

Public Document Pack



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Monday 1 February 2016

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 9 February 2016**.

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.

2: Minutes of previous meeting

1 - 16

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

3: Interests

17 - 18

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.

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.

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.

6: Public Question Time

The Committee will hear any questions from the general public.

7: Member Question Time

To consider questions from Councillors.

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

19 - 22

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

Wards

Affected: All Wards

9: Determination of Admission Arrangements for 2017/18 23 - 56

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

Wards

Affected: All Wards

10: Leasehold Asset Transfer of Chickenley Community Centre 57 - 66

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

Wards

Affected: Dewsbury East

11: Transformation of Council Pre-school Daycare Services - Phase 5 67 - 80

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

Wards

Affected: Dewsbury East

12: Future Delivery of Housing Functions and Services (including repairs and maintenance) 81 - 124

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

Wards

Affected: All Wards

13: West Yorkshire Transport Fund - Scheme Principles 125 - 134

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

Wards

Affected: All Wards

14: Creative Partners Investment Programme 2016 135 - 154

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

Wards

Affected: All Wards

15: Place Directorate - Trade Waste Fees and Charges 155 - 160

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

Officer: Aidan Hopson: 01484 221000

Wards

Affected: All Wards

16: Dewsbury Market Hall Repairs 161 - 164

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

Wards

Affected: All Wards

17: Parks and Greenspace Refurbishment Programme 2016/17 165 - 170

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

Officer: Rob Dalby: 01484 221000

Wards

Affected: All Wards

18: Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016/17 - 1 Year 171 - 178

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

Officer: Mick Farmer: 01484 221000

Wards

Affected: All Wards

19: Provision of loan facility to a hotel development at the John Smith's Stadium site Huddersfield 179 - 184

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

Wards

Affected: Dalton

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.

- 21. Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016 - 2017** 185 -
186
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

- 22. Provision of loan facility to a hotel development at the John Smith's Stadium site Huddersfield** 187 -
206

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

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 17th November 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

140 Membership of the Committee

All Members were present.

141 Minutes of previous meeting

RESOLVED – That the minutes of the meeting held on 6 October 2015 be approved as a correct record.

142 Interests

No interests were declared.

143 Admission of the Public

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

144 Deputations/Petitions

Deputations were received from Jenny Tomlinson Walsh and Chris Strachen in relation to Agenda Item 8 (Minute Number 148 refers).

145 Public Question Time

No questions were asked.

146 Member Question Time

No questions were asked.

147 Clarification to Cabinet following the scrutiny call in on 23rd October 2015 on the Future Library Provision

(Under the provision of Council Procedure Rule 36(1) the Cabinet received a representation from Councillor Light. Under provision of Council Procedure Rule 37 Cabinet received representations from Jenny Thomlinson-Walsh and Chris Strachen)

Cabinet received a report which provided clarification following the Call-in of a decision relating to Future Library Provision.

The report set out the recommendation of the Call-in hearing, which requested that (i) there be a clearer clarification of the 2 tier model of services (Town And Community Supported Libraries) being proposed so that the public could clearly understand the rationale and service offer that could be expected and (ii) that the libraries be reviewed and categorised in line with a clear definition and that paid staff hours be allocated appropriately.

Paragraph 2 of the report set out clarification of the 2 tier model, providing definitions of Town Libraries and Community Supported Libraries / Information Centres. The report also set out a rationale for the proposed opening hours.

The report provided a recommended library categorisation and that the hours allocated to each library be as set out in option 2 of the considered report.

RESOLVED -

(1) That, pursuant to the Call-In Scrutiny meeting held on 23 October 2015, the categorisation of libraries be confirmed as follows;

(a) Town Libraries – Batley, Birstall, Cleckheaton, Dewsbury, Heckmondwike, Holmfirth, Huddersfield and Mirfield

(b) Community Supported Libraries – Almondbury, Birkby, Chestnut Centre, Denby Dale, Golcar, Greenwood Centre, Honley, Kirkheaton, Kirkburton, Lindley, Marsden, Meltham, Rawthorpe/Dalton, Shepley, Skelmanthorpe and Slaithwaite.

(2) That the hours allocated to each library be as set out in Option 2 of Appendix C to the report, subject to the amendment of the hours for Denby Dale being 15.

148 Overview and Scrutiny Management Committee - Recommendations from Call-In Hearing - Future Library Provision

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Stewart-Turner in her capacity as Chair of Overview and Scrutiny Management Committee)

Cabinet received a report which set out 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 22 September 2015 on Future Library Provision.

The findings and conclusions of the Committee were set out at paragraphs 2.5 and 2.6 of the report. Having given regard to this detail the Committee recommended

that (i) there needed to be a clearer definition of the 2 tier model of services of Town and Community Supported Libraries being proposed so that the public could clearly the rationale and the service offer that could be expected and (ii) that once a definition had been clarified, Cabinet should review and categorise the different libraries in line with the clear definition and that paid staff hours should be allocated appropriately.

Cabinet received an overview of the report from the Chair of the Overview and Scrutiny Management Committee.

RESOLVED - That the recommendations of the Scrutiny Panel, as referred to be noted and that the decision of Cabinet be clarified as specified in the decision as set out at Agenda Item 8.

149 Housing Delivery Programme Update

Cabinet received a report which provided an update on progress in developing and delivering proposals to address the housing crisis in Kirklees as referred to in a Motion submitted to Council on 5 November 2014. The report also proposed the disposal of a Council owned site at Ashbrow for a proposed housing development.

The report set out detail on progress on housing delivery projects including key achievements since November 2014. It advised that the programme forecast to build 1,254 new homes in Kirklees, representing a total investment of over £100m. It was noted that, based on current policy, it would bring £8.4m in the new homes bonus over 6 years and that approximately 1,900 new jobs would be created by the housing programme.

The report also provided information on identifying sites for private sector houses, addressing fuel poverty, maximising inward investment and use of housing revenue account resources, a long term strategic approach to developing housing options and working with responsible private landlords.

RESOLVED -

(1) That the progress made in relation to the housing delivery projects be noted.

(2) That authority be delegated to the Director of Place and the Assistant Director of Place, in consultation with the Cabinet Member for Housing, to take the necessary actions to continue to progress the activities and projects noted in the report.

(3) That the outcome of the public open space advertising process for the Ashbrow site be noted.

(4) That authority be delegated to the Director of Place and the Assistant Director of Place in consultation with the Cabinet Member for Housing to procure a delivery partner for the site at Ashbrow to include the finalising of a shortlist of bidders for the proposed housing scheme at Ashbrow and to carry out the tender stage of the process to appoint a delivery partner.

(5) That approval be granted for the Council to enter a development agreement with the appointed delivery partner and to dispose to the delivery partner (whether by

freehold transfer or the grant of a long leasehold interest) all or part of the Ashbrow site.

(6) That authority be delegated to the Director of Place and Assistant Director of Place to negotiate and agree the terms of the documents disposing all or part of the Ashbrow site any other relevant documents that relate to the development of the Ashbrow site by the appointed delivery partner.

(7) That authority be delegated to the Assistant Director Legal, Governance and Monitoring, to enter into and execute the documents disposing of all or part of the Ashbrow site and any other relevant documents that relate to the development of the Ashbrow site by the appointed delivery partner.

(8) That approval be given to the carrying out of enabling works as referred to in clause 3.7.2 of the report.

(9) That Officers be requested to prepare a further progress report for consideration by Cabinet at a time to be agreed by the Lead Member for Housing and the Director of Place.

150 North Kirklees Housing and Enterprise Growth Zone

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Light)

Cabinet received a report which outlined proposals to bring about a long term sustained transformation of North Kirklees, based on a concept of creating a housing and enterprise growth zone, linked to a programme of regeneration and renewal.

The report set out a number of recommendations as broad principles that would form the basis of an integrated strategy, which would be developed to address a number of issues, including providing major employment opportunities linked to housing growth and revitalising urban centres by creating town centres that are fully occupied with a consolidated retail and commercial core.

Cabinet noted that this was the first in a series of more detailed policy reports and proposals that would build on the priorities laid out within the Kirklees Economic and Health and Wellbeing Strategies.

RESOLVED -

(1) That the concept of a Housing and Enterprise Growth Zone be agreed in principle for consultation, subject to finalisation and adoption of the local plan.

(2) That the draft vision statement, aim and core objectives for the strategy development be discussed and agreed.

3) That a series of objectives that will guide and deliver sustained growth be agreed, which may include:

- (a) A focus for housing and economic growth - thus delivering long term sustainable jobs and providing a funding mechanism to initially revitalise Dewsbury's urban core.
- (b) A key strategic employment location within the LCR.
- (c) A location that will be fully exploited to ensure it is seen as a key transport node for both road and rail (connecting to HS2, Leeds and other regional centres and the wider north of England), being only 15 minutes from Leeds by rail.
- (d) Dewsbury to be seen as a primary economic and service centre, with a town centre that is fully occupied through increased housing and leisure provision, with a consolidated retail and commercial core.
- (e) The final objectives to be set out in a future report.

(4) That an integrated approach be progressed aligning growth and renewal through a single overall investment and development programme for Dewsbury and North Kirklees, with a prioritised timetable, associated delivery plan and dedicated resource, minimising risks and maximising opportunities.

(5) That a bespoke local delivery model and financial strategy to support the delivery of proposed plans be developed.

(6) That the leadership, governance, staffing and management arrangements be considered and that this be subject of a further report incorporating a review of partners/potential partners and interface with the local communities.

151 Place Directorate - Review of Fees and Charges

Cabinet received a report which sought approval for the review of fees and charges for services provided by the Place Directorate in order to ensure that changes were in line with policy decisions and inflationary elements.

The proposals for amended fees and charges, to be effective from 1 December 2015 were appended to the report.

RESOLVED - That the changes to fees and charges within the Place Directorate, as set out within the considered report, be approved and implemented with effect from 1 December 2015.

152 Update on the Decision about the Proposer who has been agreed to run a new 630 Place Primary Free (Academy) School in Huddersfield South West by the Regional Schools Commissioner

Cabinet gave consideration to a report which provided an update on the decision of the Regional Schools Commissioner on proposals to establish the new 630 Primary Free (Academy) School for pupils aged 4 to 11 years to serve the Huddersfield South West area.

Cabinet noted that the proposer had submitted an application which had met the Council's assessment criteria as detailed within the report. The report advised that the proposer's application provided strong detailed and credible evidence that the Multi Academy Trust would be able to raise educational standards in the area by adding high quality places that would complement provision that already exists in Huddersfield South West. It stated that the Regional Schools Commissioner, via the DfE, had now informed the Local Authority of the decision to approve Moor End

Academy Trust to run the new school. It indicated that to move the project into the pre-opening phase the Council would work collaboratively with Moor End Academy's Trust, the DfE and local families and schools to begin implementation in order for the first cohorts of Reception children to be admitted from 1 September 2016.

RESOLVED -

(1) That it be noted that the decision of the Regional Schools Commissioner is in line with the recommendations of the Council, following a first stage review of the proposal.

(2) That it be noted that Officers would work in partnership with Moor End Academies Trust to deliver the new pupil places to be available from September 2016.

153 Proposed land and asset disposal of Fartown High School to the North Huddersfield Trust

Cabinet gave consideration to a report which advised of the key outcomes of negotiations pertaining to the terms of the transfer of ownership of the land and buildings that formed Fartown High School, to the North Huddersfield Trust in order to establish North Huddersfield Trust School.

The report advised that North Huddersfield Trust did not support the restriction of the use of playing fields as this would not allow flexibility to use playing fields other than for educational purposes. It indicated that the Trust did not object to having appropriate safeguarding in place to ensure the playing fields were first offered back to the Council, free of restriction and at no cost, should the school cease to use them. Cabinet noted that officers had developed an option agreement that was appropriate to ensure that this mechanism could occur. The report indicated that, through discussions with the DfE, officers had obtained the relevant statutory consent in order to complete the ownership transfer and subject to approval, the terms would be finalised to execute the transfer.

RESOLVED -

(1) That the progress in regard to completing the transfer of the assets to the North Huddersfield Trust School, and matters relating to the playing fields, be noted.

(2) That Officers be authorised to proceed with the transaction and complete all necessary documentation without including in the transfer a restriction on use, but protecting the Council's interests by ensuring that if the playing fields are no longer to be used for educational purposes the Council has an option to re-acquire the playing field at no cost.

154 Kirklees Playing Pitch Strategy

Cabinet gave consideration to a report which sought approval of the Kirklees Playing Pitch Strategy. It was noted that officers had worked with Sport England and representatives from a number of sports national governing bodies to develop the strategy which provided a comprehensive supply and demand overview of playing pitches, alongside technical assessments to determine pitch quality which directly impacted upon the capacity that each pitch carries.

The report advised that the information provided an evidence base to help understand the current position of the existing playing pitch stock, to inform the new local plan, and to support decision making regarding where and what future pitch provision was required to support participation in a number of sports in the future.

The Kirklees Playing Pitch Strategy and action plan, dated September 2015 was appended to the report.

RESOLVED - That approval be given to the publication of the Playing Pitch Strategy.

155 Sycamore Recreation Ground

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representations from Councillors Sims and Patrick).

Cabinet received a report which advised of the representations made in response to consultations and statutory notices concerning the lease of parts of Sycamore Recreation Ground, New Mill Road, Wooldale, Holmfirth, which comprised public open space.

Following a representation from Councillor Patrick, that his comments to the consultation had not been presented within the context of the report, Cabinet agreed to defer the consideration of the item to request that the report be amended to include such information.

RESOLVED – That the item be deferred.

156 Capital Investment Plan 2015/16 - 2019/20 - Quarter 2 Capital Monitoring 2015/16

Cabinet received a report which detailed the Corporate Monitoring Report for Quarter 2, 2015-2016, in accordance with Financial Procedure Rules and the Prudential Code for Capital Finance.

The report highlighted that (i) at the end of the second quarter, actual expenditure was £31.6m, representing 27.9% of budget, (ii) that projected year end expenditure stood at £98.1m against a current budget allocation of £113.5m and that this variant of -£15.4m represented 13.5% of the total budget and (iii) that the majority of the reported variants related to slippage rather than anticipated scheme underspend.

Cabinet noted that it was proposed that a review of 2015-2016 capital schemes be undertaken later in the year in order to identify any 'uncommitted' resources that could potentially be used to reduce overall corporate borrowing costs.

The report also provided updated information on the capital budget, monitoring of corporate capital expenditure 2015-2016 overall position, the historical trend of monitoring to outturn, retrospective reporting on capital varments and prudential indicator monitoring as detailed in Appendix 3 of the report.

An analysis of variances from the Capital Plan was set out at Appendix 1 of the report, an analysis of major variances were described in Appendix 2.

RESOLVED -

(1) That the Capital Monitoring Report be noted.

(2) That a review of 2015/2016 capital under-spends be undertaken in order to identify any uncommitted resources that could potentially be used to reduce overall corporate borrowing costs.

(3) That the Prudential Indicator information be noted.

157 Half yearly monitoring report on Treasury Management Activities 2015/16

Cabinet received the half yearly monitoring report on Treasury Management activities 2015-2016, covering the period of 1 April to 30 September. The report set out information on interest rates, investment and borrowing activities, budget monitoring, prudential indicators, and risk/compliance issues.

The report also provided an update on fossil fuel divestment further to the Motion of Council on 7 October 2015.

RESOLVED - That the report be noted and submitted to the meeting of Council on 9 December 2015.

158 Corporate Revenue Financial Monitoring Report, Quarter 2, 2015-16

Cabinet received the second of a quarterly cycle of consolidated Revenue Budget Monitoring Statements to be presented during the financial year. The report, and accompanying appendices, presented an overall forecast revenue outturn for 2015-2016, as at Quarter 2, including commentary on emerging developments and risks.

An update summary on the Council's reserves was attached at Appendix A of the report.

RESOLVED -

(1) That the forecast position at Quarter 2 for the general fund, housing revenue account and collection fund be noted.

(2) That the approval be given to the drawdown of £6.3m from earmarked reserves for volume and/or service pressures.

(3) That up to £805k commitments to date against the £2.85m New Council Developments Reserve be noted.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 15th December 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

- 159 Membership of the Committee**
No apologies for absence were received.
- 160 Minutes of previous meeting**
RESOLVED - That the Minutes of the meeting held on 20 October 2014 be approved as a correct record.
- 161 Interests**
No interests were declared.
- 162 Admission of the Public**
It was noted that Agenda Items 19 and 20 would be considered in private session (Minute numbers 177 and 178 refers).
- 163 Deputations/Petitions**
No deputations or petitions were received.
- 164 Public Question Time**
No questions were asked.
- 165 Member Question Time**
No questions were asked.

- 166 Clarification to Cabinet following Scrutiny Call In - 18 November 2015 - on the Community Asset Transfer of Mirfield Community Centre**
(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillor D Hall and Councillor Stewart-Turner)

Cabinet received a report which set out the decision and recommendations of the Overview and Scrutiny Management Committee following its consideration of a Call-in in respect of the decision by Cabinet on 20 October 2015 regarding the Mirfield Community Centre Asset Transfer.

The findings of the Committee were set out in paragraph 2.6 of the report and, having considered the relevant information, it was the Committee's decision that the decision should be referred back to Cabinet with the amendment 'that Cabinet consider the feasibility and desirability of entering into an agreement/arrangement that would enable the covenant to be released on sale and for the proceeds to be used specifically for the ongoing project to develop the Guilderhall site.'

Cabinet received an overview of the report from the Chair of the Overview and Scrutiny Management Committee and the Chair of the Call-in hearing.

RESOLVED - 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.

- 167 Overview and Scrutiny Management Committee - Recommendations from Call-In Hearing - Mirfield Community Centre Asset Transfer**
(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Bolt and Light)

Cabinet received a report which provided clarification following the Call-in of a decision to asset transfer Mirfield Community Centre on 20 October 2015. The report advised that, having considered the recommendations of the Call-in, officers considered the original decision to be the most appropriate option and therefore proposed that Cabinet give authorisation to transfer the freehold of land of Mirfield Community Centre to Mirfield Community Trust for no premium/nil consideration, subject to restrictive covenants that will prevent the premises from being used for any other purpose other than community use.

Having regard to both the recommendations of the Call-in and the information set out within the report, Cabinet considered that the decision to asset transfer Mirfield Community Centre be confirmed.

RESOLVED -

(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.

168 Freehold Asset Transfer of Wooldale Community Centre, Robert Lane, Holmfirth

Cabinet received a report which set out details of a proposal to transfer the land and buildings, on a freehold transfer, which currently make up Wooldale Community Centre, Robert Lane, Holmfirth, to Wooldale Community Association.

The report advised that the asset transfer would involve the ownership of land and buildings from a statutory body to a community organisation at 'less than best consideration' in order to further local social, economic and/or environmental objectives.

The Cabinet noted the Community Association had submitted a robust application and business plan in line with the requirements of the asset transfer policy. The application had been assessed using the asset transfer assessment tool which gave consideration to financial matters, impact upon community, risk, the asset, and the strength of the organisation.

The report stated that the transfer of the Community Centre would support the community and recognise the benefit of such groups in sustaining the economic, health and wellbeing of the local community.

RESOLVED -

(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.

169 Town and Parish Council Accommodation

(Under provision of Council Procedure Rule 37 Cabinet received representation from Mr Stephen Baggott. Under provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Bellamy and Patrick)

Cabinet gave consideration to a report which set out proposals for the recharge of Parish and Town Council accommodation costs based on a corporate standard of accommodation costs for both internal and external services covering all utilities, services, repairs and management costs.

The report advised of the gross internal area (GIA) which the Parish and Town Council's occupied and the percentage of the GIA which their occupation takes up.

The report set out proposed recharges for (i) Denby Dale Parish Council at £14,848 per annum (ii) Holme Valley Parish Council at £27,840 per annum (iii) Meltham Town Council at £17,632 per annum and (iv) Mirfield Town Council at £14,848 per annum.

It was noted that Kirkburton Parish Council was currently operating from Burton Village Hall, leasing space from Kirkburton and Highburton Community Association at £4,077.10 per annum which was paid for by the Council.

Cabinet noted that, where practical, the Council would continue to offer Parish and Town Councils access to their own support services to enable to take advantage of facilities such as printing and purchasing, at a mutually agreed price.

RESOLVED -

(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.

170

Impact of VAT on Theatre Hire charges in Town Halls

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Light)

Cabinet gave consideration to a report which set out changes in VAT expectations for theatre hire in Town Halls and sought approval to increase hire charges to reflect the VAT element, and a voluntary disclosure to the HMRC for backdated VAT payments.

Theatre hire charges for 2016/2017, including the increase with VAT, were attached at Appendix A of the report. The report advised that the Council currently receive

£90,000 in income from theatre hire in Town Halls, and that the additional VAT amount would increase this by £18,000.

It was noted that passing on the VAT charges may be difficult for some hirers and that the service had already sought to mitigate the impact by offering an alternative charging structure whereby hirers could opt out of having all levels of the concert hall open.

The report advised that, with a proposed implementation date of 1 April 2016, the Council would meet the VAT charges up to and including the 31 March 2016.

RESOLVED -

(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.

171

The Government's Spending Review and Autumn Statement 2015

Cabinet received a report which provided information on the Chancellor of the Exchequer's Autumn Statement and the outcome of the Government's Comprehensive Spending Review.

The report advised that the Council had planned for and achieved savings of £83m between 2011 to 2015 and that last year's budget strategy update report had indicated a further savings requirement of £69m over the 2015 to 2018 period a total of £152m over the period 2011-2018.

The report provided an update position in terms of welfare reform, departmental spending, local government finance, schools and housing. It was noted that the detailed Local Government Settlement was expected around 16/17 December 2015.

RESOLVED -

(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.

172 Tax Credit and the Autumn Statement

Cabinet received a report pursuant to the Motion agreed at a meeting of Council on 11 November 2015 which requested that the Director of Resources submit a report detailing the impact of cuts to tax credit upon working families in Kirklees.

The report advised that the Autumn Statement, announced on 25 November 2015, included plans to scrap proposals in relation to tax credits. It highlighted the plans to scrap the changes did not at that stage extend to reforms to tax credit that were to be introduced through the Welfare Reform Bill.

The report also provided an update on the rollout of universal credit, advising that to date 1,835 claims had been made in the Kirklees area. It was noted that the rollout of the universal credit was to be accelerated though specific rollout plans were yet to be announced. Officers were currently working on a strategy that sought to tackle poverty through focusing efforts on maximising household income and minimising the outgoings.

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

173 Quarter 2, 2015/16 Corporate Performance Report

Cabinet received the Quarter 2, Corporate Performance Report 2015/2016, which provided an overview of the Council's performance at the end of Quarter 2.

The report advised that a new approach to performance management had been adopted for 2015/2016 which provided a stronger focus on outcomes in the joint Health and Wellbeing Strategy and the Kirklees Economic Strategy.

An Appendix to the report illustrated the Council's progress in relation to key strategies and the Corporate Plan 2015/2016.

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

174 Careers, Information Advice and Guidance Services

(Under the provision of Council Procedure Rule 36(1) Cabinet received representation from Councillor Light)

Cabinet gave consideration to a report which provided details on future commissioning options for Careers, Education, Information, Advice and Guidance Services. The report asked Cabinet to consider the future options for provision and recommended the restructuring of C&K Careers Ltd to become the parent company and the establishment of a subsidiary company of C&K Careers in order to provide a significant and flexible vehicle for partnership between the two controlling Authorities; Kirklees and Calderdale, working in conjunction with Huddersfield University.

The report set out the recommendation of an option which would allow both Councils to take full control of C&K Careers and subsidiary companies which would solve the need for future tendering and would enable operational management to be unaffected.

RESOLVED -

(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.

175 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.

Cabinet received a report which provided an updated position on the Corporate Landlord managed sections of the Capital Plan.

The report sought approval for projects as detailed in Appendix A in order to enable the projects to be delivered during the financial year and to provide officers with continued delegated authority to manage the programme.

The report also provided information on potential projects to be funded from the Corporate Landlord managed sections of the Capital Plan in 2016/2017, subject to approval by Council on 17 February 2016.

Cabinet were asked to consider and approve the projects as set out in Appendix B so that they could be delivered during the 2016/2017 financial year. Additionally, Cabinet were requested to approve the business cases and Appendices C and D of the report relating to investment in buildings; condition programmes 2016/2017 and asset strategy 2016/2017 works programme.

The Appendices were exempt from publication and were considered prior to the determination of this agenda item.

RESOLVED -

(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.

176 Exclusion of the Public

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

177 Commissioning Careers, Information Advice and Guidance Services

(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 this 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 of business affairs is considered to outweigh the public interest in disclosing the information and providing greater openness in the Council's decision making)

Cabinet received exempt information in relation to agenda item 16 (Minute No. 174 refers), prior to the determination of that agenda item.

178 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.

(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 organisation 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)

Cabinet received exempt information in relation to agenda item 17 (Minute No. 175 refers) prior to the determination of that agenda item.

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.



Cabinet: 9 February 2016

Implications of School Category Changes for Land and Premises - An Extension of Delegation to Senior Officers to Dispose of Council Assets

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. This report will have an impact on more than two wards.
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 – 29 January 2016
Is it signed off by the Director of Resources?	David Smith – 28 January 2016
Is it signed off by the Assistant Director - Legal & Governance?	Julie Muscroft – 29 January 2016
Cabinet member portfolio	Resources

Electoral [wards](#) affected: Potentially all

Ward councillors consulted: No

Public or private: Public

1. Purpose of report

- 1.1 This report seeks 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.

2. Key Points

- 2.1 There are a range of categories of state funded and other types of schools. The ownership of land and buildings of these different categories are as follows:

- Community School (LA maintained) - generally Council owned or leased from a private landowner

- Voluntary Controlled School-(LA maintained) - buildings owned by trustees, generally a religious Diocese, playing fields owned by Council
- Voluntary Aided School(LA maintained)- buildings owned by trustees, generally a religious Diocese, playing fields owned by Council
- Foundation School (LA maintained)- generally owned by the Governing Body
- Trust School (Foundation with a Foundation) (LA maintained)-generally owned by trustees
- Academy Schools- generally owned on a 125 year lease to the Academy Trust
- Free School – can depend but generally owned or on lease from the Academy Trust

2.2 Cabinet, on 14 August 2012, previously delegated authority to the Assistant Director Physical Resources and Procurement, in consultation with the Assistant Director for Learning and the Acting Assistant (or Assistant) Director – Legal, Governance, to negotiate and agree the terms of the grant of the long leasehold interest to the appropriate Academy Trust, along with other relevant delegations, so this report is not intended to address conversions to academies as this already has the relevant authorities.

2.3 In each of the other categories of school the ownership of the land and buildings is different, but importantly the ownership arrangements are prescribed by relevant legislation. Where schools undergo a change of category, the legislation places requirements on the Council where appropriate to make arrangements for the transfer of title and are therefore statutory conversions which normally occur on a legislatively prescribed vesting date, although the formalities of completing the paperwork often occurs after the vesting date.

2.4 The two principle pieces of legislation which set out the ownership arrangements are:

- Schools Standards Framework Act 1998
- Academies Act 2010

2.5 Currently when school arrangements change e.g. a Maintained Community school converts to a Voluntary school, a cabinet decision is required to authorise the Assistant Director Physical Resources Procurement and Assistant Director Legal and Governance to dispose of the Council's ownership. However, within the place directorate there is interchangeability between the Assistant Directors. The means of disposal is prescribed by legislation and so it would be pertinent to consider delegating the relevant authority to Assistant Director of Legal and Governance and Assistant Directors for Place to enable these processes to proceed in order to give effect to the statutory vesting as the Council has no say in the interpretation of the effect of the statutory vesting

- 2.6 Schools are increasingly exploring new ways of working for example as academies or as part of trust arrangements and there are changes required where school re-organisation takes place as well as where structural solutions are required whether because of underperformance or the need for expansion due to increased population of children of educational age in the relevant catchment area.
- 2.7 Apart from Academies (Cabinet 14 August 2012 resolution 96), other conversions to Foundation Trusts that have received an appropriate authority from Cabinet and the Cabinet authority granted on 28 August 2012 giving authority to regularise some of the Diocesan transfers, the existing scheme of delegation does not capture other school disposals, simply because in almost all cases the asset value exceeds the current £500,000 ceiling.

3. Implications for the Council

- 3.1 Where a maintained community school changes category or a Diocesan school extends on to land which is vested in the Council (for example on to the playing field) the Council is required to transfer the ownership of the buildings and/or land to the relevant body as prescribed by either the Schools Standards Framework Act 1998 or the Academies Act 2010 whichever is applicable. This is for nil consideration, and the Council is expected to carry out the relevant administration e.g. legal costs of both parties, to facilitate, regulate and enable the transfer.
- 3.2 Where these changes may cut across other arrangements e.g. a school in a PFI arrangement, these arrangements have to be accommodated in the asset transfer.

4. Consultees and Their Opinions

- 4.1 The Assistant Director Physical Resources and Procurement, Assistant Director Legal and Governance and Assistant Director for Learning and Skills support the recommendations contained within this report.

5. Next Steps

Officers continue to move forward with both regularising anomalies that have arisen as a result of school expansions and changes of category, and to complete all necessary legal documentation in order to regularise these and continue to provide support to and complete all necessary legal documentation in order to give effect to changes of school categories.

6. Officer Recommendation and reasons

Members are requested to note the information contained within this report and to delegate 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 expansions, historic or otherwise, and also when a school changes category.

7. Cabinet Portfolio Holders Recommendation

Portfolio Holders note the information contained within this report and support its recommendations; to delegate 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 expansions, historic or otherwise, and also when a school changes category and authorise the AD Legal Governance and Monitoring to make the necessary amendments to the scheme of delegations.

8. Contact Officer and Relevant Papers

Mark Gregory, Head of Corporate Landlord, Physical Resources and Procurement.

mark.gregory@kirklees.gov.uk

9. Assistant Director Responsible

Joanne Bartholomew – Assistant Director (Place).



Cabinet 9 February 2016

Title of report: Determination of school admission arrangements for 2017/18

- **Kirklees co-ordinated admission schemes (including in-year admissions)**
- **Admission arrangements for all Kirklees community and voluntary controlled schools**

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 Is it signed off by the Director of Resources? Is it signed off by the Assistant Director – Legal Governance and Monitoring?	25 th January 2016 - Alison O'Sullivan 26 th January 2016 - David Smith 27 th January 2016 - Julie Muscroft
Cabinet member portfolio	Cllr Shabir Pandor: Schools and Learning

Electoral wards affected and ward councillors consulted: All wards

Public or private: Public

1. Purpose of report

Kirklees Council is required by law to produce admission schemes to co-ordinate the admission of children to the first year of all schools in Kirklees. The schemes cover the admission of rising 5 year olds who are starting school for the first time, and admissions to the first year of junior, middle and secondary schools. The report seeks approval for the Kirklees schemes for the co-ordination of the admission of rising five year olds and admission to the first year of junior, middle and secondary schools in 2017/18 (including in-year admissions).

Kirklees Council is the admission authority for Kirklees community and voluntary controlled schools and following the annual consultation about admissions arrangements the report seeks to determine those admission arrangements for all Kirklees community and voluntary controlled schools for 2017/18 which must be done by the 28th February to comply with the School Admissions Code.

Contents

1. Purpose of report
2. Key points
 - 2.1 The co-ordinated admission schemes
 - 2.2 Proposed changes to the co-ordinated admission schemes in 2017/18
 - 2.3 The admission arrangements for all Kirklees community and voluntary controlled schools for 2017/18
 - 2.4 Proposed changes to the admissions arrangements for community and voluntary controlled schools in 2017/18
 - 2.5 Current school organisation proposals
 - 2.6 Published Admission Numbers (PANs) for community and voluntary controlled schools in Kirklees
3. Implications for the Council
4. Consultees and their opinions
5. Officer recommendations and reasons
6. Cabinet portfolio holder recommendation
7. Next steps
8. Contact officers and relevant papers

Appendix 1 Proposed admission arrangements for Kirklees community and voluntary controlled schools for the school year 2017/18

- A. Published Admission Numbers (PANs) and Priority Admission Areas (PAAs)
- B. Proposed changes for 2017/18
- C. Current School Organisation changes
- D. Proposed admission arrangements for Kirklees community and voluntary controlled schools for 2017/18
- E. Recommended published admission numbers for community and controlled schools
- F. Consultation responses

Appendix 2 Kirklees admission schemes

- A. Kirklees co-ordinated schemes for normal year of entry admissions for rising 5 year olds, junior schools, middle schools and secondary schools.
- B. Kirklees scheme for in-year admissions

2. Key points

2.1 The co-ordinated admission schemes

- Kirklees Council is required by law to produce admission schemes to co-ordinate the admission of children to the first year of all schools in Kirklees. The schemes cover the admission of rising 5 year olds, and admissions to the first year of junior, middle and secondary schools.
- The schemes cover the normal round of admissions to schools at the beginning of the 2017/18 school year in September 2017 and in-year admissions during the school year 2017/18
- The schemes were drawn up to comply with the requirements of the School Admissions Code which came into force in December 2014.
- The schemes are attached to this report as
 - Appendix 2A: Kirklees co-ordinated schemes for normal year of entry admissions for rising 5 year olds, junior schools, middle schools and secondary schools.
 - Appendix 2B : Kirklees scheme for in-year admissions

2.2 Proposed changes to the co-ordinated admission schemes in 2017/18

- There are no major changes to the schemes for 2017/18 and are very similar to those determined for use in 2016/17.
- The timetable for co-ordination for 2017/18 has been amended to take account of the increased number of own admission authority preferences that have to be processed before lists of pupils can be sent to own admission authority schools for ranking.
- The list of own admission authority schools has been updated to include the schools that have become own admission authorities due to conversion to academy status or a change of category to a trust or aided school and is correct as at 31 January 2016.

2.3 The admission arrangements for all Kirklees community and voluntary controlled schools for 2017/18.

Kirklees LA, as the admissions authority, is responsible for determining the admission policy and admission numbers for the community and voluntary controlled schools it maintains.

As the admissions authority, the LA has a statutory duty to consult with the governing bodies of those schools, the governing bodies of academy, aided, foundation and trust schools in Kirklees and neighbouring LAs on the admissions policy and proposed admission numbers for schools.

This report confirms the outcomes of this process which took place between 9 November and 18 December 2015.

- Appendix 1A to this report explains how the recommended published admission numbers are derived.
- Appendix 1D gives the recommended arrangements for community and voluntary controlled schools for 2017/18.
- Appendix 1E lists the recommended published admission numbers for community and voluntary controlled schools for 2017/18. The admission numbers for own admissions

authority schools; academies, aided, foundation and trust schools are included for information and completeness.

2.4 Proposed changes to the admissions arrangements for community and voluntary controlled schools in 2017/18 (see Appendix 1B).

Kirklees is not proposing any changes to the admission arrangements for community and voluntary controlled schools, apart from amendments to some published admission numbers.

2.5 Current school organisation proposals

The schools listed in Appendix 1C are currently undergoing statutory processes. Where applicable, any impact for admissions purposes has been included as part of the process and will be determined should proposals be approved.

2.6 Published Admission Numbers (PANs) for community and voluntary controlled schools in Kirklees

- The table in Appendix 1E indicates the recommended PAN for each year in a school.
- Where a change is made to the PAN for a particular year of entry (the relevant year), it applies to that cohort of pupils only, at admission and then will apply in successive years as the pupils progress through the school.

3. Implications for the Council

This is a statutory requirement for the council.

There are no financial or HR implications for the council.

4. Consultees and their opinions

The proposed arrangements and schemes were subject to the statutory 6 week consultation between 9th November and 18th December 2015. A notice was placed in the Huddersfield Examiner and the north Kirklees local papers and the consultation proposals were published on the Kirklees website.

The proposed arrangements and schemes drew attention to the proposed changes to Kirklees own admission authority schools; Roman Catholic and Church of England Aided schools and Trust Schools, Academies and Free Schools as well as the Dioceses of Leeds and West Yorkshire and the Dales, neighbouring Local Authorities, and comments were invited from parents and other interested parties.

The proposed arrangements and schemes were discussed at the meetings of the Place Planning and Admissions Group on 21 September 2015 and 23 November 2015.

4.1 Responses to consultation

One formal response to the consultation about the co-ordinated schemes has been received. As there are only minor changes from the schemes agreed in previous years it is reasonable to assume that there are no concerns about the proposed schemes.

The response to the proposed admission arrangements for community and controlled schools are shown in Appendix 1F.

5. Officer recommendations and reasons

To comply with statutory duties it is recommended that Members approve;

- the Kirklees co-ordinated admission schemes for 2017/18, including in-year admissions, as set out in Appendix 2
- the admission arrangements for Kirklees community and voluntary controlled schools as detailed in Appendix 1, including
 - a. the recommended PANs for the schools where governing bodies requested a change to the PAN proposed by the LA and this is recommended by Officers.

6. Cabinet portfolio holder recommendation

I am keen to ensure that the council continues to have an admissions policy that is fair, transparent and meets the legal requirements as set out in the School Admissions Code. I welcome the strong collaboration that takes place with our schools who are responsible for setting their own admissions arrangements because by working together we can meet the needs of local families so they are able to continue to secure school places for their children near to where they live. Whilst there are only minor changes proposed to the admission arrangements for 2017/18, I have asked that some detailed work is undertaken by officers, in partnership with our school stakeholders, in the forthcoming months so that we can have a deeper look at our admissions policy for 2018/19 to make sure they are the very best they can be. I support the officer recommendations within this report and welcome the preparation work that is due to start for 2018/19.

7. Next steps

To publish the approved arrangements on the Council's website, make copies available on request, and place notices in local newspapers to inform the public that the admission arrangements have been determined and inform all consultees of the decisions.

To inform the DfE that Kirklees has approved schemes in place for the 2017/18 school year and to send copies of the approved schemes to all consultees.

To fulfil the Council's statutory duty and prepare the composite Guide for Parents to support applications for admission into school in 2017/18.

8. Contact officers and relevant papers

Jo-Anne Sanders, Deputy Assistant Director – Learning and Skills: LA Statutory Duties

Tel: 01484 221000 jo-anne.sanders@kirklees.gov.uk

Sharon Oldfield, Assistant Manager, Pupil Admissions

Tel: 01484 225007 sharon.oldfield@kirklees.gov.uk

Assistant Director responsible

Gill Ellis, Assistant Director for Learning and Skills, Directorate for Children and Young People

Tel: 01484 221000 gill.ellis@kirklees.gov.uk

1. Consultation regarding admission arrangements for Kirklees community and voluntary controlled schools for the school year 2017-18

- These schemes are intended to comply with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 and the School Admissions Code 2014. The School Admissions Code ('the Code') has been issued under Section 84 of the School Standards and Framework Act 1998 ('SSFA 1998')¹. The Code has been made following a consultation under Section 85(2) of the SSFA 1998.
- Some community or voluntary controlled schools in Kirklees may become an own admission authority by converting to academy status or changing category to trust or voluntary aided status during the life of these arrangements. Any school that becomes an own admission authority during the period of these schemes assumes the responsibilities of an admission authority from the date of change of status / category.
- Please consult the websites of Kirklees and other admission authorities to obtain the most up to date information.
- There are no planned changes to the Priority Admission Areas (PAA's) in Kirklees for 2017-18 however we would welcome comments and feedback on the current PAA's and whether you think they meet the needs of local children to inform a potential review next year.

1A. Proposed changes for 2017-18

There are proposed changes to the admissions arrangements for community and voluntary controlled schools for 2017-18.

- **Published admission numbers (PANs)** for community and voluntary controlled schools in Kirklees
 - The attached table on page 8 indicates the proposed PAN for each year in a school.
 - Where a change is made to the PAN for a particular year of entry (the relevant year), it applies to that cohort of pupils only, at admission and in successive years as the pupils progress through the school.

1B Proposed admission arrangements for Kirklees community and voluntary controlled schools for 2017-18

1. Admission Criteria

If there are fewer applicants than there are places available, everyone who applies will be offered a place. When there are more applicants than there are places available there has to be a way of deciding which children are offered places. This is done by having admission criteria, also known as oversubscription criteria, which are considered in order. The proposed Kirklees admission criteria for community and voluntary controlled schools are:

1. children in public care (looked after children) or a child who was previously looked after;
2. children who live in the school's Priority Admission Area (PAA) who have a brother or sister attending from the same address at the date of admission (the sibling rule);
3. children who live in the school's PAA;
4. children who live outside the school's PAA who have a brother or sister attending from the same address at the date of admission (the sibling rule);
5. children who live outside the school's PAA.

Community and controlled schools will admit a child with Special Educational Needs where the school is named on the Statement or Education Health and Care Plan.

2. Linked infant and junior schools

There are several combinations of infant and junior schools in Kirklees. These are shown in the list below. The majority of children transfer from the infant school to the linked junior school. It is proposed to strengthen the admissions criteria for linked infant and junior schools to increase the continuity for children to a level comparable to that in an all-through primary school

- All Hallow's CE (VA) I & N School and Almondbury Community School
- Berry Brow I & N School and Newsome Junior School
- Birkby I & N School and Birkby Junior School
- Diamond Wood Community Academy and Ravensthorpe CE (VC) Junior School
- Earlsheaton Infant School and Bywell CE (VC) Junior School
- Honley CE (VC) I & N School and Honley CE (VC) Junior School
- Kirkroyds Infant School and Wooldale Junior School
- Lindley Church of England Infant School and Lindley Junior School¹
- Manorfield I & N School and Staincliffe CE (VC) Junior School
- Netherton I & N School and South Crosland CE (VA) Junior School
- Pentland I & N School and Headfield CE (VC) Junior School
- Purlwell I & N School and Hyrstmount Junior School
- Rawthorpe St James CE(VC) I & N School and Rawthorpe Junior School
- Reinwood I & N School and Reinwood Community Junior School
- Savile Town CE (VC) I & N School and Headfield CE (VC) Junior School
- Shaw Cross I & N School and Bywell CE (VC) Junior School
- St John's CE (C) Infant School and Westmoor Primary School
- Thornhill Lees CE (VC) I & N School and Headfield CE (VC) Junior School

3. Admission criteria for linked infant and junior schools

If there are fewer applicants than there are places available, everyone who applies will be offered a place. When there are more applicants than there are places available there has to be a way of deciding which children are offered places. This is done by having admission criteria, also known as oversubscription criteria, which are considered in order. The proposed Kirklees admission criteria for linked infant and junior, community and voluntary controlled schools are:

1. children in public care (looked after children) or a child who was previously looked after;
2. children who live in the school's Priority Admission Area (PAA) who have a brother or sister attending either school from the same address at the date of admission (the sibling rule);
3. children who attend a listed infant school (with priority for the linked junior school)
4. children who live in the school's PAA;
5. children who live outside the school's PAA who have a brother or sister attending either school from the same address at the date of admission (the sibling rule);
6. children who live outside the school's PAA.

Community and controlled schools will admit a child with Special Educational Needs where the school is named on the Statement or Education Health and Care Plan.

¹ Please see admission policies on the websites for both schools

4. Notes

- a) The definition of a 'looked after child' is a person under the age of 18 who is provided with accommodation by a local authority, acting in its social services capacity, for a continuous period of more than 24 hours, by agreement with the parents or in accordance with section 22 of the Children Act 1989. Previously Looked After refers to those children who immediately after being looked after became subject to an adoption order, (under section 46 of the Adoption and Children Act 2002), residence order (under Section 8 of the Children Act 1989), or specialist guardianship order (under Section 14A of the Children Act 1989). Children looked after under an agreed series of short term placements (respite care) are excluded
- b) Children in priority 1 above may be admitted above the PAN.
- c) If we cannot agree to requests for admission in priorities 2 to 5 above without exceeding the PAN, we will give priority up to the PAN to children living nearest the school.
- d) Distance is measured in a straight line from a child's home address to the school. Measurements are calculated using six-figure National Grid Co-ordinates from the National Land and Property Gazetteer. This grid reference relates to a point that falls within the permanent building structure corresponding to the address. The boundary of the building structure for the address is from Ordnance Survey's MasterMap. For smaller, residential properties the grid reference marks a point near the centre of the building. For larger properties like schools with, for example, multiple buildings and large grounds, the grid reference relates to a point inside the main addressable building structure. The distance calculated is accurate to within 1 metre.
- e) 'Live' means the child's permanent home at the date when applications close or, if a significant house move is involved, the latest reasonable date before the final allocation of places (see section 5d on page 5).
- f) Where a child's parents live at different addresses and the child spends time at each address we will consider the following when deciding on the address, which we will use for admissions purposes:
- the amount of time spent at each address
 - which parent has parental responsibility for the child
 - who receives child benefit for the child
 - where the child is registered for medical and dental care
 - any residency or custody orders made by the courts.
- We will ask for documentary evidence to support information given about the above points.
- g) For children transferring from first or middle schools, we will give preference in priorities 2-5 above (up to the PAN) to children attending a first or middle school in the middle or secondary school priority admission area (PAA).
- h) A PAA means a geographical area determined by Kirklees in consultation with the governing body of the school. It is called this because children living there normally have priority for admission over children who live elsewhere. It is also referred to as the catchment area.
- i) Children with Statements of Special Educational Needs or Education Health and Care Plans are admitted to mainstream schools, special units and special schools separately from the general admission policies, but we do ask families to complete the online application if they would like to name a mainstream school as one of their preferences.
- j) **It is important to note that attending a school nursery or pre-school setting on a school site does not give any priority for a place in that primary/infant school and there is no automatic transfer. Some admission authorities may give priority to children attending the school nursery but this would be listed in their oversubscription criteria. This is not included in the Kirklees admission arrangements for community and voluntary controlled schools.**

5. Application Procedures

a) Transfer to secondary school

Kirklees residents will apply for a secondary school place by using the online Parent Portal on the Kirklees website. The application period will run from the week beginning **1 September 2016**. **The closing date for applications will be 31st October 2016.**

b) Transfer to junior or middle school

Kirklees residents will apply for a junior or middle school place by using the online Parent Portal on the Kirklees website. The application period will run from the week beginning **1 September 2016**. **The closing date for applications will be 15 January 2017.**

c) Admission to full-time school for rising five year old children

Kirklees residents will apply for admission to full-time school (rising five year old children) by using the online Parent Portal on the Kirklees website. The application period will run from the week beginning **1 September 2016**. **The closing date for applications will be 15 January 2017.**

d) Late applications

Applications received after the appropriate closing date will be regarded as late unless, in Kirklees' judgment, there are significant and exceptional reasons for the lateness. Proof of special circumstances will be required.

Late applications are not considered until all on-time applicants have been allocated places. Forms submitted after the closing date due to a significant house move will be regarded as on-time provided that documentary evidence to confirm the move is provided by the following deadlines in time for the allocation process.

For year 7 and year 9 applications - It is expected the allocation process will take place on 25 January 2017. The latest reasonable date for evidence of a significant house move will therefore be 31 December 2016.

For Reception, year 3 and year 6 - It is expected that the allocation process will take place on 17 March 2017. The latest reasonable date for evidence of a significant house move will therefore be 16 February 2017.

e) Waiting lists

A child's name will automatically be placed on the waiting list for any Kirklees community or voluntary controlled school where they have been refused a place in the school's normal year of entry, eg, Year 7 at secondary school.

The waiting lists will be held in admission criteria order and will close on the last school day in December.

For in-year admissions, the waiting list will be held for the remainder of the term for which they have applied for a place.

f) In-year admissions

Kirklees residents who wish to apply for a place in the first year at a school after the first school day in September 2017, or to any other age group at any time, will apply on the In-year Common Application Form (ICAF).

g) Twins / multiple births

A twin or sibling from a multiple birth can be admitted as an excepted pupil into an infant class, where admission of more than one of the siblings would exceed the infant class size limit of 30 pupils, such cases would be examined on an individual basis.

h) Tie breaker

In the event of two or more children living equidistant from the school, eg, blocks of flats, the place will be decided by drawing lots, the first name drawn out of the bag will be offered the place.

i) Rising five year old children

Full time places will be available from the September following a child's fourth birthday.

Parents may defer their child's entry until later in the school year and the allocated place will be held for the child. Parents may not defer entry beyond the beginning of the term in which the child reaches their fifth birthday, nor beyond the school year for which the original application was accepted.

Parents can request that their child takes up the place part-time until the child reaches compulsory school age.

j) Children of Service Personnel

Kirklees Council is signed up to the armed forces Community Covenant, which is a pledge made by the government to ensure that the armed forces and their families are not disadvantaged as a result of their service. As part of the co-ordinated process applications from armed forces families are reviewed on an individual basis to ensure they are not disadvantaged, and, Kirklees LA may ask schools to consider admission over PAN if this is felt to be necessary. If an alternative school place cannot be secured by normal processes, the application may be considered under Fair Access Protocol.

Children of service personnel and crown servants returning from overseas to live within Kirklees, will be allocated a school place in advance of their arrival. The application must be accompanied by an official letter declaring the relocation date and postal address. The allocation will be based upon the anticipated postal address.

k) Summer born children (children born between 1 April and 31 August)

The majority of parents apply and take up a reception place in the school year in which their child will reach the age of five (rising fives). All children are entitled to a full time place in the September following their fourth birthday. However, the legal starting age for full time education is the start of the term following the child's fifth birthday and parents may request that their child's entry is deferred until later in the same school year or until the term in which the child reaches compulsory school age.

Kirklees Council receives a small number of enquiries from parents (whose children are 'summer born') to defer their entry to school until the September following their fifth birthday.

In many of these cases in line with parental/carer wishes, and, in the general view of Kirklees Council, where a request is made for a deferred entry of a 'summer born' child, a place would be offered in Year 1 as this enables the child to remain within their chronological age group. However, in such circumstances, parents are able to request that their application is considered as part of the normal round for a place in Reception. The non statutory Department for Education (DfE) Guidance states;

- School admission authorities are required to provide for the admission of all children in the September following their fourth birthday, but flexibilities exist for children whose parents do not feel they are ready to begin school at this point.
- School admission authorities are responsible for making the decision on which year group a child should be admitted to, but are required to make a decision based on the circumstances of the case.
- There is no statutory barrier to children being admitted outside their normal year group.

All requests for such transfers will be explored with the parent/carer on an individual basis.

‘Advice on the Admission of Summer Born Children’ (DfE, July 2013)

The government have indicated that they will be reviewing the School Admissions Code in relation to summer born children.

l) Admission of children outside chronological year group

It is the general view of Kirklees Council that all children and young people will complete their primary and secondary education in school year groups according to their chronological age. It is also the general view of the Local Authority that moving pupils into older or younger year groups is usually not in their best educational, social or emotional interests. This includes either early or late admission to primary school or early or late transfer to secondary school.

The National Curriculum sets out a clear, full and statutory entitlement to learning for all pupils. In addition, schools in Kirklees deliver an offer which supports access to high quality differentiated education. This should ensure that a pupil’s curricular needs are met without either early or delayed transfer to the next phase of schooling being necessary other than in exceptional circumstances.

It is for individual admission authorities to consider requests for placement out of the chronological age group. Kirklees Council is the admission authority for community and voluntary controlled schools. The governing body is the admission authority for foundation and voluntary aided schools and the academy trust is the admission authority for academies and free schools.

All requests for such transfers will be explored with the parent/carer on an individual basis.

E Recommended published admission numbers (PANs) for community and controlled schools 2016/17

SECONDARY PROVISION

Secondary School	Category	PUBLISHED ADMISSION NUMBER 2016-2017	PROPOSED ADMISSION NUMBER 2017-2018	Notes	Consultation response	Year 8	Year 9	Year 10	Year 11
All Saints Catholic College	VA	180	180	Information only. Own AA school.		180	180	160	160
Almondbury Community School – KS3/4 Centre	Community	120	120			120	120	120	120
Batley Girls High School – Visual Arts College	Academy	205	205	Information only. Own AA school.		205	205	185	210
Batley Grammar School	Free School (Academy)	105	112	Information only. Own AA school. *Have admitted over-PAN		105	84 *(141)	84	84 *(102)
BBG Academy	Academy	180	150	Information only. Own AA school. *Admitted over PAN in 14/15,15/16 and 16/17		180	150 *(180)	150 *(180)	95 *(124)
Castle Hall Academy	Academy	174	174	Information only. Own AA school.		174	174	174	174
Colne Valley High School	Academy	287	287	Information only. Own AA school.		287	287	287	287
Heckmondwike Grammar School	Academy	180	180	Information only. Own AA school. **Admission over PAN for 14/15 and 15/16		180	150 *(180)	150 *(180)	150
Holmfirth High School	Community	264	264			264	264	264	260
Honley High School	Trust	255	255	Information only. Own AA school. School admitted over PAN in 15/16		255	255 *(264)	255	264
King James's School	Academy	180	180	Information only. Own AA school.		180	180	180	180
Kirklees Creative & Media Studio School (part of Netherhall Learning Campus)	Community	60	60					60	60
Manor Croft Academy	Academy	180	180	Information only. Own AA school. *Academy reduced PAN to 180 in line with funding agreement		180	180	180	180

Secondary School	Category	PUBLISHED ADMISSION NUMBER 2016-2017	PROPOSED ADMISSION NUMBER 2017-2018	Notes	Consultation response	Year 8	Year 9	Year 10	Year 11
Moor End Academy	Academy	180 (*190)	180	Information only. Own AA school. *Offered additional places in 16/17		180 (190*)	180	180	180
Netherhall Learning Campus - High School	Community	131	131			131	131	131	131
Newsome High School and Sports College	Community	183	183			183	183	183	180
North Huddersfield Trust School	Trust	180	180	Information only. Own AA school.		180	180	180	180
Royds Hall High School	Trust	172	172	Information only. Own AA school.		172	172	172	172
Salendine Nook High School Academy	Academy	267	267	Information only. Own AA school. Admitted over PAN in 15/16		267	267 (*275)	265	265
Shelley College	Academy	360	360	Information only. Own AA school.				360	360
Spenn Valley High School	Trust	180	180	Information only. Own AA school.		180	180	180	180
St John Fisher Catholic High School	Academy	198	198	Information only. Own AA school.		198	198	198	198
Thornhill Community Academy	Academy	208	180	Information only. Own AA school. School is proposing a reduction in PAN from 208 to 180 in year 7 only.		208	208	208	208
The Mirfield Free Grammar and Sixth Form	Academy	221	221	Information only. Own AA school.		221	221	221	221
Upper Batley High School	Community	178	178			178	178	178	178
Westborough High School	Trust	200	180	Information only. Own AA school. School is proposing a reduction in PAN from 200 to 180 across all year groups.		180	180	180	180
Whitcliffe Mount School	VC	250	250			250	250	240	250

MIDDLE PROVISION

Middle School	Category	PUBLISHED ADMISSION NUMBER 2016/2017	PROPOSED ADMISSION NUMBER 2017/2018	Notes	Consultation response	Year 6	Year 7	Year 8	
Kirkburton Middle School	Community	167	167			167	167	167	
Scissett Middle School	Community	189	189			189	189	189 *(194)	

PRIMARY PROVISION

Primary School	Category	PUBLISHED ADMISSION NUMBER 2016-17	PROPOSED ADMISSION NUMBER 2017-18	Notes	Consultation response	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
All Hallows CE (VA) I & N School	VA	30	30	Information only. Own AA school. School reduced PAN to 30.		30	30				
Almondbury Community School – KS1/EY Centre	Community	60	60			60	60				
Almondbury Community School – KS2 Centre	Community	110	110						110	110	110
Ashbrow School	Community	60	60			60	60	60	60	60	60
Batley Grammar School	Free School (Academy)	26	26	Information only. Own AA school.		26	26	24	24	24	24
Batley Parish CE (A) J I & N School	VA	30	30	Information only. Own AA school.		30	30	30	30	30	30
Battysford CE (VC) Primary School	VC	KS1 60 KS2 62	KS1 60 KS2 62			60	60	62	62	62	62
New primary academy at Huddersfield South West	Academy	90	90	Information only. Own AA school		90					
Berry Brow I & N School	Community	60	60			60	60				
Birdsedge First School	Community	15	15			15	15	15	15	15	
Birkby I & N School	Community	150	150			150	150				
Birkby Junior School	Community	120	120						120	120 *(150)	120
Birkenshaw CE (VC) Primary School	VC	60	60			60	60	60	60	60	60
Birstall Primary Academy	Academy	30	30			30	30	30	30	30	30
Brothroyd Primary Academy	Academy	90	90	*School admitted over-PAN to 90 places		90	90	90	60 *(90)	60 *(90)	60
Brookholes CE (VC) J & I School	VC	30	30			30	30	30	30	30	30

Primary School	Category	PUBLISHED ADMISSION NUMBER 2016-17	PROPOSED ADMISSION NUMBER 2017-18	Notes	Consultation response	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Bywell CE (VC) Junior School	VC	97	97						97	97	97
Carlinghow Princess Royal JI&N School	Community	50	50	*School admitted over-PAN to 59 places		50	50	50	50	45 (59)*	45
Carlton J & I School	Community	KS1 30 KS2 33	KS1 30 KS2 33			30	30	33	33	33	33
Christ Church CE Academy	Academy	30	30	Information only. Own AA school.		30	30	30	30	30	30
Clough Head J & I School	Community	12	12	*Admitted over PAN to 16		12	12	12	12	12	12 *(16)
Cowersley Primary School	Community	50	50			50	50	50	50	50	50
New all through CE (VC) Primary School (HSW)	VC	120	120	Dryclough CE (VC) Infant School and Crosland Moor Junior School amalgamation		120	140	150	150	150	150
Crossley Fields J & I School	Community	89	89			89	89	89	89	89	84
Crow Lane J I & N School	Community	30	30			30	30	30	33	33	33
Crowlees CE (VC) J & I School	VC	60	60			60	60	60	60	60	60
Cumberworth CE (A) First School	VA	20	20	Information only. Own AA school.		20	20	20	20	20	
Dalton School (J I & N) School	Community	70	70			70	70	70	70	70	70
Denby CE (A) First School	VA	10	10	Information only. Own AA school.		10	10	10 *(15)	10	10	
Denby Dale F & N School	Community	KS1 30 KS2 33	KS1 30 KS2 33			30	30	33	33	33	
Diamond Wood Academy	Academy	120	120	Information only. Own AA school		120	120				
Earlsheaton Infant School	Community	40	40			40	40				
East Bierley CE(VC) Primary School	VC	30	30			30	30	30	30	30	30
Eastborough J I & N School	Community	30	30			30	30	30	30	30	30
Emley First School	Community	25	25			25	25	25	25	25	
Farnley Tyas CE (VC) First School	VC	10	10			10	10	8	8	8	
Field Lane J I & N School	Community	30	30			30	30	30	30	30	30
Fieldhead Primary Academy	Academy	30	30	Information only. Own AA school.		30	30	30	30	30	30
Fixby J & I School	Community	45	45			45	45	45	45	45	45
Hockton CE (VC) First School	VC	15	15			15	15	15	15	15	

Primary School	Category	PUBLISHED ADMISSION NUMBER 2016-17	PROPOSED ADMISSION NUMBER 2017-18	Notes	Consultation response	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Golcar J I & N School	Trust	60	60	Information only. Own AA school. *school admitted over-PAN to 90 places		60	60	60	60 *(90)	60	60
Gomersal Primary School	Community	60	60			60	60	60	60	60	60
Gomersal St Mary's CE (VC) Primary School	VC	30	30			30	30	30	30	30	30
Grange Moor Primary School	Community	15	15			15	15	15	15	15	15
Hade Edge J & I School	Community	12	12			12	12	12	12	12	12
Hanging Heaton CE (VC) J & I School	VC	20	20			20	20	20	20	20	20
Hartshead J & I School	Community	12	12			12	13	13	13	12	13
Headfield CE (VC) Junior School	VC	150	150	*Admitted over PAN					150	150 *(180)	146 *(150)
Headlands CE (VC) J I & N School	VC	60	60			60	60	60	55 *(60)	55 *(60)	55
Healey J I & N School	Community	55	55			55	55	55	55	55	55
Heaton Avenue Primary School	Academy	60	60	Information only. Own AA school. Admitted over PAN.		60	60 *(75)	40 *(75)	40 *(60)	40 *(60)	40
Heckmondwike Primary School	Trust	60	60	Information only. Own AA school.		60	60	60	60	60	60
Helme CE (VA) J & I School	VA	20	20	Information only. Own AA school.		20	20	20	20	21	21
Hepworth J & I School	Community	16	16			16	16	16	16	16	16
High Bank J I & N School	Community	20	20			20	20	20	20	20	16
Highburton CE (VC) First School	VC	30	30			30	30	30	30	30	
Hightown J I & N School	Community	30	30			30	30	30	30	30	30
Hillside Primary School	Community	45	45			45	45	45	45	45	45
Hinchliffe Mill J & I School	Community	16	16			16	16	16	16	16	16
Holme J & I School	Community	5	5			5	5	5	5	5	5
Holmfirth J I & N School	Community	KS1 30 KS2 34	KS1 30 KS2 34			30	30	34	34	34	34
Holy Spirit Catholic Primary School	VA	30	30	Information only. Own AA school.		30	30	30	30	30	30
Honley CE (VC) I & N School	VC	66	66			66	66				
Honley CE (VC) Junior School	VC	68	68						68	68	68
Hopton Primary School	Community	45	45			45	45	45	40	40	40
Howard Park Community School	Community	30	30			30	30	30	30	30	30
Firstmount Junior School	Community	90	90						90	90	90
Raye's F & N School	Community	KS1 30 KS2 32	KS1 30 KS2 32			30	30	32	32	32	32

Primary School	Category	PUBLISHED ADMISSION NUMBER 2016-17	PROPOSED ADMISSION NUMBER 2017-18	Notes	Consultation response	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Kirkburton CE (A) First School	VA	24	24	Information only. Own AA school.		24	24	24	24	24	
Kirkheaton Primary School	Community	60	60			60	60	60	60	60	60
Kirkroyds Infant School	Community	60	60			60	60				
Lepton CE (VC) J I & N School	VC	KS1 30 KS2 33	KS1 30 KS2 33			30	30	33	33	33	33
Lindley CE Infant School	Academy	120	120	Information only. Own AA school.		120	120				
Lindley Junior School	Academy	120	120	Information only. Own AA school. Admitted over PAN.					120	120 *(124)	120 *(124)
Linthwaite Ardron CE (A) J & I School	VA	30	30	Information only. Own AA school.		30	30	30	30	30	30
Linthwaite Clough J I & E Y School	Community	45	45	*school admitted over-PAN to 49		45	45	45	45	45 (49)*	45
Littleton J I & N School	Trust	25	25	Information only. Own AA school.		25	25	25	25	25	25
Lowerhouses CE(VC) J I & E Y School	VC	29	29			29	29	29	29	29	28
Lydgate J & I School	Community	45	45			45	45	45	45	45	45
Manorfield I & N School	Community	90	90			90	90				
Marsden I & N School	Community	60	60			60	60				
Marsden Junior School	Academy	60	60	Information only. Own AA school. Admitted over PAN.					60	52 *(60)	52 *(60)
Meltham CE (VC) Primary School	VC	60	60			60	60	60	60	60	60
Meltham Moor Primary School	Community	30	30			30	30	30	30	30	30
Mill Lane J I & E Y School	Community	25	25			25	25	25	25	25	25
Millbridge J I & N School	Academy	47	47	Information only. Own AA school		47	47	47	47	47	47
Moldgreen Community Primary School	Community	50	50			50	50	50	50	50	50
Moorlands Primary School	Community	90	90			90	90	90	90	90	90
Mount Pleasant Primary School	Community	90	90			90	90	90	90	90	90
Netherhall Learning Campus - Rawthorpe Junior School	Community	90	90						90	90	90
Netherhall Learning Campus - Rawthorpe St James CE(VC) I&N School	VC	90	90			90	90				
Netherthong Primary School	Community	KS1 30 KS2 32	KS1 30 KS2 32			30	30	32	32	32	32
Netherton I & N School	Community	60	60			60	60				

Primary School	Category	PUBLISHED ADMISSION NUMBER 2016-17	PROPOSED ADMISSION NUMBER 2017-18	Notes	Consultation response	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Newsome Junior School	Community	60	60						60	60	60
Nields J I & N School	Community	30	30			30	30	30	30	30	30
Norristhorpe J & I School	Community	60	60			60	60	60	60	60	60
Old Bank J I & N School	Community	25	25			25	25	25	25	25	22
Orchard Primary Academy	Academy	52	52	Information only. Own AA school		52	52	52	52	52	52
Our Lady Of Lourdes Catholic Primary School	VA	30	30	Information only. Own AA school.		30	30	30	30	30	30
Overthorpe C of E Academy	Academy	42	42	Information only. Own AA school.		42	42	42	42	42	42
Paddock J I & N School	Community	50	50	*School admitted over PAN to 60 places		50	50	50	50 (*60)	50	50
Park Road J I & N School	Community	30	30			30	30	30	30	30	30
Pentland I & N School	Community	49	49			49	49				
Purlwell I & N School	Community	90	90			90	90				
Ravensthorpe CE(VC) Junior School	VC	108	108						108	108	108
Reinwood Community Junior School	Community	90 (120)*	90 (120)*	School to admit over PAN for Bulge class from I & N School					90 *(120)	90	90
Reinwood I & N School	Community	120	90	*School admitted over PAN Increase to support need for additional places in the area		90 120	90 (120)*				
Roberttown CE (VC) J & I School	VC	34	34			34	34	34	34	34	34
Rowley Lane J I & N School	Community	KS1 60 KS2 66	KS1 60 KS2 66			60	60	66	66	66	66
Royds Hall – Beech Avenue Campus primary provision	Trust	30	30	Information only. Own AA school		30	30	30	30	30	30
Royds Hall – Luck Lane Campus primary provision	Trust	60	60	Information only. Own AA school		60	30 *(60)	30 *(60)			
Savile Town CE (C) I & N School	VC	60	60			60	60				
Scapegoat Hill J & I School	Community	12	12			12	12	12	12	12	12
Scholes J & I School	Community	KS1 30 KS2 33	KS1 30 KS2 33			30	30	33	33	33	33
Scholes Village Primary School	Community	30	30			30	30	30	30	30	30
Wissett CE (A) First School	VA	30	30	Information only. Own AA school.		30	30	30	32	32	
Wshaw Cross I & N School	Community	60	60			60	60				

Primary School	Category	PUBLISHED ADMISSION NUMBER 2016-17	PROPOSED ADMISSION NUMBER 2017-18	Notes	Consultation response	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Shelley First School	Community	34	34			34	34	34	34	34	
Shepley First School	Community	30	30	*school admitted over-PAN to 40 places		30	30	30	30	30 (40)*	
Skelmanthorpe F & N School	Community	30	30			30	30	30	30	30	
Slaithwaite CE (VC) J & I School	VC	23	23			23	23	23	23	23	23
South Crosland CE (A) Junior School	VA	60	60	Information only. Own AA school.					60	60	60
Spring Grove J I & N School	Community	30	30			30	30	30	30	30	30
St Aidan's CE (VA) First School	VA	30	30	Information only. Own AA school.		30	30	30	30	25	
St John's CE (A) J & I School	VA	30	30	Information only. Own AA school.		30	30	30	30	30	30
St John's CE (C) Infant School	VC	60	60			60	60				
St Joseph's Catholic Primary School (Dewsbury)	VA	KS1 30 KS2 32	KS1 30 KS2 32	Information only. Own AA school.		30	30	32	32	32	32
St Joseph's Catholic Primary School (Huddersfield)	VA	50	50	Information only. Own AA school.		50	50	50	50	50	50
St Mary's Catholic Primary School	VA	45	45	Information only. Own AA school.		45	45	45	45	45	45
St Patrick's Catholic Primary School (Batley)	VA	35	35	Information only. Own AA school.		35	35	35	35	35	35
St Patrick's Catholic Primary School (Huddersfield)	VA	60	60	Information only. Own AA school.		60	60	60	60	60	60
St Paulinus Catholic Primary School	VA	60	60	Information only. Own AA school.		60	60	60	60	60	60
St Peter's CE (A) J I & N School	VA	30	30	Information only. Own AA school.		30	30	30	30	30	30
St Thomas CE(VC) Primary School	VC	60	60			60	60	60	60	60	60
Staincliffe CE (VC) Junior School	VC	90	90						90	90	90
The John Curwen Co-operative Primary Academy	Academy	60	60	Information only. Own AA school. *school admitted over-PAN to 60 places		60	45 *(60)	45 *(60)	45 *(60)	45 *(60)	45
Thornhill J & I School	Community	60	60			60	60	60	60	60	60
Thornhill Lees CE(VC) I & N School	VC	90	90			90	90				
Hurstland Endowed (VC) First School	VC	12	12	*school admitted over-PAN to 12 places		12	12	12	10 (12)*	10	

Primary School	Category	PUBLISHED ADMISSION NUMBER 2016-17	PROPOSED ADMISSION NUMBER 2017-18	Notes	Consultation response	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Upperthong J & I School	Community	KS1 30 KS2 32	KS1 30 KS2 32			30	30	32	32	32	32
Warwick Road J I & N School	Community	45	48	Proposed increase in PAN from 45 to 48		45	45	45	45	45	45
Wellhouse J & I School	Community	12	12			12	12	12	12	12	12
Westmoor Primary School	Community	KS1 45 KS2 90	KS1 45 KS2 90			45	45	90	90	90	90
Whitechapel Church of England Primary School	VC	60	60			60	60	60	60	60	60
Wilberlee J & I School	Community	11	12	*School admitted over PAN to 16 places. Proposed increase in PAN from 11 to 12 in Reception.		11	11	11	11	11 (*16)	11
Windmill CE (VC) Primary school	Community	KS1 60 KS2 64	KS1 60 KS2 64			60	60	64	64	64	64
Wooldale Junior School	Community	60	60						60	60	60

F. Consultation response

One formal response was received to the consultation about the co-ordinated schemes:-

Thank you for the opportunity to comment on the admission arrangements in Kirklees for 2017-2018. The documents read very well, they are clear and well structured. We only had two very minor comments:

Page 4 (h) – it might be helpful to move this point a little higher i.e. before (g) so that the explanation for PAA is given before the acronym is used.

Page 6 (h) – We wondered if the title should be changed from ‘Flats’ to ‘Tie Breakers’ as this is really what that paragraph is referring to. Flats are just one example of a tie breaker.

Once again these are very minor amendments in what is a very good document.

Officer response – Thank you for taking the time to provide feedback on the consultation document. We have added the full term ‘priority admission area’ before the acronym is used, so left the explanation of PAA in 4(h).

We have however, changed the title of 5(h) from ‘Flats’ to say ‘Tie breaker’.

Kirklees Council : Directorate for Children & Adults

2. Proposed Kirklees schemes for school admissions 2017-18

1. Introduction and purpose

- These schemes are intended to comply with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 and the School Admissions Code 2014.
- Kirklees LA will co-ordinate normal round admission arrangements with all of the admission authorities responsible for school admissions within Kirklees and with other neighbouring local authorities.
- Some community or voluntary controlled schools in Kirklees may become an own admission authority by converting to academy status or changing category to trust or voluntary aided status during the life of these arrangements. Any school that becomes an own admission authority during the period of these schemes assumes the responsibilities of an admission authority from the date of change of status / category.
- Please consult the websites of Kirklees and other admission authorities to obtain the most up to date information.

2. Schemes

- A. Kirklees co-ordinated schemes for normal (relevant) year of entry admissions for 2017-18 for rising 5 year olds, junior schools, middle schools and secondary schools: sections 5-20
- B. Kirklees scheme for in-year admissions 2017-18 sections 21-29

3. Appendices

- Appendix 1 shows the timetables for implementing these schemes.
- Appendix 2 explains the meanings of expressions (marked *) used in these schemes.

4. Kirklees admission authorities

In Kirklees the admission authorities* for schools at the time of publication on the website are listed below. This list will be updated before determination by the cabinet in February 2016.

Some Kirklees community or controlled schools may change category to academy or trust status before the 2017 admissions round. The relevant schemes in this document will apply to any school that becomes an own admission authority from the date of the change to own admission authority.

Details will be updated on the Kirklees and school websites.

Kirklees Admission Authorities

(a) Kirklees local authority (LA*) is the admission authority for all Kirklees community and voluntary controlled schools.

(b) The academy trusts are the admission authorities for the academy schools

Primary

- Batley Grammar School (Free school)
- Beaumont Primary Academy
- Birstall Primary Academy
- Boothroyd Primary Academy
- Christ Church CE Academy
- Diamond Wood Community Academy
- Fieldhead Primary Academy
- Heaton Avenue Primary Academy
- Lindley Church of England Infant School
- Lindley Junior School
- Marsden Junior School
- Millbridge J I & N School
- Orchard Primary Academy
- Overthorpe C of E Academy
- The John Curwen Co-operative Primary Academy

Secondary

- Batley Girls' High School - Visual Arts College
- Batley Grammar School (Free school)
- BBG Academy
- Castle Hall Academy: Specialising in Languages
- Colne Valley High School
- Heckmondwike Grammar School
- King James's School
- Manor Croft Academy
- Moor End Academy
- Shelley College
- Salendine Nook High School Academy
- St John Fisher Catholic Voluntary Academy
- The Mirfield Free Grammar and Sixth Form
- Thornhill Community Academy

(c) The governing bodies are the admission authorities for the Church of England voluntary aided (VA) schools

Primary

- All Hallow's CE (VA) I & N School
- Batley Parish CE (VA) Junior, Infant & Nursery School
- Cumberworth CE(VA) First School
- Denby CE(VA) First School
- Helme CE(VA) Junior & Infant School
- Kirkburton CE(VA) First School
- Linthwaite Ardrone CE(VA) Junior & Infant School
- St Aidan's CE(VA) First School
- St John's CE(VA) Junior & Infant School
- St Peter's CE(VA) Junior, Infant & Early Years School
- Scissett CE(VA) First School
- South Crosland CE (VA) Junior School

(d) The governing bodies are the admission authorities for the foundation (F) and trust (T) schools

Primary

- Golcar J I & N School (T)
- Heckmondwike Primary School (T)
- Littleton Junior Infant and Nursery School (T)
- Royds Hall Community School (T) (Luck Lane and Beech Primary sites)

Secondary

- Honley High School (T)
- North Huddersfield Trust School (T)
- Royds Hall Community School (T)
- Spen Valley High School (T)
- Westborough High School (T)

(e) The governing bodies are the admission authorities for the Roman Catholic voluntary aided (VA) schools

Primary

- Holy Spirit Catholic Primary School
- Our Lady of Lourdes Catholic Primary School
- St Joseph's Catholic Primary School, Dalton
- St Joseph's Catholic Primary School, Dewsbury
- St Mary's Catholic Primary School
- St Patrick's Catholic Primary School, Birstall
- St Patrick's Catholic Primary School, Huddersfield
- St Paulinus Catholic Primary School

Secondary

- All Saints Catholic College, Specialist in Humanities

Terms marked * are explained in Appendix 2 on page 35.

A. Kirklees co-ordinated schemes for relevant year of entry admissions for 2017-18 for rising fives, junior schools, middle schools and secondary schools

<p>5. The relevant year is the normal year of admission</p>	<p><u>Rising five year old admissions</u> Children should normally enter full-time education in the school year in which their fifth birthday occurs.</p> <ul style="list-style-type: none"> • Reception class is the relevant year 	<p><u>Junior and middle school admissions</u></p> <ul style="list-style-type: none"> • Year 3 is the relevant year for transfer from infant to junior School • Year 6 is the relevant year for transfer from first to middle school in the Shelley area 	<p><u>Secondary school admissions</u></p> <ul style="list-style-type: none"> • Transfers from junior, primary or middle school to secondary school • Year 7 is the relevant year except for <ul style="list-style-type: none"> ○ Shelley College - Year 9 ○ Kirklees Creative and Media Studio School at the Netherhall Learning Campus where it is Year 10
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Deferred entry in Reception- children do not have to be in full-time education until the start of the term following their fifth birthday and may defer their entry to school as follows:

Date of birth between **1.9.12 and 31.12.12** - may defer entry until **start of the Spring term** i.e. January 2018

Date of birth between **1.1.13 and 31.8.13** - may defer entry until **start of the Summer term** i.e. April 2018

If a child has a date of birth between **1.4.13 and 31.8.13** and the parent does not wish them to begin school until **September 2018** (their latest legal starting date) **they will have to give up the allocated Reception place** and re-apply for a place. Details about summer born children admissions can be found under section 5k on page 6).

6. The application

- Parents apply online for their child’s school place via the Kirklees Parent Portal. This can be accessed via the Kirklees website.
- The Kirklees Parent Portal should only be used by Kirklees residents.
- Parent/carers can express up to three preferences, ranked in priority order, for the school at which it is preferred that the child should be educated.
- Kirklees will not disclose a parent/carer’s order of preference.
- The parent/carer may name state-funded schools in Kirklees or any other LA.

7. Supplementary Information Form

SIF*

- Own admission authority schools (see sections 4b-4e) may require parent/carers to complete a Supplementary Information Form (SIF).
- SIFs are only used to provide the extra information required by the school’s admission criteria which is not available on the Kirklees online application.
- A SIF must be returned to the school.
- A SIF is required as well as the Kirklees online application.
- If the Kirklees online application has been completed, but not a SIF, the preference is still valid and must be considered. If it is not possible to consider the preference fully without the supplementary information, the applicant should be ranked lower than those applicants who met the criteria fully.
- Where a SIF is required, the relevant admission authority should follow up any that have not been received.

<p>8. The application process</p>	<p><u>Rising five year old admissions</u></p> <ul style="list-style-type: none"> Parents/carers of children who attend a Kirklees early years setting will receive notification of when it is time to apply for their child's school place. Kirklees will also widely publicise this information. Parents/carers in Kirklees must complete an online application via the Kirklees Parent Portal to apply for their child's school place. The Kirklees Parent Portal and website also informs parents when a SIF needs to be completed so the relevant school can assess the child's eligibility for a school place. Parents/carers will receive an email when their online application has been submitted and then when it has been downloaded. <p>Schools and Early Learning Settings are asked to:-</p> <ul style="list-style-type: none"> let parents/carers know about the online application process. support parent/carers to apply online and on time for their child's school place. Schools with a nursery will be asked to help Kirklees LA chase up any parents who have not applied before the deadline. advise parents of children living in other LA's to apply to their home LA for their school place. advise parents that no priority is given to children attending the school's nursery, where applicable, when allocating school places. 	<p><u>Junior and middle school admissions</u></p> <ul style="list-style-type: none"> At the start of year 2 in an infant school or year 5 in a Shelley pyramid first school Kirklees parents/carers need to apply for their child's school place via the Kirklees Parent Portal. Parents/carers will be sent details via their child's current school of when to complete the online application. The Kirklees Parent Portal and website also informs parents when a SIF needs to be completed so the relevant school can assess the child's eligibility for a school place. Parents/carers will receive an email when their online application has been submitted and then when it has been downloaded. <p>To support on time applications, the child's present school is asked to :-</p> <ul style="list-style-type: none"> let parents/carers know about the online application process and distribute correspondence from Admissions about the application process to pupils. support parent/carers to apply online and on time for their child's school place. Schools will be asked to help Kirklees LA chase up any parents who have not applied before the deadline. advise parents of children living in other LA's to apply to their home LA for their school place. 	<p><u>Secondary school admissions</u></p> <ul style="list-style-type: none"> At the start of a year 6 in a primary / junior school or year 8 in a Shelley pyramid middle school parents/carers need to apply for their child's school place via the Kirklees Parent Portal. Parents/carers will be sent details via their child's current school of when to complete the online application. The Kirklees Parent Portal and website also informs parents when a SIF needs to be completed so the relevant school can assess the child's eligibility for a school place. Parents/carers will receive an email when their online application has been submitted and then when it has been downloaded. <p>To support on time applications, the child's present school is asked to:-</p> <ul style="list-style-type: none"> let parents/carers know about the online application process and distribute correspondence from Admissions about the application process to pupils. support parent/carers to apply online and on time for their child's school place. Schools will be asked to help Kirklees LA chase up any parents who have not applied before the deadline. advise parents of children living in other LA's to apply to their home LA for their school place.
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<p>9. Procedure for preferences expressed for Kirklees schools</p>	<ul style="list-style-type: none"> • The procedure applies equally to preferences for Kirklees schools received from Kirklees residents and from residents of other LAs. • For a Kirklees community or voluntary controlled school Kirklees LA will determine each application by reference to Kirklees published admissions criteria, the order of priority in which that application for the school is ranked. • For an own admission authority school (see sections 4b-4e) Kirklees LA will send details of applications to the governing body/academy trust of the school. The governing body / academy trust will determine the order of priority in which that application is ranked and provide the Kirklees LA with a list which ranks all the applications for that school.
<p>10. Provision of information to other local authorities</p>	<ul style="list-style-type: none"> • Kirklees LA will supply another LA with details about a child in a Kirklees school, who is resident in the other LA, to provide the child with the appropriate common application form. • Parents/carers resident in Kirklees who wish to express a preference for a school in another LA must name the school as one of the preferences on a Kirklees online application. • Kirklees LA will supply another LA with details of any application made by a Kirklees parent/carer for a school maintained by that other LA. • Kirklees LA will advise another LA of the eligibility of any child resident in that other LA for a place in a Kirklees school.
<p>11. Procedures for a Kirklees academy, foundation, trust or VA school</p>	<p>This scheme requires the governing body/academy trust of a school in Kirklees which is an admissions authority to:</p> <ul style="list-style-type: none"> • Follow the Kirklees application procedure. • Ensure that all applications are made via the Kirklees Parent Portal. • Be responsible for the provision, completion by applicants and retention of any SIF which the governing body/academy trust finds necessary to apply its own admission criteria. (Kirklees LA will ensure that SIFs are available on its website or paper copies can be obtained from Kirklees Pupil Admissions. A prompt will also appear on the Kirklees Parent Portal when a parent names a school that requires a SIF as one of their preferences). • Determine by reference to the school's admission criteria the order of priority in which each and every application is ranked, after they have received information from Kirklees about all the applications for the year for their school. • Notify the Kirklees LA of their decision according to the timetable in Appendix 1 . • Ensure that a decision to grant or refuse a place at that school is only communicated to the parent/carer by the Kirklees LA, on behalf of the governing body/academy trust.
<p>12. Procedures for offers of places to parents / carers</p>	<ul style="list-style-type: none"> • Where a Kirklees child qualifies for a place at one or more schools, and following any necessary liaison with other LAs, Kirklees LA will determine and offer the one school which is ranked as the parent/carer's highest preference where the child qualifies. • Where a Kirklees child does not qualify for a place at any of the parent/carer's preferences a place will be offered at the school designated by Kirklees to serve the parent/carer's address or, if no such place is available, the nearest appropriate Kirklees school where a place is available. Nearest means the shortest distance from the child's home to the school measured in a straight line. • Kirklees LA will notify the governing body/academy trust of any school in sections 4b-4e (or other LA) of a Kirklees decision to offer or refuse a place at such a school.

<p>13. Offers of places to Kirklees parents / carers and appeals</p>	<p>National offer day for rising five year old admissions is <u>17 April 2017</u></p>	<p>National offer day for junior and middle school admissions is <u>17 April 2017</u></p>	<p>National offer day for secondary school admissions is <u>1 March 2017</u></p>
<p>14. Processing online applications for the normal entry admissions round</p>	<ul style="list-style-type: none"> • The normal entry admission round for Kirklees children is defined as any determination of online applications for the relevant year made under this coordinated scheme before the national offer date (see section13). • The processing of online applications for the normal entry admissions round will be as follows:- <ul style="list-style-type: none"> ○ The initial allocation : To assess and allocate a place for all online applications which were received on time or deemed to be on time from parents/carers resident in Kirklees and other LAs. ○ The second allocation : To assess and allocate a place (as soon as possible after the first allocation) for all online applications which were received late from parents/carers resident in Kirklees and other LAs. ○ Waiting lists : After the offer day, unsatisfied higher preferences for a school are placed on that school's waiting list which is held by the admission authority for the school as listed in section 4. Preferences which cannot be satisfied which are received after the offer day are similarly placed on a school's waiting list. 		
<p>15. Late and revised applications</p>	<p><u>Rising five year old admissions</u></p> <ul style="list-style-type: none"> • Closing date for applications 15 January 2017 • Planned allocation date 17 March 2017 	<p><u>Junior / middle admissions</u></p> <ul style="list-style-type: none"> • Closing date for applications 15 January 2017 • Planned allocation date 17 March 2017 	<p><u>Secondary school admissions</u></p> <ul style="list-style-type: none"> • Closing date for applications 31 October 2016 • Planned allocation date 25 January 2017
<ul style="list-style-type: none"> • Applications received after the closing date without significant and exceptional reasons will be treated as late. • Late applications will not be included in the initial process which will be confined to on-time applications. Late applications will be included in the second allocation process. 			

	<ul style="list-style-type: none"> • Where applications are received after the closing date, in Kirklees’ judgement for significant and exceptional reasons, for example a move into Kirklees, the Authority will endeavour to include the application in the initial allocation process. Proof of such special circumstances will be required. Proof of change of address will be accepted up to the latest reasonable date before the allocation date for school places (see 5d on page 5 for the deadlines). This exception to the closing date only applies to Kirklees schools, other Local Authorities may have their own conditions for accepting late applications. • After the closing date parents/carers will not be able to change their preferences (including a change to the order) unless there is a genuine reason for doing so, for example, a significant house move. Following the offer of places a parent/carer may request a place at a school which has not previously been considered. However, a parent/carer may not have more than three “live” preferences at any time.
<p>16. Waiting lists</p>	<ul style="list-style-type: none"> • Waiting lists for community and voluntary controlled schools are held by Kirklees LA from the offer day and close at the end of one term which is determined to be on the last school day in December. • Waiting lists for own admission authority schools (see sections 4b-4e) are held by the governing body/academy trust for a period of time determined by the admissions authority. • The names on the waiting lists for a school will be children: <ul style="list-style-type: none"> (a) whose parent/carer has expressed a preference for that school but who were offered a lower preference school or an alternative school. (b) (only at the parent/carer's written request) whose parent/carer has expressed a preference for that school but who were offered a higher preference school. • As vacancies occur, the allocation of places to children on a waiting list will be determined by the same admission authority as the initial allocation and according to that admission authority’s published admission criteria (treating on-time and late applications equally). • The offer of places from the waiting lists will only be made by the Kirklees LA. Where the offer is for a place at an academy, foundation, trust or voluntary aided school, it will be made on behalf of the governing body/academy trust of the academy, foundation, trust or voluntary aided school and following consultation with the school.
<p>17. Admissions outside normal admissions round</p>	<ul style="list-style-type: none"> • Admissions outside the normal admissions round means any admissions other than those determined under this scheme. • Applications received for any other age group, or the relevant age group made after the first school day, will be processed under the Kirklees scheme for in-year admissions. • Please see details in sections 21-29
<p>18. Appeals</p>	<p>A parent/carer who has been unsuccessful in obtaining a place at a school for which they have expressed a preference can appeal to an Independent Appeal Panel (except for a child who has been permanently excluded from two schools).</p> <ul style="list-style-type: none"> • For community and voluntary controlled schools parents/carers should contact Kirklees admissions team or look at the website for full information. • For voluntary aided schools, free schools, trust schools and academies parents/carers should contact the school to enquire about the appeal process • For schools outside Kirklees parents/carers should contact the other local authority to enquire about the appeal process.

<p>19. Changes to PAN by admission authorities</p>	<p>Governing bodies / academy trusts of Kirklees own admission authority schools must</p> <ul style="list-style-type: none"> • Notify the LA in writing of any intention to increase the school’s PAN and publish the change on the school’s website. • Following determination of the PAN, notify the LA if they intend to admit above PAN, in good time to allow the LA to deliver its coordination responsibilities effectively according to the timetable in Appendix 1.
<p>20. Schools with assessment *or testing as part of the admissions process</p>	<p>(a) Batley Grammar School - fair banding assessment for entry into Year 7</p> <ul style="list-style-type: none"> • All children applying to Year 7 at Batley Grammar School will take a fair banding assessment to ensure a comprehensive intake. • Applicants will be placed into one of four ability bands based on the score achieved in the GL Assessment Non Verbal Reasoning test, which will be taken by all applicants to Year 7 at Batley Grammar School. • Applicants will be placed in bands, such that, wherever possible, there are an equal number in each band. • Places will be allocated, as far as possible, such that, an equal number are given in each band and represent the proportion indicated in each of the identified postal code areas below. • Banding will enable Batley Grammar School to achieve an intake representative of the ability range of applicants to the school. • Children who have not taken the banding test (apart from children in care, or adopted children who have been in care, who must always be given priority) will be considered after children who sat the banding test. They will be prioritised on the basis of the oversubscription criteria. All applicants will be offered fair access to the test and will be reminded of the date, times and location available to sit the test. • To ensure that we are meeting the needs of parents in the Batley and Birstall area children will be accepted from an area which will be split into a defined inner catchment area (WF17) and an outer catchment area (all other postal codes). 45% of places will be allocated to pupils in WF17 0--; WF17 8-- and WF17 9--; a further 45% of places will be allocated to WF17 5--, WF17 6--, and WF17 7--, whilst the remaining 10% of places will be allocated to pupils from the other postal code areas of WF12 7; WF16 9; LS27 0, BD11 1 and BD19 4 who live within a two mile radius of the school. Oversubscription criteria will be applied to the bands in each of these groups. • In order to be eligible for a place parents must make the school one of their three preferences on their local authority application. In addition to the application to their home local authority, parents are required to complete the school supplementary information form and return this to Batley Grammar School. There is a strict deadline of 4.00pm on 28 October 2016 for return of the School Registration/Supplementary Information Form to be returned to Batley Grammar School.

	<p>(b) Heckmondwike Grammar School - ability testing</p> <ul style="list-style-type: none"> • Heckmondwike Grammar School will only test applicants for inclusion in this scheme whose parents/carers have expressed a preference for the grammar school under this scheme. To enable the grammar school to make necessary preparations, applicants will be requested to complete the school's own form online by noon on Monday 27 June 2016 to register for the test. This form cannot replace the Kirklees online application and any applicant who has named the school as one of their preferences on the online application must be allowed to sit the test. The test will take place on a Saturday early in the Autumn term (please contact the school for more information). • Any information sent to the parents/carers of children who are successful in the testing must make clear that more children pass the test than there are places in the grammar school, that passing the test does not constitute the offer of a place and that the parent/carer must wait until the offer day on 1 March 2017 to be notified by their home LA at which school they are to be offered a place.
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B.Kirklees scheme for in-year admissions 2017-18 : sections 21-29	
<p>21. In-year applications</p>	<p>In-year applications are those made during the school year for the normal year of admission and those made for admission to age groups other than the normal year of admission.</p>
<p>22. The Kirklees In-year Common Application Form</p> <p>ICAF</p>	<ul style="list-style-type: none"> • All applications for an in-year admission to a Kirklees school must be made on the Kirklees In-year Common Application Form (ICAF). This includes applications from parents/carers resident outside Kirklees. Parent/carers currently cannot apply online for an in-year admission, it must be done on a paper application form. • The ICAF asks a Kirklees parent/carer wishing to change their child's school to complete a separate form for each school to which they prefer their child to transfer. • Where a change of school is requested the child's current head teacher must complete the relevant section of the ICAF. • Parents/carers should return the completed ICAF to the school to which they prefer their child to transfer.
<p>23. Supplementary Information Form</p> <p>SIF</p>	<ul style="list-style-type: none"> • Own admission authority schools (see sections 4b-4e) may require parent/carers to complete a Supplementary Information Form (SIF). • SIFs are only used to provide the extra information required by the school's admission criteria which is not available on the ICAF. • A SIF must be returned to the school. • A SIF is required as well as an ICAF. • If an ICAF has been completed, but not a SIF, the preference is still valid and must be considered. If it is not possible to consider the preference fully without the supplementary information, the applicant should be ranked lower than those applicants who meet the criteria fully. • Where a SIF is required, the school should follow up any that have not been received.

<p>24. Assessment of a parent/carer's preference for Kirklees community and voluntary controlled schools</p>	<p>The following applies equally to preferences for Kirklees schools made on the Kirklees ICAF received from Kirklees residents and residents from other LAs.</p> <p>This scheme requires the Kirklees community or voluntary controlled school to:</p> <ul style="list-style-type: none"> • Contact Kirklees admissions regularly to confirm the availability of places at the school. • Notify Kirklees admissions with a copy of the full details of any application that is made to the school (regardless of whether or not the parent/carer lives in the Kirklees area) within 2 school days of receipt of the application • Kirklees admissions will then <ul style="list-style-type: none"> ○ confirm whether the school has vacancies in the year group required ○ confirm by reference to the Kirklees admission criteria the order of priority in which a parent/carer's preference is ranked in relation to other applications for that school. ○ where there are more applications than places available, determine by reference to the Kirklees LA published admission criteria the order of priority in which all applications are ranked. • The offer or refusal of a place is only communicated to the parent/carer by Kirklees LA as the Admission Authority.
<p>25. Kirklees schools where the governing body / academy trust is the admission authority</p>	<p>This scheme requires the governing body/academy trust to:</p> <ul style="list-style-type: none"> • Notify the Kirklees admissions team of the full details any application that is made to the school (regardless of whether or not the parent/carer lives in the Kirklees area) within 2 school days of receipt. • Be responsible for the provision, completion by applicants and retention of any SIF which the governing body/academy trust finds necessary to apply its own admission criteria. The Kirklees admissions team will ensure that SIFs are available on its website or paper copies can be obtained from Kirklees Pupil Admissions. • Communicate the availability of places to the Kirklees admissions team when requested. • Where there are more applications than places available, determine by reference to the school's published admission criteria the order of priority in which all applications are ranked. • Communicate the offer or refusal of a place to the parent/carer (or the parent/carer's home LA) and notify the Kirklees admissions team of the decision according to the timetable which is detailed in section 26 below.
<p>26. Offers of places to Kirklees parents / carers and appeals</p>	<p>The relevant admissions authority (as noted in section 4) will send out to a parent/carer within 20 school days of their application being received at a school a decision to offer or refuse a place at the school. A copy of the decision should be sent to the Kirklees admissions team.</p> <p>The offer letter will specify a start date as agreed with the school. This should normally be the first day of the next school term where no significant house move has taken place. Where a child has moved into Kirklees and is without a school place, or has moved a significant distance within Kirklees, the offer letter should specify a start date no later than 10 school days from the date of the offer letter.</p> <p>The refusal letter must give reasons why the child is not being offered a place at a parent/carer's preferred school (where appropriate) and include information about :-</p> <ul style="list-style-type: none"> • the statutory right of appeal, • how to accept or refuse an offer • the availability of assistance with school transport.

<p>27. Waiting lists at academy, foundation, trust and voluntary aided schools</p>	<p>Where a parent/carer has been refused a place for their child at a preferred academy, foundation, trust or voluntary aided school, the child's name will be placed on a waiting list for that school according to the admissions policy of that school.</p>
<p>28. Waiting lists for Kirklees community and voluntary controlled schools</p>	<p>Kirklees LA will keep a waiting list for each Kirklees community and voluntary controlled school as follows:</p> <ul style="list-style-type: none"> • Where a parent/carer has been refused a place for their child at a preferred community or voluntary controlled school, the child's name will be placed on a waiting list for that school. • The waiting list will be kept for the remainder of the term for which they have applied for a place. • The names on the waiting lists for the school will also include children from normal round admissions: <ul style="list-style-type: none"> ○ whose parent/carer had expressed a preference for that school but who were offered a lower preference school or an alternative school. ○ (only at the parent/carer's written request) whose parent/carer had expressed a preference for that school but who were offered a higher preference school. <p>The child will remain on the waiting list for the remainder of the term for which they have applied for a place. As vacancies occur, the allocation of places to children on a waiting list will be determined by Kirklees LA according to the published admission criteria (taking no account of the length of time children have been on a waiting list).</p> <p>The offer of places from the waiting lists will only be made by the Kirklees LA.</p>
<p>29. Availability of places</p>	<p>If a parent/carer is requesting a change of school because of a house move, or if a child has not been offered a place at 3 or more schools, or if a child has not been offered a place in a timely fashion, Kirklees LA will offer a place at the school designated by Kirklees to serve the parent/carer's new address, or if no such place is available, the nearest appropriate Kirklees school where a place is available. Nearest means the shortest distance from the child's home to the school measured in a straight line (see appendix 2).</p> <p>In some circumstances Kirklees LA may decide to allocate a place immediately at the nearest appropriate Kirklees School where a place is available, following an individual assessment of an application.</p>

Process	Rising 5 year old admissions	Junior and Middle school admissions	Secondary school admissions
The online application process opens via the Kirklees Parent Portal	Week starting Thursday 1 September 2016	week starting Thursday 1 September 2016	week starting Thursday 1 September 2016
	↓	↓	↓
			Heckmondwike Grammar School test Online registration form deadline Monday 27 June 2016 at noon Test on a Saturday Early Autumn term Batley Grammar School <ul style="list-style-type: none"> • SIF deadline 4pm on Fri 28 October 2016
	↓	↓	↓
Closing date for online applications and SIFs	Sunday 15 January 2017	Sunday 15 January 2017	Monday 31 October 2016
	↓	↓	↓
Kirklees LA sends information about applications for schools in other LAs to those LAs	Friday 10 February 2017	Friday 10 February 2017	Friday 18 November 2016
	↓	↓	↓
Kirklees LA sends information about applications to Kirklees academy, foundation, trust and VA schools	Friday 24 February 2017	Friday 24 February 2017	Wednesday 12 December 2016
	↓	↓	↓
Kirklees academy, foundation, trust and VA schools <ul style="list-style-type: none"> • send lists of pupils qualifying, and not qualifying, for places to Kirklees LA • notify Kirklees LA of any intention to admit above PAN, and specify the PAN 	Friday 3 March 2017	Friday 3 March 2017	Wednesday 11 January 2017
	↓	↓	↓
Kirklees decides provisional offers including extra-district children applying for Kirklees schools and notifies other LAs	Friday 17 March 2017	Friday 17 March 2017	Wednesday 25 January 2017
	↓	↓	↓
Provisional offers reviewed to take account of information from other LAs, results sent to other LAs/admission authorities	Wednesday 22 March 2017	Wednesday 22 March 2017	Wednesday 1 February 2017
	↓	↓	↓
Kirklees and other LAs exchange information on confirmation of offers to be made	Monday 27 March 2017	Monday 27 March 2017	Wednesday 8 February 2017
	↓	↓	
Statutory National Offer Day	Monday 17 April 2017	Monday 17 April 2017	Wednesday 1 March 2017
	↓	↓	↓
	Appeals	Appeals	Appeals

Appendix 2 : The meaning of words and expressions used in this scheme

Term	Definition
Admissions authority	The body which decides admissions to a school and which makes arrangements for its admission appeals.
ICAF	Kirklees common application form for IN-YEAR transfer to a school
In-year admission	In-year applications are those made during the school year for the normal year of admission and those made for admission to age groups other than the normal year of admission.
Distance	Distance is measured in a straight line from a child's home address to the school. Measurements are calculated using six-figure National Grid co-ordinates from the National Land and Property Gazetteer. This grid reference relates to a point that falls within the permanent building structure corresponding to the address. The boundary of the building structure for the address is from Ordnance Survey's MasterMap. For smaller, residential properties the grid reference marks a point near the centre of the building. For larger properties like schools with, for example, multiple buildings and large grounds, the grid reference relates to a point inside the main addressable building structure. The distance calculated is accurate to within 1 metre.
Kirklees	Kirklees Council or, as the context requires, its administrative area.
LA	The local authority. In Kirklees, Kirklees Council is the local authority.
Normal (relevant) admissions round	Admissions for the relevant year arising from offers made under these schemes.
Normal (relevant) year	The first age group in a school. <ul style="list-style-type: none"> ▪ Reception class at infant, first and primary schools ▪ Year 3 at junior schools ▪ Year 6 at the two middle schools in the Shelley Pyramid ▪ Year 7 at most Kirklees secondary schools ▪ Year 9 at Shelley College ▪ Year 10 at Kirklees Creative and Media Studio School, Netherhall Learning Campus.
Testing / Assessment	Batley Grammar School and Heckmondwike Grammar School are the only schools in Kirklees where determination of academic ability by testing is part of the admission procedure. <ul style="list-style-type: none"> ▪ The deadline for the Registration/Supplementary Information Form to be returned to Batley Grammar School is 4.00pm on 28 October 2016. The assessment for Batley Grammar School will take place after the 31 October 2016. ▪ The examinations for Heckmondwike Grammar School are to be held on a Saturday in the early Autumn term. The deadline for the online registration form for the examination is by noon on Monday 27 June 2016.
SIF	Supplementary Information form
Trust school	A trust school is a foundation school with a charitable foundation
Pupil Admissions	Second Floor, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY Tel 01484 225007 E-mail: pupiladmissions@kirklees.gov.uk

Disclaimer

- The information in this document is believed to be correct at the time of publication.
- Please contact Kirklees Admissions or consult the Kirklees Council website for the most up to date information.
- Please consult the websites of other Admission Authorities to obtain the most up to date information.



Name of meeting: Cabinet
Date: 9 February 2016

Title of report: Leasehold Asset Transfer of Chickenley Community Centre, Princess Road, Chickenley WF12 8QT.

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 – 29 January 2016
Is it signed off by the Director of Resources?	David Smith – 29 January 2016
Is it signed off by the Assistant Director - Legal & Governance?	Julie Muscroft – 29 January 2016
Cabinet member portfolio	Resources and Community Safety - Cllr Graham Turner

Electoral [wards](#) affected: Dewsbury East
Ward councillors consulted: Cllr Eric Firth, Cllr Cathy Scott, Cllr Paul Kane.

Public or private: Public

1. Purpose of report

- 1.1 This report sets out the proposal to transfer the land and buildings, on a long leasehold transfer, which currently make up Chickenley Community Centre Princess Road, Chickenley, WF12 8QT to the community association known as Chickenley Community Centre. The terms of the lease will include covenants to ensure that Chickenley Community Centre is a building that principally remains available for community use only.
- 1.2 Community Asset Transfer involves transferring land and 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. The Council's Asset Advancement Policy was approved at Cabinet in 2013.

2. Key points

Background

- 2.1 Chickenley Community Centre located on Princess Road, Chickenley ("the Centre") is a vibrant venue. The community association known as Chickenley Community Centre ("the Community Association") was established in 1999, became a Company Limited by Guarantee January 2003 and obtained charitable status April 2008.

The Centre over the last few years has developed and improved the facilities for the community users and the Community Association has ambitious plans to develop the facilities further through the creation of a community gym with lottery funding.

- 2.2 The Centre is currently being managed by the Community Association and the Community Association is in occupation of the Centre under licence from the council. The current licence arrangements are for shared maintenance responsibilities and the Community Association has maintained the Centre to a high standard and has made considerable improvements to the fabric of the building during the term of the licence. Should the Community Asset Transfer be approved a new long lease will replace these arrangements.

The licence fee payable by the Community Association is approximately £11,000 per year. The full amount is gift aided back to the Community Association.

- 2.3 The centre is managed by Cathy Scott who is the local ward councillor. Paul Kane is a trustee of the Community Association and is also a local ward Councillor.

Asset Transfer

- 2.4 More recently members of the Community Association met with officers of Kirklees Council with a view to taking an asset transfer of the Centre on a freehold basis and have recently submitted a Community Asset Transfer application.

The Community Association aims to support local residents with a range of activities and events which help improve levels of health, education and wellbeing among local residents as well as reducing levels of isolation within the local community by providing a friendly and welcoming environment for local groups to meet. The Centre is well marketed and used over the weekend period for private parties.

- 2.5 The Community Association has submitted a robust application and business plan in line with the requirements of the Asset Transfer Policy, this includes development of policies, building running capacity, financial plans - this been assessed by the Communities and

Engagement Team, Locality, which is a third party who are working in partnership with the Council to support groups in capacity building and business planning to ensure a robust application and Corporate Landlord. The application was assessed using the Asset Transfer assessment tool which assesses 5 areas including a financial assessment, impact on community, risk, the asset and the strength of the organisation. This assessment was designed in line with the Hallmarks of an Effective Charity which is written and supported by the charity commission.

- 2.6 The Council's 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, but normally with covenants which restrict use to community use.

The decision options for this request for asset transfer are:

Refuse the Request for an Asset Transfer

Community Asset Transfer is one of the strands empowering communities to do more for themselves and is a key Council priority.

Officers are of the opinion that refusing the transfer request should not be the recommended option on the grounds that this would stifle the centre ambitions as they would not be able to apply for lottery grants and this would leave the Council with continuing onerous responsibilities under the licence that would cost more for the Council to discharge than any rent that would be received.

Transfer on a Freehold or Leasehold Basis

The Council's Asset Transfer Policy was approved in 2013: "and a transfer may take a number of legal forms. At one extreme, a transfer of the 'freehold' of a property would mean the entire ownership of the building would pass from the Council to the community based group. However, restrictions (called 'covenants') would normally ensure the property remained available to local people to use and prevent it being sold for development. At the other end of the spectrum, a 'licence' would allow a community based group to use a building, but sharing its use with other groups or individuals. In between these extremes, a 'lease' will give a community based group the exclusive right to use the property for the duration of the lease. A lease can run for any period - commonly from a few months, up to 999 years. At the end of the lease or licence the building will either return to Council control or a further lease or licence could be negotiated. Should the management of a building fail then the council would accept the building back into its portfolio regardless of the advancement basis".

Chickenly Community Centre shares a site with Orchard Primary Academy School. As well as having a shared boundary (see attached plan Appendix 1) and shared access to common areas the Community

Centre is located within a larger building which it also shares with the school. There are a number of services which are therefore shared e.g. heating, hot water and electricity. This means that it is more appropriate for there to be a leasehold asset transfer rather than a freehold asset transfer.

In addition, the advantage of a leasehold asset transfer is that it gives the council the potential ability to terminate the lease if the Community Association ceases to exist

The Community Association initially requested an asset transfer on a freehold basis, however in recent discussions the group have agreed to a leasehold asset transfer.

It should be noted that Orchard Primary Academy School have applied to the Education Funding Agency for a replacement boiler and at this stage it is expected that the physical separation of the two heating systems should take place. This will require the Community Association to seek funding to create a stand-alone system which will heat the Centre but take into consideration their future plans for a second floor extension for a Community Budget Gym.

To mirror previous freehold asset transfers (where the transfer has been on the basis of there being no payment or consideration payable), officers are of the opinion that the lease transfer should also take place at nil consideration.

Officers recommend that in this case the transfer takes the form of a grant of a long (125 year) lease at nil premium.

Transfer with or without covenants?

The Councils Asset Advancement Policy states “However, restrictions (called ‘covenants’) would normally ensure the property remained available to local people to use and prevent it being sold for development.”

- a. Transfer with a restrictive covenant.
Two of the three financial business models presented in the business case put forward plans to develop the existing bar and catering facilities and potential conference and office facilities to generate increased revenue income to support the community centre.
Officers are of the opinion that this should be the recommended option but that flexibility for up to 30% of the floor space is allowed for commercial activity to support the income of the Centre.
- b. Transfer the Centre without restrictive covenants in place.

Officers are of the opinion that this should not be the recommended option on the grounds that the future use of the

community venue could be lost to the local community without these covenants in place.

Costs

- 2.7 The most up to date (2009) Condition Survey identifies works totalling approximately £270,000 in the Centre. However this includes for the replacement boiler and heating distribution system for which some of the responsibility would fall to Orchard Primary Academy School and so the costs are difficult to split out. A more recent cost estimate for the creation of a new boiler room, boiler and heating distribution system servicing only the community centre of £80,000- £90,000 has been shared with the Community Association , however the Community Association have had cost estimates from external companies which are more favourable. The roof is also thought to be at the end of its useful life however due to the Community Association's intended first floor extension it is expected that this cost will be met by this project. The internal decorations, which are the group's responsibility, are in a good state of repair.
- 2.8 The current building running costs to the Council are £600 due to the lease currently holding over and having a shared responsibility for Repairs and Maintenance. The freehold transfer will result in a £600 saving to the Council but will avoid future Capital liabilities.
- 2.9 It is recommended that the lease be negotiated on a Full Repair and Insure (FRI) basis to release the Council from any future financial liabilities.

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 Chickenley Community Centre is: £150,000

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 Chickenley Community Centre is: £ 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: £ 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: £150,000

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.

3. Implications for the Council

- 3.1 The Local Government Act 1972 General Disposal Consent means that specific consent is not required for the disposal of any interest in land/buildings 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. Following their assessment, officers are confident that the grant of a lease of the Centre to the Community Association meets the economic and social factors for the local community.
- 3.2 The transfer of the Centre to the Community Association will support the community and recognises the benefit of these groups in sustaining the economic, health and wellbeing of the local community.
- 3.3 The wider site is shared with Orchard Primary Academy School.

As a consequence of the change of school organisation in May 2013 of the school from being a community school to being a foundation trust school, terms were agreed for the use of the shared facilities (that are identified in paragraph 2.5 above) and the apportionment of the costs of the running, repair and maintenance of these utilities. The Grant of the Lease will need to reflect the terms that have been agreed for the use of the shared facilities.

4. Consultees and Their Opinions

- 4.1 The Chair of Chickenley Community Association commented: The asset transfer of the community centre has been in the planning for a number of years and trustees are convinced that as a registered charity this will allow the community centre the opportunity to access external capital funds to improve and develop the existing building. This in turn will allow us to increase the facilities and activities that run from the centre to support the local community in a range of activities linked to education, health and well-being. In addition, by developing new revenue generating elements of the charity, this will increase the centre's financial viability and sustain it in the medium to long term.

Significant work has gone into developing an ambitious new business plan and trustees have helped develop a low, medium and high risk model which will guarantee the longevity of the centre even if the most ambitious elements of the plan are not realised.

- 4.2 Ward Cllrs (excluding Cllr Scott): Cllr Eric Firth commented - I do support the transfer on the terms recommended.

Cllr Paul Kane was invited to comment but no comment was received.

- 4.3 Moor End Academy Trust have commented: The transfer (of the school) from the Chickenley Foundation Trust has not yet been finalised so it seems premature to be talking about a further transfer.

5. Officer Recommendations and Reasons

- 5.1 Members are requested to authorise officers to grant a long (125 years), 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 of the Centre to 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.

- 5.2 Members are requested to note the Assistant Director of Physical Resources and Procurement and Assistant Director Legal Governance & Monitoring have delegated authority to negotiate and agree the terms of the lease that relate to the transfer of the Chickenley Community Centre.

6. Cabinet portfolio holder's recommendations

- 6.1 The Portfolio Holder, Cllr Graham Turner recommends the 125 year leasehold transfer of the Chickenley Community Centre to the Community Association known as Chickenley Community Centre for no premium/nil consideration subject to restrictive covenants but that flexibility for up to 30% of the floor space is allowed for commercial activity to support the income of the Community Centre.

7. Next Steps

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

8. Contact Officer and Relevant Papers

Mark Gregory, Head of Corporate Landlord
mark.gregory@kirklees.gov.uk
(01484) 221000

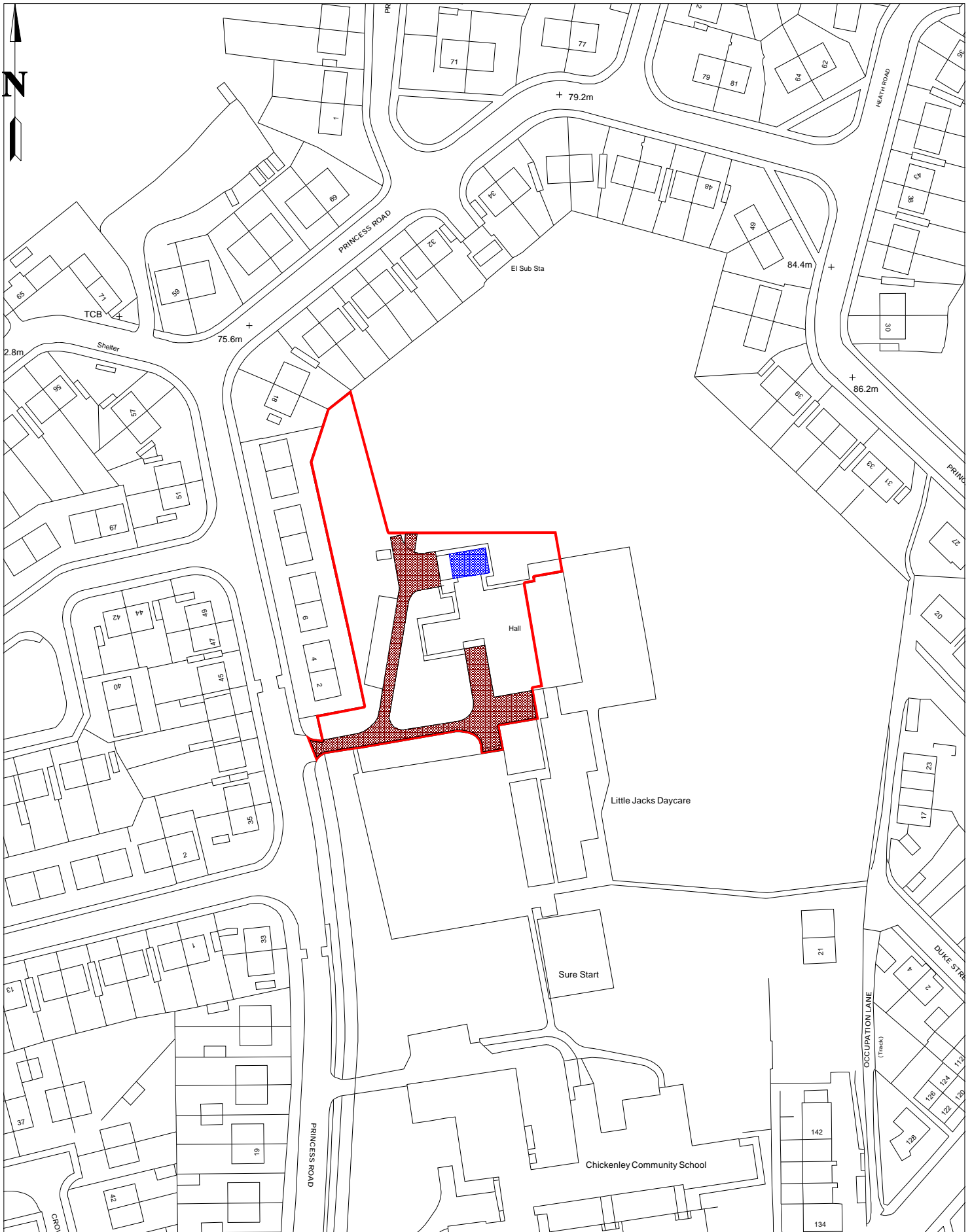
Jonathan Quarmby, Corporate Facilities Manager
jonathan.quarmby@kirklees.gov.uk
(01484) 221000

9. Assistant Director Responsible

Paul Kemp – Assistant Director Investment and Regeneration

10. Appendices

- 10.1 Chickenly Community Centre Red Line Boundary



PHYSICAL RESOURCES & PROCUREMENT

Plan No: 16-0066
 Scale: 1250
 Required by:

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Name of meeting and date: Cabinet - 9th February 2016

Title of report: Transformation of Council Pre-school Daycare Services - Phase 5

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 (This is the final stage of the transformation which commenced in 2012 as a consequence of a report considered at Cabinet which had been treated as a Key Decision)
Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by <u>Director</u> & name	Alison O'Sullivan
Is it signed off by the Director of Resources?	David Smith 25 th January 2016
Is it signed off by the Acting Assistant Director - Legal & Governance?	Julie Muscroft (John Chapman) 26 th January 2016
Cabinet member portfolio	Directorate for Children and Young People Cllr Shabir Pandor

Electoral wards affected: Dewsbury East,

Public or private: Public

1. PURPOSE

1.1 This report provides 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.

2. KEY POINTS

2.1 The provision of childcare has two key objectives. Firstly, to support child development and improve long term outcomes for children; secondly, to support parents into employment or training, thereby reducing poverty and disadvantage in both the immediate and long term. The provision of high quality childcare services underpins of the Kirklees Economic Strategy; Health and Well Being Strategy and supports the key

planks of new council activity around economic resilience; and early intervention and prevention.

2.2 Currently all 3 and 4 year olds are entitled to 15 hours of free early education and care provision; this was extended to 20% of 2 year olds from September 2013 and 40% of two year olds from September 2014. From 2017, 3 and 4 year olds whose parents work will be entitled to 30 free hours. This expansion will significantly increase the demand for pre-school places.

2.3 Statutory duties require local authorities to secure free early learning provision for each young child of a prescribed age. In addition, local authorities are required to secure, so far as is reasonably practicable, the provision of childcare, which is sufficient to meet the requirements of parents in order to enable them to take up, or remain in work; or undertake education or training. The duty does not require local authorities to directly deliver pre-school daycare services.

2.4 In January 2011, Cabinet agreed to take a phased review of all Council pre-school childcare services within an approved Childcare Commissioning and Market Management Framework. This allowed for decisions about future pre-school daycare services to be made based on sufficiency data, statutory duties and the Councils priorities. Phase 1, 2, and 3 of the review resulted in new models of delivery at Paddock, Staincliffe and Healey, Thornhill (Overthorpe), Tiddlywinks and Chestnuts and Little Jacks nurseries, with the intention that they should be monitored carefully to ensure childcare sufficiency and best value for money. Phase 4 resulted in the closure of Batley nursery. In Phase 5 the focus is Little Jacks nursery in Chickenley, Dewsbury East.

LITTLE JACKS

2.5 Little Jacks nursery is located within the early years unit of Chickenley school and currently receives an agreed subsidy of £73,000 (2015/16).

2.6 Current data suggests that with a few exceptions it is local parents (those living within 1.5km) who take up provision at Little Jacks. (Appendix A).

2.7 Sufficiency of places for 2, 3 & 4 year olds in the Chickenley area significantly relies on the provision at Little Jacks nursery. The removal of this provision would place the Local Authority in breach of its statutory childcare sufficiency duties now and in the future.(Appendix B)

2.8 Little Jacks is located in one of the most disadvantaged areas of Kirklees. A small proportion of local parents take up provision at Little Jacks in order to take up work or training opportunities. The significant majority of local parents accessing provision do so in order to take up their child's free entitlement to early education. For parents living in the area, availability of alternative provision is extremely limited. Of the two remaining local authority managed nurseries, Little Jacks provides services for the highest number of disadvantaged 2 year olds. (Appendix C). 30% of the children currently attending Little Jacks are recognised as being 'in need'. It is clear that the nursery caters for a significant number of extremely disadvantaged young children and staff not only provide high quality provision which supports child development and learning but also provide considerable support to parents (case studies attached at Appendix D).

2.9 In addition to this specific contextual information, proposals in this paper also take account of:

- The move towards New Council and the Council priorities to focus on early intervention and economic resilience.
- The latest childcare sufficiency assessment and the duties placed on the local authority to secure sufficient childcare so far as is reasonably practical.
- The forecast for increased demand for places for 2 year olds.
- Realistic demand forecasts for 3 & 4 year olds.
- The MTFP requirements.
- The practicalities of implementing change over time.
- Staffing requirements in line with statutory ratios and levels of qualifications.

LITTLE JACKS PROPOSALS

2.9 The following proposals are presented for consideration by Cabinet:

Model A - No change (service open 8.00 am - 5.30 pm. The nursery closes for 2 weeks over Christmas, 1 week at Spring Bank and 1 week during the summer holidays; 4 weeks closure in total).

2.10 The current model of delivery requires a subsidy of £73,000, One of the main reasons for this large deficit is the fact that the nursery opens during the school holidays when there is little demand (appendix F). Most of the children who attend Little Jacks do so to access their free entitlement to early education and care, i.e. 15 hours per week, term-time only. Without change to service delivery, the increased subsidy is set to continue to be a long term requirement. Continuing without change ignores the requirements of the Councils budget plan 2015/18.

Continuing to deliver services without change is not recommended.

Model B - Deliver a term time only model which reduces the level of subsidy required (Service open 8:00 am – 5:30 pm, term-time only for 38 weeks; with a staffing budget for 39 weeks to cover the recommended 5 staff training days)

2.11 Model B takes account of the particular circumstances and context of Little Jacks and ensures long term benefits for children and families in line with the Councils priorities but it will still require continued subsidy.

2.12 It is anticipated that this model would require a continued estimated subsidy for Little Jacks which would not exceed £7,000 per annum. This level of subsidy is at a much reduced level than is currently the case. However, financial pressures on the Council would still remain and it would not be possible to realise the savings required in the budget plan 2015-18.

Consequently this model is not recommended

2.13 **Model C – Deliver a model which works towards self-sustainability and transfer the delivery of the childcare to the school**

2.14 There is a proven track record of successfully transferring the delivery of the council's childcare services to schools. Benefits of this model have been:

- The Council's statutory duty to secure sufficient provision has been met and high quality provision continues to be delivered.
- The Council has made expected savings without loss of needed services for children and parents.
- Loss of staff jobs has been minimised by the transfer/TUPE of staff to schools
- Self-sustainable models have been delivered through economies of scale, financially and operationally;
- Single admissions criteria and induction approaches for children along with the reduced impact of transition into school.

2.15 Little Jacks nursery shares the site and indeed some rooms with Orchard Academy School (part of the Moored Academy Trust). The Academy Trust has expressed its willingness to work with the Council to develop and implement the option to transfer the management of the daycare to the Academy Trust.

2.16 The strategy of transferring of council daycare to schools has previously been successful in securing continued high quality early learning and care and has been proven on three school sites in Kirklees.

Consequently this model is recommended to Cabinet for approval.

Model D: - Closure

2.17 Closure of Little Jacks nursery would ensure budget saving are made. However, the lack of alternative provision in the area would mean that some of the most disadvantaged children in Kirklees would not have access to the high quality early education to which they are entitled and their level of 'school readiness' would be severely impeded.

2.18 The closure of the nursery would also mean the loss of a number of Council jobs

This option is not recommended

In Summary

2.19 Key considerations associated with these proposals are attached at **Appendix G** and a summary is presented below

2.20 All models take account of the childcare sufficiency information including current and predicted levels of supply and demand for places.

	MODEL A (no change)	MODEL B (term time only)	MODEL C (transfer to school)	MODEL D (closure)
Meets Council Priority for early intervention and prevention	✓	✓	✓	
Sufficiency for early education 3 & 4 year olds	✓	✓	✓	
Meets Mid Term Financial Plan requirements			✓	✓
The practicalities of implementing change over time	✓	✓	✓	✓
Staffing requirements in line with	✓	✓	✓	

statutory ratios and levels of qualifications				
Provide a truly collaborative approach across sectors and services.		✓	✓	
Explore innovative ways to redesign and deliver council services.	✓	✓	✓	

3. IMPLICATIONS FOR THE COUNCIL

3.1 Legal Implications

The proposals support the requirements to meet the Councils statutory childcare sufficiency requirements. The Council has a duty to secure the provision of childcare where reasonably practical. It does not require the Council to directly deliver childcare services. Any failure in the childcare market now or in the future will require appropriate intervention by the Council's Childcare Sufficiency officer to ensure that the childcare market is managed effectively and that provision is commissioned through open and transparent arrangements.

3.2 Financial Implications

The proposals will generate required MTFP savings for 2018. Any risks to achieving this will be reported as appropriate

3.3 HR Implications

It is anticipated that these proposals will require a service review. However, compulsory redundancies are not expected. The nursery currently has 17 employees, some of which are part-time or term-time:

1 x Cook, 1 x Domestic, 1 x Manager, 2 x Deputy Managers (part-time),
5 x Nursery Officers, 7 x Nursery Assistants.

3.4 IT Implications

N/A.

3.5 Impact on Councils Priorities

The options proposed would secure childcare services and ensure sufficiency of high quality childcare services for 2, 3 & 4 year olds. The proposals supports the Councils early intervention and economic resilience priorities and new council approach.

3.6 Equality Impact Assessment

A stage 1 Equality Impact Assessment has been completed and is available on request from the contact officer (see below). The level of impact is low. It is anticipated that the majority of existing parents using affected services will experience minimal change and the legal requirements for childcare providers to comply with equalities legislation remains.

4. CONSULTEES AND THEIR OPINIONS

4.1 The CHYPS Portfolio Holder has been consulted and is supportive of this proposal. Further consultation with stakeholders including parents, staff and trade unions will be undertaken as appropriate.

5. NEXT STEPS

5.1 Following approval of the proposed option, the next steps will be to consult with parents, staff, the local childcare market, Trade Unions and other Council colleagues).

- 5.2 To open up negotiations with the Moored Academy Trust about the opportunity for them to manage the delivery of nursery provision as part of the Orchard Academy School.
- 5.3 To manage the implementation of the proposals within agreed timescales, which ensure:
- a) Effective communication and consultation with parents, children and staff
 - b) Effective communication and consultation with trade unions
 - c) Effective support for parents and children to manage the change
 - d) Effective publicity and communication with the wider community and the press
 - e) Compliance with the requirements of the Early Years Foundation Stage and Ofsted regulations.
- 5.4 Any variations to this proposed course of action will be reported to Learning and Skills Management Team and Portfolio Holder as appropriate.

6. OFFICER RECOMMENDATIONS AND REASONS

- 6.1 For members to approve the proposal in Model C which will result in the transfer of management Little Jacks nursery to Orchard Academy School.
- 6.2 This proposal affords the best opportunity for the community of Chickenley to benefit from high quality early education and care which meets the needs of some of our most disadvantaged children and families.
- 6.3 The proposals also support the Councils priorities and statutory duties.

7. CABINET PORTFOLIO HOLDER'S RECOMMENDATIONS

- 7.1 For Cabinet to approve the recommendations in this report which offer the greatest opportunity to preserve services and outcomes for children in the Chickenley area.

8. CONTACT OFFICER AND RELEVANT PAPERS

Carol Lancaster, Senior Manager - Early Learning and Childcare
E-mail: carol.lancaster@kirklees.gov.uk

9. ASSISTANT DIRECTOR RESPONSIBLE

Gill Ellis - Assistant Director Learning & Skills

APPENDIX A - Distance travelled to take up childcare at Little Jacks

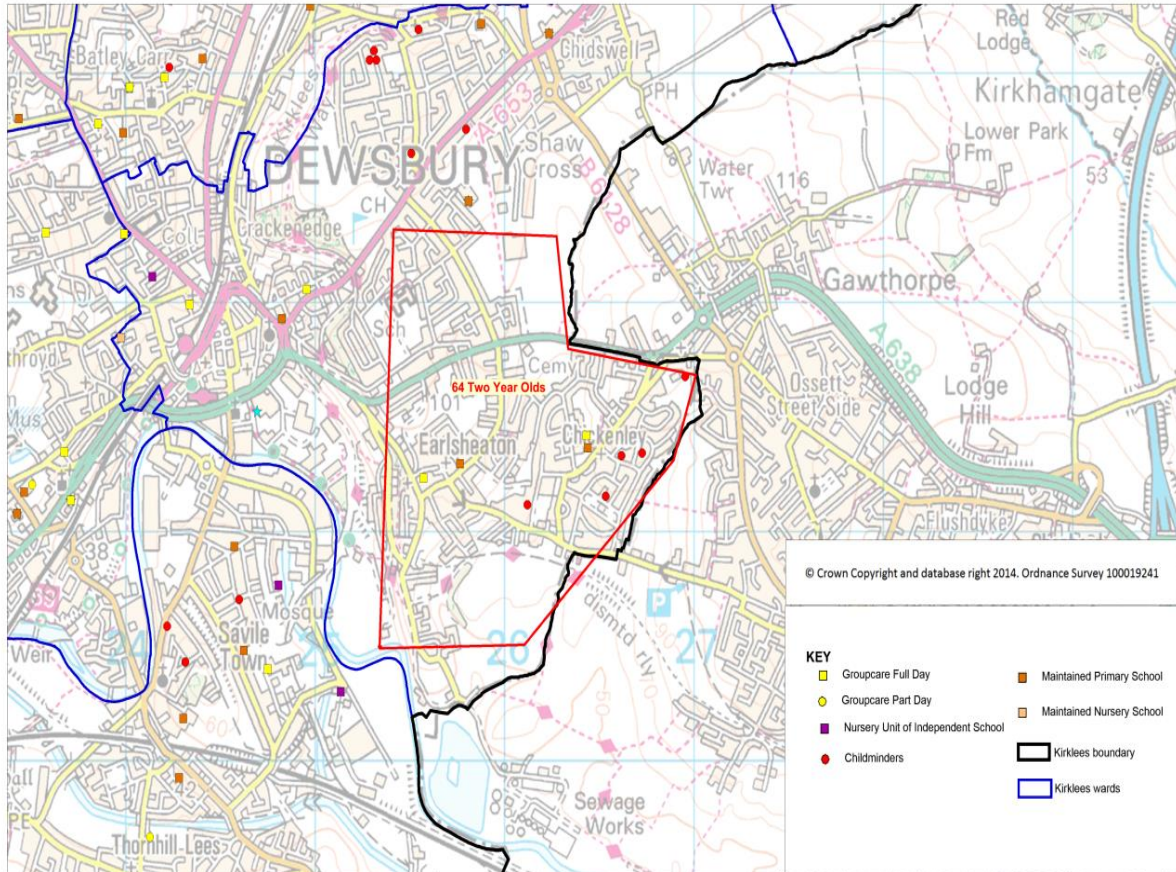
Age group	Daycare	Funded only
2 year olds	.41km	.55km
3 and 4 year olds	2.28km	.56km

APPENDIX B - Childcare Sufficiency Data/Maps

Current level of pre-school childcare vacancies within 1.6 km (1 mile) of Little Jacks		
Under 2's	2-5's	Childminder 0-5's
1	0	4

Predicted number of two year olds eligible for free early education and care in Earsheaton and Chickenley area	
Eligible under National criteria 2015	Eligible under Local Criteria (Children in Need and Children with a Child Protection Plan
64	0

The following map shows the expected local demand from funded two year olds based on the eligible children in Kirklees and the number of providers in the area:



21 two year olds

Kirklees COUNCIL

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 (2009)

APPENDIX C - Take up at Little Jacks comparison

Funding Source	April 2014	April 2015
Fees paid by parents	20	8
2 year old funding	17	34
3 year old funding	16	32
Combination of fees & 2 year old funding	0	1
Combination of fees & 3 year old funding	6	3
Care to learn	0	1
Job centre plus	2	0
Princes trust	1	0
Number of registered places		
Total number of children	62	79

Number of children attending Little Jacks (aged 2-4) designated as a child in need

Additional Needs	April 2015
Looked after Children	1
Child with child protection plan	2
Early Help Assessment	2
Speech & Language delay	10
Children with SEN/disabilities	9
Total number of children with additional needs	24
Total number of children as percentage on roll	30 %

APPENDIX D - Summarised Case Studies

Family A:

There are 2 children in the family one child is accessing their entitlement to a free early education place (2yr old). The family have been staying with paternal grandparents since September, but have just been given the keys for a council property of their own. Dad is currently without work following surgery and may not be able to return to work.

The older child attends Chickenley school; she has Autism and development delay. The 2 year old displays aggressive behaviour.

Mum has to recently been told that she will have to return to her home country due to having no British visa; at this stage the family are unsure of her ability to seek residence in England. Care of the two children falls to grandma who herself is in ill health.

The staff at Little Jacks support the family with a childcare place, but also work in partnership with colleagues from the Children's Centre who are supporting the family with finance and issues in the home.

Family B:

The child is currently accessing a 2yr old funded place at Little Jacks; he has a diagnosis of Cerebral Palsy. When he started at Little Jacks in September 2014 he had no speech and was unable to walk; he would either crawl or lay down on the floor.

There are 3 children in the family; the child attending Little Jacks is the youngest. The family have just received a diagnosis regarding one of their other children. School have informed

the parents that he is not meeting his educational milestones and is functioning 2 years behind expectations for his age. The house is small and the stress of the current situation is placing strain on relationships. Since starting Little Jacks in September, the child is now walking using his frame and is starting to use two words. His social skills have improved and he displays less of the unwanted behaviour.

Parents both need support and are struggling to come to terms with the fact they now have two children diagnosed with SEN. There are many agencies involved with the family and to relieve some of the burden, there are arrangements for agencies to meet the child at nursery. Staff from Little Jacks work closely with colleagues from the Children's Centre, to provide a consistent approach to both the education for the child and support for the family unit.

APPENDIX F - Occupancy during the last 3 school holiday periods

Summer Holiday July - September 2014						
W/C:	21.07.14	28.07.14	04.08.14	11.08.14	18.08.14	25.09.14
Monday	6	6	6	6	6	Nursery closed
Tuesday	9	9	9	9	9	Nursery closed
Wednesday	6	6	6	6	6	Nursery closed
Thursday	4	4	4	4	4	Nursery closed
Friday	5	5	5	5	5	Nursery closed

October Half Term	
W/C:	27.10.14
Monday	7
Tuesday	5
Wednesday	5
Thursday	2
Friday	4

February Half Term	
W/C:	16.02.15
Monday	6
Tuesday	4
Wednesday	6
Thursday	4
Friday	6

Easter Holiday 2015		
W/C:	06.04.15	13.04.15
Monday	B/H	6
Tuesday	B/H	5
Wednesday	6	7
Thursday	4	4
Friday	4	5

APPENDIX G - Key Considerations

Model	Opportunities	Risks	Action to mitigate risks
<p>A: No change</p>	<p>Service remains the same therefore consistency for staff, parents and children.</p>	<ul style="list-style-type: none"> • Mid Term Financial plan savings not met • Continuation of subsidy in current form could be challenged as it is based on historical practice and is not compliant with the Councils agreed childcare commissioning and Market Management Framework 	<p>This option is not recommended</p>
<p>B: Deliver a model which relies on a reduced Council subsidy</p>	<ul style="list-style-type: none"> • Links to Council Priorities • Statutory duties met • Contributes to Medium Term Financial Plan by reducing level of subsidy needed • Continues to offer services for parents taking up training or those who work term-time only • The nursery would be in a much stronger financial situation and offer a viable opportunity for the Academy to take management of. 	<ul style="list-style-type: none"> • Continuation of some subsidy to the nursery • Staff review may unsettle staff, particularly those who will face a reduction in hours • Parental dissatisfaction for the few who take up childcare during the school holiday periods 	<ul style="list-style-type: none"> • Effective monitoring and reporting of business effectiveness and flexibility of approach to service management and delivery • Implement the term-time only offer in a phased way to ensure families are able to find alternative, suitable childcare during the holiday periods • Stimulate the growth of alternative provision if required • Promote the high quality of provision in the nursery • Promote access to childcare tax credits/employee childcare vouchers

<p>C: Pursue the option of transferring the management of the daycare to the school.</p>	<ul style="list-style-type: none"> • Links to Council Priorities • Statutory duties met • Contributes to Medium Term Financial Plan by reducing level of subsidy needed • Continues to offer services for parents taking up training or those who work term-time only • The nursery would be in a much stronger financial situation and offer a viable opportunity for the Academy to take management of. • Single working culture and ethos • Reduced impact of transition into school for children and families. . 	<ul style="list-style-type: none"> • Staff may feel unsettled about the changes. • Parental dissatisfaction for the few who take up childcare during the school holiday periods. 	<ul style="list-style-type: none"> • Effective monitoring and reporting of business effectiveness and flexibility of approach to service management and delivery • Implement the term-time only offer in a phased way to ensure families are able to find alternative, suitable childcare during the holiday periods • Stimulate the growth of alternative provision if required • Promote the high quality of provision in the nursery • Promote access to childcare tax credits/employee childcare vouchers • Ensure staff are supported through the transfer process.
<p>D: Closure</p>	<ul style="list-style-type: none"> • Budget savings made 	<ul style="list-style-type: none"> • Loss of provision in the area • Council doesn't meet statutory duties. • Negative impacts on young children and families • Staff reduction and redundancies 	<ul style="list-style-type: none"> • Stimulate market growth of new providers. This may fall foul of TUPE regulations. • Support staff through redundancy process

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Name of meeting: CABINET

Date: 9 February 2016

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

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	Jacqui Gedman – 1 February 2016
Is it signed off by the Director of Resources?	David Smith – 1 February 2016
Is it signed off by the Assistant Director - Legal Governance and Monitoring	Julie Muscroft – 1 February 2016
Cabinet member portfolio	Councillor Cathy Scott - Housing and the Relief of Poverty

Electoral [wards](#) affected: All

Ward councillors consulted: None

Public or private: PUBLIC

1. Purpose of report

- 1.1 Following the decision taken at Cabinet on 22 September 2015, this report provides further analysis of the option to merge Kirklees Neighbourhood Housing (KNH) with Kirklees Building Services (KBS) in comparison to existing status quo arrangements.
- 1.2 To outline the considerations for developing and determining the content and length of any new management agreement for the future delivery of housing functions and services in the light of any merger.

- 1.3 To set out a high level deliverable implementation plan and time line which could be used to shape next steps should a decision to proceed with a merger be taken.
- 1.4 To seek Members agreement to proceed with a merger of KNH with KBS (subject to further work being undertaken to finalise the arrangements) as set out in this report.

2. Context

There are a number of key contextual considerations which should be acknowledged when examining the option to merge KBS and KNH with the existing status quo arrangements.

- 2.1 Kirklees Council is on a journey to becoming a new council which requires all services to consider the role they play in delivering the Council's strategic priorities which are set out in the Kirklees Economic Strategy and the Joint Health and Wellbeing Strategy.

Our strategic housing focus continues to be on ensuring that Kirklees has enough homes, of the right type and in the right location, that support people's health and well-being; that the most vulnerable residents are supported into and can maintain a suitable and settled home; and a quality housing 'offer' that attracts businesses and people to locate in Kirklees, and helps to drive economic growth and the place shaping agenda.

Our strategy to tackle the challenges focusses on:

- Taking a strategic approach to addressing the outcomes prioritised by Council and Cabinet through explicit commissioning of all those involved.
- Exploring new and more flexible approaches to supporting the delivery of new homes, including affordable homes and homes which meet the needs of older and more vulnerable people.
- Development of council owned sites including Ashbrow, Soothill and Passivhaus development at Newsome all of which help meet the Council's ambition of housing growth.
- Aligning with Leeds City Region strategy, to maximise our investment opportunities.
- Working with private landlords to improve the supply and access to, and standards of, accommodation in the sector.
- Developing future options for how housing functions and services will be delivered.
- With partners, ensuring our most vulnerable residents and those most affected by changes to benefits and reduced or restricted services, are supported to live independently and maximise opportunities for training and employment.

These priorities are interlinked with and directly support the Kirklees Economic Strategy, and the Kirklees Joint Health and Wellbeing Strategy.

2.2 The purpose of any change in housing management and maintenance services in Kirklees must include the opportunity to provide:

- Effective and efficient customer focused core housing management and maintenance services which also enable investment in strategic ambitions.
- Improved value for money and efficiencies plus the opportunity to be innovative in generating income through trading ancillary to the core functions.
- A medium to long term asset management strategy that ensures we have fit for purpose, decent homes to meet the needs of the community and maximises the value of council housing.
- Flexibility for the existing or any new organisation to have the opportunity to grow.
- A contribution under self-financing and the 30 year business plan to the Council's strategic outcomes.

2.3 The Housing Revenue Account (HRA) is a ring-fenced account which must balance and must be used to account for all income streams and costs relating to the provision of landlord services to council tenants including:

- Servicing HRA debt. (The HRA self-financing debt settlement was £216m).
- Maintaining current council housing stock at decency standard over the long term.
- Providing a high quality housing and neighbourhood management and housing repair service.
- Exploring with the Council and other partners opportunities for additional housing investment which contribute to the Council's wider strategic priorities.

HRA self-financing was implemented in April 2012. The intention of self-financing alongside the then national rent setting policy was to give councils with HRA more confidence in being able to forecast what were intended to be more sustainable future rental income streams to help with business planning, than was possible under the previous housing subsidy system.

The 8 July 2015 Government budget announcement includes an absolute 1% annual rent reduction each year for the next 4 years, for social housing rents. The financial impact on the HRA is an annual rental income loss of £1.6m in 2016-17, rising thereafter for each of the next 3 years, to £10.5m by 2019-20; equivalent to 11.6% loss in annual rental income by 2020. Rental income accounts for about 90% of total HRA income.

2.4 National government has set out a clear policy direction. There is a sharp focus on growth, enabling home ownership, reducing welfare, creating employment, building on growth and reducing the nation's structural deficit. In addition, there continues to be work to develop the regional devolution agenda coupled with a clear set of local strategic priorities to create economic growth and improve health.

- 2.5 Within this broader context, Kirklees is seeing some major changes and challenges which include more household formation, growth in the number of elderly, rising housing costs and increasing demand with more people registering for social housing. We are also seeing a shift towards private renting and registered providers considering the role they are able to play in the future to meet housing requirements. In addition, the Council is taking a fundamental look at the way in which it operates to respond to current and future priorities. In housing terms, there is a shift towards the Council having a housing enabling and commissioning role with an emphasis on “great places to live and work”.

These all combine to make a sizeable local financial and strategic challenge. This review to identify the most appropriate model for the delivery of housing management and maintenance and to explore how best to respond to the broader challenges set out, is timely.

3. Background

- 3.1 In September 2015 Cabinet considered a range of options for the future delivery of council housing management and maintenance services. This consideration was based on information from a high level option appraisal that had been commissioned and carried out by the Housing Quality Network (HQN) and included engagement with key stakeholders.

- 3.2 Cabinet narrowed down the options and requested officers to do more work on the issues and implications of the option to merge KBS and KNH and of awarding a longer term management agreement in relation to the future delivery of housing functions and services.

- 3.3 KNH is an Arms Length Management Organisation (ALMO) established by Kirklees Council in 2002. KNH is a wholly owned Teckal company and as such is a subsidiary of the council.

Local authorities can enter into a contract with a company which is owned by them without competitive tendering provided that the company does not trade significantly with external organisations. There has been a lot of case law on this and the recent EU procurement regulations have tried to clarify/crystallise the position. This is known as the Teckal exemption from procurement rules. The council must have decisive control and influence over decision making to be treated as a Teckal company. There are more references to this elsewhere in the report.

- 3.4 KNH was set up to deliver improvements to the condition of the Council’s housing stock through the Government’s Decent Homes programme and to improve services to tenants and leaseholders. KNH successfully delivered the Decent Homes Programme and has continued to improve tenant satisfaction with services provided.

- 3.5 The current agreement with KNH to manage and maintain the council’s 23,000+ homes expires in March 2017.

- 3.6 KBS provide a range of repairs and maintenance services and currently has an annual turnover of around £40m. Around 80% of its work is on council homes funded by the Housing Revenue Account and around 20% of its work and funding comes from facilities management for the council and some schools. In addition KBS has recently started to pilot an expansion of its activities to cover work in the

private sector in areas such as gas servicing, the aim being to generate income to reinvest in services.

4. Approach – Option Appraisal

4.1 Further work on the option to merge KBS and KNH alongside the existing status quo arrangements has included:

- Cabinet narrowed down the initial options to focus on the merger of KBS and KNH in the report to Cabinet dated 22 September 2015. This is available on the Council's website. That high level appraisal indicated that this was the option which best supports the Council's strategic priorities and takes account of the key drivers for reviewing the delivery of housing management and maintenance services. (2.1 and 2.2 above)
- A review of and further consideration of the information on the two options, status quo and merger, carried out by HQN (Appendix 1). This included the pros and cons of each and the opportunities and risks of each along with a high level cost benefit analysis to understand their value. Using a good practice guidance note for Local Authorities on the appraisal of the options for the management and maintenance of their stock produced by the 'Council with ALMOs Group' as a framework for further work on the two options.

4.2 The following section sets out an appraisal of the merged option against status quo arrangements using a range of criteria taken from the Council with ALMOs Group framework mentioned above and considers the points outlined in 2.1 and 2.2 above.

A merger could take a number of different structural forms. For the purpose of this appraisal in 4.2 and the rest of this report we have assumed the most straightforward option which is that KBS transfer to KNH and the new organisation remains a wholly owned company of the Council. This is for simplicity but other structural options could emerge in the future. This is considered later in the report as is new ways of working in a new merged organisation.

4.2.1 Design and scope

Consideration has been given to how well each option contributes to the strategic objectives and vision set out in 2.1

- The merged option and status quo option both provide the ability to work with communities to contribute to the neighbourhood offer. As a merged ALMO with the anticipated 'wider brief and offer' there is the potential for greater opportunities to contribute to regeneration, sustainability and new build initiatives.
- A secondment of KBS staff to KNH has been considered following representations from the Trade Unions but this would not achieve the required structural shift into a single organisation. As a merged, larger organisation, there is a potential to mobilise resources in an innovative way to work differently and contribute to broader strategic outcomes.

4.2.2 Governance, accountability and participation

The following governance issues need to be considered:

- KNH is a wholly owned subsidiary of the Council. Existing performance and financial governance arrangements have developed over time but a governance review would need to be undertaken to ensure arrangements are fit for purpose for a merged larger organisation and a new relationship which recognises that the Council wishes to explicitly commission outcomes from the new organisation.
- Governance arrangements would need to be appropriate to the scope and size of any organisation and in this case for the reasons outlined later, must satisfy the following two Teckal company tests:
 - The control test – the contracting authority must be able to exercise control over the other entity (the Teckal Company) as if it were an internal department of the contracting authority; and
 - The function test – the Teckal company must provide the essential part (i.e. the majority/80%) of its services to the contracting authority which controls it. Teckal companies can only trade with the private sector up to 20% of turnover or risk losing Teckal exemption.
- Clarity regarding roles and responsibilities are important in both options. A merger will focus attention on and drive a review of the roles and responsibilities so that they are clearly articulated and understood by all and so that decision making and delegations are transparent. The Council will have over-arching strategic lead and decisions will be informed by data, intelligence and views of the merged organisation which will then implement change and Council policy.
- A merged option offers a more integrated approach to quality core service delivery around housing management and maintenance and therefore improved services to tenants as key stakeholders.
- Although KBS and KNH work collaboratively under existing arrangements it is considered that working together as one organisation would lead to the development of a more robust combined analysis of the sustainability of our neighbourhoods together with stock condition to inform the asset management strategy and 30 year business plan.

4.2.3 Financial assessment

A range of financial issues and challenges need to be considered in relation to both options, these are set out below.

- The challenging impact of the 1% rent reduction for four years from 2016/17 and the need to balance the HRA have to be addressed and managed. It is considered however that the long term health of the HRA is probably more secure under a merged option as greater efficiencies and mutual outcomes are better achieved through economies of scale, increased flexibility and the opportunity to drive growth.

- Working together as part of one organisation should enable the delivery of improved efficiency and value for money services. Increasing the opportunity for ensuring for example that repairs and maintenance is an investment in the stock as well as a service to tenants.
- One of the main benefits and strengths of combining the two organisations is the increased potential for reducing overall operating costs and identifying efficiencies and savings. It is likely that there will be overlap in certain functions and suggested that the following areas are explored further:
 - Leadership and management tiers.
 - Business and administrative support.
 - New business and commercial activities.
 - Investment and repairs and maintenance; client / contractor roles across KNH and KBS.
 - Similar functions and roles carried out by existing KNH and wider council staff for example in relation to advice and support, community safety and anti-social behaviour, community/tenant engagement, street scene activities including grounds maintenance and the removal of bulky waste items and back office functions.
 - System and IT integration.
 - Procurement of goods and services and the potential for sharing locations.

The above areas are merely indicative; it is expected that the merged organisation would put forward its own proposals to achieve any financial targets within the overall policy established by the Council to satisfy the Teckal requirements.

- The Council's external tax advisors have advised on the tax implications from the proposed merger. In relation to Value Added Tax (VAT) there would most likely be no VAT consequences for KNH, as the merger is likely to meet transfer of a business as a going concern ('TOCG') conditions. The Council may be in a slightly better position as well with regard to its partial exemption position. In relation to corporation tax it is recommended that further work be undertaken in conjunction with the Council's external tax advisors to clarify the corporation tax status of services to be provided back to the Council. While the housing element (80% of building services turnover) will most likely be non-taxable, there is less certainty with regard to non-housing services to be provided back to the Council. The Council is exempt from corporation tax on any profit earned from external traded activity. This exemption does not apply to KNH. (See Section 7)
- Pension scheme terms and conditions for individual employees will remain the same as a result of the transfer. From an employer perspective, in the event of there being any accrued pension liabilities of KBS employees at the point of transfer, the Council and KNH would have to agree how these might be funded.

4.2.4 Quality of service

The provision of quality services to tenants and residents is a key requirement of any housing service. Consideration has been given to how each option will achieve quality services.

- Bringing together two well performing organisations which have natural synergies provides opportunities to work in different ways to deliver services, to innovate, minimise the impact of budget reductions, increase productivity and build a positive culture for the future. The merger would build on the strengths of both organisations resulting in quality integrated services to tenants.
- The artificial divide that currently exists between the 2 prohibits whole systems thinking and encourages performance being viewed compartmentally instead of across the piece. This means it is not possible to generate true end to end efficiencies which impacts on the ability to make a difference for the people of Kirklees and provide the highest possible value for money.
- Integration and a longer term Management Agreement would lead to better planning, greater efficiency of delivery and better front line services to tenants.
- A merger would enhance the opportunity to maximise the significant link between tenant satisfaction with repairs and maintenance and overall satisfaction levels. Under existing arrangements it is difficult for some to make a distinction between KBS and KNH and people often mix up KNH with the Council.
- Ultimately, people want a good service regardless of who provides it but the opportunities to improve service appear to be greater in the option to merge KBS and KNH.

4.2.5 **Quality of employment**

The following sets out how each option will impact on the quality of employment.

- The Council and KNH aspire to be employers of choice and to offer their employees fair and flexible terms and conditions of employment. The merger offers up an opportunity to provide broader employment and career opportunities, to work in a more cross functional way and to look at skills needed for the future to attract and retain staff.
- As a top 100 not for profit company to work for, with gold Investor In People accreditation KNH has demonstrated its commitment to providing an excellent working environment and remains committed to staff involvement and development. KNH recognise the positive role that trade unions play in this relationship. This alongside the positive work in KBS in relation to cultural change, improved communication and performance provide a sound platform on which to build.

4.2.6 **Capability, management and intellectual knowledge**

This section considers organisational change and key skills needed in the future.

- The KNH Board are proud to be a council owned housing company working in close partnership with the Council on shared strategic objectives based on common values and has demonstrated this over the years by aligning their plans and programmes. The KNH Board has restated its commitment to building on and taking to the next level its partnership working with the Council. The KNH Board will have a key role to play in making the merged organisation and

the partnership relationship with the Council a success. There will be increased opportunity through the KNH Board and staff to share and bring in new skills, expertise and resources to benefit both existing and new customers.

- The best elements of the Performance Management frameworks from both organisations can be brought together to further drive improvement.
- Communication within a combined organisation is likely to be more effective than communications between two separate organisations leading to improved change and performance management.
- A merger should provide greater opportunity to collate intelligence and use it to inform both business improvement and development and influence strategy in its broadest sense.

4.2.7 Organisational arrangements

Consideration has been given to how organisational arrangements will affect flexibility and responsiveness in a variety of situations.

- Given the challenges outlined above, the purpose of a merger between KNH and KBS is to create a new single organisation that is strategically light on its feet to enable it to adapt to challenges, emerging markets and work to a common cause.
- A merged organisation that brings together functions would be well placed to develop new and different partnerships and collaborations and expand its work on the wider housing and regeneration agenda, for example exploring different housing products such as shared ownership and sale to generate income and further down the line to explore alternative subsidiary options.

4.2.8 Added value

Consideration has been given to what the options offer over and above the core requirements including community benefits.

- Both options provide opportunities to contribute to wider strategic priorities such as:
 - The role housing can play in the future in relation to the delivery of the economic ambition locally and regionally.
 - Advising and supporting vulnerable people early so as to prevent or delay the need for more specialist care and support.
 - Promoting health and wellbeing initiatives
 - Supporting people to be economically resilient.
 - Encouraging communities to do more for themselves and each other.
- The merged option however has the potential to play a bigger part through its combined frontline staff out and about on council estates working with a common purpose on such added value initiatives. In addition the merged option provides the opportunity to generate more income which could be invested in added value services to tenants and residents.

4.2.9 Corporate impact on the authority

Consideration has been given to the impact of each option on the efficiency and effectiveness of Council services.

- Both options support the continued joint provision of access to service via the Council's Front Door. The merger offers further opportunity to streamline and improve access jointly via all Council channels.
- Council support operations – KBS and KNH both currently 'buy' support services from the Council. These include Legal, Transport and IT and total circa £10m. It is anticipated that the merged organisation would continue to purchase services from the Council, but that there should be consideration of whether the current boundaries between the Council and new merged organisation makes sense as well as a requirement for continuing improvement in value for money from services "bought in" from the Council.

5. Conclusion of the Option Appraisal

5.1 The more detailed appraisal of the options to merge KBS and KNH and the status quo arrangements adds weight to the conclusions drawn by HQN following the initial high level option appraisal. On balance the option to merge KBS and KNH offers the most potential for:

- Improving housing services across the piece based on quality integrated services to tenants and their communities.
- Identifying efficiencies to help address the challenge of the 1% rent reduction including contributing to achieving a balanced HRA.
- Continuing to support the Council in achieving its overall strategic objectives.

6. Expectations of a Merged Organisation

6.1 Should a merger be approved it is proposed that the council would commission the new merged organisation (KNH) as an Arms Length Management Company (ALMO - a local authority wholly owned 'Teckal' company) to deliver housing management and maintenance services. It is also proposed that the merged organisation would continue to carry out building services work in relation to the Council's corporate buildings and some schools. This would need to be set out in appropriate documentation. It is expected in relation to non-housing work that the merged organisation would be able to demonstrate maximum value from the budgets available via benchmarking and transparent costing models, achievement of agreed performance measures and standards in relation to the timeliness, cost and quality of works completed and an understanding that the volume of work available cannot be guaranteed as a result for example of school academisation and reductions in Council assets. The mechanism for agreeing procurement decisions would be considered further and agreed prior to the formal merger of the two organisations.

6.2 It is expected that the new organisation would adopt a more commercial approach in order to generate additional income. Should the new organisation in future wish to consider significantly expanding its commercial activity and trading operations

(more than a Teckal company structure allows) and so consider changing its company structure this would be subject to the agreement of the Council.

- 6.3 Clear contractual arrangements which set out the expectations and relationship for the longer term including regular review would be set out in a new or appropriately amended set of documents. The set of documents supporting the governance of the new organisation would include the Management Agreement, Memorandum and Articles of Association, the HRA 30 year Business Plan including the Asset Strategy and Plan and the Kirklees Delivery Plan for KNH. The set of documents would be developed in the period following the decision to merge but prior to the merged organisation being formally established.
- 6.4 The detailed expectations of the new organisation in relation to core and other functions and a performance framework would be set out in the Delivery Plan referred to above. This would be reviewed annually and would form the basis of discussions around the annual setting of the Fee. The core housing management and maintenance and other corporate buildings and schools functions are set out as an Appendix to this report. (Appendix 2)
- 6.5 Governance arrangements between the Council and the new organisation and within the new organisation would need to be reviewed and strengthened. This would include the establishment of robust outcome focussed performance management arrangements and being clear about what performance reports and other information the Council would require from the merged organisation. This would ensure the arrangements are fit for purpose, provide clarity around roles, responsibilities and accountability and include a strong connection to and influence from the council and tenants and residents.
- 6.6 It is expected that the merged organisation will, as KNH do now believe in tenant involvement and the need for tenants voices to be heard, focus on positive outcomes for tenants and communities and will continue to involve tenants and residents and their representatives in shaping the delivery of future services.
- 6.7 It is expected that the new organisation would use the Council's financial procedure and contract procedure rules as the framework for managing its financial and procurement affairs.
- 6.8 Under TUPE regulations affected Kirklees Council staff would transfer into the ALMO. It is expected that both the Council and KNH would comply with TUPE regulations.
- 6.9 The Council would continue to have overall responsibility for the HRA but it is expected that the Council and the new organisation would jointly identify ways of meeting budget challenges including the 1% rent reduction and producing a balanced HRA.
- 6.10 Throughout the housing sector there is a trend towards awarding longer term Management Agreements to ALMO. Longer term Management Agreements are said to allow for greater strategic planning and also reduce costs and distractions associated with undertaking regular and complicated reviews both for the Council and the ALMO.
- 6.11 If Cabinet approves a longer term Management Agreement (20 years) a fit for purpose modernised set of documents would be needed. It is proposed that these

would include appropriate 5 yearly review/break clauses. These clauses would set out specific requirements in relation to both operational and financial tests and include robust performance measures, monitoring and liaison arrangements. The Management Agreement would make it clear that the new organisation will not take action to the detriment of the Council. As now, appropriate clauses will be included in order that the Council can terminate the agreement if there is a serious and substantiated risk that the company is not complying with its obligations.

It is proposed that these documents and clauses would be jointly developed post a decision to merge the two organisations but that they would need to be approved and signed before the merged organisation is formally established.

7. Implications of a merger for the council

7.1 Finance

The Council would be commissioning the new organisation to substantively provide housing management and maintenance services, and other non-housing maintenance services currently provided to the Council by KBS. The associated cost of delivering such value for money services and for maintaining the housing stock will be based on the requirements of the Delivery Plan and also be linked to the assumptions set out in the Housing Asset Management Strategy which will then determine the Fee to be paid.

KNH current annual turnover is circa £15m. KBS turnover of £40m would transfer to the new KNH. This being the case it is anticipated that the newly merged organisation will from April 2017 onwards have an annual turnover of an amount in the region of £40m to £55m.

Currently, about 80% of annual KBS turnover supports HRA activity, and 20%, non-housing Council activity.

7.1.1 Tax implications

The Council commissioned a specific report from its current external corporate tax advisors, PWC. The headline issues drawn out from the report are set out below.

Value Added Tax (VAT)

- KBS merger with KNH would likely fall within 'transfer of going concern' criteria i.e. non-business supply transferred. There would therefore be no consequences for the new organisation's VAT position resultant from the merger.
- Council's partial exempt VAT position (which must be maintained to ensure ongoing full VAT recovery) - to the extent that any new organisation supply relates to any exempt activity undertaken by the Council, the Council will need to consider its own partial exemption position i.e. ensure it remains within its de minimis limit to be able to continue to recover VAT in full. However, the Council's de minimis limit will improve by default due to the increased amount of VAT charged on the turnover of the merged organisation under the merged option.

Corporation Tax

- The Council is exempt from corporation tax from any profit earned on third party trading activity including work for another Council, schools including Academies, Trust and LEA schools or the general public. This exemption does not extend to the ALMO, which is liable for corporation tax (currently 20%) on any profits made from 'trade' (i.e. to 3rd parties outside the Council).
- To the extent that services are provided back to the Council under the merger option, the housing element (80% of current building services annual turnover) would possibly fall outside the scope of traded activity for corporation tax purposes if grouped with existing ALMO arrangements.
- Non-housing services (the remaining 20% of building services annual turnover) provided back to the Council under the merge option may fall outside the landscape of existing ALMO arrangements, and the profit on this activity may be found to be subject to corporation tax.
- It is recommended that further work be undertaken in conjunction with the Council's external tax advisors to clarify the corporation tax status of services to be provided back to the Council; in particular with regard to the non-housing services.

7.1.2 Council Medium Term Financial Plan (MTFP) 2016-19

- The Council MTFP sets out a budget strategy for the HRA which includes savings of just under £5m that will contribute to mitigating forecast annual rent loss of £10.5m by 2020, as a result of national government change from current social housing rent policy, and the implementation of 1% annual rent reduction each year for the next 4 years, to 2020. The HRA has to live within its means as a statutory ring-fenced account.
- However this still leaves a significant HRA 'budget gap' by 2020. In the context of having to produce a balanced budget, and at the same time maintain decency of housing stock as a key long term objective, other more fundamental savings options will need to be explored jointly.
- In the context of a likely annual ALMO turnover of up to £55m, the Council expects that the new organisation will be able to identify significant synergies which will generate cashable efficiency savings to the HRA over the medium term. Subject to more feasibility work over the early summer, as part of the Implementation Plan, it is expected that savings will be identified and incorporated in the next and future budget rounds and will inform the setting of the Fee in relation to the services commissioned.

Other

- The Council MTFP includes a trading income target for KBS activity over the 2016-19 period; £50k in 16-17, increasing to £100k in 17-18 and £150k by 18-19. This is currently a general fund income target. As a result of a merger, the current general fund income target would no longer apply. From 2017-18 onwards there would be a need to review the arrangements and targets in relation to traded income.

- The mechanism for dealing with the benefit of any fee surplus or profit on trading activity from the merged organisation from 2017 onwards would need to be agreed between the Council and KNH during the implementation phase. Albeit any profit earned from external trading will be subject to 20% corporation tax.
- The implementation phase prior to the merger up to April 2017 will identify a range of activity and resource requirements. At this stage, it is anticipated that any such 'one-off' costs can be met, once identified, through HRA reserves. Progress on this can be reported in-year to Cabinet as part of the established quarterly corporate financial monitoring process.

7.1.3 Pension liabilities

- Net pension deficit balance sheet liabilities included in the annual accounts of the Council and KNH, are subject to separate calculations which reflect the specific characteristics of their respective organisational workforces. Similarly, separate calculations are undertaken for assessing future year employer annual cash contribution rates to the West Yorkshire Pension Fund (WYPF). This is a tri-ennial actuarial exercise. Current Council and KNH rates may differ.
- The transfer of existing Council staff to the new organisation resultant from the merger option may result in an increase in the net pension liabilities on the KNH balance sheet, and a net reduction on the Council balance sheet. However, the Council already underwrites the net pension liabilities of ALMO, and confirms this annually with KNH external auditor. It is anticipated that this will continue under the merged option, in which case the net Council overall 'risk' as regards the new organisation pension liabilities, is ultimately unchanged.
- The Council in conjunction with KNH would:
 - Have to agree the basis of funding any potential accrued pension liabilities of KBS employees at the point of transfer.
 - From the point of transfer, the actuary would determine the revised employer contribution rates for both the Council and the new organisation, at the point of transfer.

7.1.4 Council support operations ('overheads') bought-in by the new merged organisation

- Current annual turnover is £40m for KBS and £15m for KNH; combined annual turnover of £55m. Council 'overheads' account for about £10m of the combined annual turnover, equivalent to 18%.
- The 2016-19 MTFP includes a number of target savings assumptions across a range of Council general fund support operations. The MTFP also assumes that the HRA will receive its share of support operation savings from Council services, with a target HRA saving of £300k from 2016-17 against the 'Council services bought-in' activity line. KBS are a key customer for a number of current Council support operations, such as Kirklees Direct, Transport Services and HD-One.
- If the newly merged organisation were to consider alternative service provision for current Council support operations bought-in, this would then require a more fundamental review of current 2016-19 MTFP budget assumptions and impacts

underpinning a number of current Council support operations, including their future viability in terms of economies of scale and value for money. It is anticipated therefore that the new organisation would continue to purchase Council support operations, agreement about how this will be managed going forward will be required as a pre-condition for any merger.

7.1.5 Corporate treasury management

- A consequence of the merge is that there will be a corresponding change in cash-flow considerations for both parties. In particular, consideration will need to be given to ensuring that a newly merged organisation has sufficient daily cash-flow to manage its payment commitments (staff/materials etc) on an annual turnover of up to £55m, compared to £15m current turnover.
- The Council would be commissioning the new merged organisation to provide housing management and housing repairs and maintenance services and be paying a fee (in an amount still to be determined but in the region of £38m) for doing so from the HRA. It is anticipated that the fee element would continue to be paid as it is now i.e. monthly in advance, in equal monthly instalments.
- The non-fee capital element could be up to £17m per annum (assuming 100% of KBS current activity, transfers to ALMO). The Council would need to give consideration to payment 'on account', for this element of work, adjusted at each year end (or periodically through the year), in order for the merged organisation to be able to manage its cash-flow reasonably.
- Corporate accountancy advice is that the above arrangements would not have a net material impact on the Council's overall strategic treasury management policy and treasury management budget position over the 2016-19 MTFP, from current.

7.2 Legal and Governance

7.2.1 The Council has the legal powers necessary to transfer KBS to KNH (a local authority wholly owned 'Teckal' company) and for the provision of services by KNH to the Council by way of contract. (*Local Government (Contracts) Act 1997 (S.1)*). *Local Government Act 1999 duty to secure economy, efficiency and effectiveness in the provision of services – duty of Best Value (S.3)*. *Localism Act 2011 (General power of Competence (S.1)*. *Local Government Act 1972 (incidental Powers) (S.111)*).

7.2.2 The Housing Act 1985 (S.27) requires local authorities to seek Secretary of State approval to appoint an ALMO to exercise housing management functions. Approval to appoint KNH was given in a letter dated 28 March 2002. The approval was subject to the condition that the Council must give the Secretary of State one calendar month's notice of any significant changes and take account of any comments made. It is considered that the extent of the changes being proposed at this stage are not significant and that therefore Secretary of State approval is not required. However based on the experience of other Local Authorities which have taken the decision to merge Building Services and ALMO it is proposed that the Secretary of State is notified of the proposed changes as a matter of courtesy at an appropriate time.

- 7.2.3 The Council can rely on Regulation 12(1) of the Public Contracts Regulations 2015 (Teckal exemption) to make a direct award of the contract to KNH. This exemption from EU procurement rules applies where the Teckal company satisfies two tests:
- The control test – the contracting authority must be able to exercise control over the other entity (the Teckal Company) as if it were an internal department of the contracting authority; and
 - The function test – the Teckal company must provide the essential part (i.e. the majority/80%) of its services to the contracting authority which controls it. Teckal companies can only trade with the private sector up to 20% of turnover or risk losing Teckal exemption.
- 7.2.4 KNH is an example of a Teckal company which provides housing management and maintenance services back to Kirklees Council. The existing Management Agreement with KNH could be reviewed and updated to reflect the merger of KBS and KNH. Kirklees Council will remain the sole corporate Member. Should in future the new organisation wish to change its legal company structure it would need approval from the council. The Council would need to have regard to the impact of such changes on the Management Agreement and Teckal status as appropriate.
- 7.2.5 The Local Authorities (Goods and Services) Act 1970 enables the Council to enter into agreements with other public bodies for the supply of goods or materials, the provision of administration, professional or technical services, the use of plant or carrying out works or maintenance but not construction. As KNH is designated as a 'public body' under the 1970 Act support services can be provided by the Council to KNH on a commercial basis. (See section 7.1.4).
- 7.2.6 State Aid and the use of council land (Leases/Licences and disposal) and other assets must be taken into account prior to the formal merger to ensure that the council complies with state aid law and the Local Government Act 1972 (S.123).
- 7.2.7 The Council and the KNH Board would both need to understand the contractual and resource liabilities of both KBS and KNH and take into account any associated risks and any legal requirements on the Board under the Companies Act prior to the merger taking place.
- 7.2.8 Governance will need to be appropriate to the scope and size of the newly merged organisation and satisfy the Teckal Company 'control test' (See 7.2.3). A full governance review will need to be undertaken as appropriate.
- 7.2.9 The decision to merge KBS and KNH and for services to be provided back to the Council by way of contract will be an executive decision under the Local Government Act 2000. The Executive may arrange for the discharge of any of their executive functions by an officer. Any arrangements made for the discharge of executive functions by an officer do not prevent the Executive from exercising those functions. If the merger is approved by Cabinet the Council's Constitution will need to be revised to reflect the new arrangements at the next Annual Meeting. The Assistant Director Legal, Governance and Monitoring has the delegated powers to update the Constitution.

7.3 Human Resources – Workforce

7.3.1 TUPE was introduced to meet the obligations under a European Directive to ensure the protection of employee rights when there is a ‘transfer of an undertaking’.

- A relevant transfer can be either a transfer of an undertaking, business or part of an undertaking or a “service provision change” under Regulation 3(1) (b) (i) involving the outsourcing, retender or insourcing of a service where immediately before the transfer there is an “organised grouping of employees” whose principal purpose is to carry out activities on behalf of the Council and the activity is fundamentally the same and not a single specific event or task of short term duration. The proposed merger would constitute a ‘service provision change’.
- In circumstances where TUPE applies, the Council KBS employees (in the region of 500 staff) transferred will become employees of the transferee (KNH in this case) by virtue of the statutory novation of their employment contracts under TUPE. (KNH has in the region of 360 staff). All existing rights and liabilities in relation to transferring Council employees will transfer to the newly merged organisation. The position of Council support staff (e.g. Finance, HR, IT) will be subject to further discussion during the implementation phase. Where TUPE applies it does so by operation of law and the parties cannot contract out of it. The intention is that all affected staff will transfer to the new organisation on or before 1 April 2017.
- The TUPE regulations include a duty to inform and potentially consult with trade unions in relation to any of their members, who may be affected by the transfer or by ‘measures’ taken in relation to it. If an employer recognises a trade union, they must consult with that union. Both the Council and KNH will have to ensure that they comply with these duties. It is proposed that the HR service in the Council and KNH will work together on a timescale for TUPE and the provision of information and consultation with staff/trade unions.

7.3.2 Terms and Conditions of Employment – Employees transferring from the Council to the new merged organisation will TUPE transfer on their existing terms and conditions of employment including continuity of service. The Council and KNH have similar but not the same terms and conditions of employment. Further work to identify the differences around for example single status and any pay differentials will be required as will consideration the merged organisations human resource policies and procedures.

7.3.3 Pensions – The West Yorkshire Pension Fund (WYPF) have confirmed that the legal status of KNH in the Local Government Pension Scheme (LGPS) is as follows:

- KNH is eligible to participate in the LGPS as a Scheme employer under paragraph 21 of Part 1 of Schedule 2 of the LGPS Regulations 2013. Therefore, employees, with a contract of at least 3 months, employed by KNH have an automatic entitlement to be a member of the LGPS. As a body listed in Part 1 of Schedule 2 there is no requirement for Kirklees Neighbourhood Housing to have a guarantor or obtain a bond from an approved provider.

Pension financial liabilities as a result of the proposed transfer of Council employees to the new organisation are covered in section 7.1.3 above.

- 7.3.4 The basis upon which trade unions are recognised by both organisations will be in line with the principles and agreements adopted by the Council.
- 7.3.5 The Council will need to take account of the Public Sector Equality Duty (Equality Act 2010 (S.149) and consider the need for an equalities impact assessment for the service in relation to the staffing implications of the proposal. The Public Sector Equality Duty will need to be weaved into the new / amended Management Agreement with the new organisation.

8. Consultees and their opinions

8.1 The Council has a duty under the Local Government Act (S.3) and the Housing Act 1995 (S.105) to consult with:

- Representatives of local taxpayers, representatives of persons who are likely to use services provided by the authority, representatives of persons appearing to the authority to have an interest in the area. (Including voluntary and community organisations and small businesses)
- Its secure tenants when they are likely to be **substantially** affected by the way it contracts to provide services and on matters of housing management.

8.2 In order to comply with the requirement to consult a reasonable and proportionate engagement and consultation plan has been used to manage the process. Information regarding the key stakeholders consulted on the potential merger of KBS and KNH and a longer term Management Agreement and their views are summarised below. This consultation has built on the feedback provided following the engagement exercise carried out by HQN as part of the initial option appraisal. More specific detail on the timeline and views from the consultation is provided at Appendix 3.

8.3 Consultees have included:

- Kirklees Council Political Groups
- Tenants and Residents representative including Communities Who Can and KNH Tenants & Residents Committees
- Tenants and residents and schools and the wider public via an online questionnaire
- Overview and Scrutiny Management Committee
- KNH Board
- Trade Unions – GMB / Unite / Unison (see 8.4 below)
- Kirklees Council and KNH officers.

8.4 Broadly speaking those consulted are in favour of a merger between KBS and KNH. Unison and GMB have not yet submitted their final views and have indicated they will submit a letter setting out their position to be tabled at the Cabinet meeting. The Unite response is included at Appendix 3F. Consultees have raised a number of relevant considerations which have either been addressed in this report or will need to be considered and addressed further following a decision to merge but prior to the merger being formally approved and the new merged organisation established.

9. Implementation Plan and Conclusion

- 9.1 An outline implementation plan can be seen at Appendix 4. This sets out the proposed steps/ actions which will need to take place to enable the merger to proceed as described above. Initial implications have been identified and have been noted earlier in this report (Section 7). Implications include, financial, tax and pension issues, legal and governance, including the setting out of roles and responsibilities and decision making; human resources, TUPE, workforce and organisational development issues.
- 9.2 A joint project board will be established to address the outstanding issues and deliver the implementation plan with the overall aim of bringing the two organisations together to deliver the commissioned services and the wider strategic outcomes set out earlier in this report.
- 9.3 Further detailed steps/ actions may emerge once implementation is embarked upon. With this in mind, the decision to merge can be given subject to satisfactory completion of the plan and in the absence of matters/ issues arising that would be to the detriment of the Council.
- 9.4 In conclusion, having considered the option appraisal, the identified implications and the views of consultees, it is considered on balance that the option to merge KBS and KNH still offers the most potential for delivering the strategic objectives set out.

10. Next steps

If the decision is taken to proceed:

- 10.1 Officers will undertake the additional work set out in the recommendations and prepare an update report to Cabinet before the legal completion of the transfer arrangements on or before 1st April 2017.
- 10.2 It is proposed that KNH and KBS staff will formally be brought together to develop a detailed joint implementation plan as part of this process.

11. Officer recommendations and reasons

- 11.1 Note the Council's high level option appraisal included at 4.2 above together with the appraisal commissioned by the Council from HQN at Appendix 1 as well as the information in this report and agree the recommended approach to transfer the Council's building maintenance DSO (KBS) 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; subject to the satisfactory resolution of Legal, Financial, HR etc issues highlighted above in this report and below in the recommendations.
- 11.2 Note the financial implications of the proposals shown at 4.2 and 7.1 of this report and the further work required by officers before it is possible to make a final decision in relation to the Proposed Transfer.

- 11.3 Note the legal framework set out at 7.2 of this report the Council's legal powers 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.
- 11.4 Note the responses to the statutory consultation exercises under section 3 Local Government Act 1999, and section 105 Housing Act 1985; and the Council's response at section 8 of this report. (Also see Appendix 3)
- 11.5 Note the proposed arrangements at 6.9, 7.1.4 and 7.2.5 in relation to Service Level agreements between the Council and KNH.
- 11.6 Note the HR implications at paragraph 7.3 and authorise the TUPE transfer of all affected council employees 'in scope' and the provision of information and consultation as appropriate with trade unions.
- 11.7 Note the project management arrangements as set out in 9.2, which will be responsible for ensuring the outstanding financial, legal, HR and organisational issues are addressed.
- 11.8 Delegate authority to the Director of Place or her 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 new 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 1st April 2017 and it is noted that if further risks are identified or there are material changes to any issues that emerge, a report will be brought back to Cabinet for further decision.
- 11.9 Delegate authority to the AD 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 documentation to effect the transfer of services to KNH; and update the Council's Constitution as required.

12. Cabinet portfolio holder recommendation

- 12.1 Cabinet Portfolio holder supports and is in favour of the merger of Building Services and KNH. This is an excellent opportunity to combine two organisations and bring the best out of them both. There are great opportunities ahead but today I want to assure you we will maintain our service delivery to our tenants, our communities and our staff.

13. Contact officer and relevant papers

Helen Geldart, Head of Housing Services
Tel: 01484 221000
Email: helen.geldart@kirklees.gov.uk

Background Papers : Report to Cabinet, 22 September 2015 – Future Options for the Delivery of Housing Functions and Services (including repairs and maintenance)

14. Assistant director responsible

Kim Brear, Assistant Director, Place
Tel: 01484 221000
Email: kim.brear@kirklees.gov.uk

HQN Merge KNH & KBS

Pros	Cons
<ul style="list-style-type: none"> ▪ Clear opportunities for efficiencies and therefore savings ▪ The Council has already charged the DLO with generating surplus – the changes needed to move to a more commercial approach would be facilitated ▪ The ALMO has demonstrated effective governance and accountable links back to tenants; this would encompass a key front line service (repairs) ▪ Decreased direct exposure to reductions in finance and therefore lower risk of job losses ▪ Surpluses would have some protection from Council cuts and pressures, and could be directed to priorities around housing supply and community sustainability ▪ Change programmes to deliver the merger would also be an impetus to improve and modernise ▪ Repairs and asset management programmes would be run together with other landlord services supporting better planning alongside greater efficiency of delivery ▪ Integration would lead to better front end services to tenants ▪ In establishing the new arrangements the Council would maintain some control (through the management agreement and delivery plan) of the future investment plans, strategies and service performance, whilst gaining the benefits of focused leadership and management of the services ▪ An enlarged ALMO organisation would also offer opportunities for other services to be delivered in this way (such as housing options, adaptations, tenancy support), increasing the potential for efficiencies and integration ▪ A larger organisation has greater capacity and reach to contribute directly to regeneration projects (employment, apprenticeships, social enterprise options) ▪ DLO exposure to commercial expertise via independent board members ▪ A merged organisation would create the potential for efficiency savings to offset the loss of income generated by the rent formula reduction 	<ul style="list-style-type: none"> ▪ Efficiency savings would, in part, be in back office services supplied by the Council and would therefore increase pressure on those budgets. (General Fund) ▪ The DLO would be outside direct control of the Council and therefore alignment of priorities is more subject to relationships and partnership and less to specific in house decisions ▪ Repair services for other Council owned assets would be subject to a contractual relationship (which may also be a positive) ▪ There may be some union opposition to another Council service being moved out ▪ Does the DLO have the required leadership, capital, skills and commercial culture to compete effectively and therefore generate commercial activity and surpluses (at scale)?

HQN Status quo

Pros	Cons
<ul style="list-style-type: none"> ▪ Avoids any distraction of effort away from dealing with key service issues created by a 'reorganisation' ▪ Maintains the existing, successful approaches and relationships ▪ The Council would maintain direct control of the DLO and Strategic Housing Services, and therefore be able to make decisions on priorities, resource usage and programmes/policies ▪ Council corporate services would maintain their 'client base' 	<ul style="list-style-type: none"> ▪ Opportunities to drive growth, and service efficiency in order to create investment options would be more limited ▪ All services would, to varying degrees, continue to be exposed to reductions in Council resources ▪ The ALMO would continue to be reliant on agreement of its management fee, and so have ongoing uncertainty around future investment and service development capacity ▪ Current frustrations at limitations on the use of resources to meet Council objectives would continue ▪ Opportunities to improve services through integration and greater synergy between ALMO, Strategic Services and Building Services would be lost ▪ Options to mitigate lost rental income arising from the 1% annual rent cut would be limited.

Core functions

It is expected that the merged organisation align with the Council's strategic aims and the outcomes and outputs and contribute towards the Council's key strategic objectives. The merged organisation would also have a key role to play in the delivery of the Housing Commissioning Strategy's key priorities and outcomes outlined in Section 2 of this report. Functions include the management and maintenance of over 22,000 Council homes and over 900 leaseholder properties and maintenance of other corporate buildings and some schools.

Key business activities include, but are not limited to:-

- a. Tenancy management / sustainable communities
- b. Estate management
- c. Lettings, voids and best use of stock
- d. Rent and financial management / recovery of other charges
- e. Financial planning and accounting
- f. Right to buy – cost floor identification
- g. Housing advice
- h. Leaseholder functions
- i. Tenant involvement and participation
- j. Management of other assets e.g. Council shops
- k. Asset management
- l. Repairs, maintenance and servicing
- m. Procurement.

Engagement and Consultation

The table below shows the engagement and consultation activities that have been carried out in relation to the future delivery of housing functions and services in Kirklees since May 2015.

Phase	Who with	2015								2016		
		May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	
Phase 1	Political parties											
	Council Services											
	Communities Who Can (KFTRA) board members											
	Trade Unions											
	KNH board members											
	KNH officers											
Phase 2	Cabinet											
	Portfolio holder											
	Political parties											
	Overview and scrutiny											
	Council Services											
	Communities Who Can, Tenants and residents											
	Schools											
	Trade Unions											
	KNH board members											
	KNH officers											

During Phase 1 HQN engaged with key stakeholders on the pros and cons of a range of options. These views were included in the report considered by Cabinet on 22nd September 2015.

During Phase 2 of process the following consultees were asked for their views and comments on the proposed merger of KBS with KNH. The feedback from those consulted is appended below.

- a. Kirklees Council Political Groups
- b. Tenants and Residents representative including Communities Who Can and KNH Tenants & Residents Committees
- c. Tenants and residents and schools and the wider public via an online questionnaire
- d. Overview and Scrutiny Management Committee
- e. KNH Board
- f. Trade Unions – GMB / Unite / Unison
- g. Kirklees Council and KNH officers.

3a. Kirklees Council Political Groups

1) Kirklees Labour Councillors

Housing and Building Services Future Options Delivery Models - Formal Consultation
Kirklees Labour Councillors - Summary Feedback
Group Meeting: 4th January 2016

1. Summary

Overall view of Councillors is in favour of the proposal to merge Kirklees Neighbourhood Housing (KNH) and Kirklees Building Services (KBS). Indicated steps must be taken to ensure that by bringing the two together that the strengths of each organisation are built on to create something even better.

2. Comments and considerations

2.1 New organisation structure and name

- Acknowledged that it makes sense to keep the existing KNH legal company structure as it allows the new organisation to do everything that the Council wishes it to do without incurring additional cost.
- Suggested that the new organisation could consider a re-brand or new name to help drive cultural change and bring about a new and different organisation.

2.2 Legal, governance and resource implications

- Noted that Kirklees Council will continue to have significant influence on the newly merged 'Teckal' wholly owned council company and that the management agreement / contract documents must make sure that the Council is able to terminate the contract and if necessary bring services back in house.
- Indicated the importance of understanding the contractual and resource liabilities of both KNH and KBS and of taking into account any associated risks prior to the merger taking place.
- Noted that financial implications of a merger in relation for example to VAT, corporation tax and pensions must be fully understood prior to the decision to merge.
- Noted that the Housing Revenue Account (HRA) must balance and that a merger offers opportunities for greater efficiencies that will go some way towards addressing the implications of the 1% rent reduction – narrowing but not closing the £24.4m gap in expected rental income over the next 4 years.

2.3 Trading and income generation

- Acknowledged the opportunities for external trading within a Teckal company structure especially with other landlords in the public and private sector for example in relation to gas servicing. It was noted that this would not only generate income that could be invested in services to meet council strategic priorities e.g. Extra Care but also help drive up standards in the private rented sector.
- Noted that income generation would, like the merger, help balance the HRA but that in the short to medium term anticipated returns would require a more fundamental review of the HRA in order to balance the account.
- Noted that over time and by developing its commercial expertise that the new organisation could build on any trading success and at that point may wish with the approval of the council to consider a different company structure.

2) **Kirklees Conservative Councillors**

Housing and Building Services Future Options Delivery Models - Formal Consultation
Kirklees Conservative Councillors – Summary Feedback
Group Meeting: 11th January 2016

1. Summary

There was overall support for merging Kirklees Neighbourhood Housing (KNH) and Kirklees Building Services (KBS).

2. Comments and considerations

2.1 New organisation structure and name

- It was noted that the merged organisation would, as KNH is now, legally be a Teckal wholly owned council company.
- Careful consideration should be given as to whether or not to re-brand the organisation and if so to when the best time to do so would be – perhaps after a period of consolidation and cultural change.
- Whilst a separate company it should be expected that back office services should be contracted in from the Council or a more effective provider.

2.2 Legal, governance and resource implications

- The council needs to ensure that there are effective mechanisms in place to review financial and other performance annually and to review the overall contract on a 5 yearly basis. The council must also be able to pull KNH back in if it is not performing or things change.
- The new organisation will have a new senior leadership team which brings opportunities and risks. The pace of change needs to be right if the organisation is to succeed.
- The new organisation should develop a strong drive for service and organisational efficiency which ensures present working practices evolved or are changed to ensure great delivery of effective outcomes. The organisation should develop a new customer focus which supports customers who pay rents and bills on time.

2.3 Trading and income generation

- Strong view that the organisation should focus on what it is good at and on getting the core functions and services of the business right first. Only if the organisation can evidence that it is performing and meeting agreed targets after a period of time, for example 2 years should the council permit it to increase trading activity. Perhaps then should start with other housing organisations.
- The new organisation needs to understand and accept that the level of work on public buildings will reduce.
- Commercial skills need to be developed and the organisation must be able to demonstrate it has earned the confidence of the private sector and can trade competitively before embarking on significant new ventures.

3) **Kirklees Liberal Democrats Councillors**

Housing and Building Services Future Options Delivery Models - Formal Consultation
Kirklees Liberal Democrat Councillors – Summary Feedback
Group Meeting: 18th January 2016

1. Summary

There was broad agreement to the merger of Kirklees Neighbourhood Housing and Kirklees Building Services.

2. Legal, Governance and resource implications

- Concern was raised around the need for appropriate governance to be put in place.

3. Trading and Income Generation

- Consideration should be given to the impact of any trading or external activity on local small businesses.

4) **Kirklees Green & Valley Independent Councillors**

Housing and Building Services Future Options Delivery Models - Formal Consultation
Kirklees Green & Valley Independent Councillors – Summary Feedback
Group Meeting: 11th January 2016

1. Summary

Kirklees Green & Valley Independent Councillors were broadly supportive of the approach to merging Kirklees Neighbourhood Housing (KNH) and Kirklees Building Services (KBS).

2. Comments and considerations

2.1 New organisation structure and name

- If there is a new organisation then a re-brand is needed – something that enables the organisation to operate in the private sector market.

2.2 Legal, governance and resource implications

- Efficiencies through potential merger approach – there was a view that this would be an area to explore further and a change of cultures was required. Examples of potential duplication were identified e.g. waste generated and not recycled. The area of advice and support and possible linkages with CAB was raised as a further example e.g. handover of complex cases could occur earlier to avoid duplication.
- The risks and issues need to be clear.

- Concern was raised that with the pressure on some council services additional requirements would fall on Building Services. For example, graffiti removal that had previously been dealt with by rangers.

2.3 Trading and income generation

- Green streets – there is significant evidence to show an improved environment leads to improved investment into districts.
- There was confirmation of the significant challenges to core business. Within this context, a request was made to explore and bring back options for income generation. The amount of income potentially generated compared to the turnover required was discussed and further information requested. It was felt that a review of any income generation expectations should be reflected in any proposals being considered.
- A suggestion was made that the business plan could look to factor in what communities can generate from other sources to broaden their offer.

3b. Tenants and Residents representative including Communities Who Can and KNH Tenants & Residents Committees

i) Communities Who Can response to a potential merger of KNH and Building Services

Housing Futures - which includes a proposal to bring together the roles of housing management and maintenance into one organization - has been brought to the Board's attention in various different forums.

There has been an opportunity for discussion:

- In the Board meeting with Helen Geldart, who took us through a presentation
- In a meeting with Delegates, again with Helen who took us through a presentation and answered representatives' questions
- In Board meetings with Simon Rogers
- with Building Services in Quality Homes working group
- in an informal setting with Board members and other Delegates who came together to discuss the information they had received so far

Communities Who Can, at their Board meeting on 9/12/15 said they welcomed the opportunity to be involved in discussions.

As a Board they voted **unanimously** in support of a potential merger but wanted an undertaking that tenants would be involved in future discussions.

They felt that it was a natural partnership and it made sense for two parts of the council to join up. Some Board members felt it might give greater clarity as

they were aware that tenants were confused by the different services of the Council, KNH, Building Services and Kirklees Direct. They also felt it was an opportunity for streamlined working with one organization dealing with both the management and maintenance of homes.

The following questions and comments have been forwarded to Communities Who Can, either for the Delegates meeting, or for our feedback report.

From the Delegates meeting:

- Could a merged organization generate income for the Council?
- Should the two parts of a merged organization retain their identity for legal reasons, ie if one part gets into difficulties it wouldn't drag both parts down
- Could each tenant be consulted on this change, as they have been in the past regarding proposals for a change to an ALMO?
- Would a merged organization be allowed to make profits?
- What impact, if any, would a merger have on tenants and on Communities Who Can?
- Tenant scrutiny should be built into the merger process to ensure accountability

*From individual comments sent from Delegates/TRA members or community voices
(these views are not necessarily the views of Communities Who Can)*

- "There seems to be no information about the financial implications. No projections about possible benefits have been put forward as yet. Other possible business models have not been explained fully. Without a fully explored explanation and projections, I think an informed opinion cannot be made at this time. At this point in time, the merger does not seem to be viable. There is a danger that the Housing Revenue Account could be put under serious pressure if the merger were to go ahead. Also there is no clear plan or strategy concerning the maintenance of council properties such as schools etc. I am not in favour of a merger without further information"

"Boothroyd Green TRA want to go on record as showing our support and encouragement for the proposed merger as it must allow for a closer working between

the two, and could result in a saving due to the reduction of middle management posts."

"My question is: Are they going to be competitive. For example, cleaning one length of spout on a block of four flats costs a Leaseholder £28, who has to pay one quarter of the cost when a private firm advertises £19 for the same job.

Also Building Services are supposed to give you 72 hours written notice before any work starts. This does not happen.

Once the work is completed, they will carry out an inspection and you can ask the surveyor if the work that has been done, is to your satisfaction, before you pay. This also does not happen."

"Merger of KNH and Building Services - a good idea, as long as it is done properly"

"It would be cheaper to put repairs out to tender and employ a private firm. We are concerned that Building Services is expensive. We are also worried whether repairs are planned as economically as possible, to reduce travel time and costs.

Also, does anyone today sign a contract for 30 years?

Housing tenants should be balloted on a proposed merger."

From an informal meeting of Board members and Delegates on 14/12/15:

- What are the financial implications of a merger? What are the costs to merge, what will be the long-term savings?
- Tenants should be allowed to scrutinize the process, and scrutinize the merged company to ensure accountability.
- Could we know the structure of the new organization, as soon as possible?
- How will it work with two companies on two different pay structures - one which has adopted single status, one which hasn't
- Will the Kirklees Enhanced Standard for Decent Homes be maintained?
- Thirty years is a long contract. Couldn't it be 10 years initially, to see how it works in practice? What sort of break clauses will be inserted?
- If there are any working groups/steering groups looking at the merger, could we have a place for a tenant representative

In conclusion, our Delegates have raised many issues which we realise cannot be answered at this point.

Communities Who Can supports the opportunity to ensure the continued delivery of a quality housing and repairs service to tenants and is looking forward to seeing how it can play its part in making a difference for the people of Kirklees.

17/12/15



ii) KNH TRC Minutes

a) Huddersfield JOINT North and South Tenant and Resident Committees 8th December 2015 - Huddersfield Town Hall Extract from the minutes 'Futures Project' - Questions and comments

CW said that there is no reference to the importance of tenants on the "What" page. AW apologised that the word tenant was missing however his view is that tenants are integral to the whole process.

CE said that he feels that it is too early in the process to give views. He said he is very sceptical at the moment based on a local college he worked at where a merger has meant cutting tiers of management.

AW responded that the benefits should be for tenants. It is about creating an organisation which assists tenants in the best and most efficient way possible.

KC asked whether there would be a fuller picture provided when there is more information for tenants to be able to give a fuller response about.

AW responded that the plan is being added to all the time. He sees that tenants should be engaged throughout the process.

AD asked what would happen if KNH did not get the contract renewed in 2017.

AW responded that this is why Cabinet is considering this option currently so there is a decision made and way forward before the current contract comes to an end.

AD further said that she is worried about the great cost of completing the merger.

SJ asked whether Pros and Cons are being considered. He also asked whether the option of KNH being taken back into the Council is being considered.

AW responded that the latter had been the considerations.

Cllr Andrew Cooper spoke about the proposal from his point of view. For example, gas safety checks undertaken by BS could bring income into the Council and given the scope for bringing in money it was not showing as sufficient. He went on to ask whether there is a hunger to develop the business and take advantage of the income which could be brought in.

AW responded that the first priority is to bring the rent in and core business, but it was about creating an organisation that provided opportunities to develop in the future.

Cllr Andrew Cooper responded to a question by CW saying that the income from external works should cover costs for the service.

CW further asked about the "what" slide. He said that if needed scrutiny could be used to ensure that the project is delivering what it said it would.

AW confirmed his overall support of scrutiny and tenant involvement

SJ said that CWC would be looking at the report before it goes back to Cabinet. He said that all could put final comments into CWC and they would be included in the response which goes to Cabinet.

AW said that every attempt to be open is being made.

CE asked whether there are any financial projections at all which could be shared so that tenants could consider them.

AW responded that he is unsure whether there are any figures that could be shared at this stage which would help to inform decisions making currently.

The Chair asked whether this item would be brought back to the TRC.

AW responded that SJ had clarified that all did have the possibility of responding via CWC.

**b) North Kirklees Tenant & Resident Committee
1st December 2015 - The Options Centre, Function Room, Dewsbury
Extract from the minutes 'Futures Project' - Questions and comments**

TS asked if the profit made by BS goes to KNH or the Council. AW confirmed that Housing goes into the HRA.

KG – it makes sense that the merger goes ahead. When first living in Kirklees he thought that BS worked for KNH anyway.

TS and JN asked whether BS would still do other work, such as schools and other similar organisations. The response is that yes they will. The Council would then be paying KNH for this work done for them.

Further concerns about potential delays in the work program were expressed. AW responded that at as one organisation it will be easier to be clearer about timescales and communicate them. It is hoped that the public won't notice the difference.

MC asked if there will be more Chiefs than Indians. AW said that EC has made it clear that the money is not there for the level which is being spent now and therefore changes will have to be made. Clearly at this stage he cannot be certain what future structures would look like; this would be part of the considerations.

PS said that in the past the services were together and split for the purpose of bidding processes. AW said that this was the issue at the time however the legality of the proposal has been checked out and it is OK to go ahead with the plans. KG explained that the time PS mentioned was before ALMO's were developed.

JC asked whether repairs are going to run smoothly. AW said that his job is about performance and one of the questions that he will continually ask is "what is your performance level" and "how will tenants benefit"? JC was concerned that BS workers begin to act as private contractors do who appear to work through all weathers and circumstances and she would like to see BS working in the same way.

JH said that BS workers are given timescales for completing jobs and often they are over exaggerated, e.g. 4 hours given for a 10 minute task. AW said he welcomes this kind of feedback and asks that you continue to give it.

SL said that gates have been replaced in order to assist the grass cutting however grass cutting will be reduced. AW said that the widening of gates is required to get equipment through.

AW asked whether generally attendees thought it was a good idea to go ahead with the merger. All responded yes it was.

3c. Tenants and residents and schools and the wider public via an online questionnaire

A form has been made openly available via the web sites of Kirklees Council, KNH, KBS and Communities Who Can. It has also been made available via social media and all schools were emailed in order to bring it to their attention.

The feedback received has been focussed on expected service delivery to schools e.g. will response times extend and confirmation that a new organisation has the opportunity to provide cost effective services and share good practice.

3d. Overview and Scrutiny Management Committee (OSMC)

The OSMC is satisfied with the process that has been undertaken and that all stakeholders have been given the opportunity to contribute.

The OSMC recognise the benefits that a new organisation could bring to tenants. In addition, Members felt a new organisation would provide an opportunity to provide greater efficiencies and benefits.

The OSMC note there will be work to do if the decision to merge is taken and they would want to have an ongoing involvement.

3e. KNH Board Letter and Attachment

KIRKLEES NEIGHBOURHOOD HOUSING LTD

Dave Harris
Chair of the Board

Perseverance House
St Andrews Road
Huddersfield
HD1 6RZ
Tel: 01484 221000

Ms Kim Brear,
Asst Director Streetscene & Housing
Kirklees Council
Civic Centre 3
Huddersfield
HD1 2TG

Date: 24th December 2015
Our Ref: AS 518

When calling please ask for: Andy Selman

Dear Kim

Thank you for formally consulting with the KNH Board about the further exploration of a merger with Building Services. As you know we have been discussing the long term future of KNH with you and our Council colleagues for some time and we see this

proposal as one logical outcome of those discussions. This letter and attachment are our formal response to the consultation as agreed at the KNH Board meeting on the 23rd December 2015. Please will you include this letter and the attached note in their entirety as an appendix to the Cabinet Report as we are happy that they are in the public domain. Please feel free to extract highlights from the attachment or this covering letter for the body of the main report as you see fit.

Can I first say that the Board of KNH are proud of being a Council owned housing company working in close partnership with the Council on shared strategic objectives based on common values. We passionately believe in Council housing as a social asset of great value to our communities and will do all we can both now and in the future to secure that asset for the benefit of future generations. I know that I can speak on behalf of our new Chief Executive, Liz Cook, who takes up her post on the 25th January 2016, that she shares exactly the same values, enthusiasm and focus as we do on how the future could unfold. She brings different experiences and new energy and is greatly looking forward to help make these changes happen.

This is a turning point for KNH and we are aware of the scale of the changes it will involve for us as well as Building Services. We have always been very clear that our remit goes beyond the bricks and mortar of the houses as our wider range of services and interventions demonstrate. This is well illustrated in our Annual Report that went to Council in October. Support to tenants, especially the vulnerable, and assisting communities come together to do more for themselves is a key to success. Seeking new ways to fill some of the emerging gaps in support to vulnerable people and communities will be a feature in developing the merged and integrated service with our Building Services colleagues. We remain tenant focused and constantly strive to ensure that tenant voices are heard and inform our decision making. We have been clear for some time that the management and the repair and maintenance of our Council houses should be one managed business providing quality and efficient integrated services to tenants and their communities. We also believe that a merger will open up future opportunities for new forms of partnership working to better meet our common strategic and service objectives in difficult times. We therefore support the proposed merger as a key building block towards new ways of working in the future. We work closely with Building Services now but this is an opportunity to take the partnership to new levels in a common venture. We know that Building Services is a sound organisation, well led, with talented, hardworking and passionate people who want to do a good job for tenants and we look forward to building a future together with them and making use of all their talents alongside ours. We also believe that in a merged company Building Services colleagues will have an important role in helping shape the future direction of the company and an environment where their voices can be heard and acted upon.

We are pleased that the Council has shown such confidence in KNH to consider such a merger. Two already well performing organisations have the opportunity to be even better by being closer at a time of unprecedented cuts to public services when we need to do all we can to ameliorate the inevitable hardship this will cause to many citizens in Kirklees. Together with a proposed new long term contract this demonstrates the confidence of the Council has in KNH as a partner that constantly delivers on behalf of the Kirklees family. This is consistent with other long-term ALMO contracts of 20 to 30 years where the relationship between the Council and its ALMO is positive and mature, as is the case here in Kirklees. Following the comments made at the Cabinet meeting in September by Cllr Cathy Scott the Board will be seeking a minimum 20 year contract with the requisite break clauses to underpin the new arrangements and to give a clear signal to staff that this is indeed a long term secure relationship based on trust and common purpose.

KNH is a wholly owned Council Company and the risks of the proposed changes must be seen in this context. KNH has performed well for 15 years. We are absolutely focussed on positive outcomes for tenants and the communities we serve. If at any point in the future we cease to be so, the Council can simply close down the company. But it won't come to this. We are determined to continue to provide excellent services to tenants and our other customers. We are also committed to providing an excellent working environment for our existing and new staff. As a top 100 not for profit company to work for, with a gold IIP accreditation, we will remain absolutely committed to staff involvement and development and recognise the very positive role that trade unions play in this relationship.

We are ready for the challenge of these changes. We recognise the need to cut expenditure because of the decrease in rental income to the Housing Revenue Account as a result of the Government's rent reduction policy announced in July. The loss of £24M is a considerable amount. We want to work with you to find the best way to implement the required cuts and to mitigate their effect on services and jobs.

Most other ALMOs and housing associations have their own DLOs and in this regard we are one of the last housing organisations to adopt this model. It has worked well elsewhere. There are many others to learn from and we believe the process of change does not need to be complicated. The decision making in getting the merger operational must be **measured, sequential and proportionate**. The most straightforward way of achieving the new company is to TUPE Council staff into KNH. This will be less expensive and complicated than creating a new company and will remove the need to formally consult with all tenants about a new landlord and to change the business documentation and formal presentation to Companies House. We have neither the time, the capacity nor the money to waste doing things that we do not need to do now. In this regard, we also do not see the need for a major governance review at this stage and believe the existing company structure, Memorandum and Articles, and administration allows for us to legally provide the services currently delivered by Building Services. The priority is to get the merger done as quickly and simply as possible and make it work, as the day to day services to tenants must continue and current high performance needs to be maintained. None of us need distractions from this main task. Naturally as things progress we will jointly work with yourselves on exploring future possibilities for efficiencies, service redesign, new business opportunities and re-investment and in due time new or additional structures and governance may be needed to implement them. We then make changes for specific outcomes. For now we will not support change for change sake.

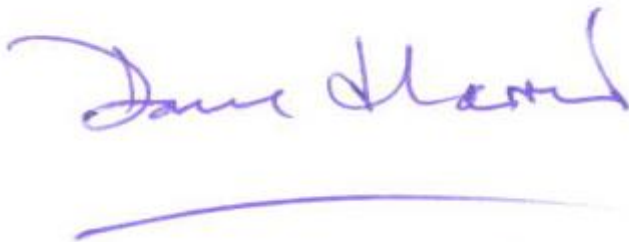
However, we recognise that KNH with Building Services and possibly other Council staff on board will be different to what we have now and we are keen to grow the best of both organisations into a new company culture. Not least we see the pride demonstrated on a daily basis with the quality of work produced by Building Services staff in homes across Kirklees. We do not underestimate the challenge this will be for KNH. This proposed merger will be a catalyst for a new relationship with the Council and that will be a challenge for the Council as well. KNH has grown and matured from an offspring of the Council family to a fully-fledged adult family member and the nature of our future partnership and strategic contribution has to change and hopefully be a powerful force in helping deliver Council objectives for our communities at a time of reducing budgets in the context of the New Council.

Our senior officers have been supporting their colleagues in the Council to identify savings in the HRA for this and next year. We need to continue to find further savings now, but we hope this initial work gives the project a financial profile to enable you to fulfil our first request in the first principle set out in the attachment. Here we set out our formal response to your consultation in the form of six requests we would ask you to consider that we

believe make for an uncomplicated and customer focussed approach to implementing a merger, if the decision of the Council is indeed to proceed with this course of action. We want this to work and work well. We need to be clear at the outset the basis upon which we are going to proceed to give us the best chance of creating an integrated service to our tenants. We see the merger as the key building block for the future of housing services in Kirklees. If it does not happen or is not implemented successfully all the longer term benefits we are seeking in terms of future opportunities to secure and grow the business will come to naught. The Board will put all its energy, passion and experience into this and we know our staff will play a full and productive role in making this project happen together with our Building Services colleagues.

I hope you see this letter and the accompanying note as helpful and constructive. KNH was set up by the Council to deliver the Council's priorities for the management of its housing stock. We have done that very successfully. It is within this context that the Board as custodians of an important part of Kirklees' public assets present our proposals. In these difficult times a mature working relationship between the Council and KNH will underpin all that we do and how we do it.

Yours sincerely



Dave Harris
KNH Board Chair

cc. Cllr Cathy Scott, Cabinet Portfolio Holder for Housing

KIRKLEES NEIGHBOURHOOD HOUSING

Formal response of the KNH Board to the consultation put to the Board at its meeting of 25 November 2015 by Kirklees Council officers.

Thank you for consulting with the KNH Board about the proposed merger with Building Services and KNH. This response is in the form of six principles designed to establish a straightforward way of managing a combined housing management and repairs service for council tenants in Kirklees. We believe that we need clarity on these now as we are convinced that to ensure this proposal is workable these six principles are very important and give us the best possible chance to create a new relationship with the Council that will see us into a challenging future with the best chance of success. We recognise that there will be a great deal of detailed and technical discussions to take place after Cabinet has made their decision. Issues will be worked through collaboratively and solutions undoubtedly found. Let us get the building blocks secure now by incorporating these six principles into the design.

1. A 'breathing space' for the fee through the merger process to enable us to manage the required expenditure cuts in a planned way that does not put the merger process itself at risk. This includes realignment of support services and SLAs (with the exception of our

second point below). Keeping largely to the status quo on both the fee and SLAs means that changes can be thought through in a measured way as the future unfolds over the next 18 months. This is to our mutual benefit. We recognise the Council needs to review the scope and delivery of its support services because of all the other changes facing the Council, and we want to allow space for this to happen before we review the best way to buy-in support services for KNH in the future. Our long term intention would be to continue as now, to buy-in support services from the Council (e.g. Transport, Legal and IT). It would be our intention for the company to continue to use the Councils SAP system, HD one and Payroll. We should clarify that this doesn't negate the requirement for KNH and the Council to work closely together to explore potential future reductions in SLA expenditure even before the merger takes place.

2. KNH has its own finance, HR and business support teams. This enables us to deliver our business strategy, be responsive, and support and develop our culture. The Board is very clear that we will retain these functions in the merged company and the Council may want to consider putting the staff that currently provide these services for Building Services on the TUPE list. We consider it important to have financial contract management in one place under the Board's control. We have staff experienced in similar mergers who have squeezed out efficiencies and savings from the operations by improved procurement, ordering and system changes.

3. We recognise that we need to have all staff on the same terms and conditions. We would honour TUPE in that no-one will be on worse terms and conditions than they are now and future changes will be by negotiation with the trades unions. We will however work towards harmonisation over time as it makes sense to do so as part of any service redesign and developing new business opportunities. We fully intend to treat all staff fairly as that is how we operate now and will continue to recognise national pay awards and the principle of collective bargaining. KNH's T&C's are very similar to the Councils and have been the subject of a recent collective agreement with the Trades Unions. Both organisations have a particular set of jobs and skill sets with limited overlap. We will deal with any issues as they arise through consultation with the Trades Unions. We will naturally continue to honour existing pension arrangements and our existing staff are members of the West Yorkshire Pension Fund. We did successfully TUPE Council staff when KNH was set up in 2002 and have an honourable track record of treating staff and their representatives with respect. That will not change.

4. We are very heartened by the words of senior officers and Elected Members in the Council, that they see KNH as part of the Council's family and want the future relationship to be mature and free of a complex client / contractor performance framework. To this end we will continue to produce a five year business plan which is revised annually. The plan sets out how KNH will deliver the Council's strategic aims. We would like to have this plan approved by the Cabinet. We will continue to produce an annual performance report and will present this to Cabinet and full Council. We will make all our internal financial and performance information available to Council officers to scrutinise in detail in real time to remove the need for any additional performance framework within the contract. This will keep costs down. The role of the Board is important here. We are legally responsible for the Company and are focused and skilled to undertake this as we move into a new era. Within an agreed framework and strategic objectives we believe it is in the interests of efficiency, flexibility and speed of response for decisions to implement agreed policies to be delegated to the Board. We are committed to fully engaging with elected members in the wards affected, on the detail and implementation of investment decisions, as we seek to do on management matters now. Accountability through partnership, without the need for bureaucracy is the guiding principle for us here. It should also save time and money by reducing unnecessary work for all of us. Time, money and energy best spent on managing

the reductions in the HRA and developing other areas of mutual interest within the context of the New Council.

5. We recognise the severity of the cuts required to HRA expenditure, because of reductions in rental income with the four year 1% rent reduction policy of the Government. The Council will need to reassess its development programme and use of reserves and headroom in the HRA to manage this. In order to manage the cuts in a planned way, the Board requests that the income starting point for the merged company would be **the current expenditure for responsive, planned and capital works plus the current fee paid to KNH**. From this starting point KNH will make the required reductions in the budget following decisions of the Council's strategic HRA managers and Cabinet for both the size of expenditure and strategic priorities to be delivered (property, types of work, geographical location). Unless the Board has the flexibility to look at the overall budget and make decisions accordingly then it is difficult to see what will be different from now. We all want more flexibility and speed of action and we all want redesign of integrated services for tenants and communities given the challenges ahead. A merged company is a mechanism for doing it but we have to have the freedom to get on with it. This is a test for the new relationship with the Council which has to be on the basis of trust and delegation within an agreed strategic framework. We recognise the HRA is an important strategic tool for the Council and its overall direction and control must be clearly determined by the Council. Notwithstanding the HRA fee we would expect that the current Building Services portfolio of work is continued to be commissioned for public works and schools and delivered through KNH. We recognise that this will fluctuate as the public realm reduces and more schools take on academy status and may select new support contracts. The opportunity to use the expertise of Building Services in the future development of this capital works area and development of new business suggests that KNH could over time provide an 'intelligent client' function for existing capital expenditure making the links to the Council's priorities for the local economy, jobs, training and the support of local businesses through the procurement process. We believe this is a fruitful area for early discussion.

6. Ownership of the HRA must be clearly demonstrated as sitting in the Council. We suggest this could be done with a five year planning overview and then an annual detailed plan which would provide us with parameters to work within. This would provide us with direction on for example the type of investment or geographical areas for investment that the Council wants us to focus on to integrate the Council's overall regeneration approach. Depending on interpretation, we believe Teckal rules would allow us to trade up to 20% of the overall value of works commissioned by the Council and this could facilitate the political desire to see the company expand its portfolio. This envelope would potentially be over £50M if KNH income was on the basis set out in 5 above and 20% would give enough flexibility for the immediate future. The Council will of course wish to form its own view on the application of Teckal and other procurement regulation on how KNH operates. The company would want to support the local economy through trading, but again it may be that Teckal allows for the majority of commissioned works to flow through the company. We may need to address the company structure and governance processes in the future should the scope of works change. But we don't see the need to do this immediately. The merger is the first part of the journey and we may collectively want to change the way KNH operates as future challenges arise, but at the moment we don't know what all these challenges, or indeed opportunities, are. We should therefore not get distracted now from the task in hand. As we have already stated, a successful merger is a secure building block for the future. Once in place we know we can build on these foundations with confidence. We look forward to making this happen. The Board is unanimous in its commitment to do precisely that and looks forward to Cabinet making a

favourable decision so we can put our energies into moving to the implementation phase of the project.

Dave Harris
Chair
Kirklees Neighbourhood Housing
23rd December 2015.

3f. Trade Union Involvement – GMB/Unite/Unison

The trade unions have been consulted on their views on the proposed merger as set out in this report. Officers have been clear that if the decision to proceed with the merger is taken, then subsequent detailed consultations will take place on the impact, including TUPE requirements.

Joint meetings and formal consultations have been taking place with all three trade unions (Unite, Unison and GMB) since mid-November 2015. In total, 4 meetings have been held between representatives from all three trade unions, the council and KNH officers. Issues discussed include pensions impact on employees and both organisations, the work that has been carried out by Building Services that is not repairs and maintenance of council housing. Officers have endeavoured to answer and explain the benefits and otherwise of the proposed merger to assist the trade unions to comment.

In a meeting on Friday, 29 January 2016, the trade unions advised that they would provide their comments in a letter by Wednesday, 3 February 2016. This will be circulated to Members at the Cabinet meeting.

Unite the Union - Response

Union Convenor- **Lyall Singleton**
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Building Services
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E-Mail: lyall.singleton@kirklees.gov.uk



North East, Yorkshire & Humberside

Future housing- Unites response to the possible merger of KNH & building services.

Unite the Union feels that if the merger is to be considered, the best way of continuing to provide a first class service for tenants of Kirklees Council whilst remaining sustainable with regard to value for money, then a number commitments, negotiations and questions will need to be addressed by all affected parties and or their representatives prior to its implementation.

For the merger to take place the Unite believe that although there is already a governance structure in place for KNH as an arm's length organisation, for the merger to have every opportunity to succeed it will need to have a new governance set up that is balanced equally for

all parties involved, this will allow for strength's in all areas to grow stronger and replace any weaknesses with further skills and knowledge gained from the merging of two successful services. Unite believe that this type of unification will naturally generate considerable cost savings with regard to tacit knowledge and more efficient working practices.

Due to the current climate we are in Unite acknowledge that Building Services has already carried out a review at which savings and efficiencies have already been made, with this in mind Unite recommend KNH should consider carrying out a similar review before any negotiations take place on where all staff (both Building Services and KNH) will be seated within the new structure. This Unite believe will also help to make savings going forward within the new company.

Unite feel that for ultimate parity within the Council and the new Company, the Council's local terms and conditions and pay grade (single status NJC scheme) should apply to all staff within the new Company and the Council. This will allow both Unions and management across the Council and within the new Company to have a clear and transparent understanding of what is agreed by all affected parties which will in turn reduce consultation/negotiation times and once again more cost saving efficiencies.

Unites recognition and negotiating rights need to remain across the Council and the new Company alike, this alongside the duplication of terms and conditions and pay grades will prevent any unnecessary delay in negotiations and ultimately a more cost effective and efficient way of working for both management and trade Unions.

At present Building Services receives 80% of its work generated from the HRA and 20% from PRP (presently have to tender for). Unite believes that significant savings can be made by directing all works through the new Company this would allow the DLO section of the new Company to schedule work better which would allow more work to be carried out ultimately generating more income to be reinvested back into maintaining council houses. If work commitments, deadlines and speciality skills prevent work from being carried in house then the new Company would be able to use their expertise to manage/tender outside contractors to carry out the work which would mean a more stringent control of quality of work and value for money and also more efficient working practices by streamlining the work through one channel. This better working will give long term projections of upcoming works allowing more stability within the Company and ultimately generating a higher income.

Unite expect that the Council and new Company will both commit to remaining within the WYPF with no changes to the arrangements other than what is changed across the Council as a whole this also includes that no new employees would be refused entry into the scheme at any point of the Company's existence.

Unite also expect the Council to keep ownership of its housing stock and control of the HRA. The new Company should be accountable to the Council; targets should be set throughout the length contract to ensure the new Company is achieving its core principles i.e. value for money, customer satisfaction, and efficiency savings. Should the Council determine that the new Company will cease trading then all staff will be brought back into the Council.

If the decision from the Cabinet is to merge KNH and Building Services into one new Company then all of the comments made above need to be implemented to give all parties involved a feeling of fairness, equality and equal responsibility in the progression and success of the new Company going forward.

Lyall Singleton
Convenor
Unite the Union

3g. Kirklees Council and KNH officers

- i) Over the last 12 months, staff in KNH and KBS have been informed and engaged of the overall approach, consideration of options and the process to date. Staff will continue to be involved if the decision to merge is taken.
- ii) Relevant officers have been consulted on the implications of the proposal to merge KBS and KNH. Comments and views have been incorporated in the main body of the report.
- iii) Officers in Physical Resources and Procurement (PRP) have been consulted on the implications of the proposal to merge KBS with KNH from a corporate buildings and schools asset maintenance point of view.

In summary in relation to the building contracts and building maintenance and servicing works carried out by KBS on behalf of the Council the following would be important considerations:

- Quality of work
- The sharing of knowledge and condition data held about the buildings.
- Local employment
- Works to complimentary policies and procedures e.g. health and safety
- Saves the resource and time associated with commissioning
- Provides a rapid response in emergencies
- Provides a site management role for their own in house works
- Accountability.

In terms of specifying the requirements of a future relationship the following would need to be included:

- Demonstration of value for money
- Clear commissioning and performance standards which ensure work is delivered to agreed cost, standard and time
- Agreement around the subcontracting of works
- A recognition that volumes of work may reduce as the Council's asset base reduces.
- Agreement on project management
- Agreed prioritisation of emergency works to ensure business continuity for the Council and schools
- Agreement to the sharing and maintaining of building data

Outline Implementation Plan (indicative)

Area	Output	2016										2017					
		Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar			
Legal	Letter to Secretary of State																
	Amendment of company Memorandum and Associated Articles for the new company to ensure it can undertake legally everything that is agreed.																
	Main contract documentation reviewed																
	New contract established including break / termination clauses, length and reviews																
	Asset review - will any asset's such as vehicles / IT be transferred to the new organisation																
	Heads of Terms / leases - inc length, repair & maintenance, break clauses, termination.																
Governance	Contracts between Building Services and externals reviewed / updated where appropriate																
	HRA strategic governance reviewed and confirmed – includes demarcation and monitoring and liaison arrangements																
	Delivery plan reviewed and refreshed inc HRA financial management																
	30 year business plan reviewed and refreshed																
	Performance management reviewed and refreshed including expectations of the 'other 20%' of Building Services work to partners such as Schools, KAL and PRP.																
	New organisation joint business plan (KNH / Building Services) Structures																
	New organisation governance established																
	New organisation structure established																
	Review data protection notification																
HR	TUPE prep																
	* TUPE implementation (Formal Consultation)																
	** Terms and Conditions (Measures)																
	Liaise with WY Pensions																
Finance	Performance systems reviewed and analysed																
	Fee reviewed and mechanisms confirmed																
	SLA's reviewed and refreshed where appropriate																
	Building Services charging arrangements reviewed and refreshed																
	Insurance changes as required																
	Premises – confirm costs / charging																
Communications and engagement	IT – licenses, costs and systems access																
	Political																
	* Workforce - all affected staff (inc those not transferring)																
	TU's																
Risk	Tenants and residents																
	KNH board																
	Corporate / partner / stakeholder impact																

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Name of meeting: Cabinet
Date: 9th February 2016

Title of report: West Yorkshire Transport Fund – Scheme Principles

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 – significant effect on two or more electoral wards
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 - 29.01.16
Is it signed off by the Director of Resources?	David Smith - 28.01.16
Is it signed off by the Assistant Director - Legal, Governance and Monitoring	Julie Muscroft - 29.01.16
Cabinet member portfolio	Cllr Peter McBride - Portfolio Holder for Transportation, Skills, Jobs and Regional Affairs

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

Public or private: Public

1. Purpose of report

To request Cabinet consider a number of forthcoming sensitive issues which are likely to arise from the development of the Kirklees WY Transport Fund schemes and to approve the key highway design principles set out in the recommendation

Some key issues around how we improve/develop our main transport corridors to deal with traffic congestion problems are likely to be publicly contentious and may lead to Cabinet having to make some difficult decisions. This paper sets out where the key issues may arise as well as a series of proposed principles to help mitigate concerns.

2. Background

2.1 . The West Yorkshire Plus Transport Fund (WY+TF)

In its Local Plan and Economic Strategy documents, the Council has recently set out its ambitions for Kirklees to 2031. Accommodating the transport needs of 32,000 new jobs and 29,000 new homes in Kirklees means that improvements to our main roads and transport links is a real need for the district going forward.

To address this need Kirklees, together with Leeds, Bradford, Wakefield and Calderdale councils, York and the West Yorkshire Combined Authority have created a government funded West Yorkshire Transport Fund (henceforth known as WY+TF) which will facilitate major investment in transport to create an environment where economic growth can occur. This is to be achieved through the delivery of two complementary packages of schemes: Core Projects and Gateway Schemes.

Core Projects are

Projects which are the catalysts and enablers of change, have the greatest direct short term economic impact (in terms of jobs supported per £ invested), and self-generate further funding to reinvest in more transformational projects.

Gateway Schemes are

Schemes that improve the entry to our cities and towns and will often involve significant partner investment.

In July 2014, the Government announced that the West Yorkshire Combined Authority had secured funding to establish a £1bn fund over 15 years.

Funding for the first 6 years has been promised from the Government but the following 9 years funding is dependent upon successful delivery of the WY+TF programme and corresponding economic growth during the initial 5 years.

The principal objective of the WY+TF is to stimulate economic growth by improving connectivity across the region: connectivity in terms of people to jobs, businesses to businesses and goods to markets.

Other complementary objectives are:

- Improved accessibility to employment from the 'deprived wards' greater than the West Yorkshire average
- Equitable distribution of improved accessibility geographically, with all Districts seeing an improvement greater than half the West Yorkshire average
- A nil carbon change due to implementation of the overall package of schemes.

Table 1 indicates the full list of schemes in Kirklees. The value of which is circa £150million.

2.2 Proposed Principles

The key highway design principles that Cabinet are asked to consider are:

- Balancing strategic needs against local concerns
- Creating “Gateways” for our main town and urban centres
- The acquisition/appropriation of land for highway purposes
- The future use and management of the “road-space” (see paragraph 2.6) of our key transport corridors
- The environmental and economic benefits of “greening up” (see para 2.7) our key transport corridors (Green Streets).

These are each addressed in turn below.

2.3 Strategic needs/local concerns

Nationally accepted research has shown that good transport links underpin the development of business and the creation of new jobs.

As part of the WY+TF, the West Yorkshire councils are in the process of identifying a Key Route Network (KRN) which comprise roads connecting the “Core “ and “Key” West Yorkshire centres on which the majority of the region’s road travel takes place. All of the Kirklees proposed schemes in the WY+TF are positioned along our part of the West Yorkshire KRN.

To get the best economic performance from our KRN it is important that the majority needs of the travelling public (strategic needs) are carefully considered against the individual needs of local residents/local businesses. Examples to consider are: should more time be given to main road traffic rather than to minor road traffic at traffic signal junctions at peak travel times? Should parking on our main roads/near key junctions be allowed at any time?

2.4. Creating Gateways to our Main Centres

Due to the historic urban development of Kirklees the existing gateways to our main town centres are often indistinguishable from the general urban area. They do not provide any advance notice to travellers that they are approaching our major centres nor create any sense of identity and ownership.

Visitors’ perception of the character and attractiveness of a place are greatly influenced by its main access corridors and entrances. These corridors and entrances should therefore be used to help create a cohesive identity and reflect the desired image of our district.

The majority of our existing gateways are large expanses of road surfacing, traffic signs/signals and barriers with low levels of greenery. These gateways could be

enhanced through public realm improvements, green streets treatment or private development improvements; or a combination of all three.

As part of our WY+TF schemes, we aim to introduce environmental improvements and additional greenery to some of our gateways, as well as improving traffic flows.

2.5. Land acquisition/appropriation

Implementation of scheme proposals are likely to involve widening roads, creating new link roads and undertaking junction improvements.

Wherever possible all attempts will be made to constrain such highway improvements to within the existing highway boundary, but this may not always be possible or indeed desirable. In such cases and to ensure we can deliver the long term improvements needed, third party owned land may be required to form part of the new highway.

Negotiations with landowners will be extensive but if they do not prove successful it may be necessary for the Council to acquire the land it needs by compulsory purchase powers under the provisions of Highways Act 1980, the Acquisition of Land Act 1981 or other enabling powers.

The council will endeavour to purchase any land it requires by negotiation and agreement with the land owner/leaseholder, but experience has shown that twin-tracking of negotiation and compulsory purchase order processes (CPO) are often the best way of obtaining the third party land needed. However each case where a CPO is considered necessary will be the subject of a further Cabinet report

2.6 Use and Management of Road Space

It will also be prudent to review how adjacent road-space is used and managed if we are to consolidate and maximise the network reliability, reduced journey times and the air quality benefits we gain through major scheme implementation.

Stopping to park, load/unload or to board and alight from vehicles can often cause or add to overall traffic delay, particularly where this reduces the available road space for moving traffic. Where there is a full and justifiable benefit to do so, the Council could restrict parking, or loading during peak traffic periods or, if strictly necessary, for longer periods of the day.

Where parking restrictions are to be considered, officers will consult with those frontages directly affected by the proposals to see if alternative solution/s can be found, e.g. the council may be able to provide alternative parking facilities for those residents/businesses affected by the measures.

At the same time though it needs to be recognised that such facilities may not always be affordable or practical to deliver.

2.7 Green Streets/Green Corridors

The West Yorkshire Combined Authority (WYCA), in collaboration with Yorkshire West Local Nature Partnership has adopted a policy of using Green Streets principles as a unique selling point for the city region to attract investment and help it to compete in the global marketplace.

If the principles of “best practice” green infrastructure are embedded into the core of the WY+TF schemes, WYCA will combine economic growth and a sustainable approach to communities and the environment.

“Best Practice” green infrastructure will be considered for each and every Kirklees scheme, to further support the economic growth agenda of the WYTF and the overall benefits to districts.

3 Implications for the Council

3.1 Strategic needs/local concerns

How we make best use of our main roads and transport corridors in future will be critical to keep our economy growing and for increasing employment opportunities.

Any key congestion problems identified during scheme development will be carefully investigated and all options for improvement considered. This will include balancing the needs of local businesses and residents against the overall strategic transport needs of the district.

Councillors need to be aware that if an acceptable balance cannot be found, then strategic issues may have to be prioritised in preference to local concerns and such measures as parking controls/turning restrictions may have to be applied to keep delays on our main roads to a minimum.

3.2 Creating Gateways to our town centres

The highway network is one of the Council’s major assets. Investing in this asset will bring about significant improvements for all.

Creating attractive gateways into our towns will be part of our programme of schemes and will complement the overall journey time improvements we make. This work will not cost more than traditional existing layouts in both implementation and/or maintenance costs.

3.3 Land acquisition/appropriation

The decision as to whether or not to progress a Compulsory purchase Order (CPO) is one which would need to be made by Cabinet for each scheme.

Government guidance states that a CPO should only be made where there is a compelling case in the public interest and sufficient to justify interference with the human rights of those with an interest in the land.

From experience Officers consider that twin-tracking of negotiation and compulsory purchase order processes (CPO) are the most efficient way of securing the land needed.

3.4 Use and Management of Road Space

To keep traffic moving smoothly on the WY Key Route Network, it is often necessary to use parking restrictions such as yellow lines and marked areas to distinguish between places that drivers can and cannot stop or park.

As part of our WY+TF schemes and our work with the Combined Authority we will investigate how existing road space is used. If by managing road space differently we can create more traffic capacity at low capital cost, then this will be considered. Such control measures may be for example Yellow Lines, introducing more parking restrictions/controls) or Red Routes, which restrict parking, loading or waiting at specified times.

Standard practice in major cities for Red Routes is to operate 24 hours a day, 7 days a week, 365 days a year, but consideration as to what is appropriate on our district's major roads will need to be carefully considered, together with any local implications.

Implementing parking restrictions is often controversial. Some residents/business owners may be in support but equally some are very likely to be against the implementation of any parking restriction.

An increase in proposed parking restrictions/TROs on our major roads is likely to trigger public objections from businesses and residents that Cabinet will then need to consider.

3.5 Green Streets/Green Corridors

Our schemes will not only bring about improvements in reducing journey times but also have a focus on the better appearance and integration of roads and structures with the local environment.

Such improvements will make our major transport corridors a more attractive environment, thereby underpinning our economic growth and making for a more pleasant journey experience.

3.6 Financial

The funding for our schemes will come from the WY Combined Authority as part of the overall £1B West Yorkshire + Transport Fund.

This 10 year plus infrastructure fund has been established by combining **Local Growth Fund** and **Major Highways** grant funding from central government, with low-

level top slicing of the WY Local Transport Plan allocation and a proposed contribution from the WY ITA levy.

Any schemes included in the WY+TF have to meet strict criteria around jobs growth, journey time savings and a set threshold of GVA generated/per pound invested.

The Kirklees monies are not transferable to other local schemes; an initial list of the top 60 schemes across West Yorkshire already having been reduced to a final list of 26 projects through an economic evaluation process

4. Consultees and their opinions

No consultees have been approached for their views in the preparation of this report.

Widespread consultation with local communities and landowners will underpin and inform the development of all the Kirklees WY+TF schemes.

5. Next steps

Detailed feasibility work has started on a number of our schemes.

As detailed options for implementation are developed they will be presented to Cabinet for consideration. These options will clearly highlight the application of the design principles identified above and the benefits that implementation of the schemes will bring.

6. Officer recommendations and reasons

Officers recommend that Cabinet **approve the following key highway design principles as a basis for the design and development of the Kirklees WY+TF schemes:-**

- Strategic and local needs will need to be carefully considered but where there is a strong evidenced need for measures in support of overall benefits, strategic priorities may/will take preference over local ones.
- Gateways will be created on our main roads on approaches to our main town and urban centres.
- Where schemes require third party land acquisition for highway purposes, such land will be acquired using CPO powers where agreement cannot be reached by negotiation. Each case where a CPO 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 and management of 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

The outcome of the application of these principles on all our Kirklees WY+TF schemes will be included in future individual project reports as they are developed and presented to Cabinet for consideration/approval.

7. Cabinet portfolio holder recommendation

The Cabinet Portfolio Holder, Cllr Peter McBride, supports the officer recommendation for Cabinet to approve the key highway design principles.

8. Contact officer and relevant papers

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Operations Manager WYTF
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Richard Hadfield
Head of Strategy & Design
Tel: 01484 221000
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Background papers

Report: 'An update on the Leeds City Region 'Growth Deal' - presented to Cabinet Briefing on 18th August 2014

9. Assistant Director responsible

Kim Brear
Assistant Director - Place
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Email: kim.brear@kirklees.gov.uk

Tables, Figures and Appendices

Table 1 – Transport Fund Schemes

WY+TF Project name (Kirklees Schemes)	Programme Entry	Beneficiary
M62 new junction 24a on A641 Bradford Road, Huddersfield	YES	Kirklees Calderdale
Bradford - Huddersfield A641 corridor improvements (including Brighouse bypass)	YES	Kirklees Bradford Calderdale
Halifax - Huddersfield A629 corridor and Halifax Town Centre	YES	Kirklees Calderdale
A62 Corridor Improvements (Huddersfield - Heckmondwike)	YES	Kirklees
A644 Dewsbury to Brighouse	YES	Kirklees Calderdale
A653 Leeds - Dewsbury Corridor	YES	Kirklees Leeds
Highway Network Efficiency including UTMC	YES	All
Area wide bus package	YES	All
Rail package (station parking and rolling stock)	YES	All
Rail Station Gateways	YES	All

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Name of meeting: Cabinet

Date: 9th February 2016

Title of report: Creative Partners Investment Programme 2016

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 - not applicable
Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Director</u> & name	Ruth Redfern – 28 January 2016
Is it signed off by the Director of Resources?	David Smith – 27 January 2016
Is it signed off by the Assistant Director - Legal Governance and Monitoring ?	Julie Muscroft – 1 February 2016
Cabinet member portfolio	Cllr Graham Turner – Resources and Community Safety

Electoral [wards](#) affected: all

Ward councillors consulted: None

Public or private: Public

1. Purpose of report

To approve the delivery of a one year Creative Partners Investment Programme and the framework by which arts organisations will be selected on to the scheme.

The framework options are to extend the current scheme for one final year with the existing Creative Partners or to hold an open call for a one year programme or a combination of these two options all as described at paragraph 2.13 of this report and in Appendix 1.

2. Information to take a decision

- 2.1 The Creative Partners Investment Programme (CPIP) was introduced in 2007. Kirklees based non-profit distributing arts organisations with employees are selected to be on the programme. The first programme was delivered from 1st

April 2007 to 31st March 2010 and the second programme finished on 31st March 2013. The current and third round has covered the period from 1st April 2013 until 31st March 2016. The final year of investment will run from 1st April 2016 and will finish 31st March 2017.

- 2.2 Beyond 2016/17 this budget will cease as a result of budget decisions made in February 2015.
- 2.3 The CPIP budget exists in the Communities and Leisure Services budget and so no additional funding is required
- 2.4 The aim of CPIP is to build a strong infrastructure of arts organisations able to work in partnership with Kirklees Council to provide arts and creative services, events and activities for local communities. This is a value for money method of increasing activities in the communities beyond what the Council has the capacity and expertise to do.
- 2.5 During the current programme, 12 organisations have been involved with the scheme. These are Chol Theatre; Dark Horse Theatre; Huddersfield Contemporary Music Festival; Hoot Creative Arts; Manasamitra; Proper Job Theatre Projects; Tell Tale Hearts; Watershed Arts Practice; We do; and West Yorkshire Print Workshop. Music and the Deaf and Heads Together were also part of the scheme but left due to relocation out of the Kirklees district. Kirklees Theatre Trust which operates the Lawrence Batley Theatre is also a Creative Partner but it does not apply to the programme as funding for its activities is agreed through the Council's budget process.
- 2.6 The Council investment has enabled the selected organisations to attract funding from other sources. The majority of the organisations on the programme have significantly improved organisationally and are proving to be resilient in the present challenging economic climate.
- 2.7 In 2014/15 (the last full year for which figures are available), the eleven Creative Partners attracted:
 - 160,306 audience
 - 22,988 participants
 - £11.52 income for every £1 of Council investment.
- 2.8 The Investment Programme is more than just a funding scheme. Those selected to be on the programme receive the following benefits:
 - Financial contribution to core costs
 - Access to advice and information
 - Support through a sector leadership development initiative
 - Support from a lead officer in the Creative Economy Team to improve governance and develop the organisation
 - Support to talk to relevant elected members, officers and managers
 - Networking and training opportunities

- Access to initiatives to raise the profile of the organisation with stakeholders, customers, potential investors and commissioners.
- 2.9 Organisations selected for the last programme had to demonstrate in their applications:
- excellent financial management
 - governance through a Board or Management Committee and legal company status
 - strong management through relevant policies and plans i.e. a Business Plan, Equal Opportunities Policy and Action Plan, Employment Policies and Safeguarding Policies if working with children and/or vulnerable adults
 - what impact their activities have on the economic and social well-being of Kirklees and its citizens
 - the ability to deliver high quality arts activities in Kirklees.
- 2.10 Organisations will still need to demonstrate the above for the 2016/17 programme but will also need to demonstrate how they contribute to the outcomes in the Joint Health and Well-being Strategy and the Kirklees Economic Strategy.
- 2.11 The timeline for applications is:
- Tuesday 16th February - Announcement to sector
 - Friday 4th March – Application / administration deadline
 - Thursday 24th March – Announcement on decisions
- 2.12 Appendix 2 outlines the process for the selection process. It is proposed that the Director of Communities, Transformation and Change has delegated authority, after consultation with the Cabinet Portfolio Holder for Resources and Community Safety, to approve which organisations are selected to the scheme and how much each is awarded. This is so that organisations can be notified of the Council’s decision soon after the Council’s budget has been agreed and close to the beginning of the new financial year so that they can complete their business planning.
- 2.13 The Cabinet is requested to choose which option should be selected for the 2016/17 programme. An appraisal of each option is included in appendix 1:
- Option 1 – extend the 2013 to 2016 programme by funding the existing Creative Partners
 - Option 2 – invite all relevant organisations to apply to the programme and implement a full application and assessment programme
 - Option 3 – fund the 2013 to 2016 Creative Partners at standstill and with the remaining budget (due to the withdrawal of Heads Together and Music and the Deaf) hold an open application process for new organisations to the scheme.

3. Implications for the Council

3.1 The Creative Partners work across a diverse range of agendas, priorities and communities, spaces and places. Working in partnership enables the Council to reach a wide range of people from residents to visitors; from students to those who work in the district. The Creative Partners also enable the council to raise the profile of and celebrate the district.

3.2 The Council Vision:

- **Supporting communities to do more for themselves & each other, creating trust & connections between institutions, business & citizens** – organisations work in the heart of communities, with groups and individuals to develop confidence, new skills and establish a sense of community and collaboration
- **Doing what only the Council can do** – the investment goes straight to those organisations that have the skills and expertise, as well as track record in making a difference and best affect sustainability of the outcomes. They also maximise the leverage of the investment by those organisations in the communities they work.
- **Keeping vulnerable people safe & enabling them to stay in control of their lives** – some Creative Partners work directly with vulnerable people (and their carers) to gain new skills and confidence to enable them to stay in control of their lives.

3.3 Council & district outcomes:

- **Enhanced health & well-being** – through a diverse range of activity run by a range of Creative Partners, health & well-being is promoted whether tackling isolation in older people, projects for people with mental health problems, to participating in a shared inter-generational activity. The offer is broad and far reaching.
- **Communities & individuals doing more for themselves** – Creative Partners run a wide range of programmes, initiatives and training which support communities and individuals to gain new skills to do things for themselves such as run their own club or deliver activity within their area.
- **Improved economic resilience** - by supporting key arts businesses in Kirklees to be resilient, expand their markets and provide employment and training opportunities. The Creative Partners will also support the revitalisation of Huddersfield and Dewsbury, as well as contribute to the smaller economic hubs across the district.
- **Quality Places** – some Creative Partners contribute to the development of quality places and spaces, from supporting activity within places and spaces to running nationally and internationally significant programmes. Such activity raises the profile of Kirklees and its urban centres attracting further investment, visitors (secondary spend) and building the reputation of the district as a culturally vibrant place.

4. Consultees and their opinions

Members of the Creative Partners Plus network, which includes arts organisations on the scheme plus others who may also apply to the next round, were consulted about the scheme throughout 2015, through a number of scheduled Creative Partner Plus meetings and surveys to gain feedback and comments on a way forward, to assess what impact the scheme has and what improvements can be made.

As part of the review process, other ideas for investment were explored and researched (see below).

Through the consultation process, those organisations in current receipt of funding stated a preference for the extension of the current funding agreement and organisations not in receipt of funding welcomed the open call. However, all organisations were unanimously not in favour of the first three ideas.

The five ideas explored were:

- 1 – the establishment of an endowment scheme
- 2 – the establishment of a commissioning programme
- 3 – the establishment of an innovation and resilience fund
- 4 – extension of the 2013 – 2016 programme with the present Creative Partner organisations
- 5 – continuation of the 2013 – 2016 programme but the application scheme will be open to all non-profit distributing arts organisations based in Kirklees.

5. Next steps

Once a decision is made on the future direction of the Creative Partners Investment Programme, the Creative Economy Team will implement the scheme. Any funding scheme will be launched, assessed and decisions made by the Director of Communities, Transformation and Change by 24th March 2016 in order to support the business planning of the creative organisations.

6. Officer recommendations and reasons

Following the research into how best to invest the final £169k Creative Partner budget which included an extensive consultation process, the Creative Economy Team recommends that Option 2 at 2.11 is supported i.e. that the final year is an open call to creative organisations in the district, based on best use of funds and making the scheme open and equitable to all.

The Creative Economy team is in continuous dialogue with organisations who currently receive Creative Partner Investment and those who do not. This means we are able to support organisations to prepare for the potential

change in funding and ensure we can maximise the outcomes for the community.

We will also link to work around VCS support and sustainability within organisations and communities.

An analysis of the three options is available in Appendix 1.

It is proposed that the Director of Communities, Transformation and Change has 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.

7. Cabinet portfolio holder's recommendations

Councillor Turner, the Cabinet Portfolio Holder for Resources and Community Safety recommends that Cabinet choose option 2: an open call for delivery of the Creative Partner Investment Programme. This is to ensure the process is fair, open and transparent and provides the opportunity for new organisations to apply to be on the one year scheme.

8. Contact officer and relevant papers

Kath Davies, Creative Communities Operational Manager
EXT 71216 kath.davies@kirklees.gov.uk

Appendix 1 – Options Analysis

Appendix 2 - Criteria for Creative Partners Investment Programme

Appendix 3 - Current Creative Partners fact file

9. Assistant Director responsible

Kimiyo Rickett, Assistant Director Communities and Leisure

OPTIONS APPRAISAL OF THE THREE OPTIONS

Option 1 – extend the 2013 to 2016 programme by funding the existing Creative Partners

Pros	Cons
Relationships are maintained with the existing Creative Partners and reduces risks for any reputational or public backlash	This does not give opportunity to other creative organisations to access funding which may cause reputational risk / public backlash
Supports the ongoing work to move these organisations towards being self-sufficient as plans and new income streams are being developed.	Although an extension, all existing organisations will be fully assessed through the annual review process to determine level of award and some changes are likely, therefore is not simply a continuation of a further year.
The existing organisations have developed strategies and are recognised as the cultural infrastructure of Kirklees.	Loss of a further year of core funding may jeopardise existing plans and moves towards self-sustainability.
Is a streamlined way of managing the investment programme.	

Option 2 – invite all relevant organisations to apply to the programme and implement a full application and assessment programme

Pros	Cons
The scheme is open and fair to all creative organisations in the district and new organisations can apply.	The majority of creative organisations eligible to apply are already on the scheme.
Should some existing Creative Partners have funds removed or reduced, they could feel “singled out”. An open call allows for a transparent process for all to apply.	Turn-around time for the scheme is tight to meet a 31 st March deadline, therefore the timeframe may have to be extended, impacting those existing Creative Partners who would not know if they have funding until the end of April.
Creating a streamlined and simple application process with good communication to all existing Creative Partners.	Increased administration for the sector in completing the application form.

Option 3 – fund the 2013 to 2016 Creative Partners at standstill and with the remaining budget (due to the withdrawal of Heads Together and Music and the Deaf) hold an open application process for new organisations to the scheme.

Pros	Cons
Could be seen as best of both worlds – remaining funds of the Creative Partner fund to be used in an open call, whilst maintaining relationships with existing partners for one final year.	Funds available to new organisations are limited.
	More complicated as existing partners still need to be assessed and new organisations need to apply.
	Administrative complications through assessing existing Creative Partners to ascertain what levels of funding is allocated and how much would be available to award through a follow up application process.

1 YEAR CREATIVE PARTNERS INVESTMENT PROGRAMME
April 2016 – March 2017

INFORMATION FOR APPLICANTS

INTRODUCTION

Please read these notes before completing the application form as it will help you to decide whether your organisation qualifies for this programme. The closing date for applications is Friday 4th March.

If you have communication needs that make it difficult for you to complete and/or send your application or you have any queries, please contact the Creative Economy Team on **01484 221000** and one of the team will try to help you.

WHAT IS THE CREATIVE PARTNERS INVESTMENT PROGRAMME?

The Creative Partners Investment Programme is for established:

- Kirklees based non-profit distributing creative organisations that provide part time or full time employment and have the capacity to provide freelance paid opportunities
- Those selected must actively contribute to the vision, ambitions and aims of the **Kirklees Economic Strategy (KES)** and the **Joint Health and Wellbeing (JHAW) Strategy**. For example:
 - **Enhanced health & well-being** – deliver activity where health & well-being is promoted e.g. tackling isolation in older people, projects for people with mental health problems, shared inter-generational activity.
 - **Communities & individuals doing more for themselves** – deliver initiatives and training which supports communities and individuals to gain new skills to do things for themselves such as run their own club or deliver activity within their area.
 - **Improved economic resilience** - supporting employment, enterprise skills and professional development opportunities for young people and creative businesses and voluntary groups in Kirklees.
 - **Quality Places** –contribute to the development of quality places and spaces: from supporting creative activity to running nationally and internationally recognised programmes that raise the profile of Kirklees and its urban and rural centres to increase its ability to attract investment and visitor footfall (secondary spend) or to build the reputation of the district.
- The programme is not just a funding programme. The investment in each selected organisation includes:
 - **Financial** contribution to core costs
 - **Opportunities** to be part of sector leadership development
 - **Access** to advice and information
 - **Support** to talk to relevant elected members, officers and managers

- **Networking** opportunities

Creative Partners will be selected for one financial year (April 2016 to March 2017). This is the final round of the Creative Partner Investment Programme. There is no budget for the programme from 1st April 2017.

AIM OF THE PROGRAMME

The aim of the programme is to ensure there is a strong infrastructure of arts organisations able to work in partnership with Kirklees Council to provide excellent arts and creative services, events and activities for local communities. The selected organisations must therefore be well managed and financially resilient.

WHO CAN APPLY TO BE A CREATIVE PARTNER?

You must be a creative organisation:

- based in Kirklees
- which is non-profit distributing
- with a demonstrable strong track record of providing all year round creative activities, events and/or services to communities and/or creative practitioners in Kirklees
- which can explain clearly how your activity contributes to either or both the Joint Health & Well-being Strategy and Kirklees Economic Strategy
- operative for at least 2 years
- showing a need for Council investment - organisations with projected reserves of more than six months operating costs (at the time of application) are less likely to be selected
- which is currently registered with Kirklees Council's Grants Access Point and has scored 5 out of 5.

An organisation which supports or opposes a political party or religious activities cannot apply.

It is recognised that some of the Creative Partners work regionally, nationally or internationally. **Kirklees Council is only interested in your activities or services delivered in Kirklees and/or which have an evidenced impact on the district and its communities.**

In order to apply, your organisation must be registered with Kirklees Council's Grants Access Point and have scored 5 out of 5. This means that you must have:

- a formal legal status
- good governance with a Board or Management Committee evidenced through Memorandum and Articles or other constitution document
- good financial management evidenced through the latest audited report or independently verified accounts
- a bank account requiring at least two signatories
- good management processes evidenced through Safeguarding policies (if working with children, young people and/or vulnerable adults) and Equality and Diversity Policy and actions
- appropriate insurances and licences in place.

For further information see [Grants Access Point](#) or contact 01484 414824 for details about how to apply.

HOW DO I APPLY?

Please complete the application form for the Creative Partners Investment Programme. You also need to send with it:

- your current working business plan (we expect this to cover a three year period)
- your projected budget for 2016/17.

Please send electronic versions to: arts.creativity@kirklees.gov.uk

The closing date is Friday 4th March. There will be no negotiation to extend the deadline.

HOW MUCH CAN I APPLY FOR?

There is no minimum amount. The average amount of previous investment has been £10,000. The amount awarded will be dependent on how much is available in the Creative Partners Investment budget and an assessment of your organisation's financial need based on the projected budget and predicted cash reserve by 31st March 2017.

WHAT HAPPENS NEXT?

Your application will be assessed by the Creative Economy Team.

The Team will recommend levels of support for each applicant which will be approved by the Council's Director of Communities, Transformation and Change.

You will be notified of the decision by Thursday March 24th.

If selected to be a Creative Partner, you will be allocated a point of contact from the Creative Economy Team, who will negotiate with you a funding agreement which will include targets for 2016/17. They will be your point of contact throughout the year to offer advice and support and to monitor your organisation's activities.

Once you have signed the funding agreement, 75% of the financial investment will be released. The other 25% will not be released until December 2016/January 2017 and only if your contact officer is satisfied that you are making progress against the agreed targets.

Creative Partners cannot apply to the Council's Arts in the Neighbourhood grant scheme but presently they can apply to other funding programmes managed by Kirklees Council.

WHAT WILL BE THE CONDITIONS FOR INVESTMENT?

The conditions for investment will include delivering the targets agreed in the funding agreement and:

- Crediting Kirklees Council, including use of the Kirklees Council logo, on all promotional material including websites

- Inviting your contact officer to all board meetings and to a cross-section of work so that they can monitor company performance
- Sending all board papers to your contact officer
- Sending Kirklees Council's Creative Economy Team a copy of your audited or independently verified accounts when approved by the board
- Negotiating with the contact officer if you want to change any part of the funding agreement
- Completing and returning any requests for information from Kirklees Council, including monitoring forms, within agreed timescales
- Monitoring audience and participant numbers
- Agreeing to comply when Kirklees Council has to disclose information about the Creative Partners Investment Programme if a request for information is submitted under the Freedom of Information Act 2000
- Ensuring that your application aligns with and contributes to the Council's Kirklees Economic Strategy and/or Joint Health and Wellbeing Strategy.

AND FINALLY...

If you are still unsure whether this is the appropriate funding programme for your organisation, please contact the Creative Economy Team on 01484 221000 to discuss.

FACT FILE ABOUT 2013-16 CREATIVE PARTNERS



Chol Theatre is a small professional arts and theatre company based in the Lawrence Batley Theatre. The company:

- is a member of Arts Council England's national portfolio of companies
- employs 3 full time staff and up to 10 freelance practitioners
- predicts that it will have raised almost £3 million between 1998 and 2018
- has an artistic programme driven by a desire to involve people in making art that responds to identity and locality
- creates contemporary work that explores people's responses to where they live, to cultural works and creates opportunities people may not have previously encountered. In particular they look at hidden stories, empowering ordinary people through the experience of making theatre, connecting people from different areas and different backgrounds to each other.

Chol's programme includes:

- Participatory theatre productions
- Education programmes
- Arts events and projects
- Workshops
- Commissions and partnerships
- Supporting new artists and companies

Chol's current projects include:

- HD100 a community show about Huddersfield
- Worlds Apart, a programme of work in Kirklees & Bradford connecting communities to the upcoming Bronte bicentenary
- A programme taught in 5 universities to trainee teachers and applied theatre practitioners funded by £175K from the Paul Hamlyn Foundation between 2012 - 17
- 'Imaginary Communities,' an innovative cultural education programme using theatre & drama to engage pupils who struggle in school and in life. This is funded by the Paul Hamlyn Foundation and has helped over 1000 young people across Yorkshire.



The Dark Horse ensemble in Snakebite (2015)



Dark Horse is a theatre company established in 1998, a registered charity and limited company, resident at the Lawrence Batley Theatre in Huddersfield, West Yorkshire.

- Dark Horse was originally a Mencap project and is the only company in the UK which trains actors with learning disabilities following the drama school model to become actors, to produce theatre and to change how the world perceives and responds to learning disability through greater awareness and visibility
- In 2014/15 Dark Horse provided 16 working opportunities and 72 training, rehearsal and performance days for up to 11 Dark Horse actors each time. 10 opportunities for acting tutors and 16 opportunities for creative teams/skills specialists/ writers/directors
- In 2014/15 £13.25 was generated for every £1 of Kirklees Council investment
- Dark Horse also produces theatre shows of integrated work where one or more actors with a learning disability work alongside non learning disabled actors
- World premieres of new writing by an established playwright have opened to sell out audiences at their home venue in Huddersfield before touring nationally to highly regarded middle scale touring venues such as Stephen Joseph Theatre and The Lowry (as well as many others).
- Over the course of any given year they also deliver one off projects which fit with their goals and work in the community with hundreds of people with

and without learning disabilities in a variety of contexts - via workshops, one off performances, talks and bespoke training.

hcmf// is the largest festival in the UK dedicated to contemporary music and is widely recognised as one of the most important worldwide aiming to provide life-changing and unique artistic experiences to as wide an audience as possible

hcmf//
huddersfield
contemporary
music festival

In partnership with
The University of Huddersfield

The festival:

- manages a year-round Learning & Participation Programme which develops relationships with a wide variety of local communities and seeks to break down barriers and perceptions surrounding new music. It has engaged with over 15,000 people over 3 years
- generates over £1.2 million of economic impact for the local economy annually - a return of £28 per £1 invested in hcmf// by Kirklees Council
- is a founder member of NICA - a dynamic European network of co-producers and co-commissioners - placing Huddersfield at the forefront of international activity
- receives press and media coverage with an average AVE (advertising value equivalence) of in excess of £300,000 annually and features extensively on national radio through its Broadcast Partner BBC Radio 3



Hoot Creative Arts is a vibrant, innovative arts & health charitable company. Leading specialists in the field, they offer programmes of quality creative activities including for:

- Adults with mental health needs, with evidenced benefits for recovery, resilience and wellbeing
- People with dementia and their carer, helping people stay as well as possible for as long as possible

- Adults purchasing services through Personal Budgets
- Prevention and early intervention, including singing for over 55's and music making for disengaged young people
- Emerging creatives, training and experience developing practice and business skills

In 2014/15:

- Hoot offered regular engagement to nearly 700 adults diagnosed with mental health needs or whose mental health was at risk.
- 90% of participants in the adult mental health programme reported improvements to their mental health and wellbeing
- In return on investment case studies, Hoot input generated savings of up to £2.76 for every £1 invested

Manasamitra is a Dewsbury-based arts organisation delivering a range of South Asian arts and cultural experiences in traditional and innovative ways. The company's work is stimulated by ideas, forms and aesthetics from India located within a contemporary British context.

It is proactive in collaboration, drawing together diverse disciplines, skills, talents and cultures to create new content. This includes original touring productions like *Shivoham* (see right) and *Rudra*, special one-off commissioned performances and stimulating work in schools and the wider community.

manasamitra
introducing south asian arts to generations



Manasamitra has worked collaboratively with a wide range of partners including York Minster, Harewood House, Fountains Abbey, Yorkshire Sculpture Park, Tatton Park, Huddersfield Contemporary Music Festival, Leeds Art Gallery, Howard Assembly Rooms, Northern Ballet, University of Leeds and Manchester Art Gallery.

It has frequently performed in a range of South Asian Melas (festivals): London, Huddersfield, Wakefield, Bradford, Leicester and Edinburgh; and broader festivals like A World Together Festival, Dewsbury Outdoor Festival, Manchester Storytelling Festival and the North Wales Storytelling Festival. It has had a regular presence at Batley and Ilkley Literature Festivals over the past few years.

Manasamitra is interested in engaging with audiences in new and various ways. Currently it is working on the multi-faceted *Lullaby* project. To date this has included community development, an original interactive installation and a touring production *Lullaby – the Singing Bowl*. They are working on development and research with a range of international partnerships. These include:

- Ultima Festival, Oslo
- Helsinki Metropolia University of Applied Sciences
- The Iceland Symphony Orchestra
- The Museum of World Culture in Gothenburg,

Emerging plans include The Bee Project, beginning with community engagement, ending with a touring family-friendly show.

Artistic Director Supriya Nagarajan was awarded the Entrepreneur of Excellent Award for Race, Religion and Faith; National Diversity Awards 2013



Proper Job is a Huddersfield based theatre company that produces outstanding outreach programmes and award winning theatre.

- In the last five years, Proper Job has generated £1.65 million for the local creative economy
- It has worked with over 750 individuals from difficult to reach backgrounds in the poorer communities of Kirklees, with 90% of learners progressing onto further education, training and employment
- The LAB Project has been awarded a grant through Reaching Communities of £350k to support the company's work with Kirklees' disadvantaged communities. Alongside the LAB, Proper Job works with 16-24 year old NEETs through the Talent Match programme helping 100 young people over two years into work and education.

Tell Tale Hearts

An international touring children's theatre company based at the Lawrence Batley Theatre.



Its aims are:

- To transform the ordinary into the extraordinary
- To promote the value of play to parents and carers

And it does this by:

- Putting children at the heart of what they do
- Sharing stories, with or without language
- Creating environments which stimulate imagination, inspire exploration and encourage play
- Performing in both theatre and non-theatre spaces.

In 2015-2016, Tell Tale Hearts will have:

- Employed 1 x part time company manager and 17 x freelancers, both local and national artists

- Provided specialist training for 30 local primary school teachers, early year's practitioners and artists
- Reached over 3,000 school children in Kirklees
- Reached 3,650 families in Kirklees

National & international profile:

- In the current financial year, TTH has brought £110,000 of Arts Council England investment to Kirklees
- Worked with international partners in USA, India, Egypt and Spain, representing the UK at major festivals.

Watershed Arts Practice

Supports three experienced and innovative participatory companies:

- Impossible Arts
- Satellite Arts
- Shabang Theatre Adventures.



The Partnership brings performing, visual and digital arts into the heart of communities with particular focus on people with additional needs and social issues, last year attracting:

- 4,158 participants
- 39,630 audiences.

It is also leading the development and programming of The Watershed in Slaithwaite, currently:

- Running 13 regular arts activity programmes throughout the year
- Providing activity facilities to 8 community organisations
- Managing a £70K building upgrade in progress.

Between them, the partners have won the following awards:

- Shabang: National Diversity Awards 2014 in the category Community Organisation Award for Disability and TalkTalk Educational Digital Hero 2015 award
- Slaithwaite Moonraking Festival, co-ordinated by Satellite Arts: Examiner Syngenta Community Event Award 2015

We do is a small company which is big on ideas and aims to create positive social change. It knows that new ideas and different kinds of thinking can make a difference and that the

We do.

artistic, intellectual and emotional capabilities of artists and creative thinkers can benefit society at large. It is committed to socially engaged arts practice and equitable access that also contributes to how people and places flourish. Its areas of expertise are arts in health and care, place making, arts in the built environment, audience development, community engagement and reaching those considered difficult to reach. It spots gaps and responds imaginatively and intelligently in the design of new services that are often unique and groundbreaking.



Current work

- Culture Club – audience development, social connectedness, promotion of wellbeing, community development and civic participation marketed as a ‘lifestyle choice’ for the over 55’s www.culture-club.org.uk
- Bear Hunting and other ways to walk – is a festival of arts, nature, health and heritage to get people out walking on the 700 miles of Kirklees footpaths, in partnership with Kirklees Council (trampling vegetation/maintaining footpaths and improving health) - www.bearhuntingkirklees.com
- at hoMe – an arts programme for the older generation living in care homes. One of four awarded nationally by Arts Council England and Baring Foundation - www.athomewiththearts.co.uk
- live@theLux – changing ideas about primary care through a cultural programme in partnership with a GP practice in Leeds, including a live arts and music venue as part of the practice www.facebook.com/cafeluxpudsey

The bigger picture.

Through the Director the organisation holds current Chairship of the National Alliance for Arts, Health and Wellbeing (NAHHW) and represents the Yorkshire and Humber region - www.artshealthandwellbeing.org.uk Through NAAHW, the Director is involved in the All Party Parliamentary Group and the establishment of the Inquiry into Arts, Health and Wellbeing which will further build on the work of the APPG and develop policy recommendations - www.artshealthandwellbeing.org.uk/APPG She also sits on the steering group for the International Culture, Health and Wellbeing Conference (2013 and forthcoming in 2017) - www.culturehealthwellbeing.org.uk

The difference We Do make:

- Employs 5 members of staff and contracts 2 freelance project managers, 1 evaluator, 1 designer and commissions and programmes a range of artists every year, contributing to local ecology and economy
- Have a Memorandum of Association with Huddersfield University, provide volunteer and placement opportunities for students and this year provided a new graduate post

WYPW

WEST YORKSHIRE PRINT WORKSHOP



West Yorkshire Print Workshop supports and promotes artistic talent and learning with an emphasis through the art of making prints, using high quality traditional and contemporary techniques.

Key facts:

- 11 artists' studios
- 100 artist/members who reside not only in the Kirklees area but come into the area from further afield.
- Sale of artwork by nationally and internationally renowned artists
- Provides employment to over 50 people albeit on part time and freelance basis via courses, education activities and exhibitions.
- Leverage to the economy – bringing in £78k+ which in turn creates employment for freelance artists, including spend within Mirfield town centre.



Name of meeting: Cabinet
Date: 9th February 2016

Title of report: Place Directorate - Trade Waste Fees and Charges

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 Councils Forward Plan?	No
Is it eligible for “call in” by Scrutiny?	Yes
Date signed off by Director & name	Jacqui Gedman - 21.01.16
Is it signed off by the Director of Resources?	David Smith - 27.01.16
Is it signed off by the Assistant Director - Legal & Governance?	Julie Muscroft - 28.01.16
Cabinet Member Portfolio	Cllr S Hall - Place (Planning, Highways & Open Spaces)

Electoral Wards affected: All
Ward councillors consulted: All
Public or private: Public

1. Purpose of report

To seek Member approval to the review of fees and charges for Trade Waste

2. Key points

- 2.1 Fees and charges must be reviewed at least once per annum. Directors have authority to amend fees and charges to achieve budget targets and in line with the annual budget strategy, and are permitted to freeze or raise charges by an amount up to the equivalent to the index of retail prices. Changes to charges may also reflect reasonable rounding to relevant prices which might in some cases mean that certain prices rise by more than the index of retail prices or the budget strategy

- 2.2 Directors may make amendments to existing Fees and Charges during the financial year to account for changes in legislation, market conditions or to support the local communities or local business following the completion of an appropriate business case, in consultation with the relevant Portfolio Holder and Director of Resources.
- 2.3 Any proposal to implement new fees or charges must be approved by Cabinet (unless the making and quantum of the charge is a statutory obligation). See also Contract Procedure Rules.
- 2.4 These changes are where the service needs to mitigate increasing costs associated and have been compared across the private and public sector providers.

3. Implications for the Council

There may be a reduction in income to the Council for some of these Activities if businesses seek alternative service providers.

It is a statutory duty under s 45 EPA 1990 to provide or arrange for commercial waste collection from business in the council area if requested by the occupier. s45 (4) provides that a person who requests the waste collection shall be liable to a reasonable charge for collection and disposal of waste and the council must recover the charge unless in the case of commercial waste, the council considers it inappropriate to do so.

4. Consultees and their opinions

The Place Directorate Management Team have been consulted and have agreed the proposed changes. All Businesses will be notified of the proposed changes in charges and increases in fees.

5. Next steps

That the attached schedule of new fees and charges be approved.

6. Officer recommendations and reasons

The fees and charges have been compared across the private and public sector providers and it was found that the service was operating below current market levels and attempting to contain additional service costs.

The fees and charges for 2016/17 are approved with the effective date being the 1st of April 2016.

7. Cabinet portfolio holder recommendation

Councillor Steve Hall supports the officer's recommendations to the changes in fees and revised charges and for the report to proceed to Cabinet.

8. Contact officer and relevant papers

Aidan Hopson - Principal Technical Officer Area Working & Safety:
Tel: 01484 221000
Email: aidan.hopson@kirklees.gov.uk

9. Assistant Director responsible

Joanne Bartholomew - Assistant Director - Place
Tel: 01484 221000
Email: joanne.bartholomew@kirklees.gov.uk

Description of Charge	2014-15 Charges	2015/16 Charges	VAT inc	2015/16 Increase	2015/16 Increase
	£	£	(Y/N/N A)	£	%
Increases Over And Above Inflation					
Waste Services From April 2016					
<u>Pre Paid Trade Liner & Labels</u>					
Per blue liner/ label (Mix hereditaments – 2 free black liners per week, any thing above this must be contained in blue prepaid liners)	2.30	2.40		0.10	4%
Clinical Waste Liners / Containers (per liner/label)	8.00	8.40		0.40	5%
<u>Chamberlain Containers (950L)</u>					
Domestic Premises – Weekly Rental	1.00	1.00		0.00	0%
Domestic Premises – Collection Charge	Free	Free			
Commercial Premises - inclusive of rental (Mixed Hereditaments - 2 free collections per quarter)	10.20	10.60		0.40	4%

<u>Wheeled Bins</u>					
120 Litres Collection Charge	3.60	3.80		0.20	6%
240 Litres Collection Charge	4.65	4.90		0.25	5%
360 Litres Collection Charge	6.90	7.30		0.40	6%
660 Litres Collection Charge	9.00	9.50		0.50	6%
1,100 Litres Collection Charge	10.90	11.50		0.60	6%
Mixed hereditaments – 2 free collections per qtr					
<u>Special Collections</u>					
Driver, man and vehicle per hour	112.00	116.00		4.00	4%
Each additional man per hour	50.00	52.00		2.00	4%
<u>Street Cleansing – Mill Yards, Private Roads - New Business</u>					
Schedule work (Existing Business) Per Hour	53.00	55.00		2.00	4%
Schedule work (New Business) Per Hour	74.00	76.00		2.00	3%
Casual work per Hour - Minimum Charge 2 hours	74.00	76.00		2.00	3%
<u>Sales</u>					
Wheeled Bins Sales 240 litres	30.00	30.00		0.00	0%
Commercial and Charities 360 litres	65.00	65.00		0.00	0%
Commercial and Charities 660 litres	200.00	200.00		0.00	0%
Commercial and Charities 1,100 Litres	250.00	250.00		0.00	0%

Trade Waste Services - From 1 April 2016 -					
<u>Pre Paid Trade Liner & Labels</u>					
Per blue liner/ label (Mix hereditaments – 2 free black liners per week, any thing above this must be contained in blue prepaid liners)	2.30	2.40		0.10	4%
Clinical Waste Liners / Containers (per liner/label)	8.00	8.40		0.40	5%
<u>Chamberlain Containers (950L)</u>					
Domestic Premises – Weekly Rental	1.00	1.00		0.00	0%

Domestic Premises – Collection Charge	Free	Free			
Commercial Premises - inclusive of rental (Mixed Hereditaments - 2 free collections per quarter)	10.20	10.60		0.40	4%
Skips & Bulk Containers – long term use					
7 cu yd weekly rental	2.50	2.50		0.00	0%
8 cu yd weekly rental	3.00	3.00		0.00	0%
12 cu yd weekly rental	3.50	3.50		0.00	0%
14 cu yd weekly rental	4.00	4.00		0.00	0%
16 cu yd weekly rental	4.00	4.00		0.00	0%
Compactor Weekly Rental	4.00	4.00		0.00	0%
Short Term weekly rental	4.00	4.00		0.00	0%
Meiller Work					
7 cu yd collection charge	239.00	243.00		4.00	2%
8 cu yd collection charge	242.00	246.00		4.00	2%
12 cu yd collection charge	257.00	261.00		4.00	2%
14 cu yd collection charge	263.00	267.00		4.00	2%
16 cu yd collection charge	269.00	273.00		4.00	1%
Compactor collection charge	281.00	285.00		4.00	1%
Short Term collection charge	278.00	285.00		7.00	3%
Mini-bite work					
8 cu yd Collection Charge	134.00	137.00		3.00	2%
12 cu yd Collection Charge	147.00	150.00		3.00	2%
14 cu yd Collection Charge	155.00	158.00		3.00	2%
Existing Recycling Clients(new clients at appropriate REL rate above)	75.00	77.00		2.00	3%
Wheeled Bins					
120 Litres Collection Charge	3.60	3.80		0.20	6%
240 Litres Collection Charge	4.65	4.90		0.25	5%
360 Litres Collection Charge	6.90	7.30		0.40	6%
660 Litres Collection Charge	9.00	9.50		0.50	6%
1,100 Litres Collection Charge	10.90	11.50		0.60	6%
Mixed hereditaments – 2 free collections per qtr					

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Name of meeting: Cabinet
Date: 9 February 2016

Title of report: Dewsbury Market Hall Repairs

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?	NO
Date signed off by Director & name Is it signed off by the Director of Resources? Is it signed off by the Assistant Director - Legal Governance and Monitoring?	Jacqui Gedman - 29.01.16 David Smith - 28.01.16 Julie Muscroft - 29.01.16
Cabinet member portfolio	Planning, Highways and Open Spaces - Cllr Steve Hall

Electoral wards affected: All

Ward councillors consulted: No

Public or Private: Public

1. Purpose of report

The report seeks approval for spend from the Market Capital budget within Regeneration base line budget, for the current 2015/16 Financial year, to replace external wooden facia and aluminium angle strips around Dewsbury market. Also to repaint high level exterior of the building.

The total cost of the work is estimated to be £97,098k.

2. Key Points

This work is required to prevent further deterioration of the building and eliminate potential health and safety issues. Details of the work required are set out within Appendix A of the report.

In order to aid the implementation of Markets Capital spend/programme, Members are also asked to delegate authority in accordance with the Council's Financial procedure rules, dated April 2015, to the Director of Economy, Skills and the Environment, to manage the implementation within the respective agreed total Markets Capital Budget 2015/16.

Delegated powers would include the authority to:

- Transfer resources between projects within the Asset Strategy and Investment in Buildings funding streams/programmes within existing FPR restrictions.
- Add new urgent projects to the programmes without prior Cabinet approval, providing that the total cost of the programmes remain within the approved capital allocations set by Council, for the rest of the year 2015/16.
- Slip or delete projects during the course of the financial year to enable the effective management of the programmes concerned.

3. **Implications for the Council**

If this work is not carried out, there will be a continued dilapidation in the condition of the premises which will result in further expense.

There are potential implications to the council with regards to health and safety of users of the building, public, tenants and staff, if the work is not undertaken.

The cost of the work, required to bring all areas back to a well maintained and safe standard, is in the region of £97,098k.

The capital investment of £97,098k is to be funded from prudential borrowing. The average revenue cost of financing this level of borrowing, is currently 6.7% per annum, which equates to a revenue repayment of £6,500 per annum. The works have been scheduled to have no impact on the opening of the Market Hall.

4. **Consultees and their opinions**

Matthew Lynch, Asset Maintenance Officer - Building Surveyor, Physical Resources & Procurement, see appended report.

Capital Delivery Board has been consulted and endorses the allocation of capital to this project, at the meeting of 18 January 2016.

5. **Next steps**

Should Cabinet endorse the Capital spend from the Market Capital budget within Regeneration base line budget of £97,098k, the works will be commissioned through, Physical Resources & Procurement.

6. Officer recommendations and reasons

Members are requested to:

1. Approve the Capital spend from the Market Capital budget within Regeneration base line budget, to complete the required refurbishment works required at Dewsbury Market.
2. Delegate authority in accordance with the Council's Financial procedure rules dated April 2015, to the Director of Economy, Skills and the Environment, to manage the implementation within the respective agreed total Markets Capital Budget as set out in Section 2 - Key Points.

7. Portfolio holder recommendation

Cllr Steve Hall has been consulted, endorses the report and would ask that Cabinet agree to the officer recommendations as stated above in Section 6.

8. Contact officers and relevant papers

Chris Cotton
Markets Manager
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chris.cotton@kirklees.gov.uk

Matthew Lynch
Senior Asset Maintenance Condition Officer
Place, Physical Resources and Procurement
(01484) 221000
matthew.lynch@kirklees.gov.uk

9. Assistant Director responsible

Paul Kemp - Assistant Director - Place
(01484) 221000
paul.kemp@kirklees.gov.uk

Condition Report Summary Provided by Matthew Lynch, Building Surveyor

Following a high level inspection of the timber and gutters, it is evident that the existing gutters are in good condition and are not as first thought, leaking on the joints. What is happening, is that the groove between the two sections of the gutter is allowing rainwater to track down the outer face and is being channelled to the timber below, which has led to the large white timber plywood panels below becoming extensively rotten. It is recommended that the large white panels are over-clad with a non-timber (compact laminate panel) in white to match the existing. The reason for over-cladding, is so that re-decoration internally is not required, which would disrupt trading of the stalls below and significantly increase the cost of the scaffolding.

There are other glazing bars and beads that are starting to rot and will need replacing as part of the re-decoration works, unfortunately the ariel platform used for the survey could not access two sides of the market hall as a road closure would have been required, as such, the repairs required have been pro rata the two sides which could be accessed.

Unfortunately, due to the height of the roof/gutters etc, a full independent scaffold will be required, to provide a working platform to carry out the repairs and full re-decoration of the structure. This will involve removal of some of the glazed panels where the covered section meets the open section of the market, in order to scaffold through. The erection of the scaffold has been costed when the market is not in operation, however this will take longer to erect and dismantle and has increased the cost slightly.

The above budget estimate for re-decoration and timber repairs would be £97,089k.



Name of meeting: Cabinet
Date: 9th February 2016

Title of report: Parks & Greenspace Refurbishment Programme 2016/17

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	Jacqui Gedman - 29.01.16
Is it signed off by the Director of Resources?	David Smith - 27.01.16
Is it signed off by the Assistant Director - Legal, Governance & Monitoring?	Julie Muscroft - 27.01.16
Cabinet member portfolio	Cllr S Hall - (Planning, Highways & Open Spaces)

Electoral [wards](#) affected: ALL
Ward councillors consulted:

Public or private: PUBLIC

1. Purpose of report

Cabinet is requested to approve the Streetscene - Parks Capital Plan and Section 106 expenditure programme for 2016/17.

2. Key points

2.1. Background

Streetscene - Parks have been allocated £150,000 of capital funding for the year 2016/17, as part of its current Capital Plan. This allocation has been broken down into a programme of work which can be seen at the end of this report. Parks have allocated the funding to projects which will refurbish and upgrade existing facilities based on priority need. Without this investment, facilities would have to be removed with a loss to local communities.

Additionally, Parks and Greenspace are allocated Section 106 monies for public open space improvements in specified parks/recreation grounds and/or geographical areas when new housing developments are approved and the physical works completed. The funding is required to be expended in accordance with any details specified within the section 106 agreement and this report will also provide the details of the current released funding for two sites and the proposed off-site schemes.

2.2. Proposed sites

The attached table outlines the proposed programme of work and the budgets allocated to them. Some individual sites are not named because the priority list changes due to circumstances on the ground; whether schemes/plans are dropped, funding bids are successful, further S106 monies becomes available or other needs occur unexpectedly. Final choice of site and timescale will be agreed by the Head of Environment & Greenspace with input from relevant managers, officers and Ward Members. All schemes within the programmes of works will be below the value of £50,000 which the Head of Environment & Greenspace has the delegated power to authorise once the overall programme has been agreed by Cabinet.

3. Implications for the Council

The allocation of schemes takes into account current provision and priority need. The proposals help to refurbish current facilities that would otherwise be decommissioned due to age and state of repair.

The on-site revenue implications would be minimal as refurbished sites require less maintenance plus existing budgets are already in place for these sites.

The capital investment of £150,000 is to be funded from prudential borrowing. The average revenue cost of financing this level of borrowing is 11.3% per annum, which equates to £16,950 per annum.

The allocated projects will help fulfil both of Kirklees main priorities.

4. Consultees and their opinions

Capital Delivery Board

Cabinet Member, Cllr Steve Hall, Portfolio Holder for Planning, Highways & Open Spaces

Ward Councillors and relevant community groups will be consulted once outline designs have been commissioned.

5. Next steps

Projects will be carried out during the 2016/17 financial year in line with Kirklees Council procurement procedures.

6. Officer recommendations and reasons

That Cabinet members approve the expenditure of the £150,000 capital funding in order to upgrade and improve provision and £101,500 Section 106 monies as outlined in the work programme and gives the Head of

Environment & Greenspace delegated powers to authorise works, once the overall programme has been agreed by Cabinet.

7. Cabinet portfolio holder recommendation

The Portfolio holder, Cllr Steve Hall, approves the programme and notes the continued commitment to improvement in young people's play provision.

8. Contact officer and relevant papers

Rob Dalby - Parks and Greenspace Manager

Tel: 01484 221000

Email: rob.dalby@kirklees.gov.uk

9. Assistant director responsible

Joanne Bartholomew

Assistant Director - Place

Tel: 01484 221000

Email: joanne.bartholomew@kirklees.gov.uk

Streetscene - Parks Capital Plan Allocation 2016/17

Total allocation £150,000

Programme	Allocation	Schemes
Play Area Improvements	90K	Rationalisation and improvement of Dale Lane play area Refurbishment of Bradley Park play area Refurbishment of Newsome Park Gardens play area *
Park and Recreation Grounds Refurbishment Programme	44K	Refurbishment works to primary and secondary parks on a priority basis
Sports Facilities Improvement	16K	Refurbishment works to Crow Nest Park outdoor gym Drainage works to one sports pitch Up-grading of: surfacing/fencing/floodlights/line markings

***in 2007 a full list of all play areas, prioritised by a combination of age, condition, compliance and usage was compiled and presented to Members and agreed as a basis for establishing future priorities. This has been updated as works have been carried out.**

Section 106 Contributions

Development	Allocation	Scheme
Taylor Wimpy. Weatherhills Road/Lindley Moor Road. Agreement dated 12.12.2013. For improvements to public open space within the vicinity.	£72,000	Ainley Top Recreation Ground Fernlea Recreation Ground

<p>Peter John Rider and Keith Jones Developers. Caster Street, development at The Drive, Carlinghow Lane, Batley. Agreement dated 24/11/2014. For improvements to public open space within the vicinity.</p>	£29,500	Wilton Park improvements
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Name of meeting **Cabinet**
Date **9 February 2016**

Title of report **Transport Services - 1 year Capital Investment
Vehicle Replacement Programme 2016 - 2017**

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 overall cost for the programme is £2.577m
Is it in the Council's Forward Plan?	Yes
Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Director & name	Jacqui Gedman - 29.01.16
Is it signed off by the Director of Resources?	David Smith - 28.01.16
Is it signed off by the Assistant Director - Legal Governance and Monitoring	Julie Muscroft - 29.01.16
Cabinet member portfolio	Councillor S Hall - Planning, Highways and Open Spaces

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public with private Appendix 2

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.

1. Purpose of report

- 1.1 To ask Cabinet to approve a one year Capital Investment Vehicle Replacement Programme, (VRP). This is to continue the previous replacement programme which was agreed by Cabinet July 29th 2014 and expires (31st March 2016).
- 1.2 Members will be requested to delegate authority to manage the implementation of the Capital Investment Vehicle Replacement Programme within the agreed budget (in accordance with the Council's Financial Procedure Rules 3.10 to 3.12 dated April 2015)

2. Key points

- 2.1 The Transport Services - Capital Investment Vehicle Replacement Programme is an investment in the Council's fleet of the future - a fleet that is efficient, effective and provides Value for Money (VFM) for the people of Kirklees.
- 2.2 The Council Transport Services is a total fleet management operation providing procurement, maintenance, utilisation, intelligence and vehicle disposal facility for all services within the council.
- 2.3 Depreciation, fuel and maintenance are commonly the largest expenses incurred in running fleet vehicles. Depreciation is the single largest measureable expense and can be easily tracked over the lifecycle of a vehicle. Vehicle maintenance costs start out low in the earlier years and increase over time as the vehicle ages. Timely fleet replacement is an essential part of risk management for the council. An aged fleet will increase maintenance costs and vehicle downtime.

The Useful Economic Life (UEL) of a vehicle is the point at which depreciation and maintenance cost per mile meet one another and provides an indication of the theoretically most economical point at which to dispose of a vehicle.

Older vehicles are also more at risk of breakdowns resulting in increased downtime and an adverse effect on service delivery plus substantial hire charges being incurred.

- 2.4 Pending the outcome of the Council's Comprehensive spending review and the development of new procurement frameworks there has been a reduced level of investment prior to July 2014 in the fleet replacement programme. There are currently 394 vehicles that are over their replacement age profile which equates to 52% of the vehicle fleet. Following approval of the vehicle replacement plan in July 2014 Transport Services have procured and replaced 199 vehicles, (**Appendix 1**) which has helped to reduce the number of over age vehicles by 27% this now leaves 185 vehicles that are over their replacement age profile, this equates to 24.4% of the Council's operational vehicles and plant which have now exceeded their original Useful Economic Life (UEL). Income of £279k has been generated from the sale of vehicles.

The 2016/17 baseline capital of £2.577m will fund the replacement of approximately 56 vehicles (out of 185 that have exceeded their UEL). The

reason for the relatively small number is due to the replacement of several high value assets. **(Appendix 2)**.

Financial Delegations

- 2.5 In order to aid the implementation of the Vehicle Replacement Programme Members are requested to delegate authority, in accordance with the Council's Financial Procedure Rules 3.10 to 3.12 dated April 2015, to the Director of Economy, Skills and the Environment to manage the procurement and implementation of the programme within the respective agreed total programme budgets.
- 2.6 Delegated powers would include the authority to:
- add new vehicles to the programmes without prior Cabinet approval providing that the total cost of the programmes remain within the approved capital allocations set by Council
 - slip or delete the procurement of vehicles during the course of the financial year to enable the effective management of the programme.

All variations, additions and deletions would be reported retrospectively to Cabinet in accordance with Financial Procedure Rule 3.14 to 3.16.

3. Implications for the Council

The Council is operating with an ageing fleet of vehicles due to reductions in funding of the Capital Investment Vehicle Replacement Programme. There are peak times in terms of disposals and replacements required and the Council has tried to ensure that all vehicles do not reach the end of their operational use within the same year.

In order to minimise the risks of operating with an ageing fleet Kirklees has adopted a more flexible approach. The Council has been rolling out a phased approach to vehicle replacement over a number of years. This was introduced to ensure that there is an even distribution across the range of vehicle models of the number of vehicles being replaced each year. This safeguards against risk and reduces the level of financial and corporate risk as outlined in the Council's current risk register. This approach ensures a balanced fleet across a number of years to maintain operational delivery and demonstrates value for money performance measures.

There are environmental benefits of newer, cleaner vehicles - the West Yorkshire Low Emission Strategy recognises the role Local Authorities fleet composition has in helping to improve local air quality. Our older vehicles are often the most polluting. Purchasing newer, cleaner more up to date vehicles with the latest Euro Category engines will reduce emissions and improve our local air quality.

The Combined Authority is introducing a fleet recognition scheme called Eco Stars. This scheme is designed to improve emissions from fleets across all sectors by rating how good a particular fleet operator is in terms of its impact on Local Air Quality. Procuring newer, more up to date cleaner vehicles will ensure that Kirklees Council scores highly in this recognition scheme.

3.1 Legal Implications:

Although the Driver and Vehicle Standards Agency recognises that operators of heavy goods or passenger carrying vehicles will not get everything right all the time, an ageing fleet makes it increasingly difficult to comply with the required standards and regulations; this will potentially increase the level of corporate risk of non-compliance and associated cost.

Failure to meet with all the necessary requirements of legislation governing fleet operations could lead to the suspension of the Council's Operators Licence (O Licence), resulting in the Council being unable to deliver services.

3.2 Financial Implications:

Older vehicles (aged 6–10 years) can cost up to three times as much to maintain than newer vehicles (aged 1–5 years). They are also more at risk of breakdowns, resulting in increased downtime and an adverse effect on service delivery.

A reduction in maintenance costs, vehicle hire costs and a reduction in downtime will be achieved with the introduction of new vehicles, giving a more reliable fleet and providing improved levels of service to users.

The capital investment of £2.577m is to be funded from prudential borrowing. The average revenue cost of financing this level of borrowing is 12.7% per annum, which equates to £287k per annum over the life of the programme.

This effectively means that over the life of the programme capital investment will cost a total of £2,868k, made up of the £2,577k principal and £291k interest cost. The figures are only indicative and we are actually using a 10 year borrowing rate for the 9 year vehicles because we do not have a 9 year borrowing rate available.

3.3 Human Resources Implications:

None.

3.4 IT Implications:

The use of on-board technology combined with use of vehicle tracking devices, vehicle weighing systems and other in-cab systems will require IT support from within and external to the council.

3.5 Strategy and Partnership Implications:

Transport Services will continue to work with Service Managers to understand their current and future needs, by using more controlled methods of fleet replacement and adopting a strategic approach to vehicle replacement for critical service delivery.

The role of Transport Services is to provide a mixture of support and challenge. The market and operational use will be continually reviewed to understand the options available to us and as a result we will be able to identify vehicles and services which offer far better value for money.

Examples of these vehicles and services available are listed below:

- Electric;
- Hybrid (part electric, part conventional);
- Car share schemes;
- Alpha City (Pay as you go car hire scheme);
- Dual purpose vehicles.

4. Consultees and their opinions

- David Smith, Director of Resources and the Capital Delivery Board have been consulted and are in agreement with the contents of this report.
- Capital Delivery Board has been consulted on the proposals and supports the officer recommendations - (18 January 2016).

5. Next steps

Transport Services will continue to manage the Vehicle Replacement Programme and deliver the vehicles necessary to meet service need.

6. Officer recommendations and reasons

It is recommended that:-

- 6.1** Members are requested to approve the continued investment of £2.577m in the vehicle replacement programme, for financial year 2016/17 as identified in the capital plan subject to approval by Council on 17th February 2016.
- 6.2** Members are requested to approve the officer delegations outlined at paras 2.6 and 2.7 above to manage the implementation of the vehicle replacement programme within the agreed budget and in accordance with the Council's Financial Procedure Rules 3.10 to 3.12 dated April 2015 to the Director of Economy, Skills and the Environment.

Delegated powers would include the authority to ensure that unforeseen issues can be dealt with by exception to respond to timely and urgent fleet replacements. **See Appendix 1.**

7. Cabinet portfolio holder recommendation

The portfolio holder, Cllr Steve Hall, agrees with the officer proposals and recommendations and would ask Cabinet to do the same.

8. Contact officer and relevant papers

Mick Farmer - Integrated Transport Manager
mick.farmer@kirklees.gov.uk
(01484) 221000

9. Assistant Director responsible

Joanne Bartholomew - Assistant Director - Place
joanne.bartholomew@kirklees.gov.uk
(01484) 221000

Transport Services – 1 year Capital Investment Vehicle Replacement Programme 2016– 2017.

Appendix 1

The tables below detail the number of vehicles by type and capital cost that have been replaced form 2014-2016

Replacement Summary 2014 - 2016		
Vehicle type	FY 2014/15	Total
3.5T welfare unit	2	£48,667.00
2.5T dog van	2	£33,512.00
4x4 pick up	9	£156,130.00
Wheelchair minibus	6	£314,823.72
16T white lining	1	£116,458.00
12T tipper gritter	3	£290,910.00
7.5T tipper gritter	4	£387,740.00
Loading shovel	2	£159,440.00
Excavator	2	£79,352.00
18T Unibody gritter	4	£401,069.33
18TGritter with crane	2	£262,962.46
18T 4x4 gritter	3	£323,337.00
3.5T Tipper	4	£75,980.00
18T street lighting	1	£133,431.00
Small panel vans	24	£241,700.56
Medium panel vans	32	£427,541.77
Large panel vans	13	£200,216.12
Ride on mower	1	£15,500.00
7.5T tipper	1	£80,000.00
Totals	116	£3,748,770.96

Vehicle type	FY 2015/16	Total
3.5T Tipper	11	£209,000.00
Small panel vans	13	£115,202.76
Medium panel vans	2	£13,522.00
Large panel vans	4	£46,501.00
18T Unibody gritter	2	£100,267.33
18TGritter with crane	1	£131,481.23
Tower vehicle	1	£79,000.00
Wheelchair minibus	4	£101,595.86
7.5T refuse	1	£79,000.00
Luton Van	5	£20,000.00
Flatbed pickup	3	£48,000.69
4x4 pickup	8	£156,000.00
Trailers	14	£63,000.00
Ride on mowers	9	£216,000.00
26T refuse	3	£468,002.79
18T refuse	2	£300,000.00
Totals	83	£2,146,573.66



Name of meeting: Cabinet
Date: 9th February 2016

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

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	Jacqui Gedman - 27.01.16
Is it signed off by the Director of Resources?	David Smith - 01.02.16
Is it signed off by the Assistant Director - Legal, Governance & Monitoring?	Julie Muscroft - 01.02.16
Cabinet member portfolio	Councillor Graham Turner - Resources and Community Safety

Electoral [wards](#) affected: N/A
 Ward councillors consulted: N/A
 Public or private: Public Report - Private Appendices

Public Report with Private Appendices

The Appendices to this report are recommended to be taken in Private because the information contained in them 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 Appendices contain commercially sensitive financial information about a third party. The Appendices are recommended for consideration in private because they contain 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.

1. Purpose of report

To consider a proposal to provide a secured loan facility to a scheme, to develop a business class hotel at the John Smith's Stadium (JSS) Huddersfield.

2. Key points

- 2.1** The HD One development is a major scheme with a capital value of around £100m, to develop the land around the JSS, to create a leisure destination of regional significance, of which the central attraction will be an outdoor snow sports facility utilising Kilner Bank. The work to progress the prelets and the commercial structure to implement the existing valid Planning Permission for the scheme continues and Kirklees Stadium Development Ltd (KSDL) remain confident that the scheme will "go live" during 2016.
- 2.2** A hotel offer forms part of the existing Planning Permission. The potential to create a business class hotel which would serve both the Stadium site and Huddersfield town centre was seen as significant part of the overall scheme. Although the area in the vicinity of the Stadium and Huddersfield town centre is served by budget hotels, there is a lack of a 3/4 star hotel offer at present. This is seen as a reasonably significant disadvantage to the Stadium in terms of hosting major sporting events and the conferencing offer at the Stadium, as some potential customers require overnight accommodation. Huddersfield University also experiences problems in identifying suitable hotel accommodation in close proximity to the University campus, to support conferencing and visiting academics. The availability of a business class hotel serving Huddersfield town centre, would also support local businesses and the potential to attract leisure visitors to the town.
- 2.3** KSDL have engaged the services of a specialist hotel developer and development consultant, Hotel Land Development Ltd (HLD), to engage with the market re the hotel proposal. HLD have identified a strong immediate demand to take forward the hotel opportunity. The hotel site as part of the totality of the HD One development, was on the periphery of the development site to the south of the site, adjacent to the St Andrews Rd bridge entrance to the Stadium. Therefore the hotel development could be brought forward early, without compromising the subsequent larger development area, although the development of a hotel as a discrete scheme in advance of the main works, does mean a new Planning Permission would be required for the hotel development.
- 2.4** KSDL are proposing to create a Joint Venture Special Purpose Vehicle (SPV) with HLD to carry out the development on the back of a Management Agreement, with an international hotel group to manage the facility post completion. The SPV would take a sublease of the hotel site for which a ground rent would be payable to KSDL. The plan would be for the SPV to carry out the development and on completion, dispose of the asset to an

institutional investor. Another institutional investor would provide development finance for the construction phase of the project. The finance model would be underpinned by a guaranteed trading surplus from the operator.

- 2.5** A total development cost for the scheme to provide a hotel of 149 rooms of circa £12.5m has been calculated. In addition there would be a requirement for a working capital facility of circa £250k for the development period and capitalised interest of £250k would be incurred, giving a gross development cost of £13m.
- 2.6** The Board of KSDL has requested, the Council to give consideration to providing a senior debt facility to the development to a maximum of £9m over a 25 year term. The balance of the development funding would be provided by an institutional investor as set out in 2.4. A floating interest rate linked to market interest rates is proposed.
- 2.7** To allow a view to be formed, officers have been provided with information derived by KSDL from appropriate consultants and the proposed hotel operator and cashflow forecasts for the term of the loan. An external valuation of the hotel asset, post completion has also been provided which demonstrates that the SPV would be in a position to service the loan facilities proposed and if the cashflow forecasts are realised, provide a significant dividend payment to KSDL, which will contribute to the overall financial position of the company.
- 2.8** The advantages to both the Stadium site and Huddersfield town centre of a business class hotel offer, are summarised at 2.2 above. In addition an early commitment to a major element of the overall HD One development, can only increase investor confidence in the overall scheme. The proposal to provide the senior debt facility to the hotel development, would allow the Council to demonstrate its commitment to both the hotel development and the wider scheme at no overall cost to the Council, given that the costs of servicing the loan would be met by the SPV. A small surplus over the costs of funds would be generated by the Council, which would contribute to reducing the overall cost of the Treasury management budget.
- 2.9** Clearly the risk to the Council of providing the loan facility, is that the projected cashflow forecasts are not realised. The cashflow provided, demonstrates that significant buffers are available in terms of the projected income flows to the scheme promoters, before the SPVs ability to service the senior debt facility would be compromised. In addition the involvement of an institutional investor, both during the development phase and ongoing, gives a degree of comfort that appropriate commercial disciplines will be applied to the promoters to provide a viable scheme. An external valuation report on the hotel as an asset, post completion has been provided which demonstrates that even if the wider HD One development did not proceed, there would be sufficient security value in the asset to cover the full value of the senior debt facility. The Council as senior debt provider would have primacy in terms of security over the SPVs assets. The private appendices to this report, provide

further detail on the proposition received from KSDL and the financial projections for the hotel scheme.

- 2.10** On balance, given the advantages that the hotel scheme would bring to both the Huddersfield area, the Stadium and the investment potential of the wider HD One development, officers suggest that Cabinet give authority to enter into detailed negotiations with KSDL and HLD as to the potential terms for a loan facility of up to £9m secured by a first charge over all the assets of the SPV. As part of this process appropriate due diligence will be carried out on the Business Case and supporting financial projections supplied by KSDL/HLD relating to the hotel proposal. Any loan would be subject to the completion of a suitable Loan Agreement. The agreement of the detailed terms of the Loan Agreement terms to be delegated to the Director of Resources and the Assistant Director Legal, Governance & Monitoring.

3. Implications

Financial

Provision is made in the approved Capital Plan for investment of up to £9m in commercial opportunities at the JSS site. The terms of the Loan Agreement will be such, that the costs of the Council borrowing and an appropriate margin will be met by the SPV.

Legal

The Council has the powers to provide a loan facility to the SPV, using the General Power of Competence, under Section 1 of the Localism Act 2011.

4. Officer recommendations and reasons

It is recommended that Cabinet:

- a) Agree to authorise officers (Assistant Director Place supported by Finance and Legal colleagues as appropriate) 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.
- b) Delegate authority to the Director of Resources to agree the terms of the Loan Agreement and the Assistant Director (Legal, Governance & Monitoring), to enter into any documentation required to secure this. The agreement of the loan to be subject to appropriate due diligence on the Business Case and financial projections provided by KSDL/HLD in respect of the hotel proposal.

5. Portfolio Holders Recommendation

The Portfolio Holder, Cllr Graham Turner, is in agreement for the report to proceed to Cabinet and is in full support of the officer recommendations.

6. Contact Officer

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8. Private Appendices

Appendix 1 - KSDL/HLD Business Proposition
Appendix 2 - Financial Projections Construction Phase
Appendix 3 - Financial Projections Operating Phase
Appendix 4 - Financial Projections Assumptions

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