

Kirklees Council



Tuesday 6 December 2016

Dear Councillor

The Council will meet on Wednesday 14 December 2016 at 6.00 pm at Council Chamber - Town Hall, Huddersfield.

The following matters will be debated:

Pages

1: Announcements by the Mayor and Chief Executive

To receive any announcements by the Mayor and Chief Executive.

2: Apologies for absence

Group Business Managers will report any apologies for absence.

3: Minutes of Previous Meeting

To receive the Minutes for the previous meeting of Council, held on 9 November 2016.

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4: Declaration of Interests

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

5: Petitions

Any Member of the Council can submit a petition, in accordance with Council Procedure Rule 9.

6: Deputations/Petitions

Council will receive any petitions from members of the public, in accordance with Council Procedure Rule 10 or will receive any deputations, in accordance with Council Procedure Rule 10.

7: Questions by Members of the Public

Council will receive any questions from members of the public, in accordance with Council Procedure Rule 11.

8: West Yorkshire Combined Authority

9 - 18

To receive the Minutes of the previous meeting of West Yorkshire Combined Authority, held on 29 September 2016, in accordance with Council Procedure Rule 5.

9: Treasury Management Half Yearly Monitoring (Reference from Cabinet) 19 - 26

To receive the report.

Contact: Tim Mitchell, Finance Manager

10: Revisions to Local Flood Risk Management Strategy (Reference from Cabinet) 27 - 90

To receive the report.

Contact: Tom Ghee, Group Engineer

11: Interim Affordable Housing Policy (Reference from Cabinet) 91 - 106

To consider the report.

Contact: Simon Taylor, Head of Development Management

12: Appointment of Chief Executive and Head of Paid Service on an Acting Up Basis (Reference from Personnel Committee) 107 - 110

To consider the report.

Contact: Richard Farnhill, Governance Manager

13: Written Questions to the Leader and Cabinet Members 111 - 112

To receive written questions to the Leader and Cabinet in accordance with Council Procedure Rule 12.

(Note: The deadline for the submission of written questions is 10.00am on the day prior to the Council meeting)

14: Written Questions to Chairs of Committees/Sub-Committees/Panels and Spokespersons of Joint Committees/External Bodies

To receive written questions to Chairs of Committees/Sub-Committees/Panels and Spokespersons of Joint Committees/External Bodies in accordance with Council Procedure Rule 12.

(Note: the deadline for the submission of written questions is 10.00am on the day prior to the Council meeting.)

15: Minutes of Cabinet and Cabinet Committee - Local Issues

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To receive for information the Minutes of Cabinet held on 3 October, 12 October, 18 October, 15 November and 28 November 2016 and Cabinet Committee – Local Issues held on 19 October 2016.

16: Holding the Executive to Account

- a) To receive the following Portfolio updates;
 - i) Family Support and Child Protection (Councillor Hill)
 - ii) Asset Strategy, Resources and Creative Kirklees (Councillor G Turner)

- b) Oral Questions/Comments to Cabinet Members on their Portfolios and relevant Cabinet Minutes;
 - a) Highways and Neighbourhoods (Councillor Khan)
 - b) Housing and Enforcement Management (Councillor Mather)
 - c) Economy, Skills, Transportation and Planning (Councillor McBride)
 - d) Strategy and Strategic Resources, New Council and Regional

Issues (Councillors Pandor and Sheard)

- e) Asset Strategy, Resources and Creative Kirklees (Councillor G Turner)
 - f) Community Cohesion and Schools (Councillor Ahmed)
 - g) Family Support and Child Protection (Councillor Hill)
 - h) Adults, Health and Activity to Improve Health (Councillor Kendrick)
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17: Minutes of Other Committees

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- (a) Corporate Governance and Audit Committee
 - (b) District Committee – Batley and Spen
 - (c) District Committee – Dewsbury and Mirfield
 - (d) District Committee – Kirklees Rural
 - (e) Overview and Scrutiny Management Committee
 - (f) Personnel Committee
 - (g) Strategic Planning Committee
-

18: Oral Questions to Committee Chairs and Nominated Spokespersons of Joint Committees/External Bodies

- (a) Appeals Panel (Councillor Armer)
- (b) Corporate Governance and Audit Committee (Councillor Richards)
- (c) Corporate Parenting Panel (Councillor Hill)
- (d) District Committee - Batley and Spen (Councillor Lowe)

- (e) District Committee - Dewsbury and Mirfield (Councillor Dad)
- (f) District Committee - Huddersfield (Councillor Ullah)
- (g) District Committee - Kirklees Rural (Councillor Watson)
- (h) Employee Relations Sub Committee (Councillor Sheard)
- (i) Health and Wellbeing Board (Councillor Kendrick)
- (j) Licensing and Safety Committee - including Licensing Panel and Regulatory Panel (Councillor Scott)
- (k) Overview and Scrutiny Management Committee (Councillor Stewart-Turner)
- (l) Personnel Committee (Councillor Sheard)
- (m) Planning Sub Committee - Heavy Woollen Area (Councillor Kane)
- (n) Planning Sub Committee - Huddersfield Area (Councillor Lyons)
- (o) Policy Committee (Councillor Walker)
- (p) Strategic Planning Committee (Councillor S Hall)
- (q) Kirklees Neighbourhood Housing (Councillor Smaje)
- (r) Kirklees Active Leisure (Councillor Sokhal)
- (s) West Yorkshire Combined Authority (Councillor Sheard)
- (t) West Yorkshire Fire and Rescue Authority (Councillor O'Donovan)
- (u) West Yorkshire Joint Services Committee (Councillor Pandor)
- (v) West Yorkshire Police and Crime Panel (Councillor Hussain)

19: Motion submitted in accordance with Council Procedure Rule 14 as to Bus Gates

To consider the following Motion in the names of Councillors Armer, D Hall, McGuin, Patrick, Smith, J Taylor and Wilson:

'This Council;

- a) Confirms its support for town and village economies throughout Kirklees

- b) Acknowledges that its Economic Strategy 2014 - 2020 promised that it would play an enabling role with partners, including the private sector, and specifically pledged itself to economic revitalisation in Huddersfield by making it easier for businesses to succeed
- c) Notes that, as part of its six Headline Initiatives it pledged to revitalise Huddersfield Town Centre and also create Quality Places by encouraging neighbourhood level economic development
- d) Further acknowledges that the rise of internet shopping and the success of out of town shopping centres have increased the pressure on local independent traders
- e) Is concerned that, unless it supports the retention of businesses in Kirklees, the potential benefit of retaining business rates will be lost to residents
- f) Is further concerned that some businesses have made the decision to re-locate from Huddersfield town centre citing 'Bus Gates' as the reason

This Council therefore Resolves:

- i) To confirm its support for all town and village economies in the Borough, its pledge to revitalise Huddersfield Town Centre and create Quality Places in local neighbourhoods throughout Kirklees
- ii) To indicate its support for the traders in Huddersfield by
 - (a) asking Cabinet to consider immediately suspending the 'Bus Gate' project whilst the All Party Panel referred to in
 - (b) has met and concluded its work, and
 - (b) creating an All Party Panel to review the original introduction, objectives and future effect of the project in the manner resolved at 3 below.

The Panel will

- a) be constituted on a 1:1:1:1 basis
- b) be chaired by a member of an opposition Group
- c) to ensure its independence, will not contain any Member of the Cabinet or Members of the Huddersfield District Committee
- d) produce recommendations to Cabinet for consideration after initial consideration of full Council at its meeting in April 2017 and
- e) the appointment of Chair and membership of the Panel will be delegated to a joint meeting of Group Leaders'.

By Order of the Council



Chief Executive

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Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Council Chamber - Town Hall, Huddersfield on Wednesday 9 November 2016**

PRESENT

The Mayor (Councillor Jim Dodds) in the Chair

COUNCILLORS

Councillor Karen Allison	Councillor Bill Armer
Councillor Donna Bellamy	Councillor Martyn Bolt
Councillor Cahal Burke	Councillor Jean Calvert
Councillor Andrew Cooper	Councillor Nosheen Dad
Councillor Eric Firth	Councillor Michelle Grainger-Mead
Councillor Charles Greaves	Councillor David Hall
Councillor Steve Hall	Councillor Lisa Holmes
Councillor Erin Hill	Councillor Edgar Holroyd-Doveton
Councillor Mumtaz Hussain	Councillor Christine Iredale
Councillor Paul Kane	Councillor Viv Kendrick
Councillor Musarrat Khan	Councillor John Lawson
Councillor Vivien Lees-Hamilton	Councillor Robert Light
Councillor Gwen Lowe	Councillor Terry Lyons
Councillor Andrew Marchington	Councillor Naheed Mather
Councillor Peter McBride	Councillor Darren O'Donovan
Councillor Andrew Palfreeman	Councillor Shabir Pandor
Councillor Nigel Patrick	Councillor Carole Pattison
Councillor Amanda Pinnock	Councillor Andrew Pinnock
Councillor Kath Pinnock	Councillor Hilary Richards
Councillor Mohammad Sarwar	Councillor Cathy Scott
Councillor David Sheard	Councillor Ken Sims
Councillor Elizabeth Smaje	Councillor Mohan Sokhal
Councillor Julie Stewart-Turner	Councillor John Taylor
Councillor Kath Taylor	Councillor Graham Turner
Councillor Nicola Turner	Councillor Sheikh Ullah
Councillor Michael Watson	Councillor Gemma Wilson
Councillor Linda Wilkinson	Councillor Fazila Fadia
Councillor Gulfam Asif	Councillor Richard Eastwood
Councillor James Homewood	Councillor Manisha Roma Kaushik
Councillor Bernard McGuin	Councillor Mussarat Pervaiz
Councillor Richard Smith	Councillor Rob Walker

61 **Announcements by the Mayor and Chief Executive**

The Mayor informed Council of the death of Cora Carter MBE, the founder member of Kirklees Federation of Tenants and Residents Association, and former Chair of

Kirklees Neighbourhood Housing. Tributes were paid by Councillors Marchington, Smaje, Mather and Richards.

The Mayor presented Councillor Hill with a certificate in recognition of her being shortlisted by the LGiU for Young Councillor of the Year.

On behalf of the Chief Executive, the Head of Legal, Governance and Monitoring provided an overview of Agenda Items 10 and 11. (Minute No's 70 and 71 refer)

62 Apologies for absence

Apologies for absence were received on behalf of Councillors Ahmed, Akhtar, D Firth, Hughes, O'Neill and Stubley.

63 Minutes of Previous Meeting

RESOLVED - That the Minutes of Council held on 14 September and 12 October 2016 be approved as a correct record.

64 Declaration of Interests

Councillor Sims declared a disclosable pecuniary interest in Agenda Item 13, in reference to the Minutes of Cabinet on 20 September 2016 (Minute Number 56), in his capacity as a Director of Kirklees Stadium Development Limited.

Councillor Smaje declared a disclosable pecuniary interest in Agenda Item 9 on the grounds that she is a Board Member of Kirklees Neighbourhood Housing.

Councillor Bellamy declared a disclosable pecuniary interest in Agenda Item 9 on the grounds that she is a tenant of Kirklees Neighbourhood Housing.

Councillor K Pinnock declared an 'other' interest in Agenda Item 8 on the grounds that she is a Member of the Council of Huddersfield University.

65 Petitions

No petitions were submitted.

66 Deputations/Petitions

Council received (i) a deputation and petition from Alisa Devlin, on behalf of Huddersfield Town Centre Action Group, in regards to the impact of bus gates upon Huddersfield Town Centre and (ii) a deputation from Jenny Goldman in relation to Open Access Youth Service in provision in Kirklees.

The Mayor advised that the subject matter of the deputations (and petition) be referred to the appropriate Directorate for further investigation.

67 Questions by Members of the Public

Alisa Devlin, on behalf on Huddersfield Town Centre Action Group, asked a question regarding information on the footfall figures on Westgate, Huddersfield, and investment in the town centre.

The Cabinet Member replied thereto.

68 West Yorkshire Combined Authority Minutes

Council received the minutes of the meeting of West Yorkshire Combined Authority held on 28 July 2016.

RESOLVED -

That the Minutes of the West Yorkshire Combined Authority, held on 28 July 2016, be received for information.

69 Kirklees Neighbourhood Housing Annual Report (Reference from Cabinet)

It was moved by Councillor Mather, seconded by Councillor Sheard and

RESOLVED -

That the Kirklees Neighbourhood Housing Annual Report be received and noted.

70 Appointment of Independent Persons (Reference from Corporate Governance and Audit Committee)

It was moved by Councillor Richards, seconded by Councillor J Taylor and

RESOLVED -

That Richard Michael Stow and Angela Doreen Vine be re-appointed as the Independent Person and Deputy Independent Person, respectively, for a further period of up to one year.

71 Transitional Constitutional Changes (Reference from Corporate Governance and Audit Committee)

It was moved by Councillor Richards, seconded by Councillor J Taylor and

RESOLVED -

That the designation of the Assistant Director (Financial management, Risk, IT and Performance) as the Section 151 Statutory Officer, and the changes to the responsibility for non-executive functions during the transitional period, as set out within the report, be noted.

72 Written Questions to the Leader and Cabinet Members

- (1) **Question by Councillor Smith to the Cabinet Member for Economy, Skills, Transportation and Planning - Transportation and Planning (Councillor McBride)**

“Can you please feedback to Council on footfall figures in Huddersfield following the enablement of Bus Gates?”

Cabinet Member replied thereto

- (2) **Question by Councillor Smith to the Cabinet Member for Housing and Enforcement Management (Councillor Mather)**

“What has the Council spent on clearing fly-tipping in the last 3 months?”

Cabinet Member replied thereto

- (3) **Question by Councillor McGuin to the Cabinet Member for Community Cohesion and Schools (Councillor Ahmed)**

“Is the Councillor minded to recommend allowing All Hallows to expand its age range?”

Cabinet Member replied thereto

- (4) **Question by Councillor Palfreeman to the Deputy Leader/Cabinet Member for Strategy and Strategic Resources, New Council and Regional Issues (Councillor Pandor)**

“What is ‘New Council’?”

Cabinet Member replied thereto

- (5) **Question by Councillor Palfreeman to the Cabinet Member for Housing and Enforcement Management (Councillor Mather)**

“How much has the Council spent in each of the last three years removing, or causing the removal, of unauthorised advertising material from buildings and street furniture in Kirklees? How many proceedings have been initiated under the provisions of s224 of the Town and Country Planning Act 1990 with what proportion of success? How many fixed penalty notices under the Clean

Neighbourhoods and Environment Act 2005 have been issued? Finally, how many applications for consent for the display of material has the Council received during each of the 3 years?"

Cabinet Member replied thereto

(6) **Question by Councillor Palfreeman to the Deputy Leader/Cabinet Member for Strategy and Strategic Resources, New Council and Regional Issues (Councillor Pandor)**

"In the list of roles published for item 14 on today's agenda you are described as being responsible for "Strategy and Strategic Resources, New Council and Regional Issues".

Is this description of your responsibilities correct?"

Cabinet Member replied thereto

(7) **Question by Councillor Palfreeman to the Deputy Leader/Cabinet Member for Strategy and Strategic Resources, New Council and Regional Issues (Councillor Pandor)**

'Do you agree with the concept of job sharing?'

Cabinet Member replied thereto

73 **Minutes of Cabinet and Cabinet Committee - Local Issues**

Council received the Minutes of Meetings of Cabinet held on 9 February 2016, 8 March 2016, 24 March 2016, 5 April 2016, 9 May 2016, 24 May 2016, 26 July 2016, 23 August 2016, 16 September 2016, and 20 September 2016 and Cabinet Committee Local Issues held on 14 September 2016, for information.

RESOLVED -

That the Minutes of Cabinet and Cabinet Committee – Local Issues be received and noted.

74 **Holding Executive to Account**

Council received Portfolio Holder updates from (a) The Cabinet Member for Adults, Health and Activity to Improve Health (Councillor Kendrick) regarding the Sustainable Transformation Plan and (b) The Cabinet Member for Economy, Skills, Transportation and Planning (Councillor McBride) regarding Transport for the North.

At the conclusion of the presentations and subsequent questions and comments, oral questions were put to the following Cabinet Portfolio Holders within the remaining time permitted for this item;

- (i) Cabinet Member for Family Support and Child Protection (Councillor Hill)
- (ii) Cabinet Member for Adults, Health and Activity to Improve Health (Councillor Kendrick)

75 Minutes of Other Committees

The undermentioned Minutes were received for information;

- (a) Appeals Panel – 16 September 2016
- (b) Corporate Governance and Audit Committee – 16 May 2016, 17 June 2016 and 29 July 2016
- (c) Corporate Parenting Board – 13 June 2016, 28 July 2016 and 15 September 2016
- (d) District Committee – Batley and Spen – 15 March 2016 and 19 July 2016
- (e) District Committee – Dewsbury and Mirfield – 1 March 2016 and 30 June 2016
- (f) District Committee – Huddersfield – 22 March 2016 and 12 July 2016
- (g) District Committee – Kirklees Rural – 24 March and 21 July 2016
- (h) Health and Wellbeing Board – 28 April 2016, 30 June 2016, 25 August 2016 and 29 September 2016
- (i) Overview and Scrutiny Management Committee – 13 June 2016, 4 July 2016, 25 July 2016, 5 September 2016 and 26 September 2016
- (j) Personnel Committee – 14 July 2016 and 19 September 2016
- (k) Policy Committee – 14 April 2016 and 12 September 2016
- (l) Strategic Planning Committee – 16 June 2016, 14 July 2016, 11 August 2016, 8 September 2016 and 6 October 2016

(Due to time constraints, the remaining business was not considered.)

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Council			
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.



**MINUTES OF THE MEETING OF THE
WEST YORKSHIRE COMBINED AUTHORITY
HELD ON THURSDAY 29 SEPTEMBER 2016 AT WELLINGTON HOUSE, LEEDS**

Present:	Cllr Peter Box (Chair)	-	Wakefield MDC
	Cllr Tim Swift (Vice Chair)	-	Calderdale MBC
	Cllr Susan Hinchcliffe	-	City of Bradford MDC
	Cllr David Sheard	-	Kirklees Council
	Cllr Judith Blake	-	Leeds City Council
	Cllr Stewart Golton	-	Liberal Democrat Representative (Leeds City Council)
	Cllr Keith Aspden Roger Marsh	-	City of York Council Leeds City Region LEP
In attendance:	Ben Still	-	WYCA
	Caroline Allen	-	WYCA
	Angie Shearon	-	WYCA

41. Apologies for Absence

Apologies for absence were received from Councillors Andrew Carter, Simon Cooke and Jeanette Sunderland.

42. Declarations of Disclosable Pecuniary Interests

There were no pecuniary interests declared by members at the meeting.

43. Minutes of the Meeting held on 28 July 2016

Resolved: That the minutes of the meeting of the WYCA held on 28 July 2016 be approved and signed by the Chair.

44. Project and Spending Approvals

The Authority considered a report of the Director of Resources seeking the progression of, and approval of funding for, schemes from the West Yorkshire plus Transport Fund and the Local Growth Fund.

The report provided details of the projects considered by the Investment Committee on 7 September which were recommended to WYCA for progression and approval of funding. The report mapped each of the projects across to the new Project Management Office (PMO) process.

Resolved: That progression of, and funding for, schemes from the West Yorkshire plus Transport Fund and Local Growth Fund be approved as follows, with a decision on the final details on terms and conditions of the individual approvals to be delegated to the Managing Director:

- (i) £400k to develop the Leeds Station (Yorkshire Hub) Development - Reference Case Masterplan project.
- (ii) £130k to progress Mirfield to Dewsbury to Leeds (A653) corridor.
- (iii) £500k for feasibility works on East Leeds Parkway at Thorpe Park.
- (iv) £160k for Halifax Station Gateway.
- (v) £1.1m grant investment for Wakefield Civic Quarter site acquisition.
- (vi) £4.8m grant for the One City Park in Bradford.
- (vii) New Bolton Woods – part of the Bradford-Shipley Road Corridor, progressing from outline to full business case.
- (viii) In principle support to a £33.4m grant and £8.8m loan for Leeds City College.
- (ix) £1.0112m grant for Tackling Fuel Poverty Programme Phase 2.
- (x) A loan of £1m to LL309.

45. WYCA Medium Term Financial Strategy

The Authority considered a report of the Director of Resources regarding the budget process for 2017/18, the development of the medium term financial strategy and additions to the agreed budget following the award of further funding to the region.

It was reported that work was ongoing to produce a detailed budget for 2017/18 aligned with the priorities identified through the Strategic Economic Plan (SEP). The budget would need to be approved at the February meeting of the WYCA.

Members noted that work was underway to update the medium term financial strategy to ensure that funding available may be used to best effect in delivering its priorities for economic growth. It was acknowledged that there were significant challenges to address with increasing workloads for the Authority to support the growing agenda of activity including devolution and Transport for the North at a time

of pressure on local government funding. Early discussions with District Councils had also identified a requirement for WYCA to look at options for cutting services in order to reduce the transport levy. WYCA would be looking at the resources available and streamlining those resources and sharing costs where possible. Work was also required on the West Yorkshire plus Transport Fund to identify the extent of local funding required to support borrowing and to understand the growth of new business in the Enterprise Zone and the timing of how this translated to business rates income.

It was proposed that a further report be prepared for the Authority meeting of 1 December outlining the proposed budget for 2017/18 and addressing the issues set out above.

Resolved:

- (i) That WYCA note the process for the 2017/18 budget as set out in the submitted report.
- (ii) That WYCA note the work to date on the Medium Term Financial Strategy.
- (iii) That WYCA approve further budgets of £150k for the Enterprise Adviser Continuation Phase 1 and £192k for Strategic Heat Networks, funded as set out in the submitted report.

46. Implications of the vote to leave the European Union

The Authority considered a report of the Director of Policy, Strategy and Communications providing members with further information on the implications of the UK's vote to leave the European Union (EU).

In July, WYCA and the LEP approved a high-level joint Plan to provide a calm and measured approach to the decision to exit the EU in order to underpin investor and consumer confidence. The Plan covered short, medium and long-term issues which were considered to be best addressed at the city region level with close liaison with local partners such as universities, councils and business groups.

Members acknowledged that the UK's exit from Europe would present opportunities as well as some difficulties and discussed developments with Brexit over the summer, making the following observations:

- There had been very little further information from Government about the timing of Britain's exit from the EU, or what the outcome might mean for free trade and the movement of people.
- There had been no announcements of large scale job losses, although intelligence suggested that some contracts for overseas workers to come and work in the UK may have been withdrawn due to uncertainty in the job

market. It was acknowledged that there were particular skills shortages in the UK which needed to be addressed, for instance in the health sector.

- There had been a relatively calm economic reaction with no immediate recession, although it was projected that long-term growth would be lower than had the UK remained a member of the EU. It was acknowledged, however that there may be economic turbulence once Article 50 was triggered.
- Communities, local councils and employers continued to recognise the valuable contributions made to the city region by people of all nationalities and, although reports of hostility resulting from tensions had been limited, such crimes continued to be addressed swiftly.

European Funding

Members discussed the importance of securing the repatriation of European funding locally and felt that it was imperative that, once discussions commenced with government on the redistribution of funding, WYCA had a seat at the table.

Members were pleased to note that in August, HM Treasury had provided an assurance that all European Structural and Investment Fund (ESIF) projects under contract ahead of the Autumn Statement would be fully funded even if those projects were to continue beyond the UK's departure from the EU

In July 2015, WYCA had agreed to be the Urban Authority (UA) and take on intermediate Body (IB) status to be able to receive delegated authority from government for a Sustainable Urban Development (SUD) Strategy. Members noted that there had been renewed impetus from the Department for Communities and Local Government (DCLG) for SUD strategies to be agreed by the end of September 2016 and for IB status with the UA to be in place by early December largely because SUD was an EU regulatory obligation and therefore potentially more secure than ESIF funding.

Members discussed the response of city region partners in response to Brexit and felt it would be useful to convene a meeting involving representatives of the business community, health sector and universities and colleges to understand their interests and concerns.

Members noted that the short-term responses set out in the Plan had been completed and the medium-term actions were being developed, including helping growth sectors exploit new international opportunities and for exports to exploit the weak pound.

Resolved:

- (i) That the latest update of the joint CA/LEP plan to respond to the vote to leave the EU be noted.
- (ii) That authority be delegated to WYCA's Managing Director to finalise and agree, in conjunction with the Head of Legal and Democratic Services, the Legal Agreement with the Department for Communities and Local Government for Intermediate Body status, and commence operations as required.
- (iii) That a joint meeting be arranged with city region partners, including representative of the business community, health sector and universities and colleges to discuss their respective interests and concerns regarding the implications of leaving Europe.

47. Devolution

The Authority considered a report of the Director of Policy, Strategy and Communications on progress to secure the devolution of further powers and budgets away from Whitehall and Westminster to Leeds City Region (LCR), building on the first stage deal secured in 2015.

Members discussed progress made to date in securing a devolution deal and also the impact of recent events on progress, including the changes to the Government ministerial line up following the EU referendum. It was recognised that, in the absence of a clear steer on national policy over the summer, eg on the Northern Powerhouse and English Devolution, there had been some press speculation about a potential shift in Government policy on the requirement for directly elected Mayors in return for devolution.

Members welcomed the Prime Minister's confirmation of her Government's support for the Northern Powerhouse which the Leeds City Region wished to be a part of and help to shape.

Members re-affirmed their commitment to secure a devolution deal for the City Region and proposed, ahead of the Autumn Statement on 23 November 2016, to seek to progress discussions with officials and Ministers on the terms of a devolution deal, including seeking clarity on the following:

- that the ambition of WYCA and Leeds City Region Enterprise Partnership be matched by Government's commitment to devolve substantive powers and funding to local areas;
- the Government's position regarding the geographic area for devolution to the City Region; and

- the most appropriate model of Governance required in order to provide local accountability for powers and funding devolved from Whitehall and Westminster.

Resolved:

- (i) That the progress made to secure a devolution deal and the impact of recent events, including the changes to the Government ministerial line up following the EU referendum, be noted.
- (ii) That, ahead of the Autumn statement, WYCA should seek to progress discussions with officials and Ministers on the terms of any devolution deal.

48. One Organisation Programme

The Authority considered a report of WYCA's Managing Director providing an update on the One Organisation programme (the change programme for the WYCA officer body) and seeking approval to two director appointments.

The report provided a six monthly update on the One Organisation change programme and a detailed update on priority projects as set out in paragraph 2.4. Members discussed progress with the One Organisation programme and particularly welcomed the increased focus on delivery.

It was reported that, following a recruitment and selection exercise, the following appointments were recommend to WYCA for approval:

- Dave Pearson - Director of Transport Services
- Melanie Corcoran – Director of Delivery

It was further report that Sue Cooke had been appointed to the post of Executive Head of Economic Services and that external recruitment was underway for the post of Head of Communications.

Resolved:

- (i) That the progress made so far with the One Organisation Programme be noted.
- (ii) That the appointment of Dave Pearson to the post of Director of Transport Services with effect from 1 October 2016 and the appointment of Melanie Corcoran to the post of Director of Delivery, with a start date to be delegated to the Managing Director, be approved.
- (iii) That the appointment of the Executive Head of Economic Services be noted.

- (iv) That it be noted that external recruitment to the post of Head of Communications had commenced.

49. WYCA Appointments to Overview & Scrutiny Committee

The Authority considered a report of the Director of Resources seeking approval to a change in nomination by the City of York Council to the Overview & Scrutiny Committee

On 20 September, the City of York Council notified WYCA's Monitoring Officer of their wish to replace Councillor Helen Douglas with Councillor Jenny Brooks.

Resolved: That the Authority note the City of York Council's revised nomination to the Overview & Scrutiny Committee and co-opt Councillor Jenny Brooks onto the committee in place of Councillor Helen Douglas.

50. WYCA Overview & Scrutiny Flood Response

The Authority considered a report of the Director of Policy, Strategy and Communications seeking endorsement to the recommendations of WYCA's Overview & Scrutiny Committee regarding their investigation into the 2015 Boxing Day Floods.

Members discussed the progress made both nationally and regionally in response to the 2015 Boxing Day Flood events and the impact on businesses, residential properties, critical infrastructure and jobs. The economic and social impacts of the floods had been significant running into several hundred millions. Actual costs would need to be fully calculated in order to build a case for future investment and identify funding gaps for investment in flood defences and green infrastructure whilst taking account of whole catchment areas. Concern was expressed that some areas remained very exposed to the risk of flooding. Members considered the potential to make better use of infrastructure in readiness for future winters; for example, exploring how reservoirs could help mitigate the risk of flooding together with other Green Infrastructure measures such as land management in upper river catchments.

Members were keen to ensure that, despite a change in government Minister, the events of the Boxing Day floods on the Leeds City Region were not forgotten. A letter had been sent to the Rt Hon Andrea Leadson MP, Secretary of State for DEFRA, and responsible minister for planning and responding to flood risk and flood events, inviting her to visit the Leeds City Region and her response was awaited. Members considered that it was important that the Government funding commitments, made following the Boxing Day floods, to support flood alleviation and mitigation measures in the Leeds City Region continue to be honoured.

It was reported that, against the national and regional context, WYCA's Overview & Scrutiny Committee had, along with senior representatives from Yorkshire Water

and the Environment Agency, considered the broad range of issues relating to the Boxing Day Flood events. Arising out of their discussions, the Committee had formulated a list of recommendations which were set out in the Addendum to the report.

Members considered the recommendations of the Committee which, it was suggested, could be incorporated into the LCR Flood Review, commissioned by WYCA earlier in the year, and which was now nearing completion. The outcome of the LCR Flood Review would be reported to WYCA at their meeting on 1 December.

Resolved:

- (i) That the Overview and Scrutiny Committee's recommendations in response to the 2015 Boxing Day Flood events, as set out in the Addendum to the submitted report, be endorsed.
- (ii) That the recommendations of the Overview & Scrutiny Committee, and proposed associated actions, be considered within the LCR Flood Review.
- (iii) That WYCA considers with Yorkshire Water the potential contribution that upland land management and their reservoirs could make to reducing future flood risk in winter.

51. Response to consultation on 100% Business Rates Retention

The Authority considered a report of the Director of Policy, Strategy and Communications advising of the joint WYCA and Local Enterprise Partnership (LEP) submission to the Government consultation on 100% business rates retention.

The report provided information on the joint WYCA and LEP response to the Department for Communities and Local Government's (DCLG) consultation on retained business rates which had been developed over the summer and submitted by the deadline of 26 September. A copy of the response was attached to the submitted report.

Whilst the retention of business rates was welcomed, members were keen to ensure it was accompanied by a fair funding mechanism and national redistribution to match local need. Members expressed concern that there had been no detail of how the process would be implemented at a local level and how local councils would be able to manage the further responsibilities arising from it.

Resolved: That the joint WYCA/LEP response to the Government's consultation be noted.

52. Governance Update

The Authority considered a report of the Head of Legal & Democratic Services providing an update on the progress of an Order anticipated to affect WYCA governance arrangements in relation to overview and scrutiny, audit committee and access to information arrangements.

The Cities and Local Government and Devolution Act 2016 placed the overview and scrutiny arrangements, and audit committee arrangements of combined authorities on a statutory footing. For WYCA, the impact had principally been on the membership of the governance and audit committee, which may no longer include co-opted members. The Secretary of State had now indicated that a further Order may affect current arrangements further. Paragraph 2.4 of the submitted report set out the principles which the Department for Communities and Local Government (DCLG) have indicated will underpin any Order.

In terms of the impact on WYCA, it was noted that none of the proposals conflicted with current WYCA practices and arrangements, with the exception of the requirement to appoint an independent person to an audit committee.

The DCLG have not confirmed when any Order will be made, but it was understood that they were aiming to have it in place by spring 2017.

Resolved: That the approach of the Secretary of State in relation to the draft Order, as set out in the submitted report, be noted.

53. City of York Council Local Plan Consultation

The Authority considered a report of the Director of Policy, Strategy and Communications providing information of WYCA's response in support of the City of York Council's Local Plan under WYCA's Duty to Co-operate role.

The City of York Council had consulted WYCA in July 2016 on their Local Plan which had outlined the proposed housing and employment growth requirements for York and proposed preferred strategic site allocations to deliver that growth. The Plan set out a target for 841 net additional homes per annum and an employment land supply requirement of 33.3 hectares which supported the City Region's Strategic Economic Plan (SEP) aspirations to increase housing delivery and create additional jobs. The draft Plan also identified a series of 'Green Wedges' across York which would make an important contribution to the Green Infrastructure network across the City Region and support delivery of Priority 4 (Clean Energy and Environmental Resilience) of the SEP.

Members noted that the response which had been submitted by WYCA in accordance with the City of York Council's deadline and which was appended to the submitted report, had confirmed that York's 'Preferred Sites' consultation was

aligned with the SEP and provided support for the SEP's Spatial Priority Area at York Central and other major growth areas.

Resolved:

- (i) That the response to the City of York Local Plan consultation as set out in Appendix 1 of the submitted report be supported.

54. Draft minutes of the meeting of the Overview & Scrutiny Committee held on 13 July 2016

Resolved: That the draft minutes of the meeting of the Overview & Scrutiny Committee held on 13 July 2016 be noted.

55. Draft Minutes of the meeting of the Governance & Audit Committee held on 28 July 2016

Resolved: That the draft minutes of the meeting of the Governance & Audit Committee held on 28 July 2016 be noted.

56. Draft Minutes of the meeting of the West Yorkshire & York Investment Committee held on 7 September 2016

Resolved: That the draft minutes of the meeting of the West Yorkshire & York Investment Committee held on 28 July 2016 be noted.



Name and date of meeting: Cabinet
15 November 2016

Corporate Governance and Audit
Committee
18 November 2016

Council
14 December 2016

Title of report: Half yearly monitoring report on
Treasury Management activities 2016/17

Key Decision - 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
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Key Decision: Yes Private Report/Private Appendix: N/A
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by Director	Debbie Hogg – 24 October 2016
Is it also signed off by the Director of Resources?	As above
Is it also signed off by the Assistant Director (Legal Governance and Monitoring)?	Julie Muscroft – 25 October 2016
Cabinet member portfolio	Resources

Electoral wards affected: N/A
Ward councillors consulted: N/A
Public or Private: Public

1 Purpose of report

The Council has adopted the CIPFA Code of Practice on Treasury Management. It is a requirement of the Code that regular reports be submitted to Members detailing treasury management operational activity. This report is the mid-year for 2016/17 covering the period 1 April to 30 September.

2 Summary

- 2.1 The report gives assurance that the Council's treasury management function is being managed on a prudent and pro-active basis. External investments averaged £44.8 million during the period at an average rate of 0.46%. Balances were invested in line with the approved strategy, where possible, in instant access accounts or short-term deposits. External borrowing has fallen to £414.7 million but is expected to rise by up to £30 million short term borrowing by the end of the year. The treasury management revenue budget is expected to underspend by £1.8 million in 2016/17. Performance is in line with the treasury management prudential indicators set for the year, but there was one material risk and compliance issue to report, when a Barclays' system failure prevented the Council from transmitting funds to other counterparty deposit accounts back in April.

3 Information required to take a decision

- 3.1 The treasury management strategy for 2016/17 was approved by Council on 17 February 2016. The over-riding policy continues to be one of ensuring the security of the Council's balances. The Council aims to invest externally balances of around £30 million, largely for the purpose of managing day-to-day cash flow requirements, with any remaining balances invested "internally", offsetting borrowing requirements. The investment strategy is designed to minimise risk, investments being made primarily in instant access accounts or short-term deposits, with the major British owned banks and building societies, or Money Market Funds. Diversification amongst counterparties is key. It was forecast that the Council could have an external borrowing requirement of up to £30 million.

Economic Context and Interest Rates

- 3.2 After a period of relative strong growth and stability, the outlook for the UK economy changed significantly on 23 June 2016 following the Brexit vote. The repercussions of the plunge in sentiment on economic growth were judged to be severe by the Bank of England, prompting substantial monetary policy easing, including a cut in Bank Rate in August to 0.25%, further quantitative easing and cheap funding for banks to maintain the supply of credit to the economy. After the vote, interest rates plunged to new record lows – a 50 year maturity loan from the PWLB can now be obtained at around 2.1% compared to 3.0% in April.
- 3.3 The effect of Brexit is expected to dampen economic growth through the second half of 2016 and in 2017. Inflation is expected to pick up due to a rise in import prices, dampening real wage growth and real investment returns. Equity markets, however, appear to have shrugged off the result of the referendum despite an initial sharp drop. The Council's treasury management advisors forecast that the Base Rate is not likely to rise within the next three years and that there is a 40% chance of a cut down to zero percent.

Investment Performance

- 3.4 The Council invested an average balance of £44.8 million externally during the period (£60.9 million in the first six months of 2015/16), generating £0.104 million in investment income. The reduction is largely

due to the Government flattening the payment profiles of Revenue Support Grant.

- 3.5 Balances were invested in instant access accounts or short term deposits. Appendix 1 shows where investments were held at the start of April, the end of June and September by counterparty, by sector and by country.
- 3.6 The Council's average investment rate for the period was 0.46%. This is higher than the average for 2015/16 of 0.45%. The Base Rate cut of 0.25% at the beginning of August is gradually being factored into investment rates offered and by the end of October, all rates are expected to be around 0.25% lower.

Borrowing Performance

- 3.7 In terms of borrowing, long-term loans at the end September totalled £405.3 million (£408.4 million 31 March 2016) and short-term loans £9.4 million (£16.0 million 31 March 2016). There has been no new external borrowing so far this year. The external borrowing requirement for the year is still expected to be around £30 million. Any borrowing undertaken is likely to be fairly short-term, mainly to take advantage of very low borrowing rates.
- 3.8 In June 2016, the Council received deed polls from Barclays Bank stating that it would not exercise its options to increase interest rates on £30 million of LOBO loans held by the Council. This effectively makes the loans fixed rate maturity loans. The interest rates on these loans range from 3.81% to 4.10%. This effectively brings the total of LOBO loans down to 76.6 million which represents 18.5% of total external borrowing.
- 3.9 Fixed rate loans account for around 81.5% of total long-term debt giving the Council stability in its interest costs. The maturity profile for fixed rate long-term loans is shown in Appendix 2 and shows that no more than 10% of fixed rate debt is due to be repaid in any one year. This is good practice as it reduces the Council's exposure to a substantial borrowing requirement in future years when interest rates might be at a relatively high level.
- 3.10 The Council has occasionally borrowed small amounts from the Money Market for periods between one and two months at an average rate of 0.32%.

Revenue Budget Monitoring

- 3.11 The treasury management budget for 2016/17 currently stands at £32.8 million. The latest budget monitoring shows an under-spend of £1.8 million. The under-spend is due to savings on principal and interest arising from capital slippage and interest rates remaining lower for longer than expected.

Prudential Indicators

- 3.12 The Council is able to undertake borrowing without central government approval under a code of practice called the Prudential Code. Under this Code, certain indicators have to be set at the beginning of the financial

year as part of the treasury management strategy. The purpose of the indicators is to contain the treasury function within certain limits, thereby reducing the risk or likelihood of an adverse movement in interest rates or borrowing decision impacting negatively on the Council's overall financial position. Other prudential indicators are reported as part of the monitoring of capital. Appendix 3 provides a schedule of the indicators set for treasury management and the latest position.

Risk and Compliance issues

- 3.13 On two occasions when the Council has received unexpected monies late in the day, officers have had no alternative but to put the monies into the Barclays Business Reserve Account overnight. This has led to a marginal breach of the investment limit on Barclays on each occasion. In addition at the end of April, a Barclays' software problem prevented the Council from transmitting funds to other counterparty deposit accounts. This caused the Council to have £11 million in excess of its own investment limit with Barclays over the weekend. The Council was compensated by Barclays for any loss of interest and the problem has not re-occurred.
- 3.14 In line with the investment strategy, the Council has not placed any direct investments with companies as defined by the Carbon Underground 200.

4 Implications for the Council

The underspending on the treasury management function has been taken into account in the consolidated budget monitoring reported to cabinet.

5 Consultees and their opinions

Arlingclose, treasury management advisors

6 Next steps

None

7 Officer recommendations and reasons

The report be received and noted by Council

8 Contact officer

Tim Mitchell Finance Manager 01484 221000

Background Papers and History of Decisions

CIPFA's Prudential Code for Capital Finance in Local Authorities.

CIPFA's Code of Practice on Treasury Management in the Public Services.

The treasury management strategy report for 2016/17 - Council 17 February 2016.

9 Assistant Director responsible

Debbie Hogg 01484 221000

APPENDIX 1

Kirklees Council Investments 2016-17										
Counterparty	Credit Rating Sept 2016*	1 April 2016 (opening)			30 June 2016			30 September 2016		
		£m	Interest Rate	Type of Investment	£m	Interest Rate	Type of Investment	£m	Interest Rate	Type of Investment
Specified Investments										
Bank of Scotland Bank	F1/A+							6.0	0.40%	Instant Access
Handelsbanken Bank	F1+/AA	2.9	0.45%	Instant Access	2.4	0.45%	Instant Access			
Std Life (Ignis) MMF**	AAAmmf	7.5	0.49%	MMF-Instant Acc	7.5	0.53%	MMF-Instant Acc	7.5	0.37%	MMF-Instant Acc
Aviva MMF**	Aaa-mf	7.3	0.48%	MMF-Instant Acc	6.2	0.44%	MMF-Instant Acc	8.6	0.31%	MMF-Instant Acc
Aviva - Govt MMF**	Aaa-mf				6.3	0.37%	MMF-Instant Acc	1.5	0.17%	MMF-Instant Acc
Deutsche MMF**	AAAmmf	6.7	0.46%	MMF-Instant Acc	8.1	0.46%	MMF-Instant Acc	6.2	0.32%	MMF-Instant Acc
Goldman Sachs MMF**	AAAmmf	6.0	0.44%	MMF-Instant Acc	8.1	0.46%	MMF-Instant Acc	7.7	0.30%	MMF-Instant Acc
Santander UK Bank	F1/A	5.0	0.65%	31 day notice	5.0	0.65%	31 day notice	3.0	0.40%	31 day notice
Non-specified investments										
Barclays*** Bank	F1/A	2.9	0.10%+0.40%	Instant Access	2.9	0.10%+0.40%	Instant Access	2.9	0.10%+0.40%	Instant Access
		38.3			46.5			43.4		
Sector analysis										
Bank		10.8	28%		10.3	22%		11.9	27%	
Building Society MMF**		27.5	72%		36.2	78%		31.5	73%	
Local Authorities/Cent Govt										
		38.3	100%		46.5	100%		43.4	100%	
Country analysis										
UK		7.9	21%		7.9	17%		11.9	27%	
Sweden		2.9	7%		2.4	5%				
MMF**		27.5	72%		36.2	78%		31.5	73%	
		38.7	100%		46.5	100%		43.4	100%	

*Fitch short/long term ratings, except Aviva MMF (Moody rating). See next page for key. The use of Fitch ratings is illustrative – the Council assesses counterparty suitability using all 3 credit rating agencies, where applicable, and other information on credit quality.

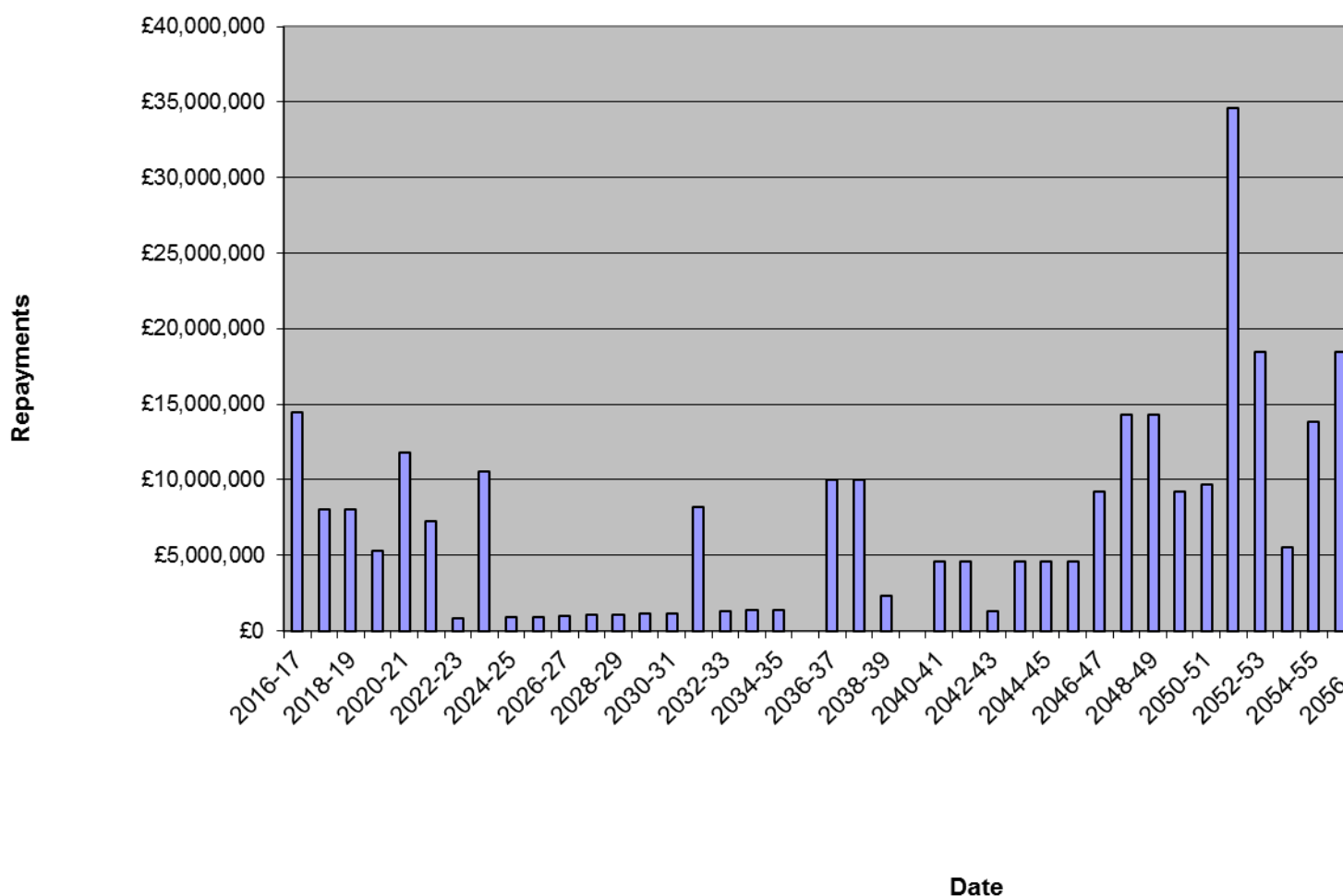
**MMF – Money Market Fund. These funds are domiciled in Ireland for tax reasons, but the funds are made up of numerous diverse investments with highly rated banks and other institutions. The credit risk is therefore spread over numerous countries, including the UK. The exception to this is the Aviva Government Liquidity Fund which invests directly in UK government securities and in short-term deposits secured on those securities.

***Barclays falls into non-specified investment category due to lower rating with S&P.

Key – Fitch’s credit ratings:

		Long	Short	
Investment Grade	Extremely Strong	AAA	F1+	
		AA+		
	Very Strong	AA		
		AA-		
		A+		
	Strong	A		F1
		A-		
		BBB+		F2
	Adequate	BBB		
		BBB-		F3
BB+		B		
Speculative	BB			
	BB-			
	Very Speculative		B+	
B				
B-				
Vulnerable	CCC+		C	
	CCC			
	CCC-			
	CC			
	C			
Defaulting	D	D		

KMC Loan Maturity Profile (Fixed-Rate)



APPENDIX 3

Treasury Management Prudential Indicators

Interest Rate Exposures

While fixed rate borrowing can contribute significantly to reducing the uncertainty surrounding future interest rate scenarios, the pursuit of optimum performance justifies retaining a degree of flexibility through the use of variable interest rates on at least part of the treasury management portfolio. The Prudential Code requires the setting of upper limits for both variable rate and fixed interest rate exposure:

	Limit Set 2016 - 17	Estd Actual 2016 - 17
Interest at fixed rates as a percentage of net interest payments	60% - 100%	87%
Interest at variable rates as a percentage of net interest payments	0% - 40%	13%

The interest payments were within the limits set.

Maturity Structure of Borrowing

This indicator is designed to prevent the Council having large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates.

Amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate	Limit Set 2016 - 17	Estd Actual 2016 - 17
Under 12 months	0% - 20%	2% - 4%
12 months to 2 years	0% - 20%	2% - 3%
2 years to 5 years	0% - 60%	5% - 7%
5 years to 10 years	0% - 80%	4% - 6%
More than 10 years	20% - 100%	80% - 84%

The limits on the proportion of fixed rate debt were adhered to.

Total principal sums invested for periods longer than 364 days

The Council will not invest sums for periods longer than 364 days.



Name of meeting: Council
Date: 14 December 2016

Title of report: Revision of the Local Flood Risk Management Strategy

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 Director & name	Jacqui Gedman – 03.11.16
Is it also signed off by the Assistant Director - Financial Management, Risk, IT & Performance?	Debbie Hogg - 02.11.16
Is it also signed off by the Assistant Director - Legal Governance & Monitoring?	Julie Muscroft – 04.11.16
Cabinet member portfolio	Cllr P McBride - Economy, Skills, Transportation and Planning

Electoral [wards](#) affected: All

Ward councillors consulted: None

Public or private: Public

1. Purpose of report

Update of the local flood risk management strategy, published in 2013, to reflect new evidence/information, particularly in relation to the flooding in December 2015.

The report was considered at the meeting of Cabinet on 15 November 2016. Cabinet supported the content of the report.

2. Key points

The Council's Local Flood Risk Management Strategy (LFRMS) has been reviewed following a resolution at Council on 23 March 2016 to:

(i) Ask Cabinet to review the 2013 Kirklees Flood Risk Management Strategy.

(ii) Consult public, private and statutory bodies regionally and nationally to produce a mitigation and resilience strategy.

(iii) Submit the final document to Council for comment and to subsequently forward to Government and all agencies for their endorsement and inclusion on funding bids

The LFRMS was published in February 2013 and has undergone annual reviews by the Council's Scrutiny process. The Strategy outlines the Council's duties under the Flood and Water Management Act 2010 and details a series of actions to deliver its duty to understand local flood risk and identify measures to manage the risk. Whilst the Strategy is still appropriate in its broad approach, its evidence base requires updating to reflect legislative changes around Sustainable Drainage Systems (SuDS), new knowledge from recent studies and the impact of recent flood events.

Responding to the Council resolution:

- (i) The revision includes:
- A general update of dates/text/information throughout the report to make it relevant to the current time
 - Reference to the flood event in Mirfield in December 2015 (**pages 7, 19, and 53**)
 - The new role of the Council (as Lead Local Flood Authority) as a Statutory Consultee to Planning on Surface Water Drainage (**pages 9, 24, 28, 37, 44**)
 - A statement on progress in the first 3 years of the strategy on information collection, knowledge, understanding and recent/current flood management studies and initiatives (**page 53**)
 - Acknowledgement of comments made in the annual scrutiny review of progress against the action plan (**page 55**)
 - Strengthening of the action in the strategy to explore natural flood management opportunities (**page 47**)
 - Recommendations from the recent Leeds City Region Flood Review and Calderdale Flood Commission (following the December 2015 floods) (**page 31**)
- (ii) The Strategy outlines the general approach on the initiatives and tools the Council will use to manage local flood risk. A number of specific actions in the Strategy (Measures 1.6, 3.1, 5.1, 5.3, 7.2, 7.3 and 11.1) contribute to an ongoing mitigation and resilience programme, prioritising where best to direct the Council's resources. The programme is developed in partnership with the Environment Agency to maximise opportunities for funding through their Grant in Aid programme.
- (iii) The updated Strategy will be submitted to Council on 14 December. The evidence base in the Strategy is referenced in all funding bids, providing context and justification for the funding.

The updated Strategy will inform the programme of work for the Flood Management team to manage local flood risk in a prioritised and proportionate way.

3. Implications for the Council

The Council has a legal duty to publish, implement and review a Local Flood Risk Management Strategy.

The Council will continue to implement the Strategy, within existing revenue and budgets, in line with the level of flood risk and external funding opportunity.

4. Consultees and their opinions

None consulted (minor updating of the Strategy to reflect legislative changes and improved evidence base for actions).

5. Next steps

To implement the strategy.

6. Officer recommendations and reasons

Councillors are asked to approve the Strategy to address the resolution made at Council on 23 March 2016.

7. Cabinet portfolio holder recommendation

Cllr McBride supports the approval of the Strategy to address the resolution made at Council on 23 March 2016.

8. Contact officer and relevant papers

Tom Ghee, Flood Management and Drainage Tel.
01484 221000,
email: tom.ghee@kirklees.gov.uk

Relevant papers:

Appendix 1 - Updated Local Flood Risk Management Strategy

9. Assistant Director responsible

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

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2016

Kirklees Local Flood Risk Management Strategy

A strategy which defines the Councils approach to the management of flood risk from local sources with proposals for measures and actions which will help to manage the risk

Kirklees Council

Kirklees Council

Nov 2016

Page 31



Kirklees Local Flood Risk Management Strategy

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Use of the Information in the Report

As Lead Local Flood Authority (LLFA), Kirklees Council has a duty to develop, maintain, apply and monitor a strategy for local flood risk management. The local strategy will complement and support the national strategy, published by the Environment Agency, which outlines a national framework for flood and coastal risk management, balancing the needs of communities, the economy and the environment. The LLFA must specify objectives to manage flood risk and suggest measures to achieve those objectives. The LLFA has a responsibility to consider the flood risk management functions that it may exercise to reduce risk.

In support of the aim of a general reduction of flood risk across the district, the Council will prioritise investigations and works identified in this Strategy to the best of its abilities, based on perceived and evidenced risk and within limited resources.

The indications of flood risk in the report are high level and based on incomplete information. A level of subjectivity has been used in assessing relative flood risk and the results will be used to prioritise future, more robust, investigations and assessments which will, hopefully, lead to reliable measures of risk. Consequently, it is not appropriate to apply the information and recommendations in this report at a local, property level.

1st edition of Kirklees LFRMS published February 2013

This edition published November 2016

Chapter summaries are highlighted in blue text boxes

Key information is highlighted in yellow text boxes

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Kirklees Local Flood Risk Management Strategy

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1 Executive Summary

The risk of flooding in England is predicted to increase as a result of climate change and new development in areas at risk. It is not possible to prevent all flooding but there are actions that can be taken to manage these risks and reduce the impacts on communities. The Flood and Water Management Act (FWMA) 2010 required the Environment Agency to publish a **National Strategy for Flood and Coastal Erosion Risk Management** and Lead Local Flood Authorities a **Local Strategy for Flood and Coastal Erosion Risk Management**. Kirklees Council, as Lead Local Flood Authority for the district, has developed this Local Strategy in partnership with its two main Flood Risk Management partners, Yorkshire Water and the Environment Agency, reflecting the needs and priorities of the local community.

Nationally, flood management has been organised and managed disparately with indistinct responsibilities across a variety of organisations. There has been an historic failure to provide clear and co-ordinated management of flood risk and local communities have been let down by poor communication, unclear responsibilities and uncoordinated actions in the local management of flood risk.

The risk of flooding is increasing. Development pressures in urban centres and the prediction of more severe rainfall events as a result of climate change combine to increase the risk in existing communities and offer challenges in managing the risk in new developments. The district has avoided the devastating floods across the country in the last decade at Boscastle, Cornwall (2004), Carlisle (2005), Yorkshire (2007), Cumbria (2009), Calderdale and York (2012), Somerset levels (2014) and Cumbria, Lancashire and West Yorkshire (2015), although a number of mainly commercial properties flooded from the river Calder in Mirfield in December 2015. The predicted risk from future rainfall events is high. Out of 150 LLFAs in the country, excluding London Boroughs and County Councils, Kirklees ranks 7th in terms of overall flood risk behind cities such as Hull, Birmingham and Leeds. It is predicted that up to 27,000 properties in the district (15% of households) could be at risk from an extreme rainfall event creating flooding from all sources.

The recent legislation has made responsibilities clearer with the roles of the various organisations set out as follows:

The Environment Agency –

- Managing flood risk from designated “main” rivers
- Regulating the safety of large reservoirs
- Developing the National Strategy for Flood and Coastal Erosion Risk

The Lead Local Flood Authority (Kirklees Council) –

- Developing the Local Flood Risk Management Strategy (LFRMS)
- Managing the risk of flooding from surface water, groundwater and smaller watercourses

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- Investigating significant flood incidents
- Maintaining a register of significant drainage assets
- Approving, adopting and maintaining Sustainable Drainage Systems (SuDS) on new development sites

The Water Company (Yorkshire Water) -

- Effectually draining their area
- Maintaining a register of properties at risk from hydraulic sewer overload, carrying out improvements where resources allow

The Highway Authority (Kirklees Council) –

- A duty to drain surface water from the public highway

The LLFA has the responsibility to co-ordinate the management of local flood risk and the Kirklees LFRMS provides the framework to ensure that the type and scale of local flooding is understood and explained, appropriate objectives have been set, measures to achieve the objectives have been determined and funding arrangements, including value for money for the measures, has been considered.

Historically, the Council has provided only a limited, reactive response to local flood risk management resulting in incomplete records of drainage infrastructure and previous flood incidents, a poor understanding of flood mechanisms and little strategic planning to manage future flood risk. The Kirklees LFRMS will define the Councils approach to managing flood risk in both the short and longer term.

The **Objectives** of the Kirklees LFRMS include statutory requirements from legislation, complementary objectives from other relevant plans and preferences expressed by local communities. The objectives include:

- Improving the level of understanding of local flood risk
- Ensuring that local communities understand their responsibilities
- Actively managing flood risk from new developments
- Balancing economic, environmental and social benefits in managing local flood risk
- Improving the capacity of existing drainage systems through targeted maintenance
- Encouraging responsible maintenance of privately-owned drainage assets
- Identifying affordable improvement programmes, maximising external funding contributions
- Aligning local flood risk management knowledge with the Councils emergency planning procedures

The **Measures** identified in the Kirklees LFRMS provide a long term programme of works and initiatives, such as planning controls, community engagement and improvement and maintenance work, which will be prioritised and programmed to deliver affordable reductions in local flood risk.

32 measures have been developed to address the objectives identified in the strategy. The measures are varied in nature, ranging from simple data recording to complex flood modelling, community information to changing community behaviour/perceptions. The measures include:

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- Recording/mapping flood incidents
- Developing an information strategy to improve stakeholder knowledge
- Publishing and distributing information explaining flood risk responsibilities to local communities
- Developing the LLFA role as Statutory Consultee to Planning on Surface Water Drainage
- Developing an affordable cyclical maintenance regime based on risk
- Developing a pragmatic programme of schemes and initiatives which are likely to be funded through the national funding programme
- Developing and implementing a policy on de-culverting

The **Funding** of the measures is outlined in the Strategy. Central government has provided additional funding to ensure that the new legal duties under the FWMA Act are carried out. Therefore, many of the measures detailed in the Strategy are funded and can be carried out within existing Council resources. However, some of the measures, particularly those around capacity improvements and improved maintenance, require additional funding, which will be the subject of future funding bids as projects are identified.

Flood risk across the district is complex with interactions between river, surface water and sewer flooding. It is difficult to determine absolute measures of flood risk but numerous studies and assessments carried out in the last 5 years have helped to highlight where the highest risk areas in the district are. It is clear that a minimum of 20-25,000 properties are at risk of flooding from a “once in a lifetime” rainfall event ie with 0.5% chance of happening in one year. **A more realistic scenario could be such an event affecting 10% of the district, flooding 2,000 properties, causing damage estimated at £70 million.**

The main areas in the district at higher risk of flooding are:

Huddersfield (Leeds Rd/Aspley)	6800 properties
Huddersfield (Dalton)	500
Holme Valley	2500
Dearne Valley	600
Batley	1600
Marsden	700
Dewsbury	2500
Thornhill	700
Spen Valley	3000
Mirfield	500

The focus in the Kirklees LFRMS is to reduce flood risk from local sources where it threatens property and public infrastructure. The Council is also committed to maximising opportunities to carry out flood risk reduction in ways which are sustainable in terms of affordability, environmentally and socially.

The Kirklees LFRMS is a “living document” which will develop as new evidence, expertise and resources influence the measures outlined in the strategy. The Councils Overview and Scrutiny Committee will assess progress against the Strategy and its continuing validity in managing local flood risk.

2 Glossary

Annual Exceedance Probability (AEP)	The chance of a flood of a given size happening in any one year eg 1 flood with a 1% AEP will happen, on average, once every 100 years
Catchment	A surface water catchment is the total area that drains into a river or other drainage system
Catchment Flood Management Plan (CFMP)	A strategic planning tool through which the Environment Agency works with other key decision-makers within a river catchment to identify and agree policies for sustainable flood risk management.
Chance of flooding	The chance of flooding is used to describe the frequency of a flood event occurring in any given year, e.g. there is a 1 in 100 chance of flooding in this location in any given year. This can also be described as an annual probability, e.g. a 1% annual probability of flooding in any given year. (See AEP)
Climate Change	A long term change in weather patterns. In the context of flood risk, climate change will produce more frequent and more severe rainfall events.
Critical infrastructure	Infrastructure which is considered vital or indispensable to society, the economy, public health or the environment, and where the failure or destruction would have large impact. This would include emergency services such as hospitals, schools, communications, electricity sub-stations, Water and Waste Water Treatment Works, transport infrastructure and reservoirs.
Department for Environment, Food and Rural Affairs (Defra)	The UK government department responsible for policy and regulations on the environment, food and rural affairs
DG5 Register	A Water and Sewerage Company (WaSC) held register of properties which have experienced sewer flooding (either internal or external flooding) due to hydraulic overload, or properties which are 'at risk' of sewer flooding more frequently than once in 20 years.
Environment Agency	The Environment Agency was established under the Environment Act 1995, and is a Non-Departmental Public Body of Defra. The Environment Agency is the leading public body for protecting and improving the environment in England and Wales today and for future generations. The organisation is responsible for wide ranging matters, including the management of all forms of flood risk, water resources, water quality, waste regulation, pollution control, inland fisheries, recreation, conservation and Navigation of inland waterways. It also has a new strategic overview role for all forms of inland flooding.
Environment Agency Flood Zones	Flood zones on the maps produced by Environment Agency providing an indication of the probability of flooding (from rivers and the coast) within all areas of England and Wales.
Exceedance flows	Excess flow that appears on the surface once the capacity of the underground drainage system is exceeded

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Flood Risk Management Plan	<p>A plan for the management of a significant flood risk. The plan must include details of –</p> <ul style="list-style-type: none">a) objectives set by the person preparing the plan for the purpose of managing the flood risk, andb) the proposed measures for achieving those objectives
Flood Risk Regulations	<p>Legislation that transposed the European Floods Directive in 2009</p>
Flood and Water Management Act	<p>The Flood and Water Management Act clarifies the legislative framework for managing surface water flood risk in England.</p>
Floods Directive	<p>The EU Floods Directive came into force in November 2007 and is designed to help Member States prevent and limit the impact of floods on people, property and the environment. It was transposed into English law in December 2009 by the Flood Risk Regulations.</p>
Fluvial Flooding	<p>Resulting from excess water leaving the channel of a river and flooding adjacent land</p>
Lead Local Flood Authority (LLFA)	<p>The authority, either the unitary council, or county council, with responsibility for local flood risk management issues in its area, as defined in the Flood and Water Management Act</p>
Local Plan	<p>The Local Plan is a plan for the future development of the local area, drawn up by the Local Planning Authority. It guides decisions on whether or not planning applications can be granted.</p>
Local Resilience Forums (LRF)	<p>LRFs are multi-agency forums, bringing together all organisations which have a duty to co-operate under the Civil Contingencies Act, and those involved in responding to emergencies. They prepare emergency plans in a co-ordinated manner.</p>
Main River	<p>Main Rivers are watercourses marked as such on a main river map. Generally main rivers are larger streams or rivers, but can be smaller watercourses in critical locations.</p>
Ordinary watercourse	<p>An ordinary watercourse is any other river, stream, ditch, cut, sluice, dyke or non-public sewer which is not a Main River. The local authority has powers to manage such watercourses.</p>
Pitt Review	<p>An independent review of the 2007 summer floods by Sir Michael Pitt, which provided recommendations to improve flood risk management in England</p>
Pluvial flooding	<p>'Pluvial' flooding (or surface runoff flooding) is caused by rainfall and is that flooding which occurs due to water ponding on, or flowing over, the surface before it reaches a drain or watercourse.</p>
Resilience measures	<p>Resilience measures are designed to reduce the impact of water that enters property and businesses, and could include measures such as raising</p>

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	electrical appliances, concrete floors etc
Resistance measures	Resistance measures are designed to keep flood water out of properties and businesses, and could include flood guards, air brick covers etc.
Riparian owners	A riparian owner is someone who owns land or property adjacent to a watercourse. A riparian owner has a duty to maintain the watercourse and allow flow to pass through his land freely.
Risk	In flood risk management, risk is defined as the probability of a flood occurring x consequence of the flood
Strategic Flood Risk Assessment (SFRA)	An SFRA provides information on areas at risk from all sources of flooding.
Surface water flooding	In this context, surface water flooding describes flooding from sewers, drains, groundwater, and runoff from land, small water courses and ditches that occurs as a result of heavy rainfall.
Surface Water Management Plan (SWMP)	A tool to understand, manage and coordinate surface water flood risk between relevant stakeholders
Sustainable Drainage Systems (SuDS)	A sequence of management practices and control measures designed to mimic natural drainage processes by allowing rainfall to infiltrate and by attenuating and conveying surface water runoff slowly compared to conventional drainage.
Urban Creep	The change of permeable areas within the urban environment to impermeable areas. Typical types of urban creep are the creation of patios, paving the front gardens to create hard standing parking areas or house extensions.
Water Framework Directive (WFD)	A European Community Directive (2000/60/EC) of the European Parliament and Council designed to integrate the way water bodies are managed across Europe. It requires all inland and coastal waters to reach "good status" by 2015 through a catchment-based system of River Basin Management Plans.

3 Introduction

The risk of flooding in England is predicted to increase due to climate change and new development in areas at risk. It is not possible to prevent all flooding but there are actions that can be taken to manage these risks and reduce the impacts on communities. This flood management strategy for Kirklees aims to use a variety of techniques, measures and initiatives to provide a co-ordinated mitigation plan that balances the needs of communities, the economy and the environment.

3.1 Background

Nationally, flood management has been organised and managed in a disparate way. Management of fluvial flooding from major rivers has passed between a variety of successive government agencies. Responsibility for general land drainage and flooding from the public sewer system has been managed in a variety of combinations of local authorities and public and private waterworks companies. The result has been an historic failure to provide consistent and coordinated management of flood risk and an absence of leadership in the investigation and resolution of local flood events. Local communities have been let down by poor communication, unclear responsibilities and uncoordinated actions in the local management of flood events.

The risk of flooding is increasing. Development pressures in our urban centres and fringes and the prediction of more severe rainfall events as a result of climate change combine to increase the risk in existing communities and offer challenges in managing the risk in new developments.

The last two decades have witnessed a number of devastating floods across the country. York (2000), Boscastle, Cornwall (2004), Carlisle (2005), Yorkshire (2007), Morpeth, Northumberland (2008), Cumbria (2009), Calderdale and York (2012), Somerset levels (2014) and Cumbria, Lancashire and West Yorkshire (2015) have destroyed local communities, highlighting the vulnerability of the country's infrastructure to flooding. Severe flood events in continental Europe during the same period, has resulted in European Legislation being published. The Flood Risk Regulations (FRR) 2011 requires member states to manage "significant" flood risk. The regulations operate on a 6 year cycle, with the "significance" threshold in this first cycle being set at such a high level that only 10 areas across England have emerged as areas requiring further investigation. Kirklees is not a significant flood risk area in terms of the FRR.

The flooding in summer 2007 was particularly severe, affecting a large number of communities spread across the country. The government-commissioned Pitt review of the flooding summarised the historic failings of flood management, resulting in an extensive set of recommendations which were eventually transposed into a new piece of legislation, the Flood and Water Management Act 2010. The FWMAAct created, for the first time, a general responsibility for Lead Local Flood Authorities, or LLFAs, (County and Unitary Councils) to take leadership for the coordination and management of local flood risk. A number of duties, powers and tools have been created or developed to allow local flood management to be more effective. The manner in which LLFA's choose to manage local flood risk is defined by Section 9 of the FWMAAct, where they are required to **"develop, maintain, apply and monitor a strategy for local flood risk management in its area"**

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The FWMAct is not prescriptive in what the Strategy should deliver. The intention is to allow local discretion as to the type and timing of programmes and initiatives chosen and the level of resources available to meet the expectations in the strategy. Statutory guidance on how to produce the strategy has not been published although informal guidance has been produced by the Local Government Group through its “**Preliminary Framework for Local Flood Risk Management Strategy**”¹ to assist LLFA’s in the process.

Historically, Kirklees has provided a limited, reactive response to local flood risk management resulting in relatively poor records of previous flood incidents and drainage records. Understanding of flood mechanisms is limited and little strategic planning for the mitigation of future flood risk has been carried out. A Flood Management Team is now established to fulfil the various duties and responsibilities required by the legislation and a structured and resourced programme has been developed to provide a methodical and prioritised assessment of local flood risk. The team has made significant progress since the introduction of the FWMAct to improve its knowledge of existing drainage systems, its technical expertise in advising residents, businesses and developers on how to manage surface water drainage/ flood risk and it’s understanding of flood risk mechanisms and appropriate mitigation measures.

This strategy will define the Councils approach to managing flood risk in both the short and longer term.

3.2 The Scale and Type of Flood Risk in Kirklees

3.2.1 Characteristics of the Area

Kirklees is a unitary council in West Yorkshire bounded by Calderdale, Bradford, Leeds, Wakefield, Barnsley, Derbyshire and Oldham. In terms of size, it is the 11th largest district council out of 348 (Population of around 400,000) and 3rd largest metropolitan council in area (400km²). The main population centres are Huddersfield (125,000), Dewsbury (57,000) and Batley (45,000), with a further 10, or so, small towns (5-20,000). Around 40% of the area is heavily urbanised with 60% rural in character, of which half is in the Pennine hills.²

With respect to water resources, Kirklees has 27 large reservoirs in the Pennines, operated by the local Water and Sewerage Company, Yorkshire Water, with the associated emergency planning aspects managed by the Environment Agency. There are approximately 100km of enmained river, managed by the Environment Agency, and unrecorded, but substantial, lengths of culverted and open minor watercourses. The main rivers in the district are the rivers Colne and Calder flowing to the river Aire, which drains around 85% of the area, and the river Dearne flowing to the river Don, draining the remaining 15%. Average annual rainfall figures for the district range from 1800mm at the Pennine headwaters to 800mm in Huddersfield, compared with an average across England of 950mm.³

¹ http://www.local.gov.uk/web/guest/flood/-/journal_content/56/10171/3487627/ARTICLE-TEMPLATE

² Kirklees Council, *Factsheets 2010*,
<http://www.kirklees.gov.uk/community/statistics/factsheets/factsheets.shtml>

³ Environment Agency, *Calder Catchment Flood Management Plan July 2010*, page 54

3.2.2 Flooding Characteristics

Fluvial Flooding from Designated Main Rivers

Kirklees is dominated by 2 main river systems, the River Calder to the North of the district and the River Dearne to the South, both rivers having their headwaters in the Pennines and both ultimately flowing to the Humber estuary.

In the upper reaches of the **Calder's** tributaries, valleys are generally narrow and steep-sided and consequently, flood zones are narrow. Existing development is mostly housing, commercial or small areas of light industry. Flood defences are typically discontinuous with flood walls in a mixed condition, offering low standards of flood protection.

In the downstream catchment between Huddersfield and Dewsbury, the floodplain broadens and land-use includes large areas of heavy industry and housing within the high flood risk zone. Flood defences generally offer a higher level of protection. Substantial lengths of main river tributaries to the River Calder, such as Grimescar Dyke, Batley Beck and Chickenley Beck are culverted through urban areas

The upper reaches of the **Dearne** above Clayton West are fairly steep and respond quickly to rainfall. The industrial textile heritage of the area, resulting in recent residential conversions of riverside mills, and the general high density of residential development in the valley bottom leave a sizeable part of the local community at risk of flooding. There is little historical evidence of river flooding from breached defences or overtopping but the main issue appears to be flooding resulting from submerged outfalls to the river.

The Environment Agency has powers for managing the flood risk from main rivers. The hydraulic characteristics of the main rivers are generally well understood and substantial computer modelling of the flood risk has been carried out.

Minor Watercourse Flooding

Many thousand km's of minor watercourses drain surface water across the district. The condition and capacity of the open watercourses has not historically been recorded and only limited information is available on the sections which have been culverted. Riparian responsibility means that standards of maintenance vary greatly, ranging from well-maintained lengths in private gardens and public parks, to fly-tipped, polluted lengths in undeveloped industrial land.

The industrial heritage of the larger settlements as textile centres has left an historical legacy of stone culverts carrying watercourses through areas of high residential occupation. Information on the location, condition and connectivity of the culvert systems is piecemeal but is a significant factor in understanding and reducing flood risk in those locations.

Surface Water Flooding

Surface water flooding is generally more prevalent in the hillier, rural, less developed south side of the district. The settlements along the Dearne, Holme, Colne and Woodsome Valleys are concentrated along the rivers and suffer the consequences of rapid surface water runoff from the uplands and fields on the steep valley sides. The flooding experienced in 2007 demonstrated the risks from overland surface water flows to rural communities and those on the urban fringe. The public sewer record is relatively well recorded but information on other

formal drainage systems is sparse, they are often unrecorded and consequently, poorly maintained.

The large settlements to the centre and north of the district, Huddersfield, Dewsbury and Batley, have significant networks of public sewers, owned and maintained by Yorkshire Water, with less evidence of smaller culverted watercourses remaining in those areas. It is likely that the traditional means of draining surface water via watercourses has been gradually replaced by the developing public sewer system carrying rainwater in both surface water and combined sewers.

Groundwater Flooding

Groundwater flooding occurs as a result of water rising to the surface from underlying ground or abnormal springs, usually as a result of sustained increased rainfall raising natural groundwater levels. Groundwater flooding is usually more prevalent in low-lying areas where normal water tables are high and underground aquifers are present. In Kirklees, it is very unusual to see groundwater breaking through the surface of the ground but the high number of basements in older properties in Kirklees, a product of its industrial heritage, means that groundwater flooding to “below ground” rooms is increasingly common.

Sewer Flooding

Yorkshire Water owns much of the combined and surface water sewers in the region. Sewer systems are currently designed not to flood in a 1:30 year return period design storm. This does not include accommodating flows from exceptional and high magnitude rainfall events. During extremely wet weather, the rainfall may exceed current design criteria. Such events can result in exceedance of the hydraulic capacity of the sewer thus increasing the risk of flooding. One of the most recent occurrences of this type of event was the flooding experienced in June 2007.

There are some known sewer related flooding issues within the Kirklees catchment. However, overall sewer performance is satisfactory. Yorkshire Water is working with Kirklees Council, the Environment Agency and other parties to better understand the interaction of the networks and provide improvements that will help further reduce the risk of flooding.

Recent Flood Events

Kirklees has been relatively unaffected by severe, community-wide flooding compared to other areas in the country, however, there have been a number of flood incidents where damage to property and infrastructure has occurred.

- There has been recent significant local flooding in the summers of 2002 (Holmfirth), 2004 (Milnsbridge, Ravensthorpe), 2007 (Various Locations), January 2008 (Holmfirth), June 2012 (Various Locations) and December 2015 (Mirfield)
- The 2007 floods flooded up to an estimated 500 properties across the district and were described by many residents as the worst in living memory. The flooding was widespread across the district but hotspots occurred around Ravensthorpe, Liversedge, Cleckheaton, Chickenley, Mirfield, Milnsbridge, Brockholes, New Mill, Denby Dale, Scissett and Clayton West.
- The most recent floods in 2015 were centred on the river Calder in Mirfield, flooding around 60 commercial and 10 residential properties.

2007 Floods

Two significant rainfall events occurred on Friday 15 June and Monday 25 June 2007, exacerbated by previous, generally high, May and June rainfall. In Kirklees, a wet May was followed by the wettest June on record – May rainfall was 30% above average and total June rainfall was 325% above average (nearly 300mm falling at Emley Moor during the month). The River Don was recorded running at 650% above the monthly average flow and also recorded the highest peak flow on record.

The effect of the above was unprecedented rainfall run-off from saturated fields onto undrained rural roads and very high river and watercourse levels. Few watercourses in Kirklees breached their banks but many surface water outfalls were submerged. Restricted discharge, resulted in surcharge of highway drains, YW surface water sewers and culverted watercourses causing much of the surface flooding in the area. The design capacity of YW combined sewers was exceeded which exacerbated the problem with Combined Sewer Overflows (CSO's) operating and sewage mixing with floodwater.

December 2015 Floods

Storms Desmond and Eva crossed the north of the country during December causing widespread flooding to Cumbria, Lancashire and West Yorkshire. Kirklees suffered serious flooding from the river Calder in Mirfield on Boxing Day with approximately 70 residential and commercial properties suffering internal flooding.

The interactions between different sources of flooding

Whilst the Catchment Flood Management Plans for the area direct policies and initiatives for the management of flood risk resulting from designated main rivers and this local strategy considers the risks from smaller watercourses, overland surface water and groundwater, it is inevitable that some flooding will result from many sources of water, including that carried in the public sewer system. The general public, understandably, care little where the floodwater comes from but the LLFA has a responsibility to determine, where possible, which risk management authority is responsible. Where there are complicated interactions of different sources, the LLFA will take a lead to ensure that investigation, assessment and appropriate mitigation measures are carried out.

Public Perception of Flood Risk

Households and businesses which have suffered from disruptive and damaging flooding generally understand the risks involved but many still rely on the various agencies and organisations to manage future risks. Agencies, particularly the LLFAs, have a role to play but an important outcome from this strategy will be a programme of awareness-raising with

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affected property owners to give them the knowledge and tools to take measures to protect themselves. There will always be extreme events that place people and property beyond economically viable protection and warning and evacuation may be the only solution. The future availability of affordable house insurance against flooding will inevitably drive property owners towards providing their own flood protection and resilience measures to help reduce premiums.

Local Flood Risk

This Strategy, outlining the responsibilities of Kirklees Council, deals with flood risk from “local” sources of flooding, namely:

- Surface Water
- Minor Watercourses
- Groundwater

The National Strategy, produced by the Environment Agency, deals with fluvial flood risk from designated “main rivers”

However, the local strategy considers the risk from main rivers in the district to provide a comprehensive and integrated approach to managing the risk from all sources of flooding.

3.3 The Size of Flood Risk in the District

Presenting a simple indication of the risk from flooding in the district is difficult. The risk comes from many sources and there are many methods of calculating predicted risk. The Council holds limited records of previous flood incidents but significant, area-wide flooding from future, high – intensity or prolonged rainfall provides the greatest risk for residents in the district. A variety of studies and calculations have been made in the past 5 years which contribute to an understanding of the size of the flood risk in Kirklees.

- The comparative figures shown below⁴ give an indication of how Kirklees sits locally and nationally with other Councils (LLFAs).
- The figures for number of properties at risk⁵ from flooding should be viewed as properties that may flood as a result of the type of rainfall event that may occur “once in a lifetime”.

Comparison across other Councils/LLFAs

Kirklees ranks **55th out of 150** LLFAs in England, in terms of general flood risk.

Excluding larger Counties and London Boroughs, **Kirklees ranks 7th behind Hull, Birmingham, Brighton, Doncaster, Leeds and Leicester.**

⁴ Defra, December 2010 – LLFA Funding Allocations

⁵ Defra, August 2009 - National Rank Order of Settlements Susceptible to Surface Water Flooding

Number of properties at risk from flooding

If a rainfall event with a 0.5% chance of happening in any year occurred in Kirklees the number of properties at risk of flooding are:

12,000 from river flooding, and

15,000 from other local sources (surface water, minor streams and groundwater)

ie a total of 27,000 properties or 15% of households in the district

Section 7 of the Strategy provides further information on the scale of local flood risk.

3.4 What will the Strategy do?

Flood risk in Kirklees **will** increase in the future as a result of climate change and new development pressures. Funding to address the increased risk through traditional flood defence or drainage capacity improvement works is limited but opportunities are available to flood risk management authorities and property owners to manage the risk in a structured and affordable way.

The Kirklees Local Flood Risk Management Strategy will explain how the Council, as Lead Local Flood Authority, will determine the location and size of flood risk, develop a co-ordinated, resourced and diverse action plan to mitigate the risk, presenting the objectives and measures in an understandable and accessible way.

The general principles of the Strategy are that:

- Flooding will always occur. It is uneconomic to totally prevent it and flood management will always be a balance of preventing flooding and managing the consequences of flooding.
- Flood risk management will be a compromise between managing today's problems and reducing the risk from future, larger, catastrophic flooding.
- More and better information on drainage systems and flood risk will result in more effective schemes and initiatives.
- Various authorities have flood risk management responsibilities but, ultimately, householders and businesses are best placed to protect their own properties.
- New developments offer the best opportunity to reverse the mistakes made by previous generations in building developments in high flood risk locations.
- The Strategy will pay due regard to the local, natural environment maximising opportunities for enhancement.

4 Responsibilities

4.1 Context

The Pitt Review identified inadequate and unclear responsibilities in those agencies and organisations with roles to play in flood management, as a significant factor in our historically poor response to flooding. The FWMA Act clarifies responsibilities and creates the new role of Lead Local Flood Authority to coordinate the local response to flood management and mitigation. In Kirklees, the Risk Management Authorities (RMA's) with legal responsibilities for local flood management are:

- The Environment Agency
- The Lead Local Flood Authority (**Kirklees Council**)
- The Water Company (**Yorkshire Water Services**)
- The Highway Authority (**Kirklees Council**)

4.2 Roles, Responsibilities and Functions

The main roles, responsibilities and functions to be exercised by the RMA's are as follows:

The Environment Agency

- Strategic overview of all forms of flooding
- Risk-based management of flooding from “main rivers”
- Regulation of the safety of higher-risk reservoirs
- Development of the National Strategy for Flood and Coastal Erosion Risk Management
- Coordination of Regional Flood and Coastal Committees
- Powers to request a person for any information relating to its flood management responsibilities
- Powers to designate structures and features relating to “main rivers”
- A duty to report to ministers on flood risk management
- Statutory consultees to Planning on main river flood risk
- Is a Competent Authority for the Water Framework Directive

The Lead Local Flood Authority

- Development of the strategy for local flood risk management
- Strategic leadership of local risk management authorities
- Reducing the risk of flooding from surface water, groundwater and ordinary watercourses
- Powers to request a person for any information relating to its flood management responsibilities
- A duty to investigate significant flood incidents and determine and allocate responsibilities
- A duty to maintain a register of structures or features likely to have a significant effect on flood risk
- Powers to designate structures and features relating to flood risk, other than from “main river”

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- Advise on land use planning processes to mitigate flood risk resulting from new or re-development of land
- Responsibility as the Statutory Consultee to Planning on Surface Water Drainage, encouraging the use of SuDS that are effective and maintained
- A duty to ensure local flood risk management functions are consistent with the national strategy

The Water Company

- Where appropriate, assist the LLFAs in meeting their duties in line with the national strategy and guidance.
- Where appropriate, assist the LLFAs in meeting their duties in line with local strategies in its area.
- Where appropriate, sharing of information and data with RMAs, relevant to their flood risk management functions.
- A duty to effectually drain their area, in accordance with section 94 of the Water Industry Act 1991.
- A duty to register all reservoirs with a capacity greater than 10,000m³ with the Environment Agency
- An agreement with Ofwat to maintain a register of properties at risk from hydraulic overloading in the public sewerage system (DG5 register).
- The appropriate management of surface water in combined systems.
- Encouraging the use of SuDS.
- Creating a detailed understanding of flood risk from the public sewer system.
- Explore and implement multi benefit/agency schemes.
- A duty to ensure local flood risk management and drainage works are consistent with environmental regulations (including the Water Framework Directive)

The Highway Authority

- A duty to act in a manner which is consistent with the local and national strategies and guidance
- A duty to share information with other RMA's relevant to their flood risk management functions
- A duty to drain the adopted highway of surface water

In addition to the role of RMA's, individual landowners owning land adjacent to watercourses, known as riparian owners, have important rights and responsibilities relating to flood risk management from natural watercourses. They have

- A right to receive flow in its natural quantity and quality. Water may only be abstracted from a watercourse with the formal approval of the Environment Agency.
- A right to protect their land and property from flooding and erosion. Any associated works must be approved by the Environment Agency and/or LLFA.

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- A responsibility to allow water to flow through their land without obstruction, diversion or pollution.
- A responsibility to receive flood flows through their land
- A responsibility to keep the watercourse bed and banks free of litter and debris.

4.3 The Powers and Duties of Kirklees Council

The Flood and Water Management Act 2010 identified Kirklees Council as the Lead Local Flood Authority for the district. The main responsibilities from the Act have been summarised in the previous section but the main effect of the Act will be to provide, for the first time, the means for the Council to coordinate and manage local flood risk. The Council has a number of duties, powers and responsibilities from other legislation which assist the Council in providing a comprehensive approach to the management of local flood risk.

It is important to understand that a **duty** is something the Council is legally obliged to do; a **power** can be used at the Council's discretion

The Council's powers and duties relating to the management of local flood risk are as follows:

4.3.1 As Lead Local Flood Authority

- **A duty to produce a local flood risk management strategy** – develop, maintain, apply, monitor and publish a local strategy. The strategy will provide a framework to deliver a prioritised programme of works and initiatives to manage flood risk in the area.
- **A duty to co-operate with other risk management authorities** – healthy and constructive arrangements have been in place for a number of years via *West Yorkshire LLFA Liaison Group*, and the more recent *Kirklees Flood Risk Management Partnership* where partners can share best practice and develop joint initiatives. The Council will be an active contributor to the regional Flood Partnership and the Regional Flood and Coastal Committee.
- **A power to arrange for a flood risk management function to be transferred to another risk management authority** - Kirklees Council does not currently anticipate transferring any functions and will deliver the requirements of the Act within its existing resources.
- **A power to request information in connection with its flood management functions from another person** – reciprocal arrangements are in place with the Council's principal partners, Yorkshire Water and the Environment Agency, to exchange relevant information. The Council will continue to expand its knowledge base by requesting relevant information from other key agencies and landowners.

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- **A duty to investigate flooding** – the LLFA will act as the co-ordinator for the investigation of flood incidents, determining responsibility for any further action from risk management authorities. The LLFA has local discretion to determine which flood incidents it investigates. The results of any investigation will be published on the Councils website and any relevant risk management authorities informed of the results.

Kirklees Council will formally investigate flood incidents which meet the following criteria:

- *Where one or more residential or business properties suffer internal flooding*
- *Where there is a risk to life as a result of the depth and/or velocity of floodwater*
- *Where critical infrastructure (eg emergency services buildings, utility company infrastructure, schools, day centres, hospitals and main transport routes) suffer flooding or obstruction, or were in imminent danger of flooding*
- *Where 5 properties or more were in imminent danger of flooding, or*
- *Where local democratic pressures from elected members, committees, or other elected bodies, might be considered as a factor in determining whether a formal investigation should be carried out*

Whilst the principal purpose of formal flood investigation is to identify cause and responsibility for further action and provide a single point of contact for the householder, business or community, the information gathered will be invaluable in extending the Councils knowledge of drainage infrastructure and local flood risk.

- **A duty to maintain a register of drainage assets/ features** – the Council must establish and maintain a register of structures or features which it considers are likely to have a significant effect on local flood risk. Information on ownership and state of repair will also be held on the register. The register will be available for inspection. The LLFA has discretion to set a local indication of “significance” to determine which assets it records on the register.

The Councils register of drainage assets will include the following structures or features

For pipes/ culverts

- *The diameter is greater than 600mm or cross sectional area is greater than 0.3m² or*
- *The pipe/culvert has a recorded history of flooding or*
- *The pipe/culvert is within 20m of a cluster of 5 or more recorded flood incidents (non-cellar) – excluding pipes of 225mm diameter or less*

For trash grilles

- *The grille is council-maintained and is on the monthly clearance programme or*
- *The grille is privately-maintained and total blockage would cause flooding of adjacent infrastructure*

For surface water pumping stations

- *All pumping stations to be included*

The register is available on the Councils website and allows local residents, communities and businesses to better understand where the significant drainage and flood management features are located.

- **A power to designate features that affect flood risk** – if the LLFA considers a structure or feature affects a flood risk and it is not owned by the LLFA or the Environment Agency, it may formally “designate” the structure/feature. Designation places legal responsibilities on the owner of the asset to manage it with due regard to its function as a flood risk feature. The owner may not alter, remove or replace a designated structure or feature without the consent of the LLFA. Structures or features meriting designation could include culverts, garden/building walls, flood banks etc where there is evidence that their location affects flood risk. The Council intends to use the powers in a proportionate manner, determining an appropriate measure of significance for the flood risk. Any proposal to designate a structure or feature will be fully evidenced and justified.
- **A power to formally consent works within Ordinary Watercourses** – the FWMA Act transfers legal powers from the Environment Agency to the Council to manage works proposed in ordinary watercourses. The Environment Agency will continue to consent works in designated main rivers and the Council will consent those works in all other (ordinary) watercourses. Works which may need approval by the Council include new and replacement culverts, provision and removal of weir structures, construction of river walls and temporary support works for permanent structures which interfere with the flow of water in the watercourse. The Council will actively manage works

proposed by riparian owners to ensure that flood risk does not increase as a result of their actions.

- **A duty to promote and manage Sustainable Drainage** –The government decided not to enact Schedule 3 of the FWMA Act, preferring to strengthen the planning process and require Lead Local Flood Authorities to act as Statutory Consultees to Planning on Surface Water Drainage. Technical advice is offered to Planning to encourage developers to provide drainage systems, preferably SuDS, which meet national standards. There are great opportunities to remove the burden on currently over-loaded drainage systems through the development of more natural systems of water management. SuDS also offer numerous opportunities for environmental improvement and socio-economic benefits.

The LLFA will be consulted on surface water drainage for all major development sites by the Planning Authority. The LLFA will ensure that development drainage meets the national standards and that there are appropriate maintenance arrangements in place to ensure the ongoing effective performance of the drainage for the lifetime of the development.

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4.3.2 As a Category 1 Responder (Emergency Planning)

- A duty to assess risk of emergencies occurring and use this to inform contingency planning
- A duty to put in place emergency plans
- A duty to put in place Business Continuity Management arrangements
- A duty to put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
- A duty to share information with other local responders to enhance co-ordination
- A duty to Co-operate with other local responders to enhance co-ordination and efficiency
- A duty to provide advice and assistance to businesses and voluntary organisations about business continuity management

4.3.3 As Highway Authority

- **A duty to maintain the public highway network (excluding motorways)** – the Highways Act requires the Council, as Highway Authority, to ensure that highways are drained of surface water and, where necessary, maintain all drainage systems ensuring there is no pollution of the wider environment. In particular, the Council carries out regular maintenance of road gullies and their connections to the carrier drain. The carrier drain will generally be an adopted public sewer, maintainable by the local water company but, in some instances, it may be a dedicated highway drain maintainable by the Council. Culverts, carrying watercourses, crossing public highways may have trash grilles installed at the upstream end of the culvert, protecting the culvert from blockages. The highway authority has a responsibility to ensure these grilles operate efficiently, achieved by clearing them on a regular maintenance cycle.

4.3.4 As Planning Authority

- **A responsibility to consider flood risk in Local Plans** – the Planning Authority must prepare, publish and use a Local Plan) which directs how land can be used. The Local Plan considers flood risk from both fluvial (main river) and local sources (surface water) of flooding, paying due regard to available Strategic Flood Risk Assessments, Preliminary Flood Risk Assessments and Surface Water Management Plans.
- **A responsibility to consider flood risk when assessing applications for development** – The Planning Authority should only approve development where it can be demonstrated that the proposal doesn't increase the overall risk of flooding in the area and is adequately protected from flooding itself. A sequential approach should be taken to ensure development sites are chosen which offer the lowest possible flood risk.
- **Considering advice from the LLFA as a statutory Consultee**
– The Planning Authority should highlight at the Master Planning stage or during any early pre-planning enquiries the need to discuss drainage and flood management requirements with the LLFA.

4.3.5 As a Riparian Owner

- **A duty to pass on flow in a watercourse without obstruction, pollution or diversion affecting the rights of others** – The Council, as a landowner, has a duty to pass on the flow in a natural watercourse from its land to another.
- **A duty to accept flow** – The Council has a responsibility to accept normal flow onto its land and even flood flow which may be caused by under-capacity downstream. There is no duty for a landowner to increase the capacity of a watercourse crossing his land.
- **A duty to maintain the bed and banks of the watercourse** – The Council must clear obstructions in the watercourse which affect the flow of water in the channel, including vegetation, artificial obstructions and heavy siltation. The Council is responsible for protecting its own property from natural seepage through natural river and flood banks. There is also a duty to control alien invasive species, such as Japanese Knotweed and Himalayan Balsam.

5 The Objectives for Managing Local Flood Risk

Objectives, or outcomes to be achieved, will be strategic in nature but it is important that the process, measures and actions to achieve the outcomes are pragmatic, deliverable and supported by both partners and stakeholders.

The Strategy sets out objectives which delivers statutory requirements and supports complementary objectives from other plans and strategies.

5.1 Complementary Plans and Strategies

Several, mainly high-level, strategic plans have been developed recently which provide a strong evidence-base and direction for local flood risk management. They include, in chronological order:

- **Humber River Basin Management Plan (RBMP) December 2009** – The delivery mechanism for the Water Framework Directive objectives. The plan focuses on the protection, improvement and sustainable use of the water environment.
- **Calder Flood Management Plan (CFMP) July 2010** – Prepared by the Environment Agency, proposing catchment-wide, long-term measures, the CFMP considers all types of flooding and sets the context and direction for more local, detailed plans.
- **Kirklees Surface Water Management Plan (SWMP) January 2011** – An evidenced plan for the reduction of risk from surface water flooding across the district.
- **Preliminary Flood Risk Assessment (PFRA) November 2011** – Required under The Flood Risk Regulations 2011. Quantifies the level of flood risk from all sources across the district, highlighting areas at significant risk.
- **The National Flood and Coastal Erosion Risk Management Strategy for England 2011** – Sets out the Environment Agency's overview role in flood and coastal erosion risk management encouraging more effective partnership working between national and local agencies and local communities.
- **Calder Valley Strategic Flood Risk Assessment (SFRA) Refreshed in September 2016** – Provides a general assessment of flood risk across the Calder catchment in Kirklees, Calderdale and Wakefield, focusing on risk from the river Calder. The SFRA is a tool to help direct planned development towards those areas of lowest flood risk.

The Flooding in December 2015 affected Calderdale, Leeds and Bradford in particular, and prompted two formal reviews, with some headline recommendations that are relevant to the Local Strategy and the Council's priorities for the management of flood risk

Calderdale Flood Commission (2016)

- Review how we plan for flooding and how, where and when we deploy resources
- Improve the resilience of critical infrastructure, particularly transport routes
- Commit to a programme of improving the ability of the upland areas to retain more rainwater
- Strengthen flood risk awareness in the planning process with training, specific planning guidance, identifying critical drainage areas, use of neighbourhood plans etc

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- Specific workstreams including
 - Flood risk reduction projects
 - Natural flood risk management
 - Community resilience

Leeds City Region Flood Review (2016)

- Review of recovery processes
- Encouraging a City Region approach to Upland Management
- Improved understanding of where critical infrastructure is located and how the key rout network can be protected
- Improve development planning processes with the aid of LCR Supplementary Planning Guidance
- Improve collaboration across the Region to share expertise and strengthen governance arrangements

The above recommendations are supported in the Council's current action plan.

5.2 Main Policies and Measures relating to Flood Management

Policy/Measure	Strategy/Plan					
	SFRA	RBMP	CFMP	SWMP	PFRA	National Strategy
Enhance/improve existing knowledge base of flood risk	✓		✓	✓	✓	✓
Improve understanding of surface water flood risk	✓			✓	✓	✓
Provide information on flood risk to enable appropriate land allocations	✓			✓		✓
Ensure the Councils Flood Emergency Plan is comprehensive and up to date			✓			✓
Carry out asset inspections and action deficiencies		✓	✓	✓		✓
Assess the flood risk to transport links			✓	✓	✓	
Improve knowledge of drainage infrastructure			✓	✓		✓
Removal/improvement of culverts		✓	✓	✓		
Increase community awareness		✓	✓	✓		✓
Reduce the rate of run-off from open land in the higher catchment		✓	✓	✓		
Understand and manage the interaction between canal, river and minor watercourse systems			✓			

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Determine priority locations for surface water flood risk	✓			✓	✓	
Encourage SuDS/Source Control solutions		✓		✓		✓
Improve Capacity in Drainage Systems			✓	✓		✓
Improve property resistance and resilience				✓		
Understand the relative flood risk in the district (compared to other districts)				✓	✓	
Better coordination of FRM						✓
Sustainable approach – balancing social, economic and environmental needs		✓				✓
A partnership approach to funding						✓

- ✓ Main measure from plan
 - ✓ Supported measure

The Strategy will be consistent with the main policies and measures outlined above. It will include all current policies and measures which have been adopted in current flood management-related plans, which are relevant to the management of local flood risk. The two key documents which guide and support the Strategy are the **PFRA** and **SWMP**.

The **PFRA**, submitted under the Flood Risk Regulations 2011, states the overall flood risk across the district.

The district-wide **SWMP**, presenting the priorities for delivering better local flood risk management will form the main delivery and control mechanism for achieving better flood risk management across the district.

Work carried out since the initial strategy was published in 2013 has built on the base information held in the PFRA and SWMP. A prioritisation tool has since been developed, and used, to help prioritise those locations around the district where flood risk is highest, where properties are at risk and where affordable, grant-funded projects are most likely. This work has informed the programme of work over the last 3 years that has been funded by the Environment Agency's Grant in Aid programme.

5.3 Public Expectations from Flood Risk Management

A two stage consultation exercise with the general public was carried out to inform the Strategy.

The first stage involved an online questionnaire, promoted through local media, which sought the opinions of Kirklees residents on their experiences and perceptions of flood risk, their priorities for how to manage the risk and their preferred measures to achieve those priorities. Approximately 150 questionnaires were completed.

General views expressed as a result of the first public questionnaire

- The availability of house insurance is already a serious concern for households who have been flooded before
- The public are keen to see something more than a “Do minimum” approach in the Strategy. Most favour initiatives which address existing flooding problems but many support work to avoid flooding from future, more severe rainfall
- There is a clear indication that flooding to properties and businesses should be prioritised over flooding to “amenity” land
- There is a strong feeling that new development activity will provide opportunities to reduce flood risk to the “occupiers” and adjacent properties
- There is little appetite from the public to contribute financially to flood mitigation works
- The public are keen to understand more about the location, type and, in particular, the size of the flood risk they might face

The second stage again involved an online questionnaire which asked stakeholders how clear the Strategy was and asked for preferences on how the identified measures should be prioritised. Approximately 25 questionnaires were completed.

General views expressed as a result of the second public questionnaire

- The risk management authorities for the area are identified and their roles are clear
- It is not clear how the Council will fund the actions identified in the Strategy
- The Strategy offers a clear direction for the Council
- There is a preference for addressing existing flooding problems ahead of future, predicted flooding
- There is a preference for maintenance of existing drainage systems ahead of increasing the capacity of those systems
- There is a preference for working closely with private landowners rather than carrying out works on private land
- There is support to persuade developers to carry out additional flood mitigation and drainage works outside the development site area
- The general public consider maintenance and improvement of drainage systems to be the most important general action, ahead of the management of new development

5.4 The Objectives of the Strategy

The Strategy needs to provide a clear vision as to how local flood risk will be managed by the Council and its partners. The objectives in the Strategy will include statutory requirements from legislation, complementary objectives stated in relevant plans and strategies and preferences expressed, or known, within local communities.

The objectives are:

- Improve the level of understanding of local flood risk within the LLFA
- Improve the level of understanding of local flood risk amongst partners and stakeholders

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- Ensure that local communities understand their responsibilities in relation to local flood risk management
- Maximise the benefits from partnership working with flood risk partners and our stakeholders
- Actively manage flood risk associated with new development proposals
- Take a sustainable approach to FRM, balancing economic, environmental and social benefits from policies and programmes
- Improve and/or maintain the capacity of existing drainage systems by targeted maintenance
- Encourage proactive, responsible maintenance of privately-owned flood defence and drainage assets
- Influence planning policies and land allocations in Local Plans to take account of flood risk
- Maximise opportunities to reduce surface water run-off from the upper catchments
- Identify projects and programmes which are affordable, maximising capital funding from external sources
- Ensure local FRM knowledge is aligned with the Councils emergency planning procedures

The Strategy is a living document and will be updated regularly to ensure it is relevant and is informed by the developing knowledge base on local flood risk.

Key Points: Objectives

- Objectives have been chosen that are affordable and deliverable and reflect the communities aspirations and priorities
- The objectives include similar aspirations from complementary plans and strategies

6 The Measures Proposed to Achieve the Objectives

The initial analysis of flood risk carried out in the SWMP has been developed through a prioritisation tool into a programme of measures and initiatives to be considered in areas of identified flood risk. Measures can be “non-structural” such as planning controls and improved community engagement, or “structural” such as physical improvement or maintenance works. It is impractical and unaffordable to carry out every measure for every situation. The Strategy will help to determine which measures are most appropriate for Kirklees, which measures offer best value for money and how a blend of structural and non-structural measures can be used to give a balanced approach to mitigating risk.

The Strategy objectives and the measures required to achieve them are summarised in the following table:

	Objective Reference	Objective	Measures
Information and Communication	1	Improve the level of understanding of local flood risk within the LLFA	1.1. Record drainage and flood assets 1.2. Maintain a public asset register 1.3. Designating flood/ drainage assets 1.4. Recording/ mapping flood incidents 1.5. Carry out flood investigations 1.6. Assessment of high flood risk locations 1.7. Improve skills and knowledge of FRM officers 1.8. Information from stakeholder engagement
	2	Improve the level of understanding of local flood risk amongst partners and stakeholders	2.1. Publish a clear strategy and communicate it 2.2. Develop information strategy to improve partner and stakeholder knowledge 2.3. Improve and maintain the Councils FRM web pages
	3	Ensure that local communities understand their responsibilities in relation to local flood risk management	3.1. Publish and distribute information explaining responsibilities, local flood risk, property protection/resilience etc 3.2. Involve local communities in local initiatives and schemes
	4	Maximise the benefits from partnership working with flood risk partners and our stakeholders	4.1. Continue to develop the partnership with the Environment Agency and contribute to the Yorkshire LLFA Liaison Group 4.2. Ensure that policies and programmes promoted through the Strategy complement and support works across the rest of the Calder and Don catchments
Policies and Work Programmes	5	Actively manage flood risk associated with new development proposals	5.1. Develop and apply a robust local policy on FRM and drainage solutions on new development sites 5.2. Develop a process with the Planning Department to create clear advice and direction to developers on FRM and Drainage 5.3. Establish the LLFA’s role as a Statutory Consultee to Planning
	6	Take a sustainable approach to FRM, balancing economic, environmental and social benefits from policies and programmes	6.1. Ensure the environmental consequences of implementing the LFRMS are considered against the technical, economic and social benefits 6.2. Work with the Environment Agency to embed policies from local River Basin Management Plans, local environmental policies and “European “ protected sites into FRM procedures and programmes
	7	Improve and/or maintain the capacity of existing drainage systems by targeted maintenance	7.1. Identify highest risk open and culverted watercourses, highway drains and other drainage/flood features 7.2. Develop an affordable cyclical maintenance regime based on risk 7.3. Implement a responsive, reactive maintenance regime based on risk
Policies and	8	Encourage proactive, responsible maintenance of privately-owned flood defence and drainage assets	8.1. Identify highest risk private flood defence and drainage assets 8.2. Develop technical advice for owners to guide them in preparing local maintenance plans 8.3. Establish risk-based consenting and designation

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			processes
9	Establish a robust policy on water management and use available information on flood risk to assess the suitability of the allocation of sites for different land uses through the Local Development Framework process.	9.1.	Use available information on flood risk to identify appropriate development potential
10	Maximise opportunities to reduce surface water run-off from the upper catchments	10.1.	Develop proposals to engage with significant landowners to employ land management techniques and initiatives which help to reduce the rate of surface water run-off
11	Identify projects and programmes which are affordable, maximising capital funding from external sources	11.1. 11.2. 11.3.	Develop a pragmatic programme of schemes and initiatives which are likely to be funded through the National Grant in Aid and Local Levy Programmes Develop and implement a policy on de-culverting, consistent with Local Plan policies. Determine all other funding sources, Council, partners and other external, and maximise “match-funding”
12	Ensure local FRM knowledge is aligned with the Councils emergency planning procedures	12.1.	Embed the LFRMS into flood response and recovery plans and use developing knowledge on flood risk to “tune” emergency procedures

Key Points: Measures

- Measures have been chosen which allow a comprehensive and varied approach to managing local flood risk
- The measures build on existing initiatives, balancing ambition with available resources

7 Proposals, Timescales and Funding to Implement the Measures

Some of the measures outlined in the previous section have been core activities for the Council for a number of years and processes are in place to deliver those measures. Other measures, however, relate to new responsibilities or activities, often requiring a new set of skills and experience that may take some time to develop or acquire.

7.1 Affordability and Funding of the Measures

The Government commits significant funding every year to flood management activities across the country. Funding for investigation, co-ordination and local management of flood risk issues has been allocated to LLFA's with a long term commitment to support this foundation work. Capital funding for mitigation works (such as flood defences, property resilience schemes, flood storage etc) is generally allocated on the basis of risk and, inevitably, areas where high density populations co-exist with high risk from river flooding tend to attract much of the available funding. However, a more-flexible funding arrangement has recently been introduced which encourages community and business contributions to the funding of schemes which improves their chance of being supported through the national funding allocation. Essentially, the success of an FRM proposal will be improved if the cost burden is shared amongst as many contributors as possible, the share from the national allocation is as low as possible and the outcomes from the proposal are evidenced as clearly as possible. The new national funding scheme has also been extended to include proposals which address risk from surface water flooding as well as from main river-related fluvial flooding.

The Strategy has identified a range of measures to improve how flood risk is managed across the district – some measures can be delivered quickly with existing council resources but others need external funding support. The challenge for the council is to maximise the benefit from limited (council and external) funds through creative and innovative scheme development, mobilising community and business support for projects and initiatives and preparing sound and evidenced cost-benefit justifications.

The Strategy will explain the sources of funding available for FRM, the resources and funding required for the measures described in Section 6 and where any shortfalls in funding for the measures may be found.

7.2 Sources of Funding for Flood Risk Management

Source of Funding	Description	Indicative budget in 2012/13	Administered By?	Appropriate For?
Flood Defence Grant-in-Aid (FDGiA)	Central government funding for flood (and coastal) defence projects – recently revised to encourage a partnership approach to maximise match-funding, work towards achieving specified outcomes with a requirement to evidence a reduction in flood risk to properties	£30million (Yorkshire)	Environment Agency	Medium to large capital FRM projects
Local Levy	Annual contributions from Councils to a regional “pot”, smaller than the FDGiA budget but offers more flexibility on the type and size of project it can fund.	£2million (Yorkshire)	Environment Agency	Smaller FRM projects or as a contribution to FDGiA projects
Private Contributions	Voluntary, but funding from beneficiaries of projects could make contributions from national funding viable. Contributions could be financial or “in kind” eg land, volunteer labour	Unknown	Kirklees Council	All projects
Water Company Investment	Investment heavily regulated by Ofwat but opportunities for contributions to area-wide projects which help to address sewer under-capacity problems	Unknown	Water Company	Projects which help to remove surface water from combined sewers
Section 106 contributions (Town & Country Planning Act)	Contributions from developers, linked to specific development sites where off-site improvements to drainage infrastructure are required to make the developers proposals acceptable	Unknown	Kirklees Council	Larger development sites
Community Infrastructure Levy (CIL)	A local levy applied by the Planning Authority on developers to contribute to a general infrastructure fund. Kirklees Council has not yet implemented a CIL scheme. A bid for CIL would have to be made for flood management/drainage improvements against other competing council priorities.	Unknown	Kirklees Council	All measures outlined in the Strategy
Council Tax	A “ring-fenced” provision within the annual council tax for the specific purpose of addressing FRM.	Unknown	Kirklees Council	Key measures in the Strategy
Business Rates Supplements	Agreement from local businesses to raise rates for specified purposes.	Unknown	Kirklees Council	Measures which address flood risk to businesses
Council Capital Funding	The Councils infrastructure programme prioritising capital improvement projects. The programme has included funding for drainage capacity improvements for a number of years which is targeted at the highway drainage systems	£250k	Kirklees Council	Measures which are small to medium capital projects
Council Revenue Funding	The Council has a number of revenue streams to support technical and admin processes and to maintain council infrastructure. Existing revenue budgets include Highway Drainage Maintenance, Highway Gully Maintenance, Watercourse Maintenance and funding for the Flood Management Team discharging the LLFA duty for the Council.	Drainage Maintenance (£200) Gully Maintenance (£400k) Watercourse Maintenance (£100k) Flood Management Team (£300k)	Kirklees Council	Measures requiring officer time and/or maintenance activity

7.3 Delivery of the Measures

Each measure outlined in Section 6 has been developed into a set of activities, policies and procedures which have been described below. Funding is critical to the delivery of the strategy and whilst the Council has a legal responsibility to deliver many of the actions required to deliver the measures, the funding made available to do so is limited. **The delivery timescales indicated below reflect current levels of funding, existing commitments and preferences expressed through the consultation process for the Strategy.**

7.3.1 Objective 1 - Improve the level of understanding of local flood risk within the LLFA

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
1.1	Record drainage and flood assets	Identifying the location, capacity and condition of drainage assets is key to understanding how local flood risk is managed and sharing the information with partner organisations to inform their work. The Council places a high priority on asset recording, taking opportunities through flood incident investigation, planned maintenance programmes, new highway works and 3 rd party information to build up a picture as to how surface water is drained via both underground and surface systems. Drainage and flood assets include pipes, culverts, open watercourses, mill-ponds, small reservoirs, informal flood banks and flood walls. The aim is expand the quantity and quality of information on the record to provide a comprehensive, linked network of drainage systems across the district which can be shared with partner organisations.	Ongoing	Council Revenue	✓
1.2	Maintain a public asset register	Although legislation only requires the Council to make the Register available for inspection, the Kirklees Register of Drainage Assets and Features is available as a GIS-based record on the Councils website. The first edition of the Register was posted in October 2012.	Ongoing	Council Revenue	✓
1.3	Designating flood/ drainage assets	The Councils current knowledge of 3 rd party drainage features or structures is limited. Work carried out to deliver Measure 1.1 will allow the Council to judge the merits of designating such assets. The Council has not identified any private flood assets which would benefit from designation.	Ongoing	Council Revenue	✓
1.4	Recording/ mapping flood incidents	The Council will investigate, to some degree, all reported flood incidents. Locations and detail of causes/solutions are recorded on the Councils GIS which allows all relevant flooding and asset data to be reviewed at the same time. All known historic flood incidents are recorded and all future incidents will be recorded.	Process in place	Council Revenue	✓
1.5	Carry out flood investigations	The Council has published its approach to carrying out formal flood investigations where significant flooding has occurred. The outcomes of the investigations and the full reports will be published on the Council's website within 6 weeks of the date of the incident.	Process in place, investigations ongoing	Council Revenue	✓

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1.6	Assessment of high flood risk locations	Locations of higher flood risk have been identified in the Kirklees SWMP which will be investigated in detail to determine whether mitigation measures are required. The level of risk has been determined from an assessment of available flood mapping/ recorded flood incidents and flood receptors such as residential/business properties, critical utility and social infrastructure, including schools, residential care facilities and key transport links. The SWMP has been developed further through the use of a prioritisation tool which uses the most up to date data available to produce a prioritised list of high risk flood locations. This informs our ongoing programme of studies.	Ongoing	Council Revenue/ EA Grant	✓
1.7	Improve skills and knowledge of FRM officers	Develop a local centre of expertise on general FRM issues, providing a “one-stop shop” for residents, businesses and developers. Encourage officers to develop a wide range of FRM skills rather than relying on specialists.	Ongoing	Council Revenue	✓
1.8	Information from stakeholder engagement	Develop initiatives to “tap into” local knowledge of historic drainage systems and flood incidents.	Ongoing	Council Revenue	✓

7.3.2 Objective 2 - Improve the level of understanding of local flood risk amongst partners and stakeholders

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
2.1	Publish a clear strategy and communicate it	The Kirklees LFRMS provides the framework to manage local flood risk and mitigate any risks which are considered to be too high. It is by nature, a technical document with complex issues but it is imperative that the main priorities in the strategy are understandable by all stakeholders and can be delivered in reasonable timescales.	Ongoing	Council Revenue	✓
2.2	Develop information strategy to improve partner and stakeholder knowledge	The Council needs to translate the technical information on flood risk into simple, readily understandable terms. Text and graphics should be used to allow partners and stakeholders to understand the risk relevant to their interests. Innovative means of conveying complex information will be investigated, sharing best practice from other LLFA's.	Ongoing	Council Revenue	✓
2.3	Improve and maintain the Councils FRM web pages	The Council is committed to ensuring it communicates the message on flood risk as effectively and widely as possible and will use a number of methods to achieve this. However, the Councils website will become increasingly important as the most useful and flexible method of displaying both policies and graphical demonstrations of flood risk. The Flood Management pages on the website will be comprehensive and maintained as an up to date record of local flood risk.	Ongoing	Council Revenue	✓

Kirklees Local Flood Risk Management Strategy

7.3.3 Objective 3 - Ensure that local communities understand their responsibilities in relation to local flood risk management

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
3.1	Publish and distribute information explaining responsibilities, local flood risk, property protection/ resilience etc	The Council and its partner agencies are limited by legislation and resources in how much they can do to manage local flood risk. An essential part of the work of LLFA's is to share its developing knowledge with stakeholder to allow them to take appropriate responsibility for their own land and property. A number of techniques and measures are available to property owners to reduce the level of flood risk (Resistance measures) or to recover quickly and economically from flooding (Resilience measures). The Council will develop a template for a standard information pack explaining the rights and responsibilities of landowners, an indication of the kind and size of flood risk they might face and advice as to the measures they could use to manage the risk.	November 2016	Council Revenue	✓
3.2	Involve local communities in local initiatives and schemes	The current national capital funding arrangements for FRM encourages a partnership approach to maximise outcomes and funding contributions. In general terms, FRM projects stand the best chance of national funding if they are community led and supported. A key task for the Council is to engage with local communities to fully involve them in the process to develop affordable schemes, encourage community ownership of the scheme at inception, project development, funding and delivery.	Ongoing	Council Revenue	✓

7.3.4 Objective 4 - Maximise the benefits from partnership working with flood risk partners and our stakeholders

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
4.1	Continue to develop the partnership with the Environment Agency and contribute to the Yorkshire LLFA Liaison Group	The Council will continue to be an active participant in the Liaison Group. Partnership working with the Environment Agency will be developed to work collaboratively towards reduced flood risk and to maximise the opportunities for EA funding contributions to Council projects	Ongoing	Council Revenue	✓
4.2	Ensure that policies and programmes promoted through the Strategy complement and support works across the rest of the Calder and Don catchments	Strategies and plans identified in Section 5.2 of the Strategy provide actions which complement many of the measures identified in the Strategy. All relevant strategies and plans will be referenced in funding bids for projects	Ongoing	Council Revenue	✓

Kirklees Local Flood Risk Management Strategy

7.3.5 Objective 5 - Actively manage flood risk associated with new development proposals

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
5.1	Develop and apply a robust local policy on FRM and drainage solutions on new development sites	The development of new sites and redevelopment of existing sites gives the Council an opportunity to reduce flood risk within the sites and upstream and downstream of the sites. National planning guidance exists which encourages the Council to adopt a consistent approach when recommending appropriate flood risk measures for new development sites. The council will continue to set stretching, local targets for developers in relation to permitted discharges from new or redeveloped sites, reassessing the targets as the council acquires more evidence of local flood risk. The Councils advice note on flood risk and drainage for new development sites, based on the national guidance, will be regularly updated to reflect current legislation and local knowledge	Ongoing	Council Revenue	✓
5.2	Develop a process with the Planning Department to create clear advice and direction to developers on FRM and drainage	Flood management and drainage solutions for development sites can be space-intensive and it is vital that early discussions with developers and planning officers take place to allow appropriate provision to be designed into the development. It is essential that the local guidance produced in Measure 5.1 forms part of an internal council procedure that integrates technical advice with the planning application process. Agreement and application of FRM and Drainage advice will be translated into appropriate conditions attached to planning approvals. The LLFA will work closely with Planning to support them at every stage of the planning process to ensure that flood risk is managed and appropriate surface water drainage solutions are developed	Ongoing	Council Revenue	✓
5.3	Establish the LLFA's role as a Statutory Consultee to Planning	The LLFA will maximise the future benefits from SuDS through its role as the Statutory Consultee for Surface Water Drainage.. The role will be integrated into existing Council activities to provide links between the development planning, environment/biodiversity, highways and grounds maintenance processes. Existing relationships with the Councils main partners, Yorkshire Water and the Environment Agency, will be strengthened and focused on developing clear and strong policies and working arrangements for SuDS.	Ongoing	Council Revenue	✓

Kirklees Local Flood Risk Management Strategy

7.3.6 Objective 6 - Take a sustainable approach to FRM, maximising environmental and social benefits from policies and programmes

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
6.1	Ensure the environmental consequences of implementing the LFRMS are considered against the technical, economic and social benefits	The Council considers that the LFRMS is a significant local strategy and, consequently requires appraisal under the Strategic Environmental Assessment (SEA) Regulations. Specialist, independent advice has been sought to ensure a robust assessment of environmental effects are considered as the strategy is developed and implemented. Every opportunity will be taken to maximise biodiversity benefits in the delivery of the various measures outlined in the Strategy. Monitoring against the SEA will continue as the Strategy is implemented.	Ongoing	Council Revenue	✓
6.2	Work with the Environment Agency to embed policies from local River Basin Management Plans, local environmental policies and “European” protected sites into FRM procedures and programmes	Where there are significant and predictable environmental risks from schemes and initiatives promoted by the strategy, the council will commit to carrying out formal Environmental Impact Assessments for the proposals. When implementing the measures set out in the LFRMS, due regard will be given to the need to identify and avoid potential adverse effects on the integrity of European sites in and around Kirklees, in particular the South Pennine Moors SAC/SPA (Phases 1 and 2). National advice on appropriate allowances for climate change have been included in the developers advice guide and all flood mitigation projects include for future climate change allowances.	Ongoing	Council Revenue	✓

7.3.7 Objective 7 - Improve and/or maintain the capacity of existing drainage systems by targeted maintenance

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
7.1	Identify highest risk open and culverted watercourses, highway drains and other drainage/flood features	The Council has a statutory duty to maintain highway drains but only a riparian responsibility to keep watercourses within its ownership clear of obstructions. Some watercourses create a high flood risk for nearby communities and would benefit from a more structured and targeted maintenance regime. The council will carry out a comprehensive, methodical survey of all known, non-Environment Agency or Water Company assets to determine those lengths of watercourse and drains which offer a significant flood risk. Some of this information will be used to inform Measures 1.1 to 1.3, detailed earlier in this section.	Ongoing	Council Revenue	✓
7.2	Develop an affordable cyclical maintenance regime based on risk	Maintenance budgets are limited and need to be targeted at those areas where the risk of flooding is highest. The extent of flood risk and the asset type, condition and vulnerability to temporary blockage will influence the type and frequency of maintenance required. Open watercourses contribute to a network of green corridors across the district, linking larger areas of open space. The maintenance of the watercourses to maximise the drainage of surface water will be balanced with sensitive treatment of the biodiversity elements. Maintenance plans will incorporate appropriate direction on responsible management of the local water environment. Cyclical maintenance plans	Ongoing	Council Revenue	✓

Kirklees Local Flood Risk Management Strategy

		will be developed for trash grilles protecting council-owned culverts, highway gullies and open watercourses where regular clearance would be beneficial in protecting downstream properties and infrastructure. Plans will be adapted as new information is collected.			
7.3	Implement a responsive, reactive maintenance regime based on risk	The Council cannot afford to carry out planned, preventative maintenance to all the drainage assets it is responsible for. There will be some situations where the Council may have to respond reactively to situations which arise suddenly or are reported directly by the public. The speed and type of response will be determined by the level of flood risk and the resources available. Existing council systems for receipt of, and response to, requests for maintenance work will be re-assessed and adjusted to ensure a risk-based approach is followed.	Ongoing	Council Revenue and Capital budgets	✓

7.3.8 Objective 8 - Encourage proactive, responsible maintenance of privately-owned flood defence and drainage assets

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
8.1	Identify highest risk private flood defence and drainage assets	The vast majority of watercourses are in private, rather than council ownership. Whilst riparian owners have a general responsibility to keep watercourses free of obstruction, a higher level of maintenance, which might help in maximising capacity, will need support and encouragement for private landowners. More often than not, landowners will be unaware of the level of flood risk associated with their watercourse/asset. The Council will filter information collected under Measure 7.1 to identify private assets. The Council will record the location and condition of private assets in the course of its general inspection work.	Ongoing	Council Revenue	✓
8.2	Develop technical advice for owners to guide them in preparing local maintenance plans	Improving knowledge of the location and condition of private drainage assets, acquired through Measures 1.1 and 1.3, will allow the Council to suggest appropriate proactive maintenance measures to reduce the risk of flooding to themselves and adjacent landowners. Maintenance plans will manage and maintain both the efficient flow of water in the watercourse and a healthy and attractive bio diverse environment in all water bodies in private ownership. A general advice note on riparian rights and responsibilities will be produced with bespoke advice produced for individual owners of assets with high flood risk.	November 2016	Council Revenue	✓
8.3	Establish risk-based consenting and designation processes	The council will need to consider how it uses the powers available to it to formally "designate" (See Measure 1.3). The council will need to determine how it uses the powers available to formally "consent" works in ordinary watercourses, which may have an effect on the flow of water in the watercourse. The council does not currently propose to carry out legal consenting of such works and will manage applications for works in watercourses via an "informal" approval process. The process will be reviewed annually to assess its suitability and effectiveness.	Ongoing	Council Revenue	✓

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7.3.9 Objective 9 - Establish a robust policy on water management and use available information on flood risk to assess the suitability of the allocation of sites for different land uses through the Local Development Framework process

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
9.1	Use available information on flood risk to identify appropriate development potential	The council, as Planning Authority, has a responsibility to direct development towards areas where flood risk is lowest and any proposed development is appropriate to the flood risk present at the site. An increasing amount of evidence is available to identify and quantify the flood risk that exists across the district. The evidence base for flood risk will be used alongside environmental, social and financial factors to determine sustainable solutions for local issues. The relevant previous and developing plans and strategies are referenced in Section 5.1 of this strategy. The Councils Local Plan has allocated sites for development, informed by advice from the LLFA on levels and location of flood risk	Ongoing	Council Revenue	✓

7.3.10 Objective 10 - Maximise opportunities to reduce surface water run-off from the upper catchments

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
10.1	Develop proposals to engage with significant landowners to employ land management techniques and initiatives which help to reduce the rate of surface water run-off	The south-western side of the district lies in the foothills of the South Pennines, providing substantial parts of the upper catchments for the rivers Colne and Dearne. Much of the Colne catchment is managed to provide a regular water supply to several large reservoirs, operated by Yorkshire Water, but significant areas provide opportunities through different land management practices to retain rainwater where it falls, delaying its entry to, or reducing the rate it enters, the river system. Innovative initiatives and supportive landowners are vital to achieving worthwhile reductions in surface water run-off rates. A significant part of the upper Calder catchment lies within the South Pennines Moors SAC/SPA and due regard will be paid to the particular requirements for any proposal having an effect on the water environment in the area. The Yorkshire Peak Partnership is carrying out complementary work and may be a useful source of information. There is an increasing level of national support for the interventions that might change the drainage characteristics of the upper catchments. Pilot projects are ongoing to look at options and benefits. Kirklees can play a significant role in influencing the amount of water carried down to vulnerable communities on the Calder/Aire/Humber. The council will look at opportunities to work with landowners and partners to develop specific proposals.	Ongoing	Council Revenue	✓

7.3.11 Objective 11 - Identify projects and programmes which are affordable, maximising capital funding from external sources

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
11.1	Develop a pragmatic programme of schemes and initiatives which are likely to be funded through the National Grant in Aid and Local Levy Programmes	The strategy describes a suite of measures which can be taken to manage local flood risk. Some measures are more affordable than others with larger capital improvement schemes offering the greatest challenges for funding. The national funding administered by the Environment Agency targets schemes with evidenced high risk of property flooding, preferably with contributory funding from partners and stakeholders benefiting from the scheme. The council's immediate priorities, using the outputs from the SWMP/ prioritisation work carried out under Measure 1.6 , are to establish an evidence base for the location and the extent of the risk of local flooding, quantify the size and potential effect of the risk and then identify costed options for appropriate and affordable mitigation measures. A programme of suitable projects which may attract capital funding will gradually develop over time. The council will deliver the actions in Measure 1.6 to identify projects for the higher priority areas in the district.	Ongoing	Council Revenue (Develop), Local Levy/ FDGiA (Deliver)	Partial
11.2	Develop and implement a policy on de-culverting, consistent with Local Plan policies.	The district has a high proportion of natural water courses carried in stone culverts as a result of its industrial legacy and the gradual urbanisation of its settlements. The condition, limited capacity and location can combine to create local sources of flood risk. The Local Plan will contain a policy relating to water management encouraging re-opening of culverts. The Council will look for opportunities to de-culvert and return culverted watercourse back to open channel, reducing flood risk and re-establishing biodiversity benefits.	Ongoing)	Council Revenue	✓
11.3	Determine all other funding sources, Council, partners and other external, and maximise "match-funding"	The funding of proposals set out in this strategy is covered in detail in Section 7. The council will maximise the use of external funding sources to supplement the Councils available revenue and capital budgets for flood management and drainage	Ongoing	Council Revenue	✓

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7.3.12 Objective 12 - Ensure local FRM knowledge is aligned with the Councils emergency planning procedures

Measure	Actions Proposed	Description and Benefits of Carrying out the Measure	Progress	Funding	
				Source	In Place
12.1	Embed the LFRMS into response and recovery plans and use developing knowledge on flood risk to “tune” emergency procedures	The Corporate Safety and Resilience team have responsibility for the council's management of flood incidents affecting Kirklees communities. Any action required to manage the incident and its aftermath is co-ordinated through the council's Major Incident Plan. The new responsibilities outlined in the LFRMS will create an improving evidence base to target where council resources may be best deployed if a severe area-wide flooding event occurs. Post-flooding feedback will add to the information held by the Flood Management team to provide an ever-improving record of local flood risk. The Council's new responsibilities and current records will be embedded in the Major Incident Plan where appropriate and updated when necessary.	Ongoing	Council Revenue	✓

8 What is the Flood Risk in Kirklees?

The topography and hydrological characteristics of the area have been described in Section 3.2 and it is clear that flood risk across the district is complex and varied. It is imperative that the Strategy explains in simple terms the source and size of flood risk in Kirklees. An increasing amount of evidence is available to explain the general levels of risk from a variety of sources, some of which are managed by the Council and some by others. This section of the Strategy will bring together available information on local flood risk, summarise the main issues across the district and explain how the information will be used to help in a wider understanding of risk.

Actual Flooding/ Predicted Flooding

Stakeholders who have experienced **previous flooding** to land or property readily understand the value of initiatives which mitigate the risk of flooding occurring again.

One of the challenges of local FRM is to find effective ways of explaining future, **predicted flood risk** ie flooding which hasn't happened yet but may happen if measures are not put into place now to prevent it.

8.1 Available Evidence/Assessments of Flood Risk

Various plans and risk assessments produced over the last 10 years present local flood risk in a variety of ways. The following table summarises the plans and evidence:

Plan/ Evidence Source	Date	Description of Evidence	Rainfall Probability (%)	Properties flooded or predicted to flood
Summer 2007 Flooding	2007	The severe flooding in 2007 was the worst in living memory. Around 200 flooded properties were reported to the Council but it is estimated that up to 500 across the district flooded. Most of the flooding was attributed to surface water.	0.5	500
Calder Valley SFRA	2008	River mapping of the Calder catchment in Kirklees, Wakefield and Calderdale to support land-use decisions in the Councils planning processes. Flooding predictions is from fluvial sources and excludes surface water.	1	16,500 (Calder Catchment) 4,500 (Kirklees – estimated)
Calder CFMP	2010	Most recent EA assessment of fluvial risk providing an overview of flood risk in the Calder catchment.	1	10,300
Don CFMP	2010	The Don CFMP includes assessment of fluvial flood risk in the Upper Dearne Valley which covers around 15% of the area of the district	1	250
Defra allocation of funding	2010	Defra used the available evidence on predicted flood risk to allocate funding for new FRM duties in a proportionate way. Kirklees ranked 55 th out of 149 LLFA's for overall flood risk. Excluding London Boroughs and Counties, Kirklees ranked 7 th behind Hull, Birmingham, Brighton, Doncaster, Leeds and Leicester.	0.5	15,000 (surface water) 12,000 (fluvial)
PFRA/ Surface Water Maps	2011	The PFRA produced under the European Flood Risk Regulations was a high level overview of surface water flood risk across the district.	0.5	15,900

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The calculation of future flood risk is complex and approximate. However, it is reasonable to assume that **a minimum of 20 - 25,000 properties in Kirklees are at risk of flooding from a rainfall event with a 0.5% annual chance of occurring.** Other infrastructure such as roads, bridges and public utility buildings would also be affected. **With a conservative estimate of £25,000 recovery/repair costs per property, such a rainfall event could cost the local economy in excess of £700million.** In reality, the more realistic scenario is that a severe rainfall event would affect only part of the district. **However, an event affecting 10% of the district could still cause £70million of damage.**

Increasing economic and social pressures to develop previously undeveloped land, the progression of urban creep (the increase in impermeable surfaces around existing infrastructure) and the effect of climate change in increasing the chance of disruptive rainfall events occurring, will combine to create a worsening situation in the district unless we develop and implement measures to address flood risk.

The properties and infrastructure at risk from flooding are scattered across the district, albeit most will be located in the valley bottoms close to rivers and minor watercourses. The broad geographical areas of concern are listed in the following section.

8.2 Areas at Risk from Future Flooding (Fluvial and Surface Water)

Using the evidence from previous flood incidents and predicted future flooding, the areas which are most at risk are as follows:

Area	Area Description	Main Sources of Flooding	Estimated No. of Properties Affected (0.5% AEP)
Huddersfield	Leeds Road Corridor (Between Bradley Mills Rd and Whitacre St)	River Colne, Surface Water	5000
Huddersfield	Aspley (Wakefield Rd/ Firth St)	River Colne, Surface Water	1800
Huddersfield	Dalton, Fenay Bridge (Waterloo Rd to Albany Rd)	Fenay Beck, Surface Water	500
Holme Valley	Holmfirth, Honley, Brockholes, New Mill (Most centres near to River Holme and New Mill Dyke)	River Holme, Surface Water	2500
Dearne Valley	Denby Dale, Scissett, Clayton West (Adjacent to River Dearne and Clayton Dyke)	River Dearne, Surface Water	600
Batley	Bradford Road Corridor (Batley Beck)	Batley Beck, Surface Water	1600
Marsden	Town Centre	River Colne, Surface Water	700
Dewsbury	Ravensthorpe (Huddersfield Rd)	River Calder, River Spen	2000

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Dewsbury	Savile Town, (Savile Rd + commercial props)	River Calder, Surface Water	500
Thornhill	Thornhill Lees (Victoria Rd area)	Surface Water	400
Thornhill	Thornhill Rd	River Calder	300
Spenn Valley	Liversedge, Cleckheaton, Oakenshaw	River Spenn, Surface Water	3000
Mirfield	Lower Hopton	River Calder, Surface Water	500
Kirkburton	Town Centre, Penistone Road	Dean Bottom Dike, Surface Water	200
Meltham	Town Centre	Meltham Dike, Surface Water	200
Slaithwaite	Town Centre	River Colne, Crimble Clough, Surface Water	200
		Total No. of Properties Affected in the Main Settlements	20000

8.3 Recent and Current Works Programme

Measure 11.1 outlined in Section 7 provides a rolling programme of affordable, funded schemes and initiatives which will help to reduce flood risk in the district. Initiatives based on recent flooding are already being developed and the table below shows some of the programme of work the Council has completed, or is in development.

Initiative	Date	Description	Number of properties at risk
Trash Grille Replacement	Spring 2014	New or updated trash grilles installed to protect highway-maintained culverted watercourses. Total of 34 grilles completed.	200+
Ex-Mill Ponds Survey	Spring 2014	Detailed surveys carried out to understand the flood risk associated with "orphaned" mill ponds. Suggested maintenance plans sent to owners	300+
Ox Field Beck, Dalton	Spring 2014	Desilting to beck to reduce flood risk to properties	3
New Mill Road, Brockholes	Autumn 2014	Option appraisal for defence works to river Holme	5
Various Flood Studies	2014 ongoing	Studies to understand flood risks at Dearne Valley, Cleckheaton, Liversedge, Dewsbury, Batley, Holmfirth, Honley and others	1000+
A62 Leeds Road, Huddersfield	2014 ongoing	Study looking at options to protect properties along the corridor from flooding from the river Colne	200+
Culvert repairs	2015 ongoing	6 year, £1.5 million programme to repair/replace ancient culverts	1000+
Property Cluster programme	2015 ongoing	A rolling programme of small schemes to address the flood risk at the highest risk properties	1000+
Ravensthorpe and Mirfield Flood Risk Study	2016 ongoing	A study to understand the viability and affordability of defending properties from flooding from the river Calder	1000+

8.4 Explanation of the Risk

Numerical calculation of flood risk is important if resources are to be prioritised for those locations where the risk of flooding to properties is highest. The Environment Agency also expect risk calculations to support bids for capital funding for FRM projects, providing evidence for the benefits from the proposed works. However, risk probabilities do not easily convey the uncertainties around flooding and the vulnerability property owners and communities might face. **Measure 2.2 outlined in Section 7** will develop simpler definitions of “the chance of flooding” which are easily understood by the general public and highlight but don’t unnecessarily exaggerate the risk.

Key Points: Flood Risk in Kirklees

- A minimum of 20-25,000 properties in Kirklees are at risk from a flood event with a 0.5% annual chance of occurring
- The locations of potential flooding are widespread and the mechanisms varied
- Calculation of risk is complex and imprecise. Simpler representations of flood risk will be developed

9 How and When will we Review the Strategy?

The Strategy will provide the framework for the Council's delivery of its flood risk management responsibilities. It is a "living document" which will develop as new information, expertise and resources influence the delivery of the measures outlined in the strategy. The strategy will be monitored by officers at the regular **Kirklees Flood Partnership Meetings** and progress against the measures assessed by local members through an annual report to the Councils **Development and Environment Overview and Scrutiny Panel**.

Issues discussed at previous annual Scrutiny reviews include:

- Review of the efficiency and appropriateness of the Council's highway gully emptying operation
- Encouragement to prioritise community engagement to share knowledge on flood risk, asset information and responsibilities, with the general aim to encourage self-help
- Sharing information more widely with local members on a ward basis – providing an overview of local sources of flood risk, previous work carried out and future work planned

The Strategy has been developed to deliver a short to medium term (3-5 years) improvement plan to establish a sound evidence and knowledge base to develop a longer-term investment programme for FRM measures across the district.

It is anticipated that the Strategy will become more focussed on the delivery of an affordable and funded capital programme of FRM works in the longer term (5-10 years).

10 A Sustainable Approach – Balancing Social, Economic and Environmental Needs

The focus on the Kirklees LFRMS is to reduce flood risk from local sources where it threatens private property and public infrastructure. The Council is also committed to maximising opportunities to carry out sustainable flood risk reduction in ways which complement national and council environmental priorities, are affordable and recognise social demographic differences across the district, delivering flood risk reduction across all its vulnerable communities. Measures which explicitly use a sustainable approach include:

- **Assessment of high flood risk locations (Measure 1.6)** – The SWMP/ prioritisation tool considers all relevant factors in determining the most appropriate approach
- **Publish and distribute information explaining responsibilities, local flood risk, property protection/resilience etc (Measure 3.2)** – Advice on measures that could be taken will be sensitive to the local environment
- **Establish the LLFA's role as a Statutory Consultee to Planning (Measure 5.3)** – The LLFA will embrace national guidance on the encouragement and maintenance of SUDS. The guidance offers clear advice on the balance of managing surface water run-off with the maintenance and improvement of the local water environment.
- **Ensure the environmental consequences of implementing the LFRMS are considered against the technical, economic and social benefits (Measure 6.1)** – The Strategy has undergone a thorough assessment against the Strategic Environmental Assessment (SEA) and Habitats Regulations
- **Embed policies from local River Basin Management Plans, local environmental policies and “European” protected sites into FRM procedures and programmes (Measure 6.2)** – A Kirklees environmental management plan for FRM measures will be developed to ensure a consistent and comprehensive approach across all measures
- **Develop an affordable cyclical maintenance regime based on risk (Measure 7.2)** – Watercourses will be maintained as “green corridors” as well as surface water drains
- **Develop technical advice for owners to guide them in preparing local maintenance plans (Measure 8.2)** – Advice will be provided to riparian owners to allow them to maintain their watercourses in a way that is sensitive to the local water environment
- **Use available information on flood risk to identify appropriate development potential (Measure 9.1)** – The increasing evidence base for flood risk will allow the Planning Authority to make informed judgements on appropriate land allocations which are sensitive to all environmental, social and economic issues
- **Develop proposals to engage with significant landowners to employ land management techniques and initiatives which help to reduce the rate of surface water run-off (Measure 10.1)** – The Council has a responsibility as an LLFA located within the upper catchment to investigate how the undeveloped rural/moorland areas can be managed to retain/ infiltrate rainfall at source
- **Develop and implement a policy on de-culverting (Measure 11.2)** – Every opportunity will be taken to return culverted watercourses to open watercourse where there are clear environmental and hydraulic benefits

11 Consistency with the National Strategy

Recent legislation implies strong partnership working as a prerequisite in delivering more effective flood risk management. The National Strategy sets out the Environment Agency's priorities and it is vital that the Kirklees LFRMS supports those aspirations with complementary measures. Section 5 of this strategy references the main policies and measures suggested in the National Strategy ensuring that they are included within the general objectives for the Local Strategy.

The Environment Agency is represented on the steering group for the Kirklees LFRMS and is a statutory consultee. Following the approval and adoption of the Strategy as a Council plan it is intended to check continuing adherence of the LFRMS with the National Strategy at the regular Kirklees Flood partnership meetings.



Name of meeting: COUNCIL
Date: 14th December 2016
Title of report: Interim Affordable Housing Policy

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 ?	Not applicable
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by Director & name	Jacqui Gedman - 2.12.16
Is it also signed off by the Assistant Director - Financial Management, Risk, IT & Performance?	Debbie Hogg - 2.12.16
Is it also signed off by the Assistant Director - Legal Governance & Monitoring?	Julie Muscroft - 28.11.16
Cabinet member portfolio	Cllr P McBride - Economy, Skills, Transportation and Planning Cllr N Mather - Housing and Enforcement Management

Electoral [wards](#) affected: All
Ward councillors consulted: N/A

Public or private: PUBLIC

1. Purpose of report

- 1.1. To set out to Council interim guidelines and policy for dealing with affordable housing contributions in new housing developments.
- 1.2. This recommendation follows an agreement from Cabinet made on 15th November 2016.
- 1.3. If Council agree to this approach it is requested to adopt this as informal policy to be used as a material consideration in the decision making process for planning applications.

2. Key Points

2.1. The Council is required to ensure a supply of new housing. At present the annual target is 1730. Alongside this there is still a requirement for affordable homes in the district.

2.2. As part of day to day development management activity officers are making recommendations on new housing developments based upon the policy set out in Supplementary Planning Document 2: Affordable Housing (SPD2). This was adopted in 2008 and has evidence and policies based on that time.

2.3. Since then the housing market and economy generally has gone through a recession. Added to that has been a shift in planning policy which has meant there is a greater need for Local Planning Authority (LPA) to consider the economic viability of developments. This is underpinned by national guidance set out in NPPF. This has resulted in an upturn in viability appraisals where developers are demonstrating that affordable housing at the levels set out in SPD2 cannot be supported.

2.4. Alongside this the council has prepared a local plan which Council have agreed to consult upon at their meeting on the 12th October 2016. As part of that process the evidence to support an affordable housing contribution has been brought up to date. This has led to a remodelled affordable housing policy in the Local Plan. The changes are set out in Table 1 below.

Policy Element	SPD2	Emerging Local Plan Policy
Threshold to which policy applies	5 units and above	10 and above
% required for Greenfield	30%	20%
% required for Brownfield	15%	20%
Floor space or units	Floor space	Units
Tenure Split	Affordable rent 90% Intermediate 10%. (Paragraph 7.2 SPD2)	Affordable rent 54% Intermediate 46% (based on SHMA evidence)
Consideration of Starter Homes	no	yes

Table 1 – Kirklees Affordable Housing Requirements

2.5. The evidence related to the levels of affordable housing set out in SPD2 has largely been superseded. In addition requirements are becoming less achievable with justification of a lower level entailing a protracted viability assessment. In such circumstances officers are of the opinion that the Council needs to consider whether it should move

more quickly to a more up to date and better evidenced policy. If so then the primary aims are; to assist further the delivery of new homes and provide a more credible, and better evidenced, policy position on which to secure more affordable homes.

- 2.6. On this basis, officers have investigated further the benefits of introducing informal policy, for development management purposes, that fast tracks to the Local Plan position.
- 2.7. The full policy and guidelines are set out in Appendix . For the avoidance of any doubt Council should note that, if adopted, the whole document will be published as this sets out both the formal policy statement as well as guidelines to assist in justifying that position and adding clarification to how the policy will be implemented.
- 2.8. In officers view this approach has several benefits:
- a. It provides an up to date evidence base on which to calculate affordable housing contributions.
 - b. It removes a more onerous floor space calculation in favour of a units based approach – this in itself is a more certain approach for developers.
 - c. It increases the threshold to 11 units which assists smaller developers to continue to deliver on often difficult sites (not an inconsequential step given that in the last recorded housing delivery statistic (2014-15) developments of 10 units or less accounted for 44% of the overall delivery)
 - d. It introduces a more flexible approach to the type (tenure) of affordable housing provision.
 - e. Whilst the process cannot insist upon its provision the policy encourages developers to consider a wide range of housing including extra care housing and a full range of housing solutions for older people.

3. Implications for the Council

- 3.1. The policy is aimed at delivering a lower level of affordable provision within housing sites. Whilst this has benefits to permissions and delivery this would mean that the need for new affordable homes, as set out in the Strategic Market Housing Assessment, will not be achieved as quickly.
- 3.2. In addition New Homes Bonus receipts - which favour affordable units – may be lower.
- 3.3. Analysis of housing sites considered at the Strategic Planning Committee since September 2015 is helpful to answer both of these points. This shows that in terms of the existing SPD2 policy there are no cases where the full 30% has been achieved. It does show that 20% of affordable housing is an achievable level although there are some more difficult to deliver sites which achieve less than this. In all cases the levels have been tested by viability appraisals.

3.4. In this context, i.e. where the SPD2 thresholds are not being met, then an adjusted policy at this stage is unlikely to be the cause for under delivery.

4. Consultees and their opinions

4.1. The development of this policy has involved input from Strategic Housing colleagues.

5. Additional Information

5.1. Officers have outlined in paragraph 2.6 that the interim policy should be adopted as informal policy at this stage. Officers could have chosen to develop another SPD. For Members information the process for preparing Supplementary Planning Documents is similar to a Local Plan document. However, they are not subject to independent examination by the Planning Inspectorate. SPD's can cover a wide range of issues and can be used to expand policies contained within policy documents. They must be consistent with national planning policy, must undergo consultation and must be in conformity with policies contained within the Local Plan.

5.2. Given the pressing need to bring about a swifter policy response and the position of the local plan then the informal approach is felt to be the most appropriate.

5.3. Should Council agree to adopt then the policy will be a material consideration carrying weight in the decision making process for planning applications. It will not replace the existing SPD2. However, it is a more reliable and up to date policy position by which officers can make their recommendations.

5.4. This interim policy should last until the Local Plan is formally adopted.

6. Officer recommendation and reasons

6.1. To set out to Council interim guidelines and policy for dealing with affordable housing contributions in new housing. This is attached as Appendix 1.

6.2. To invite Council to agree to taking this approach to affordable housing when dealing with planning applications and the interim policy to be a material consideration in the decision making process on planning applications.

6.3. Should point 6.2 be accepted then Council are requested to agree this policy position until the Local Plan is formally adopted.

6.4. The reasons for these recommendations are to bring into play an up to date and better policy base on which to seek affordable housing contributions in the short term. This should assist in the delivery of new homes across the district.

7. Cabinet portfolio holder recommendation

7.1. Councillor McBride has been briefed on the proposed changes to how the Local Planning Authority secures affordable housing in Kirklees. The changes represent a more realistic and achievable approach to delivering housing that a community needs and will help to provide the necessary bench mark and evidence base for challenging developments which fall short of the policy requirement without clear and compelling reasons.

7.2. Councillor Mather welcomes the changes which will assist in delivering housing on all levels. The policy itself represents a solid and up to date position for officers to negotiate with developers the housing that the district needs.

8. Contact officer and relevant papers

Simon Taylor – Head of Development Management

Tel: 01484 221000

Email: simon.taylor@kirklees.gov.uk

Relevant Papers

Appendix 1 – Interim Affordable Housing Policy

9. Assistant Director responsible

Paul Kemp - Assistant Director – Place

Tel: 01484 221000

Email: paul.kemp@kirklees.gov.uk

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Kirklees Interim Affordable Housing Policy 2016

Draft Kirklees Interim Affordable Housing Policy

Introduction

This document provides an interim approach to providing affordable housing in new housing developments in the district.

The Interim Affordable Housing Policy (*The Policy*) covers the period up to the adoption of the Local Plan, however this may be amended over time to reflect any relevant changes to national and local planning policy and evidence. The Policy represents an additional material planning consideration for securing affordable housing as part of the determination of planning applications. It takes account of the changes to the definition of affordable housing, the introduction of Starter Homes and other emerging Government policy and guidance.

The approach outlined here contributes to improving the number of commencements and completions on sites to improve housing delivery. It helps to support us in meeting the district's 5 year land supply. The policy also sets out our preferences for early delivery and a process to consider viability issues on planning applications.

Kirklees Interim Affordable Housing Policy

The delivery of affordable housing is a key priority both nationally and locally. This policy seeks to improve the delivery of affordable housing across the district as part of the Council's broader approach to improve housing delivery in Kirklees.

The existing Affordable Housing Policy is set out in Supplementary Planning Document 2 – Affordable Housing ['SPD2']. This was adopted in November 2008. Since then there has been a transformation within the housing market, both nationally and locally. This change has, in part, been influenced by the recession of 2008-2013. There has also been significant change to planning policy and guidance with the issuing of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

More recent Government policy has also emphasised a shift in focus to include home ownership options and the provision of Starter Homes as detailed in the Housing and Planning Act (2016).



The economic viability of development has also become a particularly prominent issue in recent years. There has been a rise in the submission of viability studies with applications. The independent assessment of these suggests that the current policy requirements as set out in SPD2 of 15% of floorspace on brownfield sites, and 30% of

floorspace on greenfield sites on developments of 5 or more dwelling has become more challenging.

Evidence

The key evidence bases for devising an affordable housing policy are the need and delivery for affordable housing as well as the economic viability of any affordable housing requirement. As stated above, Central Government has also amended the definition of affordable housing in the Housing and Planning Act (2016) to include other delivery models such as Starter Homes.

Furthermore additional planning policy guidance has been issued in the NPPG in relation to vacant building credits for the development of brownfield sites. The NPPF has also reinstated guidance when infrastructure contributions through planning obligation should not be sought, setting a threshold of 11 or more units or over 1000 square metres.

Need

The NPPF highlights the importance of meeting the need for new homes. It also places importance on widening the choice of high quality homes, the delivery of both market and affordable homes, and widening the opportunities for home ownership. The NPPF goes on to state that provision should be met on site unless off site provision is justified, and policies should provide sufficient flexibility to account for changing market conditions over time.

The current draft Strategic Housing Market Assessment (SHMA) (October 2015) evidences a net imbalance of affordable housing in the district of 1,049 per annum. This figure is an expression of the overall

annual shortfall in affordable housing needs and should not be taken as a district target. It does, however, justify the need for new developments to provide affordable housing of a type which addresses the identified need.

The SHMA has detailed the current required tenure split as 54% affordable rent, and 46% intermediate tenure. It should however be noted that the introduction of Starter Homes by Central Government, and the anticipated Starter Homes Regulations, will add a further tenure to this tenure split/mix of affordable housing which has not been currently evidenced by the SHMA.



Affordable Housing at Asquith Fields, off White Lee Road, Batley

The SHMA also provides evidence on household incomes and house prices across the district which is considered appropriate to note when considering levels of affordability for households. The SHMA shows

that median house prices in Kirklees are around £125,000 with median income at around £25,000 per annum, with lower quartile prices at £93,000 and lower quartile incomes at £18,500 per annum. Both of these represent a ratio of income to house price of 5 times.

Viability

The ability of development within the district to be economically viable is a key consideration when setting an affordable threshold. Paragraph 173 of the NPPF highlights the importance of viability in setting policy standards.

As part of work on the draft Local Plan, a viability study for the whole of the district entitled the Kirklees Local Plan Infrastructure and Viability Study 2015 ('KVS') was commissioned. The KVS has been used to inform policies in the draft Local Plan including the draft affordable housing policy and the preliminary rates for the Community Infrastructure Levy (CIL). The viability study carried out a district wide assessment considering issues such as land prices, build costs, sales values, abnormal and professional fees, finance, S106 contributions and developer profit levels.

The KVS has concluded that an interim affordable housing rate of 20% is appropriate as a district-wide target, unless demonstrated to be economically unviable for specific applications.

Definition of Affordable Housing

The Housing and Planning Act became law on 12th May 2016. The Act has amended the definition of affordable housing to include Starter Homes. The new definition of affordable homes is a new dwelling that:

“...is to be made available for people whose needs are not adequately served by the commercial housing market, or are Starter Homes.”

Starter Homes are defined as:

‘A new dwelling for first time buyers which are at least 23 years old but under the age of 40 that are sold at a discount of at least 20% of market value, with a price cap of £250,000 outside of Greater London, and a time restriction on the property before it can be sold.’

Detailed guidance is expected in the Starter Homes Regulations following the Government’s recent technical consultation on proposed Regulations. The technical consultation proposed a number of approaches which included introducing Starter Homes as part of the tenure mix for housing sites and setting a minimum percentage requirement. The consultation document proposed a minimum requirement of 20%. The final approach is yet to be determined and it is expected to be clarified at a later date.

Vacant Building Credit

Vacant building credit is national policy set out in the NPPG and provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of the vacant buildings when the local planning authority calculates any affordable housing contribution. This will apply in calculating either the number of affordable housing units

to be provided within the development or where an equivalent financial contribution is being provided.

Affordable housing contributions will be required for any increase in floorspace.

The LPA will determine on a case by case basis whether a building is vacant or abandoned. As a general principal to qualify for the vacant building credit a building should be vacant at the time a planning application is registered. The LPA will consider case law where a dispute arises about whether a building is abandoned rather than vacant. The credit is only applicable to relevant vacant buildings. The LPA will not accept, for example, sheds and non-permanent buildings as being relevant for the purposes of calculating a vacant building credit.

Further information on vacant building credit is set out in the NPPG.

Assessment of Evidence

When setting a new affordable housing policy a balance has to be struck. The Council wishes to secure housing delivery across all tenures, although the shortfall in affordable housing also needs to be addressed. The Council wishes to ensure that the policy requirement is economically viable and changes in affordable housing delivery such as Starter Homes are considered.

The KVS evidence indicates that housing development across the district is clearly viable provided an appropriate affordable housing rate is set against an appropriate threshold. The NPPG sets out specific circumstances when contributions for affordable housing should not be sought from small scale developments. This follows the order of the

Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the [Written Ministerial Statement of 28 November 2014](#). The policy has set a threshold of 11 units or more or schemes over 1000 square metres when affordable housing contributions can be sought. It is noted that this threshold does not align with that set out consultation on the Starter Homes Regulations, which proposes to align the threshold to the definition of major development (10 units).

For the interim affordable housing policy it is considered appropriate that the most current and consistent position is taken forward for the policy. The threshold will therefore be set at 11 units or more reflecting that set out in the affordable housing policy in the draft Local Plan and that which has been tested by the KVS.

On outline applications where the number of units is not known, the Council will require the applicant to submit an indicative layout to demonstrate the number of dwellings which will be proposed. These amendments represent a significant change to the current 5 unit threshold in SPD2, taking small schemes out of the requirement and helping to make larger schemes more viable.

This is a significant step in assisting smaller sites to come forward. It also assists small developers in the district to have greater confidence in being able to deliver new housing for the district. Recent evidence shows that of the gross completions for 2014/15 44% were on sites of 10 or less.

Given the evidence available it is concluded that an interim affordable housing rate of 20% of the number of market units is appropriate given the current evidence set out in the KVS.

The current SPD2 has different rates for brownfield sites (15%) and greenfield sites (30%), relating to the delivery of floorspace which the KVS has not considered. However, it is not considered to be necessary to set a different rate between brownfield and greenfield sites in this instance. Whilst it is acknowledged that a 20% rate may slightly increase the requirement on brownfield sites, the alterations from floorspace to number of units combined with the vacant buildings credit is considered to mitigate against this change. Units will be sought from this percentage rate which best fit local housing needs.

Notwithstanding the above, the Housing and Planning Act and Starter Homes Regulations have the potential to influence how negotiations on affordable housing take place. The recent technical consultation on Starter Homes Regulations (2016) has provided some indication on possible approaches although the outcome of the consultation will not be known until a later date. It is therefore proposed to make reference to Starter Homes in the interim Policy with the approach being consistent with the potential future national regulations or legislation on them. This approach will allow the interim Policy to be implemented at the earliest opportunity but allow for Starter Homes to be taken into account on affordable housing negotiations when the regulation comes into force for Starter Homes.

The policy as set out below is considered to support the delivery of affordable housing within the district ensuring that schemes are economically viable and allows for the consideration of Starter Homes.

Option for Off Site Provision

The policy seeks as a preference on site provision. However, where the LPA considers it appropriate, a financial contribution to be paid in lieu of on-site provision will be acceptable. The calculations for financial

contributions will be of at least equal value to that of onsite provision to enable provision elsewhere.



'Excellent Homes for Life' affordable homes, Lowerhouses

Policy

Draft Interim Affordable Housing Policy

On developments of 11 or more dwellings* the council will negotiate with developers for the provision 20% affordable units based on the number of dwellings on market housing sites or meet the requirements of Starter Homes Regulations set out nationally or an appropriate combination of the two.

The affordable homes should be incorporated within the development, but where justified and agreed with the LPA, a financial contribution of at least equal value of median build costs for Kirklees recognised by the RICS Build Cost Information Service (BCIS) may be accepted to provide affordable homes elsewhere or to improve the existing housing stock.

The affordable housing provision should:

- cater for the type of affordable need identified in the latest housing evidence in terms type, tenure and size;
- incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers for affordable rent and shared ownership schemes, or for the subsidy to be recycled for alternative affordable housing provision; or for Starter Homes Schemes to accord with the requirements of the Starter Homes Regulations set out nationally, and
- be indistinguishable from market housing in terms of achieving the same high quality of design.

Transfer values for affordable units are set out in Appendix A and are subject to review where considered appropriate.

*On outline planning applications for housing where the number of dwelling are unknown, the council will require the applicant to provide an indicative layout which will form the basis for affordable housing negotiations.

Housing Mix Issues

The SHMA sets out household needs and examines the current range of housing stock. In addition consideration is given to the needs of residents within Kirklees in the Joint Health and Well-being Strategy (JHWS), Kirklees Joint Strategic Assessment (KJSA) and other relevant evidence document such as those relating to the need for extra care housing or mental health (Mental Health Accommodation Strategy). Such strategies related to specific groups in need include an Accommodation Strategy for Older People in Kirklees. This seeks a full range of housing solutions which provide varied support, care and other services so that older people can remain in their homes even as they become frailer or disabled.

To meet such need extra care housing which provides for a range of needs including those of frailer older people is particularly favoured. There is also the need to provide for the care facilities of both adults and children with disabilities, those with long-term illnesses and residents with mental health issues.

Where there is evidence of local need the Council would welcome the inclusion of units which meet these needs. Applicants are encouraged to discuss this aspect at an early stage of scheme development.

Early Delivery

The delivery of housing is a key priority both nationally and locally and this approach seeks to increase delivery across the district. The annual housing requirement for housing across the district was set at 1,700 per annum in the now revoked Regional Spatial Strategy RSS. The Council is currently consulting on a draft objectively assessed need

figure of 1,730 per annum. This is based on the evidence in the Council's latest draft Strategic Housing Market Assessment (SHMA) (October 2015).

The Annual Monitoring Report (AMR) sets out the number of dwellings with permission and the number of completions each year. The AMR details that net annual completions each year over the past 5 years has fallen short of the delivery requirement.

Getting the house building market moving is a key aim which will provide homes at a time when the supply has fallen and will help towards the targets for new housing set in existing and emerging local policy to meet the needs of the district in the years ahead. Of considerable importance is that increased supply at a time of economic downturn provides construction jobs and helps to stimulate the local economy.

There has been a clear difference between the housing target and actual delivery in recent years. This is a contributory factor in the current lack of a 5 year housing land supply for the district, especially in light of the NPPF requirement for a 20% buffer in the five year land supply calculation as a result of "persistent under delivery" as well as making up a previous shortfall (since the SHMA base date of 2013). Continued under performance will not assist this position as we move forward.

As delivery of new homes becomes a greater priority and recent completions are lower than the housing requirement, the Council do need to consider further incentives to facilitate more starts on site and encourage more completions. The Council is already stimulating delivery through its 'Homescape' approach to bringing forward large

sites, small sites and stalled sites. However, the planning system can help to deliver more.

As set out previously affordable housing will only be required on developments of 11 or more dwellings and the requirement will be adjusted to 20% of units to make schemes more economically viable. However further incentive is required to promote delivery.

Implementation of Interim Policy

To further promote the delivery of housing sites, schemes which meet the affordable housing threshold will have a clause in the S106 or any appropriate condition, which requires sites to commence within 2 years of the date of decision to gain the benefit of the interim policy. If schemes have not been commenced within the 2 year period the affordable housing requirement will have to be renegotiated based on the affordable housing policy at the time.

This clause is aimed at encouraging developers to start on housing projects in the district at the earliest available opportunity and to aid in increasing completions in the district.

To further support the delivery of housing within the District the approach also sets out how economic viability assessments will be considered when applications do not meet the policy requirements set out in the policy.

Demonstrating Viability

When applications cannot meet the requirements of the Interim Affordable Housing Policy a viability appraisal for the proposal will be required that accords with the guidance set out in Appendix B. When

applications are interim policy compliant at 20% - no viability assessment is required but negotiations will need to take place on mix, tenure and Starter Homes.

Appendix A - Transfer Values

The table below sets out the price to be paid to the developer by the Registered Provider or other housing provided accredited by the Council for the affordable element of a scheme. The figures represent the price which will be paid per square metre of gross internal floorspace.

Per m2	Social Rented	Intermediate
House	£588	£999
Flat	£698	£1171

Appendix B - Viability Appraisal Requirements

Background

The Council fully recognises that financial viability is inherently linked to the ability to satisfy planning policy and to deliver regeneration objectives and economic development.

In the current economic climate this is particularly important in the context of negotiating section 106 contributions/obligations including affordable housing, public open space and education and where such contributions are to be relaxed.

The NPPF states that ‘...where obligations are being sought or revised local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled’.

The Ministerial Statement of 6th September 2012, the revisions to the Planning Act 1990 through the Growth and Infrastructure Act and the DCLG Guidance on the review of S106 Affordable Housing contributions set out the need for the Council to consider such aspects more proactively. This advice and the existing SPD2 (Section 13) on Affordable Housing demonstrate the requirement for the Council to strengthen and make its approach on this issue, and the requirements for planning applications, clearer.

Pre- Application discussions

The Council encourages applicants to engage in pre-application discussions around key policy requirements and issues around viability. The council will work with developers to consider alternative approaches that may help developments to deliver against policy objectives and remain viable.

There are small charges for this advice and this is updated periodically. It is a valuable part of the overall process and one which is recommended.

Requirements – both full and outline applications.

The submission of a planning application for a development where a relaxation of 'policy driven' contributions is sought on viability grounds will need to be accompanied by a viability assessment/financial appraisal ('the appraisal').

The Council will expect that this is independently assessed. The independent assessor will be one which is approved by the Council. The cost of the independent financial assessment shall be borne by the applicant as a separate cost to the planning application fee.

Agreement to pay this cost will be required at the time the application is submitted. The application will not be validated without that agreement in writing. In addition the Council will not progress the application until the necessary fee has been paid.

Submission of any planning application for development which is intended to comply with policy requirements will need to be accompanied by a statement which sets out that financial viability has been fully considered and that the full contributions can be met.

The format of the viability approach and evidence is set out in Annex A of DCLG guidance [“Section 106 affordable housing requirements Review and appeal”](#). Although this guidance relates to affordable housing the format in Annex A also provides key variables that are relevant in other circumstances.

Requirements for applications seeking review of planning obligations on planning permissions which relate to the provision of affordable housing. As set out in the DCLG Guidance [“Section 106 affordable housing requirements Review and appeal”](#).



Name of meeting: Council
Date: 14 December 2016

Title of report: Appointment of a Chief Executive and Head of Paid Service on an Acting Up Basis

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 ?	Not Applicable
Is it eligible for "call in" by Scrutiny ?	Not Applicable
Date signed off by <u>Director</u> & name	Adrian Lythgo – 5 December 2016
Is it signed off by the Assistant Director - Financial Management, Risk, IT and Performance?	Debbie Hogg – Not Applicable
Is it signed off by the Assistant Director – Legal, Governance & Monitoring?	Julie Muscroft – 5 December 2016
Cabinet member portfolio	Not Applicable

Electoral wards affected: All Wards

Ward councillors consulted: No

Public or private: Public

1. Purpose of report

- 1.1 To consider a recommendation from the Personnel Committee that Jacqui Gedman be appointed as Chief Executive and Head of Paid Service on an Acting-up basis for a period of 12 months from mid-February 2016.

2. Key points

- 2.1 The Personnel Committee, at its meeting on 17 November 2016, considered a report regarding the next steps in the implementation of the Senior Management Review and as part of their considerations received notice from the current Chief Executive, Adrian Lythgo, of his intention to leave his post in February 2017.

2.2 The Committee were also informed of the outcome of the Member recruitment process for the new posts of Strategic Director and of a Deputy Chief Executive. It was noted that, as part of that process Jacqui Gedman had been appointed to the position of Deputy Chief Executive, which was a specific and separate part of the process.

2.3 The Committee were asked to consider immediate transitional arrangements following the current Chief Executive's departure from the Council. He proposed that in order to ensure that there was consistency during the coming period that the Deputy Chief Executive be appointed as the Acting Chief Executive and Head of Paid Service (to include the roles of Electoral Registration Officer and Returning Officer). This was for several reasons:

1. The changes to senior management and the structure of senior management is to become embedded at the beginning of the next financial year or as soon as possible thereafter. It is therefore important that there is continuity and leadership in the Council.
2. The New Council programme underpins the next 4 years of change. The Council also intends to agree a 4 year budget in line with the financial settlement from Central Government. Continuity and leadership to the Council for those reasons is important. It also gives certainty to Council employees about the next 12 months.
3. It avoids the inevitable delay caused by an outside recruitment during this very crucial period.

2.4 He also proposed that the Personnel Committee decision be subject to review after 12 months where they would look at the options in relation to the Chief Executive and Head of Paid Service role.

2.4 The Personnel Committee unanimously agreed to recommend to Council the appointment of Jacqui Gedman as Acting Chief Executive and Head of Paid Service, to include the roles of Electoral Registration Officer and Returning Officer, for a period of 12 months, to take effect at the point Adrian Lythgo leaves the Authority.

3. Implications for the Council

- 3.1 The appointment will allow for continuity during a challenging period of time during the transition to a New Council and in the context of the continued reduction in resources available to the Council

4. Consultees and their responses

- 4.1 Group Leaders have been consulted and agree to this proposal.

5. Next steps

- 5.1 Councillors will be informed of developments during the transition to Jacqui Gedman taking up the post of Acting Chief Executive & Head of Paid Service.

6. Officer recommendations and reasons

- 6.1 That Council approve the appointment of Jacqui Gedman as Acting Chief Executive and Head of Paid Service, to include the roles of Electoral Registration Officer and Returning Officer

7. Cabinet portfolio holder's recommendations

- 7.1 Not applicable

8. Contact officer and relevant papers

Adrian Lythgo
Chief Executive
Adrian.lythgo@kirklees.gov.uk

9. Assistant Director Responsible

Not applicable

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COUNCIL MEETING

Wednesday 14 December 2016

Written Questions

- (1) **Question by Councillor N Turner to the Cabinet Member for Economy, Skills, Transportation and Planning (Councillor McBride)**

“At the November Council meeting you stated that there wasn't enough evidence about the effects of the bus gates on town centre trade. Would Cllr McBride please tell us what research he intends to carry out in order to gather the appropriate evidence?”

Cabinet Member to Respond

- (2) **Question by Councillor Cooper to the Cabinet Member for Economy, Skills, Transportation and Planning (Councillor McBride)**

“Please can the Cabinet Member give Council an update on action to protect the remaining Newsome Mills structures including the Clock Tower?”

Cabinet Member to Respond

- (3) **Question by Councillor Cooper to the Cabinet Member for Housing and Enforcement Management (Councillor Mather)**

“Please can the Cabinet Member provide Council with an update on action to remove the festering rubbish at the illegal former Hunters waste site at Queens Mill Lane?”

Cabinet Member to Respond

- (4) **Question by Councillor Cooper to the Cabinet Member for Housing and Enforcement Management (Councillor Mather)**

“Could Kirklees Building Services offer a better deal on a replacement boiler than the scheme being advertised to Kirklees Employees by Better Homes Yorkshire on the Councils Intranet?”

Cabinet Member to Respond

- (5) **Question by Councillor Cooper to the Cabinet Member for Housing and Enforcement (Councillor Mather)**

“How will residents who don't have access to the internet get to know about their bin collection days once changes will only be available online?”

Cabinet Member to Respond

(6) Question by Councillor McGuin to the Cabinet Member for Housing and Enforcement (Councillor Mather)

“Can the Cabinet Member tell us whether the Council intends to take up their option to extend their waste contract with Sita?”

Cabinet Member to Respond

(7) Question by Councillor D Hill to the Cabinet Member Family Support and Child Protection (Councillor Hill)

“Whist acknowledging the efforts that Cllr Hill and the all-party development panel are making to set children's safeguarding services on a better footing for the future, would she tell us please what efforts are underway to investigate what lessons can be learned from failures in the service and its political leadership between 2011 and 2015?”

Cabinet Member to Respond

(8) Question by Councillor D Hill to the Cabinet Member for Economy, Skills, Transportation and Planning (Councillor McBride)

“Is Cllr McBride satisfied with the ongoing Local Plan consultation?”

Cabinet Member to Respond

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Monday 3rd October 2016

Present: Councillor David Sheard (Chair)
Councillor Shabir Pandor
Councillor Peter McBride
Councillor Naheed Mather
Councillor Musarrat Khan
Councillor Masood Ahmed
Councillor Graham Turner

Apologies: Councillor Erin Hill
Councillor Viv Kendrick

Observers: Councillor Judith Hughes
Councillor Darren O'Donovan
Councillor Mussarat Pervaiz
Councillor Cathy Scott
Councillor Linda Wilkinson

61 Membership of the Committee

Apologies for absence were received on behalf of Councillors Hill and Kendrick.

62 Minutes of previous meeting

RESOLVED - That the Minutes of the meetings held on 23 August 2016 be approved as a correct record.

63 Interests

No interests were declared.

64 Admission of the Public

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

65 Deputations/Petitions

Cabinet received representations from Jenifer Devlin, Imelda Marsden, Gill Young, Christine Hyde, Ann Denham and Margaret Watson in respect of Agenda Item 8 (Minute No. 68 refers).

66 Public Question Time

No questions were asked.

67 Member Question Time

No questions were asked.

68 The Future of Museums and Galleries

(Under the provision of Council Procedure Rule 37, Cabinet received representations from Jenifer Devlin, Imelda Marsden, Hayley Wainwright and John Appleyard. Councillors Hussain, O'Donovan and Pervaiz made representations under the provision of Council Procedure Rule 36 (1).)

Cabinet gave consideration to a report which set out the responses from the engagement process regarding the final vision for the future of museum and gallery services in Kirklees and sought approval of 'Culture Kirklees'. The document, which was attached as an appendix to the considered report, identified the Council's approach to the display of collections in museums and galleries, the sites which would continue to be museums, and the sites from which museums and galleries would be withdrawn and alternative uses sought.

The report provided an overview of the Cultural Offer Transformation Programme and set out proposals for the future of the Museums and Galleries Service. It explained that during July 2016, a three week engagement programme had provided information on the financial challenges facing the council, and the proposals for the cultural vision.

RESOLVED -

(1) That the responses from the engagement process, and how these influence the final version for the future of museums and gallery services in Kirklees, be noted.

(2) That approval be given to 'Culture Kirklees', the vision for arts and cultural services provided by the Council, which identifies the approach to the display of collections in Museums and Galleries and the sites from which Museums and Galleries will withdraw and alternatives uses sought.

(3) That authority be delegated to the Chief Executive, in consultation with the relevant Cabinet Member, for the timescale for the withdrawal of Museums and

Galleries services from the sites from Dewsbury Museum and Red House Museum by 31 March 2017 at the latest.

(4) That approval be given to invite expressions of interest for the sites from which the Museums and Galleries service will withdraw and to delegate consideration of the criteria for expressions of interest to the Chief Executive in consultation with relevant Cabinet Members.

(5) That authority be delegated to the Chief Executive, in consultation with the relevant portfolio holder, for the timescale to dispose of any of the decommissioned buildings, which may take place at the same time as expressions of interest being invited, and that consultation with the Friends of both Crow Nest Park and Ravensknowle Park commence immediately regarding the future sustainable use of the buildings.

69 Request for approval to consult on the proposed revised Adult Social Care Charging Policy

Cabinet received a report which sought approval to undertake consultation in respect of the proposed revised Adults Social Care Charging Policy. It advised that the key aim of the revised policy was to ensure that, where an adult was charged for care and support, they are not charged more than is reasonably practicable for them to afford and pay. The proposals were designed to change the administration of the charging policy to be cost effective and sustainable for the Council so that services could continue to be provided for those needing care and support in the future.

Cabinet noted that the proposed revised Adult Social Care Charging Policy comprised of three separate policy documents; (i) the Adult Charging Policy (ii) the Deferred Payment Policy and (iii) the Client Financial Affairs Recovery Policy document.

Paragraph three of the considered report set out a summary the main areas to be covered by the consultation. Full details were set out at Appendix 1 of the report.

RESOLVED -

(1) That approval be given for the commencement of the consultation process as detailed in the considered report.

(2) That a report be submitted to a future meeting of Cabinet setting out the consultation results, which will be considered alongside any changes to the proposed revised Adults Social Care Charging Policy.

70 Unaccompanied Asylum Seeker Children: National Transfer Scheme and the Vulnerable Children's Resettlement Programme

Cabinet received a report which sought approval for the Council to become involved in the Unaccompanied Asylum Seeker Children (USAC) National Transfer Scheme and the Vulnerable Children's Relocation Programme (VCRP).

The report advised that the Home Office had requested Local Authorities to resettle 0.07% of their young people's population, which equated to a maximum 69 USACs within the Kirklees area. It indicated that Kirklees currently acted as Corporate Parent to 9 USACs. Cabinet noted that approval of the report would result in local and regional work taking place to actively encourage public interest in participating to support USACs by providing suitable placements and that it was recommended that 5 USACs be resettled in the short term (within the next six months). It was noted that these placements were likely to be with independent fostering agencies and supported accommodation providers, and that local capacity and potential placements would then be reviewed early in 2017.

The report also provided an outline of the Vulnerable Children's Resettlement Programme, which had been announced earlier in the year and was intended to resettle 3000 children from the Middle East North Africa region deemed to be 'at risk' by the United Nations High Commissioner for Refugees. This was likely to equate to 20 individuals (4 or 5 households) in the Kirklees area and 248 in the region. It was acknowledged that as the numbers that the Council has in place for the Syrian Resettlement Programme are small, it was recommended that Kirklees takes the maximum 20 VCRP allocation up until autumn 2019.

Paragraph 2.11 of the report outlined the levels of funding that would be received for the USAC programme, and whilst there had not yet been confirmation of funding for the VCRP it was advised that the Council only agree to participate if the funding offered is equivalent to that available for the Syrian Resettlement Programme.

RESOLVED -

(1) That approval be given to (i) the Council's involvement in the Unaccompanied Asylum Seeker Children (USAC) National Transfer Scheme (ii) 5 unaccompanied asylum seeker children being resettled within Kirklees within the next 6 months (iii) the Council's capacity to increase USAC numbers being reviewed in early 2017 following a targeted local and regional recruitment campaign and (iv) the principle of resettling 20 individuals as part of the Vulnerable Children's Resettlement Programme (VCRP) if the level of funding is the same as that that is available for the Syrian Resettlement Programme, and pursuant to this, to start accepting VCRP families from January 2017 onwards.

(2) That any amendments to Kirklees' involvement in the USAC National Transfer Scheme and VCR Programme be delegated to the Chief Executive.

(3) That the Council's involvement in both the USAC and VCRP be monitored and reviewed as detailed in the considered report.

71 The Council's approach to the delivery of Economic Resilience in Kirklees

Cabinet received a report which set out proposals for the future role of the Council, and partners, in enabling the delivery of the Kirklees Economic Strategy. The report advised that the Strategy formed part of the Council's vision to build and redesign a new approach within the Council organisation and maximise the available resources

through collaboration and working in partnership. It explained that economic resilience specifically targeted business growth, education, and employment and skills, in developing Kirklees as a high quality place providing infrastructure to contribute to the success of the District.

The proposals within the report supported the key themes of business, people and places, and aimed to ensure greater prioritisation of resources and identifying new and different ways of working focussed around the strategic framework as set out in the Kirklees Economic Strategy. Cabinet noted that key initiatives included sector growth, strategic employment and housing sites, skills and community economic development, as a way to deliver change.

RESOLVED -

(1) That the proposals and actions as set out with regard to commissioning the Economic Resilience approach, specifically in relation to how this sets out the future role the Council will play in relation to the delivery of the Kirklees Economic Strategy, be noted.

(2) That approval be given to the indicative budget envelopes as set out in Section 4.4 (table 1) of the considered report, in relation to the delivery of business growth, education, skills and employment, infrastructure, planning and regeneration and that authority be delegated to the Assistant Director (Place) to proceed to commission the proposals as set out.

(3) That it be noted that a further report will be submitted to Cabinet setting out options in relation to Integrated Community Safety, museums and galleries, and the cultural offer, and the Council's approach to community capacity building and the third sector.

72 Council Budget Update Report 2017-21 incorporating an Efficiency Plan

Cabinet received a report which set out a four year budget strategy, and took account of the Government's multi-year general fund settlement offer, which was conditional on the Council publishing an Efficiency Plan by 14 October 2016. The Efficiency Plan was set out at Appendix D of the considered report, combined with the Council's updated budget plans and strategies.

The report provided a breakdown of information in relation to General Fund current budget plans, the 2017-2021 Medium Term Financial Plan and the Housing Revenue Account. Cabinet noted that a robust Medium Term Financial Plan and budget strategy were a key element of financial and service planning, and that it would be updated in February 2017.

It was noted that the report would be submitted to the meeting of Council on 12 October 2016.

RESOLVED -

(1) That approval be given to the early high level re-refresh of baseline funding and cost projections as detailed at paragraph 2.2.1, table 2.

- (2) That approval be given to the early savings proposals within the Medium Term Financial Plan update 2017-2021, as set out in paragraphs 2.3.4 to 2.3.14.
- (3) That approval be given to the budget planning framework as set out in the considered report.
- (4) That approval be given to the Council's Efficiency Plan, as attached at Appendix D, and submission to the DCLG, on or prior to 14 October 2016.
- (5) That approval be given to the proposed budget consultation approach and timetable, as set out in paragraphs 4.9 to 4.12.
- (6) That it be noted that an update will be provided later in the year on any material changes to high level cost and income assumptions as set out in this Medium Term Financial Plan update, in particular informed by the Autumn Statement announcement expected late November 2016, and further by the 2016 Local Government Financial; Settlement, as detailed in paragraphs 4.1 to 4.3.
- (7) That approval be given to the Budget Planning Framework as set out in paragraph 2.6.2.
- (8) That the report be submitted to the meeting of Council on 12 October 2016.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Wednesday 12th October 2016

Present: Councillor David Sheard (Chair)
Councillor Shabir Pandor
Councillor Peter McBride
Councillor Naheed Mather
Councillor Musarrat Khan
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Graham Turner

73 Membership of the Committee

All Members were present.

74 Minutes of previous meeting

RESOLVED - That the Minutes of the meeting of the Committee held on 20 September 2016 be approved as a correct record.

75 Interests

No interest were declared.

76 Admission of the Public

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

77 Deputations/Petitions

Cabinet received a deputation from Paul Burr, Director of VI Promotions, who provided information on the Junk Tooth and Foodle projects within the local communities, and particularly the provision of dental care for children in the Dewsbury area, and sought support for the projects.

RESOLVED - The Leader requested that details of the projects be provided in writing in order that the information could be circulated to Cabinet Members.

78 Public Question Time

No questions were asked.

79 Member Question Time

No questions were asked.

80 Publication and Submission of the Local Plan

Cabinet received a report which set out a request for Member approval of the Local Plan for the purposes of Submission to the Secretary of State. The report advised that, since the withdrawal of the Kirklees Core Strategy from examination in 2013, work had been undertaken on a Local Plan comprising (i) a spatial vision (ii) land use objectives (iii) strategic policies (iv) development management policies and (v) a full suite of site allocations and land designations, which would run until 2031. Appendix 1 to the report set out the main stages of making a plan, as defined by National Planning Policy Guidance, and it was noted that the 'Publication and Submission' stage had now been reached.

Cabinet noted that the Local Plan had been subject to revision to take account of comments submitted during the consultation stage of the 'Draft Local Plan', that had been undertaken between November 2015 and February 2016. The report provided a breakdown of the comments and petitions that had been received in response to the consultation.

Cabinet noted that Officers considered that robust evidence to support the Local Plan was in place and included (i) key evidence on housing requirements, housing mix and affordability (ii) the need and market demand for land for jobs to meet the Economic Strategy (iii) accommodation needs for travellers (iv) the need for land for mineral extraction and waste management (v) green belt (vi) land for open space, sports and leisure and (vii) capacity for new retail and leisure.

The considered report set out (i) a summary of the Local Plan Strategy, Vision and Objectives (ii) details of meeting the needs and requirements of Kirklees (iii) a summary of Local Plan policies (iv) the Local Plan evidence base (v) the Duty to Co-

Operate process (vi) consultation on the Publication Draft Local Plan and (v) the process for submitting the Local Plan to the Secretary of State.

RESOLVED –

(1) That Council be advised that Cabinet support the Local Plan for publication and submission.

(2) That approval be given to the schedule appended to the considered report, setting out the proposed arrangements for the publication of the Draft Local Plan for public consultation.

(3) That authority be delegated to the Director of Place, in consultation with the Leader and Deputy Leader, to put in place any minor amendments to the consultation arrangements set out in the schedule appended to the considered report, if necessary.

81 Consultation on the Community Infrastructure Levy - Draft Charging Schedule

Cabinet received a report which sought approval to undertake consultation on the Community Infrastructure (CIL) Levy Draft Charging Schedule and proceed to examination alongside the Draft Local Plan. The Draft Charging Schedule rates and charging zones were set out within Appendix A of the considered report. It was noted that future governance arrangements for distributing Community Infrastructure Levy revenue would be determined at a later date once the charge rates had been subject to independent examination.

The report explained that the CIL was effectively a development tax that could be implemented to assist in paying for new infrastructure that is needed to support new development. Cabinet noted that the Council had commissioned consultants to gather evidence across Kirklees regarding the current viability of different types of development, and that the results had provided evidence for determining the draft charges. The report advised that the infrastructure evidence supporting the Publication Draft Local Plan, in the form of the Infrastructure Delivery Plan and Infrastructure Delivery Plan Addendum, provided the justification for establishing the CIL charge to help pay for the infrastructure types and schemes identified.

Cabinet noted that, if the Charging Schedule was found to meet the appropriate tests following its Examination in Public, it would then be necessary to make a final decision regarding the CIL charge rates, and that the decision to adopt charge rates after the Examination in Public would be taken at a meeting of Council.

RESOLVED -

(1) That Council be advised that Cabinet supports the Draft Charging Schedule for consultation and submission to examination.

(2) That approval be given to the schedule set out within the considered report, setting out the proposed consultation arrangements for the Draft Charging Schedule.

Cabinet - 12 October 2016

(3) That authority be delegated to the Director of Place, in consultation with the Leader and Deputy Leader, to put in place any minor amendments to the consultation arrangements as set out in the considered report.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 18th October 2016

Present: Councillor David Sheard (Chair)
Councillor Peter McBride
Councillor Musarrat Khan
Councillor Erin Hill
Councillor Masood Ahmed
Councillor Graham Turner

Apologies: Councillor Shabir Pandor
Councillor Naheed Mather
Councillor Viv Kendrick

82 Membership of the Committee

Apologies for absence were received from Councillors Shabir Pandor, Naheed Mather and Viv Kendrick.

83 Minutes of previous meeting

RESOLVED – That the Minutes for the meeting held on 20 September 2016 were agreed as a correct record.

84 Interests

No interests were declared at the meeting.

85 Admission of the Public

All items were considered in public session.

86 Deputations/Petitions

No deputations or petitions were received.

87 Public Question Time

No public questions were asked at the meeting.

88 Member Question Time

No member questions were asked at the meeting.

89 Strategic Investment Plan: Proposals to allocate Funding from the Strategic Priorities Section of the Capital Plan for New Pupil Places in the Huddersfield South West Area

Cabinet considered a report as part of a sequence of three reports outlining the availability of Capital Investment to address requirements for new pupil places in Huddersfield North, Huddersfield North West and Huddersfield South West. The considered report specifically focused on a proposal to design and construct a new 630 place primary school building for pupils aged 4 to 11 years old within the existing site of Moor End Academy, in order to meet basic need requirements in South West Huddersfield.

The report set out information on pupil place numbers required in the South East of Huddersfield, set in context in relation to pupil places in the area and went on to provide information on the proposals in relation to the building and grounds at the site of the Moor End Academy.

RESOLVED -

(1) That approval be given to the development and delivery of the new build school building as set out in the considered report and within the final business case attached to the report at Appendix A.

(2) That approval be given to the capital allocation up to £13.75M for this proposal, to be funded from basic need grant and prudential borrowing (if required), as set out at section 2.22 and 2.23 of the considered report.

(3) That approval be given to the proposal to the relief land required for the delivery of this project from the Public/Private Partnership (PPP) one contract agreement via a deed of variation, thereby enabling the Council to design, develop and implement the required new school and its associated infrastructure and sports provision outside the PPP one contract.

(4) That authority be delegated to the Assistant Director for Legal, Governance and Monitoring and Assistant Director for Physical Resources and Procurement to negotiate and implement any required deed of variation(s) to the PPP one agreement and any associated lease issues arising from this report.

90 Proposals to allocate funding from the Strategic Priorities section of the Capital Plan for new pupil places in North Huddersfield

Cabinet considered a further report on the availability of the Capital Investment requirements for new pupil places in the Huddersfield area, focusing on the Huddersfield North area and making recommendations in relation to a new 422 place primary school. The considered report set out proposals for a 422 place primary school for children aged 4 to 11 years on the section of land known as Clare Hill playing fields. The report indicated that the land concerned was not in Council ownership and set out information on the implications of proposals to purchase the land. The report sought authority to proceed in relation to the requirement for certainty on the delivery of availability of the scheme, prior to negotiations taking place to purchase land and to put forward a planning application.

The considered report provided information on the background on the need for additional pupil places and on the site selection process that had led to the identification of the Clare Hill playing fields site being the preferred option.

RESOLVED -

- (1) That the selection of Clare Hill playing fields for the preferred site for the development and construction of a 420 place 2 form entry primary school building for Huddersfield North.
- (2) That officers be authorised to submit an outline planning application for the new school in order to establish whether the development of a new school on this land is deliverable.
- (3) That officers be authorised to continue discussions with Greenhead College and to utilise appropriate resources to negotiate an agree a valuation and heads of term for the potential purchase
- (4) That in principle agreement be given to the potential use of some of the Cemetery Road Allotments site as part of the overall solution for the new school proposal, and that officers be authorised to further investigate the potential impact of the proposal on the existing non-statutory Cemetery Road allotments and to work with the Allotments Team and plot holders to minimise, if possible the potential impact.
- (5) That the decision of the Assistant Director of Strategic Investment Group to allocate £874,000 of funds from signed 106 Section Agreements to offset the final cost of this new school building be approved.
- (6) That the intention of officers to return to Cabinet in spring 2017 with an updated report in relation to the project be noted.

91 Statutory consultation on proposals to bring together Honley CE (VC) Infant and Nursery School and Honley CE (VC) Junior School.

Cabinet considered a report presenting proposals to bring together Honley CE (VC) Infants and Nursery School and Honley CE (VC) Junior School to create an although primary school for pupils aged 3 to 11 years, with a proposed introduction from 1 May 2017. The report sought approval to carry out statutory consultation in partnership with the Church of England, Leeds Dioces Board of Education within the Dioses of Leeds and with families of pupils, staff, governors and other key stakeholders.

The considered report set out information on the strong collaborative partnerships that had been forged between the 2 schools concerned and went onto outline the advantages of bring the 2 schools together to support the best education outcomes for children.

RESOLVED -

(1) That the strong collaborative approach demonstrated between the governing bodies and the school leaders, providers and the local authority that have enabled the development of proposals that seek to secure the provision of learning places to meet the needs of families in the community be acknowledged.

(2) That officers be authorised to develop plans for consultation about proposals that support a community wide approach to making sure that there are enough high quality learning places to serve the families in the by:-

- Amalgamating Honley CE(VC)Infants and Nursery School and Honley CE(VC) Junior School by working in collaboration with the Diocese Board of Education within the Diocese of Leeds to propose voluntary Controlled all through primary school with early education and childcare, within the amalgamated school continuing to be on the existing site and in buildings that are currently used for Honley CE(VC) Infant and Nursery School and Honley CE (VC) Junior School;
 - To cater for Pupils age 3-11.
 - With a published admissions number of 66 for Key Stage 1 and public admission number of 68 for Key Stage 2.
 - Retaining the 48 part time early places for nursery children aged 3-4 years with opportunities to further develop early learning and child care services that meet future demand, including that presented by the introduction of 30 hours free child care and, 2 year olds, being eligible to free early education.

(3) That approval be given to the delegation of authority to the Director of Children and Young People in consultation with the Cabinet Portfolio leader to:-

- Engage and liaise with all stakeholders and where applicable in conjunction with the Diocese Board of Education with the Diocese of Leeds.
- Develop consultation materials on the basis of the proposals below.
- Organise and carry out a statutory consultation and engagement.

(4) That officers be requested to report the outcomes of the consultation to Cabinet for further consideration of next steps.

92 Enterprise Zones -- Memorandum of Understanding

Cabinet considered a report seeking consideration of a proposal for the Council to become a signatory to a Memorandum of Understanding between the Department for Communities and Local Government and the Leeds City Region Local Enterprise Partnership in relation to three employment sites in Kirklees with existing planning permissions which had assigned Enterprise Zone status.

The three sites concerned and on which information was set out in the considered report related to Lindley Moor West, Lindley Moor East and Moor Park Mirfield.

The draft terms of the Memorandum of Understanding were set out at Appendix 1 to the considered report and it was noted that it covered high level matters relating to objectives and priorities for the Enterprise Zones, Governance arrangements, requirements for an implementation plan and a consistent approach to marketing and output monitoring requirements being provided by the Council. The considered report also set out information on the business rate implications of the proposals within the considered report.

RESOLVED - That authority be delegated to the Assistant Director of Place (Investment and Regeneration) and Assistant Director Legal Governance and Monitoring to finalise and sign the strategic level Memorandum of Understanding between West Yorkshire Combined Authority and Department for Communities and Local Government in order to include Lindley Moor West, Lindley Moor East and Moor Park Mirfield within the regional M62 focussed Enterprise Zone, based on terms outlined at Appendix 1 to the considered report.

93 North Kirklees Growth Zone Next Steps report

Cabinet considered a report providing information on progress and development in the North Kirklees Growth Zone Statutory and Development Plan. The considered report provided information on progress made to date on negotiations with the Leeds City Region and the Strategic Economic Plan Refresh together with specific information on program that had been mobile locally in relation to the Dewsbury Riverside Project, Dewsbury Masters Plan Projection and the outline timetable for the development of the Strategic Development Framework for Batley Town Centre. The considered report also provided information on long and short term interventions to support the living town concept and information on the commitment to imbed employment and skills development to ensure that local communities thrive long term.

Recommendations were contained within the considered report that specifically focused on the Dewsbury Riverside Project, the Chidswell land development proposal and the overall North Kirklees Growth Zone.

RESOLVED -

(1) That the Assistant Director of Place be requested to bring forward clear goals on how to maximise benefits from the Housing Growth Programme to the local economy through measures including training, localising employment opportunities and business growth.

(2) That the draft core transport objectives for the North Kirklees Growth Zone (NKGZ) as detailed in section 5.5.4 of the considered report be adopted as the basis for the areas transport strategy and that the Director of Economy Skills and Environment, in consultation with the Cabinet Portfolio Holder be authorised to submit funding bids to assess scheme viability/scheme appraisals in line with those objectives.

(3) That the transport strategy delivery outcomes be phased over a 15 year planning period as outlined in section 5.5 of the considered report and that the final draft strategy be submitted for consideration in Cabinet at a later date.

(4) That the Council endorse the approach taken to secure quick wins to support the Living Town concept as summarised in section 5.6.8 of the considered report and that where applicable further reports be submitted to Cabinet for approval.

(5) That the Assistant Director of Place be authorised to apply for opportunities to secure funding to progress short term intervention support the Living Town concept.

(6) That the timetable for the production of the Strategic Development Framework (SDF) for Batley as outlined in section 5.7 of the considered report be approved.

(7) That the Director Economy Skills and Environment be requested to bring forward a more detailed report on governance following a steer from the Cabinet on the approach outlined in section 5.8.10 of the considered report.

(8) That authority be granted to the Assistant Director Place to enter into negotiations with Miller Homes and the Homes and Communities Agency (HCA) to bring forward the sequenced masterplan for Dewsbury Riverside, with final approvals being subject to outcomes of the Local Plan process.

(9) That the Assistant Director Place be authorised to enter into negotiations with Miller Homes on the prospect of carrying out a phased joint development of the Dewsbury Riverside Project, combining some or all the land assets owned by the Council and those optioned to Miller Homes, with the objective of maximising the return to the Council.

(10) That the Assistant Director Place be authorised to appoint a specialist consultant to advise on and as necessary represent the Council's interest in the ensuring the maximum financial outcomes for the Dewsbury Riverside Project.

(11) That the Assistant Director Place be authorised to utilise Council land assets to bring forward an early phase of development at Dewsbury Riverside in conjunction with Miller Homes in respect of the Unitary Development Plan allocated sites and submit any necessary planning applications.

(12) That the Assistant Director Place be authorised to seek to exercise break clauses in respect of any existing leases and be authorised to oppose any applications brought by tenants to renew their tenancies under the 1954 Act.

(13) That in respect of decisions 9 and 11 above a further report be submitted to Cabinet prior to the finalisation of any agreement to work in partnership or to execute any commitment to any land transfer.

(14) That the draft objectives for Dewsbury Riverside, as detailed in section 5.4.11 of the considered report be adopted as the basis for negotiations with delivery partners.

(15) That the Director for Economy, Skills and the Environment be authorised to enter into negotiations with the Community and Local Government Department's Garden Village Team should be Council's expression of interest be successful, as set out in the report.

(16) That the Assistant Director Place be authorised to continue the process of site enabling work at Chidswell, seeking to agree the objectives as detailed in section 5.4.15 of the considered report.

94 Public Art Policy 2016

Cabinet considered a report seeking the adoption of a Public Art Policy for Kirklees. The report highlighted work undertaken with colleagues in Planning and the Local Plan Team that had identified that a Public Art Policy for the District would support the Local Plan as well as support master plan development within the Landscape Architect Team. It was noted that the Public Art Policy would support those involved with the process of place making and shaping and would allow the Council to positively influence the investment in public art and the quality of that public art.

The proposed Public Art Policy for adoption was set out as an Appendix to the considered report.

RESOLVED - That the Public Art Policy as set out in the considered report be adopted to enable advocacy and implementation to help increase the quality of place making public art activity within the district.

95 Kirklees Neighbourhood Housing - Annual Report to Kirklees Council

Cabinet considered a report on the performance of Kirklees Neighbourhood Housing (KNH) in delivering services for tenants and residents over the previous financial year. The report reminded Cabinet that KNH was management organisation which was wholly owned by the Council, with the all housing stock and land remaining with the Council. The considered report in setting out the Governance arrangements that were currently in place to allow the Council to hold KNH to account, provided

information on the key actions from the work on the merger of KNH and building services and on work to review Governance arrangements in light of this.

Information was contained in the report on KNH's contribution to the Council and its partners Strategic priorities together with information on tenant satisfaction, rent collection, rates, which for 2015/16 were at 97.3% in an increasingly challenging climate, volumes of repairs and appointments made and kept together with occupancy rates, including retiring living schemes across the District.

Cabinet in considering the report agreed that the report should be referred to Council for consideration at its next meeting in November 2016.

RESOLVED -

(1) That the achievements of Kirklees Neighbourhood Housing within the last financial year delivered on the commission granted to them on services/outcomes be noted.

(2) That the report be referred to Council for information at its meeting in November 2016.

96 Approval to incur Capital Expenditure on essential developments in systems in Adult Social Care and Commissioning

Cabinet considered a report seeking approval for capital expenditure fund essential developments in IT systems in Adult Social Care and Commissioning in order to maintain and develop the effectiveness of continuity of services. Paragraph 2.2 of the considered report set out the proposed Capital Expenditure for 2016/17 and 2017/18, which amounted to expenditure of £350k and £111k respectively.

RESOLVED - That approval be given to the Capital Expenditure Fund on essential developments in IT systems in Adult Social Care and Commissioning as set out in the considered report, including capitalisation of £150,000 from the Better Care Fund allocation for implementation of the Care Act.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 15th November 2016

Present: Councillor David Sheard (Chair)
Councillor Shabir Pandor
Councillor Peter McBride
Councillor Naheed Mather
Councillor Musarrat Khan
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Graham Turner

Apologies: Councillor Masood Ahmed

Observers: Councillor Cathy Scott

97 Membership of the Committee

Apologies for absence were received on behalf of Councillor Ahmed.

98 Minutes of previous meeting

RESOLVED - That the Minutes of the meetings held on 3 October, 12 October and 18 October 2016 be approved as a correct record.

99 Interests

No interests were declared.

100 Admission of the Public

It was noted that Agenda Item 15 would be considered in private session. (Minute No. 111 refers)

101 Deputations/Petitions

No deputations or petitions were received.

102 Public Question Time

No questions were asked.

103 Member Question Time

No questions were asked.

104 Interim Affordable Housing Policy

Cabinet gave consideration to a report which set out proposed guidelines and an interim policy for dealing with affordable housing contributions in respect of new housing developments. The proposed draft interim affordable housing policy was attached as an appendix to the report.

The report outlined the benefits to the revised policy which provided an up to date and evidenced basis upon which to calculate affordable housing contributions and also was intended to encourage developers to consider a wide range of housing, including extra care housing and a range of housing solutions for older people.

RESOLVED –

1. That the report be noted and that the introduction of an Interim Affordable Housing Policy be endorsed, subject to minor wording amendments at paragraphs 2.7 a and 3.3 of the report.
2. That a report be submitted to a meeting of Council to seek approval of the Policy.

105 Revision of the Local Flood Risk Management Strategy

Cabinet received an updated version of the flood risk management strategy, which had been reviewed following a resolution of Council on 23 March 2016. The strategy, which was previously published in February 2013, had been updated to take account of new evidence and information, particularly in regards to incidents of flooding during December 2015.

The strategy outlined the Council's duties under the Flood and Water Management Act 2010 and detailed a series of actions to understand local flood risk and identify measures to manage the risk. Paragraph 2(i) of the considered report provided a summary of revisions to the strategy, which included referencing the incident of flooding in Mirfield during December 2015, and strengthening actions to explore natural flood management opportunities. The

strategy set out the general approach on the initiatives and tools that the Council would use to manage flood risk, and specific actions that would contribute to an ongoing mitigation and resilience programme. It was noted that the programme had been developed in partnership with the Environment Agency to maximise opportunities for funding through their grant aid programme.

The report advised that the Council had a legal duty to publish, implement and review a Local Flood Risk Management Strategy, and that the strategy would be implemented within existing revenue and capital budgets, in line with the level of flood risk and external funding opportunities.

RESOLVED –

1. That the report and updated Flood Risk Management Strategy be received and noted.
2. That a report be submitted to the meeting of Council on 14 December 2016 to seek approval of the updated strategy.

106 Christmas Parking Concessions 2016

Cabinet gave consideration to a report which sought approval for parking concessions in the towns of Huddersfield, Dewsbury and Holmfirth during the 2016 Christmas period. The report set out details of the current Christmas concessions, which had been in place for over 10 years, and requested that consideration be given to offering additional concessions within Huddersfield and Dewsbury in order to encourage greater visitor numbers, promote local shopping and increase trade.

Cabinet noted that suspending parking tariffs should assist in increasing footfall into town centres, although it would result in lost revenue to the Council of £53,000 which included £30,000 from the proposed additional concessions.

RESOLVED –

1. That the 2016 christmas parking concessions as detailed at paragraphs 2.2 and 2.3 of the considered report be approved.
2. That businesses within the town centres be asked to encourage employees not to utilise the provision and negate the aim and purpose of the concession.

107 Quarter 2, 2016-17 - Corporate Monitoring Report incorporating General Fund Revenue, Housing Revenue Account, Capital and Treasury Management

Cabinet received a report which set out the Council's 2016-2017 forecast financial outturn position for the General Fund Revenue, Housing Revenue Account and Capital Plan as at Quarter 2. The report also incorporated the mid-

year summary of treasury management operational activity covering the period 1 April to 30 September 2016.

The report advised that the General Fund Revenue for 2016-2017 was set at £310.8m and that the Council's forecast net revenue spend was £315.9m in 2016-2017 resulting in an overspend of £5.1m, equating to 1.7%, against budget. Cabinet noted that, overall general fund corporate reserves were forecast to reduce from approximately £93m (April 2016) to approximately £53m (March 2017), equating to a 43% reduction. The projected £5.1m projected overspend, if not corrected, would be a further call on available reserves.

Cabinet noted that the Housing Revenue Account forecast revenue outturn was a surplus of £490k, against an annual budgeted turnover of £94.5m in 2016/2017, equating to 0.5%. In terms of the Capital Budget, the report advised that that the forecast capital outturn position was £78.7m, resulting in a relatively small underspend of £3.6m, which equated to 4.4% variance to budget.

Appendix A to the considered report set out the detail of the forecast financial outturn position at Quarter 2 in relation to the Council's General Fund Revenue, Housing Revenue Account and Capital Budgets.

RESOLVED –

1. That, in relation to the General Revenue Fund, (i) the proposals to increase earmarked (risk) reserves drawdown by a further £1.9m to £4.8m to resources additional children's service development costs be approved (para 2.2 refers) (ii) the forecast £5.1m forecast revenue overspend position for 2016-2017, net of the proposed reserves drawdown in (i) above (para 2.1 refers) be noted (iii) it be noted that a report will be submitted to a future Cabinet meeting following clarification of liability for site clearance costs relating to the environmental incident at a commercial site in Lockwood (iv) the forecast outturn position on collection fund (paras 3.9 and 3.10 refer) and forecast movements in reserves and balances in-year (paras 3.6 to 3.8 refer) be noted (v) the proposals to bring the forecast £5.1m overspend in line with budgets by current year end, and other actions to build up available reserves to support the Medium Term Financial Plan from 2017 onwards (para 3.4 refers) be noted (vi) a report be submitted to Cabinet on 15 December 2016 regarding management actions being taken to mitigate the increasing overspend in Learning Disabilities (para 3.5 refers) and (vii) a report be submitted to a future Cabinet meeting to consider how the Mount Pleasant £3.3m potential release from the rollover reserve could be used (para 3.8 refers).
2. That, in relation to the Housing Revenue Account, the forecast revenue outturn position for 2016-2017 (para 2.10 and Appendix A refer) and the forecast HRA reserves position at year end (Appendix B refers) be noted.
3. That, in relation to Capital, (i) the forecast capital outturn position for 2016-2017 (para 2.10 and Appendix A) be noted and (ii) approval be given to the transfer of £500k from the IT Revenue budget into the 'Corporate Facilities IT' Capital

Programme budget.

4. That, in relation to Treasury Management, the mid-year summary on Treasury Management activity for 2016-2017 (Appendix A refers) be noted.

108 Outcomes from the non-statutory consultation for Members consideration on proposals for changes to specialist provision for children with Speech, Language and Communication Needs (SLCN) and autism

Cabinet gave consideration to a report which set out the outcomes of the non-statutory consultation process that had taken place between 16 May and 17 June 2016 regarding proposals to change specialist provisions at Ashbrow School, Moldgreen Community Primary School and Thornhill Junior and Infant School. The proposals were (i) for the provision of twelve transitional places and outreach for children with speech, language and communication needs at Ashbrow School to be discontinued (ii) for the provision of twelve transitional places for children with speech, language and communication needs and outreach at Thornhill Junior and Infant School to be discontinued (iii) for the provision of ten transitional places for children with autism at Moldgreen Community Primary School to be discontinued (iv) to increase resources to a centralised primary outreach provision 'hub' to serve the whole of Kirklees for children with speech, language and communication needs, and autism. Cabinet noted that the rationale for the proposals was a result of the positive outcomes from outreach support in mainstream schools which enabled children to be supported within their local school.

The report advised that the consultation had been carried out with key stakeholders in order to gather views on proposals, and that 39 responses had been received. The key themes arising from the consultation were detailed at paragraph 2.1 of the considered report and Appendix C set out the detail of the responses. The officer recommendations to Cabinet, following the conclusion of the consultation process, were set out at paragraph 2.2.

RESOLVED –

1. That the feedback to the non-statutory consultation process, as detailed within the considered report, be noted.
2. That, with regard to Moldgreen Community Primary School, officers be authorised to publish statutory proposals and notices to discontinue the 10 transitional places for children with autism, and that a report be brought back to a future meeting of Cabinet for final decision, with a view to implementing the proposals from 1 April 2017, if approved.
3. That, with regard to Thornhill Junior and Infant School, it be noted that as part of the conversion to become an Academy, the matter of discontinuance of specialist provision was considered and the agreement does not include any

specialist provision.

4. That a proposal to discontinue the 12 transitional places for children with speech, language and communication needs at Ashbrow School in order to commission outreach provision as referred to in (5) below be noted.
5. That, with regard to primary outreach provision for Speech, Language and Communication Needs and Autism across Kirklees, a proposal to increase resources to a centralised primary outreach provision 'hub' to serve Kirklees be noted and that approval be given to seeking expressions of interest for a school to host a specialist provision with 12 transitional places, following which a further report will be submitted to Cabinet.
6. That the next steps and timescales for the subsequent stage of the statutory process be noted, and that a further report be submitted to Cabinet for decision following the representation period.
7. That officers be requested to carry out preliminary and preparatory work with parents, governing bodies and staff to enable a successful implementation, subject to agreement of the proposals, by engagement with relevant parties in the planning stages of the future specialist resource provision in mainstream schools.

109 Dewsbury Education Village - Pioneer House and land at Bradford Road, Dewsbury

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

Cabinet received a report which sought approval for the Council to support Kirklees College in the creation of a new education facility in Dewsbury, through the disposal of the Council owned property at Bradford Road, Dewsbury (formerly Safeway) site. The report also provided an update on progress regarding the refurbishment of Pioneer House as part of the wider Dewsbury Learning Quarter Project.

The report explained that the new education base would be undertaken in three distinct stages, initially the acquisition and development of the Bradford Road site, followed by the landlord's programme for Pioneer House and finally the College undertaking an occupation fir-out programme at Pioneer House.

Cabinet noted that the disposal of the land at Bradford Road was an essential element of the overall project and would enable the works to commence. The disposal would secure a large capital receipt for the Council and allow the wider project to progress and subsequently for the Local Enterprise Partnership grant to be spent. It was also noted that the West Yorkshire Combined Authority approved a capital envelope of £11.1m grant and £4 capital loan towards the redevelopment of Pioneer House and the creation of Dewsbury Learning Quarter.

(Exempt information as detailed at agenda item 15 (Minute No. 111 refers) was considered prior to the determination of this agenda item.)

RESOLVED –

1. That approval be given to the disposal of Land at Bradford Road, Dewsbury, as illustrated in Appendix 1 of the considered report, to Kirklees College, for the provision of the Dewsbury Learning Quarter.
2. That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) in consultation with the Assistant Director (Place) to enter into all appropriate contracts, deeds and documents in relation to the sale of the land at Bradford Road, Dewsbury, with Kirklees College.
3. That authority be delegated to the Assistant Director (Place) in consultation with the Assistant Director (Legal, Governance and Monitoring) to agree any reasonable adjustments in relation to abnormal site costs associated with the specific college development.

110 Exclusion of the Public

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

111 Dewsbury Education Village - Pioneer House and land at Bradford Road, Dewsbury

(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, namely because 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.

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 13 (Minute No. 109 refers).

RESOLVED –

The exempt information was noted prior to the determination of Agenda Item 13.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Monday 28th November 2016

Present: Councillor David Sheard (Chair)
Councillor Shabir Pandor
Councillor Peter McBride
Councillor Naheed Mather
Councillor Musarrat Khan
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Graham Turner

Observers: Councillor Donna Bellamy
Councillor David Hall, Conservative - Leader
Councillor Judith Hughes
Councillor Robert Light
Councillor Andrew Marchington, Liberal Democrat -
Group Business Manager
Councillor Bernard McGuin
Councillor Cathy Scott
Councillor Julie Stewart-Turner
Councillor Linda Wilkinson

112 Membership of the Committee

All Cabinet Members were present.

113 Interests

No interests were declared.

114 Admission of the Public

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

115 Deputations/Petitions

Cabinet received a petition, submitted by Alexia Place, in support of the proposal to change the age range of All Hallows' CE (VA) Infant and Nursery School (in relation to Agenda Item 7 Minute No 118 refers).

116 Public Question Time

No questions were asked.

117 Member Question Time

No questions were asked.

118 Statutory proposal made by the Governing Body of All Hallows CE(VA) Infant and Nursery School to change the upper age range from 3-7 years to 3-11 years and become an all through primary school.

(Under the provisions of Council Procedure Rule 37, Cabinet received representations from Alexia Place, Jane Sargent, Muhammed Naveed and Valerie Coles. Under the provisions of Council Procedure Rule 36 (1), Cabinet received representations from Councillors McGuin, Hughes and Wilkinson)

Cabinet gave consideration to a report which sought a decision regarding the published statutory proposal by the Governing Body of All Hallows' CE (VA) Infant and Nursery School to change the age range of the school from 3 to 7 years to 3 to 11 years, thereby becoming an all-through primary school, with effect from 1 September 2017.

Cabinet noted that a four week period of statutory consultation on the proposal had commenced on 4 September 2016. A meeting of the School Organisation Advisory Group (SOAG) took place on 14 October to review the process undertaken by the proposer and the representations received.

The report explained that the school had set out its rationale for change by stating that it wished to build on its existing strengths and improve educational outcomes by providing consistency and continuity, sustaining the provision of a rich and balanced curriculum, supporting sustained pupil progress by removing the transition point, enhancing parental choice and meeting the needs of the local community.

The Officer commentary advised that the proposal had been well thought through, and was supported by stakeholders in the local area. However, it explained that the introduction of additional places where there is no evidence of need would potentially have a much wider and significant impact upon the Almondbury area, and in particular a serious adverse impact upon Almondbury Community School, which could result in destabilisation and the school becoming financially unsustainable. On balance, it was recommended that the proposal of the Governing Body be rejected.

Cabinet noted the written and verbal representations which were presented to the meeting, including the receipt of a 228 signature petition in support of the proposal to change the age range of the school.

Appendices to the considered report included the minutes of the meeting of the School Organisation Advisory Group held on 14 October 2016, the consultation proposal, a summary of written responses received during the consultation, and statutory guidance for decision makers regarding prescribed alteration, establishment and discontinuation proposals.

In reaching their decision Cabinet reviewed all of the information in the All Hallows' CE(VA) Infant and Nursery School Governing Body's published proposal, the 203 responses received as part of the representation period, submissions received by the LA examined as part of the SOAG meeting and the further submissions received following the SOAG meeting.

Consideration was also given to additional factual information which included; admissions data over the past 4 years, pupil demographic data and the pattern of pupil distribution as published by the Council in the document 'Rounded, Resilient and Ready - Securing Sufficient High Quality Learning and Childcare Places - School Organisation - Planning and Development for 2015-2018 (Kirklees Council, November 2015)', relevant financial information that models the likely impact of approving the proposal for both All Hallows' CE(VA) Infant and Nursery School and Almondbury Community School, and relevant financial information that illustrates the likely consequence of the introduction of 120 additional Key Stage 2 places that could ensue now and in the future for the children and their families in the area, staff employed in local schools, the wider community and the council.

Whilst financial implications for both of the schools concerned were material, Cabinet considered all of the information to objectively determine the outcome, and had due regard to the relevant statutory guidance which explains; 'The purpose of this guidance is to ensure that additional good quality school places can be provided quickly where they are needed; that local authorities and governing bodies do not take decisions that will have a negative impact on other schools in the area, and that changes can be implemented quickly and effectively where there is a strong case for doing so'.

The relevant factors for Cabinet to consider within this proposal were; Related Proposals, Conditional Approval, Publishing Decisions, Consideration of Consultation and Representation Period, Education Standards and Diversity of Provision, A school-led system with every school an academy, Demand versus Need, School size, Proposed Admission Arrangements, National Curriculum, Equal Opportunity Issues, Community Cohesion, Travel and Accessibility, Funding and School Premises and Playing Fields.

On balance, Cabinet determined that approving the proposal would have a damaging impact upon the local area, taking into account the school places available and the impact that the proposal could have upon the neighbouring school. Cabinet noted that the potential destabilising effect upon the neighbouring school could result in an overall loss to the community of sufficient Key Stage 1, 2, 3 and 4 places.

Cabinet recognised that the Governing Body and leaders of All Hallows' CE (VA) Infant and Nursery School had put considerable time and effort into bringing forward the proposals, and fulfilling the requirements of the statutory process.

It was noted that, as the Decision Maker, Cabinet needed to take into account the DfE's published guidance in reaching their decision, and that they have a duty to consider the impact of any decision for all of the families in the Almondbury area.

RESOLVED –

That the proposal made by the Governing Body of All Hallows' CE (VA) Infant and Nursery School to change the upper age limit from September 2017 be rejected.

119 Putting Children First - Post Ofsted Inspection - Next Steps

(Under the provisions of Council Procedure Rule 36 (1), Cabinet received representations from Councillors D Hall, Light and Marchington)

Following an Ofsted inspection of 'Support to Children and Young People in Need' during September and October 2016, and the consequential publication of the judgements, Cabinet gave consideration to a report which set out the proposed actions in relation to the inspection outcome. It was noted that the provisional overall judgement was inadequate, which would result in intervention from Ofsted and the department for Education to assist the Council with the improvements required. A timeline in respect of the improvement process was set out at Appendix A of the considered report.

The report explained that a Commissioner would be appointed to undertake a three month review regarding the capacity for improvement within the Council and would (i) make recommendations for immediate improvement of Children's Social Care, including additional support required (ii) review the Council's leadership and management capability and capacity to drive the necessary changes and (iii) make a recommendation to the Secretary of State as to whether alternative delivery arrangements are the most effective way of securing and sustaining improvement. Following the review, a report would be produced by the Independent Commissioner which would make a judgement as to whether Children's Services would remain within the Council or sourced to a Children's Trust arrangement. Details of the Improvement Framework were set out at Paragraph 3 of the considered report.

Cabinet noted that there was an immediate workforce capacity issue, caused by a high number of agency workers leaving at short notice. In order to alleviate the current pressures and stabilise the workforce, it was proposed that an experienced social work team be commissioned from the independent sector, for a period of six months. The commission would help to reduce the level of unallocated cases, reduce high and unsafe workloads, and provide capacity for cover which create additional pressures on staff. The report advised that the cost of the commission would be £448,707 and that this would be funded from the earmarked risk reserve in line with the Cabinet decisions of 23 August 2016 and 15 November 2016.

RESOLVED –

- 1) That the proposed approach in response to the outcome of the OfSted Inspection, as set out within the considered report, be noted and endorsed.
- 2) That the proposed governance arrangements as set out in Appendix B of the considered report, be endorsed.
- 3) That the key dates as prescribed by OfSted be noted, and that the proposed approach to enable partnership ownership of the improvement process, as outlined in Appendix A of the considered report, be supported.
- 4) That the actions as set out in paragraph 4.1 of the considered report, and the resource implications upon the New Council Development Reserve, be noted.
- 5) That approval be given to a sum of £448,707 to commission an independent agency to provide social work capacity, as detailed in paragraph 4.2 of the considered report.

120 Christmas Parking Concessions 2016 - Amendment to previous Cabinet Report

(Cabinet agreed to the consideration of this item as a late and urgent matter due to the need for the decision to be implemented as quickly as possible in advance of the Christmas period)

Pursuant to the decision of Cabinet on 15 November 2016, it was requested that urgent consideration be given to a further report in order to correct an anomaly relating to the 2016 parking concessions in Dewsbury. Cabinet noted that the previous report should have identified that the concessions for Dewsbury would apply for all Saturdays in December, and would commence at 1.00pm in order to be consistent with the provision in Huddersfield.

RESOLVED -

That, pursuant to the decision of Cabinet on 15 November 2016, the amendments to the concessions as detailed in paragraph 2.2 of the considered report be approved.

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Contact Officer: Tish Barker

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES

Wednesday 19th October 2016

Present: Councillor Peter McBride (Chair)
Councillor Musarrat Khan
Councillor David Sheard

Apologies: Councillor Naheed Mather

In attendance: Councillor Jean Calvert
Councillor James Homewood

1 Membership of the Committee

The Committee noted the following substitution. Cllr David Sheard substituted for Cllr Naheed Mather.

2 Minutes of Previous Meeting

The Minutes of the meeting of Cabinet Committee Local Issues held on 14 September 2016 be agreed as a correct record.

3 Interests

No interests were declared at the meeting.

4 Admission of the Public

All items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No Public questions were asked at the meeting.

7 Member Question Time

No Member questions were asked at the meeting.

8 Objections to the relocation of bus stop 450 16720 on the A62 Leeds Road, Deighton

The committee gave consideration to local ward councillors' objections to the proposed relocation of bus stop 450 16720 on the A62 Leeds Road, Deighton.

The report explained, in order to reduce congestion and help improve journey time reliability on the A62 Leeds Road, it was proposed to relocate bus stop no – 450 16720 into the adjacent layby, 30 metres to the south. It went on to explain that the flow of traffic towards Huddersfield was temporarily blocked each time a bus pulled up at stop no – 450 16720 and due to the positioning of a pedestrian refuge, motorists were unable to safely overtake stationary buses at the bus stop. Relocation of the bus stop to the layby would resolve this issue by enabling general traffic to safely pass a stopping bus.

Objections to the relocation of the bus stop were received from four local retailers stating that the layby to be used for the bus stop was currently used for parking by customers.

Ashbrow ward councillors objected to the proposals as set out in the report, including objections on the grounds of the new stop being further from the residential area, the new location would be near a sharp bend and further away from the pedestrian refuge facility and potential loss of trade for local retailers.

Cllrs Jean Calvert and James Homewood attended the meeting to voice their concerns regarding the proposed relocation of the bus stop on the grounds that the relocation would adversely impact local businesses. They were also concerned that the relocation would result in pedestrians being put at risk by crossing the road to the newly relocated bus stop which was nearer to a sharp turn in the road.

The committee recognised that the A62 Leeds Road corridor was a key strategic route and the highway congestion caused by buses stopping at the bus stop created delay and unreliability for bus services.

RESOLVED: That the objections to the proposed scheme be over-ruled and the bus stop relocated in order to:

- a) reduce congestion and delay on the busy A62 Leeds Road corridor; and
- b) create a safer highway layout

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Friday 23rd September 2016

Present: Councillor Hilary Richards (Chair)
Councillor Julie Stewart-Turner
Councillor Kath Pinnock
Councillor Linda Wilkinson
Councillor Bill Armer
Councillor Sheikh Ullah

Apologies: Councillor Gulfam Asif
Councillor John Taylor

In attendance:

Observers:

1 Membership of the Committee

Councillor Sheikh Ullah substituted for Councillor Gulfam Asif
Councillor Bill Armer substituted for Councillor John Taylor

2 Minutes of Previous Meeting

The minutes of the meeting held on 29 July 2016 were agreed as a correct record.

3 Interests

No interests were declared at the meeting.

4 Admission of the Public

All items were considered in Public Session at the Meeting

5 Deputations/Petitions

There were no deputations or petitions received.

6 Annual Corporate Emergency Planning and Continuity Report

The Committee considered a report providing an update on emergency planning and business continuity issues and developments that had occurred during the financial year 2015/16. The Committee noted that the annual report had been submitted as a consequence of work by the Council's Internal Audit Team, who had recommended that the publication of an annual report would assist with corporate understanding and create more awareness of the key issues relating to emergency planning and a wider understanding of the requirements that were placed on the Council in this area of activity.

The considered report went on to set out the headline developments in relation to emergency planning during the year, including, as well as work with the Council and the training of officers within the Council in aspects of emergency planning, an emergency planning checklist for householders. The report also provided information in relation to business continuity developments within the Council and the importance of ensuring that plans were in place to maintain critical activities in the event of a building loss or other significant event that impacted on the Council's ability to deliver its key services.

The Committee discussed the role Councillors could play in providing information to members of the public and acting as a conduit between the community and the Council in instances of short notice events and felt it would be useful if information could be provided to all Councillors on the procedure in dealing with such events so that they were able to provide advice when required.

RESOLVED -

1. The content of the Report be noted.
2. That the officers be requested to provide information to all Councillors on the procedure for dealing with short notice events.

7 Annual Corporate Customer Standards Report

The Committee considered a report providing information on complaints considered by the Local Government Ombudsman relating to Kirklees Council during the year 2015/16. The report indicated that the number of complaints received by the Council at the third stage of the process at which point the ombudsman became involved, were broadly consistent with numbers that had been received over the previous 5 year period and that, during 2015/16, the Council had received no formal ombudsman reports as a result of their investigations into complaints made against the Council.

The report also provided information on a revision to the complaints procedure that had been made as a result of a customer survey that had identified that some residents had found the complaints system difficult to understand.

Some discussion took place on the numbers of complaints that ultimately were referred to the Local Government Ombudsman and the Committee were of the view

that a reason for this could be that residents were unaware of the need to refer complaints to the ombudsman within a 12 month period after the original complaint had been made. The Committee agreed that officers should take steps to ensure the complainants were aware of the need to refer issues to the Local Government Ombudsman within the statutory timescales should they feel that this was necessary.

RESOLVED -

1. That the content of the report be noted.
2. That officers be requested to ensure complainants are aware of the need to refer issues to the Local Government Ombudsman within a 12 month period.

8 External Audit Report 2015/2016

Alistair Newell of KPMG attended the meeting to present the external audit report for 2015/16. The report presented to the committee set out the scope of the audit which had been undertaken by KPMG, the Council's external auditors, and went on to provide information on financial statements associated with the audit and the auditors value for money conclusion. Information was also provided on the headlines messages received from the audit on which it was anticipated that KPMG will be issuing an unqualified audit opinion of the Council's financial statements by 30th September 2016 and reporting that the council's annual governance statement complied with guidance issued in June 2007.

RESOLVED –

1. The content of the report be noted.
2. That KPMG be thanked for the External Audit Report for 2015-16 together with staff in the Internal Audit Team for their assistance in the undertaking of the audit.

9 Approval of Council's Final Accounts 2015/2016

The Committee considered a report updating on the final accounts and audit processes for 2015/16 asking for approval of the Council's statement of accounts for 2015/16 together with a final version of the annual governance statement. The report indicated that the process of producing the accounts for 2015/16 had run smoothly, with the draft accounts signed off on 6th June 2016. It was noted that there were no queries or objections raised in this 6 week public inspection period for the accounts and that the audit of the statement of accounts was substantially complete with the Council's auditors, KPMG, having issued their annual governance report (see previous item).

The Committee were provided with an updated copy of Appendix A that had taken account of comments made by the Chief Executive.

As a result of discussions at an earlier meeting of The Council Officer's reports to the committee on work that had been undertaken on the auditing of Fresh Horizons. It was agreed that information be incorporated within a future quarterly report on internal audit to the Corporate Governance and Audit Committee on the situation regarding Fresh Horizons.

RESOLVED -

1. That the statement of accounts for 2015-16 incorporated in the annual Governance Statement at appendix A and as updated at the meeting in relation to the comments of the Chief Executive, with the Chair certifying the statement of responsibilities as set out on page 17 be approved.
2. That the letter of representation set out at appendix B to the considered report together with the Chair signing it on behalf of the Committee be approved.
3. That information on the situation regarding Fresh Horizons be reported to a future meeting of the Committee within the quarterly report on internal audit.

10 Appointment of Independent Persons

The Committee considered a report seeking the reappointment of the independent person and deputy independent person who are currently appointed to assist the Monitoring Officer in the Code of Conduct for Standards Regime for Kirklees. Report recommended the reappointment of the 2 people concerned for a period of up to one year. The report indicated that the reappointment had been requested for a period of up to one year because a Standards review had been underway and was due to conclude shortly. It was noted that the role of the independent person had been considered during the review and there was an option for the role of the independent person to be developed and extended. The outcome of the review would have not been concluded until December or early new year so the current extension was sourced until the final decision was made by Council.

RESOLVED -

1. That approval given to the appointment of Richard Michael Stow and Angela Doreen Vine as independent persons to assist the monitoring officer in the Code of Conduct for Standard Regime for Kirklees, for a period of up to 1 year, as set out in the considered report.
2. That the Council be recommended to approve the appointment for a period of up to 1 year.

11 Update in Relation to Senior Management Changes and Transitional Constitution Changes

The Committee considered a report updating on senior management changes and consequential constitutional changes that were required until full implementation of

new arrangements were in place, which was likely to be by 1 April 2017. The considered report set out the constitutional changes that had been agreed by the Chief Executive as a result of changes at senior management level as part of the implementation of the work of the Chief Executive in reviewing the role of Directors and Assistant Directors.

The Committee was specifically requested to note the designation of the Assistant Director for Finance Management, Risk IT and Performance as the section 151 statutory officer and proposed changes to the responsibility for non-executive functions set out in the considered report.

RESOLVED -

1. That the designation of the Assistant Director of Finance Management, Risk, IT and Performance as the section 151 statutory officer and proposed change to the responsibility for non-executive functions as set out in considered report be noted.
2. The report be referred to Council for information purposes.

12 David Smith

The Committee paid tribute to the work of David Smith, who was retiring from the Council and agreed that David be thanked for all his help and support in pursuing work of the Corporate Governance and Audit Committee.

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KIRKLEES COUNCIL

DISTRICT COMMITTEE - BATLEY AND SPEN

Tuesday 23rd August 2016

Present: Councillor Gwen Lowe (Chair)
Councillors M Akhtar, F Fadia, M Grainger-Mead, S Hall,
S Pandor, A Pinnock, K Pinnock and D Sheard

Apologies: D Hall, L Holmes, V Kendrick J Lawson, R Light,
M O'Neill, A Palfreeman and E Smaje

In attendance: 28 members of the public were in attendance

1 Welcomes and Introductions

The Chair welcomed everyone to the meeting and Councillors introduced themselves.

2 Minutes of previous meeting

RESOLVED – That the Minutes of the meeting of the Committee held on Tuesday 19th July 2016 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the public

All items were considered in public.

5 Deputations / Petitions

No deputations or petitions were received.

6 Public Question Time

Councillors responded to questions relating to the seating arrangements for Councillors at the meeting, the move of Cleckheaton Customer Services to Dewsbury and the return of funding relating to an approved scheme, back into the District Committee budget.

Resolved:

That the relevant service be asked to provide the rationale for moving Cleckheaton Customer Services to Dewsbury.

7 Committee Budget Report

An overview of the budget balances was given.

District Committee - Batley and Spen - 23 August 2016

Dave Minich described the Cleckheaton Folk Festival and highlighted that the next year, for which funding was requested, was the 30th anniversary of the festival. Councillors highlighted the economic benefits to the Spen Valley and commended the volunteers involved.

Edward Phittness described how community volunteers had taken on the running of East Bierley playing fields and changing facilities following the asset transfer from the Council. The organisation had fundraised and secured £75,000 from Sport England and secured a loan from Kirklees Council towards the building costs of phase 1 of the project. Funding from the District Committee would cover the remaining costs as detailed in the report. The volunteers were commended for taking the facility into their control and thanked for their ongoing efforts.

Dave Minich described how a new management committee had taken on the organisation of the Cleckheaton Christmas lights event this year. The committee was fundraising but a small grant was required from the District Committee to cover the costs of erecting and dismantling lights and repairing and replacing lights where needed. Councillors commended the volunteers in delivering this significant local event.

Stuart Wider of Friends of Scholes recreation area described how the friends group had transformed the area into a well-used park, benefitting from perimeter pathways, seating and regular activities for all to enjoy. Volunteers had brought in external funding. The park suffered from poor drainage and was prone to flooding and the proposed scheme would improve the pathways and increase access to the park. Councillors acknowledged the transformation of the park through the work of the volunteers involved.

RESOLVED:

- (a) £14,000 revenue approved (Spen Valley) – Cleckheaton Folk Festival 2017
- (b) £40,300 New Homes Bonus approved – terms of the grant delegated to the Assistant Director, Communities and Leisure.
- (c) £3,746 revenue approved (Spen Valley) – Cleckheaton Christmas Lights
- (d) £10,000 New Homes Bonus approved – Scholes Recreation Footpath Improvements

8 Housing Revenue Account - Estate and Environmental Works Budget

Noreen Beck, Kirklees Neighbourhood Housing, Neighbourhood Operations Manager gave an update on the budget and the schemes completed. Photographs showed the completed sites before and after improvement work. Key issues and learning points from the first round of budget approvals were summarised. Learning points included: simplifying the voting process, offering increased flexibility via a drop in session and distribution of scheme details in advance of voting so more residents could be consulted. If need be schemes may be brought more frequently to the District Committee for approval. The overall approach, process and timeline for the next phase, was agreed.

9 Tackling Poverty

The District Committee received a presentation from Nicky Hoyle, Consultant in Public Health. The Kirklees Joint Health and Well-being Strategy and the Kirklees Economic Strategy work as one to tackle poverty in Kirklees. The overall picture of poverty in Kirklees was illustrated. Statistical information relating to poverty in the Batley and Spen area – household income, residents with money worries, fuel poverty and education and skills deprived areas was outlined. The assets in Batley and Spen were also highlighted – there were high levels of people motivated to look after their own health, residents engaged in community led activity and schools as community hubs were emerging as important community assets. There was a comprehensive approach to tackling poverty including: policies to boost household resources, improve long term life chances of individuals and their families, prevent people sliding into poverty, and provide a backdrop of services that allow people to enhance their job prospects. The achievements in tackling poverty so far included improved uptake of free childcare and free school meals, a reduction in entitled non claimants, a BRASS course and better access to council facilities for anti-poverty charities. Low pay was also tackled. The presentation was followed by group discussion relating to: what can the District Committee do/ commission to address poverty? What else can the community do? How can the District Committee support them? Feedback of key discussion points/ suggestions included:

- (a) Provide more consumer advice perhaps in Kirklees Together Magazine.
- (b) Design an APP specific to Kirklees and ways of dealing with debt for example, finding discounted products.
- (c) Teach cookery on a budget.
- (d) Facilitate financial institutions working in shelters or offering advice clinics.
- (e) Get quality information from communities on hidden poverty in their areas.
- (f) Through TRA's provide a booklet for new tenants including where to go for furniture and debt advice. Turnsteads TRA provided such a booklet.
- (g) Promote free computer use in Libraries.
- (h) Eating better courses for school leavers/food for life in schools.
- (i) Recipe cards for simple meals at foodbanks.
- (j) Money for life skills – teaching children at an early age.

Individual pledges were encouraged to assist in reducing poverty.

Residents were thanked for their contributions.

RESOLVED:

Notes from the discussions and suggestions were to be collated and explored further.

10 Avoiding Scams and Frauds

A presentation from Farah Hussain of West Yorkshire Joint Services highlighted the huge amount of money lost to scams and frauds each year. It included a range of examples of scams, the impact on victims which included embarrassment and fear of repercussions, and negative health impacts. A range of contact methods were used by scammers including:

District Committee - Batley and Spen - 23 August 2016

- (a) doorstep – with rogue traders pressure selling and distraction burglaries.
- (b) telephone – computer virus scams, copycat Government scams, copycat telephone preference service scams.
- (c) Mail – including prize draw scams and missed parcel scams.
- (d) Online – free trial scams, holiday or ticket scams.

Victims may be included in lists circulated among scammers.

The West Yorkshire Joint Services SAFER project offers help to residents through:

- (a) Educational workshops for community groups.
- (b) Partner training.
- (c) Individual help for scam/ doorstep crime.
- (d) Provide benefit and debt advice.
- (e) Support at community events.
- (f) Cold Calling Control Zones.
- (g) SAFER Toolkits.

For an informal chat or to book a SAFER workshop email: safers@wyjs.org.uk or telephone 0113 939910.

11 Dates of Future Meetings

Date of the next meeting – Thursday 17th November 2016.

KIRKLEES COUNCIL

DISTRICT COMMITTEE - DEWSBURY AND MIRFIELD

Thursday 6th October 2016

Present: Councillor Nosheen Dad (Chair)
Councillors M Ahmed, G Asif, M Bolt, M Hussain, P Kane,
V Lees-Hamilton, D O'Donovan, M Pervaiz and K Taylor

Apologies: E Firth and C Scott

In attendance: Approximately 40 members of the public in attendance.

1 Welcome and Introductions

The Chair welcomed everyone to the meeting and the Councillors introduced themselves. Apologies had been received from Councillors Eric Firth and Cathy Scott. Councillor Kane advised he would need to leave the meeting at 7.30pm.

2 Minutes of previous meeting

RESOLVED – That the Minutes of the meeting of the Committee held on 30 June 2016 were approved as an accurate record.

3 Interests

No interests were declared.

4 Admission of the public

Agreed – That all items be considered in public session.

5 Sustainability and Transformation Plans

Richard Parry advised he works for Kirklees Council as Director for Commissioning, Public Health and Adult Social Care, and with North Kirklees Clinical Commissioning Group. He advised that earlier in 2016, the NHS had announced it wanted to develop Sustainability and Transformation Plans (STP's) to address three core gaps in health care. One was about health inequalities, and a recognition that life expectancy can vary greatly dependent upon where you live, in some cases by as much as fifteen years between the poorest and the richest areas. There is a recognition of a need to reduce that inequality, not just in life expectancy, but in the quality of life enjoyed. There is a recognition the level of support and care people get varies significantly across the country, and thirdly although the NHS is getting more funding there are increasing levels of demand, and unless something is done to address this, the NHS will run out of money.

There is a West Yorkshire STP, one of forty four nationally, and within that they are starting to develop a Kirklees plan working across the two Clinical Commissioning Group areas in Kirklees. There is much more flexibility about how this local plan is

District Committee - Dewsbury and Mirfield - 6 October 2016

developed. It is about bringing together existing plans from across the NHS and local authorities.

He explained a range of engagement activities that had already taken place to shape the development of the STP, including 'Meeting the Challenge', 'Right Care, Right Time, Right Place', and 'Care Closer to Home' around creating new community health care services. Any new changes that come forward will be subject to the usual consultation processes, and will need to tackle the three gaps. The ongoing engagement in the Kirklees STP would include engaging at the Health and Wellbeing Board and Scrutiny, and with Governing Bodies and other groups such as the District Committees.

He went on to describe ongoing work within a set of programmes the NHS and Kirklees Council are working on together on each of the gaps; Health and Wellbeing Gap, Care and Quality Gap, and Finance and Efficiency gap. These include 'early intervention and prevention and the Healthy Child programme bringing together a whole set of programmes of services for children and young people. We need to support likes of NHS hospitals to think differently, and how will Council services work differently, so there are the right specialists in the right places.

There is a need to build on the strengths all of us have, and think about self-care. He advised someone had turned up to Accident and Emergency in Dewsbury with chapped lips. There is a need for a conversation between the NHS and the public about what sort of things the NHS should do and what should people manage themselves.

Locala is starting to think about this, with District Nurses helping people who could, to practice changing their own dressings, and getting help and support through Skype. There is a need to maximise digital opportunities, and to build a sustainable health and social care workforce to implement high level interventions. There is work aimed at maximising health and wellbeing benefits from successes in supporting skills and jobs growth in the local economy.

There followed a number of questions from members and the public:

Councillor Kane asked about whether responses are made as a result of taking account of consultation. Richard advised there would be a push to ensure Councillors were key to the engagement process for the West Yorkshire STP.

There was a comment about the brilliant job being done by the ambulance service, but concerns about planned cuts in funding to that service. There was a request that Richard find out about whether there were planned funding reductions to the service and by how much.

There was a mention about the detrimental effects of social isolation, and lack of health and wellbeing activities such as Tai Chi being delivered in the community, rather than in the hospital.

There were concerns raised about the seeming lack of transparency in the NHS development of the wider STP's development. Karen Coleman from the Council has

been seconded to the West Yorkshire process to support the communications and engagement on the STP.

RESOLVED – To thank Richard Parry for making his presentation.

6 Comoodle and the Wider Sharing Economy

Duggs Carre from Kirklees gave an update on the Comoodle Programme. In 2014 the programme was awarded one million dollars by the Bloomberg Foundation. Our idea was based on the shared economy. Increasingly people don't own things, but share them. Young people share music, people car share, and some finance share through peer to peer lending.

The Council wanted to create a vision of how to sustain what we have without spending so much money. Some examples, include the work of friends of groups working to keep library services going in collaboration with the Council. The Council has massive amounts of space and skills and some not shared with the community. Comoodle is about lending where possible, vans, tools, equipment that will help groups make things better in their communities. The team are still developing the platform for the most effective delivery of this, but it is not quite ready. It is about a trading relationship.

Comoodle has already had 340 requests. They have 262 active groups, and 140 trades. Gemma Shearing from the team explained some examples of lends that had taken place such as 'Made in Clayton West'; lending 2 vans, microscopes, display boards, felting skills, and outdoor games to a local event. She asked if anyone has stuff they don't use it could go towards what is available to lend.

Duggs advised people can do some user testing on the Comoodle website. Anyone can request items, and search by category. The Platform will be live in the next four weeks. It will be a virtual shop.

You probably do not need to be over eighteen to use Comoodle. There is a need to be aware of safeguarding issues. Young people could request things for a project, but a responsible adult may need to be involved.

The programme is about community projects. The aim is to increase community activity through the project. The programme is about building trust and connecting people. They want to find a way to say yes to people if possible. They want to be creative as a team to do this.

Duggs asked people to test the programme. If people ask for things, the Comoodle team has to try and find it. Please go to the website and make a wish for what you need. They also need people to make an offer of what they can share, and they want people to tell their stories on the website. Duggs asked people to get on the mailing list. He asked people to 'join the journey'.

There followed a number of questions from members and the public. Duggs advised the programme is covered by liability insurance. Faith groups could use it, as the test is work with communities, and many faith groups do this. Comoodle is a three

District Committee - Dewsbury and Mirfield - 6 October 2016

year programme. They are working with NESTA and Bloomberg, but they need to have a business plan to take them beyond 2017.

RESOLVED – To thank Duggs and Gemma for their presentation.

7 **Estates and Environmental Works Budget**

Lisa White, acting Neighbourhood Operations Manager with Kirklees Neighbourhood Housing attended in place of Noreen Beck to give a progress update on the approved schemes from the Estates and Environmental Works Budget 2015/16. She summarised key issues from the round of approvals and asked the Committee to consider and confirm the approach, process and timelines for 2016/17.

Lisa provided a summary of progress ward by ward and it was

RESOLVED:-

- In relation to Dewsbury East ward, the Committee agreed local decision making about the Vulcan scheme for over £30,000. As Councillor Kane had left the meeting, due to having to attend another meeting, it was agreed that the Dewsbury East members would be provided with a breakdown of the scenario and be asked for a decision.
- For Dewsbury West there were no schemes approved in 2015/16 that could not be funded last financial year.
- For Dewsbury South it was agreed to put on hold the scheme for clearance of land to the rear of Blackers Court. This scheme would be included at the end of the new scheme list brought forward for approval to the District Committee in December 2016, and to include more detail as to the work due to be carried out as a result of the seeming high cost of the scheme. This will be reviewed with other new schemes for its value for money in comparison to new ideas.
- In relation to Mirfield it was agreed to progress the Hopton metal fencing project for £12,000. Both remaining schemes would be added to the end of the new scheme list brought forward for approval by the District Committee in December 2016, and to be compared against new schemes for value for money.

Councillor Asif asked Kirklees Neighbourhood Housing to provide additional information about the procurement process involved in the process of appointing the preferred contractor, to ensure value for money.

8 **Committee Budget Report**

The current balances on the District Committee devolved budgets were highlighted.

The following discretionary grants and returns to budget were noted:

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- To note the discretionary grant of £385 revenue awarded on 8th August 2016 to the Friends of Ravensthorpe Library to pay for a face painter and balloon modeller, slushy maker hire, bouncy castle hire and banner for a family fun event on 23rd August 2016.
- To note the fast track commission of £250 revenue towards the Queen's birthday celebrations.

To note the following returns to budget as a result of underspends:

- (i) £252 revenue to be split across the three Dewsbury wards in relation to £7,500 revenue approved on 2nd December 2012 for the Dewsbury Employment and Learning Pilot.
- (ii) £5 revenue to Mirfield ward in relation to the fast track commission approval of £150 revenue approved on 3rd February 2015.

The Committee considered applications for funding and **RESOLVED** that budget expenditure be approved as follows:

- (i) £4,150 revenue to meet the costs of organisation and delivery of a Dewsbury East ward 'You and Your Community' events for 2016/17; to include Ashworth, Eightlands, Northfield and the town centre.
- (ii) £3,750 revenue to pay for refurbishment and repairs to the public seating in Dewsbury town centre.
- (iii) £2,610 revenue to the Pennine Canoe Club to pay for landscaping and benches to create a seating area on an extended jetty at Battyeford, Mirfield.
- (iv) £7,293 revenue to pay for the supply, erection, illumination, maintenance and dismantling of eleven Christmas trees at various locations in Dewsbury East, Dewsbury West and Dewsbury South. Dewsbury West costs to be met from their ten percent New Homes Bonus allocation.
- (v) £850 revenue to Savile Town Cricket Club to pay for cricket kit and equipment for eleven players.
- (vi) £1,300 revenue to install three sockets on lamp columns which will allow the Dewsbury East Speed Indicator Device to be accommodated in new locations, and to expand the Dewsbury East Speed Indicator Programme to fund two years' worth of quarterly moves.

9 Appointments to Outside Bodies

RESOLVED:-

- (i) To receive nominations of Councillor Darren O'Donovan, Iris Bettney, Terry Goodall and Trevor Senior and to appoint them as the Council nominated Trustees of the Fletcher Charity for a period of four more years. There were no nominations received for the two further vacancies.

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Iris Bettney advised she thinks the Fletcher Charity should have been independent from the Council by now, and she would like the Council asked when this would take place.

- (ii) To receive nominations and appoint Councillors Paul Kane and Eric Firth as the two Council nominated Trustees to the William Greenwood Homes Charity for a further four year term.
- (iii) To receive the nomination of Councillor Darren O'Donovan and to appoint him for a further four year period as a Council nominated Trustee to the Dewsbury Guild of Help – Whittuck Charity.
- (iv) To receive the nomination of Councillor Gulfam Asif and to appoint him as a Council nominated Trustee for four years to the vacancy on the Walker Greenwood Educational Charity. There was no nomination for the remaining vacancy.
- (v) to receive the nomination of Councillor Vivien Lees-Hamilton and to appoint her for a further four years as a Council representative on the Mirfield Educational Charity, and to backdate her appointment to 19th October 2015.

Councillor Martyn Bolt raised an objection to the Council's recommendation to align all the Council Trustee nominations. He amended the recommendation in the Mirfield Educational Charity report due to the fact that such an alignment would be contrary to the Articles of the Charity.

10 Deputations / Petitions

No deputations or petitions were received.

11 Public Question Time

The following questions were asked and Councillors responded:

- (i) "Whilst having sympathy with councils across the country suffering unprecedented budget cuts, we seem to be suffering in Dewsbury more than our fair share. On the last count I heard that thirty per cent of local shops are empty yet Huddersfield has a large new shopping centre, our leisure centre badly needs upgrading, and yet Huddersfield has a brand new facility, the Dewsbury Museum is to close but the Tolson and Huddersfield gallery are to have a brand new facility to replace them. There is a pattern emerging of gross unfairness. What steps are being taken to encourage trading entrepreneurs to come to Dewsbury, and are your voices really being heard in representing our downtrodden town"?

Councillor Ahmed as Cabinet member answered in relation to the museum closure decision:

The Cabinet took a very difficult decision on Monday, one which was not lightly taken. In light of the financial challenges which the council faces, it has had to ask the Museums and Galleries service to make savings of over

District Committee - Dewsbury and Mirfield - 6 October 2016

£500,000. Having already made £350,000 of savings since 2011 without closing any sites, the service has had to look at the transformation of its service and consider withdrawing from half of the sites.

The Cabinet felt it was very important to ensure that there was one museum in North Kirklees and one in South Kirklees plus a historic house. A full analysis of financial and visitor data was undertaken and projections made which looked at which sites had the potential to generate the most income in the future so that the new service can be sustained if there are further savings which have to be made. This led to the decision to continue to operate a museum from Bagshaw Museum, Batley and to create a new museum and art gallery in Huddersfield town centre plus to keep operating Oakwell Hall in Birstall.

Unfortunately it means that once a new site in Huddersfield has been developed, Tolson Museum and Huddersfield Art Gallery will close. Red House Museum in Gomersal will close this financial year along with Dewsbury Museum.

At the Cabinet meeting, the Leader made a commitment that council officers will have discussions with the Friends of Crow Nest Park and Dewsbury ward members to look at if together a plan can be created to develop a viable community use for the building which presently houses Dewsbury Museum. It is hoped that an alternative use which is not detrimental to the park can be found for this important building, one which enhances the park and attracts people to visit the park. These discussions will start shortly. It all boils down to budgets”

- (i) “There is appalling traffic congestion between Mirfield and Dewsbury. On some occasions it takes over forty minutes to travel that short distance. Getting in and out of the town can be a nightmare, and must be detrimental to business. What is the plan”?

Councillor Bolt advised the Councillors had been told the Ravensthorpe Gyratory had a five year life span when constructed. Where are we with the Ravensthorpe bypass?

Councillor Ahmed advised he would go back and get an answer from the Service.

- (ii) “Where in the Planning process is there provision for a recompense of the leisure amenity we would lose as a result of the potential road construction across any greenspace” ?

Councillor Dad advised that this question would be put forward to the relevant service.

12 Dates of future meetings

The dates and times are:

District Committee - Dewsbury and Mirfield - 6 October 2016

Tuesday 29th November 2016, Dewsbury Town Hall 7-9pm
Thursday 23rd February 2017, Mirfield Venue, 7-9pm
Tuesday 11th April, 2017, Dewsbury Town Hall 7-9pm

Contact Officer: Julie Mcdowell;, Email: Julie.mcdowell@kirklees.gov.uk, Tel: 01484 221000

KIRKLEES COUNCIL

DISTRICT COMMITTEE - KIRKLEES RURAL

Thursday 29th September 2016

Present: Councillor Michael Watson (Chair)
Councillors B Armer, D Bellamy, J Dodds, D Firth, C Greaves,
E Holroyd-Doveton, T Lyons, A Marchington, N Patrick, K Sims,
Smith, J Taylor, G Turner and R Walker

Parish Council Representatives and Co-opted Members: K Armitage, R Brook and
M Moores

Apologies: Councillor H Richards, Councillor N Turner and J Margetts

In attendance: Approximately 30 members of public

1 Welcomes and Introductions

The Chair welcomed everyone and members of the committee introduced themselves.

2 Minutes of previous meeting

RESOLVED – That the Minutes of the meeting of the Committee held on 21 July 2016 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the public

It was agreed that all items be considered in public session.

5 Deputations / Petitions

There were no deputations or petitions.

6 Kirklees Cycling and Walking Strategy

Alison Millbourn of Kirklees Public Health gave an update on work towards the cycling and walking strategic framework and delivery plan. The aim is for more people to be cycling and walking to work, for sport and leisure. People need to be more active to prevent obesity. Air pollution is also a major cause of death in Kirklees.

Stakeholders have come together to form a delivery plan. There will be public consultation on the strategy in October.

The five over-arching objectives are:

- (i) More coaches, leaders and volunteers, support for people to cycle and walk and to sustain activity.
- (ii) More and better places to cycle and walk, a high quality infrastructure providing safe and enjoyable opportunities to participate.
- (iii) Building skills and confidence to cycle and walk, access to appropriate training opportunities.
- (iv) More cycling and walking opportunities, provision of a broad range of opportunities and events.
- (v) Information, media and communications, provision of information and campaigns to encourage people to appreciate the benefits.

The committee discussed what local communities expect to see as part of the strategy and delivery plan and what the local opportunities and barriers are to achieving it.

RESOLVED – That Alison be thanked for the update.

7 Yorkshire Ambulance Service Plans in Kirklees Rural area

Andrew Simpson of Yorkshire Ambulance Service gave an update on proposed service changes to meet increased demand across the Yorkshire and Humber region.

The service is commissioned by the Clinical Commissioning Unit to provide a service for the whole of the Yorkshire and Humber region.

The average response time for emergency calls which are life threatening is 8 minutes and for other incidents it is 19 minutes. Patients are taken to more specialised centres. This means better outcomes for patients even though they travel further. Treatment starts in the ambulance.

The staffing situation was that in recent years many qualified staff had left for higher paid jobs for example in the DHSS or Police custody suite. Staff were expected to take more clinical decisions while out on operations. Staff did not receive a pay rise for 5 years. There has been a recent rise by one band to help recruit and retain the workforce. Clear career paths have also been put in place.

Sick patients were being managed for longer, they are more infirm and have more complex issues. In the last year there has been an additional 8% increase in demand for the service, the equivalent of an additional 900 call outs in comparison with the previous year. On a daily basis there is a 30% variation in workload. The highest workload is in the winter time.

In Greater Huddersfield there were 80-90 incidents each day, of which 8-10 are life threatening.

District Committee - Kirklees Rural - 29 September 2016

An independent assessment of demand across the whole region had resulted in a recommendation for an additional 242 staff, there are 60 vacancies to fill by April 2017. This would increase the core staff from 25% to 35%. Stations were being asked to work to new staffing rotas, which would increase efficiency from 75% to 90-95% working on a cluster basis across West Yorkshire.

At the same time the number of rapid response vehicles would decrease, in Honley from 4 to 2 vehicles. While the number of double crew ambulances would increase overall in West Yorkshire, they would reduce from 8 to 5 in Honley.

Also in the Greater Huddersfield area there were 13 community responder sites and defibrillator access. The Fire and Rescue Responder Service at Skelmanthorpe Fire Station was responding to urgent calls for a trial period. Community volunteers including school children were also being trained to respond to heart attacks.

Andrew indicated that the staffing figures were based on patient demand so took into account factors such as people living longer, housing developments etcetera.

A lot of work had been done with the Calderdale and Huddersfield Hospitals Trust to analyse transport and scenarios should either the Calderdale or the Huddersfield site close. Closure of either site would not increase the number of call outs but would increase the time taken for each job. An additional 10,000 staff hours would be needed to compensate for it. This would be accounted for in the commissioning arrangement negotiated for the service in 4- 5 years' time when the hospital changes would come into effect.

Where patients are transported to depends on patient preference and where the specialist centres (therefore better quality care) for health conditions are. Locally Honley ambulances tended to go more to Pinderfields instead of Dewsbury, strokes now go to Pinderfields instead of Barnsley, ambulances wait longer at hospital and then tend to stay further afield. Quality of care on arrival at hospital is key.

Staff based at Honley Ambulance Centre indicated that they could not put the new staffing rota together as this was the worst performing area. The station was a standby service for other areas and was predominantly working in towns and cities, while staff from other areas covered the rural area.

Andrew indicated that it is key that people who need the service the most get it. The additional patient increase in demand by 8% means at present there is no time for the standby service. Discussions are taking place with staff and Overview and Scrutiny would be looking at the proposals.

RESOLVED – That Andrew be thanked for the update.

8 **Community Projects - Feedback**

The Committee received updates from community groups on the outcomes of projects it has funded.

RESOLVED – That updates be noted from the Friends of Churchfield regarding the rebuilt wall, Shepley Spring Festival and Denby Dale Parish Council regarding Skelmanthorpe Library building.

9 District Committee Budget Report

The Committee considered a number of proposals for funding.

RESOLVED –

(1) That the return to budget of £1,942 capital underspend be noted regarding PROW improvements CVBW 197, Colne Valley Ward.

(2) That funding be approved as follows-

£450 revenue for provision of additional litter bins Tintern Ave and Manor Road, Golcar

£1,000 revenue for community safety activity in response to local issues that may arise in Holme Valley North Ward

£663 revenue for a Christmas tree in the centre of Meltham

£1,000 revenue grant to Honley Business Association towards the Honley Christmas lights switch on

£1,000 revenue grant to Holmfirth Christmas Team towards the purchase of Christmas lights in Holmfirth

£3,000 revenue to resurface the snicket off Abbey Road South, Shepley

£3,500 revenue grant to Clayton West Cricket Club towards a new mower and roller

£8,197 revenue for various Christmas trees in Colne Valley, Golcar, Denby Dale and Kirkburton

£29,387 capital and £613 revenue for replacement fencing and tree work on the river corridor in the centre of Holmfirth

£16,000 New Homes Bonus match funding towards Crossing the Pennines bid to resurface Scout Lane, Cop Hill, Slaithwaite

£39,500 New Homes Bonus towards provision of an off street car park on Springwood Road, Holmfirth.

10 The Hall Education Charity

The Committee considered a nomination to fill the vacancy on the Hall Education Charity, which requires a special knowledge of the Holmbridge area.

District Committee - Kirklees Rural - 29 September 2016

RESOLVED – That Mr Beardsell be appointed to serve a further term and Mr Trevor Bellamy be appointed to serve on the charity for a 4 year term from 18 October 2016.

11 Public Question Time

There were no public questions.

12 Dates of future meetings

The dates of future meetings were noted as follows:

Tuesday 22nd November 2016 (change from 24th November), Holme Valley North

Saturday 25th February 2017, Golcar

Thursday 23rd March 2016, Holme Valley South

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Contact Officer: Penny Bunker, Tel. penny.bunker@kirklees.gov.uk

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 17th October 2016

Present: Councillor Julie Stewart-Turner (Chair)
Councillor Cahal Burke
Councillor Gulfam Asif
Councillor Ken Sims

In attendance: Councillor Graham Turner, Cabinet Member - Asset
Strategy, Resources & Creative Kirklees (Arts)

35 Membership of Committee

All Members were present.

36 Minutes of Previous Meetings

The Committee considered the minutes of meetings held on 5 and 26 September 2016.

RESOLVED -

That the Minutes of the meetings of the Committee held on 5 and 26 September 2016 were approved as correct records.

37 Interests

There were no interests declared.

38 Admission of the Public

All items were considered in public session.

39 Flood Risk - Preparation for Flood Season

Paul Hawkins, Operational Manager and Tom Ghee, Group Engineer attended the Committee meeting to provide an update on preparations being made by the Council in anticipation of possible autumn flooding.

The report indicated that a Leeds City Region working group had been established following the 2015 floods to review the impact of the floods and consider actions to reduce the social and economic damage from future floods. The actions identified were high level and regionally based but many were relevant to issues faced in Kirklees.

Kirklees had taken the opportunity to consider whether its operational response to predicted flooding was appropriate. A new Flood Response Policy and supporting operational plan was being developed to manage a targeted and proportionate response to flood events.

Mr Ghee explained that the policy described the Council's policies during a flood event and also refreshed the Council's sandbag policy in line with the priorities. It sought to make best use of weather forecasts and river flooding warnings to mobilise appropriate resources for the rainfall event. The report continued to outline the operational plan approach and summarise Council preparations for autumn and winter flooding.

The Committee noted that preparations included trash grille inspection and clearance programme which now meant some higher priority grilles were cleared monthly. Gully emptying resources were targeted at higher priority transport routes to increase the frequency of emptying and operational support to communities before and during flooding had been improved with stand by resources available at all times. A community engagement programme was to continue over the next few years to all of those communities at higher risk of flooding to provide information, advice and encourage self-help.

In considering the report, Councillor Asif asked what information was routinely given to local ward members to understand the risks within their local areas. It was noted that currently there was no routine practice for providing that information other than responding to local member's enquiries. The Committee agreed it would be appropriate if all wards had a profile for members to enable them to discuss with local communities as opportunities arose.

Councillor Simms expressed concerns that there were still inadequate preventative measures within the flood risk approach in Kirklees. He identified a need to undertake work in upland areas to try to limit the excess water running down into populated valleys. Mr Ghee indicated that there was an emphasis on natural flood management including keeping water in moorlands but currently funding was not available to support that work. However there were projects adjacent council areas, such as Calderdale that Kirklees could learn from and adapt best practise within the Kirklees district.

The Committee continued to discuss national regulation regarding water supply in reservoirs and the limitations of local authorities to influence policy dictated by OFWAT. The current approach to the impact of developments on flood risk areas was also discussed and Mr Ghee confirmed that the service was providing robust comments as a technical consultee to try to manage risk within development areas. A policy was now in place that should stop some previous issues, for example the inclusion of mill ponds.

Mr Ghee indicated he would report back to the Committee in January 2016 on the pilot, working with local communities in the Cleckheaton area of Kirklees.

RESOLVED -

(1) That Tom Ghee and Paul Hawkins be thanked for attending the Committee meeting.

(2) That the update report on Preparations for the Flood Season be welcomed and noted, in particular proposals to revise operational practices to be more proactive in addressing flood risk management.

(3) That the Service investigate issues raised by the Committee concerning, Ward based information for Members; the funding opportunities through Ward budgets; contact information for residents.

40 Performance Management

Rachel Spencer-Henshall, Director for Public Health and Martin Dearnley, Head of Audit and Risk attended the Committee meeting to present information on work towards developing improved performance reporting within the Council. Information circulated with the agenda included the following:

- What is changing: Performance Improvement Proposals
- A List of the Seven Outcomes
- A chart of the Commissioning Cycle and how intelligence and performance interrelate.
- A calendar for the changed reporting arrangements.
- The schedule of monthly performance monitoring items.

The Committee noted that current performance reporting arrangements did not reach the needs of the Council moving forward. Performance indicators related to outcomes and linked to Kirklees Economic Strategy and the Joint Health and Wellbeing Strategy. However this did not enable the organisation to understand the day to day picture and identify significant operational issues. The objective was to introduce a business critical set of performance indicators that would enable Cabinet and the Leadership of the Council to more quickly identify critical issues as they arose. These would be produced in the middle of the month and analysis would be on an exception reporting basis.

Ms Spencer-Henshall continued to explain to the committee how the performance indicators would be developed following the reorganisation of the directorate management structures and using policy, intelligence and finance information to

inform a picture of Kirklees within those areas. It was emphasised that the list of indicators would not be comprehensive but that services would also monitor key areas within their own management processes.

In discussing the proposals, the Management Committee recognised they were at an early stage and there was further work to do. It was requested that the Management Committee also be provided with a list of those areas to be monitored on a quarterly basis to provide a fuller picture of the performance information to be captured.

Reference was made to the need to learn from the issues highlighted by the development work in Childrens Services which had included the use of performance clinics to focus on specific areas of practice.

RESOLVED -

(1) That Rachel Spencer-Henshall and Martin Dearnley be thanked for attending the meeting to set out the proposed revised approach to improving performance reporting within the Council.

(2) That the Management Committee be supplied with the monthly performance reporting areas in order to develop a full picture of information to be monitored.

(3) That the Management Committee is supportive of the performance clinic approach to managing transformation improvement.

(4) That a further progress report be presented to the Management Committee later in the municipal year.

41 Corporate Complaints Annual Report

The Management Committee considered a report which set out recent learning from complaints handling. Chris Read, Corporate Customer Standards Officer attended the Committee to present the report and answer Member's questions.

The report provided a summary of the Council's complaints process and the current Kirklees position which indicated that the customer standards function provided advice to services on over 500 complaint inquiries each year. In addition 93 complaints had been received by the Ombudsman which was 16% of the total number of complaints received by West Yorkshire local authorities.

The report indicated that the majority of complaints that progressed to second stage had one of the following factors to them:

- Poor communication.
- Speed of response.
- Misunderstanding of the process.

The Corporate Customer Standards Officer informed the Committee that he was working on eight short guides to offer staff advice on complaints handling. The guides were designed to highlight good practice and provide practical advice on the

steps to be taken when considering a complaint. In addition, templates of complaint letters were being prepared to support officers.

In considering the report the Management Committee welcomed the proposal to develop guides and templates to support officers in managing and responding to complaints. The Committee suggested that officers should, where possible, discuss concerns rather than take an over defensive stance when receiving a complaint.

RESOLVED -

(1) That Chris Read, Corporate Customer Standards Officer be thanked for attending the meeting to present information on the learning from complaints handling.

(2) That the report be welcomed, in particular the work to produce templated and guides to help raise consistency and standards in our response to enquiries.

42 Date of Next Meeting/OSMC Work Programme

The Management Committee considered its future work programme. It was noted that a potential item regarding Highways funding had been listed on the work programme, however as the Committee was unable to identify a specific focus for work it was agreed that the item would be removed. The Committee agreed that its next meeting would be held on 7 November 2016 and issues for discussion would include the Comoodle Project, in particular how it was working with communities.

RESOLVED -

(1) That the next meeting of the Committee be held on 7 November 2016 at 9.30am.

(2) That the potential item regarding Highways Funding be removed from the work programme as a focus for discussion could not be identified.

(3) That the agenda issues identified for 7 November 2016 meeting be confirmed and noted.

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Contact Officer: Penny Bunker, Tel. penny.bunker@kirklees.gov.uk

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 7th November 2016

Present: Councillor Julie Stewart-Turner (Chair)
Councillor Cahal Burke
Councillor Gulfam Asif
Councillor Ken Sims

In attendance: Debbie Hogg - Assistant Director, Financial Management
Paul Kemp - Assistant Director - Investment and regeneration
Councillor Graham Turner, Cabinet Member
Joe Tingel - Physical Resources and Procurement Officer
Duggs Carre – Comoodle Programme Leader

43 Membership of Committee

All members of the Committee were present.

44 Minutes of Previous Meeting

The Management Committee considered the Minutes of the meeting held on 17 October 2016.

RESOLVED -

The Minutes of the meeting of the Committee held on 17 October 2016 were agreed as a correct record.

45 Interests

No interests were declared.

46 Admission of the Public

All agenda items were considered in public session.

47 Overview of Progress in Delivering the Medium Term Finance Plan

The Assistant Director, Financial Management, Risk, IT and Performance attended the Committee meeting to provide an Overview of the progress made in delivering the Council's Medium Term Financial Plan. The presentation also highlighted future financial forecast issues.

In introduction Debbie Hogg set out Council funding and expenditure budgets for 2017 to 2021. The projections indicated a Medium Term Financial Plan (MTFP) budget gap by 2020-2021 of £65m. It was noted that there had been significant movement within the budget projections since February 2016.

Ms Hogg explained to the committee the different funding sources and current changes which included the core Revenue Support Grant reducing from £33m to £13m and the probability that it would disappear completely at the end of the reduction period. Within Kirklees the recovery rate for Council Tax was very good with initial projections of £157m now increasing to £172m.

Ms Hogg confirmed that cost pressures continued within adults, children and waste services. There were some areas of financial funding that could mitigate some of the funding pressures, for example the Better Care Fund.

The Management Committee explored how the impact of the Local Plan on the development of new housing had been factored into Council Tax projections. Ms Hogg acknowledged that the Local Plan was a consideration but had fallen outside of this budget planning window. It was anticipated that for approximately every 1000 properties built there would be an additional £1m of Council Tax levered into council budgets.

The Committee continued to discuss the New Homes Bonus and noted a current forecast of £43m reducing to £25m by 2017/18. This would require consideration by Councillors as part of the next budget round. The Committee continued to consider the reserves position for 2016/17 and noted that at 31 March 2016 the reserves total stood at £93.3m and by 31 March 2017 this was forecast to have reduced to £57.2m. When looking at the commitments rolled forward it was estimated that the remaining reserves available to support the MTFP from 2017-21 were £29.3m.

Ms Hogg continued to outline budget timetables and noted that Cabinet was receiving quarterly monitoring reports. An update had been presented to Full Council and the online budget engagement tool had been launched in preparation for budget discussions in February 2017. It was anticipated that following the Governments autumn statement on 23 November 2016 details of the financial settlement would be available in early December. An all-party presentation would be held week commencing 5 December, with final budget decisions being taken at Council on 15 February 2017.

There followed a discussion on the implication of 100% retention of business rates in Kirklees compared to more affluent areas elsewhere in the country. Debbie Hogg said consideration was being given to a mechanism that recognised the very uneven distribution of resources and sought to address the position. However, there was no final decision regarding this. Kirklees currently received approximately £50m in business rates.

There was a discussion regarding Parish Councils and whether they might move to a four year financial plan. It was recognised that whilst this maybe a beneficial approach, Parish Council's were independent of the Local Authority and as such made their own arrangements regarding budget management. Ms Hogg indicated that there was a proposal to relook at capping a Parish Council's income however none of the Parish Council's within Kirklees was large enough to be affected by this possible outcome.

The Committee discussed the opportunities for income generation to try to address some of the funding gaps. Ms Hogg said there was a piece of work being led by Joanne Bartholomew, Assistant Director of Place Directorate, to look at maximising funding and trading opportunities. However, there were likely to be limited opportunities and it was important that trading services were not an undue drain on Council Tax. The major focus for services going forward had to be about controlling costs.

There followed a brief discussion on the financial implications in respect of the Housing Revenue Account and anticipated reductions of £11m during the life of the MTFP. Kirklees Neighbourhood Housing was facing the challenge of also having to look closely at their costs in order to achieve savings. The transfer of Building Services to KNH was intended to improve efficiencies and achieve budget reductions.

RESOLVED -

1. That Debbie Hogg, Assistant Director of Financial Management be thanked for attending the Committee meeting
2. That the presentation on the Medium Term Financial Plan and future challenges be noted.

48 Asset Management Update

Cllr Graham Turner, Cabinet Portfolio holder, Paul Kemp, Assistant Director Investment and Regeneration and Joe Tingle Physical Resources and Procurement Officer attended the Management Committee meeting to provide an update on current asset management work.

It was noted that the last update to the Management Committee on 4 January 2016 and since that time the Cabinet Committee Assets had been established with delegation of some decision making functions. In addition, a Cabinet Liaison Group

Overview and Scrutiny Management Committee - 7 November 2016

– Assets, had been established to provide the opportunity for a wider group of Councillors to be informed on the development of policy and proposals regarding assets, prior to them being submitted to Cabinet or Cabinet Committee Assets.

The Committee discussed the work of the Assets Liaison Group including membership and what had been considered to date. It was noted that the group had met on the 17 November 2016 and had agreed the decision making flowchart. The liaison group was to give further consideration to the involvement of ward members and recognised the need for local knowledge to be included in decision making processes. It was agreed that a copy of the flowchart/decision making tree would be forwarded to the Management Committee members.

Joe Tingle continued to explain the report to members, including the progress made to achieve office accommodation savings in line with the move to new ways of working. The report outlined capital investment which included in 2016/17; Huddersfield Town Hall roofing works, Oakwell Hall boiler, dry rot and electrical works, Byram Arcade roofing works, Dewsbury Town Hall refurbishment, emergency lighting.

The Management Committee noted that the MTFP had a requirement to supply £29.5m of capital receipts over a five year period. To date the Council had disposed of 56 assets in 2015/16 generating a receipt of £5.9m.

In 2016/17, 2 disposals had taken place generating £945,000. A number of other disposals are at the negotiation stage or subject to other approvals before anticipated completion before the end of the financial year.

Cllr Stewart-Turner raised concerns about the potential for disposals to impact on other strategies, for example, current early intervention and prevention work within Children's Services. Cllr Turner confirmed that disposals were complex and there was the potential for conflict but officers and Cabinet were working through it to ensure that the best decisions were made. It was important that assets were not underutilised and represented value for money. Officers were progressing disposals that were straightforward and not contentious.

Mr Kemp advised the Committee that there were a second round of ward meetings planned to discuss with ward members the options for assets within their wards. There was a list of draft disposals for 27 sites over the next 18 months. The Cabinet member indicated that it would be helpful if ward Councillors came to officers where they were aware of opportunities within communities to transfer assets or where they had important information to inform decisions.

Committee members discussed the opportunities to use licences to enable community groups to develop arrangements to take responsibility for assets. Mr Kemp indicated this was a possibility however, for community groups to secure external funding sources they were likely to require security of tenure. However, licences were possible if they were part of moving proposals forward. The Council would always look for a longer term solution.

Mr Tingle indicated that there was a need to produce a Strategic Asset Management Plan to ensure the council made the most of its assets and that the approach was complementary to New Council, early intervention and prevention and economic resilience. A number of complementary policies would also be refreshed including the Estate Management Policy and the Asset Transfer Policy.

The Management Committee welcomed the update but expressed concerns about the continuing difficulties recruiting staff and progressing the volume of work. Mr Kemp indicated that they were working with chartered surveyors and some external providers. This left internal resources to be focussed on those projects which were of higher priority to the community and councillors and required more complex discussions. Councillors recognised that this was an area where there was potential to invest to save and welcomed the exploration of other options to inject pace. The Management Committee asked for the list of properties to be progressed over the next 18 months.

RESOLVED -

1. That Paul Kemp, Assistant Director Investment and Regeneration, Joe Tingle, Procurement Officer and Cllr Graham Turner, Portfolio Holder be thanked for attending the Committee meeting
2. That the update on Asset Management issues be noted.
3. That a copy of the asset decision making tree and the list of assets to be progressed over the next 18 months be circulated to the Committee.

49 Effectiveness of Comoodle (including community assets) and Feedback From Users and Their Experiences

The Management Committee received a presentation from Duggs Carre Comoodle Programme Leader on the progress of the Comoodle project to date.

In introduction, Mr Carre refreshed Management Committee's understanding of the background to the Comoodle project which had been a winner of the Bloomberg Philanthropies Mayor's Challenge 2014. A total of £1m had been awarded over the 3 years 2015-2017 to fund innovative ideas that could improve lives across the globe. The Kirklees idea was to build a platform and test new ways of working to ensure Local Government and the public sector could better support community projects by sharing resources that they control. This fitted with the Council's aim of enabling individuals and communities to do more for themselves and each other whilst focusing other resources on things that only the council can do.

The Comoodle project was overseen by a project board and an operational team which included a Project Leader, Project Manager and a Project Officer. Recent feedback to the Project Board had indicated that Comoodle was delivering in line with its delivery plan but recognised that it was entering a new phase of the project. In the first 8 months approximately 140 trades had taken place with a lot of equipment loaned for sports and events as well as council vehicles. As at

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September 2016 894 people had signed up to the Camoodle.com blog. A platform was being developed by a provider called Youme and it was hoped that this would be completed by the end of the year.

The 2017 Delivery Plan focussed on marketing and engagement and the need to 'have a lot more on the shelves' so that when people accessed the Comoodle platform they could see what was available. The Management Committee recognised that it was important that Comoodle was not seen as another council service and required a limited amount of Council staffing resources once established.

There was a discussion on how the business community might become involved. Mr Carre indicated that there were still a limited number of members offering resources. There were some businesses, such as Cummings, who were supportive of helping local communities.

There followed a discussion on the risk of sharing resources and how this might be preventing some community groups from offering to loan things within their possession. Mr Carre indicated that liability insurance had been a concern of many community groups. The Council had been working with Eastwoods to develop a new product that would be available relatively cheaply to cover public liability issues. The intention was that the platform would also include guidance and advice to help community groups manage asset sharing. The officers were also looking at the options for community groups charging for people to borrow things, for example generators. Cllr Turner emphasised that this was a very new and innovative project and faced a lot of initial challenges however officers were working to try to tackle these and identify solutions. The Management Committee thanked Mr Carre for his presentation and welcomed the progress that had been made to date.

RESOLVED –

That Duggs Carre be thanked for his informative presentation on the progress of the Camoodle project and next steps.

50 Date of Next Meeting/ OSMC Work Programme

The Management Committee considered arrangements for its next meeting including the agenda issues to be discussed. It was agreed that the next meeting would be held on Monday 28 November 2016 at 9.30am at the Town Hall, Huddersfield. The Management Committee continued to discuss forward agenda plan. Cllr Stewart-Turner reported on recent discussions with John Heneghan Head of Policy and Strategy. There would be a number of Policy issues to be scheduled for the forward work programme.

RESOLVED -

1. That the next meeting of the Committee be held on the 28 November 2016 at 9.30am.

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2. That the forward agenda plan be noted.
3. That following discussions with John Heneghan a number of policy issues be integrated into the forward work programme.

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Contact Officer: Steve Copley

KIRKLEES COUNCIL
PERSONNEL COMMITTEE

Thursday 17th November 2016

Present: Councillor David Sheard (Chair)
Councillor Shabir Pandor
Councillor Terry Lyons
Councillor Nicola Turner
Councillor Peter McBride
Councillor Graham Turner
Councillor Bill Armer

Apologies: Councillor David Hall
Councillor Nigel Patrick

In attendance:

Observers: Councillor Julie Stewart-Turner
Councillor John Taylor

1 Membership of the Committee

Apologies for absence were noted on behalf of Councillors Martyn Bolt, David Hall and Nigel Patrick.

Councillors Bill Armer and John Taylor substituted for Councillors David Hall and Nigel Patrick.

Members of the Committee also agreed that Councillor Julie Stewart Turner should be involved in today's meeting because of her involvement in the interviews for the Strategic Directors and Service Directors (*See item 10 below*). The Chair of the Overview and Scrutiny has been invited to "observe" the interviews.

2 Minutes of Previous Meeting

The minutes of the Personnel Committee meeting on 19 September 2016 were approved.

3 Interests

No interests were declared.

4 Admission of the Public

Members resolved to consider items 9 and 10 in private session, as they contain exempt information. The details and reasons are set out at the start of each item.

5 Public Question Time

No questions were received.

6 Member Question Time

No questions were received.

7 Deputation/Petitions

No deputations or petitions were received.

8 Update on Human Resources and Industrial Relations and Trade Union Relationships in the New Council

(Exempt information relating to consultations or negotiations, or contemplated consultations and negotiations, in connection with a labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. The need to maintain confidentiality around negotiations with the trade unions outweighs the public interest in disclosing the information)

Further to the Personnel Committee on 19 September 2016, the Committee received a verbal update from Jacqui Gedman and Rosemary Gibson on the progress being made in the discussions with the trade unions to try to develop the working arrangements between the management and trade unions in 2016/17.

The report highlighted:-

- The progress made in the discussions between the management and trade union sides to-date

- The trade unions and their agreement to adopt and use e-mail in their communications with the management side from 21 November 2016 onwards, following a recent pilot period, and subject to some guiding principles and parameters. Progress to be checked and shared with the Personnel Committee in due course.

- The progress made in the discussions to-date about the proposal to introduce some changes by 1 April 2017, as proposed and supported at the Personnel Committee (14 July), which will see the total number of trade union representatives for UNISON, GMB and UNITE, plus the formal time off that is allocated to them for their trade union duties, being based on some new ratios based on 1:1000 for the total number of members that they have working in Kirklees in 2016/17. Further details on the development and implementation of this proposal – or a slightly revised proposal – will be shared with the Personnel Committee in due course.

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- Questions raised by the trade unions about the appeal process, and the removal of the former process which allowed appeals to be escalated to a member appeal panel for determination. It was noted that representatives from the management and trade union will review these issues in an attempt to find a way forward.

RESOLVED: - That the Committee agrees to receive this progress report, and ask for a further progress at the next meeting.

9 Succession Planning and Managing Change

(Exempt information relating to particular employees. The public interest in maintaining the exemption, which would protect the rights of the individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the council's decision making)

Following a report at the Personnel Committee on 19 September 2016, Adrian Lythgo provided a report on progress with the process and timetable to complete the review of the senior management structure. The report focused on:-

- The appointment, following member interviews, of the following Strategic Directors from 1 April 2017

- Sarah Callaghan – Strategic Director for Children and Families
- Richard Parry – Strategic Director for Adults and Health
- Jacqui Gedman – Strategic Director for Economy and infrastructure
- Jacqui Gedman - Deputy Chief Executive – Effective from 9 November 2016 onwards

- The Strategic Director posts which will not come in to being until the planned and full implementation of the structure in April 2017. Cllr Sheard also asked the Committee to note that the member interview panel had highlighted differential and specific development needs in each case reflecting the change in nature of the Strategic Director roles from those required by the candidates for their existing roles.

- The feedback and questions raised in the consultation exercise with the Assistant Directors about the creation of the new Service Director posts

- The proposed process and timescales to fill the Service Director posts from December 2016 onwards

- The need in the future to consider the roles of senior managers in completing the design of the overall management structure of the council.

- The specific costs associated with the secondment for one Director, as agreed by the Chief Executive in accordance with the delegation from the Personnel Committee, to implement the senior management review.

Adrian Lythgo answered questions on the content of the report, along with its appendices. This provided more information on:-

- The proposed senior management structure of the council

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- Information of the role profiles of the Service Director posts
- A summary of the feedback from the consultation with the current Assistant Directors about the proposed structure and the roles and responsibilities of the new Service Directors.

The Committee also received a deputation consisting of Paul Holmes, UNISON, and Lyle Singleton, UNITE, and also received a copy of a letter and report from Paul Holmes, which explained the reasons why, following the adoption of the collective agreement by the management and trade union sides, Paul Holmes believed that the trade unions should have been invited to nominate a “trade union observer” to observe the member panels for the interviews for the Strategic Directors and Service Directors. The question had arisen prior to the recent interviews for the posts of Strategic Director and had been determined by the member interview panel on 9 November 2016.

Adrian Lythgo explained that he had asked for the matter to be brought direct to the Personnel Committee for consideration, as an exception to using the process of the Central Negotiating Team and/or Employee Relations Sub Committee, because UNISON felt that those who would normally deal with these issues were involved in the decisions that had been taken to date. Adrian Lythgo also made it clear that the management side did not necessarily agree with this view.

Adrian Lythgo clarified that the Personnel Committee was being asked to consider the deputation due to the specific and unique circumstances of the points raised.

Jacqui Gedman, on behalf of the management side, responded to these issues raised in the deputation.

Members of the Committee discussed the issues with Paul Holmes, Jacqui Gedman and Adrian Lythgo, before asking everyone to leave the meeting in order that the committee could make a decision in private.

Following on from all of the above, Adrian Lythgo also reported on his plans to leave Kirklees Council in February 2017, and his recommendation on how the post and role of Chief Executive should be filled.

The Personnel Committee considered the information available from the recent interviews for the posts of Strategic Directors and Deputy Chief Executive as part of their decision in determining the Council’s response.

RESOLVED – That the Personnel Committee unanimously agreed to approve and support the following recommendations:-

(1). That the appointment of the Strategic Directors from 1 April 2017 be noted, recognising the differential development needs for the roles, plus the appointment of Jacqui Gedman to the position of Deputy Chief Executive from 9 November 2016.

(2). That, having considered the feedback from the consultation process with the current Assistant Directors, the Service Director role descriptions be agreed as a basis for conducting interviews to those posts. Members of the Personnel Committee also acknowledged the feedback surrounding the posts of Service Director for Quality and Performance and Service Director for Customer Transformation and Public Affairs, but agreed that both of these posts should be advertised and filled as planned. The Committee agreed the need to maintain capacity at a Service Director level.

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- (3). That the approach to recruiting to vacant Service Director posts is approved, namely, internal advertisements, followed by external advertisements for any posts that cannot be filled.
- (4). That the legal requirements under regulation 10 of the maternity legislation in relation to redundancy that are likely to be applicable to one of the candidates are noted.
- (5). That, in response to the deputation and representations made by UNISON at today's meeting, the Committee unanimously agreed that there should be no "trade union observers" at any member panel interviews for the posts of Chief Executive, Strategic Director or Service Director.
- (6). That, following on from (5) above, Jacqui Gedman and Rosemary Gibson be asked to provide a report for the next Personnel Committee on the procedures for dealing with disputes between representatives of the management and trade union sides in 2017/18.
- (7). That the plans of Adrian Lythgo, Chief Executive, to leave the service of Kirklees Council in February 2017, be noted
- (8). That the post of Chief Executive be offered to Jacqui Gedman, the current Deputy Chief Executive, on an acting up basis for a 12 month period following the departure of Adrian Lythgo.
- (9). That the Council be recommended to approve the appointment described in (8) above and this officer becoming the head of the paid service (including the roles of Electoral Registration Officer and Returning Officer)

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Contact Officer: Richard Dunne, Tel. richard.dunne@kirklees.gov.uk

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 3rd November 2016

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Donna Bellamy
Councillor Mohan Sokhal

Apologies:

In attendance:

Observers:

1 Membership of the Committee

Councillor Bellamy substituted for Councillor D Firth.

Councillor Sokhal substituted for Councillor Kane.

2 Minutes of the Previous Meeting

Approved as a correct record.

3 Interests and Lobbying

No interests or lobbying were declared.

4 Admission of the Public

All items on the agenda were considered in public session.

5 Deputations/Petitions

The Committee received a deputation from Chris Marsden on behalf of the Huddersfield Civic Society.

6 Public Question Time

The Committee received questions from Chris Marsden on behalf of the Huddersfield Civic Society in regards to the process relating to the notification of Committee agendas following planning enforcement requests and a request to speak on an item that required prior registration.

The Chair and the Planning Development Management Group Leader responded to the questions.

7 Site Visit - Application 2016/92029 and 2016/92030

Site visit undertaken.

8 Planning Applications

The Committee considered the schedule of Planning Applications.

RESOLVED – That the applications under the Planning Act included in the list submitted for consideration by the Committee be determined as now indicated and that the schedule of decisions be circulated to members.