 AUGUST 2015
Title of report: REVISED INDEPENDENT SECTOR RESIDENTIAL AND NURSING HOME FEES 2015/16

Is it likely to result in spending or a saving of £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan?	No
Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Director and Name Is it signed off by the Director of Resources? Is it signed off by the Assistant Director for Legal, Governance & Monitoring?	Richard Parry – 17 July 2015 David Smith – 22 July 2015 Julie Muscroft – 31 July 2015
Cabinet member portfolio	Prevention, Early Intervention & Vulnerable Adults

Electoral [wards](#) affected: All
Ward Councillors consulted: Consultation with Ward Councillors is not applicable to this report
Public or private: Public

1. PURPOSE OF REPORT

This report seeks approval to increase the fees paid to independent sector residential and nursing home providers to reflect the impact of the 2015 increase in the national minimum wage.

2. KEY POINTS

2.1 The current fees paid to independent sector residential and nursing home providers were agreed by Cabinet on 10 March 2015. As in previous years, it was noted that should there be an increase in the national minimum wage in 2015 another report would be submitted which would propose a further increase in the fees to reflect the impact on independent sector providers.

2.2 From 1 October 2015 the hourly rate of pay for workers aged:

- 21 and over will increase from £6.50 to £6.70 per hour
- 18 to 20 will increase from £5.13 to £5.30 per hour
- 16 to 17 will increase from £3.79 to £3.87 per hour

The rate for apprentices will increase from £2.73 to £3.30 per hour

2.3 In recognition of the impact of these increases in the national minimum wage on independent sector providers it is therefore proposed to increase the fees paid to them as set out in Appendix 1.

2.4 The government announced a new National Living Wage which will come into effect from April 2016. Fees paid to independent sector providers will need to rise further in April 2016 to take account of this.

2.5 Link to the Maximum Weekly Charge for Non-residential Adult Social Care

2.5.1 On 7 February 2012 Cabinet agreed that the maximum weekly charge for non-residential adult social care support would be the same as that agreed for a Council funded place in an independent sector residential care home.

2.5.2 If the proposed increases are agreed this would, in turn, increase the maximum weekly charge for non-residential adult social care support from £458.51 per week to £465.69 (an additional £7.18) with effect from 5 October 2015.

3. IMPLICATIONS FOR THE COUNCIL

3.1 The Council has given a commitment to independent sector providers that the impact of increases in the national minimum wage would be reflected in the level of fees paid to them.

3.2 The proposed increases were taken into account when preparing the 2015/16 Revenue Budget and the Budget Strategy for the following 2 years which was approved by Council on 18 February 2015.

3.3 The impact of the new National Living Wage on Council contracts, to be paid from April 2016, will need to be assessed as part of the 2016/17 budget. The Council itself currently pays above the proposed National Living Wage and this cost is reflected in our plans. The Local Government Association has already indicated that it expects that Government considers this cost pressure as part of the debate on future council spending.

4. CONSULTEES AND THEIR OPINIONS

Representatives from independent sector residential and nursing homes meet with officers on a regular basis. The proposed fees are in line with discussions held with local providers, and reflect areas of cost raised by them.

5. NEXT STEPS

The proposed fees would be implemented with effect from 5 October 2015.

6. OFFICER RECOMMENDATION AND REASONS

That the proposed revised independent sector residential and nursing home fees for 2015/16 as set out in Appendix 1 be approved.

7. CABINET PORTFOLIO HOLDER RECOMMENDATION

The Portfolio Holder for Prevention, Early Intervention and Vulnerable Adults recommends that the proposed revised independent sector residential and nursing home fees for 2015/16 as set out in Appendix 1 be approved.

8. CONTACT OFFICER

Keith Smith, Assistant Director for Commissioning and Health Partnerships

Tel - 01484 221000

Email - keith.smith@kirklees.gov.uk

RELEVANT PAPERS

- Personnel Committee Report 16 March – The introduction of a Living Wage for Kirklees Council staff
- Cabinet Report 16 June – West Yorkshire Living Wage
- Council Report 24 June – West Yorkshire Living Wage

9. ASSISTANT DIRECTOR RESPONSIBLE

Keith Smith, Assistant Director for Commissioning and Health Partnerships

PROPOSED REVISED INDEPENDENT SECTOR RESIDENTIAL AND NURSING HOME FEES 2015/16

	Current Fee (Homes not participating in the Dementia Care Fee Rate Scheme)	Current Fee (Homes participating in the Dementia Care Fee Rate Scheme)	Proposed Fee from 5 October 2015 (Homes not participating in the Dementia Care Fee Rate Scheme)	Proposed Fee from 5 October 2015 (Homes participating in the Dementia Care Fee Rate Scheme)
	£ per week	£ per week	£ per week	£ per week
<u>Residential Care</u>				
Base fee	429.77	449.77	436.95	456.95
Single Room Supplement	14:37	14:37	14:37	14:37
En-Suite Supplement	<u>14:37</u>	<u>14:37</u>	<u>14:37</u>	<u>14:37</u>
Maximum Rate	<u>458.51</u>	<u>478.51</u>	<u>465.69</u>	<u>485.59</u>
<u>Nursing Care</u>				
Base Fee	448.00	468.00	454.23	474.23
Single Room Supplement	14:37	14:37	14:37	14:37
En-suite Supplement	<u>14:37</u>	<u>14:37</u>	<u>14:37</u>	<u>14:37</u>
Maximum Rate	<u>476.74</u>	<u>496.74</u>	<u>482.97</u>	<u>502.97</u>

Notes

1. Care homes located within the Kirklees boundary and contracted to the Council are eligible to join the Council's Dementia Care Fee Rate Scheme. The scheme enables providers to receive an additional £20 per eligible resident per week.
2. In addition to the fees set out above, in respect of residents who are assessed as needing the help of a registered nurse, a nationally agreed funded nursing care payment is paid by the NHS.



Name of meeting: Cabinet
Date: 25th August 2015
Title of report: Disposal of land at Bradford Road, Dewsbury
 (former Safeway site)

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes - The sale of the land should generate a receipt (equivalent to a saving) in excess of £250k
Is it in the Council's Forward Plan?	Yes
Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman – 05/08/15
Is it signed off by the Director of Resources?	David Smith – 05/08/15
Is it signed off by the Assistant Director - Legal, Governance & Monitoring	Julie Muscroft – 05/08/15
Cabinet member portfolio	Place and Resources

Electoral [wards](#) affected: Dewsbury East

Ward councillors consulted: The views of the Ward Members for Dewsbury East and West have been sought and comments are reported in the section on Consultees and their opinions.

Public or private: Public (with Private Appendix)

1.0 Purpose of report

1.1 This report seeks approval for marketing and disposal of the Council owned land at Bradford Road, Dewsbury.

2.0 Background

2.1 The site at Bradford Road shown edged red on the site plan at Appendix 1 is located on the edge of Dewsbury Town Centre and has a gross area of approximately 0.98 hectares (2.44 acres). The site was formerly occupied by a Safeway supermarket store.

- 2.2 The Council acquired the property on the open market in 2008 from the adjoining owner Lidl and subsequently demolished the buildings down to ground floor slab level. The original purpose of the acquisition was to provide a site for new facilities for the merger of Huddersfield and Dewsbury College's. However, the site is now surplus to the Council's requirements.
- 2.3 The Council's title is subject to a restrictive covenant in favour of Lidl not to use the land for the retail sale of food and drink within Class A1. There is also a supplemental agreement made between the Council and Lidl covering the construction of a new joint access in the event that this is required by the local planning authority (LPA) to support development of the Council's land.

3.0 Main Issues

a) Planning

- 3.1 The site is currently unallocated in the Kirklees Unitary Development Plan (UDP). Kirklees UDP policies and proposals are superseded by the provisions of the National Planning Policy Framework (NPPF) published in March 2012. The LPA have advised that their preferred use of the site would be for non-town centre uses (town centres as defined in the NPPF Glossary) or town centre uses that would complement and not compete with Dewsbury Town Centre.

- 3.2 Broadly, the LPA would consider the following non-town centre uses:-
- Residential
 - Employment

Town Centre uses that may complement the centre:-

- Retail (bulky goods only)
- Office (caution over opportunities in town centre)
- Leisure/entertainment/intensive sport and recreation (caution over restaurants, bars, and public houses due to opportunities in town centre.

A sequential test would be required which would need to consider the scale of the proposal and opportunities available within Dewsbury Town Centre.

b) Environment and highways

- 3.3 Prior to use as a supermarket, the site was previously occupied by a mill with associated infrastructure. There is a culverted watercourse, Dewsbury Beck, running through the site with the entrance to the north. The eastern half of the site adjoining the watercourse is within Flood Zones 2 and 3 of the Environment Agency's Flood Maps.
- 3.4 Previous site investigations in 2009 and 2010 revealed made ground across the site. Subsequent chemical testing of the made ground did

not reveal significant contamination which would pose a significant risk to human health.

- 3.5 A supplemental agreement made between the Council and Lidl in 2008 covers the construction of a new joint access to serve both the existing Lidl store and any new development on the Council land, in the event that such is required by the local planning authority.

c) Market demand

- 3.6 The former Safeway site has been subject of much interest during the last few years, with interest from retailers, developers and bespoke end users and it is considered that demand for the site will be strong notwithstanding the site's constraints and restrictions placed upon it.
- 3.7 Recently the Council have been approached by a third party with a proposal to acquire the Council's land for the development of further retail units. Financial details of the proposal are attached at Appendix 2 in the private part of today's agenda.

d) Regeneration

- 3.8 The former Safeway site is bounded by two major arterial roads and sits at a key gateway into Dewsbury town centre. As an edge of centre site the redevelopment needs to have a positive and contributing impact on the town centre. Given the nature of the site, large flat site with good access, the opportunity to generate new floorspace, create employment and indeed residential can be accommodated on the site.

e) Best consideration

- 3.9 The Council is under a statutory duty to obtain best consideration that can reasonably be obtained when disposing of land and property. Circular 06/03: Local Government Act 1972 General Disposal Consent (England) 2003, issued by the Department for Communities and Local Government (DCLG), states that best consideration is generally the unrestricted Market Value (MV) and is the best price reasonably obtainable for the disposal where the principal aim was to maximise the value of the receipt. The unrestricted value should take into account of whatever uses might be permitted by the local planning authority.
- 3.10 The Council's duty is to achieve a particular outcome (namely the best price reasonably obtainable): it is not a duty to conduct a particular process. The European Commission Communication on State aid elements in sales of land and buildings by Public Authorities (97/C209/03) describes a simple procedure that allows Member States to handle sales of land and buildings in a way that automatically precludes the existence of State aid. State aid will not be present in sales following a well-publicised, unconditional bidding procedure or following sales subject to an independent expert evaluation where the market value established is the minimum purchase price that can be agreed without granting State aid.

- 3.11 The Market Value of the site has been assessed by the Council's external valuers and a copy of their report is attached at Appendix 3 in the private part of today's agenda.

4.0 Implications for the Council

a) Policy

- 4.1 The sale and subsequent development of the site at Bradford Road¹ could result in a number of outcomes based on the redevelopment options for the site. In the case of employment usage the site has the potential to generate up to 2,700m² of new business floorspace capable of accommodating in excess of 40 jobs³. In respect of residential activity the site is capable of accommodating a range of 30-45 family and smaller dwellings. This figure would vary, depending on the ratio and density of smaller units and family housing. The upward expected figure of 45 units would be based on maximising the number of smaller units.
- 4.2 The site has the potential to contribute towards the Kirklees Economic Strategy 2014-2020 priorities (4 and 5) by providing a platform for the creation of new residential and employment supporting the transformation of Dewsbury town centre.
- 4.3 Any disposal would only progress following review and consideration of the Dewsbury Strategic Development Framework report to be considered by members in late 2015.

- 1 With an estimated net developable area of 0.75 hectares
- 2 At a plot density ratio of 3,500 sq m per hectare (Source: Roger Tym & Partners, 'Planning For Employment Land: Translating Jobs into Land', April 2010, page 51)
- 3 At an employment density ratio of 67 sq m per worker (Source: Roger Tym & Partners, 'Planning For Employment Land: Translating Jobs Into Land', April 2010, page 51)

b) Finance

- 4.4 The Council would obtain a capital receipt from the sale of the land. The authority would also receive a proportion of the business rates income from future occupiers of business premises.

c) Land and Property

- 4.5 The Council's current Estate Management Policy is to generally dispose of land and property at best consideration. Marketing of the land would be outsourced to an external agent to maximise exposure to active purchasers and developers. The disposal would be by way of an informal tender process, with completion being subject to planning

permission being obtained. The terms of the disposal would secure development obligations on the part of the purchaser, backed up with appropriate re-purchase provisions in the event that a development does not commence within a reasonable time.

5.0 Monitoring and Review

- 5.1 Following any Cabinet approval to delegate authority to appropriate officers to market the site, and enter into and execute all appropriate documentation with preferred purchaser, developer's proposals would be taken to Place Directorate Management Team to select the preferred purchaser.

6.0 Consultees and their opinions

- 6.1 The Principal Planning Officer – Place: Investment and Regeneration has been consulted and his comments are included in the main issues section of this report.
- 6.2 The Senior Legal Officer (conveyancing) in Legal, Governance and Monitoring Service has been consulted and his comments are reflected in the report.
- 6.3 The views of Ward members for both Dewsbury East and Dewsbury West have been sought. Councillor Firth confirmed his support for the proposal; no other comments were received.

7.0 Next Steps

- 7.1 The next steps would be for officers to appoint an external agent and prepare an information pack in advance of the marketing of the site.

8.0 Officer recommendations and reasons

It is recommended that:

- 8.1 Cabinet approves the sale of the land but subject to the requirement that the land must be sold by way of tender on the open market
- 8.2 Cabinet delegates authority to the Assistant Director, Physical Resources & Procurement Service in consultation with the Assistant Director Investment & Regeneration Service to negotiate and agree the terms and conditions of the sale of the Land with the successful tenderer
- 8.3 Cabinet delegates authority to the Assistant Director Legal Governance & Monitoring to negotiate seal and enter into all appropriate documents in relation to the sale of the land with the successful tenderer
- 8.4 The reasons for the recommendation are that the development of the site will contribute towards the Council's Economic Strategy and

marketing will ensure that the opportunity to develop this important site in Dewsbury is exposed to the widest possible audience.

9.0 Cabinet Portfolio Holder recommendations

The Portfolio Holders, Cllr Peter McBride and Cllr Graham Turner, agree with the content of the report and are happy for it to proceed to Cabinet.

10.0 Contact officers and relevant papers

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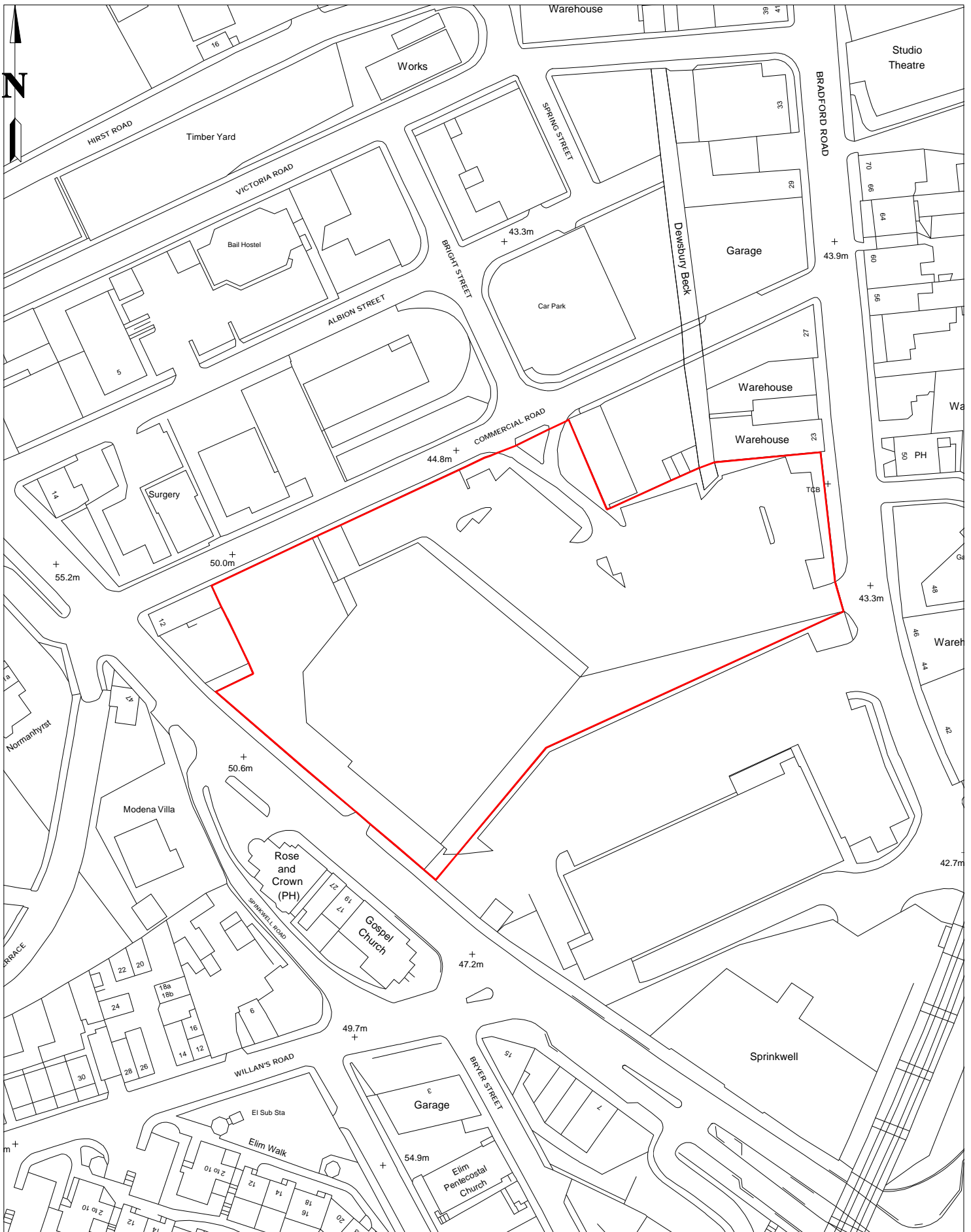
Appendices

1. Site location plan
2. Financial details of proposal from third party (Private appendix)
3. Valuation report (Private appendix)

11.0 Assistant Directors responsible

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**PHYSICAL RESOURCES
& PROCUREMENT**

Plan No: 15-0045

Scale: 1250

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