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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

CABINET

TUESDAY 15 DECEMBER 2015

Andrea Woodside

01484 221000

Chair

Councillor David Sheard

Councillors Attended

J Calvert, S Hall, E Hill, V Kendrick, P McBride, S Pandor, C Scott and G Turner

Attendees

Co-optees

Apologies

Observers

1: Membership of the Committee

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

No apologies for absence were received.

2: Minutes of previous meeting

To approve the Minutes of the meeting of the Committee held on 20 October 2015

That the Minutes of the meetings held on 20 October 2014 be approved as a correct record.

3: Interests

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

No interests were declared.

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.

It was noted that Agenda Items 19 and 20 would be considered in private session.

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.

No deputations or petitions were received.

6: Public Question Time

The Committee will hear any questions from the general public.

No questions were asked.

7: Member Question Time

To consider questions from Councillors.

No questions were asked.

9: Overview and Scrutiny Management Committee - Recommendations from Call-In Hearing - Mirfield Community Centre Asset Transfer

A report advising of the decision and recommendations of the Overview and Scrutiny Management Committee, following its consideration of a Call-In in respect of the decision made by Cabinet on 20th October 2015 on 'Mirfield Community Centre – Asset Transfer'.

Officer: Penny Bunker

That Officers be authorised to transfer the freehold of Mirfield Community Centre, Water Royd Lane, to Mirfield Community Trust for no premium/nil consideration, subject to a restrictive covenant that will prevent the premises from being used for any other purpose than community use.

8: Clarification to Cabinet following Scrutiny Call In - 18 November 2015 - on the Community Asset Transfer of Mirfield Community Centre

A report seeking consideration of the feasibility and desirability of entering into covenants upon the Asset Transfer.

Officer: Mark Gregory 01484 221000

That the recommendations of the meeting of the Call-In Hearing on Mirfield Community Centre Asset Transfer be received and noted prior to the consideration of Agenda Item 9.

10: Freehold Asset Transfer of Wooldale Community Centre, Robert Lane, Holmfirth. HD9 1XZ

A report seeking approval to transfer the freehold of Wooldale Community Centre to Wooldale Community Association.

Officer: Mark Gregory: 01484 221000

(1) That Officers be authorised to transfer the freehold of Wooldale Community Centre to Wooldale Community Association for no premium/nil consideration, including covenants to ensure that (i) the rear of Wooldale Community Centre that is currently occupied by Kidroyds School can only be used as a pre-school and/or nursery and/or for community use and (ii) that the other parts of Wooldale Community Centre can only be used for community use.

(2) That it be noted that the Assistant Director (Physical Resources and Procurement) and the Assistant Director (Legal, Governance and Monitoring) have delegated authority to negotiate and agree the terms of the freehold transfer that relate to the transfer of Wooldale Community Centre to the Wooldale Community Association.

11: Town and Parish Council Accommodation

The report provides an overview of the current position and asks Cabinet to provide clarity on potential accommodation costs for Town and Parish Councils

Officer: Mark Gregory: 01484 221000

(1) That, in order to reduce the revenue and capital liabilities of the underutilised buildings, the full costs be recovered from the Parish and Town Councils for the accommodation that they occupy at commercial rates, if agreement can be reached.

(2) That the recharges be effective from 1 April 2016, subject to agreement with the Town and Parish Councils.

(3) That the Assistant Director (Physical Resources and Procurement) and Assistant Director (Legal, Governance and Monitoring) be authorised to negotiate legal occupancy agreements with the Councils at a full market rent where practicable.

(4) That payment by the Council of the leasing fees associated with the agreement for the lease of Burton Village Hall between Kirkburton Parish Council and Kirkburton and Highburton Community Association shall cease with effect from 1 April 2016.

(5) That in the event that any Asset Transfer Agreements with Parish Councils are not concluded by 1 April 2016, it be confirmed that the payment of rent by the Council will cease.

12: Impact of VAT on Theatre Hire charges in Town Halls

A report seeking approval to increase the hire charge to include VAT and a voluntary disclosure to the HMRC for backdated VAT payments.

Officer: Dave Thompson

(1) That approval be given to update Town Hall charges for theatre hire to include the 20% VAT charge, with effect from 1 April 2016.

(2) That the additional cost of VAT on room hire up to 31 March 2016 be met by the Council and not referred to hirers as a backdated charge.

(3) That a voluntary disclosure be made to the HMRC for payment of VAT on appropriate hires from 1 December 2014.

13: The Government's Spending Review and Autumn Statement 2015

A report informing Cabinet of the Chancellor of the Exchequer's Autumn Statement and the outcome of the Government's Comprehensive Spending Review.

Officer: Debbie Hogg: 01484 221000

(1) That the Chancellor's proposals as set out in the Government's Spending Review and Autumn Statement 2015 be noted.

(2) That a meeting be held during January 2016, to which all Councillors be invited, to provide an opportunity for engagement to take place with Councillors and the public on the impact that the Local Government Settlement and draft budget reductions will have upon Services provided by the Council, and that the outcomes from the meeting be used to inform the meeting of Budget Council on 17 February 2016.

(3) That the Director of Resources be asked to produce a report for consideration at the above meeting as referred to in (2) above, setting out the implications of the Local Government Settlement upon Kirklees.

14: Tax Credit and the Autumn Statement

To note the report relating to the effects of the Government's proposed changes to the welfare system.

Officer: Julian Hobson: 01484 221000

That details of the Tax Credit and Autumn Statement be noted.

15: Quarter 2, 2015/16 Corporate Performance Report

A report providing an overview of the Council's performance at the end of quarter 2, 2015/16.

Officer: Sue Grigg: 01484 221000

That the Quarter 2, Corporate Performance Report 2015/2016 be noted.

16: Careers, Information Advice and Guidance Services

A report seeking consideration of the future commissioning options for careers, information, advice and guidance services and to approve the proposed arrangements.

Officer: Graham Crossley: 01484 221000

(1) That approval be given to Option C, as detailed within the report, and that the proposed arrangements between Calderdale Council and C&K Careers Ltd for restructuring C&K and the incorporation of the Subsidiary as a teckal company.

(2) That, pursuant to (1) above, approval be given to Kirklees Council's membership of the Subsidiary.

(3) That authorisation be given to the Assistant Director (Legal, Governance and Monitoring) in conjunction with the Assistant Director (Commissioning and Health Partnerships) and the Head of Audit and Risk, to negotiate and conclude all appropriate documentation in respect of the restructuring of C&K, the establishment of the Subsidiary, Kirklees Council's membership of the Subsidiary and the continued provision of CEIAG services through these companies.

(4) That it be noted that this decision is considered the most efficient, effective and practical solution to deliver the benefits as set out in paragraph 2.15 of the report.

(5) That it be noted that this decision is subject to agreement from Calderdale Council that Option C is also the preferred approach prior to the implementation of a decision and that, in the event that Calderdale pursue a different option, a further report will be submitted to Cabinet.

17: 2015/16 and 2016/17 Council Capital Plan - Amendments to the detail of the approved 2015/16 Corporate Landlord managed sections of the capital plan and proposed allocation of 2016/17 capital funding.

A report seeking consideration of amendments to the detail of the approved 2015/16 Corporate Landlord managed sections of the Capital Plan and to approve the programmes of work for 2016/17.

Officer: Jonathan Quarmby: 01484 221000

(1) That the amendments to the detail of the approved 2015/2016 Corporate Landlord managed sections of the Capital Plan be noted.

(2) That approval be given to the programmes of work for 2016/2017 subject to the overall allocation being approved at Council on 17th February 2016.

(3) That approval be given to the proposed delegated powers as outlined in paragraphs 2.13 to 2.16 of the report.

18: Exclusion of the Public

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

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

19: Commissioning Careers, Information Advice and Guidance Services

Private appendix in relation to agenda item 16.

This Private Appendix is recommended for consideration in private because the information contained in it is 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 adversely compromise the confidentiality of the parties financial or business affairs. The public interest in maintaining the exemption, which would protect the confidentiality of the parties' financial or business affairs outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

Officer: Graham Crossley: 01484 221000

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 16.

20: 2015/16 and 2016/17 Council Capital Plan - Amendments to the detail of the approved 2015/16 Corporate Landlord managed sections of the capital plan and proposed allocation of 2016/17 capital funding.

Private appendix in relation to agenda item 17.

The report appendices are recommended to be taken in Private because the information contained in it is considered to be exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely affect overall value for money and could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in council decision making.

Officer: Jonathan Quarmby: 01484 221000

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 17.
