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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

CABINET

TUESDAY 9 FEBRUARY 2016

Andrea Woodside

01484 221000

Chair

Councillor David Sheard

Councillors Attended

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

Attendees

Co-optees

Apologies

Councillor Jean Calvert

Observers

Councillor Martyn Bolt

1: Membership of the Committee

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

Apologies were received from Councillor Jean Calvert.

2: Minutes of previous meeting

To approve the Minutes of the meeting of the Committee held on 17 November and 15 December 2015.

That the Minutes of the meeting held on 17 November and 15 December 2015 agreed 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.

Councillor Cathy Scott declared a disclosable pecuniary interest in Agenda Item 10 - Leasehold Asset Transfer of Chickenley Community Centre, due to her being the Centre Manager and withdrew from the meeting during consideration of the item.

Councillor Steve Hall declared a disclosable pecuniary interest in Item 12 - Future Delivery of Housing Functions and Services (including repairs and maintenance) due to his wife working for KNH and took no part in the decision making process on this item.

Councillor Peter McBride declared an other interest in Agenda Item 19 - Provision of loan facility to a hotel development at the John Smith's Stadium site, Huddersfield, due to him being a Director at Kirklees Stadium Ltd and withdrew from the meeting during consideration of this item.

Councillors David Sheard, Erin Hill, Viv Kendrick, Shabir Pandor, Cathy Scott and Graham Turner declared other interests in Agenda Item 12 due to their Trade Union Membership.

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.

Cabinet agreed that all items be considered in public with the exception of confidential information relating to the Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016/2017 and the Provision of loan facility to a hotel development at the John Smith's Stadium site, Huddersfield.

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 Member questions were asked.

8: Implications of School category changes for Land and Premises - an extension of delegation to Senior Officers to dispose of Council assets.

A report seeking approval for delegation of powers for the Assistant Directors Place and Assistant Director Legal and Governance to deal with the disposal of council assets when a school changes category or in order to regularise the position that has arisen as a result of historical or new extensions to certain types of schools.

Officer: Mark Gregory: 01484 221000

(1) That the information received regarding the implications of school category changes for land and premises be noted.

(2) That approval be given to the delegation of powers to the Assistant Directors Place and Assistant Director Legal and Governance to deal with the disposal of Council assets either as a result of school expansion, historic or otherwise and also when a school changes category.

9: Determination of Admission Arrangements for 2017/18

A report seeking approval of the Kirklees co-ordinated admission schemes for 2017/18, including in-year admissions and the admission arrangements for all Kirklees community and voluntary controlled schools.

Officer: Jo-Anne Sanders: 01484 221000

(1) That the Kirklees Coordinated Admission schemes for 2017/2018, including In-Year admissions, as set out at Appendix 2 of the considered report be approved.

(2) That the admission arrangements for Kirklees Community and Voluntary Controlled schools as detailed in Appendix 1 and including the recommended Pupil Admission Numbers (PAN's) for the schools where Governing Bodies requested a change to the PAN proposed by the Local Authority, as detailed in Appendix 1 to the considered report be approved.

10: Leasehold Asset Transfer of Chickenley Community Centre

A report seeking approval to transfer the land and buildings, on a long leasehold transfer, which currently make up Chickenley Community Centre to the Chickenley Community Centre.

Officer: Mark Gregory: 01484 221000

(1) That officers be authorised to grant a 125 year full repair and insure leasehold of the building and land currently used for Chickenley Community Centre to the Community Association known as Chickenley Community Centre for no premium/nil consideration, subject to the lease containing covenants that restrict the use for centre community use, but with the flexibility that up to 30% of the floor space of the existing building on the centre can be used for commercial purposes.

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

11: Transformation of Council Pre-school Daycare Services - Phase 5

A report providing an update about proposals for delivering the requirements of the Medium Term Financial Plan (MTFP) 2015-18 within the Council's agreed Childcare Commissioning and Market Management Framework. It specifically seeks approval to proceed with proposals at Little Jacks Daycare in Chickenley, Dewsbury.

Officer: Carol Lancaster: 01484 221000

That approval be given to the proposal as set out in model C to the considered report which would result in the transfer of management of Little Jacks Nursery to Orchard Academy School.

12: Future Delivery of Housing Functions and Services (including repairs and maintenance)

A report providing further analysis of the option to merge Kirklees Neighbourhood Housing with Kirklees Building Services alongside existing arrangements.

Officer: Helen Geldart: 01484 221000

(1) That the Council's high level option appraisal included at paragraph 4.2 of the considered report be noted together with the appraisal commissioned by the Council from the Housing Quality Network set out at Appendix 1, together with all information in the considered report.

(2) That the recommended approach to transfer the Council's building maintenance DSO (Kirklees Building Services) to KNH Ltd, including staff as well as responsibility for operational repairs and maintenance services to Council Houses; other Council owned premises and work for some schools (proposed transfer) from or before 1 April 2017, be approved, subject to the satisfactory resolution of Legal, Financial, HR issues highlighted within the considered report.

(3) That the financial implications of the proposal shown at paragraph 4.2 and 7.1 of the considered report be noted together with the further work required by officers before it is possible to make the final decision in relation to the proposed transfer.

(4) That the legal framework set out at paragraph 7.2 of the considered report on the Council's legal power to enter into the proposed transfer arrangements and the further work required before it is possible to make a final decision in relation to the proposed transfer be noted.

(5) That the response to the statutory consultation exercise under Section 3 of the Local Government Act 1999 and Section 105 Housing Act 1985, together with the Council's response at Section 8 of the considered report and Appendix A be noted.

(6) That the proposed arrangements set out at paragraphs 6.9, 7.1.4 and 7.2.5 in relation to service level agreements between the Council and KNH be noted.

(7) That the HR implications at paragraph 7.3 of the considered report be noted and that approval be given to the transfer of all effected Council employees "in scope" and the provision of information and consultation as appropriate with Trade Unions.

(8) That the project management arrangements set out at paragraph 9.2 of the considered report, which would be responsible for ensuring the outstanding legal, financial, HR and organisational issues are addressed be noted.

(9) That authority be delegated to the Director of Place or authorised representatives to progress the matters, including amongst other things, those listed in the implementation plan, to effect the proposed transfer; in accordance with the Council's contract procedure rules, the award of a 20 year management agreement, covering housing management and building maintenance services; a new delivery plan; leases of relevant premises; appropriate valuations based on market rate; consents as considered appropriate; and any other ancillary documentation to effect the transfer and commencement of a new agreement from or before 1 April 2017 and that it be noted that if further risk are identified or there are any material changes to any issues that emerge, the report be brought back to Cabinet for further decision.

(10) That authority be delegated to the Assistant Director Legal, Governance and Monitoring to sign, seal (as appropriate), and enter into on behalf of the Council, any documentation (including, but not limited to) leases, a new 20 year management agreement, for housing management and building maintenance and repair services and other associated and or ancillary documentations to effect the transfer of services to KNH; and update the Councils constitution as required.

13: West Yorkshire Transport Fund - Scheme Principles

A report seeking consideration of a number of forthcoming sensitive issues which are likely to arise from the development of the Kirklees WY Transport Fund schemes.

Officer: Keith Bloomfield: 01484 221000

(1) That approval be given to the following key highways design principals as a basis for the design and development of the Kirklees West Yorkshire Transport Fund schemes;

* Strategic and local needs will need to be carefully considered but where there is a strong evidence need for measures in support of overall benefits, strategic priorities will take preference over local ones.

* Gateways will be created on our main roads on approaches to all main towns and urban centres.

* Where schemes require third party land acquisition for highway purposes, such land will be acquired using compulsive purchase order powers where agreement cannot be reached by negotiation. Each case where a compulsive purchase order is considered necessary will be the subject of a further Cabinet report.

* To improve the capacity and reliability of our existing transport corridors the use of management and road space will be considered and control measures proposed if congestion benefits will be achieved. Such measures to also consider potential mitigation measures for economic and environmental frontage activities.

* The environmental and economic benefits of greening up our key transport corridors (green streets) is supported.

(2) That it be noted that the outcome of the application of these principals on all our Kirklees West Yorkshire Fund Schemes would be included in future individual project reports as they are developed and presented to Cabinet for consideration/approval.

14: Creative Partners Investment Programme 2016

A report seeking approval of the delivery of a one year Creative Partners Investment Programme and the framework by which arts organisations will be selected on to the scheme.

Officer: Kath Davies: 01484 221000

(1) That option 2 set out at paragraph 2.11 of the considered report be approved in relation to the investment of the final £169,000 creative partner budget.

(2) That the Director of Community, Transformation and Change be delegated authority, after consultation with the Cabinet Portfolio Holder for resources and community safety, to approve which organisations are selected to the scheme based on the criteria set out at paragraphs 2.9 and 2.10 and how much each is awarded so that decisions can be made quickly, in order to help creative organisations with their financial planning.

15: Place Directorate - Trade Waste Fees and Charges

A report seeking approval to the review of fees and charges for Trade Waste.

Officer: Aidan Hopson: 01484 221000

That the fees and charges as set out for 2016/2017 within the considered report be approved with an effective date of 1 April 2016.

16: Dewsbury Market Hall Repairs

A report seeking approval for spend from the Market Capital budget within Regeneration base line budget, to replace external wooden fascia and aluminium angle strips around Dewsbury market. Also to repaint high level exterior of the building.

Officer: Chris Cotton: 01484 221000

(1) That approval be given to the Capital Spend from the Market Capital Budget within the regeneration base line budget, as set out in the considered report, to complete the refurbishment works required at Dewsbury Market.

(2) That authority be delegated in accordance with Council Financial Procedure Rules to the Director of Economy, Skills and Environment to manage the implementation within the respective agreed total market capital budget as set out in section 2 of the considered report.

17: Parks and Greenspace Refurbishment Programme 2016/17

A report seeking approval of the Streetscene - Parks Capital Plan and Section 106 expenditure programme for 2016/17.

Officer: Rob Dalby: 01484 221000

(1) That approval be given to the expenditure of £150,000 capital funding in order to upgrade and improve provision and the £101,500 Section 106 monies as outlined in the work programme and set out within the considered report in relation to the Parks and Greenspace refurbishment programme for 2016/2017.

(2) That authority be delegated to the Head of Environment and Greenspace to authorise works.

18: Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016/17 - 1 Year

A report seeking approval of a one year Capital Investment Vehicle Replacement Programme.

Officer: Mick Farmer: 01484 221000

(1) That approval be given to the continues investment of £2.577m in the vehicle replacement programme for the financial year 2016/2017, as identified in the Capital Plan and set out in the considered report, subject to approval by Council on 17 February 2016.

(2) That approval be given to officer delegation outlined at paragraphs 2.6 and 2.7 of the considered report, to manage the implementation of the vehicle replacement programme within the agreed budget and in accordance with Council Financial Procedure Rules 3.10 to 3.12, to the Director of Economy, Skills and the Environment.

19: Provision of loan facility to a hotel development at the John Smith's Stadium site Huddersfield

A report seeking consideration to provide a secured loan facility to a scheme, to develop a business class hotel at the John Smith's Stadium (JSS) Huddersfield.

Officer: Paul Kemp: 01484 221000

(1) That officers be authorised to enter into detailed negotiations on a loan agreement to provide up to £9m of secured senior debt funding, to the proposed hotel development at the John Smith's Stadium site, Huddersfield.

(2) That authority be delegated to the Director of Resources to agree the terms of the loan agreement and the Assistant Director (Legal, Governance and Monitoring) to enter into any documentation required to secure this and that the loan agreement be subject to appropriate due diligence on the business case and financial projections provided by Kirklees Stadium Ltd / Hotel Land Development Ltd in respect of the hotel proposal.

20: 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.

Public excluded at this point.

21: Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016 - 2017

Private appendices in relation to the report above.

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

Officer: Mick Farmer: 01484 221000

Information considered prior to the decision being taken in respect of Agenda Item 18 - Transport Services - 1 Year Capital Investment Vehicle Programme 2016-2017.

22: Provision of loan facility to a hotel development at the John Smith's Stadium site Huddersfield

Private appendices in relation to the report above.

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

Officer: Paul Kemp - 01484 221000

Information considered prior to a decision being taken in relation to Agenda Item 19 - Provision of loan facility to a hotel development at the John Smith's Stadium site, Huddersfield.
