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## Decision Summary

**Committee:**

**Date:**

**Committee Clerk:**

**TEL:**

**CABINET**

**TUESDAY 17 JANUARY 2017**

**Andrea Woodside**

**01484 221000**

### **Chair**

Councillor David Sheard

### **Councillors Attended**

S Pandor, P McBride, N Mather, M Khan, E Hill, V Kendrick, M Ahmed and G Turner

### **Observers**

Councillor Mahmood Akhtar

Councillor Martyn Bolt, Conservative - Deputy Leader

Councillor Fazila Fadia

Councillor Judith Hughes

Councillor Andrew Marchington, Liberal Democrat - Group Business Manager

Councillor Hilary Richards

Councillor Elizabeth Smaje, Lead Member for the Health and Social Care Scrutiny Panel

Councillor Mohan Sokhal, Labour - Group Business Manager

Councillor Julie Stewart-Turner

Councillor John Taylor

Councillor Rob Walker

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## **1: Membership of the Committee**

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

All Cabinet Members were present.

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## **1: Membership of the Committee**

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

All Cabinet Members were present.

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## **2: Minutes of previous meetings**

To approve the Minutes of the meeting of the Committee held on 28 November and 13 December 2016.

Approved as a correct record.

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## **3: Interests**

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

No interests were declared.

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## **4: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

It was noted that Agenda Items 25 and 26 would be considered in private session.

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## **5: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

No deputations or petitions were received.

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## **6: Public Question Time**

The Committee will hear any questions from the general public.

No questions were asked.

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## **7: Member Question Time**

To receive questions from Members of the Council that were not considered at the Council meeting on 14 December 2016 due to time constraints. Therefore, in accordance with Council Procedure Rule 12 (8), the questions are referred to the next available Cabinet meeting for consideration.

Councillor Bolt asked a question regarding the recent Ofsted report on Castle Hall Academy, Mirfield.

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## **8: Transformation of Daycare Services phase 5 (Little Jacks)**

A report providing a final update about proposals for delivering the requirements of the Medium Term Financial Plan (MTFP) 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.

Officer: Carol Lancaster 01484 221000

That approval be given to the transfer of Little Jack's Nursery to Moor End Academy Trust.

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## **9: Scrutiny Panel - Children's Services Findings Report**

A findings report of the Ad Hoc Scrutiny Panel – Children's Services and a request that Cabinet approve a response to the recommendations of the Panel.

Officer: Penny Bunker 01484 221000

That the findings of the Ad Hoc Scrutiny Panel – Children's Services be noted.

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## **10: Schools Forum - Schools funding Formula 2017-18**

A report outlining the implications of changes to Education Services Grant for the Council and schools, the introduction of the proposed National Funding Formula, and to request that Cabinet approve the outline details of the Kirklees school funding formula for 2017/18 for submission to the Education Funding.

Officer: Liz Singleton and David Gearing 01484 221000

- 1) That the changes required by, and the impact of, DfE funding rules relating to Kirklees Schools funding formula and funding levels be noted.
  - 2) That the consultation process undertaken in collaboration with Head Teachers to oversee the ongoing impact of the agreed Kirklees funding formula be noted.
  - 3) That the detail of the exceptions applications as detailed in paragraph 9 of the considered report be noted.
  - 4) That approval be given to the continued use of the current Kirklees School funding formula for 2017/2018 for submission to the Education Funding Agency.
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## **11: Proposals for the future of the Young People's Activity Team (YPAT) in the context of the medium term financial plan**

A report proposing options for consideration of the future of the Young People's Activity Team.

Officer: Michelle Cross 01484 221000

- 1) That the proposal to continue to provide the short breaks service offered by the Young People's Activity Team for disabled children and young people up to the age of 18 years, with the greatest level of need, in the medium to long term, be approved.

- 2) That the service offer of the Young People's Activity Team to those over the age of 18 years be ceased and that it be ensured that each adult accessing this service receives an individual review to assess their eligibility and needs.
  - 3) That it be ensured that Carers of persons in (1) and (2) above are offered an assessment of the person's needs.
  - 4) That a review of the current Young People's Activity Team staffing structure and rota arrangements be undertaken.
  - 5) That a review of job descriptions, roles and responsibilities for the delivery arrangements of short breaks and respite which are based in Council buildings be undertaken.
  - 6) That a robust policy framework be developed, including the development of a charging policy, and the implementation of the Children's Resource Allocation System.
  - 7) That the market be shaped further so that it can sufficiently meet future demand, including working with the Childcare Sufficiency Team, in order to ensure that there is sufficient childcare available for all disabled children and young people up to the age of 18 years.
  - 8) That the direct payment process continue to be reviewed with a view to developing a clearer process for individuals and families.
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## **12: Proposal for Early Help for Children, Young People & Families**

A report seeking approval for the proposed future model for early help services.

Officer: Kathryn Loftus 01484 22100

- 1) That approval be given to the establishment of four central hub sites across the district, with one based in each Early Help area.
- 2) That four designated Children's Centres be established, with one based in each Early Help area.
- 3) That the delivery of the Council's new targeted Early Help offer be shifted towards a model that increases the use of space in community buildings to enable more flexible, needs led approach to service delivery, and one that is not focussed on buildings.
- 4) That it be recognised that a phased approach will be required and that a small portfolio of council buildings will continue to be used in the short term to support the transition to the new model.
- 5) That reports relating to assets and asset strategy be submitted to future meetings of Cabinet as appropriate.

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**13: Outcomes of the statutory consultation affecting Honley CE (VC) Infant and Nursery School and Honley CE (VC) Junior School.**

A report on the outcomes of the statutory consultation on proposals to bring together Honley CE (VC) Infant and Nursery School and Honley CE (VC) Junior School to form a single Church of England voluntary controlled primary school for pupils aged 3-11 years.

Officer: Martin Wilby 01484 221000

- 1) That the responses to the statutory consultation regarding proposals to bring together Honley CE (VC) Infant and Nursery School and Honley CE (VC) Junior School by working in collaboration with the Diocesan Board of Education within the Church of England Diocese of Leeds to establish a new Church of England Voluntary Controlled Primary School be noted.
  - 2) That, pursuant to (1) above, it be noted that the school would (i) cater for pupils aged 4 to 11, with a PAN of 66 for Key Stage 1 and a PAN of 68 for Key Stage 2 and (ii) retain 48 part time early learning places for nursery children aged 3 to 4 years, and that opportunities to further develop early learning and childcare services to meet future demand , including that presented by the introduction of 30 hours free childcare, and two year olds eligible to free early education, are not precluded by these proposals.
  - 3) That officers be requested to take steps to carry out the next stage of the legal process to establish an all through primary school for pupils aged 4 to 11, with a PAN of 66 in KS1 and 68 in KS2, retaining the 48 part time early learning places for nursery children aged 3 to 4 to (i) establish a new Church of England Voluntary Controlled Primary School (ii) discontinue Honley CE (VC) Infant and Nursery School and (iii) discontinue Honley CE (VC) Junior School.
  - 4) That it be noted that the Diocesan Board of Education within the Church of England Diocese of Leeds is working in partnership with the Local Authority and that the Church of England Diocese of Leeds would act as the proposer of the new school, and that officers of the Diocesan Board of Education would work closely with the officers of the Local Authority, governors and staff of the three schools to bring about the successful implementation of the proposal.
  - 5) That officers be requested to report the outcomes of representations received during the statutory publication period to Cabinet for consideration.
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#### **14: Provisional Financial Settlement 2017-18; incorporating future year indicative amounts (multi-year settlement)**

A report informing members of the key highlights from the National Government provisional settlement 2017-18, which sets out national funding allocations to each Local Authority for the forthcoming financial year (2017-18).

Officer: Debbie Hogg 01484 221000

1) That the report be noted, and options for adult social care precept flexibility be considered.

2) That it be noted that the funding changes highlighted in the provisional settlement 2017-2018 will be included in the budget papers scheduled for submission to Cabinet on 31 January 2017.

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#### **15: Calculation of the Council Tax Base 2017/18**

A report setting out the various tax bases which will apply to the Kirklees area for the financial year 2017/18 in connection with the council tax.

Officer: Steve Bird 01484 221000

That the following recommendations be submitted to the meeting of Council on 15 February 2017;

(a) That the 2017/2018 tax base for the whole of the Kirklees area, and the tax base for the five parish council areas be approved as below;

- Whole of Kirklees	£115,371.39
- Denby Dale	£5,630.20
- Holme Valley	£9,787.38
- Kirkburton	£8,761.33
- Meltham	£2,707.33
- Mirfield	£6,515.37

(b) That the full Government CTR Grant be passed to Town and Parish Councils at the same level as previous years.

(c) That delegated power be given to the Assistant Director (Financial Management, Risk, IT and Performance) to adjust the component parts of the tax base should there be any alterations to the assumptions made at the meeting of Council on 18 January 2017.

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## **16: Trade Waste Policy Review**

A report seeking consideration and approval to amend part of the Trade Waste Policy for Kirklees Council following a recent review on organisations currently receiving free waste collection services.

Officer: Will Acornley 01484 221000

- 1) That standard trade waste rates be charged to all Third Sector organisations, excluding disposal costs (as per statutory requirements).
  - 2) That a budget of £30,000 be allocated to meet the costs for vulnerable organisations, and that authority be delegated to the Head of Environment and Greenspace to amend the mechanism for identifying vulnerable organisations and delivering the budget to match any future strategy or policy for supporting the third sector as decided by the Cabinet.
  - 3) That third sector organisations no longer be allowed to deliver waste to Waste Transfer Station sites under the Council's waste disposal contract and that any waste delivered to these sites be through a private arrangement between the organisation and the Council's contractor.
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## **17: Private Sector Housing Assistance Policy**

A report seeking approval for an updated Private Sector Housing Assistance policy, in accordance with the requirements of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which is referred to as the RRO.

Officer: Stephen Cale, Paul Howard and Karen Oates

- 1) That approval be given to the adoption of the updated Private Sector Housing Assistance Policy to ensure that the Council has an accurate and up to date policy supporting strategic intentions for the provision of housing assistance in the private sector.
  - 2) That authority be delegated to the Assistant Director (Place) in consultation with the appropriate Cabinet Member to make future minor amendments to the Private Sector Housing Assistance Policy.
  - 3) That approval be given to revoke the existing 2004 policy and replace it with the 2016 policy, with effect from 18 January 2017.
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## **18: Rent Setting for Housing Revenue Account properties for 2017-18**

A report seeking Member approval for a 1% reduction in dwellings rents in 2017/18; and for the proposed garage rents annual uplift of 2% in 2017/18 and similar for service and other charges.

Officer: Helen Geldart 01484 221000

- 1) That the proposed dwelling rent, garage rent and service and other charges as set out in the considered report be approved and effective from 3 April 2017.
  - 2) That the national and local financial challenges as outlined within the report be noted in advance of the Housing Revenue Account budget discussions during February 2017.
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## **19: Commissioned Enforcement Partnership**

A report requesting permission to commission a 12 month trial of joint working with a private enforcement company for the issuing and management of Fixed Penalty Notices (FPN) in relation to litter, dog and related environmental offences.

Officer: Robert Dalby 01484 221000

Item withdrawn.

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## **20: Investment in Transformation**

A report providing Cabinet with an overview of two transformation projects requiring investment on an invest-to-save basis as part of the New Council Programme.

Officer: Michelle Nuttall and Andy Brammall 01484 221000

- 1) That approval be given to proposals to invest existing capital and revenue, plus additional revenue provision in essential updates to the Council's IT infrastructure and Mobile and Agile technologies.
- 2) That the selection of Deloitte as the Council's Transformation Business Partner be noted.
- 3) That it be noted that the future costs of working with Deloitte as the Transformation Business Partner will be funded from the New Council Development Reserve.

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## **21: Proposals for the implementation of a revised Adult Social Care Charging Policy and Deferred Payment Arrangement Policy**

A report outlining proposals for the implementation of a revised Adult Social Care Charging Policy for consideration and decision following the carrying out of a consultation exercise.

Officer: Damien Crowther 01484 221000

- 1) That the results of the consultation process, as set out in the considered report, be noted.
- 2) That approval be given to the implementation of the proposed revised Adult Social Care Charging Policy, the charging schedule and the policy documents that are comprised in the Adult Social Care Charging Policy including the Adult Charging Policy document, the Deferred Payment Scheme Policy, and the Client Financial Affairs Debt Recovery Policy.
- 3) That authority be delegated to the Assistant Director (Finance, Risk and IT), in consultation with the Strategic Director for Adults and Health, and the relevant Cabinet Portfolio Holder/s to amend the policies in light of any legislative or procedural changes and to make changes to the charges in the charges schedule to take into account increases in the costs of supplying the Adult Social Care services.

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## **22: Pioneer House, and Land Bradford Road Dewsbury**

A report seeking approval for proposals and recommendations of the redevelopment of Pioneer House and the relocation of Kirklees College to provide a new education hub in Dewsbury.

Officer: Andy Jackson 01484 221000

- 1) That approval be given to the redevelopment of Pioneer House to facilitate the delivery of a new Dewsbury campus for Kirklees College.
- 2) That approval be given to the terms of occupation of Pioneer House by Kirklees College, as detailed in the considered report, and Appendix 2 to the report, and that authority be delegated to the Assistant Director (Place) to finalise and agree terms with the Heritage Lottery Fund.
- 3) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring), to enter into all appropriate contracts, deeds and documents in relation to facilitating the occupation of Pioneer House by Kirklees College.

- 4) That approval be given to the release of £2.9m from the Capital Plan to support the implementation of the landlord's programme, comprising £1.09m, plus £1.7m of Townscape Heritage Initiative Grant (£848k Council funding and the under-write of £848k grant from the Heritage Lottery Fund until the application is approved and the grant awarded) and £124k from economic delivery capital baseline budget.
  - 5) That authority be delegated to the Assistant Director (Place) to submit the application to Heritage Lottery Fund and to authorise payment of the Townscape Heritage Initiative Grant upon receipt of a completed application form and all necessary supporting information.
  - 6) That the position regarding possible clawback by the Heritage Lottery Fund upon the grant of the Lease to Kirklees College as detailed in Appendix 2 of the considered report be noted.
  - 7) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) to agree any documentation in respect of the Agreement to Lease with the College.
  - 8) That approval be given to the proposal to fund the loan re-payment from the capital receipts realised from the sale of land off Halifax Road and the property at Bradford Road, commonly known as the 'former Safeway site'.
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## **23: Disposal of Land and Property Assets**

A report with private appendix seeking Cabinet approval for the disposal of a number of land and property assets, on terms to be agreed by the Assistant Director of Place and Assistant Director Legal & Governance and in accordance with the current delegation scheme.

Officer: Joe Tingle and Stephen Stead 01484 221000

- 1) That the disposal of assets as listed in Appendices A and B of the considered report be approved.
  - 2) That approval be given to the adoption, formalisation and use of decision flow charts for (i) Officer Strategic Asset Review and (ii) Member Strategic Asset Process, as attached at Appendix D of the considered report.
  - 3) That authority be delegated to the Assistant Director (Place) to negotiate and agree the terms and the most appropriate process in which to proceed with the disposal of each asset listed in Appendices A and B of the considered report, including sale price (except when an auction is the preference in compliance with Contract Procedure Rules).
  - 4) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring), to enter into and execute any agreements or instruments relating to the disposal of any assets listed in Appendices A and B of the considered report.
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## **24: Exclusion of the Public**

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

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

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## **25: Pioneer House**

A private appendix relating to agenda item 22.

This Appendix is recommended for consideration in private because the information contained in it is exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. It is considered the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and third party organisations concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

Officer: Andy Jackson 01484 221000

The exempt information was noted prior to the determination of Agenda Item 25.

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## **26: Disposal of Land and Property Assets**

A private appendix relating to agenda item 23.

Appendix B of 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, 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: Joe Tingle and Stephen Stead 01484 221000

The exempt information was noted prior to the determination of Agenda Item 26.

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