

Public Document Pack



**Assistant Director, Governance and
Monitoring**

Julie Muscroft

Governance and Democratic Services

Civic Centre 3

High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Direct Line: 01484 221000

Fax: 01484 221707

Please ask for: Andrea Woodside

Email: andrea.woodside@kirklees.gov.uk

Thursday 28 April 2016

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Monday 9 May 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:-

Please note - Membership of this Committee may change following the results of the Election on the 5th May 2016.

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 - 20

To approve the Minutes of the meeting of the Committee held on 8 March, 24 March and 5 April 2016

3: Interests

21 - 22

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

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: Proposed lease of land and buildings at Trident Business Park, Neptune Way, Leeds Road, Huddersfield HD2 1UA

23 - 26

A report seeking the approval to grant a lease of land and buildings at Trident Business Park to Sellers Global Engineers Limited.

Officer: Matthew Garbutt 01484 221000

Wards

Affected: Ashbrow

9: 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.

10. Proposed lease of land and buildings at Trident Business Park, Neptune Way, Leeds Road, Huddersfield HD2 1UA

27 - 28

Private Appendix relating to the report above.

Officer: Matthew Garbutt 01484 221000

Wards

Affected: Ashbrow

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 8th March 2016

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

Apologies: Councillor David Sheard (Chair)
Councillor Jean Calvert

227 Membership of the Committee

Apologies for absence were received on behalf of Councillors Calvert and Sheard.

228 Minutes of previous meetings held on 17 December 2015, 12 January 2016 and 2 February 2016

RESOLVED - That the Minutes of the meetings held on 17 December 2015, 12 January 2016 and 2 February 2016 be approved as a correct record.

229 Interests

No interests were declared.

230 Admission of the Public

It was noted that Agenda Items 25, 26 and 27 would be considered in private session (Minute No.'s 252, 253 and 254 refers).

231 Deputations/Petitions

Cabinet received a deputation from Dr G Morley in relation to the proposed sports provision at Spenborough pool, and the proposals for the development of a sports hall at the Whitcliffe Mount site.

232 Public Question Time

No questions were asked.

233 Member Question Time

(i) Councillor Bolt asked a question in relation to road congestion and asked for an update on proposals to improve traffic flows in the area, specifically regarding the A62.

(ii) Councillor Bolt asked a question from in relation to traffic incidents on the B6118 and asked for an update on the action that was being taken.

(iii) Councillor Bolt asked a question in relation to the Flood Risk Management Strategy and sought clarification as to when the Strategy would be updated, making reference to climate change and flooding issues in the Mirfield area.

(iv) Cabinet received a question from Councillor J Taylor in relation to the use of Council resources by Ward Councillors.

234 Regional Devolution Update

RESOLVED - That an update on Regional Devolution be submitted to the meeting of Council on 23 March 2016.

235 Inclusion and Diversity in Kirklees - Work on a new policy statement for 2016/17

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

Cabinet received a report which set out details of the work undertaken to draft a new Policy Statement on 'Inclusion and Diversity for Kirklees 2016/2017', prior to its submission to Council on 23 March 2016.

Cabinet noted the work of the Task and Finish Group, which had been established to review and update the Policy Statement on Inclusion and Diversity. A copy of the revised Policy Statement, along with a diagram illustrating the key components of the new statement, were appended to the considered report.

Cabinet noted the content of the revised statement and endorsed its submission to the meeting of Council on 23 March with a recommendation of approval.

RESOLVED - That the report be noted and submitted to the meeting of Council on 23 March 2016 with a recommendation that the Inclusion and Diversity Policy Statement be adopted.

236 Tackling Poverty Strategy Refresh

Cabinet received a report which set out details of the Tackling Poverty Strategy Refresh prior to its submission to Council. The document set out details of the New Council approach to providing practical help for those suffering from the effects of poverty within the community.

The report advised that, since the previous strategy had been developed, there had been a shift in the nature of poverty and changes in the pattern of poverty. In addition, the policy environment in which the strategy operates had also changed

and so the Refresh Strategy aimed to focus on building self-reliance and helping people to avoid crisis situations.

Cabinet endorsed the content of the document, which was appended to the report, and agreed that it be submitted to Council with a recommendation of approval.

RESOLVED - That the Tackling Poverty in Kirklees strategy and Action Plan 2016-2018 be noted and submitted to the meeting of Council on 23 March 2016 with a recommendation that the strategy be adopted.

237 Charging Locala for the use of Council Resources

Cabinet gave consideration to a report which sought approval to charge Locala Community Partnerships CIC for providing accommodation and the use of the Council's IT system.

The report advised that, if Cabinet supported the arrangement as outlined within the considered report, the Council would enter into the appropriate legal documentation with a view to commencing providing the service from April 2016. It was proposed that a data processing agreement between Locala as the data controller and the Council, as the data processor, would be agreed with Locala and Legal Services, on behalf of the Council.

RESOLVED -

(1) That the proposals as detailed in the report be endorsed.

(2) That authority be delegated to the Director of Commissioning, Public Health and Adult Social Care, and the Assistant Director (Legal, Governance and Monitoring) to (i) enter into negotiations with Locala to finalise the proposed data processing agreement; and (ii) keep the agreement under review and to negotiate and agree any subsequent variations to the terms of the agreement with Locala as and when is necessary.

(3) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to (i) execute the final form of the data processing agreement on behalf of the Council, as agreed by the Director for Commissioning, Public Health and Adult Social Care and the Assistant Director (Legal, Governance and Monitoring); and (ii) to enter into any future variations to the terms of the agreement on behalf of the Council, as agreed by the Director for Commissioning, Public Health and Adult Social Care and the Assistant Director (Legal, Governance and Monitoring).

238 Potential implications of the Government's Housing and Planning Bill on the preparation of the Council's Local Plan and Neighbourhood Planning

Cabinet received a report which set out the implications that the Housing and Planning Bill and other associated consultations being carried out by the Department of Communities and Local Government may have upon the Local Plan.

The report set out a summary of issues of direct relevance in regard to Local Plans and Planning Policy Matters. An appendix to the report set out each of the main provisions of the Housing and Planning Bill, together with the relevant elements of the consultations that had been undertaken, and a summary of issues and risks.

RESOLVED - That the detail of the potential implications of the Government's Housing and Planning Bill on the preparation of the Council's Local Plan and Neighbourhood Planning be noted.

239 Kirkburton Parish Council Neighbourhood Area Application for Kirkheaton
(Under the provisions of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Bolt)

Cabinet received a report which set out the comments received in response to the 6 week publicity period on Kirkburton Parish Council's application for a Neighbourhood Planning Area. The report also set out details of the publicity process and the implications of approving the application, which was attached at Appendix 1 of the report.

The report advised that, subject to approval, the Council would advertise the decision and meet with Kirkburton Parish Council (or its Steering Group) to form a working partnership and determine the level of officer support to be provided through a service level agreement in accordance with Neighbourhood Planning Guidance Note 4.

Cabinet noted that 'Kirkheaton Futures' would be responsible for carrying out consultation and engagement on their proposals within the Neighbourhood Plan area, and developing their Neighbourhood Plan.

RESOLVED - That the Kirkburton Parish Council Neighbourhood Area Application, as attached at Appendix 1 of the report, be approved.

240 Implications arising from the Education Funding Agency proposals for the Mount Pleasant Primary School site

Cabinet received a report which provided an update on the current position regarding the proposed new build school for Mount Pleasant Primary, and the associated decant of the school into temporary accommodation. The report sought approval in regard to revised proposals that had been received from the Education Funding Agency, and explained the implications that would arise from them, as detailed in paragraph 2B of the report.

Cabinet noted that a further report would be submitted during the autumn which would outline the final revenue impact of the revised proposals following the financial close between the EFA and Kier Construction in July 2016. The remaining provision within the reserves for the original decant proposals would then be reviewed as part of the Council's 2017/2018 budget preparation.

RESOLVED -

(1) That approval be given to the discontinuation of the off-site decant of Mount Pleasant Primary to the Yews Hill Road site.

(2) That authority be delegated to the Director of Economy , Skills and the Environment authority to negotiate and agree with the Education Funding

Agency/Kier as to a revised delivery programme for Mount Pleasant Primary that involves an on-site decant.

(3) That the past and potential future calls on the previously allocated revenue budget for this project, as outlined in paragraphs 2.23 to 2.26, be noted.

(4) That approval be given to a capital budget of up to 425k to be funded from Section 106 contributions/Schools' Basic Need grant to enable officers to negotiate and agree essential capital improvements to the current EFA project.

(5) That authority be delegated to the Director of Economy, Skills and Environment, and the Director for Children and Young People, to negotiate and agree with the EFA and the school the required revenue and capital contributions arising from recommendations (2), (3) and (4) above.

(6) That the Director of Resources be authorised to issue a Section 151 letter in relation to any funds payable to the EFA as a result of the recommendations as set out above.

(7) That it be noted that a further report will be submitted to Cabinet during autumn 2016 outlining the final revenue impact of the revised proposal on the Council.

241 Waste and Street Cleansing Policy Review

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

Cabinet received a report which requested that approval be given to the implementation of operational and policy changes related to waste management as detailed in the report.

The report explained that the proposals would allow the Council to meet Medium Term Financial Plan Service Budget Targets, as well as creating a Policy Framework that would allow some measure of control on waste arisings to mitigate budget pressure both now and in the future. The total of the savings would be in excess of £1m per annum.

RESOLVED - That approval be given to support the operational changes as set out at Policies W7b, W10, W11, W15, W16, W19 and W21 as detailed within the report.

242 Future provision of Seasonal Plants

(Under the provisions of Council Procedure Rule 36(1) Cabinet received representations from Councillors J Taylor and A Pinnock)

Cabinet received a report which provided an update on the market testing and best value exercise that had been undertaken on the supply of seasonal plants to parks and green space requirements. The report also sought approval to outsource the supply of seasonal bedding and hanging baskets in the future.

Cabinet noted that a procurement process had been carried out in respect of the provision of (a) hanging baskets and (b) annual bedding plants and identified a

potential annual saving of £169,000. The report advised that, if the activity was outsourced there would be a saving to the Council of the cost of supply, and that the existing provision nursery would be closed as plants would be supplied directly to depots.

RESOLVED -

(1) That the proposal to outsource the supply of seasonal bedding and hanging baskets be approved and implemented with effect from August 2016.

(2) That Officers be requested to identify other supply methods for office planters if Council services consider them suitable to provide future provision.

(3) That Officers be requested to ensure that any available over capacity/supply is available for public sale.

243 Corporate Performance Report - Quarter 3 2015/16

Cabinet received the Quarter 3 Corporate Performance report for 2015/2016, which provided an overview of the Council's performance at the end of Quarter 3. It was noted that this was supported by reports on progress against outcomes in the Joint Health and Wellbeing Strategy and Kirklees Economic Strategy. Key points arising were highlighted in paragraph 2 of the report.

RESOLVED - That the 2015/2016, Quarter 3, Corporate Performance report be received and noted.

244 Corporate Plan 2016-17

Cabinet received the Corporate Plan 2016/2017, prior to its submission to Council. Cabinet noted that the plan formed part of the Council's Budget and Policy Framework and, alongside the Corporate Budget, established a structure that linked the Council's vision and the Council's activities and Performance Management Framework.

Cabinet noted that the Corporate Plan reflected upon the progress that had been made in the last year, including examples of where changes had been made and what was expected to be achieved in the next year.

RESOLVED -

(1) That the report be endorsed and submitted to the meeting of Council on 23 March 2016 which a recommendation of approval.

(2) That Council be recommended to delegate authority to the Chief Executive to make minor changes to the Corporate Plan 2016/2017 for publication purposes.

245 Highways Capital Plan 2016/17

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

Cabinet received a report which set out the detailed Highways Capital Plan for 2016/2017, and associated business cases.

It was noted that, on 17 February 2016, Council had considered the draft 5 year Capital Investment Plan which had included an allocation of £13.683m for Highways Services in 2016/2017. Appendix 1 to the report set out individual scheme detail to the approved base line programme. The business cases for each programme area was set out at Appendix 2.

The report advised that Council Capital Investment in the 2016/2017 Highways Capital Plan amounted to £4.898m, funded through prudential borrowing. The average revenue cost of financing this level of borrowing is 6.7% per annum, equating to £328,000 per annum. In addition to the Highways Capital Plan, a number of major transport improvement schemes were being developed for implementation in future years as part of the £1 billion West Yorkshire Plus Transport Fund.

RESOLVED -

(1) That approval be given to the detailed Capital Plan in the sum of £13.683m, as detailed in Appendix 1 of the report.

(2) That authority be delegated, in accordance with Council Financial Procedure Rules 3.12 and 3.13, to the Director of Place to manage the Highways Capital Plan.

(3) That authority be delegated in accordance with Council Financial Procedure Rules 3.14 to 3.16, to the Director of Place to exercise virement within the Highways Capital Plan.

246 Capital Investment Plan 2015/16 - 2019/20, Quarter 3 Capital Monitoring 2015/16

Cabinet received a report which set out the Quarter 3 Capital Monitoring report for 2015/2016. It advised that, at the end of Quarter 3, actual expenditure was to £48.7m which represented 42.4% of budget. The projected year end expenditure stood at £83.4m, against a current budget allocation of £114.9m. This variance of minus £31.5m represented 27.4% of the total budget and related to slippage rather than anticipated underspend.

Appendix 1 to the report set out details of total budget, actual spend to date, total projected spending and any subsequent variances. Appendix 2 set out an explanation of major variances from the Capital Plan.

RESOLVED - That the Quarter 3 (2015-2016) Capital Monitoring report, and Prudential Indicator information, as detailed in the report, be received and noted.

247 Corporate Revenue Financial Monitoring Report, Quarter 3, 2015-16

Cabinet received the third in a quarterly cycle of consolidated revenue budget monitoring statements. The report and accompanying appendices, represented an overall forecast revenue outturn for 2015-2016 at Quarter 3, including detail on emerging developments and risks.

The report also set out a summary update on Council reserves at Appendix A.

RESOLVED - That the Quarter 3 (2015-2016) Corporate Revenue Monitoring report, be received and noted.

248 Pioneer House and land at Bradford Road, Dewsbury

(Under the provisions of Council Procedure Rule 37, Cabinet received a representation from Mr Oxley)

Cabinet gave consideration to a report which sought approval for support to Kirklees College in creating a new education facility in Dewsbury incorporating Council owned properties at Pioneer House and land at Bradford Road, Dewsbury.

The report advised that the project would rationalise the College's existing campus with a reduction of floor space by 52%. The relocation would enable the College's existing site to be redeveloped for residential use and the new facility would enhance education provision in North Kirklees. The relocation would enable a consolidation of 1,600 day time students at the Bradford Road site, and a further 1,000 at Pioneer House. The target opening date of the Dewsbury Learning Village would be September 2017.

(Cabinet gave consideration to exempt information at Agenda Item 25 (Minute No. 252 refers) prior to the determination of this item).

RESOLVED -

(1) That the Council's commitment to work with Kirklees College to bring Pioneer House back into use as a new education facility be endorsed.

(2) That it be agreed that, while the Dewsbury Learning Village is being progressed, it will not take forward any of the offers received for the disposal of the land at Bradford Road.

(3) That further reports setting out the detailed terms of any disposal of Pioneer House and the land at Bradford Road be submitted to a future Cabinet meeting for consideration before a final decision is taken on its future use.

249 Dewsbury Townscape Heritage Initiative (THI) - Grant Applications: Northgate House, 38 Northgate/47 Foundry Street & 13-17 Corporation Street

Cabinet gave consideration to a report which sought approval for the use of 3 Dewsbury Townscape Heritage Initiative Grants towards improving properties at Northgate House, 38 Northgate/27 Foundry Street and 13-17 Corporation Street. It was noted that all properties were part of the Heritage Lottery Funding/Council funded Townscape Heritage Initiative programme, which covered part of Dewsbury Town Centre.

The report advised that the project would comprise of external improvements to the 3 properties including (i) replacing existing modern shopfronts with traditional shopfronts, (ii) external decoration, (iii) external repairs including replacement of defective gutters and foul pipes, (iv) replacement/refurbishment of upper floor windows, (v) structural repairs and (vi) reinstatement of architectural features and restoration of stonework.

An outline of the grant applications was set out at Appendix 1 to the report. Appendix 2, which was considered in exempt session, outlined financial aspects of each grant application.

(Cabinet gave consideration to exempt information at Agenda Item 26 (Minute No. 253 refers prior to the determination of this item)

RESOLVED -

(1) That approval be given to the award of Townscape Heritage Initiative grants (as detailed in Appendix 2 of the report) for; Northgate House, 38 Northgate/47 Foundry Street and 13-17 Corporation Street.

(2) That authority be delegated to (i) the Assistant Director for Place to authorise actual payment of the grants, upon receipt of a completed application form and all necessary supporting information and (ii) the Assistant Director (Legal, Governance and Monitoring) to enter into and seal all grant agreements legal charges and ancillary documents relating to the grants.

250 2015/16 and 2016/17 Council Capital Plan - Proposed allocation of 2016/17 capital funding from the Directorate for Children and Young People (DCYP) baseline sections of the Capital Plan along with details of proposed amendments to the 2015/16 approved programme of works

Cabinet received a report which identified potential projects to be funded from the baseline sections of the Capital Plan, which was approved by Council on 17 February 2016. Cabinet were asked to consider and approve the Condition Programme, along with named projects to be delivered in 2016/2017, and to authorise delegated powers.

The report also provided an update regarding the delivery of the 2015/2016 Condition and New Pupil Place Programmes.

(Cabinet gave consideration to exempt information at Agenda Item 27 (Minute No. 254 refers) prior to the determination of this item)

RESOLVED -

(1) That approval be given to the business case as attached at Appendix A of the report.

(2) That approval be given to the detailed list of proposed works in schools for 2016/2017 as attached at Appendix B.

(3) That authority be delegated to the Director of Economy, Skills and the Environment to enable the programme to be managed and the identified works contained within the respective agreed total programme budgets to be implemented.

251 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.

252 Pioneer House and land at Bradford Road, Dewsbury

(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.)

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 21 (Minute No. 248 refers).

253 Dewsbury Townscape Heritage Initiative (THI) - Grant Applications: Northgate House, 38 Northgate/47 Foundry Street & 13-17 Corporation Street

(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 that relates to the financial or business affairs of persons (or the Authority holding that information), specifically information relating to the applicant's financial status and contractors' tender prices. It is considered that disclosure of the information would adversely affect the companies concerned. The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 22 (Minute No. 249 refers).

254 2015/16 and 2016/17 Council Capital Plan - Proposed allocation of 2016/17 capital funding from the Directorate for Children and Young People (DCYP) baseline sections of the Capital Plan along with details of proposed amendments to the 2015/16 approved programme of works

(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.)

Cabinet - 8 March 2016

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 23 (Minute No. 250 refers).

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Thursday 24th March 2016

Present: Councillor David Sheard (Chair)
Councillor Jean Calvert
Councillor Steve Hall
Councillor Viv Kendrick
Councillor Peter McBride
Councillor Graham Turner

Apologies: Councillor Erin Hill
Councillor Shabir Pandor
Councillor Cathy Scott

- 255 Membership of the Committee**
Apologies for absence were received on behalf of Councillors C Scott, Hill and Pandor.
- 256 Interests**
No interests were declared.
- 257 Admission of the Public**
It was noted that all Agenda Items would be considered in public session.
- 258 Deputations/Petitions**
No deputations or petitions were received.
- 259 Public Question Time**
No questions were asked.
- 260 Member Question Time**
No questions were asked.
- 261 Allocation of Supported Living Accommodation**
Cabinet gave consideration to a report which sought approval to amend the Council's Housing Allocation Policy to incorporate a new section to cover the allocation of all accommodation that has support as integral to it, including extra care housing.

Cabinet noted that the current policy, which had been approved in December 2012 included a section that included the allocation of extra care housing. It was proposed that this section is now amended and expanded to cover the allocation of both extra care housing and specialist support housing for all groups of people. The proposed policy was detailed at Appendix A of the report.

The report explained that the amended policy would ensure that the allocation of supported accommodation was carried out in a consistent manner.

RESOLVED -

(1) That the amendments to the Housing Allocation Policy, as set out in Appendix A of the considered report, be approved.

(2) That authority be delegated to the Assistant Director of Place, in consultation with the Cabinet Portfolio Holder, to make future minor amendments to the Housing Allocations Policy in order to comply with legislation, guidance and case law.

262

Leasehold Asset Transfer of East Bierley Playing Fields

(Under provisions of Council Procedure Rule 37, Cabinet received a representation from Ed Filtness on behalf of East Bierley Community Sports Association)

Cabinet gave consideration to a report which set out a proposal to grant a long lease of the land and buildings that currently make up East Bierley playing fields to East Bierley Community Sports Association. The report also advised that the Association had requested a loan for £175,000 over a period of 20 years. The report advised that the loan would enable them to continue with a planned rebuild of the changing facilities at the club, which were in a poor state of repair and required significant capital investment to bring them up to suitable standard.

Cabinet noted that the Association wished to take on a leasehold asset transfer of the site and had submitted a community asset transfer application. They aimed to use the facilities to support local rugby and football activities, as well as wider community use for recreation, fitness and social activities.

The report advised that the Association had submitted a robust application and business plan which had met with the requirements of the Asset Transfer Policy.

RESOLVED -

(1) That approval be given to a grant of a 125 year lease of East Bierley Playing Fields to East Bierley Community Sports Association for no premium/nil consideration, including covenants to ensure that the majority of the building and land can only be used for community use.

(2) That a loan of £175k be offered to East Bierley Community Association for a term of twenty years.

(3) That the timing of the release of the loan be negotiated with the Assistant Director (Physical Resources and Procurement), in conjunction with the Director of Resources.

(4) 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 lease that relate to the transfer of East Bierley playing fields.

(5) That it be noted that the Director of Resources has authority to negotiate and agree any additional terms of the loan.

263 Local Authority Searches: Proposed Introduction of VAT and Launch of New Con29 Search

Cabinet received a report which advised of a recent decision by HMRC to introduce VAT at the standard rate to Local Authority Con29 searches and sought approval to pass on the full VAT increase as part of the Con29 search fee. The report also provided an update on a proposed revision of the Con29 search to be effective from July 2016, and sought approval to review and amend fees as appropriate.

RESOLVED -

(1) That the VAT applicable to Con29 search fees, which comes into effect from 4 July 2016, or as otherwise advised by HMRC, be added to the current chargeable rate.

(2) That the search fees for 2016/2017 remain at current levels (expecting the addition of VAT and the identification of any unexpected issues during the spring cost analysis).

(3) That it be noted that a full review of the costs will take place during Spring 2017, following the new Con29 being launched and operated.

264 District Committee Budgets 2016/17

Cabinet received an update on District Committee Year End Spend, and set out recommended criteria for District Committee Budgets for 2016/2017. Appendix 1 of the report set out the District Committee Activity Fund, New Homes Bonus, and budgets carried forward from 2015/2016.

The report set out a framework and criteria for District Committee devolved budgets which (i) allowed flexibility for varied and diverse projects, activities and services (ii) enabled a positive contribution to New Council priorities and (iii) provided better outcomes for local people.

RESOLVED - That the District Committee Budget Criteria, as detailed in paragraphs 3, 4 and 5 of the considered report, be approved and implemented for 2016/2017 subject to;

(i) It being noted that the New Homes Bonus New Allocation for 2016/2017 is; Batley and Spennings Dale - £282,059, Dewsbury and Mirfield - £148,170, Huddersfield - £320,568 and Kirklees Rural - £175,203.

(ii) The criteria not being retrospectively applied to allocations already approved by District Committees in relation to New Homes Bonus funding.

Cabinet - 24 March 2016

(iii) The deletion of paragraph 4.2 of the report.

(iv) The insertion of an additional criteria to state that any allocations shall not be contrary to any policies agreed by Cabinet.

(v) The information as referred to in paragraph 4.7 being provided as soon as is possible.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 5th April 2016

Present: Councillor Jean Calvert (Chair)
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Shabir Pandor
Councillor Cathy Scott
Councillor Graham Turner

Apologies: Councillor David Sheard (Chair)
Councillor Steve Hall
Councillor Peter McBride

265 Membership of the Committee

Apologies for absence were received on behalf of Councillors S Hall, McBride and Sheard.

266 Minutes of previous meeting

RESOLVED - That the Minutes of the meeting held on 9 February 2016 be approved as a correct record.

267 Interests

No interests were declared.

268 Admission of the Public

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

269 Deputations/Petitions

No deputations or petitions were received.

270 Member Question Time

No questions were asked.

271 Solar PV Programme 2014-2017

Cabinet received a report which (i) provided an update on the progress made against the target of installing 2000 solar photo voltaic systems on Council houses (ii) provided information on recent changes published by the Department of Energy and Climate Change regarding a 60% reduction in the Feed in Tariff rate for all solar PV systems registered after 15 January 2016 (iii) highlighted the impact which the

changes would have upon the project and (iv) asked Cabinet to give consideration as to whether to continue with the project.

The report advised of revised expenditure and income projections and indicated that the revised estimate on the full programme of 2000 installations was now -£1982,557, compared with an original projection of +£2,600,000. Cabinet noted that, to date, 574 systems had been installed and that the estimated surplus at this time was +£1,982,557.

Cabinet were of the view that, given the impact of the revised Feed in Tariff and revised project expenditure and income projections, it would be appropriate to end the project. It was noted that the primary risk in proceeding with the scheme would be the impact upon the Housing Revenue Account at a time when there is already pressure linked to Welfare Reform. The project had been designed to be self-financing in the medium term, but the reduction in the Feed in Tariff rate would mean that there would be no return on the capital outlay.

RESOLVED -

(1) That the progress of installing 574 solar photo voltaic systems, against the original target, be noted.

(2) That the recent changes published by the Department of Energy and Climate Change, resulting in a 60% reduction in the Feed in Tariff rate for all systems registered after 15 January 2016, and the subsequent impact upon the financing of the project, be noted.

(3) That approval be given to the Council withdrawing from the programme of works, subject to panels being provided to homes where a commitment has been given to complete works and/or where works have already started.

(4) That, based upon the revised Feed in Tariff, the revised project expenditure and income projections, and the pressure upon the Housing Revenue Account, it be agreed that the project be ended.

272

Overview of progress made in relation to changes to specialist provision for disabled children and those with special educational needs across Kirklees

Cabinet received a report which provided an overview of progress in relation to changes to specialist provision for children and young people with additional needs in the areas of autism, speech, language and communication, physical impairment and sensory impairment, from December 2014, and also highlighted areas where further reconfiguration was needed in order to best meet existing and future demand.

The report requested approval to carry out a non-statutory consultation on proposed changes to the existing specialist provisions at Ashbrow School and Thornhill Junior and Infant School for children with speech, language and communication needs, and to complete legal process following the closure of the specialist provision at Moldgreen Community Primary School for children with autism.

The report set out details on the background of the review of specialist provision for children with special educational needs, and the current pattern of primary and secondary provision.

RESOLVED -

(1) That Officers be authorised to develop plans for a non-statutory consultation to; discontinue the specialist provisions for children with speech, language and communication needs at Ashbrow School and Thornhill Junior and Infant School; discontinue the specialist provision for autism at Moldgreen Community Primary School and; relocate resources to a centralised primary outreach provision hub for speech, language and communication needs and autism across Kirklees.

(2) That authority be delegated to the Director of Children and Adult Services in consultation with Cabinet Portfolio Leads to (i) develop consultation materials on the basis of the proposals (ii) organise and carry out a non-statutory consultation on the proposals and (iii) request that a further report on the outcomes of the non-statutory consultation be submitted to Cabinet for consideration.

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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



Name of meeting: Cabinet
Date: 9 May 2016

Title of report: Proposed lease of land and buildings at Trident Business Park, Neptune Way, Leeds Road, Huddersfield HD2 1UA

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 – 25 April 2016
Is it signed off by the Director of Resources?	David Smith – 22 April 2016
Is it signed off by the Assistant Director - Legal, Governance & Monitoring?	Julie Muscroft – 22 April 2016
Cabinet member portfolio	Resources and Community Safety - Councillor Graham Turner

Electoral [wards](#) affected: Ashbrow
Ward councillors consulted: Yes

Public or private: Public report - private appendix

1. Purpose of report

1.1 The purpose of this report is to seek the approval of Cabinet for the Council to grant a lease of land and buildings at Trident Business Park to Sellers Global Engineers Limited.

2. Key points

2.1 The Council lease in land and buildings at Trident Business Park ("The Premises") from a private landlord CIP Property (AIPT) Limited ("the Head Landlord") which is part of the Aviva Insurance group. This lease

is for a period of 12 years from 01 January 2011 (expires 31 December 2023) (“the Headlease”). Details of the existing lease are contained in the private appendix to this report.

- 2.2 An underlease was granted to Sellers Engineers Limited for a term of 12 years (less 5 days) from 01 January 2011 (“the Underlease”). The Underlease passed down to Sellers Engineers Limited all liabilities and responsibilities, that the Council owe to the Head Landlord under the terms of the Headlease).
- 2.3 The Council took its Headlease and then granted the Underlease in order to facilitate the relocation of Sellers Engineers Limited from Chapel Hill. This relocation allowed the Council to gain possession and progress the Waterfront Quarter Regeneration.
- 2.4 In September 2014 Sellers Engineers Limited went into administration. The administration was in essence a “pre-pack”, in that it was always intended as part of the administration, that the administrator should sell the assets of Sellers Engineers Limited to Sellers Global Engineers Limited and transfer the Underlease to Sellers Global Engineers Limited.
- 2.5 Unfortunately, Sellers Engineers Limited came out of administration before the transfer of the Underlease had been completed. The principal reason why the transfer had not been carried out before the ending of the administration, was that it was necessary to get the approval of the Head Landlord to the transfer of the Underlease to Sellers Global Engineers Limited. One of the consequences of the ending of the administration was that the administrators filed an irrevocable notice of dissolution at Companies House, which meant that the transfer of the Underlease could not be carried out or registered at the Land Registry before Sellers Engineers Limited ceased to exist.
- 2.6 Immediately prior to the dissolution of Sellers Engineers Limited, the Council terminated the Underlease and then granted an oral tenancy at will to Sellers Global Engineers Limited to enable the company to continue trading from the Premises.
- 2.7 All sums payable to the Council under the underlease, with Sellers Engineers Limited, and the oral tenancy, with Sellers Global Engineers Limited, have been paid.
- 2.8 Terms have been agreed, with Sellers Global Engineers Limited, for them to take an underlease of the Premises for the remainder of the Council’s leasehold interest. Details of these terms can be seen in the private appendix to this report.
- 2.9 In essence the Council will have the benefit of the same obligations from Sellers Global Engineers Limited in the proposed underlease that the Council owes to the Head Landlord in the Headlease. The Council is therefore passing down to Sellers Global Engineers the responsibility to discharge all its obligations in the Headlease (although the Council

will continue to remain liable to the Head Landlord for ensuring the discharge of those obligations).

3. Implications for the Council

- 3.1 The proposed lease will ensure that the Council meets its obligations under the Headlease, at no cost by passing all its obligations onto Sellers Global Engineers Limited.
- 3.2 If a lease is not granted, there is a risk that Sellers Global Engineers Limited may vacate, leaving the Premises empty, but with the Council still under an obligation to pay the rent under the Headlease and to perform all the other terms of the Headlease.
- 3.3 Sellers Global Engineers Limited will reimburse the Council's reasonable legal costs incurred in granting the new lease and in obtaining the consent of the Head Landlord to the grant of the new lease. In addition, Sellers Global Engineers Limited, will reimburse the Head Landlord for its reasonable, legal and surveyor costs incurred, in the giving of its consent to the grant of the new lease.

4. Consultees and their opinions

Local ward members were consulted and no objections were received.

5. Next steps

- 5.1 If Cabinet give approval to the letting officers for Legal, Governance and Monitoring, Physical Resources and Procurement will negotiate and agree the final form of lease with Sellers Global Engineers Limited, obtain the necessary consents from the head Landlord and execute the necessary documents.

6. Officer recommendations and reasons

Officers recommend that Cabinet:

- 6.1 Authorise the grant of a new lease to Sellers Global Engineers Limited at the rent and for the duration set out in the Appendix.
- 6.2 That authority is delegated to the Assistant Director - Place, to negotiate and agree the other terms of the lease, referred to in paragraph 6.1 and any other relevant agreements or documents that relate to the grant of that lease.
- 6.3 That authority is delegated to the Assistant Director, Legal Governance & Monitoring, to enter into and execute the lease referred to in paragraph 6.1 and any other relevant agreements or documents that relate to the grant of that lease.

7. Cabinet portfolio holder recommendation

- 7.1 The portfolio holder recommends that Cabinet approve the letting in line with officer recommendations

8. Contact officer and relevant papers

Matthew Garbutt
Disposals and Acquisition Surveyor
matthew.garbutt@kirklees.gov.uk
01484 221000

Mark Nicholson
Senior Legal Officer
mark.nicholson@kirklees.gov.uk
01484 221000

9. Assistant Director responsible

Paul Kemp
Assistant Director - Place
paul.kemp@kirklees.gov.uk
01484 221000

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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