

# Public Document Pack



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Monday 11 September 2017

## Notice of Meeting

Dear Member

### Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 19 September 2017**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light background.

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Cabinet members are:-**

### **Member**

Councillor David Sheard  
Councillor Shabir Pandor  
Councillor Peter McBride

Councillor Naheed Mather

Councillor Musarrat Khan  
Councillor Erin Hill  
Councillor Viv Kendrick

Councillor Masood Ahmed  
Councillor Graham Turner

Councillor Cathy Scott

### **Responsible For:**

Leader of the Council

Deputy Leader of the Council & the Labour Group

Cabinet Member - Responsibility for Economy, Skills,  
Transportation & Planning

Cabinet Member - Housing & Enforcement  
Management

Cabinet Member - Highways & Neighbourhoods

Cabinet Member - Family Support & Child Protection

Cabinet Member - Adults, Health & Activity to Improve  
Health

Cabinet Member - Community Cohesion & Schools

Cabinet Member - Asset Strategy, Resources &  
Creative Kirklees (Arts)

Cabinet Member - Adults, Health & Activity to Improve  
Health

# Agenda

## Reports or Explanatory Notes Attached

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Pages

**1: Membership of the Committee**

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

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**2: Interests**

1 - 2

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

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**3: Admission of the Public**

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

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**4: Deputations/Petitions**

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

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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**5: Public Question Time**

The Committee will hear any questions from the general public.

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**6: Member Question Time**

To consider questions from Councillors.

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**7: Council Budget Update Report 2018-22**

3 - 32

To determine the Cabinet's approach to the annual update of the Council's Medium Term Financial Plan (MTFP). This is reported to full Council each year, and sets a framework for the development of draft spending plans for future years by officers and Cabinet.

**Officer:** Eamonn Croston

**Wards:** All

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**8: Dog issues - Joint Working Protocols with West Yorkshire Police and Kirklees Prosecution Strategy**

33 - 44

A report seeking approval for protocols covering operational management of dog offences between the Council and West Yorkshire Police. The report outlines how the authority will deal with dog related offences to ensure a consistent approach and that appropriate and proportionate measures are put in place.

**Officer:** Sam Connelly

**Wards:** All

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**9: Bereavement Services – Fees and Charges**

45 - 66

To seek approval for the development of future business models and charging structures for Bereavement Services.

**Officer:** Sarah Durdin

**Wards:** All

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**10: Huddersfield Town Centre Access and Connectivity Project Impact Assessment Report**

67 - 110

To present to Cabinet the evidence and indicators that have been considered to provide an evaluation of the impact of the 'Huddersfield Town Centre Access and Connectivity' project against its original aims together with an overview of changes noted within the town centre since the scheme's implementation

**Officer:** Richard Hadfield and Steven Hanley

**Wards:** Newsome, Dalton and Greenhead

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**11: Specialist Provision for Kirklees Children with Communication and Interactive Needs.**

111 -  
172

A report advising members on the outcome of the statutory processes on the Kirklees Council proposals to:-

- a) Create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs.
- b) Decommission 12 transitional places for children with Speech, Language and Communication Needs (SLCN) at Ashbrow School

**Officer:** Mandy Cameron

**Wards:** All

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**12: Ashbrow Housing Site – Contract and Land Disposal**

173 -  
180

A report seeking authority for the Council to enter in to a contract with a development partner for the Ashbrow Housing site, and dispose of the land to that partner.

**Officer:** Liz Jefferson

**Wards:** Ashbrow

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**13: Exclusion of the Public**

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

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**14. Ashbrow Housing Site - contract and land disposal**

181 -  
228

A Private Appendix in relation to agenda item 14 above.

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

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.





**Name of meeting:** Cabinet  
**Date:** 19 September 2017

**Title of report:** Council budget update report 2018-22

## Purpose of the report

To determine the Cabinet's approach to the annual update of the Council's Medium Term Financial Plan (MTFP). This is reported to full Council each year, and sets a framework for the development of draft spending plans for future years by officers and Cabinet.

<b>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?</b>	<b>Yes</b>
<b>Key decision - is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a>?</b>	<b>Key decision - Yes</b>
<b>The Decision - Is it eligible for "call in" by <a href="#">Scrutiny</a>?</b>	<b>No</b>
<b>Date signed off by Strategic Director &amp; name</b>	Jacqui Gedman, 11 September 2017
<b>Is it also signed off by the Service Director for Finance, IT &amp; Transactional Services?</b>	Debbie Hogg, 7 September 2017
<b>Is it also signed off by the Service Director – Legal, Governance &amp; Commissioning ?</b>	Julie Muscroft, 8 September 2017
<b>Cabinet member <a href="#">portfolio - Corporate</a></b>	<b>Give name of Portfolio Holders</b> Cllr Graham Turner Cllr Musarrat Khan

**Electoral [wards](#) affected:** All

**Ward Councillors consulted:** All

**Public or private:** Public

## RESTRICTIONS ON VOTING

Members should be aware of the provisions of Section 106 of the Local Government Finance Act 1992, which applies to members where –

- (a) they are present at a meeting of the Council, the Cabinet or a Committee and at the time of the meeting an amount of council tax is payable by them and has remained unpaid for at least two months, and
- (b) any budget or council tax calculation, or recommendation or decision which might affect the making of any such calculation, is the subject of consideration at the meeting.

In these circumstances, any such members shall at the meeting and as soon as practicable after its commencement disclose the fact that Section 106 applies to them and shall not vote on any question concerning the matter in (b) above. It should be noted that such members are not debarred from speaking on these matters.

Failure to comply with these requirements constitutes a criminal offence, unless any such members can prove they did not know that Section 106 applied to them at the time of the meeting or that the matter in question was the subject of consideration at the meeting.

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## **1. Summary**

- 1.1 The Cabinet is required under Financial Procedure Rules to submit to Council a provisional budget strategy for the following 3 years, no later than October, each year. The provisional budget strategy in this report is a four year strategy.
- 1.2 The Council's updated Medium Term Financial Plan (MTFP) rolls forward into 2018-19, existing 4 year budget plans approved at budget Council on 15 February 2017.
- 1.3 The overarching financial context for the updated General fund budget plans reflects the continuing scale of the financial challenges facing the Council; largely as a result of significant reductions in core Government funding allocations to the Council over the lifetime of successive recent Parliaments; 40% over the 2010-16 period and a further 34% over the 2016-20 period.
- 1.4 Last year, Government offered all Councils who published an Efficiency Plan, 'reasonable certainty' regarding future year funding allocations set out in the financial settlement 2017-18, at least for the next 3 years. The Council's published Efficiency Plan 2017-21 was included as an Appendix to the budget strategy update report 2017-21, approved at full Council on 12 October 2016. In reality, 'reasonable certainty' at best is Government re-affirmation of the continuing level of funding reductions already assumed in current Council multi-year budget plans rolled forward into 2018-19.
- 1.5 The Council is, at the same time, the eighth lowest funded Council in the country, as measured by the Government's own spending power benchmark calculation, expressed as spend per head of the population (and second lowest of the 36 metropolitan authorities).
- 1.6 The Council is also facing continuing and increasing service pressures; in particular in Children's and Adult Services, to the extent that the Council approved budget plans for 2017-18 included additional, recurring revenue investment in core Children's and Adults base budgets, totalling £21m.

- 1.7 This report also sets out a number of current assumptions underpinning the updated MTFP, including acknowledgement of potentially significant unbudgeted risks. These include further volume pressures in Children and Adults activity (learning disabilities in particular), and current lack of national funding certainty from Government on a range of indicative future year Adults Social Care funding streams. There are also pressures on Council one-off reserves, which has a consequential impact on the overall financial resilience of the Council to effectively manage any significant unbudgeted risks over the medium term.
- 1.8 The Council's current 30 year Waste Contract ends in 2022-23, and while it does not feature in this budget round, work has already commenced to review options for 2023-24 onwards; the financial implications of which will need to be factored early into future year MTFP updates.
- 1.9 The updated general fund budget plans are summarised at Table 1 below, including the current 2017-18 budget :

**Table 1 – General fund MTFP update Summary 2018-22**

<b>MTFP update</b>	<b>17-18 £m</b>	<b>18-19 £m</b>	<b>19-20 £m</b>	<b>20-21 £m</b>	<b>21-22 £m</b>
<b>Total Funding Available</b>	(283.5)	(281.2)	(276.7)	(270.1)	(270.1)
Gross Spend	348.9	362.2	363.8	370.4	370.4
<i>Planned Savings</i>	(54.2)	(82.2)	(98.8)	(104.3)	(104.3)
<b>Net spending plans</b>	<b>294.7</b>	<b>280.0</b>	<b>265.0</b>	<b>266.1</b>	<b>266.1</b>
<b>Budget Gap / (surplus)</b>	<b>11.2</b>	<b>(1.2)</b>	<b>(11.7)</b>	<b>(4.0)</b>	<b>(4.0)</b>

- 1.10 The Planned savings summarised above are significant and challenging. Based on Quarter 1 financial monitoring 2017-18, reported to Cabinet on 22 August 2017, the Council is forecast to deliver, overall, about £49m of the planned £54m savings requirement in-year. This represents about 90% in total, and indicates good overall progress against existing plans.
- 1.11 The planned savings for 2018-19 onwards are 'cumulative' totals as per the summary Table 1 above, compared to the 2017-18 baseline saving. The specific savings requirement for 2018-19 is **£28m**, a further **£16.6m** in 2019-20 and a further **£5.5m** in 2020-21.
- 1.12 The new Year 4 of the updated MTFP (2021-22) is included in the summary Table 1 above. At this stage it is unchanged from year 3, but will be re-freshed as part of the ongoing review of funding and spending plan assumptions through the remainder of the budget round.
- 1.13 The bottom line Budget Gap/Surplus estimates set out at Table 1 above in part reflect the 'lumpy' profiling of a range of indicative Government funding streams; in particular relating to Adult Social care over the MTFP period, in part also a reflection of current quantification and timing of a range of planned savings over the MTFP period.
- 1.14 The updated budget plans also reflect the Council's statutory requirement to manage or 'right size' its overall spending plans within available resources for the foreseeable future, whilst at the same time this report acknowledges continuing

volatility on some of the key costing and funding assumptions underpinning these updated budget plans.

- 1.15 The Council's Corporate Plan 2017-18 sets out a clear statement of intent to be an ambitious, innovative and resilient organisation. Alongside the 'right-sizing' in acknowledgement of the continuing financial challenges the Council faces, the Council is also investing internal and external capacity and expertise to help 're-shape' and transform services to more effectively align to be an outcome focused, commissioning organisation over the medium term. In assessing the viability of updated budget plans, ensuring that the Council's budget plans effectively deliver the right outcomes, is equally paramount.
- 1.16 The MTFP update also sets out a flexible capital receipts strategy framework in line with Government guidance, which allows the Council to consider a range of approaches to capitalise qualifying revenue expenditure, funded through in-year generated capital receipts. This covers the 2016-19 period (2016-17 being an effective retrospective approval), and in particular could enable the Council the opportunity to build up its financial resilience reserves in light of ongoing unbudgeted risk pressures over the MTFP period.
- 1.17 The overarching context for the updated HRA budget plans is the delivery of a high quality landlord service to 23,000 Council tenancies alongside supporting the Council's strategic HRA capital investment ambitions, within a self-financed 30 year HRA business plan. The Council works closely with Kirklees Neighbourhood Housing (KNH), its partner arms length management organisation, to regularly review and update the HRA business plan.
- 1.18 The HRA faces a number of funding challenges including current uncertainty on Government intent on some aspects of national housing policy, which could have significant funding implications for the HRA going forward ;the most prominent being a proposed 'higher value' annual levy or charge, based on higher value property void rates. The levy was to be re-directed to private registered providers to compensate them for the loss of housing stock through the voluntary take up of the right to buy scheme in this sector. There is current uncertainty if Government will go forward with the levy proposal, or the basis of any calculation. The MTFP update at this stage assumes deferred implementation to 2020-21.
- 1.19 The recent merger of building services with KNH also presents significant opportunities also reflected in the MTFP update, not just in terms of significant target efficiencies, but also in terms of a re-shaped and enhanced service delivery to tenants.
- 1.20 The updated MTFP in respect of the Council's overall capital investment plans is summarised at Table 2 below :

**Table 2 - Overall Capital Expenditure Summary 2017-18 to 2021-22**

	18-19 £m	19-20 £m	20-21 £m	21-22 £m	Total £m
<b>Strategic Priorities</b>	26.0	22.4	5.3	0.5	54.2
<b>Baseline</b>	28.4	26.1	25.4	22.1	102.0
<b>Risks &amp; Pressures</b>	2.5	2.5	2.5	2.5	10.0
<b>Total General Fund</b>	<b>56.9</b>	<b>51.0</b>	<b>33.2</b>	<b>25.1</b>	<b>166.2</b>
<b>HRA strategic priorities</b>	8.8	5.0	4.4	13.8	32.0
<b>HRA baseline</b>	14.2	13.2	13.2	13.3	53.9
<b>Total HRA</b>	<b>23.0</b>	<b>18.2</b>	<b>17.6</b>	<b>27.1</b>	<b>85.9</b>
<b>All Capital</b>	<b>79.9</b>	<b>69.2</b>	<b>50.8</b>	<b>52.2</b>	<b>252.1</b>

- 1.21 The above plans are rolled forward from the existing 5 year capital plan (2017-22), and include a range of investment activity aimed at Council strategic priorities which over the 4 year period above account for about 34% of the total capital investment identified over the 2018-22 period. As with revenue, these plans will be reviewed further, including a new year 5 plan, through the remainder of the current budget round; including options around strategic priority activity with particular focus on stimulating wider business growth in the district through a property investment fund framework.
- 1.22 Key funding and cost assumptions factored into the MTFP update across the totality of general fund revenue, HRA and capital investment multi-year plans will be subject to further review, informed by most current local and national intelligence. Any further material changes to funding and cost assumptions will be considered for incorporation into the finalised annual budget report for Cabinet and Council approval in February 2018.

## **2. Information required to take a decision**

- 2.1 This report includes a range of supporting information set out in the following appendices:

### Appendices

A	Summary general fund funding and spend forecasts 2018-22
B	General Fund Reserves
C	Summary Housing Revenue Account (including reserves) 2018-22
D	Summary Updated Capital Investment Plan 2018-22
E	Council flexible use of capital receipts strategy
F	Corporate Risk Register
G	Corporate Budget Timetable

### **General Fund**

- 2.2 Appendix A sets out overall summary funding and spending plans over the 2018-22 period. These reflect the continuation of existing multi-year budget plans, rolled forward from the 2017-21 Council approved medium Term Financial Plan, which was approved at Budget Council on 15 February 2017. The link to this report is included below (Agenda Item 5) :

- 2.3 Key assumptions underpinning the updated MTFP general fund funding and spending plan totals are summarised in the following sections below:

### **FUNDING ASSUMPTIONS**

#### **Business Rates Retention Scheme**

- 2.4 Government funding reductions to the Council are estimated to be in the region of 34% over the 2016-20 period, and current budget plans rolled forward reflect the complete phasing out of Revenue Support Grant by the start of 2020-21.
- 2.5 Government has also committed to the continuation of the small business rates relief scheme for the remainder of the current Parliament, including an increase in thresholds for relief for small businesses. Compensating grant adjustments are included within un-ringfenced grants.
- 2.6 Funding assumptions also reflect the impact of the new valuation list for non-domestic properties, which took effect from April 2017, with a corresponding adjustment to the Top Up grant in line with Government's stated aim of 'fiscal neutrality' for individual Councils as a result of the new valuation.
- 2.7 As part of the Spring budget 2017, Government also announced further measures, with matching funding compensation to Councils, to help businesses most affected by the revaluation that took effect from April 2017; includes additional support for small business, a local discretionary fund to be distributed to the hardest hit businesses under locally designed criteria, and relief for pubs.
- 2.8 Government had intended to implement 100% business rates retention scheme nationally from April 2019, to be enacted through a new Local Government Bill. This would have transferred about £12.5 billion current funding from central government to English Councils, with a view to enhancing local flexibility for Council funding of local services, and providing incentives for local economic growth.
- 2.9 Following the recent general election and subsequent Queen's speech, the Bill no longer features in the current Parliamentary timetable. The funding assumptions in the updated MTFP assume a continuation of the existing (49% Local share) business rates retention scheme. It is anticipated that Government will clarify its position on the future of 100% business rates retention, in due course.
- 2.10 Government had also committed previously to address concerns about the fairness of current funding distributions through the business rates retention scheme. This evidence-based review will continue. Pending the eventual outcome of this review, at this stage the MTFP update makes no assumptions regarding any potential future re-distribution of funding between Councils.
- 2.11 Business Rates projections over the MTFP period prudently allow for a significant annual bad debt provision estimate of £5.7m annually in relation to ongoing rates appeals (Council share £2.8m). This provision requirement relates both to continued volatility on outstanding backdated ratings appeals from the 2010

valuation, and any new appeals from the new valuation list which came into effect from April 2017.

- 2.12 Quarter 1 revenue monitoring 2017-18 suggests scope for reducing the ongoing appeal provision requirement, with a corresponding increase in business rates income base. This will continue to be reviewed in-year and any funding changes factored into overall budget proposals through the remainder of the current budget round, alongside any potential for future business rates growth; subject to a review of forecast trends in the local economy over the medium term.

### **Council Tax**

- 2.13 Council tax funding projections in the MTFP assume annual uplifts of 1.99%, which falls within the referendum limit of 2% or above for English Councils (excludes Parish Councils), over the next 4 years. In addition, there is a further 3% uplift in 2018-19 in respect of the Adult Social Care precept, which Government made available to Councils. As with the precept in the preceding 2 years, the 2018-19 amount will continue to be hypothecated fully to Adult Social Care spend in line with Government precept conditions.
- 2.14 Existing budget plans rolled forward into the MTFP update also include a proposed reduction in the Council Tax Reduction Scheme from April 2018, with an estimated annual saving to the Council of upto £810k per annum. This proposal is subject to a current service consultation exercise which sets out six options in total. The outcome of the service consultation will be considered by members later in the year as part of the overall formulation of budget proposals to be considered at Budget Council in February 2018.
- 2.15 Council tax funding projections also assume Council Tax Base growth over the MTFP period; an average increase (Band D equivalent) of 460 in the current year, with further annual increases of 580 in 2018-19, 700 in 2019-21, and 700 in 2020-21.
- 2.16 Quarter 1 revenue monitoring 2017-18 suggests scope for potential further increase in the Council Tax base based on current financial performance. As with business rates, this will continue to be reviewed in-year and any proposals factored into overall budget proposals through the remainder of the current budget round. Equally at this stage, there are no service growth assumptions built into the MTFP relating to an overall increase in the District's infrastructure.

### **Un-ringfenced Grants**

- 2.17 While these grants are separately identifiable, the Council can apply this funding flexibly to meet overall Council spend priorities. The MTFP update reflects annual allocations previously set out in the Government 2017-18 financial settlement.
- 2.18 Education Services Grant (ESG) was intended to help fund a range of statutory and regulatory duties that Councils are required to undertake to the maintained sector, and academies. The settlement reflects an overall reduction of £3.3m in ESG from 2018-19 onwards, compared to 2016-17. This reduction is net of £986k continuation of existing funding transferred to Dedicated Schools Grant, and also net of £400k funding as part of a specific national schools improvement grant to Councils.

- 2.19 The most significant other funding change is the reduction in New Homes Bonus Grant across years. This reflects Government's intention to re-direct pre-existing New Homes Bonus grant over time, (£800m nationally), to help fund additional social care (Better Care) funding made available as part of Government's 2015 Autumn spending review (£1.5 billion nationally by 2019-20).

### **Better Care Fund**

- 2.20 As noted at para 2.19 above, the 2015 Autumn spending review and subsequent financial settlements for both 2016-17 and 2017-18 confirmed additional Better Care Funding allocations to English Councils with social care responsibilities. The additional funding allocation nationally was £90m in 2017-18, increasing to £900m in 2018-19 and £1.5 billion by 2019-20.
- 2.21 Current budget plans rolled forward into the MTFP update include a base budget income provision for the Council's share of this additional BCF funding allocation, within Adult Social Care budgets; £800k in 2017-18, increasing to £7.1m in 2018-19, and £12.8m by 2019-20. The MTFP update assumes the continuation of this funding annually, thereafter.
- 2.22 After the Council had set its budget for 2017-18, the Government announced a new grant allocation for adult social care (Improved BCF) over the next 3 years, in the Spring 2017 Budget. This followed growing recognition nationally of the funding pressures facing adult social care and national lobbying for a sustainable long term solution. This additional grant has a set of conditions attached to it, including the requirement to build on the existing Better Care Fund Plan and to provide stability and extra capacity in the local adult social care system.
- 2.23 The Council's share of this 3 year only, further BCF funding is £8.3m in 2017-18, reducing to £5.3m in 2018-19 and £3.6m in 2019-20. Both the 2015 Autumn Statement 2015 and subsequent Spring Budget 2017 BCF funding allocations are summarised below :

***Table 3- Improved Better Care Fund (BCF) allocations***

<b>Improved BCF</b>	<b>17-18</b>	<b>18-19</b>	<b>19-20</b>	<b>20-21</b>	<b>21-22</b>
Autumn Statement 2015	£0.8m	7.1m	£12.8m	£12.8m	£12.8m
Spring Budget 2017	£8.3m	£5.3m	£2.6m	-	-
<b>Total</b>	<b>£9.1m</b>	<b>£12.4m</b>	<b>£15.4m</b>	<b>£12.8m</b>	<b>£12.8m</b>

- 2.24 Draft guidance has been issued in stages and the guidance and confirmation of the local government funding allocation for 2017-18 only was published by Department of Communities & Local Government (DCLG) on 26 May 2017. The full guidance and minimum funding requirement for Clinical Commissioning Groups (CCG's) was expected to be published by NHS England after the May 2017 General Election.
- 2.25 Proposals for the use of the new monies for adult social care announced in the Spring budget 2017 were presented to Council on 11 July 2017. The link to this report is set out below (Agenda item 11) :

[Proposals for use of new monies for adult social care announced by the Chancellor in the Spring Budget 2017](#)



- 2.26 The report's recommendations set out a financial strategy for the use of £2.6m from the additional funding (Spring 2017 budget) in 2017-18, for targeted, pump prime investment to respond to local adult social care service and market pressures. This approach was considered prudent in view of the Council not having received any further funding confirmation and guidance in respect of the following 2 years, and given as well that the funding allocation had been confirmed for 2017-18 only.
- 2.27 The report required officers to develop further proposals taking into account finalised Government guidance, to be brought back to Cabinet and Council for consideration as part of this MTFP Update.
- 2.28 The Improved BCF allocations set out at Table 3 in para 2.23 above, remain indicative at this stage, along with still emerging grant conditions and governance arrangements. This lack of future certainty of funding represents a significant budget risk to the Council.
- 2.29 Government has committed to a future national review of social care funding post-general election, and there will also be a full Council (public) discussion on September 13 2017, to debate the national position.
- 2.30 In light of the above, it is recommended that officers continue to work through budget proposals for both elements of BCF funding, to be incorporated into finalised budget proposals, acknowledging that the intended approach and financial strategy will be significantly influenced by emerging Government clarification that is unlikely to be confirmed before the 2018-19 provisional financial settlement announcement in mid-December 2017.

## **SCHOOLS FUNDING**

- 2.31 The Government remains committed to the introduction of a National Funding Formula (NFF) to calculate the amount of core revenue funding that will go directly to mainstream schools in future. There is much commonality between the range of factors used in the current school funding arrangements and those to be used within the National Funding Formula.
- 2.32 However, because the current funding arrangements for each local authority are the result of a complex combination of historical national and local funding decisions, the move to a National Funding Formula will produce significantly different outcomes for local schools and academies. Indications are that the NFF for Kirklees schools will be less generous than the current system but the NFF will contain protections to mitigate most of the reductions delivered by the pure application of the new formula.
- 2.33 It is intended that the NFF for schools funding will be introduced in a 'soft' format across funding years 2018-19 and 2019-20. The NFF will be used to calculate the bottom-line Schools Block allocation to local authorities with local discretion over its distribution then to be agreed following consultation via the local Schools Forum, and a 'hard' format from funding year 2020-21. Schools block funding allocations from that point will be calculated directly by the Education & Skills Funding Agency. The other three funding blocks within the Dedicated Schools Grant (High Needs, Central School Services and Early Years) would continue to be the responsibility of the Council to manage and allocate as appropriate.

- 2.34 The Council's baseline Schools Block funding in 2017-18 is £282m, the High Needs block is £34m, the Early Years block £27m and the Central School Services block £2.4m. Government has stated that in cash terms, no school will lose out from the implementation of the NFF, with an anticipated minimum cash increase per pupil of 0.5% for schools from 2018-19,
- 2.35 However, one key issue for Councils is the likely removal of previous flexibilities to transfer resources between the component funding blocks from 2019-20 onwards. This will mean that if overspends arise within the three non-Schools funding blocks it becomes the Council's responsibility alone to address that problem – funds can no longer be moved from the Schools Block, as has been permissible until now, to deal with identified imbalances.
- 2.36 For 2018-19 it is still theoretically possible to move funds from the Schools Block to the High Needs block, for example, to address financial pressure in the High Needs account – up to 0.5% of the total Schools Block can be moved with the agreement of the Schools Forum; equivalent to about £1.4m. If agreement was not reached, the Council would need the approval of the Secretary of State. Any proposed movements above 0.5%, even with Schools Forum consent, would still require secretary of state approval. The provisional schools funding allocations for 2018-19 will also be released at the same time as the 2018-19 financial settlement announcement.

## **SPENDING PLAN ASSUMPTIONS**

- 2.37 The updated MTFP rolls forward a range of cost increases built into base budgets from 2017-18. These largely reflect recognition of ongoing service pressures in both Children's and Adult Services. It also includes provision for demographic pressures in the over 65 population and consequential demand on adult social care services. In total, cost increases built into 2017-18 base budgets totalled £21.7m, with further annual increases of about £1m per annum each year over the following 3 years, for demographic pressures (over 65's).
- 2.38 Adult Social Care activity is part of a wider national debate regarding ongoing and future service pressures and the sustainability of Council funding over the longer term. In addition to demographic pressures on the number vulnerable adults over 65's, there are also potentially significant service future year pressures on vulnerable adults with learning disabilities. This is acknowledged to be a known budget risk, not explicitly factored into the MTFP update at this stage.
- 2.39 Cost increases were also factored into base budgets in 2017-18 for pressures on Waste contract volumes, at £1m. There was also revenue investment in 'Agile and Mobile working', using technology to drive improvements in more efficient ways of working ,as part of the Council's Transformation agenda; £0.5m in 2017-18 increasing to £1m per annum from 2018-19 onwards.
- 2.40 The Council's current 30 year Waste Contract ends in 2022-23, and work has already commenced to review options for 2023-24 onwards. It is anticipated that there will be an overall increase in costs from current, the extent of which will be estimated in due course.

- 2.41 Central Budgets includes provision for an assumed national pay award of 1% per annum over the MTFP period. Price inflation will not be uplifted across the next 4 years, which means that Strategic Director portfolios will effectively be operating within cash limit budgets over the medium term. The only exceptions relate to energy (7.1%), waste contract (2.5%) and third party contracts relating to adult and children social care providers (1.0%), set aside as contingency inflation.
- 2.42 A 1% increase in the national pay award from current assumptions, to 2% , would add about £1.5m annual cost to the Council's bottom line. The Council's local living wage entry point is £8.19 per hour from April 2017, compared to the equivalent National Living Wage of £7.50 per hour. Accelerated uplifts in the national living wage in future years beyond the equivalent local living wage hourly rate, could increase pressure on direct staffing costs, including pressure on current pay differentials.
- 2.43 The 3 yearly (tri-ennial) actuarial review of employer contributions to the West Yorkshire Pension Fund (WYPF) resulted in a 1% increase in employer contributions from 2017-18, to 16.1%, and this has been incorporated into current approved budget plans. The West Yorkshire Pension Fund's actuaries indicated that in light of perceived current volatility in the wider economic environment, there will be further mid-year reviews in 2017-18 and 2018-19. The outcome of these reviews will be subject to further discussion between WYPF and the 5 West Yorkshire Council lead finance officers.
- 2.44 Income inflation is assumed at 2% per annum, other than acknowledgement of ongoing pressures on car parking and markets income, which have zero inflation over the MTFP period.
- 2.45 Treasury management budgets assume that new borrowing over the next 4 years will be a combination of relatively short-dated fixed rate loans and temporary borrowing. Treasury management budgets also reflect changes to the Council's treasury management policy relating to minimum revenue provision (annual revenue resources set aside for repayment of debt), implemented from 2016-17 onwards.

### **Current year financial performance**

- 2.46 Current organisational and national intelligence informing the MTFP update also takes account of the most current financial monitoring, Quarter 1, 2017-18, presented to Cabinet 22 August 2017 (see report link below – Agenda Item 8) :

#### [Quarter 1 financial monitoring report, 2017-18](#)

- 2.47 Quarter 1 financial monitoring 2017-18, overall, indicates significant progress towards the delivery of £54m net savings requirement in-year. Forecast savings are projected to be £48.4m, with a resultant overspend forecast of £5.8m; equivalent to 1.9% against a revised budget of £302.9m.
- 2.48 The forecast £5.8m overspend at Quarter 1 reflects in part a number of planned savings targets whose deliverability is currently under review. It is expected that a review of current savings deliverability and alternative options will be incorporated into the forthcoming budget proposals through the remainder of the current budget round.

- 2.49 There is also acknowledged to be some volatility with current forecasts in particular with regard to Children's Services, which includes a current net overspend on agency costs at £2.5m, and pressures on external placements at £652k. Again, this is acknowledged to be a potential budget risk from next year.
- 2.50 Overall, Quarter 1 monitoring suggests good progress and overall relatively strong confidence levels to deliver the totality of net planned savings over the updated MTFP period, with further planned savings of £28m 2018-19, £16.6m in 2019-20 and £5.5m in 2020-21.

### **General Fund Reserves**

- 2.51 Current and forecast reserves are set out at Appendix B, and are based on current Quarter 1 financial monitoring forecasts, 2017-18.
- 2.52 The financial outturn and rollover report 2016-17 included a recommendation for the Chief Financial Officer to review earmarked reserves requirements in-year during 2017-18, including the potential re-direct of £644k within existing reserves to fund deferred district committee expenditure commitments from 2016-17. As per Appendix B attached, grant and rollover reserves requirements have been reviewed and reserves re-directed accordingly.
- 2.53 Earmarked reserves totalling £9.1m in total includes one-off resources set aside for organisational transformation, including workforce restructure (workforce severance costs).
- 2.54 The flexible capital receipts strategy proposals set out further below at paras 2.57 to 2.61, allow for the capitalisation of transformation related revenue costs over the next 2 years, funded from available in-year capital receipts. This would enable existing revenue reserves of up to £9.1m, to roll forward into future years to fund anticipated future year transformation activity, including future workforce severance costs.
- 2.55 The financial resilience reserves forecast at £24.5m at year end (£29.5m less an assumed £5m minimum balances requirement), is directly impacted on by the Council's in-year forecast overspend position. The purpose of this reserve is to mitigate against unbudgeted risks such as those highlighted in the corporate risk register (Appendix F attached). Because reserves are "one-off" in nature, it is short-term funding only and is not a sustainable resource available to offset ongoing budget pressures over the medium term.
- 2.56 The scale of continuing financial challenges facing the Council over the next 4 years, alongside the Council's transformation agenda, means that financial resilience reserves will also be a key element of the Council's budget strategy in terms of organisational resilience to manage unbudgeted risks and pressures through the 2018-22 MTFP period. The flexible capital receipts strategy framework also allows consideration to build up financial resilience reserves over the next 2 years.

## **Flexible Capital Receipts Strategy**

- 2.57 The flexible capital receipts strategy guidance set out by the Department of Communities and Local Government (DCLG), applies over the 2016-19 period. The web link to the guidance is included below : DCLG Guidance March 2016; flexible use of capital receipts :

[Final guidance on flexible capital receipts strategy March 2016](#)

- 2.58 DCLG guidance states that the flexible use of capital receipts must be approved by full Council, but that it can be 'retrospectively' applied provided the Council's flexible use of capital receipts strategy is presented to Council at the earliest opportunity. The Council's flexible capital receipts strategy, incorporating the 2016-17 retrospective approval, is incorporated into this report.
- 2.59 The early closedown review 2016-17 report to Cabinet on 2 May 2017 included the use of £5.4m in-year generated capital receipts in 2016-17 to fund capitalised revenue expenditure relating to organisational transformation (voluntary severance costs). The report also noted that as per DCLG guidance, it could be retrospectively approved, effectively through this report. The link to the early closedown review report is included below (Agenda Item 8):

[Early review of 2016-17 closedown](#)

- 2.60 The proposed flexible capital receipts strategy included at Appendix E, incorporates the following qualifying 'capitalisable' revenue expenditure:
- i) cost of service reconfiguration, restructuring or rationalisation (staff or non-staff), where this leads to ongoing efficiency savings or service transformation; and
  - ii) driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible;
- 2.61 Appendix E effectively sets out the Council's flexible capital receipts strategy framework. Consideration of specific options for flexible use of capital receipts within this framework will be considered by Cabinet as part of the annual early closedown reviews in both 2017-18 and 2018-19. The timing is important as actual capital receipts generated in-year, quantification of qualifying revenue expenditure, and actual capital plan funding requirements in-year will not be properly firmed until each financial year end.

## **Housing Revenue Account (HRA)**

- 2.62 The overarching context for the existing multi-year HRA budget plans rolled forward into the MTFP update is a sustainable, self-financed 30 year HRA business plan, which delivers the following key objectives :
- i) annual servicing of HRA debt upto the £247m borrowing cap limit set by Government,
  - ii) capital improvements and maintenance of all Council housing stock to a minimum decency standard ,

- iii) delivery of a high quality and cost effective housing management and repair service, and
  - iv) support for a number of HRA strategic capital priorities and scope to consider further investment opportunities
- 2.63 Updated multi-year HRA budget plans as summarised at Appendix C reflect the impact of Government's annual 1% social housing rent reduction each year, over the 2016-20 period, now enacted through the Welfare Reform and Work Act 2016. This compares to pre-existing national rent policy which was based on Consumer Price Index (CPI) +1% per annum.
- 2.64 Current key assumptions included in updated HRA budget plans include annual rent uplifts of 2% per annum (assumed CPI) from 2020-21 onwards, and annual Right to Buys over the MTFP period of 173 per annum based on current trends.
- 2.65 The updated HRA budget plans also assume the deferred Government implementation of a proposed 'higher value' annual levy or charge, based on higher value property void rates, to 2020-21 at the earliest. The levy is to be re-directed to private registered providers to compensate them for the loss of housing stock through the voluntary take up of the right to buy scheme in this sector.
- 2.66 The working assumption is that from the date of implementation, the HRA would have to sell about 170 properties per annum at an assumed £65k average market value per property, to generate sufficient capital receipts to pay an annual levy charge of about £11m. While it is currently unclear whether or not Government intends to go forward with this proposal, and on what scale, it represents a significant potential pressure to the HRA business plan and prudently remains in view at this stage.
- 2.67 HRA budget proposals also includes future year KNH fee efficiency savings targets totalling just over £4m over the 2018-20 period; a key driver being expected efficiencies from the merger of building services and KNH. From 2017-18, KNH business will operate with an annual turnover of upto £58m, and this includes £39m fee payment from HRA for revenue repair and maintenance and housing management. The balance of KNH turnover is largely in respect of work to be undertaken by KNH on council housing improvements (funded from HRA capital plan) and on non-housing facilities management work on the Council's behalf (both revenue and capital).
- 2.68 Current HRA reserves commitments include a set aside of £4m for business risks; in particular, with regard to proposed welfare reform changes. The balance of commitments includes £1.5m working balance. The forecast balance of reserves is assumed to roll forward to support future year capital investment, in line with longer term HRA business plan requirements.
- 2.69 The annual HRA depreciation charge, which is around £16.5m, funds the major repairs reserve. This reserve can only be used to support capital investment or service HRA debt charges. It is fully committed each year, with no remaining balances to roll forward year on year.
- 2.70 The Council, working in partnership KNH, jointly and regularly review and update the HRA 30 year business plan with the aim to produce a self-financed and balanced budget position over the 30 year plan that delivers the key objectives set

out in para 2.56 above. The HRA business plan re-refresh will continue to help inform forthcoming HRA budget proposals (both revenue and capital).

## **Capital**

- 2.71 The MTFP update also rolls forward into 2018-19, current approved (2017-22) 5 year capital plans. The amounts included at Appendix D reflects the updated figures included as part of the financial outturn and rollover report presented to full Council on 13 September 2017.
- 2.72 The Council's multi-year capital investment plan includes a range of strategic priorities over the next 4 years totalling £54.2m on general fund and £31.9m on HRA activity, and includes significant investment in town centre vibrancy, and wider investment that supports key business growth in the District. HRA strategic priorities includes a range of new build developments including provision for extra care facilities.
- 2.73 Baseline capital provision supports continuing capital investment requirements across the Council's existing asset base, including Schools, Highways, transport infrastructure and Housing Council housing stock.
- 2.74 As with revenue, the updated capital plan will be reviewed and any amendments and associated funding implications, factored into updated capital budget proposals for member consideration in accordance with the budget timetable. This will include consideration of a new year 5 (2022-23) indicative plan. This includes consideration of strategic priority proposals in relation to the Council's aspiration to work with key business partners through potential short term loan facilitation, through a Council property investment fund. The framework for this was set out in a report to Cabinet on 31 July 2017.

## **3. Implications for the Council**

- 3.1 The Council's budget plans support the overall delivery of the following Council objectives and Priorities within available resources:
  - i) Early Intervention and Prevention (EIP)
  - ii) Economic Resilience (ER)
  - iii) Improving Outcomes for Children
  - iv) Reducing demand of services

## **Financial, Legal & Other Implications**

- 3.2 A robust Medium Term Financial Plan and budget strategy is a key element of financial and service planning. This will be updated in detail by full Council in February 2018. This report sets a framework for development of draft plans by officers and Cabinet, for consideration by all Members in due course.
- 3.3 Key funding and cost assumptions factored into the MTFP update will be subject to further review, informed by most current local and national intelligence, including the outcome of the Autumn Statement and the provisional government funding settlement for Councils for 2018-19 (which includes indicative totals for the following 2 years).

- 3.4 Any further material changes to funding and cost assumptions will be considered for incorporation into the finalised annual budget report for Cabinet and Council approval in February 2018.

### **RISK ASSESSMENT**

- 3.5 The MTFP update is based on a range of local and national intelligence, and risk assessments underpinning current and future funding and cost assumptions, acknowledging that the extent of these are all potential risk factors to the delivery of balanced budget plans over the medium term. This is summarised at Appendix F, alongside identified management actions to mitigate the risks. These include the following:

- Current work on the delivery of planned savings (value and timing) does not deliver a balanced MTFP
- Concerns about growth in volumes of children and adult care beyond those provided in financial plans and budgets
- National pay award and living wage pressures on direct staffing costs, contracts and services, in particular in the care sector, beyond current MTFP provision
- Council supplier and market failure which leads to loss of service, poor quality or inability to attract new suppliers
- Safeguarding risks associated with the care of children and vulnerable adults
- Welfare reform impacts on clients and Council service provision
- Improved better care funding is less than the sums factored into the Medium Term Financial Plan update
- Income forecasts are not realised and funding position deteriorates further
- Government clarification on the detail and timing of key social housing policy changes enacted through the Welfare & Reform and Housing & Planning Acts 2016

### **Budget Planning Framework**

- 3.6 The updated budget plans set out in this report provide the budget planning framework for officers to bring forward proposals to Cabinet and members through the remainder of the current budget round, in order to deliver a sustainable and balanced overall multi-year budget over the 2018-22 period.

### **Budget Consultation**

- 3.7 The Council's overall budget planning framework includes consideration of wider engagement and timetabling on stakeholder views on high level priorities in resource allocation. It is anticipated that this will take place primarily as an online exercise, during a 6 week period between October and November 2017. Stakeholder views on emerging HRA budget proposals will be considered through the relevant Council Tenant stakeholder forums, including Tenants and Residents Committees.
- 3.8 In addition, there may be a requirement for more detailed service consultations, led by the relevant services, on specific service budget proposals. These will engage service users as early as possible, and target the groups most likely to be affected.



- 3.9 There is also on-going engagement with the business and voluntary and community sectors.
- 3.10 Key budget proposals include accompanying evidence available to members; namely officer led equalities impact assessments, which are undertaken annually and reviewed and updated as appropriate, on a range of budget proposals. These are also made available on the Council's website, in a timely way. This purpose of the assessments is to ensure that decision makers have due regard to the Council's equalities duties on key decisions.

#### **4. Consultees and their opinions**

- 4.1 This report is based on consultation with the Council's Executive Team and Cabinet Members in assessing the current issues, risks and factors to be addressed.

#### **5. Next Steps**

- 5.1 Resultant budget proposals will be submitted to Cabinet and full Council. The Council's Chief Financial Officer (& Service Director, Finance, IT & Transactional Services) will co-ordinate the development of draft budget proposals and options, and supporting budget documentation within the budget framework and corporate budget timetable (Appendix G).
- 5.2 Cabinet will bring forward detailed budget proposals in the new year, for consideration at full Council on 17 February 2018.

#### **6. Cabinet portfolio-holders recommendations**

This report sets out the baseline financial position following Council decisions taken in February 2017. It also provides contextual information to develop the budget for 2018-19 and will be updated following the Governments funding later in the year.

#### **7. Officer recommendations and reasons**

Having read this report and the accompanying Appendices, Cabinet are asked to:

- 7.1 note the updated general fund revenue, HRA and capital budget plans rolled forward into the MTFP update over the 2018-22 period,
- 7.2 note the underlying cost and funding assumptions underpinning the updated plans at this stage,
- 7.3 approve the budget planning framework set out in this report,
- 7.4 approve the flexible capital receipts strategy set out in this report,
- 7.5 approve the corporate budget timetable and approach set out in this report,
- 7.6 approve the budget consultation approach and timetable set out in this report.

This above approach allows the updated budget plans to be adjusted subsequently for major factors identified and sets the basis for officers to update draft service plans within a clear Council budget framework.

**8. Contact Officer**

Eamonn Croston, Head of Finance & Accountancy  
[eamonn.croston@kirklees.gov.uk](mailto:eamonn.croston@kirklees.gov.uk)

**9. Background papers and History of Decisions**

Annual budget report 2017-21  
Government Financial Settlement 2017-18  
Early Closedown review report 2016-17  
Annual financial outturn and rollover report 2016-17  
Revenue & Capital monitoring report 2017-18; Quarter 1  
Better Care Fund Report to full Council 11 July 2017  
DCLG Guidance; flexible capital receipts strategy

**11. Service Director responsible**

Debbie Hogg, Chief Financial Officer (& Service Director, Finance, IT & Transactional Services) [debbie.hogg@kirklees.gov.uk](mailto:debbie.hogg@kirklees.gov.uk)

**General Fund summary MTFP – funding and spending plans 2018-22**

	17-18	18-19	19-20	20-21	21-22
<b>Funding Available</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Business Rates (Local Share)	(47,644)	(48,484)	(49,285)	(50,265)	(50,265)
Top Up Grant	(26,676)	(27,535)	(28,514)	(29,369)	(29,369)
Revenue Support Grant	(32,763)	(22,825)	(12,824)	0	0
<i>Business Rates Retention</i>	<i>(107,083)</i>	<i>(98,844)</i>	<i>(90,623)</i>	<i>(79,634)</i>	<i>(79,634)</i>
<b>New Homes Bonus</b>					
	(7,160)	(4,891)	(4,351)	(4,200)	(4,200)
Business Rates Reliefs	(2,114)	(2,114)	(2,114)	(2,114)	(2,114)
Housing & Council Tax Admin	(4,967)	(4,967)	(4,967)	(4,967)	(4,967)
Education Services Grant	(1,297)	0	0	0	0
Independent Living Fund	(862)	(835)	(810)	(810)	(810)
Other	(368)	(370)	(372)	(372)	(372)
<i>Un-ringfenced Grants</i>	<i>(16,768)</i>	<i>(13,177)</i>	<i>(12,614)</i>	<i>(12,463)</i>	<i>(12,463)</i>
<b>Council Tax</b>					
	(152,118)	(156,097)	(160,466)	(164,941)	(164,941)
Council Tax reduction scheme	0	(810)	(810)	(810)	(810)
Adult Social Care Precept	(7,433)	(12,243)	(12,243)	(12,243)	(12,243)
Collection Fund Transfer	(100)	0	0	0	0
<b>Total Funding Available</b>	<b>(283,502)</b>	<b>(281,171)</b>	<b>(276,756)</b>	<b>(270,091)</b>	<b>(270,091)</b>
<b>Spending Plans</b>					
Strategic Director Portfolios	276,833	287,520	291,977	295,199	295,199
Central Budgets	48,704	48,251	48,034	50,187	50,187
<i>Growth included in 17-21 MTFP</i>					
16-17 pressures - Children	11,100	11,100	11,100	11,100	11,100
16-17 pressures - Adults	9,000	9,000	9,000	9,000	9,000
Demographic uplift (over 65's)	150	1,049	1,999	3,002	3,002
Adult Social Care precept	1,600	3,300	(300)	(100)	(100)
Waste Contract volumes	1,000	1,000	1,000	1,000	1,000
Agile & Mobile working	500	1,000	1,000	1,000	1,000
<b>PLANNED SAVINGS</b>					
Better Care Fund	(800)	(7,100)	(12,800)	(12,800)	(12,800)
Council wide	(53,400)	(75,100)	(86,000)	(91,500)	(91,500)
<i>Total savings</i>	<i>(54,200)</i>	<i>(82,200)</i>	<i>(98,800)</i>	<i>(104,300)</i>	<i>(104,300)</i>
<b>Net Spending Plans</b>	<b>294,687</b>	<b>280,020</b>	<b>265,010</b>	<b>266,088</b>	<b>266,088</b>
<b>Budget Gap / (Surplus)</b>	<b>*11,185</b>	<b>(1,151)</b>	<b>(11,746)</b>	<b>(4,003)</b>	<b>(4,003)</b>

\*before use of reserves

**GENERAL FUND RESERVES**

<b>GENERAL FUND RESERVES</b>	<b>Actual Reserves as at April 1 2017</b>	<b>Planned use to support MTFP</b>	<b>Other Planned use In-year</b>	<b>Earmarked Reserves review</b>	<b>Forecast Over-spend*</b>	<b>Forecast Reserves As at 31 March 2018</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
<b>STATUTORY</b>						
<b>SCHOOL RESERVES</b>	<b>(11,852)</b>	<b>-</b>	<b>2,090</b>	<b>-</b>	<b>-</b>	<b>(9,762)</b>
<b>EARMARKED</b>						
Workforce Restructure	(5,091)	-	-	-	-	<b>(5,091)</b>
Transformation	(4,944)	-	815	-	-	<b>(4,129)</b>
Rollover	(4,006)	-	2,394	320	-	<b>(1,292)</b>
Joint Adults/Health	(7,703)	7,700	-	-	-	<b>(3)</b>
Revenue Grants (various)	(8,215)	-	2,194	324	-	<b>(5,697)</b>
Stronger Families Grant	(1,902)	-	-	-	-	<b>(1,902)</b>
Prepayment reserve (PFI)	(3,314)	-	-	-	-	<b>(3,314)</b>
Insurance (MMI)	(1,900)	-	-	-	-	<b>(1,900)</b>
Other***	(2,419)		760	-	-	<b>(1,659)</b>
District Committees	-	-	-	(644)	-	<b>(644)</b>
<b>Total - Other</b>	<b>(39,494)</b>	<b>7,700</b>	<b>6,163</b>	<b>-</b>	<b>-</b>	<b>(25,631)</b>
Organisational Risk	(28,046)	-	-	-	*5,778	<b>(22,268)</b>
General Balances	(10,718)	3,485	-	-	-	<b>* *(7,233)</b>
<b>Total Financial Resilience</b>	<b>(38,764)</b>	<b>3,485</b>	<b>-</b>	<b>-</b>	<b>5,778</b>	<b>(29,501)</b>
<b>Total – All General Fund</b>	<b>(90,110)</b>	<b>11,185</b>	<b>8,253</b>	<b>-</b>	<b>5,778</b>	<b>(64,894)</b>

\*Forecast overspend as at Quarter 1 revenue monitoring, 17-18

\*\*includes £5m minimum reserves provision

\*\*\* reserves of less than £1m each

**Housing Revenue Account (HRA) summary MTFP 2018-22**

	17-18	18-19	19-20	20-21	21-22
	£000	£000	£000	£000	£000
<b><u>Repair &amp; Maintenance</u></b>					
KNH Fee	22,438	21,392	20,588	20,588	20,588
<b><u>Housing Management</u></b>					
Policy & Management	13,688	13,553	13,413	13,273	13,273
Council services bought in	2,458	2,458	2,458	2,458	2,458
KNH Fee	17,174	15,608	14,739	14,739	14,739
Special Services (Communal)	1,537	1,537	1,537	1,537	1,537
<b><i>Sub-total</i></b>	<b>34,857</b>	<b>33,156</b>	<b>32,147</b>	<b>32,007</b>	<b>32,007</b>
<b><u>Other Expenditure</u></b>					
Depreciation charge	16,500	16,500	16,500	16,500	16,500
Interest on capital debt	8,653	8,653	8,653	8,653	8,653
Bad Debt Provision	1,633	2,652	2,752	2,852	2,852
Levy (High value voids)	-	-	-	11,341	11,341
Other	684	1,338	1,893	2,549	2,549
<b><i>Sub-total</i></b>	<b>27,470</b>	<b>29,143</b>	<b>29,798</b>	<b>41,895</b>	<b>41,895</b>
<b>Total Expenditure</b>	<b>84,765</b>	<b>83,691</b>	<b>82,533</b>	<b>94,490</b>	<b>94,490</b>
Dwelling rent income	(81,538)	(80,531)	(79,631)	(80,400)	(80,400)
Government Grant*	(7,912)	(7,912)	(7,912)	(7,912)	(7,912)
Tenant & Leaseholder charges	(3,054)	(3,250)	(3,650)	(3,650)	(3,650)
Other	(743)	(808)	(808)	(808)	(808)
<b>Total Income</b>	<b>(93,247)</b>	<b>(92,501)</b>	<b>(92,001)</b>	<b>(92,770)</b>	<b>(92,770)</b>
<b>Net Operating Expenditure</b>	<b>(8,482)</b>	<b>(8,810)</b>	<b>(9,468)</b>	<b>1,720</b>	<b>1,720</b>
Contribution to capital	5,394	7,863	4,070	-	-
Transfer to / (from) reserves	3,088	947	5,398	(1,720)	(1,720)
<b>Net Bottom Line</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Current & forecast HRA Reserves**

	17-18
	£000
As at April 1	(52,013)
Transfers to/from HRA	(3,088)
In-year capital funding	
Earmarked - business risk	4,000
Earmarked – working balance	1,500
In-year forecast (HRA)	(160)
<b>As at 31 March 2018</b>	<b>(49,761)</b>

GENERAL FUND BASELINE CAPITAL PLAN	Funding	2018/19 Budget £'000	2019/20 Budget £'000	2020/21 Budget £'000	2021/22 Budget £'000
<b>Learning &amp; Early Support</b>					
Basic Need	G	500	500	500	500
Capital Maintenance	G	3,600	3,400	3,200	3,000
Devolved Formula Capital	G	950	900	850	800
One-Off Initiatives	S106	352	352	352	0
<b>Learning &amp; Early Support Total</b>		<b>5,402</b>	<b>5,152</b>	<b>4,902</b>	<b>4,300</b>
<b>Economy Regeneration &amp; Culture</b>					
Housing Private Sector					
Disabled Facilities Grants	B/G/R	2,600	2,600	2,600	2,600
Discretionary Assistance	R	100	100	100	100
Minor Adaptations	R	290	290	290	290
Other	G/R	0	0	428	0
		2,990	2,990	3,418	2,990
Economic Resilience	B	900	900	900	900
KAL - Self Funded	B*	1,059	617	617	617
Asset Utilisation/Rationalisation	B	300	0	0	0
<b>Economy Regeneration &amp; Culture Total</b>		<b>5,249</b>	<b>4,507</b>	<b>4,935</b>	<b>4,507</b>
<b>Commercial Regulatory &amp; Operational Services</b>					
Highways					
<i>Maintenance :</i>					
Principal Roads	G	2,600	2,600	2,600	2,600
Roads Connecting Communities	G	1,574	1,369	1,164	856
Local Community Roads	B/G	2,247	2,247	2,247	2,247
Structures	G	1,200	1,200	1,200	1,200
Street Lighting Replacement Strategy	B*	3,000	3,000	3,000	1,000
Unadopted Roads	B	50	50	50	50
<i>Integrated Transport :</i>					
Integrated Public Transport	G	450	0	0	0
Network Management	B/G	400	100	100	100
Cycling & Walking	B/G	20	20	20	20
Safer Roads	B/G	750	650	650	650
Town Centre Car Parking	B	100	100	100	100
Flood Management and Drainage Improvements	B/G	680	680	680	680
		13,071	12,016	11,811	9,503
Corporate Landlord Asset Investment	B	2,000	2,000	1,300	1,300
Transport	B	1,500	1,250	1,250	1,250
Environment & Strategic Waste	B	100	100	100	100
School Catering	B	200	200	200	200
<b>Commercial Reg &amp; Operational Total</b>		<b>16,871</b>	<b>15,566</b>	<b>14,661</b>	<b>12,353</b>
<b>Finance &amp; Transactional Services</b>					
Information Technology	B*	900	900	900	900
<b>Finance &amp; Transactional Services Total</b>		<b>900</b>	<b>900</b>	<b>900</b>	<b>900</b>
<b>TOTAL BASELINE</b>		<b>28,422</b>	<b>26,125</b>	<b>25,398</b>	<b>22,060</b>

## KEY :

B = Borrowing

B\* = These programmes were previously categorised as service funded. Work is ongoing to remove this category and have one system of prudential borrowing.

G = Grant

R = Capital receipts

GENERAL FUND CAPITAL PLAN - STRATEGIC PRIORITIES	Funding	2018/19 Budget £'000	2019/20 Budget £'000	2020/21 Budget £'000	2021/22 Budget £'000
Dewsbury Learning Quarter	B	0	2,000	0	0
Huddersfield Town Centre Action Plan	B	3,172	5,672	1,637	0
Dewsbury Town Centre Action Plan	B	1,850	2,000	1,000	0
European Grant Funding Opportunities	B	1,250	0	0	0
Sports Facility (Spenborough area)	B	4,000	8,000	2,000	0
New Pupil Places in Primary Schools	G/B	11,251	4,737	706	545
Reprovision of Lydgate Special School	B	214	0	0	0
HD-One (KSDL)	B	4,250	0	0	0
<b>STRATEGIC PRIORITIES TOTAL</b>		<b>25,987</b>	<b>22,409</b>	<b>5,343</b>	<b>545</b>

<b>RISKS &amp; PRESSURES TOTAL</b>	<b>B</b>	<b>2,500</b>	<b>2,500</b>	<b>2,500</b>	<b>2,500</b>
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HRA CAPITAL PLAN - STRATEGIC PRIORITIES & BASELINE	Funding	2018/19 Budget £'000	2019/20 Budget £'000	2020/21 Budget £'000	2021/22 Budget £'000
<b>HRA STRATEGIC PRIORITIES</b>					
Miscellaneous Properties-Conversions/Back into Stock	H / R	703	680	694	708
New Build Phase 1 - Ashbrow Extra Care	H / R	6,000	694	0	0
New Build Phase 2 - Soothill Extra Care	H / R	0	3,631	3,703	0
New Build Phase 3	H / R	0	0	0	7,555
New Build Phase 4 - Environmentally Friendly Housing	H / R	2,075	0	0	0
Strategic Priorities	H / R	0	0	0	5,504
		<b>8,778</b>	<b>5,005</b>	<b>4,397</b>	<b>13,767</b>
<b>HRA BASELINE</b>					
Heating Programmes( Boilers )	H	1,555	1,477	1,481	1,480
Maintaining Decency	H	8,248	7,216	7,205	7,204
Batched works	H	265	255	260	265
Fire Safety Works	H	47	47	48	50
Tenant Allowances	H	259	265	270	275
Fuel poverty	H / G	662	638	650	663
Major Adaptations	H	2,490	2,539	2,590	2,642
Minor Adaptations	H	249	254	259	264
Estate & Environmental Works	H	467	476	486	495
		<b>14,242</b>	<b>13,167</b>	<b>13,249</b>	<b>13,338</b>
<b>TOTAL</b>		<b>23,020</b>	<b>18,172</b>	<b>17,646</b>	<b>27,105</b>

Key :

B = Borrowing

G = Grant

R = Capital Receipts

H = HRA revenue contribution/major repairs reserve

KIRKLEES COUNCIL - FLEXIBLE USE OF CAPITAL RECEIPTS STRATEGY

1. Government guidance allows the capitalisation of certain types of qualifying revenue expenditure in-year, funded from the flexible use of 'in-year' generated capital receipts. It covers in-year capital receipts generated in 2016-17, 2017-18 and 2018-19.
2. In-year generated capital receipts includes general fund receipts from the sale of general fund land and buildings. It also includes 'right to buy' (RTB) receipts from the sale of Council houses. These are remaining receipts that are also available to the Council, after taking account of the Council's other obligations in relation to RTB receipts generated in-year.
3. It is proposed that consideration be given to applying 'in-year' capital receipts generated, to fund the following qualifying capitalisable revenue expenditure, in line with final DCLG guidance issued in March 2016, as follows :
  - i) *funding the cost of service reconfiguration, restructuring or rationalisation (staff or non-staff), where this leads to ongoing efficiency savings or service transformation;*
  - ii) *driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible;*
4. The time period relating to the above qualifying expenditure covers 2017-18 and 2018-19. It retrospectively applies to 2016-17 as well.
5. The extent to which capital receipts will actually be applied in-year will take into account the following factors :
  - i) the amount of capital receipts actually generated in-year;
  - ii) the amount of qualifying capitalisable revenue expenditure in-year;
  - iii) the affordability of borrowing to fund the capital plan in-year, where current funding assumptions include use of in-year capital receipts to part fund the Councils annual general fund capital plan
6. The proposals set out in 3. above are 'in principle', and allow officers the 'flexibility' to consider a range of funding options in-year that meet the intended objectives set out in the Council's budget strategy update.
7. It is intended that officers will update members as part of the annual budget report to full Council each February, and finalised proposals for the flexible use of capital receipts to be incorporated into an annual early closedown review report for Cabinet consideration early April.



Risk No	Risk – Description of the risk	Management actions already in place to mitigate the risk
1	The current work on New Council and further work to find Directorate savings does not deliver a balanced MTFP e.g. Increase in demand for social care. Increased volume of waste.	<ul style="list-style-type: none"> <li>• Governance structure for New Council established and reporting to Executive Team.</li> <li>• There is a planned approach during the MTFP for general fund activities and Housing Revenue Account functions</li> <li>• Tracker developed which allows all change plans to be in view and monitored on a monthly basis</li> <li>• Programme management office established and resourced</li> <li>• Monthly financial reporting to Executive Team, Portfolio Holders Briefing, and quarterly reports to Cabinet and Council.</li> </ul>
2	Overspending on particular budget heads due to increase in volumes, rising prices, or a failure to properly control projects. Concerns about growth in volumes of children and adult care beyond those provided in financial plans and budgets.	<ul style="list-style-type: none"> <li>• Control expenditure where possible.</li> <li>• Amend policy if possible to mitigate growth.</li> <li>• Examine alternative strategies to mitigate costs e.g. increase extra care provision, adaptations, recruitment of additional foster parents</li> <li>• Utilise supplementary resources to cushion impact of cuts and invest to save.</li> </ul>
3	<p>The national living wage creates a substantial risk for the Council at the point that it materially outstrips our current local living wage, if it is not fully funded in the context of;</p> <ul style="list-style-type: none"> <li>• Direct employees, earning less than the “national living wage” (such as cleaning, catering and other activities)</li> <li>• Contracts for services, particularly in the care sector where many employees are currently paid at or close to the current statutory living wage and will thus increase by up to 40%;(labour constitutes almost 100% of home care and about 75% of residential care costs)</li> <li>• Inflation in costs of goods (e.g. foods) as a consequence of increased operating costs</li> </ul>	<ul style="list-style-type: none"> <li>• Liaison with service providers and suppliers about likely impact on prices</li> <li>• Ensure that budgets anticipate likely cost impacts</li> <li>• Seek additional funding as a consequence of government imposed costs.</li> </ul>

4	Council supplier and market failure leads to loss of service, poor quality service or inability to attract new suppliers - to create competition in existing supply chains, or to create new supply routes as an alternative to existing arrangements	<ul style="list-style-type: none"> <li>• Avoid, where possible, over dependence on single suppliers; more thorough financial assessment when a potential supplier failure could have a wide impact on the council's operations but take a more open approach where risks are few or have only limited impact.</li> <li>• Recognise that supplier failure is always a potential risk; those firms that derive large proportions of their business from the public sector are a particular risk.</li> <li>• Need to balance between only using suppliers who are financially sound but may be expensive and enabling lower cost or new entrants to the supplier market.</li> <li>• Be realistic about expectation about what the market can deliver, taking into account matter such as national living wage, recruitment and retention issues etc.</li> <li>• Develop and publish in place market position statement and undertake regular dialogue with market.</li> </ul>
5	The Safeguarding risks associated with the care of children and vulnerable adults. Includes direct care provision, care at public access activity, and in community care of the vulnerable (e.g. through antisocial behaviour).Impacts on the client directly, and also those consequent to Serious Case Reviews investigation and implementation of specific recommendations. Risks include costs of reviews, media and reputational damage from the event, even if the subsequent findings suggest that practices were satisfactory.	<ul style="list-style-type: none"> <li>• CRB checking, staff training, supervision, protection policies kept up to date and communicated.</li> <li>• Effective management of social work (and related services); rapid response to any issues identified and from any serious case review work.</li> <li>• Active management of cases reaching serious case review stage, and any media interest</li> <li>• Review of current practices following the child sexual exploitation in Rotherham and the emerging requirements.</li> <li>• Ensure that workloads are balanced to resources.</li> <li>• Staff and skill development to minimise dependence on key individuals.</li> <li>• Use of agency staff and or contractors when necessary</li> <li>• Ideal manager training</li> <li>• Considered as part of New Council changes and Transformation agenda.</li> </ul>
6	Welfare Reforms impacts adversely on clients and the councils service provision .This may impact particularly on vulnerable people with a further impact on costs and demands for existing and	<ul style="list-style-type: none"> <li>• Monitor government intentions; early steer on policy and impacts to be obtained.</li> <li>• Develop strategies to control/minimise losses.</li> </ul>

	alternative services. Includes the costs of council tax benefit, income collection difficulties for rents with further potential risks in relation to homelessness if individuals fail to balance their incomes to rents, and prioritise tenancy payments.	<ul style="list-style-type: none"> <li>Multi agency discussions taking place to ensure a more comprehensive approach &amp; examine the resourcing required preventing homelessness and supporting vulnerable individuals.</li> </ul>
7	Workforce management issues including loss of experienced staff, need for different skill sets and inability to identify and / or reach all staff to deliver appropriate staff training and skills development, industrial tribunals and settlements and industrial action. Difficulties in recruiting and/or retaining staff in specific areas and our overall ability to appoint staff with the appropriate skills and behaviours. Particular risks associated with changes to senior managers in activity areas with current challenging agenda.	<ul style="list-style-type: none"> <li>Workforce Planning is incorporated into change plans and the New Council Programme and Transformation Boards oversee and support services to deliver these. Modernising and increasing accessibility of policies and processes to equip managers with the tools to manage robustly and increased accessibility to online training tools for managers and employees.</li> <li>Continue to embed the behaviours within our culture and practice, including within recruitment processes. Progress plans re recruitment and retention issues</li> <li>Selective use of interim managers and others to ensure continuity of progress regarding complex issues</li> <li>Ensure robust change processes including Equality Impact Assessments (EIA's) and consultation.</li> <li>Recognition that actions in the past still drive some costs elements like equal pay.</li> <li>Monitor position with regard to legislation.</li> </ul>
8	Funding shortfall in partner agencies e.g. NHS which leads to increased pressure on community services and unforeseen costs	<ul style="list-style-type: none"> <li>Engagement in winter resilience discussions</li> <li>Secure funding as appropriate</li> <li>Consider extension of pooled funds &amp; integration conversations taking place</li> <li>Accept that this will lead to delay in waiting times</li> </ul>
9	Failure to address matters of violent extremism and related safer stronger community factors that could create significant community tension.	<ul style="list-style-type: none"> <li>Prevent partnership action plan.</li> <li>Community cohesion work programme</li> <li>Local intelligence sharing and networks.</li> <li>New status as a Prevent Priority Area provides funding for a Prevent Coordinator Post and enables the development of bids for additional funding.</li> <li>Counter terrorism local profile.</li> <li>Home Office funded Counter Extremism Community Co-ordinator role</li> </ul>

10	Unforeseen legislative changes	<ul style="list-style-type: none"> <li>• Reprioritise activities</li> <li>• Deploy additional resources</li> <li>• Use of agency staff or contractors where necessary</li> <li>• Development of horizon scanning service</li> </ul>
11	Unforeseen significant environmental events such as severe weather impact on the Council's ability to continue to deliver business as usual services.	<ul style="list-style-type: none"> <li>• Effective business continuity and emergency planning (including mutual aid) investment in flood management, gritting deployment plans.</li> <li>• Winter maintenance budgets are supported by a bad weather contingency.</li> <li>• Targeting gully cleansing for those areas which are prone to flooding.</li> <li>• The government continues to offer a revised Bellwin scheme in the event of major incidents.</li> <li>• Identify supplementary funding</li> </ul>
12	Management of information from loss or inappropriate destruction or retention and the risk of failure to comply with the Council's obligations in relation to Data Protection, Freedom of Information legislation and the General Data Protection Regulations (GDPR)	<ul style="list-style-type: none"> <li>• Thorough, understandable information security policies and practices that are clearly communicated to workforce.</li> <li>• Effective management of data, retention and recording.</li> <li>• Raised awareness and staff training</li> <li>• Compliance with IT security policy.</li> <li>• Compliance with retention schedules.</li> <li>• Compliance with information governance policy.</li> <li>• Business continuity procedures.</li> <li>• Comply with new legislation around staff access to sensitive data.</li> <li>• KMC has a Senior Information Risk Owner ("SIRO") officer who is supported by dedicated Information Governance Board</li> <li>• Development of action plan to respond to GDPR requirements &amp; resourcing requirements as appropriate</li> </ul>
13	Communities doing more for themselves and each other and increased reliance on contributions from the third sector are fundamental to our MTFP assumptions of reduced demand for statutory services and to the successful operation of new service models. If these changes do not occur at the scale needed then our assumptions are not sustainable.	<ul style="list-style-type: none"> <li>• Reduced demand for statutory services</li> <li>• If the reduction is not realised at the pace set out, (in change plans) then those services that are directly impacted will need to identify this early, and to help in doing so, ensure that appropriate demand management and monitoring is put in place to record the levels of service take up. Remedial action should also be identified by those services.</li> <li>• Successful operation of new service models</li> <li>• Impact assessments for those services directly affected should be carried out to reflect the impact on citizens of losing a service as a</li> </ul>

		consequence of the pace and scale of new service models not meeting demand.
<b>14</b>	Heightened national attention to Child Sexual Exploitation and historical abuse cases leading to increased demand, higher professional expectations and greater public scrutiny, with the consequent need for additional resource and reputational risk for the Council.	<ul style="list-style-type: none"> <li>• Council position in relation to historical institutional abuse to be established and preparations for any requests from the Lowell Goddard Review to be made.</li> <li>• Additional resources and expertise allocated to new and historical CSE work.</li> <li>• Risk matrix and risk management approach implemented with the police and partners.</li> <li>• Oversight of Council risks through the CSE Member Panel.</li> </ul>
<b>15</b>	Health & Safety measures are inadequate leading to harm to employees or customers and possible litigious action from them personally and/or the Health and Safety Executive. In particular issues arising from Grenfell & emerging issues such as compliance with building regulations	<ul style="list-style-type: none"> <li>• New procedures introduced to ensure compliance with Regulatory Reform (Fire Safety) Order 2005;</li> <li>• Improved monitoring of fire risk in high and medium rise residential blocks;</li> <li>• Programme of Fire Risk Assessments (FRAs) in place targeted initially at high risk buildings;</li> <li>• Prioritised programme of remedial works to buildings to tackle issues raised by FRAs.</li> <li>• Review work practices to address H&amp;S risks</li> <li>• Monitor safety equipment</li> <li>• Staff recruitment, training &amp; retention measures</li> </ul>
<b>16</b>	Exposure to increased liabilities arising from property ownership and management.	<ul style="list-style-type: none"> <li>• Routine servicing and cleansing regimes</li> <li>• Work practices to address risks from noxious substances</li> <li>• Disposal strategy linked to service and budget strategy</li> <li>• Prioritisation of funding to support reduction of backlog maintenance</li> </ul>

Corporate Budget Timetable

<b>Year</b>	<b>Date</b>	<b>Forum*</b>	<b>Milestone activity</b>
2017	Through Aug - Sept	ET	Budget update – overview/current intelligence/budget timetable
	Through Aug - Sept	ET/BIG	Baseline Intelligence/trends shared across the three strategic Director portfolios (Children's, Adults, Economy & Infrastructure)
	19 Sept / 11 Oct	Cabinet & Council	MTFP Update report
	Oct to Dec	General budget consultation	online (web) based tool ; 6 weeks consultation period
	Late Nov	Central Gov't	Autumn Budget statement by the Chancellor
	Mid-Dec	Central Gov't	Provisional Financial Settlement 2018-19
2018	23 Jan	Cabinet	Update to members on the outcome of the provisional 2018-19 financial settlement  Council Tax Base report 2018-19  HRA rent & service charge setting report
	Mid to late Jan	Central Gov't	Finalised financial settlement 2018-19
	30 Jan / 14 Feb	Cabinet & Council	Council annual budget report 2018-22

\*ET = Council's most Senior Management Team

BIG=Budget Implementation Group - informal group; cross-party lead member representation plus ET members

Note also that any service specific consultation requirements arising from Council budget proposals will run alongside the above

**Name of meeting:** Cabinet

**Date:** 19 September 2017

**Title of report:** Dog issues - Joint working protocols with West Yorkshire Police and Kirklees Prosecution Strategy

**Purpose of report:**

This report is to seek approval for the following protocols covering operational management of dog offences between ourselves and West Yorkshire Police and how we as an Authority will deal with dog related offences to ensure a consistency of approach and that appropriate and proportionate measures are put in place.

1. Responsibility protocol for Dog Offences between West Yorkshire Police (WYP) and Kirklees Council (KC)
2. Kirklees Prosecution Policy (Dog Offences)

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 <u>Council's Forward Plan (key decisions and private reports)?</u>	No
The Decision - Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Strategic Director & name	Naz Parkar - 11.09.17
Is it also signed off by the Service Director, Finance, IT and Transactional Services?	Debbie Hogg - 06.09.17
Is it also signed off by the Service Director, Legal Governance and Commissioning?	Julie Muscroft - 07.09.17
Cabinet member portfolio	Cllr G Turner Cllr M Khan - Corporate

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

## **1. Summary**

There are a number of pieces of legislation that relate to dogs. These protocols set out the operational agreement between WYP and KC over who will take responsibility, investigate and if appropriate put in place either sanctions or prosecute for dog related offences.

### **1. Responsibility protocol for Dog Offences between West Yorkshire Police and Kirklees Council (Appendix one)**

The responsibility protocol details the legislation, sets reporting pathways and defines the responsible party between ourselves and WYP.

This is intended to cut down operational duplication and give a defined edge to responsibility going forward. WYP are producing a similar document based on this local arrangement to be introduced across the force

#### **1.1 Kirklees Prosecution Policy (Dog Offences) (Appendix two)**

This policy supports the protocol by detailing what the Council's response will be for dangerous dog offences which we are responsible for (Dog on Dog and Dog causing fear and apprehension).

This would be applied in conjunction with the general public interest matrix (Appendix three) for prosecutions to give an overall outcome guide.

## **2 Information required to take a decision**

2.1 The attached documents (Appendices 1 and 2) to this report, set out the suggested protocols to both joined up working with WYP and how we as an Authority will deal with dog related offences to balance proportionate response with public safety.

2.2 The protocol with WYP is to clearly set out lines of responsibility for both parties to prevent duplication of work and to allow clear reporting pathways for the public and stakeholders.

2.3 The policy on dealing with dog offences by the Authority is to ensure that the Authority take into account the offence committed and balances that against public safety.

## **3 Implications for the Council**

### **3.1 Early Intervention and Prevention (EIP)**

Dealing with dangerous dogs and other dog related offences quickly and efficiently will improve the actual and perceptual safety of the district, which sits within the priorities of the PCC and the Council.



### **3.2 Improving Outcomes for Children**

There is no direct link, however managing risk and tackling offences of this nature will naturally positively impact on the children as part of the community.

### **3.3 Reducing demand of services**

By defining the reporting and investigation process to the relevant party this will reduce duplication and unnecessary work. The prosecution policy will also allow officers to focus on the more serious offences so freeing up resource to do so.

### **3.4 Financial, Legal and Other Implications**

There are no financial concerns over the adoption of these items. It may be that it will result in a slight decrease in workload with a rationalisation of response and responsibility.

There are no legal implications beyond the facts that this works within a legislative framework and is a joint working document between partner organisations.

## **4. Consultees and their opinions**

### **WYP - Dog Training and Protective Services:**

One thing that seems to have occurred is that DEFRA will not be giving access to the list of owners to Local Authorities; this seems to be a recent decision. In view of this, maybe add information sharing agreement to cover all the Local Authorities and ourselves, that way we can forward the list on to you all. I know we've spoken as a group and individually before on this but it removes any doubt."

### **KNH**

Are pleased with the report and are keen to be fully engaged with the process.

### **Partner Authorities in West Yorkshire**

Feel it would be a good idea and they have taken a copy of Kirklees Council policy to review and make comments. No comments received to date.

### **ASB Strategy and Performance Group**

Agree this fits with the Kirklees Partnership Plan.

**5. Next steps**

- 5.1 Complete the formal adoption process with West Yorkshire Police for the dog offences protocol and adopt the strategy on dog offence prosecutions within the enforcement guidelines.

**6. Officer recommendations and reasons**

To approve the formal adoption process with West Yorkshire Police for the dog offences protocol and adopt the strategy on dog offence prosecutions within the enforcement guidelines

**7. Cabinet portfolio holder recommendation**

The Corporate portfolio holders, Councillor Graham Turner and Councillor Musarrat Khan endorse the report and have asked for the report to proceed to Cabinet to request approval of the formal adoption process with West Yorkshire Police for the dog offences protocol and adopt the strategy on dog offence prosecutions within the enforcement guidelines.

**8. Contact officer**

Sam Connelly  
Streetscene Action Team Supervisor  
[sam.connelly@kirklees.gov.uk](mailto:sam.connelly@kirklees.gov.uk)  
(01484) 221000

**9. Background Papers and History of Decisions**

Not applicable.

**10. Service Director responsible**

Joanne Bartholomew  
Service Director, Commercial, Regulatory and Operational  
[joanne.bartholomew@kirklees.gov.uk](mailto:joanne.bartholomew@kirklees.gov.uk)  
(01484) 221000

## **Appendix 1 - Protocol on dog related offences between Kirklees and West Yorkshire Police**

This protocol sets out the working arrangements between Kirklees Council and West Yorkshire Police for the responsible party to action dog related offences. This principally covers two main pieces of legislation in the control of dogs and dog related offences and sets out the legislation for the offences covered and what the expected responses should be.

The Dangerous Dogs Act 1991 (DDA)

<http://www.legislation.gov.uk/ukpga/1991/65/contents>

The Anti-social Behaviour, Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

These make provision for tackling injury to humans and animals, and fear caused by dogs as well as controls on the dogs as regards fouling, rules governing being on a lead etc...

<https://www.gov.uk/control-dog-public/overview>

This protocol is intended to clearly delineate responsibility for dealing with offences, and provide a pathway to the relevant authority.

### **Offences.**

Dog dangerously out of control – this can be separated into three parts

- Dog attacking a human – this would be a Police lead response – and would be any incident where a dog attacked a person
- Dog on Dog – This would be a local authority lead response – this can be an aggravated offence if it involves an assistance dog.
  - This will be investigated, with the person in charge of the dog being held responsible.
- Dog causing fear and apprehension – This would be a local authority lead response.

**Banned breeds** – these are identified within the act

Pit Bull Terrier

Japanese Tosa

Dogo Argentino

Fila Brasileiro

This is a police responsibility to identify and deal with any banned breed. The council do not have any officer eligible to formally identify such dogs.

## Stray dogs

This is managed by a commissioned service partner on behalf of the council, and it is a statutory duty allocated to the council under legislation. To report a captive stray contact 01484 502216.

*The issues below are covered under public space protection orders from the 3<sup>rd</sup> April 2017 and enforced by the council; however any authorised officer can supply details for the council to issue a fixed penalty for this offence (£75) maximum fine upon summary conviction £1000.*

The council have a commissioned enforcement partner who undertakes directed intelligence lead patrols to help effect behavioural change by means of fixed penalties. Reports of dog fouling incidents are collated and areas of high incidence are provided to this team who will target patrols there to help tackle the issue.

**Dog fouling** - failing to collect the dog fouling of your dog whilst in a place the public have access to, with specific exclusions for moorland, marshland and woodland.

There is now a further offence of failing to have a suitable means to collect dog fouling whilst in charge of a dog, this will be similarly enforced.

Individual dog fouling reports will not be actioned beyond being added to the intelligence unless there is specific information provided including details of responsible party, pattern of the offence (location, time of day and details of dog) allowing a targeted patrol. *Kirklees web site and the scripting at Kirklees Direct will reflect the changes so people reporting dog fouling issues will be aware of the changes.*

The street cleansing department will remove dog fouling as part of its normal scheduled operations. Any litter bin can be used to dispose of dog fouling, it is requested it is suitably bagged.

Dogs on lead; it is an offence to not have your dog on a lead:

- on Kirklees maintained road and pavements
- in car parks
- on bowling greens
- on allotments
- in cemeteries and crematoria
- on sports grounds when sports activities are taking place
- at Castle Hill between 1 March and 31 July (because of ground nesting birds)

Dog exclusion areas:

Dogs are excluded from certain fenced areas such as children's play areas, paddling pools, multi-use games areas (MUGAs), skate parks, tennis and ball courts.

Dogs on a lead on instruction:

- A) Wilton Park
- B) Beaumont Park
- C) Greenhead Park
- D) Crow Nest Park
- E) Ravensknowle Park

**In order to report these offences please use the details below**

Offence	Responsible agency	Contact details
Dog on human	WYP	101
Dog on dog	KC	01484 414739
Dog causing fear and apprehension	KC	01484 414739
Banned breed	WYP	101
Dog Fouling willing to give statement	KC	01484 414739
Dog Foul – wants it clearing up (Cleansing)	KC	01484 221000
Dogs off leads - non-captive stray	KC	01484 414739
Dogs within exclusion zones	KC	01484 414739
Dogs not being put on lead on request	KC	01484 414739
Dog welfare issues	RSPCA	0300 123 4999
Report lost dogs	commissioned service partner	01484 502216
Arrange collection of a captive stray	commissioned service partner	01484 502216

## **Appendix 2 - Policy on Dog prosecutions**

There is a protocol in place between the Council and West Yorkshire Police who will undertake investigations and prosecutions over dog related offences.

This sets out both what offences are covered, under which legislation and who is responsible for their enforcement.

It does not set out the Council's response protocols on how the offences that it is responsible for will be dealt with.

It is propose that this response is formalised to make the system clear and transparent, and that this will provide guidance to officers in these cases.

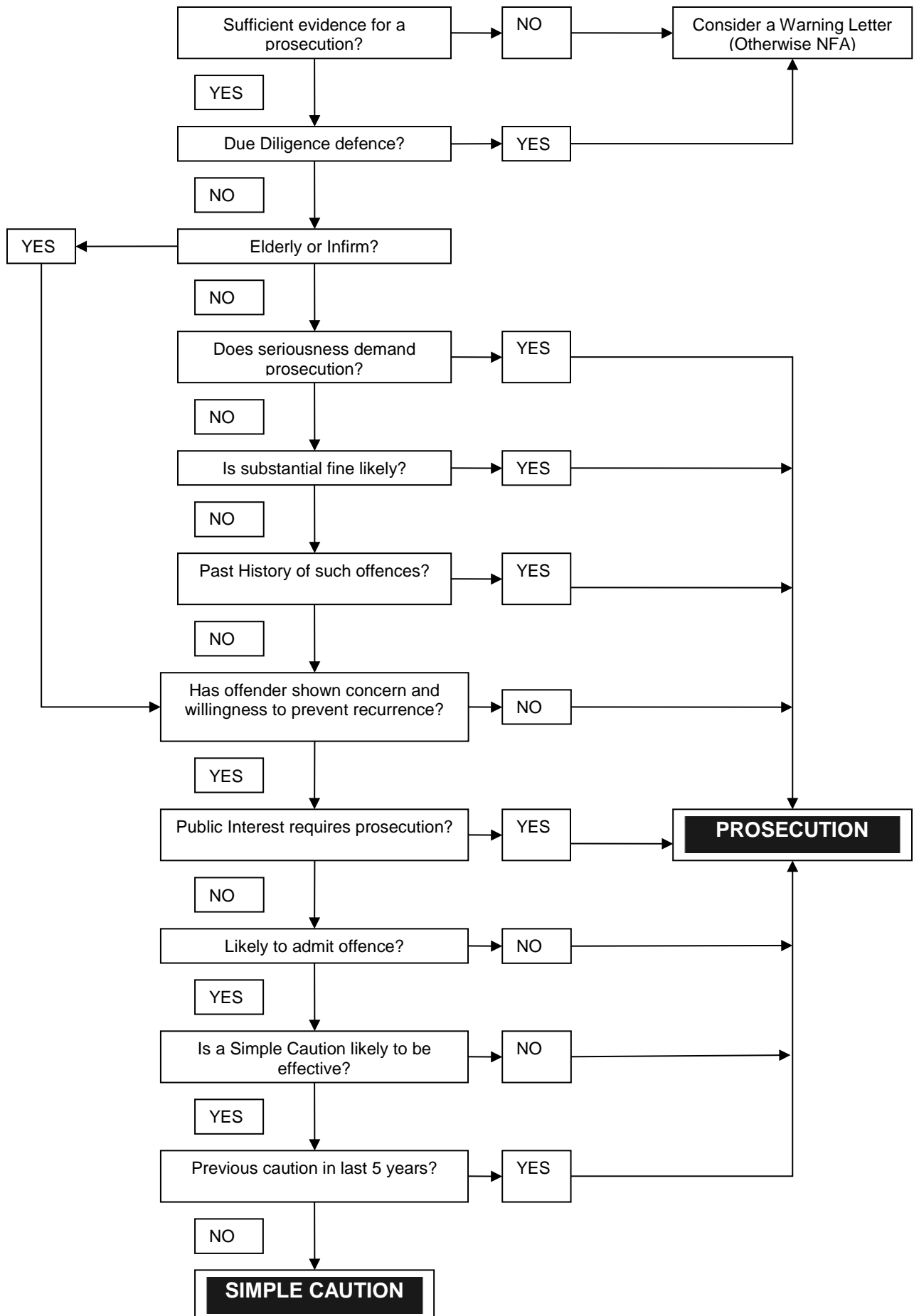
The proposal is that there will be a three tiered approach

1. No further action
  2. Advisory Behaviour Contract (ABC)
  3. Prosecution.
- 
1. The offence is trivial and effectively is unacceptable behaviour from a dog with the owner taking reasonable steps in the care and management of their dog.
    - This will result in no further action, however a note will be kept on file.
  2. The offence results in small scale material harm, however the owner could not reasonably have foreseen this, and the dog has not been involved in any previous incident
    - This will result in a ABC, which has no consequence for breach, this may include agreeing to keep the dog on a lead at all times, or muzzled at all times in a public place.
  3. There was material harm, or significant presented risk from the incident, and /or the dog has previously been involved in an incident that there was fault attached to it from.
    - There will be a prosecution (subject to the public interest test) and on conviction an order that the dog be destroyed will normally be sought.

STATEMENT TO ACCOMPANY REQUEST FOR  
SENIOR MANAGER TO SIGN A LETTER  
REGARDING SIMPLE CAUTION

	<b>File Reference:</b>	WK/201617072
<b>Name of Offender:</b>		
<b>Address: Environmental Services, Flint Street, Fartown, Huddersfield</b>		
<b>Brief Details of Offence</b>		
<b>Justification for Simple Caution (see over) Detail relevant reasons for a caution</b>		
<b>Summary of Case</b>		
<b>Team Manager's Signature:</b>		

# SIMPLE CAUTION DECISION-MAKING PROCEDURE







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**Name of meeting:** Cabinet  
**Date:** 19<sup>th</sup> September 2017  
**Title of report:** Bereavement Services – Fees and Charges Review

**Purpose of report** To seek approval for the development of an updated business model and charging structure for Bereavement Services.

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?	Yes  Significant effect on two or more electoral wards
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Yes - 26 June 2017
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <a href="#">Strategic Director</a> & name?	Naz Parkar - 11.09.17
Is it also signed off by the Service Director Finance IT and Transactional Services?	Debbie Hogg - 11.09.17
Is it also signed off by the Service Director Legal Governance and Commissioning?	Julie Muscroft - 11.09.17
Cabinet member <a href="#">portfolio</a>	Cllr Musarrat Khan - Portfolio Holder for Corporate  Cllr Graham Turner - Portfolio Holder for Corporate

**Electoral wards affected:** None directly

**Ward councillors consulted:** None

**Public or private:** Public

## 1. Summary

- 1.1 This report seeks Cabinet approval to introduce an updated business model and charging structure for Bereavement Services which is reflective of and responsive to changing market demands and trends, and covers the next 5 year period.

## 2 Information required to take a decision

### 2.1 The current position

- 2.1.1 Bereavement Services provides a variety of burial and cremation services and memorial items across Kirklees. The service is provided in a caring and sensitive manner whilst ensuring that the needs of the communities and individuals it serves are met. A schedule of existing services is provided at Appendix 1.

- 2.1.2 The council has a statutory duty to ensure a funeral is provided for people who die with no-one to make funeral arrangements for them. Beyond this responsibility, Bereavement Services is a discretionary function for the Council and it can therefore set its own service-specific fees and charges.
- 2.1.3 Existing Bereavement Services fees and charges are reviewed annually, benchmarked with other local burial and cremation providers and are approved in line with the Council's Financial Procedure Rules. Bereavement Services fees and charges are published on the Council's website
- <http://www.kirklees.gov.uk/beta/deaths-funerals-and-memorials/pdf/crematorium-fees-and-charges.pdf> and <http://www.kirklees.gov.uk/beta/deaths-funerals-and-memorials/pdf/cemetery-fees-and-charges.pdf>
- 2.1.4 Burials and interment of cremated remains are provided at 14 cemeteries across Kirklees. Cremations and interment of cremated remains are provided at 2 crematoria in Kirklees, located in Huddersfield (Fixby) and Dewsbury Moor. Memorial options are available at all cemeteries and crematoria.
- 2.1.5 Currently, the service provides approximately 500 burials, approximately 120 interments (burials) of cremated remains (ashes), and approximately 3,000 cremations each year.
- 2.1.6 Over recent years, private crematorium and cemetery operators have entered the market, modernising the delivery of what have been very traditional services, and changing customer perceptions and demands of a modern bereavement service. However, it is clear that private operators have targeted the more profitable cremations market, where competition is much more buoyant; leaving more costly burials either to niche operators (e.g. natural burial grounds), or the public sector.
- 2.1.7 At the same time, competition from fellow public sector providers is increasing, with Bradford Council's multi-million pound investment in a brand new state of the art crematorium, expected to be commissioned in summer 2018. We expect this development may affect the number of cremations taking place in Kirklees.
- 2.1.8 The personalisation of funeral arrangements is also an emerging trend in the market, whereby customer demand for services at weekends and evenings is increasing. This is partly driven by more modern self-serve approaches to events such as weddings and funerals, where people are looking to take control and make more arrangements themselves. But funeral poverty is also a key factor in a move towards more DIY (do-it-yourself) funerals, given the total cost of a funeral once the services of a Funeral Director are included.
- 2.1.9 We currently make a charge for funeral arrangements for children and young people aged 18 or under. However, there is a growing national movement to remove these charges unilaterally.

## **2.2 Service developments and investment**

- 2.2.1 Bereavement Services has invested in many aspects in recent years, to improve the cemeteries and crematoria infrastructure and provide cemeteries and crematoria that are safe and welcoming:
- New cemetery developed and opened at Hey Lane, Huddersfield
  - Improved driveways and pathways in cemeteries across Kirklees
  - Planning permission granted for Kirklees Council's first natural burial ground
  - Installation of mercury abatement equipment at both crematoria
  - Creation of a flower terrace and extended porte cochere (covered driveway) at Dewsbury Moor crematorium
  - Installation of fibre broadband at both Huddersfield and Dewsbury Moor crematoria to enable superfast and reliable download of music and media for funeral presentations, and web-casting of live services worldwide.

## **2.3 The Proposed Business Model**

- 2.3.1 In line with the Council's Target Operating Model and Efficiency Plan 2017-21, the proposed business model ensures a sustainable and financially viable service as well as satisfying the following criteria:
- the council meets statutory and legal requirements
  - scope of our service offer meets the varied requirements of the bereaved
  - charges for Bereavement Services provided for under 18's (up to 18 years old at time of death) are removed in full
  - services are delivered fairly and efficiently
  - the price our customers pay reflects (at least) the cost of delivering the service they have selected
  - we offer (and charge) both affordable and premium service options to extend choice to our customers and respond to emerging market trends
  - we procure a partner to provide a Kirklees affordable funeral package
  - Kirklees Bereavement Services remain competitive in the region, within both the public and private sectors
  - our pricing structure achieves the financial targets set within the Council's Medium Term Financial Plan (MTFP)
- 2.3.2 The proposal is to introduce a charging model which covers a 5 year period. The model has been developed over this period to ensure the following is achieved:
- strategic long term adjustments in pricing allow us to stabilise the market and retain our market share
  - Gradual increases in charges mean we can benchmark against other operators and maintain our competitiveness
  - Introducing new charges gradually allows us to test and respond to emerging trends and changing market demands
  - Kirklees residents can make funeral choices based on a transparent charging schedule which offers scope for personal, cultural and price preferences
  - the charge our customers pay will reflect (at least) the cost of providing the service they have received, except in respect of bereavement services provided for those under 18 years of age, where no charge will be made (for funerals of young people up to 18 years old)

- 2.3.3 Equality Impact Assessments (EIAs) provide evidence of how we have considered the implications of the proposed changes to the Bereavement Services business model and charging structure on protected characteristic groups. The EIAs are in line with our duty to comply with the Public Sector Equality Duty (Equality Act 2010 - <http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>)
- 2.3.4 The introduction of a five year commercial model, ensures our pricing for cremations remains competitive within the market, generates a surplus, and manages service demand effectively; and that we seek to recover the costs of burials.

## **2.4 Key Principles of Operation**

- 2.4.1 The provision of Bereavement Services is a commercial operation for the council – whereby the charges paid by customers should reflect (at least) the cost of the services they have requested and received.
- 2.4.2 In this respect, our proposed commercial model will be structured so that we seek to recover the costs of burials, and cremations will continue to make a surplus, which can be reinvested to provide amongst other things, free services for under 18's, the development of a Kirklees affordable funeral, and the replacement of equipment to ensure our services remain in demand and competitive in comparison to our competitors.
- 2.4.3 In future, we intend to offer a range of funeral options and services which suit all budgets and wherever possible, accommodate personal and cultural preferences. This includes the development of a Kirklees affordable funeral.
- 2.4.4 We intend to extend our offer to give more choice to our customers, and in response to emerging market trends (e.g. evening and weekend services), but recognise that 'Out of Standard Hours' services will cost more than standard hours services.
- 2.4.5 We will continue to manage and prioritise the availability of cemetery capacity for Kirklees residents by charging an additional premium to accept an out-of-area burial.
- 2.4.6 Where we currently have excess demand for specific funeral appointment times (for example, at lunchtimes and Friday afternoons), we intend to apply an additional premium.
- 2.4.7 Non-standard service times (length of services) either in excess of a standard service duration or outside of usual service times (for example at weekends or evenings) in future, will cost more and will need to be pre-booked.
- 2.4.8 'Direct' cremations, where there is no chapel service or attendees present will remain the lowest cost cremation service.
- 2.4.9 The minimum cremation fee increase will be 2% in line with inflation.
- 2.4.10 We intend to remove Burial and cremation charges for those aged under 18.
- 2.4.11 On receiving a booking for a cremation service, we intend to perform the cremation within 72 hours of the service taking place, in line with fluctuating daily operating requirements. We will guarantee same day cremation for an additional fee, where operational capacity allows.

## 2.5 Impact of revised Service Delivery Model

The proposed fees and charges are attached in **Appendix 2**

### 2.5.1 Impacts include:

- There will be no charge for a cremation or burial of a child or young person up to the age of 18 at time of death.
- Fees and charges remain both comparative and competitive within the region
- The price a customer pays will be reflective of the cost of providing that service
- Where an 'Out of Standard Hours' burial request is made, a levy of £477 will be introduced and applied, which reflects the true cost of providing that additional service. This rate will increase by 2% (inflation) per annum.
- Where there is excess demand for a specific timeslot, a premium will be applied:
  - Friday afternoon burials will initially attract a premium of £99.
- Charges for the burial of a child up to the age of 18 years (at time of death) would be removed for any day of the week, or weekend.
- Charges would be higher for non-residents of Kirklees (6% of burials we currently perform are for non-Kirklees residents).
- Charges will be introduced for accompanied visits to select a grave.

### 2.5.2 Potential risks associated with implementing the above charging proposal include:

- Public satisfaction with burial services deteriorates as a result of introducing fee increases, which reflect the true cost of service provided. As a consequence, there is a reduced demand for burial services.
- Dissatisfaction from both the public and Funeral Directors with introducing a premium charge for a service currently charged at a standard rate.
- The increase in fees and introduction of new charges will impact differently on different communities. Funeral costs for weekend services and some services on weekdays will be higher than they are currently. However, the impact of the increase is not disproportionately adverse for any protected characteristic group.

## 2.6 Timescale

2.6.1 The revised charges would come into effect on 1<sup>st</sup> November 2017 with annual revisions on 1<sup>st</sup> October each year thereafter. An annual review of all Bereavement fees and charges would be completed by officers including benchmarking of regional process and market influences.

## 3 Implications for the Council

### 3.1 Early Intervention and Prevention (EIP)

By extending the choice of services available to families at one of the most distressing times, at various price points, including affordable options, families are better able to cope, and less likely to need the support of additional council services.

### 3.2 Economic Resilience (ER)

Removing funeral charges for young people and working with a local company to procure a council-approved affordable funeral option helps families to improve their own personal resilience.

Adopting a modern business model which is reflective of emerging trends, where the price our customers pay reflects the true cost of services they have received underpins a more resilient commercial operation for the council, and will eventually allow us to reinvest in the full scope of bereavement services provided.

### 3.3 Improving Outcomes for Children

None

### 3.4 Reducing demand of services

Demand for burials and cemetery services are changing with an increasing demand for 'out of hours' burials. Ensuring that our customers pay a charge which is truly reflective of the cost of the service they wish to receive helps us to plan and deliver those services in a transparent and fair way.

Introducing premiums for service times where we have excess demand, helps us to manage those demands more realistically. And in instances where we are receiving requests for out-of-area burials, the levy of an additional premium in these circumstances helps us to retain land allocated for cemeteries in Kirklees, primarily for the use of Kirklees residents.

As funeral 'tourism' is not uncommon (where the only factor in determining where a cremation or burial takes place is the price), our new business model ensures that our prices remain competitive, but not at a rate which suddenly generates additional excess demand on services from non-Kirklees residents.

### 3.5 Other (e.g. Legal/Financial or Human Resources)

The model achieves the financial targets set in the Councils MTFP.

## 4. Consultees and their opinions

Regular updates have been provided for key stakeholders as identified in the Equality Impact Assessment – <http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>

## 5. Next steps

If approved by Cabinet, the revised fees and charges would then be implemented from 1st November 2017. Funeral Directors and Burial Committees will then be notified in advance of the change in fees and charges.

Revised fees and charges will be published on the Council's website.



6. **Officer recommendations and reasons**

Cabinet are asked to approve the fees and charges as set out in **Appendix 2** of this report.  
Cabinet are asked to endorse the key principles of operation as set out in 2.4 of this report.

7. **Cabinet portfolio holder's recommendations**

Joint portfolio holders, Councillor G Turner and Councillor M Khan note the report and the long term strategic view and ask that the report proceeds to Cabinet.

8. **Contact officer**

Sarah Durdin, Operational Manager, Commercial, Regulatory and Operational Services  
[sarah.durdin@kirklees.gov.uk](mailto:sarah.durdin@kirklees.gov.uk)  
(01484) 221000

9. **Background Papers and History of Decisions**

Cabinet Report Council budget update report 2017-21 incorporating an Efficiency Plan, Item 6 Efficiency Plan

<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=534&MId=5200>

Previous Equality Impact Assessment 2017-18

[http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/08\)%20Place%20Directorate/PL5%20Bereavement/PL5%20EIA%20Stage%201%20Bereavement.xlsx](http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/08)%20Place%20Directorate/PL5%20Bereavement/PL5%20EIA%20Stage%201%20Bereavement.xlsx)

10. **Service Director responsible**

Joanne Bartholomew, Service Director – Commercial, Regulatory & Operational Services  
[joanne.bartholomew@kirklees.gov.uk](mailto:joanne.bartholomew@kirklees.gov.uk)  
(01484) 221000

## **Schedule of existing services provided by Bereavement Services**

### **Burial Services**

Burial services are currently offered on weekdays Monday to Friday, with burials taking place between the hours of 9:30am and 3:30pm.

An 'out of hours' service is currently provided for short notice burials. The 'out of hours' burial service operates every weekend in the year, plus weekday evenings in the summer months. This service has provided 76 'out of hours' burials in 2016 / 2017, compared to 33 in 2011 / 2012. The burials service does not operate on the following days: Christmas Day, Boxing Day and New Year's Day.

There are 14 Council-run cemeteries within Kirklees.

### **Cremation Services**

Cremations are currently offered on weekdays Monday to Friday, with the first service time at 9am and the last service time at 3:15pm.

Services currently offered are direct cremations (with no service / mourners), 30 minute service or 45 minute service. Longer service times can also be booked.

Cremations are not currently provided on Bank Holidays.

There are 2 crematoria in Kirklees – based at Huddersfield (Fixby) and Dewsbury Moor.

### **Memorials**

The Bereavement Services team offers a comprehensive range of memorials at both cemeteries and crematoria, as well as providing qualified memorial masons with permits to erect headstones. The current variety of funeral services and memorials provided by Bereavement Services seeks to provide a variety of services and choice to the bereaved customer.

Customers can now choose to purchase or renew memorials online, a new service available from July 2017.

**Proposed schedule of Bereavement Services Fees and Charges**

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
<b>CEMETERY CHARGES</b>							
<b><u>PRIVATE GRAVES</u></b>							
<b>Purchase of Burial Rights Earthen Grave &amp; Burial Chamber (notification of death required)</b>							
Grave for 1 Infant under 1 year (50 year lease) – Hey Lane only	N	£548	£0	£0	£0	£0	£0
Grave for 1 interment (50 year lease)	N	£989	£1,115	£1,274	£1,440	£1,611	£1,798
Grave for 2 interments (50 year lease)	N	£989	£1,303	£1,471	£1,646	£1,824	£2,010
Grave for 3 interments (50 year lease)	N	£1,285	£1,491	£1,669	£1,853	£2,038	£2,222
Grave for 4 interments (50 year lease)	N	£1,540	£1,786	£2,001	£2,221	£2,443	£2,663
Non-Kirklees resident - purchase of burial rights (price quoted grave for 1) <i>Contact Bereavement Services for prices for 2+ interments</i>	N	£989	from £1,653	from £1,686	from £1,720	from £1,754	from £1,798
<b>Pre-Purchase of Burial Rights Earthen Grave &amp; Burial Chamber - Limited Availability</b>							
Grave for 1 interment (50 year lease)	N	£1,632	£1,893	£2,120	£2,354	£2,589	£2,822
Grave for 2 interments (50 year lease)	N	£1,632	£2,171	£2,432	£2,699	£2,969	£3,236
Grave for 3 interments (50 year lease)	N	£2,111	£2,449	£2,743	£3,044	£3,349	£3,650
Grave for 4 interments (50 year lease)	N	£2,601	£3,017	£3,379	£3,751	£4,126	£4,497
Non-Kirklees resident - purchase of burial rights (price quoted grave for 1) <i>Contact Bereavement Services for prices for 2+ interments</i>	N	£1,632	from £2,801	from £2,857	from £2,915	from £2,973	from £3,034
<b>Burial / interment of a Body in a Private Grave (for grave which exclusive right of burial has been granted) (max. 45 minute duration)</b>							

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
Adult interment - excavating to 4'6" depth (grave for 1)	N	£826	£950	£1,086	£1,226	£1,373	£1,524
Adult interment - excavating to 6' depth (grave for 2)	N	£826	£1,267	£1,447	£1,635	£1,831	£2,032
Adult interment - excavating to 7'6" depth (grave for 3)	N	£826	£1,583	£1,809	£2,043	£2,288	£2,540
Adult interment - excavating to 9' depth (grave for 4)	N	£826	£1,900	£2,171	£2,452	£2,746	£3,048
Child interment under 18 years	N	£245	£0	£0	£0	£0	£0
Infant interment under 1 year	N	£81	£0	£0	£0	£0	£0
Non-Kirklees resident - purchase of burial rights (price quoted grave for 1)	N	£826	from £1,408	from £1,436	from £1,465	from £1,494	from £1,524
<i>Contact Bereavement Services for prices for 2+ interments</i>							
Accompanied appointment to choose a grave	N	new charge	£67	£69	£70	£71	£73
Marking of a grave in a cemetery	N	new charge	£34	£35	£36	£37	£38
Grave test dig to confirm depth	N	new charge	£198	£202	£206	£210	£214
Timber sets where requested							
Adult full set	N	£367	£374	£382	£389	£397	£405
Child full set	N	£129	£132	£134	£137	£140	£142
Adult half set	N	£184	£188	£191	£195	£199	£203
Child half set	N	£69	£70	£72	£73	£75	£76
Vaulting Traditional Earthen Graves - Limited Availability							
Single grave to 5' depth (where available)	N	£683	£697	£711	£725	£739	£754
Set of flags for vaulted grave where required	N	£61	£62	£63	£65	£66	£67
<u>Casket Burials</u>							
To be charged in addition to purchase of burial rights and interment fee for graves excavated wider than 28"	N	new charge	£158	£181	£204	£229	£254
<u>Non-Kirklees Resident Burial Fees</u>	N	new charge	£550	£561	£572	£584	£595
To be charged in addition to purchase of burial rights and interment fee if the deceased has not been a resident of the Kirklees district.							

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
Friday afternoon burials (appointments from 12 noon) To be charged in addition to purchase of burial rights and interment fee (max. 45 minute service time)	N	new charge	£99	£101	£103	£105	£107
Out of standard hours' burial / interment services To be charged in addition to purchase of burial rights and interment fee for interments at evenings and weekends	N	new charge	£477	£487	£496	£506	£516
Pre-booked additional service time (for burials / interments longer than 45 mins duration - max. 90 minutes)	N	new charge	£91	£93	£95	£97	£99
Burial / interment service beyond pre-booked service time (early arrival or service overrun)	N	new charge	£183	£186	£190	£194	£198
<b><u>PUBLIC GRAVES</u></b>							
Burial of a Body in a Public Grave							
Adult interment	N	£826	£950	£1,086	£1,226	£1,373	£1,524
Child interment under 18 years	N	£245	£0	£0	£0	£0	£0
Infant interment under 1 year	N	£81	£0	£0	£0	£0	£0
<b>Interment of Cremated Remains in Private Earthen Grave</b>							
Interment 2' deep ( <i>soil permitting</i> )	N	£194	£198	£202	£206	£210	£214
Interment in grave full depth (to 6') ( <i>if full burial/s to take place after cremated remains interment</i> )	N	£449	£458	£467	£477	£487	£497
<b>Scattering of Cremated Remains in Cemetery</b>							
Scattering ( <i>by appointment only</i> )	N	£66	£67	£69	£70	£71	£73
<b><u>EXHUMATION</u></b>							
Cremated remains from grave 2' depth or Cremation Plot	N	£326	£333	£339	£346	£353	£360
Cremated remains from grave over 2' depth	N	£638	£651	£664	£677	£691	£704
Full Burial from grave plot £1632.00	N	£1,632	£1,665	£1,698	£1,732	£1,767	£1,802
Full Burial (infant) £ 821.00	N	£821	£837	£854	£871	£889	£906
<b><u>GARDEN OF REST FOR</u></b>							

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
<b><u>CREMATED REMAINS</u></b>							
Purchase of earthen cremation plot ( <i>notice of death required</i> ) (50 year lease)	N	£342	£349	£356	£363	£370	£378
Pre-purchase of earthen cremation plot (50 year lease)	N	£561	£572	£584	£595	£607	£619
Interment of cremated remains	N	£194	£198	£202	£206	£210	£214
Single memorial stone	Y	£140	£143	£146	£149	£152	£155
Single memorial stone with vase	Y	£199	£203	£207	£211	£215	£220
New or replacement plaque for above	Y	£56	£57	£58	£59	£61	£62
Desktop permit ( <i>Garden of Rest</i> )	N	£54	£55	£56	£57	£58	£60
<b><u>CEMETERY MEMORIALS</u></b>							
Headstone permit on private graves prior to April 2000	N	£138	£141	£144	£146	£149	£152
Headstone permit between 01/04/2000 & 31/03/2005	no charge	£0	£0	£0	£0	£0	£0
Headstone permit from April 2005	N	£138	£141	£144	£146	£149	£152
Kerbstone Permit	N	£138	£141	£144	£146	£149	£152
Headstone and Kerbstone Permit combined	N	£240	£245	£250	£255	£260	£265
Additional inscription	N	£47	£48	£49	£50	£51	£52
Replacement / Re-fix	N	£47	£48	£49	£50	£51	£52
Infant memorial plaque	Y	£56	£57	£58	£59	£61	£62
Desktop permit ( <i>Private Grave</i> )	N	£138	£141	£144	£146	£149	£152
<b><u>BURIAL CHAMBER MEMORIALS</u></b>							
Classic 900 ( <i>Inc. 4 lines of inscription</i> )	Y	£1,300	£1,326	£1,353	£1,380	£1,407	£1,435
Heritage Classic Royale ( <i>Inc. 4 lines of inscription</i> )	Y	£908	£926	£945	£964	£983	£1,003
<b><u>MEMORIAL BENCH</u></b>							
Bench with inscribed memorial plaque (10 year lease)	Y	£689	£703	£717	£731	£746	£761
Renewal of a memorial bench (10 year lease)	Y	£689	£703	£717	£731	£746	£761
Additional bench plaque	Y	£78	£80	£81	£83	£84	£86
<b><u>SANCTUM</u></b> ( <i>above ground interment of cremated remains</i> )							
Sanctum 2000 (20 year lease)		£1,071	£1,092	£1,114	£1,137	£1,159	£1,182
Extension of further 10 years ( <i>at time of purchase</i> )	Y	£306	£312	£318	£325	£331	£338

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
Extension of further 20 years ( <i>at time of purchase</i> )	Y	£607	£619	£632	£644	£657	£670
Extension of further 10 years ( <i>at lease expiry</i> )	Y	£403	£411	£419	£428	£436	£445
Extension of further 20 years ( <i>at lease expiry</i> )	Y	£760	£775	£791	£807	£823	£839
<i>(Includes Sanctum, 2 Interments, Faceplate and Inscription - 80 characters)</i>							
Additional Photo / Motif	Y	from £89	from £91	from £93	from £95	from £97	from £99
Pre purchase cemetery sanctum 2000 ( <i>20 year lease</i> )	Y	£1,071	£1,092	£1,114	£1,137	£1,159	£1,182
2 <sup>nd</sup> Interment of Cremated Remains ( <i>if sanctum purchased prior to Oct 2012</i> )	N	£66	£67	£69	£70	£71	£73
Added inscription for 2 <sup>nd</sup> Interment	Y	from £90	from £90	from £90	from £90	from £90	from £90
Octagonal Sanctum ( <i>20 year lease</i> )	Y	£765	£780	£796	£812	£828	£845
Extension of further 10 years ( <i>at time of purchase</i> )	Y	£291	£297	£303	£309	£315	£321
Extension of further 10 years ( <i>at lease expiry</i> )	Y	£398	£406	£414	£422	£431	£439
Extension of further 20 years ( <i>at lease expiry</i> )	Y	£536	£547	£558	£569	£580	£592
<i>(Includes Sanctum, 1<sup>st</sup> Interment, Faceplate and Inscription - 80 characters)</i>	Y						
Subsequent interment of cremated remains (octagonal sanctum)	N	£66	£67	£69	£70	£71	£73
Pre-Purchase Octagonal Sanctum ( <i>20 year lease</i> )	Y	£765	£780	£796	£812	£828	£845
<i>(Includes Sanctum, Faceplate and Inscription - 80 characters)</i>							
Extra characters (80+) ( <i>per character</i> )	Y	£2	£2	£2	£2	£2	£2
Sanctum 2 Garden of Rest							
Sanctum 2 Garden of Rest ( <i>50 year lease</i> )	Y	£312	£318	£325	£331	£338	£344
Sanctum 2 photos/motif	Y	£89	£91	£93	£94	£96	£98
<b><u>OTHER CHARGES</u></b>							

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
Genealogical (manual) search of Burial registers (max.3 names)	N	£36	£37	£38	£39	£40	£41
Late cancellation of Service / Funeral appointment (applicable to burials and cremations) (less than 48 working hours prior to service time)	N	£138	£141	£144	£146	£149	£152
Charges for late paperwork (applicable for burial and cremation services) (i.e. less than 48 working hours prior to Service time)	N	£27	£28	£28	£29	£29	£30
Batley Cemetery Chapel Hire	Y	£71	£72	£74	£75	£77	£78
Cremated remains wooden casket incl. Name plaque	Y	£61	from £61	from £61	from £61	from £61	from £61
Grave Planting - planting of bedding plants twice a year							
1 year (per grave)	Y	£97	£99	£101	£103	£105	£107
10 years (per grave)	Y	£709	£940	£959	£978	£997	£1,017
<b><u>CREMATORIA CHARGES</u></b>							
<b><u>CREMATION SERVICES</u></b> – Monday to Friday							
<i>(Includes Cremated remains container,, Cremation Certificate, Use of Organ &amp;/or Music System, Medical Referee fees, environmental levy &amp; Scattering of Cremated Remains Appointment-where applicable)</i>							
Direct Cremation (no service/no attendees/prior to 9am/limited availability)	N	£551	£562	£573	£585	£596	£608
Adult – (age 18 years and above) – 30 mins Service (9am –9.30am - 10am only)	N	£617	£629	£642	£655	£668	£681
Adult – (age 18 years and above) – all other Services (45 min service only)	N	£699	£713	£727	£742	£756	£772
Young person - (age under 18 years)	N	£224	£0	£0	£0	£0	£0
Infant - (under 1 year)	N	£66	£0	£0	£0	£0	£0
Non-viable foetus	N	£41	£0	£0	£0	£0	£0
Body Part (non Kirklees Cremation)	N	£66	£67	£69	£70	£71	£73
Body Part (Kirklees Cremation)		No charge	£0	£0	£0	£0	£0
Out of Hours & Weekend Cremation	N	£1,347	£1,190	£1,214	£1,238	£1,262	£1,288



Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
Services (subject to availability)							
<b><u>OTHER CHARGES</u></b> – <i>exceptions apply</i>							
Pre-booking of Chapel for Double Service time ( <i>add to 9am and 9.30am</i> )	N	£76	£78	£79	£81	£82	£84
Pre-booking of Chapel for Double Service time ( <i>add to Services from 10am</i> )	N	£153	£156	£159	£162	£166	£169
Web Streaming of Funeral Service	Y	£61	£63	£65	£67	£69	£71
DVD copy of Funeral Service	Y	£40	£41	£42	£44	£45	£46
Additional DVD copy of a Funeral Service	Y	£36	£37	£38	£39	£41	£42
DVD copy of Funeral Service & Tribute	Y	£45	£46	£48	£49	£51	£52
DVD copy of Visual Tribute	Y	£25	£26	£27	£27	£28	£29
CD copy of Funeral Service	Y	£43	£44	£46	£47	£48	£50
Use of Chapel Presentation Screen – Single photograph display	Y	£12	£12	£13	£13	£14	£14
Use of Chapel Presentation Screen-Simple Slideshow	Y	£40	£41	£42	£44	£45	£46
Use of Chapel Presentation Screen-Professional photo tribute	Y	£70	£72	£74	£76	£79	£81
Use of Chapel Presentation Screen-Family supplied video checking	Y	£15	£15	£16	£16	£17	£17
Pre-booking of coffin bearer (48 hours prior to service)	N	£15	£16	£17	£18	£19	£20
Same Day Booking / use of coffin bearer (day of funeral)	N	£20	£21	£22	£23	£24	£25
Hire of Chapel for Private Memorial Service (max 45 mins)	Y	£275	£281	£286	£292	£298	£304
Hire of Chapel of Rest per hour (Huddersfield Crematorium only)	Y	£25	£26	£27	£28	£29	£30
Unauthorised use of Chapel time ( <i>Services exceeding allocated time</i> )	N	£179	£183	£186	£190	£194	£198
Late cancellation of Service/Funeral appointment	N	£138	£141	£144	£146	£149	£152
Charges for late paperwork from Funeral Director	N	£27	£28	£29	£30	£31	£32
( <i>i.e. less than 48 working hours prior to Service</i> )	N						
Genealogical Search of Cremation Registers ( <i>max 10 names - data protection applies</i> )	N	£36	£37	£38	£39	£40	£41

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
<b><u>CREMATED REMAINS</u></b>							
Replacement/Additional cremated remains certificate	N	£20	£20	£21	£21	£22	£22
Postage of cremated remains in Great Britain	N	£102	£104	£106	£108	£110	£113
Temporary Storage of cremated remains after 1 month ( <i>per month</i> )	N	£46	£47	£48	£49	£50	£51
Scattering of cremated remains - Kirklees cremation ( <i>appointments within standard office hours Mon-Fri</i> )		No Charge	£0	£0	£0	£0	£0
Scattering of cremated remains - None Kirklees cremation ( <i>appointments Mon-Fri</i> )	N	£66	£67	£69	£70	£71	£73
Scattering of cremated remains—Weekends ( <i>subject to availability</i> )	N	£128	£131	£133	£136	£139	£141
Decorative scattering tubes/cremation urns	Y	from £30	from £40	from £40	from £40	from £40	from £40
<b><u>CREMATORIA MEMORIALS</u></b>							
( <i>within the Crematoria Gardens of Remembrance</i> )							
Memorial Stones							
Memorial Plaque (on a shared block of 5 Stones) ( <i>10 year lease - Huddersfield only</i> )	Y	£235	£240	£244	£249	£254	£259
Yorkshire Stone Inc. Flower Vase & Inscribed Plaque ( <i>10 year lease - Huddersfield only</i> )	Y	£388	£396	£404	£412	£420	£428
Yorkshire Stone Inc. Flower Vase & Inscribed Plaque ( <i>12 month lease - Huddersfield only</i> )	Y	£50	£51	£52	£53	£54	£55
Standard kerb stone with memorial plaque ( <i>5 year lease</i> )	Y	£199	£203	£207	£211	£215	£220
Standard kerb stone with memorial plaque ( <i>10 year lease</i> )	Y	£281	£287	£292	£298	£304	£310
Standard kerb stone with memorial plaque ( <i>12 month lease</i> )	Y	£45	£46	£47	£48	£49	£50
Changed or Replacement plaque for all memorial stones ( <i>for remainder of lease term</i> )	Y	£51	£52	£53	£54	£55	£56
Memorial Stones – renewals ( <i>includes new plaque if required</i> )							
Memorial Plaque (on a shared section of 5 Stones) ( <i>10 year lease - Huddersfield only</i> )	Y	£153	£156	£159	£162	£166	£169
Yorkshire Stone Inc. Flower Vase & Inscribed Plaque ( <i>10 year lease</i> ) –	Y	£204	£208	£212	£216	£221	£225

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
<i>Huddersfield only)</i>							
Standard kerb plaque ( <i>renewal -5 year lease</i> )	Y	£122	£124	£127	£129	£132	£135
Standard kerb plaque ( <i>renewal -10 year lease</i> )	Y	£168	£171	£175	£178	£182	£185
Granite Vase Block							
Granite Vase Block - <i>personalised with memorial inscription (5 year lease)</i>	Y	£316	£322	£329	£335	£342	£349
Granite Vase Block - <i>personalised with memorial inscription (10 year lease)</i>	Y	£423	£431	£440	£449	£458	£467
Changes/replacement inscription tablet ( <i>for remainder of lease term</i> )	Y	£179	£183	£186	£190	£194	£198
Granite Vase Block Emblems/Photographs	Y	from £80	from £80	from £80	from £80	from £80	from £80
Granite Vase Block Renewal							
Granite Vase Block - no changes ( <i>5 year lease</i> )	Y	£163	£166	£170	£173	£176	£180
Granite Vase Block - no changes ( <i>10 year lease</i> )	Y	£235	£240	£244	£249	£254	£259
	Y						
Ornamental Bird Bath ( <i>set in woodland area with dedicated plaques around the pedestal</i> ) ( <i>Huddersfield crematorium only</i> )							
Small plaque (7 ¼") <i>personalised with your own memorial inscription – (5 year lease)</i>	Y	£184	£188	£191	£195	£199	£203
Medium plaque (8 ¾") <i>personalised with your own memorial inscription – (5 year lease)</i>	Y	£194	£198	£202	£206	£210	£214
Large plaque (10 ½") <i>personalised with your own memorial inscription – (5 year lease)</i>	Y	£204	£208	£212	£216	£221	£225
Outdoor Memorial Book ( <i>Granite Ornamental Book – with individual inscribed plaques</i> ) ( <i>Huddersfield Crematorium only</i> )							
Memorial Inscribed plaque ( <i>10 year lease</i> )	Y	£158	£161	£164	£168	£171	£174
Renewal of plaque (no changes) ( <i>10 year lease</i> )	Y	£117	£119	£122	£124	£127	£129
Replacement plaque for the remainder of lease years	Y	£71	£72	£74	£75	£77	£78
Memorial Bench							

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
Bench with Inscribed Memorial Plaque <i>(10 year lease)</i>	Y	£689	£703	£717	£731	£746	£761
Additional bench plaque	Y	£78	£80	£81	£83	£84	£86
Memorial Bench Renewal							
Renewal of memorial seat - 10 year <i>(within Crematoria Gardens)</i>	Y	£689	£703	£717	£731	£746	£761
Memorial Plaque –Timber Post - <i>(5 year lease) (Dewsbury Moor Crematoria only)</i>	Y	£79	£81	£82	£84	£86	£87
Circular Tree Seat (shared) including plaque <i>(5 year lease)</i>	Y	£79	£81	£82	£84	£86	£87
Bird Box Memorial <i>(set within a woodland setting – guaranteed 2 years)</i>							
Bird Box without personalised memorial inscription plaque	Y	£61	£62	£63	£65	£66	£67
Bird Box with a personalised memorial inscription plaque	Y	£76	£78	£79	£81	£82	£84
Plastic memorial vases (with ground spike to be used by your memorial)							
<i>(Please note we do not allow glass/pottery vases in the grounds for health &amp; safety reasons)</i>	Y	£5	£5	£5	£5	£5	£6
Memorial Trees							
Memorial tree with plaque (Inc. 1 plaque) <i>(5 year lease)</i>	Y	£372	£379	£387	£395	£403	£411
Memorial tree with plaque (Inc. 1 plaque) <i>(10 year lease)</i>	Y	£653	£666	£679	£693	£707	£721
Memorial tree with plaque (Inc. 2 plaques) <i>(5 year lease)</i>	Y	£495	£505	£515	£525	£536	£547
Memorial tree with plaque (Inc. 2 plaques) <i>(10 year lease)</i>	Y	£780	£796	£812	£828	£844	£861
Replacement plaque (per plaque) for above	Y	£117	£119	£122	£124	£127	£129
Memorial Trees - Renewals							
Memorial tree with plaque <i>(5 year lease)</i>	Y	£184	£188	£191	£195	£199	£203
Memorial tree with plaque <i>(10 year lease)</i>	Y	£306	£312	£318	£325	£331	£338
Memorial tree with plaque (Inc. 2 plaques) <i>(5 year lease)</i>	Y	£301	£307	£313	£319	£326	£332
Memorial tree with plaque (Inc. 2 plaques) <i>(10 year lease)</i>	Y	£423	£431	£440	£449	£458	£467

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
Memorial Standard Rose Trees							
Standard rose tree – Inc. plaque (5 year lease) <i>subject to availability</i>	Y	£270	£275	£281	£287	£292	£298
Standard rose tree – Inc. plaque (10 year lease) <i>subject to availability</i>	Y	£347	£354	£361	£368	£376	£383
Replacement plaque for Standard Rose Tree	Y	£66	£67	£69	£70	£71	£73
Memorial Standard Rose Trees - renewals							
Standard rose tree – Inc. plaque (5 year lease)	Y	£184	£188	£191	£195	£199	£203
Standard rose tree – Inc. plaque (10 year lease)	Y	£224	£228	£233	£238	£242	£247
Memorial Rose Bush							
Rose bush with plaque (5 year lease)	Y	£163	£166	£170	£173	£176	£180
Rose bush with plaque (10 year lease)	Y	£219	£223	£228	£232	£237	£242
Rose bush with plaque (12 month lease)	Y	£40	£41	£42	£42	£43	£44
Replacement plaque for above	Y	£66	£67	£69	£70	£71	£73
Memorial Rose Bush - renewals							
Rose bush with plaque (5 year lease)	Y	£92	£94	£96	£98	£100	£102
Rose bush with plaque (10 year lease)	Y	£122	£124	£127	£129	£132	£135
Sanctum (Includes 2 interments)( <i>above ground interment of cremated remains</i> )							
Sanctum 2000 (20 year lease/lease)	Y	£1,071	£1,092	£1,114	£1,137	£1,159	£1,182
Extension of further 10 years (at time of purchase)	Y	£306	£312	£318	£325	£331	£338
Extension of further 20 years (at time of purchase)	Y	£607	£619	£632	£644	£657	£670
Extension of further 10 years (at lease expiry)	Y	£403	£411	£419	£428	£436	£445
Extension of further 20 years (at lease expiry)	Y	£760	£775	£791	£807	£823	£839
2 <sup>nd</sup> interment (Sanctum purchased prior to Oct 2012)	N	£66	£67	£69	£70	£71	£73
Extra characters for inscription ( <i>per letter</i> )	Y	£2	£2	£2	£2	£2	£2
Additional Photograph / Motif	Y	from £89.00	from £89.00	from £89.00	from £89.00	from £89.00	from £89.00
<b><u>CREMATORIA MEMORIALS</u></b>							

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
<b><i>(Within the Chapel of Remembrance)</i></b>							
Book of Remembrance memorial inscription							
2 lines of inscription	Y	£87	£89	£91	£92	£94	£96
5 lines of inscription	Y	£184	£188	£191	£195	£199	£203
8 lines of inscription	Y	£245	£250	£255	£260	£265	£270
Additional Crest, badge, floral emblem, shield or coat of arms	Y	from £41	from £41	from £41	from £41	from £41	from £41
<i>(Only available with 5 and 8 line entries)</i>							
Miniature Book of Remembrance							
<i>(Miniature Presentation Book of Remembrance – this is a copy of an entry in the Book of Remembrance)</i>							
Exact copy of a 2 line entry	Y	£87	£89	£91	£92	£94	£96
Exact copy of a 5 line entry	Y	£102	£104	£106	£108	£110	£113
Exact copy of an 8 line entry	Y	£112	£114	£117	£119	£121	£124
Additional Crest, badge, floral emblem, shield or coat of arms	Y	from £41	from £41	from £41	from £41	from £41	from £41
<i>(Only available with 5 and 8 line entries)</i>							
Folded Remembrance Card							
<i>(The Folded Presentation Remembrance Card – this is a copy of the entry in the Book of Remembrance)</i>							
Exact copy of a 2 line entry	Y	£56	£57	£58	£59	£61	£62
Exact copy of a 5 line entry	Y	£71	£72	£74	£75	£77	£78
Exact copy of an 8 line entry	Y	£87	£89	£91	£92	£94	£96
Additional Crest, badge, floral emblem, shield or coat of arms	Y	from £41	from £41	from £41	from £41	from £41	from £41
<i>(Only available with 5 and 8 line entries)</i>							
Memorial Wall - An inscribed solid Arboria wood plaque							
<i>(Personalised with a memorial inscription)</i>							
Plaque with text only (10 year lease)	Y	£265	£270	£276	£281	£287	£293
Plaque with text with engraved motif (10 year lease)	Y	£296	£302	£308	£314	£320	£327
Plaque with text with engraved and hand painted motif (colour) (10 year lease)	Y	£367	£374	£382	£389	£397	£405
Plaque with text with ceramic portrait (10 year lease)	Y	£398	£406	£414	£422	£431	£439
Memorial Wall - Arboria Plaque (renewals)							

Fees and Charges for Bereavement Services	VAT Y/N	Current charge	Year 1	Year 2	Year 3	Year 4	Year 5
			17/18	18/19	19/20	20/21	21/22
Plaque ( <i>no changes</i> ) ( <i>5yr lease</i> )	Y	£117	£119	£122	£124	£127	£129
Plaque ( <i>no changes</i> ) ( <i>10 year lease</i> )	Y	£209	£213	£217	£222	£226	£231
Plaque with changes or additional items	Y	from £200	from £200	from £200	from £200	from £200	from £200
Ornate Wall Mounted Memorial Tree							
Cost per Inscribed leaf ( <i>personalised with a memorial inscription</i> ) ( <i>5 year lease</i> )	Y	£92	£94	£96	£98	£100	£102

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**Name of meeting:** CABINET  
**Date:** 19<sup>th</sup> September 2017  
**Title of report:** Huddersfield Town Centre Access and Connectivity project  
 Impact Assessment Report

## Purpose of report

To present to Cabinet the evidence and indicators that have been considered to provide an evaluation of the impact of the 'Huddersfield Town Centre Access and Connectivity' project against its original aims together with an overview of changes noted within the town centre since the scheme's implementation.

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?	<b>Yes</b>  As the scheme has been publicly considered as having a significant effect on two or more electoral wards.
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	<b>Yes</b>
The Decision - Is it eligible for call in by Scrutiny?	<b>Yes</b>
Date signed off by <u>Strategic Director</u> & name  Is it also signed off by the Service Director Finance IT and Transactional Services?  Is it also signed off by the Service Director for Legal Governance and Commissioning?	Naz Parkar - 11.09.17  Debbie Hogg - 06.09.17  Julie Muscroft - 07.09.17
Cabinet member -- Economy <a href="#">portfolio</a>	Cllr Peter McBride Economy - Strategic Planning Regeneration and Transport Cllr Naheed Mather Economy - Strategic Housing, Regeneration and Enforcement

**Electoral wards affected:** Newsome, Dalton and Greenhead

**Ward councillors consulted:** None

**Public or private:** Public

## 1. Summary

During 2015/2016 Kirklees Council delivered an Access and Connectivity project in Huddersfield town centre. Among the range of measures implemented, the scheme introduced Bus Gate enforcement cameras on five main streets which went live in February 2016 although fines were not issued until March. Following their introduction, representation was made via an open letter to the Council that 61 businesses had suffered a significant (up to 30%) decline in trade and were close to shutting and that therefore the cameras should be removed.

This representation was discussed at a Council meeting on the 9 November 2016 where it was agreed by the Cabinet Member for Transport; Skills; Jobs and Regional Affairs that an assessment into the impacts of the Bus Gates would be carried out after a full year of operation of the scheme.

This Impact Assessment report was completed in July 2017. The findings of the assessment are that considering all the indicators together it appears that the operation and trading picture of the town centre, or any specific parts of the town centre, is a complex one and there does not seem to be conclusive evidence that the installation of the bus gates has been the catalyst to a trading decline in the town centre.

## 2. Information required to take a decision

Key findings from the Impact Assessment are set out below, whilst the detailed report is included at Appendix 1.

### 2.1. Businesses closed / opened

Of the 61 businesses that were reported to have suffered a decline in trade and were close to shutting; following a survey of the businesses in May 2017, four businesses were found to have closed with two running closing down sales.

In contrast to this, [virtualhuddersfield.com](http://virtualhuddersfield.com), a local website, reported 14 new openings in 2017. In addition, Council officers have noted three further openings not reported on this website.

### 2.2. Car park income

Car park income has been used as a proxy for visitors to the town centre.

The overall car parking income for Council operated car parking spaces has marginally increased by 1.18% within the ring road.

Whilst there has been a fall in on-street parking, there has been an increase within off-street car parks.

This may suggest that drivers are navigating the town centre in a different way, rather than being deterred from visiting the town centre.

### 2.3. **Bus Journey times**

Bus operators consider that the Bus Gates have been successful in terms of benefits to public transport.

Bus journey times, along two of the key corridors, have seen a reduction as follows:

- Westgate/Trinity Street – upto 35 seconds
- High Street - upto 1 min 50 seconds

### 2.4. **Traffic Flow at Bus Gates**

The Council's reasons for installing Bus Gate enforcement cameras were to:

- Provide journey time savings for public transport users
- Remove circulating and rat running traffic from the town centre
- Enforcement of existing traffic regulations in place since 1983
- Improve air quality within the town centre

Traffic volumes at the Bus Gates, during operational hours, have dramatically decreased meaning that the objective of removing circulating / rat running traffic and non-permitted traffic from the bus gate areas has been achieved.

A Saturday and Tuesday comparison is shown below:

	Average vehicles per day at Bus Gates during operational hours		
	Before	After	Reduction
Saturday	7,460	1,986	5,474
Tuesday	10,341	1,281	9,060

### 2.5. **Retail/Commercial Occupancy rates and ground-floor floorspace**

The total number of units has reduced year on year from 2014 to 2016 but there has been a more marked decline between 2014 and 2015 (641 to 628) than in the following years 2016 to 2017 (628 to 618).

The number of units empty or under refurbishment has increased from 118 to 124 (5.09%) between 2016 and 2017.

Overall ground-floor floor-space has decreased steadily year on year since 2014 at an average rate of 1.3% per annum but there has been an increase of 2.27% between 2016 and 2017.

## 2.6. Footfall

Footfall for the town centre as a whole has gone down but Westgate and High Street is variable.

Comparison figures for 2017 compared to 2015 are:

### Town centre as a whole:

- Down 0.8% on market days,
- Down 1.4% on Non market days;
- Down 9.5% on Saturdays

### Westgate

- Down 33% on market days
- Up 15% on non-market days
- Down 33% on Saturdays

### High Street

- Up 9% on market days
- Up 14% on non-market days
- Down 4% on Saturdays

These trends are typical when comparing similar retail areas in the north of England, which have seen an average year-on-year (to February 2017) decline of 8.9 per cent, while the UK as a whole suffered an average 6.5 per cent decline over the same period.

These findings suggest that national and regional downward trends of town centre footfall appear to be reflected at a local level within Huddersfield town centre.

## 2.7. Air Quality

Air quality monitoring of Nitrogen Dioxide (**NO<sub>2</sub>**) has been measured within the town centre since 2004 in accordance with National Government legislation and guidance.

The EU legal threshold (critical) level of **NO<sub>2</sub>** is 40µg/m<sup>3</sup>. The table below shows the levels of recorded **NO<sub>2</sub>** levels within the town centre since 2012 to 2016.

Year	Annual <b>NO<sub>2</sub></b> (µg/m <sup>3</sup> )
2016	31.22
2015	44.81
2014	39.99
2013	46.33
2012	48.61

The year on year monitoring suggests that there has been a significant reduction of NO<sub>2</sub> in 2016 (after introduction of the bus gates) when compared to previous years although consideration should be given to changes in atmospheric conditions and other factors that may influence readings. Further monitoring would therefore need to be done to understand whether the reduced values form part of a longer term trend.

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

None

#### **3.2 Economic Resilience (ER)**

The town centre assessment / evaluation report (attached) provides evidence of a range of indicators that reflect the economic and environmental situation in Huddersfield town centre both before and after the implementation of the recent Access and Connectivity project.

#### **3.3 Improving Outcomes for Children**

None

#### **3.4 Reducing demand of services**

None

#### **3.5 Other (eg Legal/Financial or Human Resources)**

None

### **4. Consultees and their opinions**

No ward councillors have been consulted on this report.

### **5. Next steps**

For Cabinet to consider the report.

### **6. Officer recommendations and reasons**

None

### **7. Cabinet portfolio holder's recommendations**

The portfolio holders for Economy - Cllr Peter McBride and Cllr Naheed Mather were briefed on the 29 August 2017 on the contents of this report. Both Portfolio holders agreed that the operation and trading picture of the town centre is a complex one and that the report's findings and evidence does not seem to offer conclusive evidence that the installation of the bus gates has been the catalyst to a trading decline in the town centre.

8. **Contact officer**

Richard Hadfield - Head of Strategy and Design  
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(01484) 221000

Steven Hanley - Principal Engineer  
[steven.haney@kirklees.gov.uk](mailto:steven.haney@kirklees.gov.uk)  
(01484) 221000

9. **Background Papers and History of Decisions**

Huddersfield Town Centre Access and Connectivity project - 6<sup>th</sup> June 2014

Objection to the Proposal to alter Parking and Waiting restrictions and introduce Bus Gates in Huddersfield Town Centre - 15<sup>th</sup> April 2015

10. **Service Director responsible**

Paul Kemp - Economy, Regeneration and Culture  
[paul.kemp@kirklees.gov.uk](mailto:paul.kemp@kirklees.gov.uk)  
(01484) 221000

## **Appendix 1 -- Open Letter to Kirklees Council**

Open letter to the Chief Executive of Kirklees Council- Adrian Lythgo

c.c.

Barry Shearman- MP

Cllr Peter McBride- Transportation /Highways

Assistant Director for Highways Kirklees- Joanne Bartholomew

Highways Manager Kirklees- Richard Mainprize

Highways Manager Kirklees- Richard Hatfield

Town Centre Manager- Jayne Pearson

The Editor - Huddersfield Examiner

All Kirklees Councillors

Dear Adrian Lythgo,

We the representatives of HTCAG are utterly appalled by the way we were treated with complete arrogance and disdain by our elected representative Cllr Peter McBride in the meeting held on the 12<sup>th</sup> July in Civic Centre 3 (see Appendix 3 for the agenda). He was defensive and set a negative tone for the meeting from the start. His attitude was both un-cooperative and patronizing, forcing us to leave the meeting before it was concluded. This appeared to cause a degree of frustration to his colleague's who were present, who were doing their best to be more reasonable and seemed more willing to listen to our concerns and offer some more positive and workable solutions.

We are professional business people representing 61 town centre businesses and 2170 signatures on our petition calling for the bus-gates scheme to be abolished and we have a right to be listened and our genuine opinions to be seriously addressed. Yet Peter McBride's statement was that this scheme is not to be reviewed at all and he appeared unwilling to even take into account our concerns. He is responsible for town centre re-generation, yet is unwilling to even listen to the genuine concerns of members of the local business community. As a result, no conclusions were made at this meeting and therefore we must resume our original stance and respond to you directly with our future correspondence.

Many thanks for your letter dated 6<sup>th</sup> June 2016. In reply to your main points the Huddersfield Town Centre action Group would like to formerly reply as follows.

As you may or may not be aware the Huddersfield Town centre Action Group (HTCAG) now has 61 business members. These are town centre businesses that have all been adversely affected by Kirklees Councils now controversial bus gates scheme. All of these businesses have reported a steep decline in turnover of between 5% and 40 % from February 2016 compared to the months of February March and April 2015. Our customers are reporting that the bus-gates are the main cause of people not wanting to come into the town centre, because of the cameras, fines, congestion and the accessibility issues they have caused.

Whist we recognise that certain roadworks have had an adverse effect on trade, we are reporting that the steep decline in trade has been noticed specifically since February, which is when just the bus-gates came into operation. From September to November 2015 there were indeed roadworks in the town centre and on Westgate and Kirkgate, however no steep declines in our trade or footfall were reported for this period.

It is only since February these foot-fall declines have gained momentum and caused a substantial decline in our trading. Roadworks that have happened since have only exaggerated this decline, but there was and still is a steep drop off in February, which is when there were no roadworks in place. A further point is that businesses within our group who are not located in areas where roadworks have taken place, for example in the indoor market, have also suffered a decline in sales since February. We therefore disagree entirely with you point concerning the roadworks being sited as the main reason for trade/ footfall declines. We must insist that it is the bus- gates that are the reason for these declines as this is what our customers are reporting to us on a daily basis.

Also in answer to your comments reference why the bus-gates were installed. As far as the 61 traders in HTCAG are concerned, we did not see that the town centre had a traffic congestion issue. However and suddenly after the installation of the busgates in February, we then did have a huge congestion issue. This cannot be blamed on the roadworks again, because for the whole month of February there were NO roadworks on Westgate, yet the traffic issue especially at rush hour suddenly became horrendous, taking at least 20 minutes to get onto the ring-road from Westgate and also the ring-road itself became heavily congested too.

This congestion was only relieved when further roadworks started and buses and cars were then not allowed up Westgate at all! We are therefore reporting to you directly that no further proof if at all is needed as to the adverse effects of the busgates scheme from a congestion point of view.

We also feel that there is no point in waiting any longer to gain any further evidence that the bus-gates have had an adverse effect on the town centre and its business. We, HTCAG are 61 town centre businesses and we are reporting to you directly that we are trading between 5%-40% down since February. What further evidence does KMC council require as proof that the scheme is having a devastating effect. Please see below for the full list of our members and the declines in business being suffered since February, it makes very depressing and worrying reading.

Westgate Barbers	-10% DECLINE
Woods Menswear	-30% DECLINE
Circle Menswear	CUSTOMER/ BUSINESS INCONVENIENCE
Bronx Menswear	-40% DECLINE
La Fleur Florists	-20% DECLINE
Merrie England	-20% DECLINE
Town News	-33% DECLINE
Ex service Taxis	CUSTOMER/ BUSINESS INCONVENIENCE
IKonkar taxis	CUSTOMER/ BUSINESS INCONVENIENCE
Cartridge world	-20% DECLINE
Department 44	-40% DECLINE
Lynn's Café	-25% DECLINE



RSPCA Charity Shop	-25% DECLINE
A1 Stationary Stores	-33% DECLINE
Café Society	-25% DECLINE
The Keys Restaurant	-20% DECLINE
Benetton	NO FIGS/ FOOTFALL DECLINE
Hair Haus	-20% DECLINE
Huddersfield Electronics	-30% DECLINE
Horners Jewellers	GENERAL DECLINE SINCE FEB
Studio 18	-15% DECLINE
M&S Jewellery	-25% DECLINE
Kirkwood Hospice charity shop	-25% DECLINE
The Polish Corner	NEW VENTURE
Urban Escape	-25% DECLINE
Tag Hair Design	-30% DECLINE
Wood Street Bar	NO FIGURES BUT QUIET
Endemic Skate Shop	-30% DECLINE
Mitchells Butchers	-30% DECLINE
Mark Riley	-20% DECLINE
Westgate Cobblers	-30% DECLINE
Revival Fancy Dress	-25% DECLINE
Huddersfield HiFi	-25% DECLINE
The Blue Rooms	-20% DECLINE
Crafty Praxis	-20% DECLINE
Blue Rooms	-20% DECLINE
Calder Graphics	-10% DECLINE
Zephyr Bar	-5% DECLINE
AC Gallery	-22% DECLINE
Med One	-30% DECLINE
Coffee Evolution	-20% DECLINE
Bean Brothers	-20% DECLINE
Martin & Co	CUSTOMER/ BUSINESS INCONVENIENCE
Arcade Beer shop	NEW VENTURE
John William News	-25% DECLINE
Vox Bar	-25% DECLINE
Zuuton SwarmaTakeaway	-40% DECLINE
Mackinleys Carribean food store	-10% DECLINE
Kebabish	-20% DECLINE
Indigo Clothing	-25% DECLINE
Icestone ice cream parlour	NEW VENTURE/ INCONVENIENCE
The Little Kitchen	-30% DECLINE
Better future for the blind Charity	-25% DECLINE
Hadfields Bakery	INCONVENIENCE
Quality Butchers	-25% DECLINE
Card Circle	-20% DECLINE
Samuel Taylor	-20% DECLINE
Rico Menswear	-20% DECLINE
Bramleys estate Agents	CUSTOMER BUSINESS INCONVENIENCE
Mind Shop	-25% DECLINE

Its not just the small businesses, larger groups with multiple town centre shops have also suffered declines, and this is in ALL town centre locations, whether roadworks have been on-going or not.

All businesses from Charity shops to Coffee shops to popular restaurants such as Med One and The Keys and are now in decline, some with at least a third of their turnovers being affected. The Charity shops are reporting that they are getting fewer donations ( down by 25%-50% ) and therefore have less items to

sell as people are not coming into town to drop off their unwanted items. It's a very worrying trend for the town when even the Charity shops are reporting heavy declines in trade.

The town centre is quieter, you only have to look at the ghost town that has been created, especially on Saturdays. Customers are reporting that they don't even want to venture into the town centre due to the cameras and the fear of getting a fine. There are empty car parking spaces in the town centre on a Saturday afternoon now, when there never used to be. This is because people are not coming to the town centre at all. They are going else-where such as Halifax, Leeds and White Rose, where there is free parking or no bus-gates. You only have to look at the comments on twitter to the Huddersfield Examiner after the articles that have recently been published referring to our action group and our objections to the bus-gate scheme. (Reference Appendix 1 for a selection of these comments).

Comments about people not coming into the town centre are not just restricted to the twitter pager of the Examiner. There are various letters to the newspaper over the last few weeks stating this over and over again. I have included copies of some of these too. (See Appendix 2). Also there are hundreds of comments on our petition sheets stating that it is too hard to come into the town centre/ scared of being fined/ town cannot be accessed easily etc etc. You can see copies of these sheets when we hand this petition in to the Council after all signatures have been collected. Currently 2170 signatures against the scheme have been collected and this figure is growing daily.

Since our last letter it appears that approximately £1.27 million will be generated by this bus-gates scheme, yet the council is still insisting that it is not a money making scheme. Yet we as traders have proof from our drop in turnover that this money is being indirectly taken out of our pockets. It is our declines in turnover that is, in effect, paying for this scheme, from fewer people coming into the town centre spending money in our shops and businesses.

The bus-gates scheme is simply over-kill for a town of this size. We now have nearly as many bus-gates in this town than they have in Leeds, which is a large pedestrianised metropolis. Yet we have far more loading restrictions here in Huddersfield. In Leeds for example on Briggate, they can off-load goods into shop until 10.30am instead of 8am here in Huddersfield. We feel that the bus gates are unnecessary for a town of this size and that less harsh methods of policing the traffic flow should have been considered and trialed, before such a scheme with such a devastating effect on local businesses was introduced.

Furthermore, all of our members believe that Huddersfield did not have a traffic safety/congestion issue in the first place.

We are interested to know what evidence the council had of the congestion/ traffic safety issues in the past that warranted the introduction of this scheme.

Where is the proof of these issues that Huddersfield was suffering from?

We also feel that the bus-gates are just a vehicle by which the council can generate more cash. The scheme has proved disastrous for town centre businesses, and very soon there will be more and more empty shops, which will mean lost revenue for the Council long-term.

The decline in business figures above speak for themselves and we request review and a u-turn now, before it is too late for us and our businesses. 61 shopkeepers/ businesses would not join together to highlight this to the Council if we were not genuinely concerned about our future livelihoods and the town centre in general. We are prepared to fight this until this scheme is reviewed and withdrawn. We want the cameras switched off now and so do 2170 town centre users.

We want our town centre and its footfall and trading level back to how they were. We have just exited a recession and the economy is delicate, especially in the light of Brexit. We need the support of our Council at this economically tough time. We want advertised free parking or at least a trial of free parking with more flexible/ increased time restrictions and lower parking charges granted for the town centre, in order to kick start the town and get people coming to Huddersfield again.

You quote in your letter that you want the scheme to "Improve accessibility for shoppers/ visitors/businesses", this has clearly not been achieved, as both HTCAG and our customers clearly feel that this has not been done and has in fact reduced the accessibility.

You mention in your letter that you will be assessing the impact of the busgates. the timescale are you proposing for this of several months is unnecessary, most businesses will be seriously struggling in the several month assessment period that you are proposing and some may have ceased trading altogether. We HTCAG traders think that this is an urgent matter, that needs a review NOW before we lose even money and therefore lose the excellent diversity of the small independentants that are present in the Kirkgate, Westgate and Byram Arcade areas of the town centre. Can you give us an indication of how you will be assessing the effects of the scheme and what parameters are you going to be using to asses its success/ failure.

We business rates payers and constituents do not feel that we are being represented, supported or protected at all by KMC council by the very nature of the bus-gates scheme and its introduction. The high street is an ever more challenging environment and as you state, needs to change with the times. However a council with any vision would see that survival can only happen with support and not penalties. For example making areas more pedestrian friendly is pointless unless there are pedestrians. People are attracted to shop, spend time and socialise by a vibrant, clean, safe and modern environment with good accessibility for all and ample choice. Rundown dirty streets of empty shops and neglected buildings are not a magnet for trade. Neither is the principle of fining customers for coming into the town centre. Add to this the difficulty of access, high parking charges and the risk of a bus-gate penalty, then there is little wonder traders and companies in other locations are thriving and enticing trade away. The town desperately needs investment in car parking provision. access, rent and rate reductions and incentives for independent traders, street services (cleaning, maintenance, landscaping), promotion, security, less red tape and some sensible town planning. It definitely doesn't need bus-gates and a policy of fines in a town of this size. We are not Leeds/Manchester or London.

We also have major concerns that this scheme with such a huge potential impact on the town was undertaken without the correct levels of consultation, with only 80 opinions being canvassed from the initial proposal of three potential town centre schemes. There was not a consultation done at all for the proposed actual bus-gates scheme that is now in place. There was also no Equality Impact Assessment done to our knowledge, which would have assessed the potential impact on local businesses/ disabled access and issues such as accessibility for the elderly etc.

Despite all this Cllr McBride has stated he is not willing to do a proper and correct review of this scheme after it has been in place for 5 months even though there are 61 businesses and 2170 town centre users who are our customers stating that it is having a negative effect on the town centre. Surely the Council should be listening to us? We are telling you its not working, not for our businesses or our customers and we are telling you we are very worried about our livelihoods. We are telling you that we think the town centre is dying BECAUSE of this scheme. It IS having a profound effect. Surely the Council should be listening to its town centre users and members of its business community?

Surely its better for the council to back-track on an ill thought out scheme that is having a detrimental effect on town centre businesses and its users, than be seen to do nothing and stand by watching town centre businesses close? Even after they have been warned by the people at the sharp end that this scheme is the cause?

Are you Mr Lythgo prepared to stand by and watch the death of a town? Because 61 of us are telling you that is what is happening here.

Businesses are starting to close. Creams Tea Room on Market street just a few weeks ago and now Westgate Barbers on Westgate has announced its closing just this morning. This is the first one of our members who is now having to close. And more are now so on the edge they will follow.

We are writing to you as leader to request that you over-see a full and fair review of this bus-gates scheme and its effect on town centre footfall, traffic flow and business turnover. The council should be monitoring this NOW and this review needs to take place URGENTLY, as businesses are under too much financial strain after the recession for this to be prolonged any further. Just go yourself and ask the town centre businesses and shop-keepers about it. Go and ask town centre users about it too, like we have done. Go and stand on the corner of Kirkgate and Westgate and see how few people there are on a Saturday afternoon. I urge you and your Managers of the scheme to do this and you will see what we are talking about for yourselves.

We URGENTLY need this matter on the agenda of the next council meeting and we wish to be present at the meeting to express our opinions. Please advise when this can be arranged in addition to the meeting with yourself, that we have already requested in our last letter.

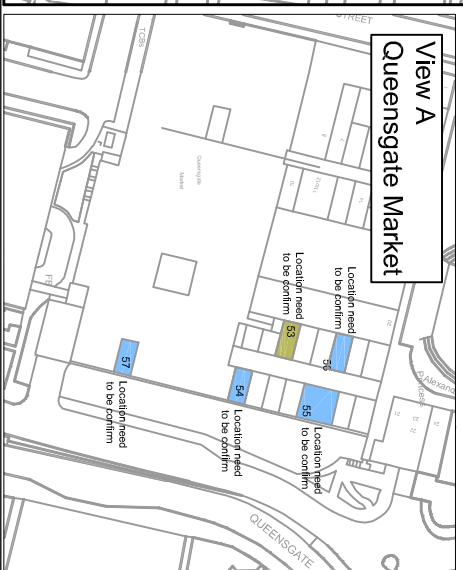
Yours Faithfully

Alisa Devlin @ La Fleur Florist  
on Behalf of HTCAG






Town centre Action Group representatives:-  
 Alisa Devlin – La Fleur Florists 01484 517812  
 Gina Hanselman-Merrie England 01484 538054  
 Paul Keighley- Bramleys 01484 530361  
 Taran Rayt -Woods Menswear 01484 917119  
 Tom Scott- Westgate Barbers 01484 900191  
 Asam Sharif- Bronx Menswear 01484 435340Paul

### **Members**

Town News	Ex service Taxis	IKonkar taxis
Cartridge world	Department 44	Lynn's Cafe
RSPCA Charity Shop	A1 Stationary Stores	Café Society
The Keys Restaurant	Benetton	Hair Haus
Huddersfield Electronics	Horners Jewellers	Studio 18
M&S Jewellery	Kirkwood Hospice charity shop	The Polish Corner
Urban Escape	Tag Hair Design	Wood Street Bar
Endemic Skate Shop	Mitchells Butchers	Mark Riley
Westgate Cobblers	Revival Fancy Dress	Huddersfield HiFi
The Blue Rooms	Crafty Praxis	Blue Rooms
Calder Graphics	Zephyr Bar	AC Gallery
Med One	Coffee Evolution	Martin & Co
Arcade Beer shop	John William News	Circle Menswear
Vox Bar	Zuuton Swarma Takeaway	
Mackinleys Carribean food store	Kebabish	
Indigo Clothing	Icestone ice cram parlour	
The Little Kitchen	Better future for the blind Charity	



Business		Address	Map Location	Indicated decline in sales / comments from business
Wesleya Barbers		11. Wesleya, HDJ 1M	1	Indicated decline in sales / comments from business
Woods Menswear (Sustainable Wood Ltd)		18. Wesleya, HDJ 1M	2	Indicated decline in sales / comments from business
Orchid Menswear		36.42. Wesleya, HDJ 1M	3	Comments from business
Green Menswear		3. Weybridge, HDJ 1M	4	Indicated decline in sales / comments from business
In Flower Florists		16. Wesleya, HDJ 1M	5	Indicated decline in sales / comments from business
Merrie Engraving		10.12. Killybegs, HDJ 1M	6	Indicated decline in sales / comments from business
Tom News		86. John Williams Street, HDJ 1BA	7	Comments from business
Ed Service Taxis		15. St George's Square, HDJ 1F	8	Comments from business
H Chara Taxis		7A. Railway Street, HDJ 1L5	9	Comments from business
Carriage World		20. John Williams Street, HDJ 1B	10	Comments from business
Department 44		44.48. Weybridge, HDJ 1M	11	Comments from business
RCPA Charity Shop		9. Killybegs, HDJ 1M	12	Comments from business
Al Sanctuary Stores		9. Killybegs, HDJ 1M	13	Comments from business
Cafe Society		15. Sparva Street, HDJ 1D	14	Comments from business
Merricks Delicatessen		2. Sparva Street, HDJ 1D	15	Comments from business
The Fish Shop of Benquin		2. Sparva Street, HDJ 1D	16	Comments from business
Hudsons Hardware		1. Northendards Street, HDJ 1D7	17	Comments from business
Hudsons Hardware Electronics		6. Cross Church Street, Hudsonsfield, HJ	18	Comments from business
Sunnys Jewellers		11. Clough Hill Street, HDJ 20K	19	Comments from business
Sunnys Jewellers		18. Bryan Street, HDJ 1D	20	Comments from business
M&S Jewellery		12. Cross Church Street, HDJ 2PT	21	Comments from business
Wicks Jewellery Charity Shop		5. Bryan Street, HDJ 1M	22	Comments from business
The Polish Corner		13. Bryan Street, HDJ 1D	23	Comments from business
Urban Escape		8. Station Street, HDJ 1M	24	Comments from business
The Hair Design		34. Weybridge, HDJ 1M	25	Comments from business
Wood Street Hair		28.58. Wood Street, HDJ 1D0	26	Comments from business
Eudora Hair Shop		4. Station Street, HDJ 1M	27	Comments from business
M&S Hair		9.10. Bryan Street, HDJ 1D	28	Comments from business
Weybridge Cafeteria		12.22. Wesleya, HDJ 1M	30	Comments from business
Revel Hair Salon		19. Wesleya, HDJ 1M	31	Comments from business
Hudsonsfield Hair (Hudsonsfield)		4. Cross Church Street, HDJ 2PT	32	Comments from business
The Hair Salon		8. Bryan Street, HDJ 1M	33	Comments from business
Orchid Florists		16. Bryan Street, HDJ 1M	34	Comments from business
Café Graphics		9. Bryan Street, HDJ 1M	35	Comments from business
Zephyr Bar		4. Bryan Street, HDJ 1D	36	Comments from business
AC Gallery		11. Bryan Street, HDJ 1D	37	Comments from business
Med One		12. Wesleya, HDJ 1M	38	Comments from business
Orchid Evolution / Bear Brothers		8. Church Street, HDJ 1D0	39	Comments from business
H&M & Co		7. St Peter's Street, HDJ 1D	40	Comments from business
Arcadia Hair Shop		6. Station Street, HDJ 1M	41	Comments from business
John Williams News		11. John Williams Street, HDJ 1B	42	Comments from business
Van Bar		40. Wood Street, HDJ 1B	43	Comments from business
Wesleya News		27. John Williams Street, HDJ 1B	44	Comments from business
Wesleya News		12. Bryan Street, HDJ 1D	45	Comments from business
Wesleya News		11. John Williams Street, HDJ 1B	46	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	47	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	48	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	49	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	50	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	51	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	52	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	53	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	54	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	55	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	56	Comments from business
Hudsonsfield Clothing		20. Wesleya, HDJ 1M	57	Comments from business

Colour	Percentage reported loss of trade (May 2016)
	0 - 9
	10 - 19
	20 - 29
	30 - 40
	General decline but no specific figures given

## Steven Hanley

---

**From:** Richard Hadfield  
**Sent:** 14 July 2017 10:51  
**To:** Steven Hanley  
**Subject:** FW: Huddersfield Town Centre Connectivity Project Evaluation Report -- Business Information Request

Appendix 3 – for the report

Thanks Richard

---

**From:** Richard Hadfield  
**Sent:** 13 June 2017 11:44  
**To:** 'william.mahony@columbiathreadneedle.com'; 'steven.leigh@mycci.co.uk'; 'alisa.devlin@ntlworld.com'; 'jonathan.hardy@kingsgateshoppingcentre.net'; 'vernon@piazzacentre.co.uk'; Chris Cotton; Matthew Garbutt; 'pwright@nrr.co.uk'  
**Cc:** Richard Hadfield; Paul Kemp; Steven Hanley; Paul Hawkins  
**Subject:** Huddersfield Town Centre Connectivity Project Evaluation Report -- Business Information Request

Dear Sir or Madam

### Huddersfield Town Centre Connectivity Project Evaluation Report

You may be aware that the council is preparing an evaluation report on the operation of the Town Centre Connectivity project that included the installation of the bus gate cameras in March 2016 .

Huddersfield town centre serves lots of different purposes for lots of different people. Our intention is for the report to cover a full range of indicators of the scheme's impact .

One of the areas that it is important to have information on is the impact that the scheme has had on business activity in the town centre . I am therefore asking for you to submit any evidence on this issue that you would like to be considered as part of the report.

As I hope you will appreciate attempting to directly contact all the businesses in the town centre would be a very lengthy job. As you are someone who represents either the landlords of one of the main business areas of the town or a town centre partnership group can I request you to provide me with any comments you wish to make, either from your perspective or from within your networks. In respect of any comments as to financial impacts clearly these can be given more weight if they can be evidenced. I fully appreciate that you may wish any evidence, particularly if it is of a financial nature to be anonymous in the discussion of the subsequent report and I am of course prepared to give this commitment.

I am intending to take the report to the Council's Cabinet meeting scheduled for August 22<sup>nd</sup> and would therefore be grateful to receive any information you may wish to supply either directly or on behalf of your networks by Tuesday July 25<sup>th</sup>.

If you have any queries on the process please contact me or in my absence , Paul Hawkins ( Operations Manager – Strategy and Design )

Please can you acknowledge receipt of this email .

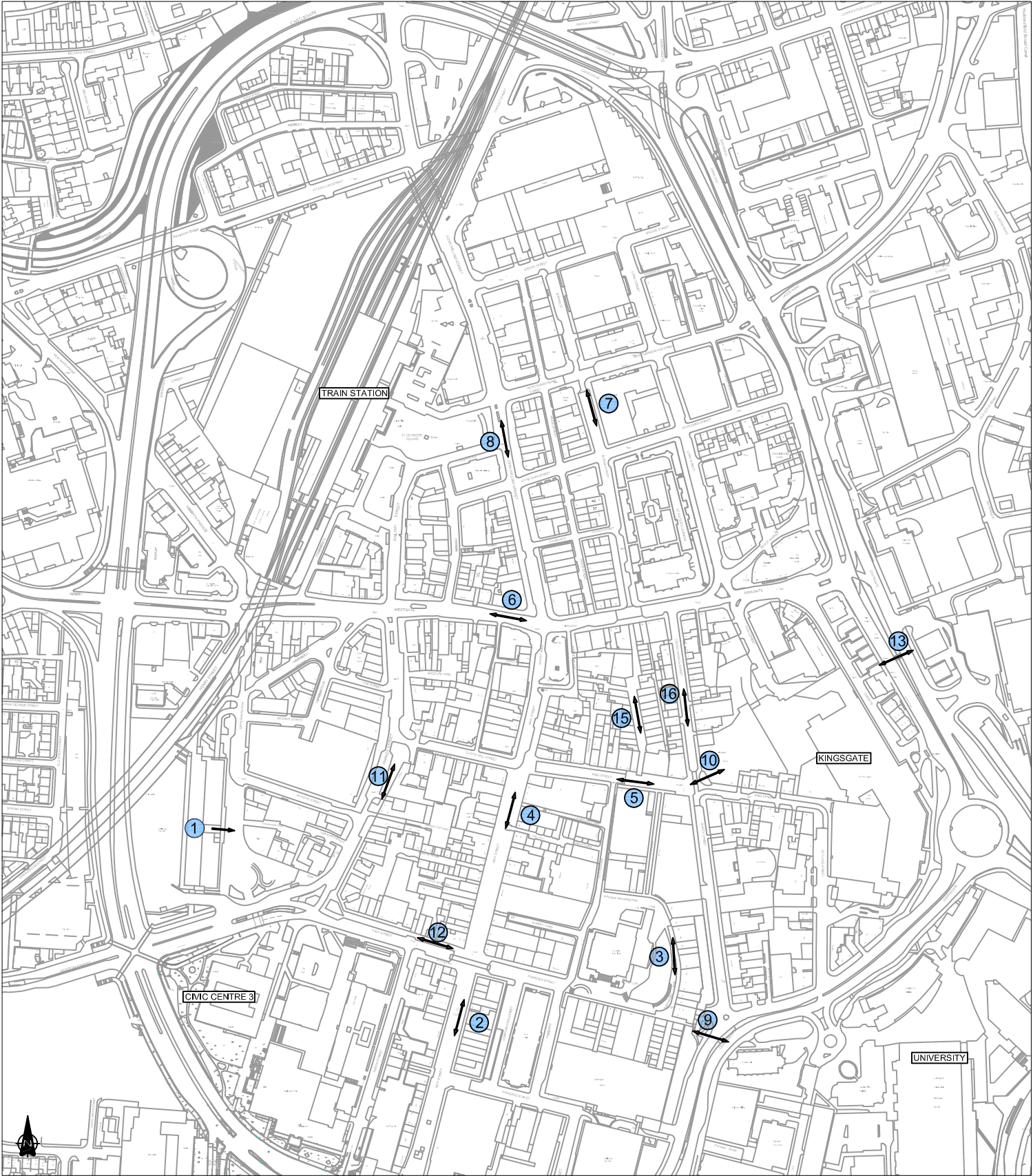
Thank you for your assistance in this matter.

Richard Hadfield, Bsc Hons , MICE  
Head of Strategy and Design  
Investment and Regeneration Service  
Kirklees Council  
Tel 01484 221000  
E-mail --- [richard.hadfield@kirklees.gov.uk](mailto:richard.hadfield@kirklees.gov.uk)  
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# Huddersfield Pedestrian Count Points



Key to map:



-  Pedestrian count point number
-  Position and direction to be counted

- |   |                        |    |                                   |
|---|------------------------|----|-----------------------------------|
| 1 | Bus Station (out only) | 9  | Queensgate steps                  |
| 2 | New Street (Primark)   | 10 | Kingsgate main entrance           |
| 3 | Piazza                 | 11 | Market Street                     |
| 4 | New Street (M&S)       | 12 | High Street                       |
| 5 | King Street            | 13 | Southgate                         |
| 6 | Westgate               | 14 | Sainsburys (in only - both sides) |
| 7 | Byram Street           | 15 | Pack Horse Centre                 |
| 8 | John William Street    | 16 | Cross Church Street               |

Huddersfield Pedestrian Count Points - Six Sites only



Key to map:

-  Pedestrian count point number
-  Position and direction to be counted

- 1 King Street
- 2 Westgate
- 3 Queensgate steps
- 4 Kingsgate main entrance
- 5 Market Street
- 6 High Street

**Huddersfield Town Centre**  
**Access and Connectivity**  
**Project**

**Impact Assessment Report**  
**July 2017**

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# 1 Introduction

During 2015 / 2016 Kirklees Council delivered an Access and Connectivity project in Huddersfield town centre. Among the range of measures implemented, the scheme introduced Bus Gate enforcement cameras on five main streets which went live in February 2016. Following their introduction, representation was made via an open letter to the Council, that 61 businesses had suffered a significant (up to 30%) decline in trade and were close to shutting and that the cameras should be removed.

This representation was discussed at a Council meeting on the 9 November 2016 under Item 6 Deputations / Petitions and Item 7 Questions by the Public where it was agreed by the Cabinet Member for Transport; Skills; Jobs and Regional Affairs that an assessment into the impacts of the Bus Gates would be provided after spring of 2017.

This report sets out the indicators and evidence that has been considered to provide an evaluation of the impact of the 'Access and Connectivity Project' against its original aims together with an overview of changes noted within the town centre since implementation of the scheme.

## 2 Background and Aims of the Project

Building on the Huddersfield Urban Renaissance Strategic Development Framework (March 2004) and the Huddersfield Town Centre Area Action Plan (August 2009) consultation process, town centre users (including businesses, residents, workers, shoppers, students and transport providers) told the Council that the following issues were important to them as Huddersfield developed in the future:-

- Being able to get around the town centre, easily and safely – for Huddersfield to be an accessible town;
- That the town centre should encourage different uses;
- That quality retailing is available to all;
- That high quality buildings and public spaces are created and maintained. But overall that they should all complement one another and connect up to create a town centre which works for everyone.

In recent years there has been an increased amount of activity and redevelopment just outside the town centre, for example: relocation of Kirklees College, expansion of Huddersfield University, new student accommodation and a new Sports Centre. The Council needs to ensure that these and future developments enhance and help sustain the main town centre area (within the ring road).

High quality, safe, easy access and connectivity for users of all modes of transport are amongst the most important building blocks of a sustainable and thriving economy and are essential to the future vitality of any town centre.

The main objectives of the proposals for the Huddersfield Access and Connectivity project (2016) were concerned with improving public transport reliability and the pedestrian experience of the town. (Report to Cabinet – 6<sup>th</sup> June 2014)

Within the town centre there are three key corridors for public transport to service the town:

- A. Westgate / Kirkgate;
- B. Market Street / Railway Street; and
- C. High Street / Peel Street (Town Hall area)

Market Street, Westgate and Kirkgate had Traffic Regulation Orders (TROs) that restricted movement of vehicles, already in place for many years (since 1983) but they were frequently ignored and there were high volumes of circulating traffic running through the town centre, seeking limited on-street parking spaces or just trying to get as close as possible to specific locations. Both the unauthorised and high circulating traffic movements caused delay to public transport.

To overcome these issues the Huddersfield Town Centre Access and Connectivity project proposed the following measures:

- Bus Gates with enforcement cameras;
- improvements to the public realm;
- alterations to traffic movements;
- alterations to parking areas; and
- introduction of new loading bays

### **3 Project Implementation and subsequent letter of complaint from businesses (May 2016)**

The Town Centre project and Bus Gate enforcement cameras became operational in Huddersfield town centre in February 2016 along the following routes:

- A. Market Street / Railway Street;
- B. Westgate / Kirkgate; and
- C. High Street / Peel Street (Town Hall area)

Prior to switch on of the enforcement cameras the bus gates were widely publicised and included variable message signs located around the town centre and ring road.

Between 1 February and 13 March, warning notices, rather than fines, were issued to enable users of the town centre an opportunity to become familiar with the locations and operational times; during this period, 15,004 warning notices were issued.

The introduction of the bus gates coincided with the start of major gas works at the junction of Kirkgate, Westgate, John William Street and Market Place, which had a significant disruptive impact on the town centre at that time.

The gas works ended in early May 2016 but were then followed by major road resurfacing works in similar areas in June and July 2016. Bus Gates enforcement was suspended whilst the resurfacing works were ongoing.

In May 2016 the Council received an open letter from 3 representatives of town centre businesses stating that 61 businesses had suffered reductions in trade of up to 30% and were close to shutting since the introduction of the bus gates. This letter called for the bus gates to be removed and the highway changes implemented to be reversed.

Council (9 November 2016) considered and debated the letter received (via the petitions process) and decided that the subject matter be referred to the appropriate Directorate for further investigation (Minute 67). A public question was also put to the Cabinet Member for Transport; Skills; Jobs and Regional Affairs regarding information on footfall figures on Westgate and when an assessment of the impact of the Bus Gates on the town centre would be carried out; a response was given that information would be available around springtime and that the town centre needed to settle down (Minute 67 / webcast) before an assessment could be undertaken.

Set out below, under Section 4, are the Evidence and Indicators that have been considered to provide an impact assessment of the 'Access and Connectivity Project'

## 4 Evidence and indicators

The following evidence and indicators have been considered in this report:

1. Letter May 2016 – Re decline in trade for Local Businesses
2. Information from businesses to evidence losses they have suffered (July 2017)
3. Recent retail or business changes in the town centre (April 2016 to April 2017)
4. Car parking figures across the town centre, both within and outside the ring road (April 2016 to March 2017)
5. Bus journey times (2014/15 compared to 2016/17)
6. Penalty Charge Notices issued (February 2016 to April 2017)
7. Vehicles passing through the Bus Gates and Vehicles removed from Bus Gate locations (February 2016 to April 2017)
8. Retail floor occupancy rates in the town centre (April 2016 to April 2017)
9. Footfall in the town centre (April 2016 to April 2017)
10. Air Quality within the town centre



## 4.1 Letter May 2016 - Local Businesses suffering losses

61 businesses were stated to have suffered a severe decline in trade due to the introduction of the Bus Gates in an open letter to the council in May 2016. The original letter is shown in Appendix 1. The locations and names of the businesses reporting trade losses are shown in Appendix 2, however only 57 businesses were listed.

There are circa 800 businesses trading in Huddersfield town centre i.e. within the Ring Road.

The biggest cluster of businesses claiming a negative impact appeared to be in the Westgate area; very few businesses were listed from the High Street area.

A walk around the town centre by a Kirklees officer in early Oct 16, found that (of those 57 businesses that indicated they had suffered decline in trade and said they were close to shutting) there appeared to be little change in the occupancy rate.

A further review of the 57 businesses was undertaken in April 2017; this found that four businesses had closed with 2 businesses running closing down sales.

Table 1 lists the businesses (from the list of 57 businesses) that are closing down or have closed since May 2016 and the current use of the retail unit that the business occupied.

Table 1– Businesses closed or closing down since May 2016 (April 2017) (from list of 57 businesses)

Business	Map location reference	Address	Status	Current unit use
Woods Menswear	2	18 Westgate	Closing down posters in windows	Still occupied by Woods Menswear
Huddersfield, Electronics	18	6 Cross Church Street	Closed	Empty Unit
Mitchells Butchers	28	3 Station Street	Closed	Empty Unit
Zuuton Swarma Takeaway	44	27 John William Street	Closed	Convenience Store
Rico Menswear	52	1 New Street	Closing down 23 April	Empty Unit
O'Neill's Sports shop	Tbc	Tbc	Moved to Milnsbridge	tbc

An email has recently been received from a representative of the Huddersfield Town Centre Action Group providing a list of other business that have closed since May 2016.

Table 2 – Other Businesses closed since May 2016 (other than original list of 57 businesses)

Business	Address
Huddersfield Pet Supplies	Queensgate Market
Fresh Choice Fruit & Veg	Queensgate Market
Nightline	Queensgate Market
Barefoot Era	Queensgate Market
Discovery Bay	
Northern Taps	
The Blue Rooms	
The Spurn (yarn shop)	
Wood Street Bar	

## **4.2 Information from businesses to evidence losses**

In June 2017 the council sent out a letter (Appendix 3) to representatives of the town centre partnership groups and to landlords of the main business areas in the town centre. The letter asked the recipients to submit any evidence they wished on the project so that it could be considered as part of this evaluation report.

The letter generated five responses. The responses have mostly been individual or anecdotal views little factual evidence has been received.

### **1) Ms Alisa Devlin (Representative of the Town Centre Action Group)**

Ms Devlin's response (email dated 27 June 2017) says "that since summer 2016, 11 businesses have closed and that 3 other businesses are looking to move out of the town centre".

Ms Devlin feels that "the council should write to all town centre businesses directly and send them a specific questionnaire about the project"

The letter ends with Ms Devlin repeating the loss in trade decline figures for the businesses that she submitted in her original letter to the council May 2016.

### **2) Ms Gina Hanselman ( Director of Merrie England Coffee Shops and Representative of Town Centre Action Group )**

Ms Hanselman's response (email dated 25<sup>th</sup> July 2017 ) raises 2 main issues :-

- She states that "as a business that has been trading for nearly 50 years in Huddersfield town centre, they have seen a significant decline in footfall, not only in their cafes but in the streets in general, which occurred quite sharply after the Bus gates were installed".
- She feels that "a questionnaire or survey should have been sent out by the council to assess what sales decline has taken place for all town centre businesses" and is disappointed that the council have not done that.

### **3) Mr Vernon O'Reilly ( Centre Manager , Piazza Centre Huddersfield )**

The views that Mr O'Reilly provided in response to the council request, can be summarised as follows:-

- "The piazza centre in Huddersfield accommodates approximately 20 retail businesses of varying sizes"
- "From discussions held with these businesses comparing the last 12 months trading with the previous 12 months trading, around 15% of them have indicated that their trading position has got worse".

- “ Footfall figures for the centre in the last 12 months have also significantly reduced by up to 10% in the last year. This is set against an average UK drop of 3% in the year and a noticeable decline in our centre`s footfall figures after the British Homes Stores ( BHS) business closed in Aug 2016 and the bus gates were installed ”.

**4) Mr David Heathcote – Smith ( Packhorse Centre Manager)**

Mr Heathcote-Smith provided footfall information to the council for the Packhorse centre for the period 2015 – 2017 which he requested the council keep confidential, but he commented that “ the bus gates hadn`t really affected the Packhorse Centre trade or footfall” .

**5) Mr Matthew Garbutt ( Commercial Estate Manager, Kirklees Council )**

*The following comments were provided by Mr M Garbutt, in relation to the property/ tenants who rent commercial properties in the town centre from the Council*

- *The council owns retail /office properties in the vicinity of the bus gates scheme which are home to approx. 50 local/regional businesses in the town centre :-*
  - *Estate Buildings*
  - *Byram Arcade*
  - *19/19A Westgate*
  - *Waverley Chambers*
  - *Kirkgate Buildings*
  - *Somerset Buildings*
- *In general there is a lack of demand for commercial space in Huddersfield Town Centre with a large number of private units currently vacant. In my experience this void and tenant turnover rate is similar to what it was prior to bus gates. At present we have one High Street Unit and three retail units within Byram Arcade which are vacant and on the market to let.*
- *Town Centre rental values took a hit in the late 2000`s and early 2010`s due to the economic downturn. In my experience Council rents have remained stable since this time and the bus gates have not had a significant detrimental effect on rental levels.*

## 4.3 Recent retail changes in Huddersfield town centre

[virtualhuddersfield.com](http://virtualhuddersfield.com), a local website to help people plan their shopping and business trips to Huddersfield and surrounding villages and also providing promotional services to local businesses provides evidence of 5 new openings in Huddersfield town centre in 2017 (to July) with around 40 in 2016. The range of openings for 2017 is shown in **Table 3** below.

**Table 3 – changes in Huddersfield town centre in 2017 according to virtualhuddersfield.com**

COMPANY	BUSINESS	STREET/AREA	CHANGE
RICO	Mens Fashion	New Street	Moved
JD SPORTS	Sports Supplies	Kingsgate Centre	Open
THE BALLOON PEOPLE	Special Occasions	Piazza Centre	Open
MEN'S SHED	Community Group	St. George's Square	Open
CUTE	Fashion	Packhorse Centre	Open
THE PEPPERCORN	Vegetarian Restaurant	Trinity Street	Open 11th April
HUDDERSFIELD PHARMACY	Chemist & Coffee Shop	Market Street	Open
BUBBLES, BATH'S & BARK'S	Dog Grooming	Viaduct Street	Open 15th March
ADELE TAYLOR DANCE	Dance School	Packhorse Centre	Open 12th March.
THE LITTLE CANDLE & HOME CO.	For the Home	Market Ave.	Open
BEAUFORT FINCH	Property Agent	John William Street	Open
HUDDERSFIELD COCKTAIL CLUB	Cocktail Bar	John William Street	Open
HALO	Nails & Spa	Packhorse Centre	Open
BLUE GREY CHEVRON	Turf Accountant	St. Peters Street	Open
ADAN	Health Fruit Drinks	Cross Church St.	Open

Other notable changes seen in the town centre during 2016/17 are :-

COMPANY	BUSINESS	STREET/AREA	CHANGE
MILLETS	Outdoor Clothing	New Street	Open
BHS STORES	Major Retailer	Victoria Lane	Closed
PATISSERIE VALERIE	Cake shop / cafe	King Street	Open
USC	Clothing / Footwear	Piazza	Open

## 4.4 Car parking income (visitors to the town)

Council car parking income has been reviewed for off street car parks and on-street pay and display parking, both within the town centre and around the ring road for the following two periods:

April 2015 to March 2016; and  
April 2016 to March 2017

There have been no changes to car parking charges during these periods and therefore parking income can be used as an indicator of visitors to the town centre.

The car parking income figures are shown in Table 4 below

Table 4– Car parking income comparisons

Location	Income Apr to Mar		Change (Qty)	Change (%)
	2015-16	2016-17		
<b>Within ring road</b>				
On-street	£718,566	£671,023	- £47,543	- 6.62
Car parks	£1,465,791	£1,539,163	+ £73,372	+ 5.01
<b>Totals</b>	<b>£2,184,357</b>	<b>£2,210,186</b>	<b>+ £25,830</b>	<b>+ 1.18</b>
<b>Outside ring road</b>				
On-street	£264,796	£284,722	+ £19,927	+ 7.53
Car parks	£751,882	£706,409	- £45,473	- 6.05
<b>Totals</b>	<b>£1,016,678</b>	<b>£991,131</b>	<b>- £25,547</b>	<b>- 2.51</b>
<b>Gross Totals</b>	<b>£3,201,034</b>	<b>£3,201,317</b>	<b>+ £283</b>	<b>+ 0.01</b>

### Summary of findings:

- ***Allowing for annual variations, car parking income for Council operated car parks appears to be the same since introduction of the Bus Gates.***
- ***Within the town centre (within the ring road) there has been an overall increase in income of 1.18%.***

## 4.5 Bus journey-times

Bus journey-times have been obtained from Metro using the real time information system that is in use on West Yorkshire buses.

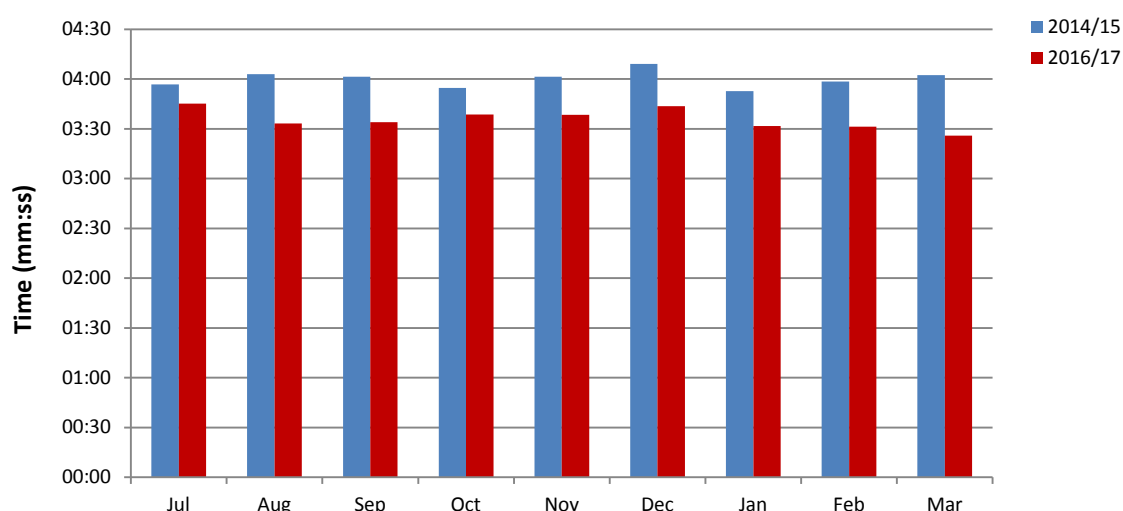
Unfortunately, when one looks back to find time periods in previous years to provide a true comparison over the full time period (comparisons between 2015 and 2016), it is not possible due to the extent of highway roadworks and the utility roadworks that were undertaken in the town centre over similar months.

The most suitable and appropriate time period(s) over which data has been compared therefore is in the years 2014/15 to 2016/17:

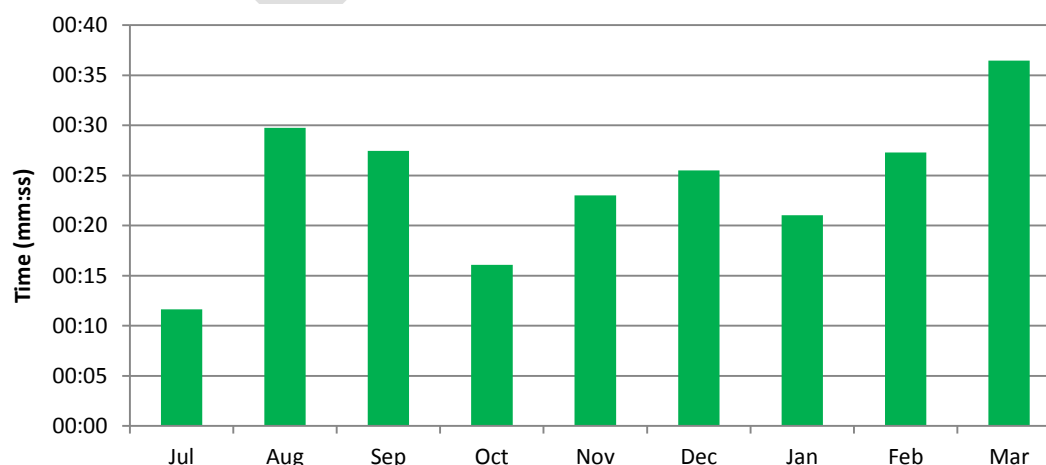
- Kirkgate / Westgate – July to March; and
- High Street – September to May

Tables 5, 6, 7, 8, 9 and 10 show monthly average journey times and journey time savings for the three routes as follows:

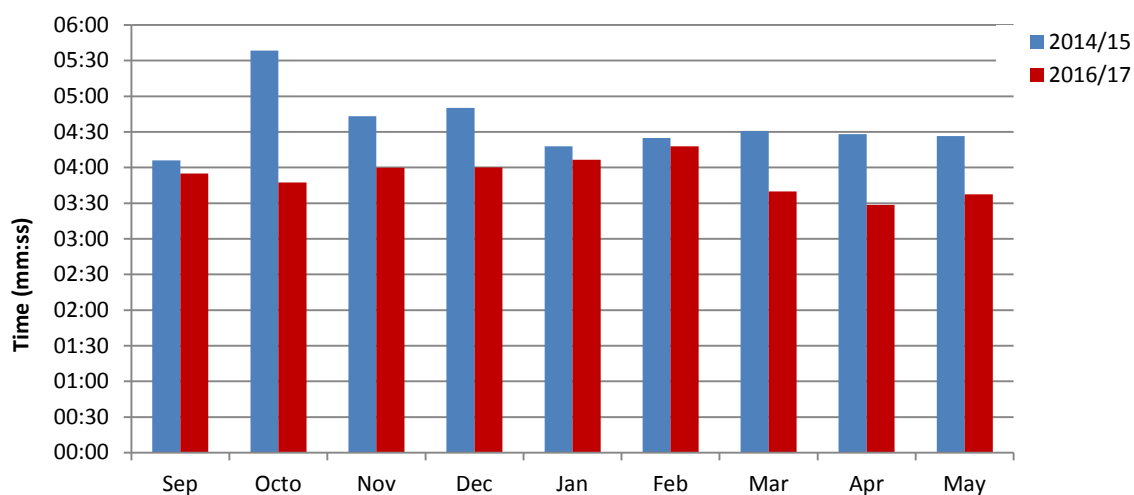
**Table 5 - Monthly average bus journey times comparison  
For Kirkgate to Trinity Street (excluding layover at Westgate)**



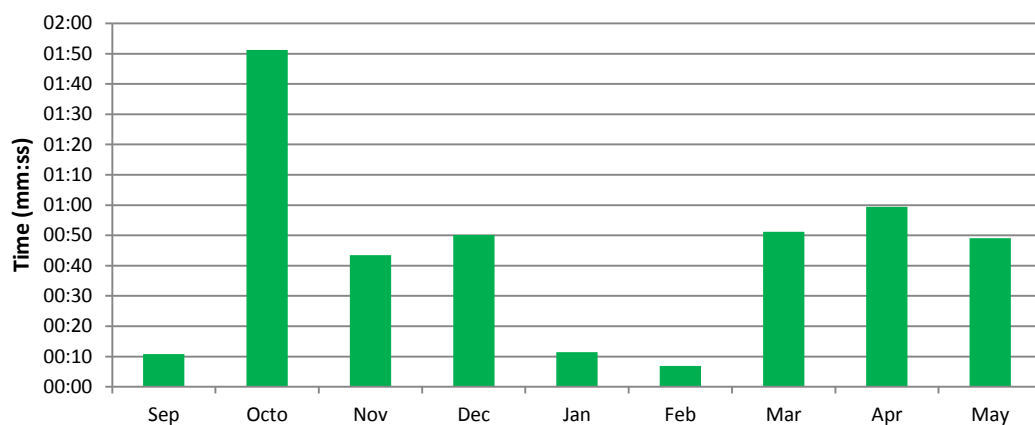
**Table 6 Monthly average journey time savings (per trip) in 2016/17 compared to 2014/15  
For Kirkgate to Trinity Street (excluding layover at Westgate)**



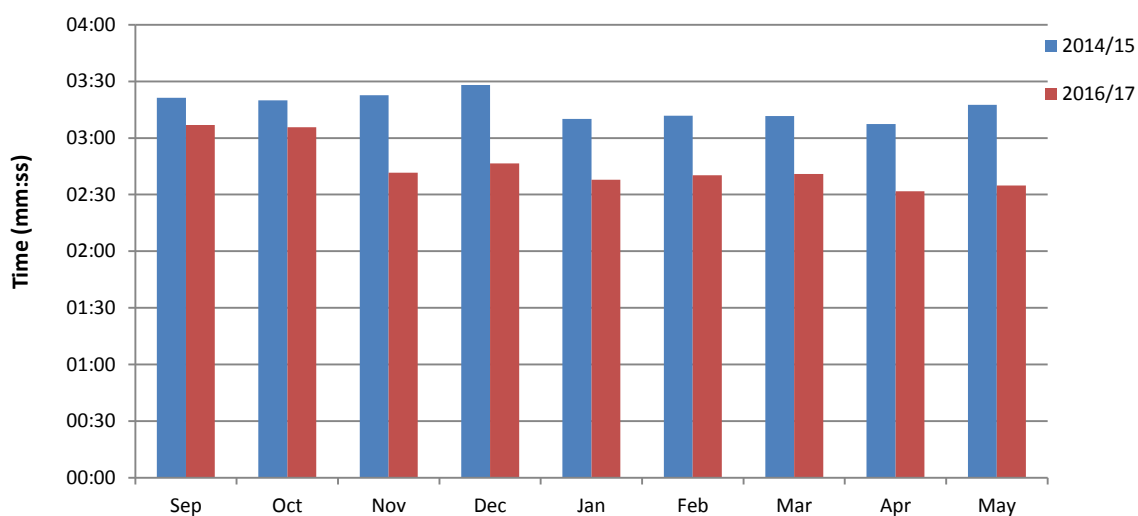
**Table 7 Monthly average bus journey times comparison for High Street**



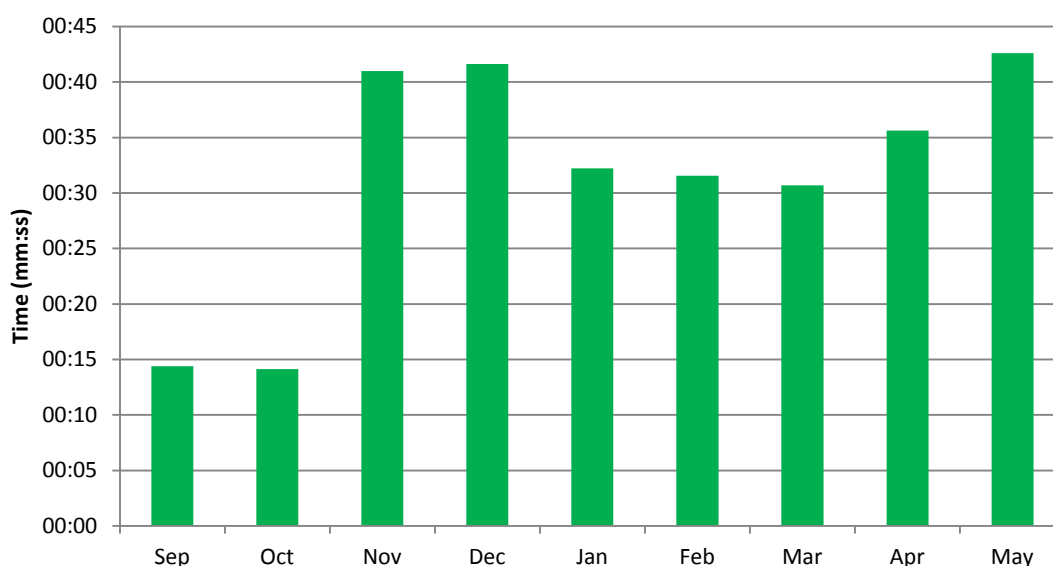
**Table 8 Average monthly journey time savings (per trip) in 2016/17 compared to 2014/15 for High Street**



**Table 9 Monthly average bus journey times comparison for Market Street / Railway Street**



**Table 10 Average monthly journey time savings (per trip) in 2016/17 compared to 2014/15 for Market Street / Railway Street**



### Summary of findings:

**The data shows a positive trend in journey times. This is also supported by bus operators who have provided the following quotes:**

First - Oliver Howarth (Operations Director (West))

*'The bus gates have eliminated a great deal of rat running across Huddersfield town centre by private motorists, minicabs and vans. This has clearly improved bus service reliability and punctuality. Punctuality for our services in the town centre has improved by 8-12% and data from the GPS fitted to all our buses tells us that the time required to get in or out of the town centre is dramatically reduced. The success of the scheme implemented by Kirklees has led me to recommend its adoption by other highway authorities.'*

Yorkshire Tiger - Paul Moses (Operations manager Honley Depot):

*'I think the Town Centre moves very well, after working in Leeds where a breakdown would cause untold misery, Huddersfield Town Centre is very well controlled and major issues are infrequent even when the motorway has issues.'*

Arriva - Mark Fenwick (General Manager Heckmondwike depot)

*'there has been improvements in journey times, the more carefully controlled flow of traffic in Huddersfield town centre is certainly helpful, especially at junction, particularly traffic lights as queues aren't as long and even at busy times it isn't taking as many cycles of the lights to clear the junction.'*

*Any removal of the bus gates would have a negative impact on our punctuality and given this is one of the highest priorities customers highlight to us in terms of*



*what they expect from us, we could not support anything that would have a detrimental effect.'*

#### 4.6 Penalty Charge Notice's (PCN's) issued and authorised vehicles passing through Bus Gates

An analysis has been undertaken to quantify the number of penalty charge notices issued (PCN's) along with the number of vehicles passing through the bus gates during operational and non-operational hours since the Bus Gate enforcement cameras became operational on the 1<sup>st</sup> February 2016.

Between 1 February and 13 March, the bus gates were widely publicised and warning notices (rather than PCN's) were issued to enable users of the town centre an opportunity to become familiar with the locations and operational times; during this period, 15,004 warning notices were issued;

PCN's commenced being issued from the 21<sup>st</sup> March 2016 except for the following periods:

- Between 21 June and 13 July (2016) - due to extensive roadworks being carried out in the town centre; and
- Between 02 and 29 August 2016 - due to the Council awaiting the outcome of a judicial review of the bus gates.

There has therefore been 330 enforcement days for the period being analysed.

Tables 11, 12 and 13 show the results of the analysis; whilst Table 14 shows the daily average PCN's issued for the last three months compared to the first three months of enforcement.

**Table 11 - Vehicles passing through Bus Gates and PCN's issued for whole period (21 March 2016 to 9 April 2017)**

		Vehicles passing through Bus Gates						Penalty Charge Notices issued	
		all hours		during operational hours		during non-operational hours			
Bus Gate Zone	Bus Gates Operational Hours	Total	Daily Ave.	Total	Daily Ave.	Total	Daily Ave.	Total	Daily Ave.
High Street	10am to 4pm	147,641	447	62,205	189	85,436	259	1,018	3
Market Street / Railway Street (St Georges Square)	8am to 6pm	449,134	1361	174,046	527	275,088	834	20,875	64
Westgate / Kirkgate (uphill)	8am to 6pm	222,033	673	96,338	173	125,695	337	2,195	7
Westgate / Kirkgate (downhill)	8am to 6pm	168,373	510	57,011	292	111,362	381	4,424	13
Totals (all cameras)	n/a	987,181	2991	389,900	1,182	597,581	1,811	28,512	86

**Table 12 - Vehicles passing through Bus Gates and PCN's issued first three months (21 March to 19 June 2016)**

		Vehicles passing through Bus Gates						Penalty Charge Notices issued	
		all hours		during operational hours		during non-operational hours			
Bus Gate Zone	Bus Gates Operational Hours	Total	Daily Ave.	Total	Daily Ave.	Total	Daily Ave.	Total	Daily Ave.
High Street	10am to 4pm	37,547	417	15,808	176	21,739	242	411	5
Market Street / Railway Street (St Georges Square)	8am to 6pm	150,401	1671	60,195	669	90,206	1,002	7,004	78
Westgate / Kirkgate (uphill)	8am to 6pm	32,947	366	13,937	155	19,010	211	1,574	17
Westgate / Kirkgate (downhill)	8am to 6pm	30,578	340	10,326	115	11,649	129	654	7
Totals (all cameras)	n/a	251,473	2,794	100,266	1,114	151,207	1,680	9,643	107

**Table 13 - Vehicles passing through Bus Gates and PCN's issued last three months to 09 April 2017**

		Vehicles passing through Bus Gates						Penalty Charge Notices issued	
		all hours		during operational hours		during non-operational hours			
Bus Gate Zone	Bus Gates Operational Hours	Total	Daily Ave.	Total	Daily Ave	Total	Daily Ave.	Total	Daily Ave.
High Street	10am to 4pm	40,638	489	17,011	203	23,627	285	171	2
Market Street / Railway Street (St Georges Square)	8am to 6pm	108,889	1312	44,701	489	64,188	773	4,092	49
Westgate / Kirkgate (uphill)	8am to 6pm	65,666	791	28,620	340	37,046	446	437	5
Westgate / Kirkgate (downhill)	8am to 6pm	47,867	577	17,431	198	30,436	367	959	12
Totals (all cameras)	n/a	263,060	3,169	107,763	1,230	155,297	1,871	5,659	68

**Table 14 - Daily Average PCN's issued, first and last three month comparison**

Bus Gate Zone	Bus Gates Operational Hours	Daily average PCN's issued	
		First Three Months	Last three months
High Street	10am to 4pm	5	2
Market Street / Railway Street (St Georges Square)	8am to 6pm	78	49
Westgate / Kirkgate (uphill)	8am to 6pm	7	5
Westgate / Kirkgate (downhill)	8am to 6pm	17	12
<b>Totals (all cameras)</b>	<b>n/a</b>	<b>107</b>	<b>68</b>

## Summary of findings:

There are significant volumes of traffic passing the bus gates during non-operational hours (1,871 daily averages). When compared to the low numbers of PCN's being issued during operational hours, (68 daily averages) and considering that the daily average has reduced over the last twelve months; would suggest that:

- Drivers are becoming more aware of the presence of the bus gates;
- The majority of drivers are complying with the regulations;

## 4.7 Traffic flow comparisons at Bus Gates

The council's reasons for installing Bus Gate enforcement cameras were to:

- Provide journey time savings for public transport users
- Remove circulating and rat running traffic from the town centre
- Enforcement of existing regulations in place since 1983 thus removing non permitted vehicles
- Improve air quality within the town centre

Traffic volumes have been compared on a Saturday and a Tuesday during the operational hours of the Bus Gates before and after implementation to assess how effective the Bus Gates have been in achieving the objective of removing rat running and circulating traffic. Table 15 shows the Saturday comparison; Table 16 shows the Tuesday comparison and Table 17 shows the hourly average comparison between both days.

**Table 15 - Number of vehicle movements removed from  
Bus Gate locations during operational hours (Saturday comparison)**

Bus Gate Location	Bus Gate operational hours	vehicle movements (before)	Vehicle movements (after)	vehicles removed	Hourly Average vehicles removed
Westgate (Railway St)	0800 to 1800	669	198	471	47
Kirkgate (John William St)	0800 to 1800	748	183	565	57
Kirkgate (Cross Church St)	0800 to 1800	866	304	562	56
High Street	1000 to 1600	1,025	289	736	123
Market St (Westgate)	0800 to 1800	1,472	419	1,053	105
Railway St (St Georges Square)	0800 to 1800	2,680	593	2,087	209
Totals		7,460	1,986	5,747	597

**Table 16 - Number of vehicle movements removed from  
Bus Gate locations during operational hours (Tuesday comparison)**

Bus Gate Location	Bus Gate operational hours	vehicle movements (before)	vehicle movements (after)	Vehicle movements removed	Hourly Average vehicles movements removed
Westgate (Railway St)	0800 to 1800	2,412	202	2210	221
Kirkgate (John William St)	0800 to 1800	495	194	301	30
Kirkgate (Cross Church St)	0800 to 1800	870	234	636	64
High Street	1000 to 1600	1,025	224	801	133
Market St (Westgate)	0800 to 1800	3,159	214	2,945	294
Railway St (St Georges Square)	0800 to 1800	2,380	213	2,167	217
<b>Totals</b>		<b>10,341</b>	<b>1,281</b>	<b>9,060</b>	<b>959</b>

**Table 17 – Hourly average of number of vehicles removed from  
Bus Gate locations during operational hours  
Tuesday and Saturday comparison**

Bus Gate Location	Bus Gate operational hours	Hourly Average vehicles removed (Tuesday)	Hourly Average vehicles removed (Saturday)
Westgate – downhill (Railway St)	0800 to 1800	-221	-47
Kirkgate – downhill (John William St)	0800 to 1800	-30	-57
Kirkgate – uphill (Cross Church St)	0800 to 1800	-64	-56
High Street (New Street end)	1000 to 1600	-133	-123
Market St (Westgate end)	0800 to 1800	-294	-105
Railway St (St Georges Sqr)	0800 to 1800	-217	-209
<b>Totals</b>		<b>959</b>	<b>597</b>

### Summary of findings:

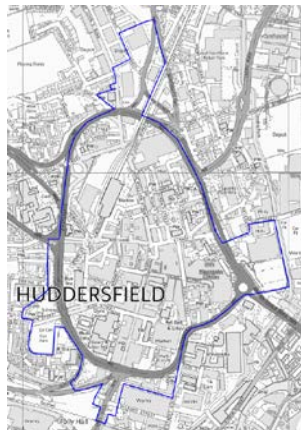
The comparisons show:

- There has been a significant reduction in traffic volumes at the bus gate locations;
- The objective of removing non permitted vehicles from key bus route and pedestrian areas has been achieved;
- Drivers are aware of the presence of the bus gates; and
- The majority of drivers are complying with the regulations.

## 4.8 Town centre occupancy rates

Occupancy rates for the town centre are surveyed on an annual basis in April. The extent of the study area is shown in Figure 2

**Figure 1 – Huddersfield town centre occupancy study area**



The surveys show yearly comparisons (2014 – 2017) by:-

- a) Number of Units by sector, as shown in Table 18; and
- b) Floor space area by sector, as shown in Table 19

**Table 18 – Number of units by category and years (2014 to 2017)**

Sector	Number of units by year				Percentage change
	2014	2015	2016	2017	2016/17
Comparison	235	225	227	218	-4
Convenience	56	57	54	58	-7.4
Financial & Business Services	85	83	83	76	-8.4
Leisure Services	181	181	182	180	-1.1
Retail Service	84	82	78	86	+10.26
Sub Total	641	628	624	618	
Vacant or under refurbishment	112	122	118	124	+5.09
Total	753	750	742	742	

**Table 19 - Gross ground floor floorspace by category and years (2014 to 2017)**

Sector	Count (m2)				Percentage change
	2014	2015	2016	2017	2016/17
Comparison	53586	52669	53514	50620	-5.4
Convenience	28319	28515	28282	28472	+6.8
Financial & Business Services	10434	10184	10200	9295	-8.9
Leisure Services	25169	24358	24387	23452	-3.8
Retail Service	7040	6828	6501	7404	+13.9
Sub Total	124,548	122,554	122,884	119,243	
Vacant or under refurbishment	14277	15711	14451	18404	+27.4
Total	138,825	138,265	137,335	137,647	

### Summary of Findings:

- The total number of occupied units has reduced year on year from 2014 to 2016, but shows a more marked decline from 2014 to 2015, than in following years.
- Overall floor-space has decreased steadily year on year since 2014 at an average of 1.3% per annum.

## 4.9 Town centre footfall surveys

Annual footfall counts have been done in Huddersfield town centre by the Planning service for many years. There are 16 sites spread across the town centre, as shown in Appendix 6. Counts are typically done on an annual basis; the most recent being undertaken in April 2017.

During 2016, footfall counts were redone in late Sept to provide an interim comparison with the annual April count, although only at 6 key locations (from the normal 16), as shown in Appendix 7 in and around the bus gate areas.

Comparisons have been made for these six locations on Market Day, None Market Day, Saturday and the Combined Totals, as shown in Tables 20, 21, 22 and 23 respectively:-

### **Note**

- **April 2015 should be viewed as the base figures prior to the bus gates installation in February 2016**
- **The April figures are the best comparisons as they have been done at the same time each year.**

**Table 20 - Market Day footfall counts comparison**

MARKET DAY	Apr 2015		Apr 2016	Sep 2016	Jan 2017	Apr 2017
King Street	4712		5763	6431	5182	5338
Westgate	1800		2546	3024	1981	2404
Queensgate steps	707		568	1053	823	860
Kingsgate entrance	4062		4102	5128	4781	3990
Market Street	4020		2207	1983	3265	2385
High Street	2101		2370	2261	2568	2287
<b>Totals</b>	<b>17402</b>		<b>17556</b>	19880	18600	<b>17264</b>

**Table 21 – Non-Market Day footfall counts comparison**

NON-MARKET DAY	Apr 2015		Apr 16	Sep 16	Jan 17	Apr17
King Street	5581		4581	5045	4590	3870
Westgate	1570		1813	1489	1492	1810
Queensgate steps	513		1062	1016	747	878
Kingsgate entrance	3787		5901	4859	3922	3499
Market Street	2640		3510	2511	2634	3522
High Street	2034		2831	2067	2511	2320
<b>Totals</b>	<b>16125</b>		<b>19698</b>	16987	15896	<b>15899</b>

**Table 22 – Saturday footfall counts comparison**

SATURDAY	Apr 2015		Apr 2016	Sep 2016	Jan 2017	Apr 2017
King Street	8895		7977	8223	6868	7849
Westgate	2923		2258	2256	1774	1949
Queensgate steps	413		417	217	176	283
Kingsgate entrance	7125		7807	N/a	7857	6865
Market Street	4102		3498	2469	3535	4158
High Street	2272		2208	2058	1913	2171
<b>Totals</b>	<b>25730</b>		<b>24165</b>	15223	22123	<b>23275</b>

**Table 23 – Combined (Tables 12, 13 and 14) Total footfall counts comparison**

COMBINED	Apr 2015		Apr 2016	Sep 2016	Jan 2017	Apr 2017
King Street	19188		18321	19699	16640	17057
Westgate	6293		6617	6769	5247	6163
Queensgate steps	1633		2047	2286	1746	2021
Kingsgate entrance	14974		17810	N/a	16560	14354
Market Street	10762		9215	6963	9434	10065
High Street	6407		7409	6386	6992	6778
<b>Totals</b>	<b>59257</b>		<b>61419</b>	42103	56619	<b>56438</b>

### Summary of findings:

- Market days and non-market days appear to have similar footfall across the town centre with High Street (market and non-market) and Westgate (non-market days only) showing increases in 2017 compared with 2015.
- Saturday footfall is significantly down (9.5%) in 2017 compared to 2015 within the town centre as a whole; but is more marked in Westgate than in High Street, however King Street accounts for a significant proportion of the reduction in footfall

## 4.10 Air Quality

Air quality monitoring of Nitrogen Dioxide ( $\text{NO}_2$ ) has been measured within the town centre since 2004 in accordance with National Government legislation and guidance.

The levels of Nitrogen Dioxide are measured on an annual basis at 9 sites across the study area. Five sites are located within the ring road with one of the sites located on Westgate.

The EU target levels (set in 2007) are as shown in Table 24; the critical figure is  $40\mu\text{g}/\text{m}^3$ .

Table 24 – extract of Nitrogen Dioxide thresholds from National Air Quality Objectives of the UK Air Quality Strategy

National air quality objectives and European Directive limit and target values for the protection of human health					
Pollutant	Objective	Concentration measured as	Date to be achieved (by and maintained thereafter)	European Obligations	Date to be achieved (by and maintained thereafter)
Nitrogen Dioxide	200 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 18 times a year	1 hour mean	31 December 2005	200 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 18 times a year	1 January 2010
	40 $\mu\text{g}/\text{m}^3$	Annual mean	31 December 2005	40 $\mu\text{g}/\text{m}^3$	1 January 2010

An Air Quality model for the town centre was developed in 2015 which has been used to determine the extent of an Air Quality Management Area (AQMA) for the town; the Council is now in the process of declaring this to the Department for Environment Food and Rural Affairs (DeFRA) meaning that the Council will have a legal duty to reduce air pollutants within the AQMA.

The model has been used to assess the potential impacts of the Bus Gates. The results show that no new areas of exposure would be created and that Westgate could achieve a  $2\mu\text{g}/\text{m}^3$  (5%) reduction of  $\text{NO}_2$ .

In addition to the model the annual recorded levels of  $\text{NO}_2$  since 2012, in the town centre have been recorded and are shown in Table 25.

Table 25 - Year on Year levels of  $\text{NO}_2$  within the town centre

Year	Annual $\text{NO}_2$ ( $\mu\text{g}/\text{m}^3$ )
2016	31.22
2015	44.81
2014	39.99
2013	46.33
2012	48.61

Public Health England advise that air pollution is the largest environmental risk linked to deaths and the Royal College of Physicians estimate that around 40,000 deaths per year in the UK are attributable to outdoor air pollution.



PHE also advise that national and local government can help to reduce air pollution by:











- promoting a shift from cars to walking and cycling
- promoting an integrated public transport system, which would help reduce congestion
- introducing Low Emissions Zones
- implementing parking restrictions

**Summary of findings:**

- The year on year monitoring survey suggests that there has been a significant reduction of NO<sub>2</sub> in 2016 when compared to the previous year. However, consideration should be given to changes in atmospheric conditions and other factors that may influence readings; therefore further monitoring would need to be done to confirm this trend.

## 4.11 Indicator Rag Ratings

To enable a quick identification of outcomes the indicators and objectives have been given a RAG rating (Red, Amber, and Green) to give a visual overview of the current status or as to whether objectives of the project have been met.

INDICATOR RAG RATING				
Indicator	RAG rating	Comments		
Car parking income		No change in Car parking income		
Vehicle movements removed		Significant number of circulating traffic removed from the town centre bus gate areas.		
Bus Journey times		Journey time reductions for buses achieved and support to scheme received from bus operators		
Drivers familiar with Bus Gates		Drivers appear to be aware of bus gates operations, with PCN numbers reducing, yet vehicles still using the routes out of hours.		
Occupancy		Previous years trend of number of vacant units increasing has not altered since bus gates were introduced		
Total Ground floor floorspace		0.45% less ground floor floorspace in 2017 compared to 2015 but note potential change of use to other than occupancy categories		
Footfall - Annual Counts 2014 / 2017 comparison: (figures in brackets are actual numbers)		Market	Non Market	Saturday
Town Centre as a whole		- 0.8% (-138)	- 1.4% (-226)	- 9.5% (-2455)
High Street		+8.9% (+186)	+14.06% (+286)	-4.45% (-101)
Westgate		-33.56% (-604)	+15.29% (+240)	-33.32% (-974)
Air Quality		Recorded decrease in Nitrogen Dioxide within the town centre proposed AQMA		

## 5 Summary of Findings

The initial letter to the council said that 61 businesses had suffered significant (up to 30%) decline in trade due to the Bus Gates implementation.

In addition to local factors, it is important to recognise that there are wider national and regional issues in play which impact on trading opportunities and performance.

Set out below is a summary of the findings from the indicators that have been considered:

### 5.1 *Car park income*

The overall car parking income for Council operated car parking spaces has marginally increased by 1.18% within the ring road. Whilst there has been a fall in on-street parking, there has been an increase within off-street car parks. This may indicate that drivers have not been deterred from visiting the town centre but are navigating the town centre in a different way.

### 5.2 *Bus Journey times*

Bus operators consider that the Bus Gates have been successful in terms of benefits to public transport. There are over 40 buses per hour operating both on High Street and Westgate / Trinity Street during the Bus Gate operational hours.

Bus journey times along these key corridors have seen a reduction varying between 10 seconds and 35 seconds on Westgate / Trinity Street and between 7 seconds and 1 min 50 seconds on High Street over the periods assessed.

The Bus Gates have had a positive impact on bus journey times.

### 5.3 *Traffic Flow*

Whilst traffic volumes at the Bus Gates during operational hours have dramatically decreased, volumes during non-operational hours remain high.

### 5.4 *Town Centre Occupancy Rates*

The total number of units has reduced year on year from 2014 to 2016 but there has been a more marked decline between 2014 and 2015 (641 to 628) than in the following years 2016 to 2017 (628 to 618)

The number of units empty or under refurbishment has increased from 118 to 124 (5.09%) between 2016 and 2017.

Overall ground-floor floor-space has decreased steadily year on year since 2014 at an average rate of 1.3% per annum but there has been an increase of 2.27% between 2016 and 2017.

## **5.5 Town centre footfall**

Footfall figures for the town centre as a whole have gone down; 0.8% on Market Days, 1.4% on Non Market Days with Saturdays being the worst at 9.5% in 2017 compared to 2015. This trend is typical when considering footfall (according to IPSOS data February 2017) in the north had an average year-on-year (to February 2017) fall of 8.9 per cent, while the UK as a whole suffered an average 6.5 per cent decline over the same period.

When comparing Westgate and High Street footfalls, Westgate has a reduction of around 33% on Market Days and Saturdays but an increase of 15% on non-market days, whilst High Street shows a 4% reduction on Saturdays but 9% and 14% increase on market days and non-market days respectively.

These findings suggest that national and regional downward trends of town centre footfall appear to be reflected at a local level within Huddersfield town centre.

## **5.6 Air Quality**

The year on year monitoring survey suggests that there has been a significant reduction of NO<sub>2</sub> in 2016 when compared to previous years although consideration should be given to changes in atmospheric conditions and other factors that may influence readings, therefore further monitoring would need to be done to understand whether the reduced values form part of a longer term trend.

These early findings indicate that the Bus Gates may be having a positive impact on Air Quality within the town centre.

## **5.7 Overall view**

Considering all the indicators together it appears that the operation and trading picture of the town centre, or any specific parts of the town centre, is a complex one and there does not seem to be conclusive evidence that the installation of the bus gates has been the sole catalyst to a trading decline in the town centre.

**Name of meeting:** Cabinet

**Date:** 19 September 2017

**Title of report:** Specialist provision for Kirklees children with communication and interaction needs

**Purpose of report:**

- To advise members on the outcome of the statutory processes on the Kirklees Council proposals to:
  - Create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs.
  - Decommission 12 transitional places for children with Speech, Language and Communication Needs (SLCN) at Ashbrow School.

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?	Yes
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Steve Walker (Jo-Anne Sanders) 07/09/17
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Debbie Hogg (Philip Deighton) 07/09/17
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft (John Chapman) 07/09/17
Cabinet member <a href="#">portfolio</a>	Cllr Erin Hill– Children Cllr Masood Ahmed – Children

**Electoral wards affected:** All

**Ward councillors consulted:** Yes

**Public or private:** Public

## Appendices

- 1 – Consultation document
- 2 – Combined Statutory Notice
- 3 – Statutory proposals
- 4 - The constitution and purpose of SOAG
- 5 – Minutes of the SOAG meeting of 21 August 2017
- 6a & 6b - Statutory process check sheets
- 7 - Factors to be considered – DfE statutory guidance for decision makers

## 1. Summary

Kirklees Council propose to make a prescribed alteration at Ashbrow School to decommission 12 transitional places for children with Speech, Language and Communication Needs (SLCN) from 1 October 2017 and to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017.

- To advise members on the outcome of the statutory processes for the proposal
- To advise members of the conclusions and recommendations of the School Organisation Advisory Group (SOAG) regarding the proposal.
- To advise that Members approve the Kirklees LA statutory proposal.

## 2. Information required to take a decision

### The statutory process regarding the statutory proposals

School organisation decisions for Local Authority maintained schools have to follow a process set out by law. Kirklees Council has had due regard to legislation and followed the statutory process in respect of these proposals. School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 came into force on 28 January 2014. The latest statutory guidance published in April 2016 does not require a pre consultation. However, the Council did carry out a four week term time non-statutory consultation to ensure that maximum opportunity was available to all key stakeholders to understand and comment upon the proposals, prior to publication.

The statutory process for making prescribed alterations to specialist resource provisions in community schools consists of four stages:

- Publication
- Representation
- Decision
- Implementation

This report reviews the performance of the first two stages of the statutory process to confirm that they have been carried out in full compliance with the law and relevant Department for Education (DfE) guidance.

The proposals are presented for the consideration of decision makers so that they can then determine the related proposals.

Kirklees Council Cabinet, as decision maker considering the proposals has to have regard to certain guidance issued by the DfE, **School Organisation. Maintained Schools. Annex B: Guidance for Decision-makers April 2016**

### 3.1 Consultation

The Cabinet decision on 4 April 2017 authorised officers to develop plans for a four week (term time) non-statutory consultation about proposals to:-

- To decommission 12 transitional places for SLCN at Ashbrow School
- To create 12 transitional places for communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School

A non-statutory consultation took place between 24 April 2017 and 22 May 2017 to seek the views of parents/carers, school staff, professionals, governors, pupils, the local community and other stakeholders. (See Appendix 1 for Consultation Document)

### **3.2 Publication and representations**

On the 4 August 2017 the combined statutory notice (Appendix 2) was published in the Huddersfield Examiner newspaper (South Kirklees) and The Press newspaper (North Kirklees). The statutory notice and statutory proposals (Appendix 3) were also sent to head teachers and chair of governors at both schools via email. The statutory notice was posted at the main entrances of both schools on 4 August 2017.

The combined statutory notice is attached at Appendix 2. From the publication date of 4 August 2017, copies of the complete statutory proposals were available upon request from Directorate for Children & Young People, c/o School Organisation and Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY. The statutory proposals are attached at Appendix 3. On 31 August 2017 the representation period ended.

### **3.3 Decision : The role of the Kirklees School Organisation Advisory Group (SOAG)**

The Local Authority is the primary decision maker for school re-organisation proposals and under Kirklees arrangements, the Cabinet of Kirklees Council is the decision making body. Under School Organisation Regulations, if the Cabinet of Kirklees Council is unable to make a decision within 2 months of the end of the statutory representation period, then the decision passes to the Schools Adjudicator.

The Kirklees School Organisation Advisory Group (SOAG) was established by Cabinet on 12 September 2007 to advise the Cabinet on school organisation decision-making matters. The constitution and purpose of SOAG is attached at Appendix 4. SOAG exists to provide advice to Cabinet, but Cabinet is the Decision Maker.

### **3.4 Review of the statutory process for statutory proposals to decommission 12 transitional places for SLCN at Ashbrow School and to create 12 transitional places for communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School**

Kirklees SOAG met on 21 August 2017 to consider the statutory process and any representations received for the proposals and to formulate advice for the Cabinet as decision makers. The report of the meeting is attached at Appendix 5.

#### **3.4.1 Representations received regarding the statutory process**

1 representation has been received regarding the statutory process.

#### **3.4.2 Statutory process check by SOAG**

The details relating to the statutory processes for the statutory proposals are set out in the check sheets (attached at Appendices 6a & 6b). The processes that were followed in relation to the proposals were checked with appropriate evidence that each point had been completed.

#### **3.4.3 SOAG conclusions about the process:** The statutory notice, statutory proposals and statutory processes are valid and within time limits;

- Non statutory consultation has been carried out.
- The published statutory notice complies with statutory requirements.
- The proposals are not related to any proposals published by the EFA. The proposals are valid and can be decided by Kirklees Council Cabinet.
- The statutory four week period has been allowed for representation.
- The decisions have been brought to the cabinet on 19 September 2017, which is within two months after the end of the statutory four week representation period which ended on the 31 August 2017.

**3.4.4 SOAG advice:** Kirklees Council Cabinet are able to take a decision about the statutory proposals:

- To discontinue 12 transitional places for children with speech language and communication needs (SLCN) at Ashbrow School from 1 October 2017
- To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017

**4. SOAG review of the related proposals and representations using the DfE statutory guidance for decision makers.**

**4.1 Factors to be considered in making the decisions about the related statutory proposals.**

In order to support decision making by Cabinet, a range of factors have been considered. These factors are derived from the guidance issued by the Department for Education. **School Organisation Maintained Schools. Annex B: Guidance for Decision Makers April 2016.** Factors can vary depending upon the nature and type of proposals. The full list of factors is presented in Appendix 7, accompanied by responses to the relevant factors for these proposals. The relevant factors for these proposals are:

**A: CONSIDERATION OF CONSULTATION AND REPRESENTATION PERIOD**

**B: EDUCATION STANDARDS AND DIVERSITY OF PROVISION**

**C: DEMAND**

**D: SCHOOL SIZE**

**E: PROPOSED ADMISSION ARRANGEMENTS (including post 16 provision)**

**F: NATIONAL CURRICULUM**

**G: EQUAL OPPORTUNITY ISSUES**

**H: COMMUNITY COHESION**

**I: TRAVEL AND ACCESSIBILITY**

**J: CAPITAL**

**K: SCHOOL PREMISES AND PLAYING FIELDS**

**L: CHANGES TO SPECIAL EDUCATION NEED PROVISION – THE SEN IMPROVEMENT TEST**

On 21 August 2017, SOAG examined the rationale for the proposals against each of the above factors. SOAG reviewed a statement of the rationale for the proposals for each section of the guidance. The guidance and rationale are set out in Appendix 7.

**4.2 SOAG conclusions for decision makers**

**SOAG agreed that**

The statutory process had enabled a detailed presentation of the statutory proposals

- To discontinue 12 transitional places at Ashbrow School for children with speech language and communication needs (SLCN).  
And
- To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017



The rationale for the proposals had been clearly articulated against the factors in the decision maker's guidance. Issues raised in the non-statutory consultation had been presented for consideration against the decision maker's guidance.

#### 4.3 Officers' recommendations for decision makers regarding the proposal.

##### **Guidance note: Type of decision**

The decision maker can make one of four types of decision for the statutory proposals:

- reject the proposals;
- approve the proposals without modification;
- approve the proposals with a modification, having consulted the LA and/or governing body of both schools (as appropriate);or
- approve the proposals with or without modification subject to certain prescribed events (such as the granting of planning permission) being met.

Following the SOAG review, officers recommend, subject to consideration of any further matters raised at the decision-making meeting, that the statutory proposals for Ashbrow School and Windmill Church of England Voluntary Controlled Primary School can be considered for approval for the following reasons (see Appendix 5 - Notes of SOAG meeting held on the 21 August 2017):-

#### 4.4 Rationale for the proposals

##### 4.4.1 A: CONSIDERATION OF CONSULTATION AND REPRESENTATION PERIOD

##### **1 representation was received –**

A concern was raised over the representation period being held during the school holidays. The respondent stated that this was not a time when school communities could arrange a response if they wish to or a time when parents were likely to see a statutory notice that had been placed outside the school gates by the School Organisation and Planning team.

##### **OFFICER COMMENT:**

The School Organisation and Planning Team have followed a process set out by law. School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations came into force on 28 January 2014 (updated 2016)

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

***“Although there is no longer a statutory ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations.” (Prescribed Alterations to Maintained Schools) (England) Regulations 2016***

The LA undertook two non-statutory consultations with parents, both of which took place during term-time. The 2 outcome reports below refer (Please see links in background papers at section 9):-

**Cabinet report** 15 November 2016: Report on the outcomes of the non-statutory consultation on proposals in relation to the changes to specialist provision for children and young people with additional needs in the areas of autism, speech, language and communication (SLCN).

**Cabinet report** 25 July 2017: Specialist provision for Kirklees children with communication and interaction needs

Statutory notices were posted outside Windmill Church of England Voluntary Controlled Primary School and Ashbrow School on the 4 August 2017. Notices were published in The Huddersfield Examiner and The Press. Notices are on the School Organisation and Planning webpage [www.kirklees.gov.uk/schoolorganisation](http://www.kirklees.gov.uk/schoolorganisation) Links to notices and full notices were sent to PCAN (Parents of Children with Additional Needs)

Wherever possible the School Organisation and Planning team does ensure that representation is not held outside of term time, however, this is not always possible.

**Advice:** School organisation decisions for Local Authority maintained schools have to follow a process set out by law. Kirklees Local Authority has had due regard to legislation and followed the statutory process in respect of these proposals. The latest statutory guidance published in April 2016 does not require a pre consultation. However, the LA did carry out a four week term time non-statutory consultation 24.04.17 to 22.05.17 to ensure the maximum opportunity was available to all key stakeholders to understand and comment upon the proposals, prior to publication. On the 17.07.17 the non-statutory consultation outcomes report was published on the Council’s external website and key stakeholders were notified and sent a link to the report. On the 25.07.17 Kirklees Council’s Cabinet (decision making authority) received the consultation outcomes report of the non-statutory consultation and it was agreed to proceed with the next stage of the statutory process and the publication of the related statutory notice and proposals.

The publication of the statutory notice, proposals and representation period commenced on 04.08.17 and will end on 31.08.17, thereby lasting for a period of four weeks and meeting the requirements of School Organisation Regulations.

#### **4.4.2 B: EDUCATION STANDARDS AND DIVERSITY OF PROVISION**

##### **No representations were received**

**Advice:** The proposals would ensure that the overall pattern of specialist provision in Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is delivered in a safe environment, where young people can thrive in buildings and provision tailored to meet their special educational need or disability. The proposals take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum within a learning environment where children can be healthy and stay safe. The proposals will also provide access to appropriately trained staff and to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning, while participating at their local mainstream school and in their community. The proposals support the LA’s strategy for making schools and settings more accessible to disabled children and young people, and their scheme for promoting equality of opportunity for disabled people.

The proposals are to decommission the 12 transitional places for children with Speech, Language and Communication Needs at Ashbrow School and to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs. It is proposed that the places will be reserved for pupils aged 4-11 years with special educational needs. The school to which these proposals relate is not proposed to close, nor are any new schools being established as part of these proposals.

#### **4.4.3 C: DEMAND**

##### **No representations were received**

**Advice:** The proposals have been designed to re-organise specialist provision places for children with speech, language and communication needs. By creating 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School, places will be delivered in a new specialist provision, which are intended to provide a holistic approach to better support children with complex communication and interaction needs

#### **4.4.4 D: SCHOOL SIZE**

##### **No representations were received**

**Advice:** The proposal relates specifically to the specialist provision in this school and does not impact on the size of the existing mainstream provision in the school..

#### **4.4.5 E: PROPOSED ADMISSION ARRANGEMENTS (including post 16 provision)**

##### **No representations were received**

**Advice:** The proposals are for the discontinuance of a specialist provision (to which normal admissions criteria do not apply) in a mainstream school and, therefore, do not affect admission arrangements at Ashbrow School or at Windmill Church of England Voluntary Controlled Primary School. There will be one child at the school from 1 September 2017, the pupil would have the option of staying at Ashbrow School with special provision support until they change school at the usual transition point if this is what the parent(s) wish.

#### **4.4.6 F: NATIONAL CURRICULUM**

##### **No representations were received**

**Advice:** Ashbrow School and Windmill Church of England Voluntary Controlled Primary School would continue to implement the National Curriculum from Key Stage One through to Key Stage Two.

#### **4.4.7 G: EQUAL OPPORTUNITY ISSUES**

##### **No representations were received**

**Advice:** It is considered that there are no adverse impacts arising from the proposals under this duty.

#### **4.4.8 H: COMMUNITY COHESION**

##### **No representations were received**

**Advice:** It is considered that there is no adverse impact upon community cohesion as a result of these proposals for Ashbrow School or Windmill Church of England Voluntary Controlled Primary School. The school would continue to provide primary education to the community that it presently serves.

#### **4.4.9 I: TRAVEL AND ACCESSIBILITY**

##### **No representations were received**

**Advice:** if the proposal is implemented there would be an impact on travel for some children accessing the provision. In accordance with the LA transport policy, school transport may be available. It is intended that the proposal will reduce travel and improve accessibility, Page 117

children will be able to receive outreach and other forms of support that meet their needs, this would enable them to stay in their local school.

#### **4.4.10 J: CAPITAL**

##### **No representations were received**

**Advice:** There are no capital implications arising as a result of these proposals. The proposals are not therefore reliant on any capital funding being made available from the Education Funding Agency.

#### **4.4.11 K: SCHOOL PREMISES AND PLAYING FIELDS**

##### **No representations were received**

**Advice:** There are no implications for school premises or playing fields as a result of these proposals. This is because the proposals are to reduce numbers of transitional places; no expansions are being proposed that would impact on playing fields or any other aspect of school premise regulations.

#### **4.4.12 L: CHANGES TO SPECIAL EDUCATION NEED PROVISION – THE SEN IMPROVEMENT TEST**

##### **No representations were received**

**Advice:** On 1 September 2012 Kirklees Council implemented proposals to secure 12 transitional places reserved for pupils aged 4-11 years with Speech, Language and Communication special educational needs at Ashbrow School. Following a non-statutory consultation matters came to light which reflected the increasing challenges to schools with regard to meeting the needs of children and young people with very complex communication and interaction needs which were not being catered for under current provision arrangements. Therefore the LA propose a specialist provision in order to cater for this cohort changing from singly 'SLCN' to 'communication and interaction' would better reflect the needs of this more complex cohort of children. See link to cabinet report of 13 March 2012:- <http://bit.ly/13Mar2012>

The LA has consulted with parent/ carers and other key stakeholders, and has taken into account their views in a non-statutory consultation and reported these in an outcomes report for decision makers. See link to cabinet report of 15 November 16:- <http://bit.ly/15thNov16>

Children and young people with SEN would continue to be offered a range of services to meet their needs as part of their Education Health Care Plan.

The proposals aim to ensure that the overall pattern of specialist provision in Kirklees maintains flexibility and has a broad range of provision and support that can respond to the needs of individual pupils and parental preferences.

This proposal relates to children with Speech, Language and Communication Needs. Schools across the Local Authority have significantly improved accessibility with regard to staff expertise, which has contributed towards parents and carers making a preference for their local mainstream school. A full equality Impact assessment has been done and can be viewed at:- <https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>

The present structure of the provision enables children with SEN to receive the required level of support, either in their school or in a school with a designated specialist provision. Specialist provision staff would be given the skills they need to work with schools through recognised and accredited training. Opportunities for Career development pathways will be established for all specialist staff in order to recruit and retain the high quality of specialist

skills and expertise we need.

This proposal does not affect provision for 14-19 year olds.

No children are displaced as a result of these proposals. There will be one remaining affected child at Ashbrow School as at 1 September 2017. The school will receive funding in line with the needs of the child and the pupil will have the option to remain in the provision with special provision support until they change school at the usual transition point if this is what the parent(s) wish.

## **5. Implications for the Council**

### **5.1 Early Intervention and Prevention (EIP)**

One of the core principles of Kirklees' specialist provision work is the delivery of intervention to children in as timely a manner as possible, within their locality, in order to address needs and identify strategies either through outreach support or where needs are more complex, through the provision of specialist places in order to meet need and prevent further difficulties arising. A child referred to the provision would have an Education Health Care Plan (EHCP), high level funding and intensive support already given, as such, children will be known to the specialist provision (SP) team prior to any referrals.

### **5.2 Economic Resilience (ER)**

By addressing concerns early, our aim is to ensure that wherever possible a child remains at their local school and is able to follow its curriculum (with some degree of personalisation) in order to achieve their potential into adulthood.

### **5.3 Improving outcomes for Children**

Specialist provision offers high quality advice, guidance and support to our schools in meeting a range of special educational needs, which in turn will improve outcomes for the children in that school.

### **5.4 Reducing demand of services**

This early intervention model works to ensure that wherever possible a child's needs can be met at their local school, thus reducing the potential requirement for more costly provision. The service works to build capacity with mainstream schools so that they become better able to meet need and not always rely on costlier external support.

### **5.5 Council priorities:**

Council policies affected by this proposal include the Children & Young People Plan. The proposals will support the Council priorities which are:

- **Health and wellbeing in Kirklees:** By 2020, no matter where they live, we want people in Kirklees to live their lives confidently, in better health, for longer and experience less inequality
- **A strong economy for Kirklees:** We want Kirklees to be recognised as the best place to do business in the north of England and as a result, one where people prosper and flourish in all of our communities.
- **Provide effective and productive services:** Ensuring services are focused on the needs of the community and delivering excellent value for money.

### **5.6 Human Resources implications**

There would be human resources implications resulting from the creation of the specialist provision at Windmill Church of England Voluntary Controlled Primary School. Should the proposals be agreed, officers from the LA would work with the governing body and head teacher of the school regarding recruitment and any revision to structures including other affected members of staff not based at the school. HR officers will provide technical advice and support any processes where required.

## 5.7 Financial Implications

### 5.7.1 Revenue

The Specialist Provisions are fully funded from the “high needs block” of the Dedicated Schools Grant (DSG), which is an annual government grant received by the Council. This can only be spent on education so the proposals have no revenue impact for the Council budget. The proposals do not reduce the funding allocated to Specialist Provision services; the funding will be redirected to pay for a new provision of 12 communication and interaction transitional places including outreach for pupils remaining in their local school.

### 5.7.2 Capital

There would be no capital implications arising from these proposals if agreed and implemented.

## 6. Consultees and their opinions

A non-statutory consultation was carried out by the LA from 24 April 2017 and 22 May 2017. On 25 July 2017 Cabinet received the report of the outcomes of the consultation and the views expressed by stakeholders during this consultation are described in detail in that Cabinet report. The Cabinet agreed to proceed with the statutory process for the proposals for Ashbrow School and Windmill Church of England Voluntary Controlled Primary School.

During the 4 week representation period, 1 representation was received.

This report brings stakeholders views and comments regarding the statutory proposals to decision makers attention for full consideration giving due regard to the factors for decision making derived from the guidance issued by the Department for Education. School Organisation Maintained Schools. Annex B: Guidance for Decision Makers April 2016

## 7. Next steps

Subject to decisions made by Cabinet, the indicative timeline for the next stages of the statutory processes are set out below:

Activity	Date
Cabinet Report seeking permission to begin consultation as part of the statutory processes	4 April 2017
Four week non-statutory consultation	24 April – 22 May 2017
Outcome report to cabinet and approval to next stage	25 July 2017
Publication of notices and four week representation period*	August 2017
Final decision by Cabinet*	September 2017
Implementation*	From 1 October 2017

*\* These dates are subject to Cabinet approval and may change*

## **8. Officer recommendations and reasons**

It is recommended that Members:-

- a. note the advice of Kirklees SOAG that the proposals for Ashbrow School to discontinue the provision of 12 transitional places for children with speech language and communication needs (SLCN) are valid and that the required statutory processes have been carried out, and to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017
- b. agree that in their role as decision makers, they will take the decision regarding the proposals within the statutory time period.
- c. acknowledge the outcomes and recommendations of the Kirklees SOAG meeting from the 21 August 2017 and the associated officer recommendations for the proposals.
- d. note the HR and financial implications of approving the proposals
- e. confirm that in meeting the obligations of the Equality Act 2010 and the Public Sector Equality Duty 2011 full regard has been given to the Equalities Impact Assessment throughout the statutory process for the proposal including the decision regarding approval.

It is recommended that Members approve without modification or condition the proposals:-

- To discontinue the provision of 12 transitional places for children with speech language and communication needs (SLCN) at Ashbrow School.
- To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017.

The proposals should be approved for the following reasons:-

- To ensure that the overall pattern of specialist resource provision in Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences, in a safe environment where young people can thrive in buildings and provisions tailored to meet their special educational need or disability and which takes full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe.
- Provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community.
- Supports the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people.

## **7. Cabinet portfolio holder's recommendations**

As the Cabinet Member for Schools I endorse the recommendations set out by officers in the previous section of this report.

I welcome the feedback following the re-organisation of specialist provision for children with special educational needs and would like to take this opportunity to thank schools for their crucial role in making the provisions a success. The proposals were brought forward because it was recognised that further changes are needed to continue to ensure our resources work as hard as possible to deliver even better outcomes for our children and



young people and to ensure that it is matched to need and demand. It is for these reasons that I support the officer recommendations to implement the proposed changes.

In light of the feedback that has been received, it has been important for us to take the time to consider carefully the views that have been expressed and are grateful to those who have engaged and contributed their comments and suggestions. The feedback has influenced changes to be made to the original proposals.

We are keen that the highest quality provision is available fairly to all children with special educational needs/Education, health and care plans (EHCP) across Kirklees to ensure that they have the very best educational experience. It is for these reasons that we support the officer recommendations to finalise the statutory process for Ashbrow School, and to complete the process to establish 12 new places for children with communication and interaction needs at Windmill Church of England Voluntary Controlled primary school, to host a provision with outreach that can support young people, wherever possible to stay in their local school. We will be keen to receive further updates following this process.

Cabinet members will consider any further material matters that are brought to our attention in advance of, and during, the Cabinet meeting on the 19 September 2017 and will make our final, oral, recommendations at the end of the discussion of this item at the meeting.

#### **8. Contact Officer**

Mandy Cameron.

Head of Education Inclusion & Safeguarding

01484 221000

[mandy.cameron@kirklees.gov.uk](mailto:mandy.cameron@kirklees.gov.uk)

#### **9. Background papers and history of decisions**

- Report Prepared by Cambridge Education April 2008 : Kirklees Council -Review of the Arrangements for Special Educational Needs in the Children & Young People Service
- Cabinet Report: 28<sup>th</sup> September 2010 - Specialist Provision for Disabled Children and those with Special Educational Needs  
<http://bit.ly/28Sept10>
- Cabinet Report: 21<sup>st</sup> June 2011 - Report on the outcomes of the non-statutory consultation on the proposals for the future organisation of specialist provision for disabled children and those with special educational needs across Kirklees  
<http://bit.ly/21June11>
- Cabinet Report 6<sup>th</sup> December 2011 - Report on the outcomes of the statutory consultation on the proposals for the future organisation of specialist provision for disabled children and those with special educational needs across Kirklees  
<http://bit.ly/6Dec11>
- Cabinet Report 13<sup>th</sup> March 2012 - Report on the representations received from the published Statutory Notices on the proposals for the future organisation of specialist provision for disabled children and those with special educational needs across Kirklees at the following schools:- Ashbrow I & N School, Ashbrow Junior School, Carlinghow Princess Royal J I & N School, Dalton School, Flatts Nursery School, Headlands CE(VC) J I & N School, Honley High School, Lowerhouses CE(VC) JI & EY School, Moldgreen Community Primary School, Netherhall Learning Campus - Rawthorpe Junior School, Netherhall Learning Campus



Rawthorpe St. James CE(VC) I & N School, Netherhall Learning Campus High School, Newsome High School, Park Road J I & N School, Royds Hall High School, The Community Science College @ Thornhill, Thornhill J & I School  
<http://bit.ly/13Mar2012>

- Cabinet Report 2<sup>nd</sup> December 2014 - Overview of progress made in relation to changes to specialist provision for disabled children and those with special educational needs across Kirklees.  
<http://bit.ly/2ndDec14>
- Cabinet Report 10<sup>th</sup> March 2015 - Report on the outcomes from the non-statutory consultation for Members consideration on proposals for change to existing specialist provisions.  
<http://bit.ly/10Mar15>
- Cabinet Report 2nd June 2015 - Report on the statutory proposals for Flatts Nursery School, Rawthorpe St. James CE(VC) I&N School and Rawthorpe Junior School.  
<http://bit.ly/2June15>
- Cabinet - Date: 5th April 2016 - Overview of progress made in relation to changes to specialist provision for disabled children and those with special educational needs across Kirklees. The report requests approval to take forward proposals for adjustments to some existing specialist provisions.  
<http://bit.ly/5thApr16>
- Cabinet report 15<sup>th</sup> November 2016 - Report on the outcomes of the non-statutory consultation on proposals in relation to the changes to specialist provision for children and young people with additional needs in the areas of autism, speech, language and communication (SLCN).  
<http://bit.ly/15thNov16>
- Cabinet Report 7th March 2017 - Report on the proposals for changes to specialist provision for children with Speech, Language and Communication Needs (SLCN) and autism. To complete the process to discontinue 10 transitional places plus outreach for children with autism at Moldgreen Community Primary School and to update on progress in determining a host school for a new communication and interaction provision.  
<http://bit.ly/7thMar17>
- Cabinet Report 4<sup>th</sup> April 2017 - Overview of progress made in relation to changes to specialist provision for children with special educational needs across Kirklees.  
<http://bit.ly/04Apr17>
- Cabinet Report 25<sup>th</sup> July 2017 - Specialist provision for Kirklees children with communication and interaction needs  
<http://bit.ly/25July17>

#### **10. Service Director responsible**

Jo-Anne Sanders

Interim Service Director – Learning and Early Support

Civic Centre 3

01484 221000

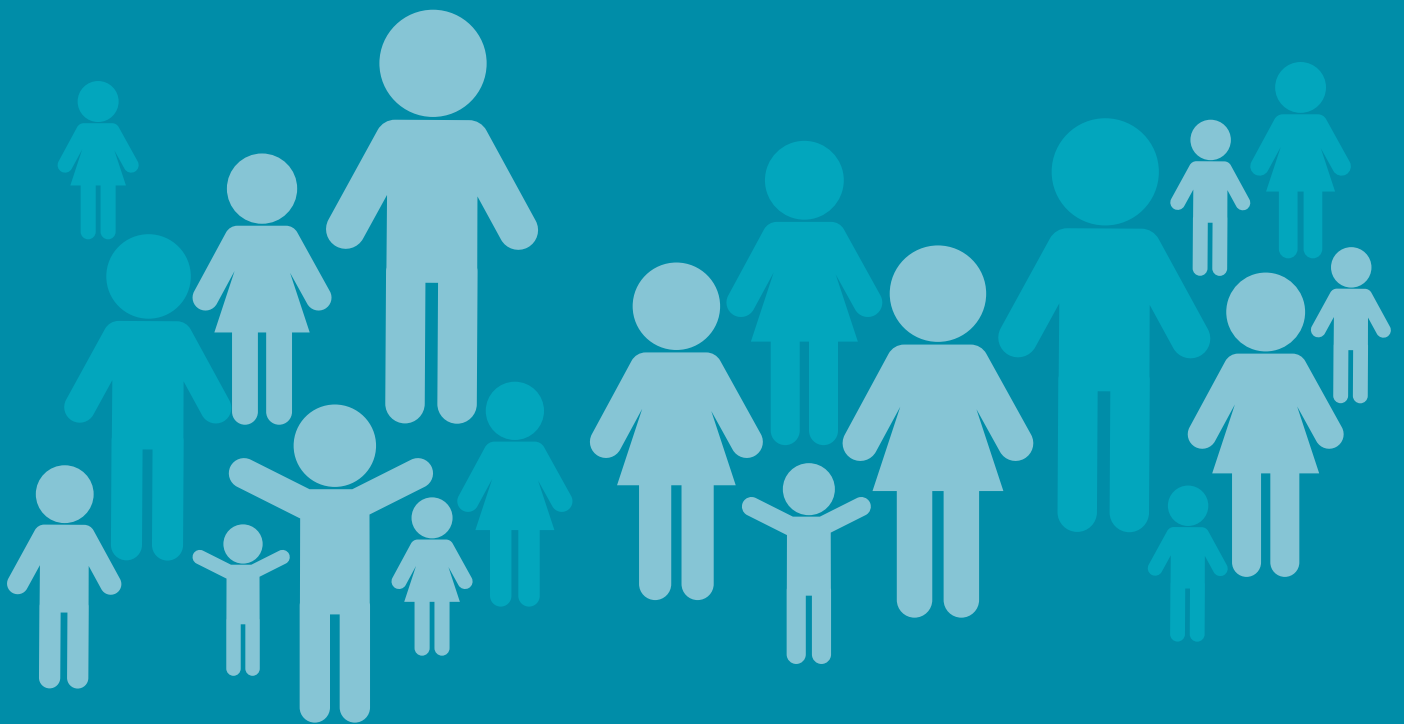
[jo-anne.sanders@kirklees.gov.uk](mailto:jo-anne.sanders@kirklees.gov.uk)



# Kirklees Children and Young People Services

Non-statutory consultation on proposals for:

A new provision for children with communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School



The closing date for responses is  
22nd May 2017



## Background

Kirklees Council wants all children and young people to have access to a range of provision and support across the district that will meet their educational needs and allow good opportunities for progression.

When Kirklees Council proposed to make adjustments to some existing specialist provisions in 2016, a non-statutory consultation took place. During this process, there were concerns raised about the effectiveness of the outreach 'hub' proposal as a sole provision and the lack of specialist places.

Permission was sought for a 4-week period to seek expressions of interest for a primary school to host a 'communication and interaction' specialist provision with 12 transitional places, plus outreach. Please follow this link to the final decision report agreed by Cabinet (the council's main decision making body) on 7th March –

<http://bit.ly/2pH1alZ>

Officers brought forward alternative proposals for consideration by Cabinet for further approval to proceed with 'commissioning' a primary school to host 12 transitional places for communication and interaction needs. Please follow this link to the final decision report agreed by Cabinet (the council's main decision making body) on 4th April 2017–

<http://bit.ly/2o80ZmE>

The commissioning process has now been undertaken and we propose to adopt a school partnership approach to deliver a communication and interaction provision at Windmill Church of England Voluntary Controlled Primary School.

We are now holding a non-statutory consultation from 24th April 2017 to 22nd May

2017, during which you can express your views online, in writing, or in person at a consultation event. The proposals, and all your views, will then be considered by Kirklees Council's Cabinet.

There is a form at the back of this booklet that can be used to give your views. You can also come along to a meeting and speak to officers of the council about the proposals and give your views in person. The details of this meeting can be found in this booklet. **Your views must be received by 22nd May 2017.**

If Kirklees Council decides to proceed with the changes proposed, then it will be necessary to publish legal notices to outline changes to schools. These would also be published for a period of four weeks, during which views on the proposals could be sent in writing to the council. A final decision will then be made. The content of the consultation responses will be available to the members of Kirklees Council who will make decisions in relation to the proposals.

## Why are we making these proposals?

Kirklees Council has listened to the views expressed in the previous consultation. We would like to commission Windmill Church of England Voluntary Controlled Primary School to deliver 12 transitional places for children with communication and interaction needs, whilst also completing the legal process to decommission 12 transitional places for children with speech, language and communication needs (SLCN) at Ashbrow School.

We have taken a fresh look at our arrangements for children and young people with special educational needs. Our aim is always to ensure that the right support is in place for children,



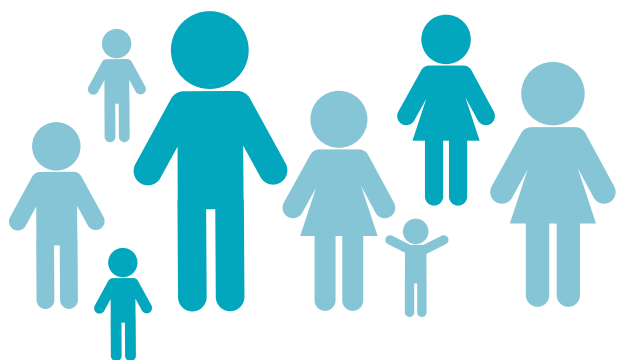
young people and their families. For this reason, we have put forward proposals to strengthen our arrangements so that children are better supported.

## How would specialist provisions be commissioned?

We would work closely with schools with specialist provisions to ensure high quality provision, achieving positive outcomes for children, young people and their families. The school would be accountable for the work they do and the agreement would be kept under review to ensure the highest standards. The school would be expected to lead practice for all schools in the authority.

Meetings have taken place with head teachers and Chairs of Governors at the proposed re-designated specialist provisions to explain:

- Aims of the provision
- Expected outcomes for children
- Outreach working
- Working with parents
- Admissions criteria
- Monitoring and evaluation
- Budget and human resources arrangements



## Communication and Interaction

For some children, the overlap of a range of difficulties, one of which may be SLCN, means that a more holistic approach is needed. This better supports their needs around social communication skills and challenging behaviour. Changing from singly 'SLCN' to 'communication and interaction' would better accommodate this more complex cohort of children.

## How would transitional places work?

The majority of places in specialist provisions would be transitional places lasting up to six terms. This would enable specialist provisions to identify and assess a child's needs, establish appropriate curriculum, teaching and learning strategies and prepare children, parents and school staff for the transition of the child to a named local school.

Follow-up support in the local school would be provided through "outreach" by staff from specialist provisions. Arrangements for each child would be personalised. For some children it may mean that they don't actually come to the specialist provision, but the provision comes to them at their local school. It is anticipated that a maximum of a six-term placement within a specialist provision would be sufficient for most children.

It would be unrealistic to expect that all issues would be resolved before a child was ready to go to their named local school. However, we would need to ensure that the local school was adequately prepared to meet the child's needs. There would be ongoing support for this approach by using the specialist provisions to provide assessment and planning and by giving expert support in the local school.

Places will continue to be kept under close review.

# Consultation document

New provision for children with communication and interaction needs at  
**Windmill CofE (VC) Primary School**



## The proposals

- ➔ To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs.
- ➔ To complete the legal process to decommission 12 transitional places for SLCN at Ashbrow School (following earlier consultation during May/June 2016).

levels would be determined through service level agreements or contracts between the local authority and the school hosting the provision. There are no plans to reduce the overall levels of specialist staff.

## What happens next?

This consultation is open between 24th April 2017 and 22nd May 2017. You have until then to express your views online, in writing, or in person at the consultation event. You can print and complete the response form at the back of this document.

Once the consultation has finished, all feedback will be reported to Kirklees Council's Cabinet. They will then decide whether to move to the next stage. This would mean the publication of legal notices and another chance to view the proposals and comment on them before a final decision is made. The following table shows the next steps involved in the process. Dates are subject to change and would be dependent on Cabinet approval to move to each stage.

## Staff recruitment and retention

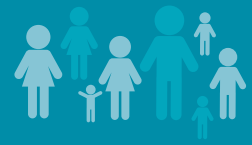
Specialist provision staff would be given the skills they need to work with families and schools through recognised and accredited training. Career development pathways would be established for all specialist staff so that we can recruit and retain the high quality of specialist skills and expertise we need. Staffing

Activity	Date
Report to Cabinet to approve non-statutory consultation	April 2017
Consultation and engagement	April-May 2017
Outcome report to Cabinet and approval to next stage*	June 2017
Publication of notices and representation period*	July-August 2017
Decision by Cabinet (within 2 months)*	August 2017
Implementation starts*	1st September 2017

**\*Subject to scheduling of Cabinet meetings which means dates might change**

# Consultation document

New provision for children with communication and interaction needs at  
**Windmill CofE (VC) Primary School**



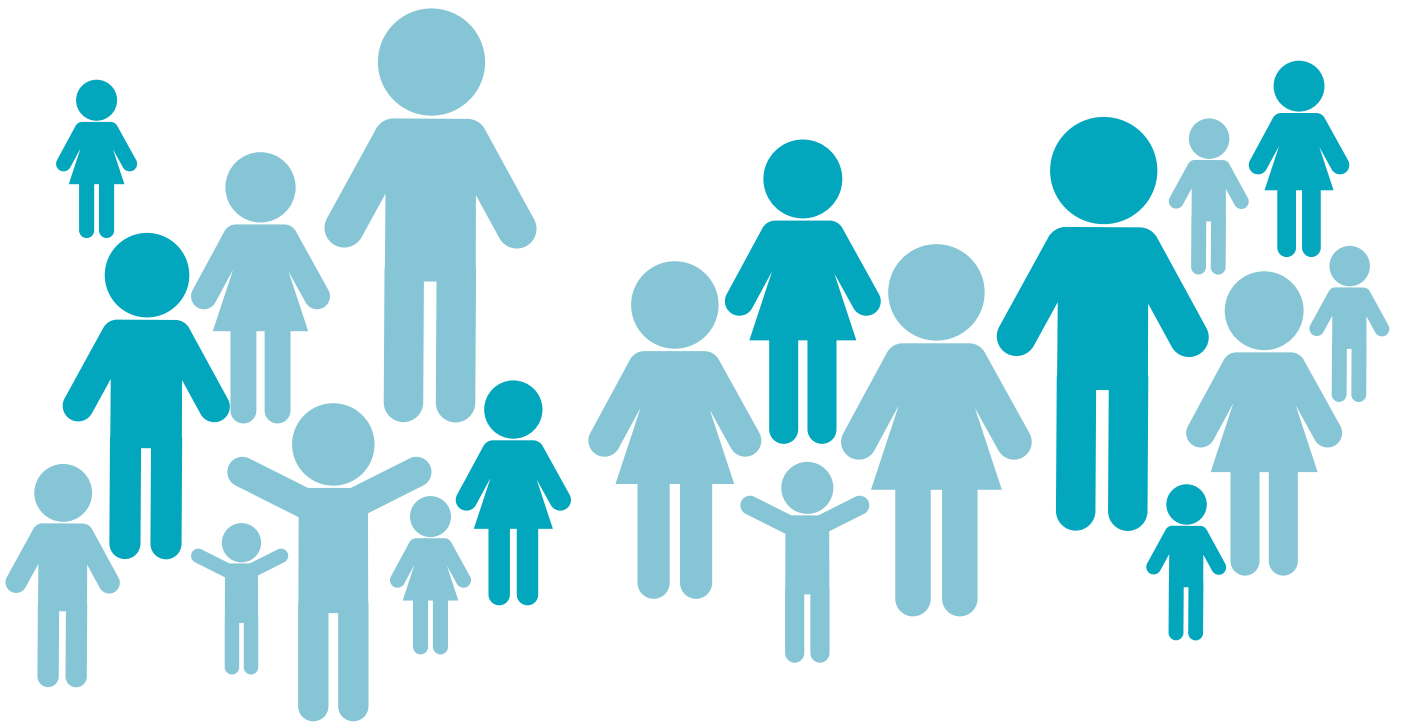
## Consultation event

The following informal 'drop-in' event is open to everybody: families of pupils attending the school, staff, governors and other members of the community and anyone who would like to hear more and discuss the proposals. Officers from the council will be present to answer questions and hear your views.

Anyone who would like some help in taking part in the consultation will receive it. Please come along and see us any time between the times below.

Date	Venue	Time
9 May 2017	Windmill Church of England Primary School	3.00pm–4.00pm

Kirklees Council wants to know what you think. Your views will be reported back to Kirklees Council Cabinet as part of the decision making process.



## Consultation document

New provision for children with communication and interaction needs at  
**Windmill CofE (VC) Primary School**



### How to respond

**Online:** You can take part in the consultation by completing the online consultation form on our website at:

[www.kirklees.gov.uk/schoolorganisation](http://www.kirklees.gov.uk/schoolorganisation)

**In person:** At the consultation drop-in session or hand in your printed response form at the school.

**By post:** Please send your printed response form or a letter to:

#### **FREPOST**

Kirklees Council RTBS-CYHU-LSEC  
School Organisation and Planning Team.  
(Postage is free; you do not need a stamp)

**Email:** Please note that you can contact us via email should you have any queries regarding these proposals. Please send emails to:

[school.organisation@kirklees.gov.uk](mailto:school.organisation@kirklees.gov.uk)

Paper copies of the response form are also available upon request by contacting us by email at [school.organisation@kirklees.gov.uk](mailto:school.organisation@kirklees.gov.uk) or by telephone on **(01484) 225014**

Please make sure you respond by **22nd May 2017** to ensure that your views are heard.



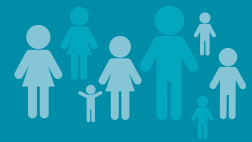


## Do you support or oppose the proposals relating to Windmill Church of England Voluntary Controlled Primary School – to create 12 transitional places for children with communication and interaction needs?

Please ✓ tick one of these boxes.

Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know

Why have you decided that is your view? Please tell us about it along with anything else you would like us to consider relating to this proposal.



## About you

This section asks you for some information that will help us to analyse the results of the survey and to see who has taken part. You will not be identified by any of the information that you provide.

I am a: (please tick ✓ and complete all those that apply to you)

Parent/carer

Your child's/children's school/s:

Pupil

Your school:

Governor

Your school:

Member of staff

Your school:

Local resident

Please give us details:

Other

Please give us details:

Please write in your postcode:  
(We will not use this information to contact you)

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**Proposal to Make a Prescribed Alteration to the Specialist Provision for pupils with Special Education Needs.**

Notice is given in accordance with section 19 (1) of the Education and Inspections Act 2006 that Kirklees Council intends to make a prescribed alteration to the provision for children with special educational needs at the following schools:

**Windmill Church of England Voluntary Controlled Primary School, Upper Batley Lane, Batley, WF17 0NP - a Voluntary Controlled School.**

Prescribed alteration to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs. The places are reserved for pupils aged 4-11 years with special educational needs. It is proposed that the implementation date will be 1 October 2017.

It is intended that the new provision will offer 12 transitional places, plus outreach, to cater for children with complex communication and interaction needs that are impacting significantly upon their social development and emotional wellbeing.

**Ashbrow School, Ash Meadow Close, Sheepridge, Huddersfield, HD2 1EX - a Community School.**

Prescribed alteration to decommission the 12 transitional places for children with speech, language and communication needs (SLCN) at Ashbrow School, from 1 October 2017.

This notice is an extract from the complete proposals. Copies of the complete proposals can be obtained from: Kirklees Council, School Organisation and Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY. Tel: 01484 221000. Copies of the full proposals are available on the Kirklees Council website at [www.kirklees.gov.uk/schoolorganisation](http://www.kirklees.gov.uk/schoolorganisation)

Within four weeks from the date of publication of this proposal (31 August 2017), any person may object to or make comments on the proposal by sending them to Director for Children's Services, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY, or via Council email at [school.organisation@kirklees.gov.uk](mailto:school.organisation@kirklees.gov.uk)

**Director for Children's Services, Kirklees Council**

**Publication Date: 4 August 2017**



**Alterations other than alterations proposed in foundation proposals which may be published by a Governing Body or Local Authority as specified in regulations 4 and 5**

Published in accordance with Schedule 2 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2016

**1. Contact details**

The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school

Kirklees Council, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY intends to make a prescribed alteration to Ashbrow School, Ash Meadow Close, Sheepridge, Huddersfield, HD2 1EX - A Community School.

**2. Description of alteration and evidence of demand**

It is proposed:

- To decommission the 12 transitional places for children with Speech, Language and Communication Needs at Ashbrow School.

**3. Objectives - the objectives of the proposals (including how the proposals would increase Educational Standards and parental choice)**

The objectives of these proposals are to

- Ensure that the overall pattern of specialist resource provision in Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences.
- Provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community.
- Support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for people with SEN.
- Takes into account responses from consultations with a wide range of stakeholders regarding re-organising of specialist provision in Kirklees.

**4. The effect on other schools**

The effect on other schools, academies and educational institutions in the area

This proposal does not affect other schools in the area.

**5. Project costs**

Project cost and indication of how these will be met, including how long term value for money will be achieved.

- Should these proposals be implemented, there is no capital cost.

- The education budget that the Council receives from government, known as the Dedicated Schools Grant (DSG), can only be spent on education – so the proposals have no revenue impact for the Council. Specialist school places are funded from the “high needs block” of the DSG and the number of places has to be formally agreed with the Education Funding Agency (EFA) each year.

## **6. Implementation and any proposed stages for implementation**

The date on which the proposals are planned to be implemented, and if they are to be implemented in stages. A description of what is planned for each stage, the number of stages intended and the dates of each stage.

The proposed implementation date is 1 October 2017.

There will be one child at the school from 1 September 2017, the pupil would have the option of staying at Ashbrow School with special provision support until they change school at the usual transition point if this is what the parent(s) wish.

## **7. Change to special educational need provision - the SEN improvement test.**

In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability. Decision-makers should ensure that proposals:

- take account of parental preferences for particular styles of provision or education settings
- take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it.
- offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream schools), extended school and Children’s Centre provision; regional centres (of expertise), regional and sub-regional provision; out of LA day and residential special provision
- take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment, where children can be healthy and be safe
- support the LA’s strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people
- provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community
- ensure appropriate provision for 14-19 year-olds; and
- ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs must be amended and all parental rights must be ensured. Other interested partners, such as the Health Authority, should be involved. Pupils should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need.

When considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in standards, quality and/or range of

educational provision for those children. Decision-makers should make clear how they are satisfied that the SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

- (a) On 1<sup>st</sup> September 2012 Kirklees Council implemented proposals to secure 12 transitional places reserved for pupils aged 4-11 years with Speech, Language and Communication special educational needs at Ashbrow School. Following a non-statutory consultation matters came to light which reflected the increasing challenges to schools with regard to meeting the needs of children and young people with very complex communication and interaction needs which were not being catered for under current provision arrangements. Therefore the LA propose a specialist provision in order to cater for this cohort changing from singly 'SLCN' to 'communication and interaction' would better reflect the needs of this more complex cohort of children.  
See link to cabinet report of 13 March 2012:- <http://bit.ly/13Mar2012>
- (b) The LA has consulted with parent/ carers and other key stakeholders, and has taken into account their views in a non-statutory consultation and reported these in an outcomes report for decision makers. Link to cabinet report of 15 November 16:- <http://bit.ly/15thNov16>
- (c) Children and young people with SEN would continue to be offered a range of services to meet their needs as part of their Education Health Care Plan.
- (d) The proposals aim to ensure that the overall pattern of specialist provision in Kirklees maintains flexibility and has a broad range of provision and support that can respond to the needs of individual pupils and parental preferences.
- (e) This proposal relates to children with Speech, Language and Communication Needs. Schools across the Local Authority have significantly improved accessibility with regard to staff expertise, which has contributed towards parents and carers making a preference for their local mainstream school. A full equality Impact assessment has been done and can be viewed at:- <https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>
- (f) The present structure of the provision enables children with SEN to receive the required level of support, either in their school or in a school with a designated specialist provision. Specialist provision staff would be given the skills they need to work with schools through recognised and accredited training. Opportunities for Career development pathways would be established for all specialist staff in order to recruit and retain the high quality of specialist skills and expertise we need.
- (g) This proposal does not affect provision for 14-19 year olds.
- (h) No children are displaced as a result of these proposals. The one remaining affected child will have the option to remain in the provision at Ashbrow.

## **8. Travel and accessibility**

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times, increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

If the proposal is implemented there will be no impact on travel as the existing pupils will remain on roll at the school

## 9. Objections and comments

Any person may send objections or comments in relation to any proposals to the local authority within four weeks from the date of publication. Objections and comments must be received by the 31 August 2017. Copies of the proposals can be obtained from: Directorate for Children & Young People, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY

The address of the authority to which objections or comments should be sent:-

Within four weeks from the date of publication of this proposal, 31 August 2017, any person may object to or make comments on the proposal by sending them to Director for Children & Young People, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY or via Council email at [school.organisation@kirklees.gov.uk](mailto:school.organisation@kirklees.gov.uk)

## **Alterations other than alterations proposed in foundation proposals which may be published by a Governing Body or Local Authority as specified in regulations 4 and 5**

Published in accordance with Schedule 2 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2016

## 10. Contact details

The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school

Kirklees Council, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY intends to make a prescribed alteration to:- Windmill Church of England Voluntary Controlled Primary School, Upper Batley Lane, Batley, WF17 0NP - A Voluntary Controlled School

## 11. Description of alteration and evidence of demand

It is proposed:

- To create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs.

## 12. Objectives - the objectives of the proposals (including how the proposals would increase Educational Standards and parental choice)

The objectives of these proposals are to:

- Create 12 transitional places to be delivered in a new specialist provision, which are intended to provide a holistic approach to better support children with complex communication and interaction needs
- Ensure that the overall pattern of specialist resource provision in Kirklees gives a flexible



range of provision and support that can respond to the needs of individual pupils and parental preferences.

- Provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community.
- Support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for people with SEN.
- Takes account of the original consultations with a wide range of stakeholders regarding the range of specialist provision in Kirklees.

### **13. The effect on other schools**

The effect on other schools, academies and educational institutions in the area

The proposal does not affect other schools in the area.

### **14. Project costs**

Project cost and indication of how these will be met, including how long term value for money will be achieved.

- Should these proposals be implemented, there is no capital cost.
- The education budget that the Council receives from government, known as the Dedicated Schools Grant (DSG), can only be spent on education – so the proposals have no revenue impact for the Council. Specialist school places are funded from the “high needs block” of the DSG and the number of places has to be formally agreed with the Education Funding Agency (EFA) each year. Schools also receive ‘top-up’ funding on a per pupil basis which relates to standard support needs and the school setting.

### **15. Implementation and any proposed stages for implementation**

The date on which the proposals are planned to be implemented, and if they are to be implemented in stages. A description of what is planned for each stage, the number of stages intended and the dates of each stage.

The proposed implementation date is 1 October 2017.

### **16. Change to special educational need provision - the SEN improvement test.**

In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability. Decision-makers should ensure that proposals:

- (a) take account of parental preferences for particular styles of provision or education settings
- (b) take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it.

- (c) offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream schools), extended school and Children's Centre provision; regional centres (of expertise), regional and sub-regional provision; out of LA day and residential special provision
- (d) take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment, where children can be healthy and be safe
- (e) support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people
- (f) provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community
- (g) ensure appropriate provision for 14-19 year-olds; and
- (h) ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs must be amended and all parental rights must be ensured. Other interested partners, such as the Health Authority, should be involved. Pupils should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need.

When considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in standards, quality and/or range of educational provision for those children. Decision-makers should make clear how they are satisfied that the SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

- a) The LA has taken into account parental preference from the non-statutory consultation in the outcome report of 15<sup>th</sup> November 2016 – 'Report on the outcomes of the non-statutory consultation on proposals in relation to the changes to specialist provision for children and young people with additional needs in the areas of autism, speech, language and communication (SLCN)'. <http://bit.ly/15thNov16> where it was highlighted that a more holistic approach is needed to meet the needs of children. Therefore this proposal is to create a new specialist provision for children with social communication skills and challenging behaviour. This proposal is intended to better support the needs of children around social communication skills and challenging behaviour. Changing from singly 'SLCN' to 'communication and interaction' would better accommodate this more complex cohort of children.
- b) The LA has consulted with parents and key stakeholders and has taken into account their views during the non-statutory consultation in the outcome report of 25 July 2017, 'Specialist provision for Kirklees children with communication and interaction needs', and has reported the outcomes.
- c) This proposal is intended to work in collaboration with a range of different services and other schools. The majority of places in specialist provisions would be transitional places lasting up to six terms. This proposal would enable specialist provisions to identify and assess a child's needs, establish appropriate curriculum, teaching and learning strategies and prepare children, parents and school staff for the transition of the child to a named local school.
- d) The proposal aims to ensure that the overall pattern of specialist provision in Kirklees maintains flexible and has a broad range of provision and support that can respond

to the needs of individual pupils and parental preference.

- e) The Local Authority has significantly improved physical accessibility and staff expertise, which has contributed to more children accessing their local mainstream school.
- f) As part of this proposal it is intended that specialist provision staff would be given the skills they need to work with families and schools through recognised and accredited training. Opportunities for career development pathways would be established for all specialist staff in order to recruit and retain the high quality of specialist skills and expertise we need.
- g) this proposal does not affect provision for 14-19 year olds
- h) there would be no displaced pupils as part of this proposal

## **17. Travel and accessibility**

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times, increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

If the proposal is implemented there would be an impact on travel for some children accessing the provision. In accordance with the LA transport policy, school transport may be available.

## **18. Objections and comments**

Any person may send objections or comments in relation to any proposals to the local authority within four weeks from the date of publication. Objections and comments must be received by the 31 August 2017. Copies of the proposals can be obtained from: Directorate for Children & Young People, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY

The address of the authority to which objections or comments should be sent:-

Within four weeks from the date of publication of this proposal, 4 August 2017, any person may object to or make comments on the proposal by sending them to, Director for Children & Young People, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY or via Council email at:- [school.organisation@kirklees.gov.uk](mailto:school.organisation@kirklees.gov.uk)



## **APPENDIX A**

### **Kirklees School Organisation Advisory Group Constitution & Purpose**

The Education and Inspections Act 2006 confirms Local Authority responsibility for school organisation decision-making.

To assist the Local Authority in reaching decisions on school organisation statutory notices, a School Organisation Advisory Group will be established to consider and advise Cabinet, as the decision-making body, on statutory proposals related to school organisation.

The Advisory group will not have decision-making powers.

#### **Constitution of the School Organisation Advisory Group.**

Membership of the Advisory Group will be as follows:

1. Member representation in line with the current political ratio of the Council (6)
2. Schools representative (1)
3. Governing Body representative (1)
4. Diocesan representatives. (Catholic and Anglican) (2)
5. Learning Skills Council (1)
6. Minority Community representative (1)

The Chair of the School Organisation Advisory Group will be the lead member for Children and Young People Service.

The group may decide to invite other individuals to attend the group to receive information related to the school organisation proposal as appropriate.

As an Advisory group, the Council's quorum guidelines do not apply.

#### **Purpose of the School Organisation Advisory Group.**

The proposed draft terms of reference for the School Organisation Advisory Group are detailed below.

At the end of the 6 week statutory notice period where the notice outlines a school organisation proposal, the School Organisation Advisory Group will meet as soon as possible to:

- Check and confirm that all required information is available regarding the school organisation proposal;
- Check and confirm that the published notice complies with statutory requirements;
- Check and confirm that the statutory consultation has been carried out prior to the publication of the Notice;
- Consider the prescribed information related to the proposal to change the pattern of school provision;
- Consider the proposal for change with regard to the DCSF statutory guidance on implementing change to the pattern of school organisation; (Statutory Guidance-Factors to be considered by Decision-Makers);
- Consider any objections received during the statutory notice period and the Local Authority response to these objections;
- Receive a presentation on the proposal for change from the Proposer;
- Having considered the statutory proposal with regard to the above, prepare a list of reasons for the decision they would recommend to Cabinet in respect of the school organisation proposal. This should be prepared using the factors to be considered in the statutory guidance as the framework for their collective view



## **Notes of School Organisation Advisory Group – 21<sup>st</sup> August 2017**

### **1. Introductions and membership apologies**

**Present:** Councillor Masood Ahmed (chair)

**Officers in support:**

Mandy Cameron (Head of Education Inclusion & Safeguarding)  
Jayne Whitton (Principal Educational Psychologist)  
Councillor Donna Bellamy  
Donna Jowett (School Place Planning Officer-Learning and Skills)  
Shahzia Ashraf (School Place Planning Officer-Learning and Skills)

**Apologies:** Councillor Pinnock  
Councillor Lisa Holmes  
Councillor Erin Hill  
Councillor Marielle O'Neill  
Diocese of Leeds - Church of England  
Diocese of Leeds  
Jane Acklam - Executive Principal of Moor End Academy

### **2. Overview of the meeting-Purpose of SOAG:**

- Review of the statutory process to decommission 12 transitional places for children with speech language and communication needs at Ashbrow School.
- Review the process to create 12 transitional places for children with complex communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School.

### **3. Review of the statutory process using Check List 1**

Proposal to decommission 12 transitional places for children with speech language and communication needs at Ashbrow School

**And**

### **Review of the statutory process using Check List 2**

Proposal to commission 12 transitional places for children with complex communication and interaction needs at Windmill Church of England Voluntary Controlled Primary School

### **4. SOAG conclusions and recommendations to decision makers:**

- Consultation has been carried out.
- The published statutory notice complies with statutory requirements.
- The proposal is not related to any other proposal for any other school and is not related to any proposals published by the EFA.
- The proposal is valid and can be decided by Kirklees Council Cabinet.
- The statutory four week period has been allowed for representation.
- The decisions have been brought to the cabinet on 19<sup>th</sup> September 2017, which is within two months after the end of the statutory four week representation period which ended on the 31<sup>st</sup> August 2017 .

SOAG Advice: Kirklees Council Cabinet can decide the proposals under its current decision making powers.

### **5. Review of factors from DfE guidance to be considered in making the decisions.**

These factors are derived from the guidance issued by the Department for Education. School Organisation Maintained Schools. Annex B: Guidance for Decision Makers April 2016. Factors can vary depending upon the nature and type of proposals.

The full list of factors is presented in Appendix 7, accompanied by responses to the relevant factors for these proposals. The relevant factors for these proposals are:

- Consideration of consultation and representation period
  - Education standards and diversity of provision.
  - Demand
  - School size
  - Proposed admission arrangements (including post 16 provision)
  - National curriculum
  - Equal opportunities issues
  - Community cohesion
  - Travel and accessibility
  - Capital
  - School Premises and Playing Fields
  - Changes to Special Educational Needs Provision the SEN improvement test
- The rationale for the proposals was examined against each of the above factors and associated guidance.
  - The factors, guidance and rationale for the proposals are set out in Appendix 7.

#### Comments

- This proposal enables the legal closure of the specialist provision at Ashbrow School where there have been no new children admitted to transitional places since July 2014, there will be one child remaining at the school in September 2017 who will continue be supported according to their needs at the school. The pupil will have the option of staying at Ashbrow School with special provision support until they change school at the usual transition point if this is what the parent(s) wish.

#### **6. Final conclusions and recommendations.**

SOAG conclusions for decision makers: SOAG agreed that:

- The statutory process had enabled a full and detailed presentation of the proposals to interested parties.
- The rationale for the proposal had been clearly articulated against the factors in the decision maker's guidance (see Appendix 7).
- Issues raised in consultation had been presented for full consideration against the factors in decision maker's guidance.
- Cabinet are able to reach a decision regarding the proposal.



**1 Statutory process check sheet: Ashbrow School**

School	Statutory Proposals
Ashbrow School	<ul style="list-style-type: none"> <li>To decommission 12 transitional places for children with speech language and communication needs (SLCN)</li> </ul>

1. CONSULTATION		Y,N,N/A	NOTES/EVIDENCE
1.1	Has a formal consultation taken place?	Y	Consultation outcome report: 25.07.17
1.2 Consultation process	a. Has adequate time been allowed for the consultation process?	Y	Consultation outcome report: 25.07.17 (Consultation period 24.04.17 to 22.05.17) 4 weeks term time non-statutory consultation has been completed
	b. Does the consultation document provide sufficient information to those who are being consulted?	Y	Consultation outcome report : 25.07.17 Appendix B (consultation document)
	c. Does the consultation material make it clear how interested parties can make their views known?	Y	Consultation outcome report : 25.07.17 Appendix B (consultation document)
	d. Does the report that summarises the outcome of the consultation demonstrate how the views expressed during the consultation have been taken into account in reaching any subsequent decision as to the publication of proposals?	Y	Consultation outcome report: 25.07.17
1.3 Evidence that interested parties have been consulted.  To Include	a. the governing body of any school which is the subject of proposals (if the LA are publishing proposals);	Y	Consultation outcome report: 25.07.17 Appendix A – distribution list
	b. the LA that maintains the schools (if the governing body is publishing the proposals);	N/A	
	c. families of pupils, teachers and other staff at the schools	Y	Ward members for Ashbrow
	d. any LA likely to be affected by the proposals, in particular neighbouring authorities where there may be significant cross-border movement of pupils;	Y	
	e. the governing bodies, teachers and other staff of any other schools that may be affected;	Y	MPs.
	f. families of any pupils at any other school who may be affected by the proposals including where appropriate families of pupils at feeder primary schools;	Y	Special Schools
	g. any trade unions who represent staff at the schools; and representatives of any trade union of any other staff at schools who may be affected by the proposals;	Y	Schools with specialist provisions
	h. (if proposals involve, or are likely to affect a school which has a particular religious character) the appropriate diocesan authorities or the relevant faith group in relation to the school;	N/A	PCAN (Parents of Children with Additional Needs Making a Difference in Kirklees)
	i. the trustees of the schools (if any)	N/A	
	j. (if the proposals affect the provision of full-time 14-19 education) the Learning and Skills Council (LSC)/EFA/DfE	N/A	Diocese of Leeds Church of England
	k. MPs whose constituencies include the schools that are the subject of the proposals or whose constituents are likely to be affected by the proposals;	Y	
	l. any other interested party, for example, the Early Years Development and Child Care Partnership (or any local partnership that exists in place of an EYDCP) where proposals affect early years provision, or those who benefit from a contractual arrangement giving them the use of the premises; and	Y	
	m. such other persons as appear to the proposers to be appropriate.	Y	
1.4 Pupils	Have pupils been formally consulted?	N	

2. PUBLICATION		Y,N,N/A	NOTES/EVIDENCE
2.1	a. Have formal proposals been published by the appropriate body (ie LA/GB etc)?	Y	The LA is able to publish proposals for specialist resource provisions in maintained schools. Proposals published 04.08.17
	b. Have proposals been published within 12 months of the consultation end	Y	Consultation period ended 22.05.17 and proposals published 04.08.17
2.2	a. Do the complete proposals contain all the specified information?	Y	See complete proposal
2.3 Statutory notice	a. Have statutory notices been prepared?	Y	See statutory notice
	b. Have the statutory notices been published in a local newspaper?	Y	Copy was published in Huddersfield Examiner and in the Press on 04.08.17
	c. Have the statutory notices been posted at the main entrance of the schools (or all entrances if there are more than one)?	Y	Posted at the main entrance of Ashbrow School on 04.08.17
	d. Has the statutory notice and full proposal been given to all children affected at the school.	N/A	Under current regulations for prescribed alterations for SEN provision in mainstream schools this is not required.
	e. Have the statutory notices been posted in other conspicuous areas in the area served by the school (eg local library, community centre, post office etc.)?	N	
2.4 Related proposals	a. Are these proposals interdependent on any other proposals?	N	
	b. If so, are the related proposals included on the same Statutory Notice?	N/A	
	c. If so, is this clearly identified in the Statutory Notice?	N/A	
	d. If so, is it clear who is proposing what on the Statutory Notice?	N/A	
2.5 Implementation date	a. Are the implementation dates for the proposals specified on the Statutory Notices?	Y	Statutory notice
	b. Is the time scale for implementation reasonable (proposals should be implemented within 3 years of their publication with the possible exception of Authority wide re-organisations.)?	Y	Proposals published 04.08.17 for implementation from 01.10.17
2.6 Explanatory note	a. Is the full effect of the proposals clear to the general public?	Y	Statutory notice
	b. If not, has an explanatory note been included alongside the Statutory Notice?	N/A	
2.7	Has the council's legal team advised on the validity of the Statutory Notices? * If a published notice has not been properly formulated in accordance with regulations, the notice may be judged invalid and therefore ineligible to be determined by the LA or the schools adjudicator. Should this be the case a revised notice must be published clearly stating that it is a replacement notice.*	Y	LA legal team have reviewed the statutory notices prior to publication.
2.8 Have the proposers distributed the complete proposal and notice to all relevant parties?	<b>Within a week of publication</b>		
	a. to the Governing Bodies (LA proposal)	Y	To governing bodies
	b. any person who requests a copy.	Y	Any persons requesting a copy would receive one. No requests have been received.

3. REPRESENTATION		Y,N,N/A	NOTES/EVIDENCE
3.1	Has a period been allowed for statutory representation?	Y	
3.2	Has the representation period been of appropriate length – 4 weeks	Y	In accordance with school organisation regulations a four week representation period has been held between 04.08.17 and 31.08.17
3.3	Have any representations been received during this period?	Y	One representation has been received.

4. DECISION – Decisions must be made within 2 months (by the LA, or this must be referred to the schools adjudicator).	Y,N,N/A	NOTES/EVIDENCE
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4.1	Are these decisions to be made by the LA or the schools adjudicator?	LA	
4.2	Decisions must be made within 2 months (by the LA, or this must be referred to the schools adjudicator).	Y	Representation period ended 31.08.17 and decision-making cabinet is scheduled for 19.09.17 Recommendation made by SOAG and reported to cabinet for approval within a 2 month time frame.
4.3	Is there any information missing	N	
4.4	Do the published notices comply with statutory requirements? <i>Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.</i>	Y	
4.5	Has the statutory consultation been carried out (ie have all the criteria in the 'consultation' section been met? <i>If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals.</i>	N	In accordance with School Organisation Regulations for prescribed alterations to specialist resource provisions in mainstream schools a four week non statutory consultation has been completed.
4.6	Are the proposals 'related' to other proposals (if so, the related proposals must be considered at the same time)? <i>Proposals should be regarded as "related" if the notice makes a reference to a link to other proposals.</i>	N	
4.7	If there are related proposals are they compatible with each other?	N	
4.8	Are the proposals related to proposals published by the EFA (if so, the Decision Maker should defer taking a decision until the Secretary of State has taken a decision on the EFA proposals)?	N	



# 1 Statutory process check sheet: Windmill Church of England Voluntary Controlled Primary School

School	Statutory Proposals
Windmill School	<ul style="list-style-type: none"> <li>Create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs</li> </ul>

1. CONSULTATION		Y,N,N/A	NOTES/EVIDENCE
1.1 Has a formal consultation taken place?		Y	Consultation outcome report: 25.07.17
1.2 Consultation process	a. Has adequate time been allowed for the consultation process?	Y	Consultation outcome report: 25.07.17 (Consultation period 24.04.17 to 22.05.17) 4 weeks term time non-statutory consultation has been completed
	b. Does the consultation document provide sufficient information to those who are being consulted?	Y	Consultation outcome report : 25.07.17 Appendix B (consultation document)
	c. Does the consultation material make it clear how interested parties can make their views known?	Y	Consultation outcome report : 25.07.17 Appendix B (consultation document)
	d. Does the report that summarises the outcome of the consultation demonstrate how the views expressed during the consultation have been taken into account in reaching any subsequent decision as to the publication of proposals?	Y	Consultation outcome report: 25.07.17
1.3 Evidence that interested parties have been consulted.  To Include	a. the governing body of any school which is the subject of proposals (if the LA are publishing proposals);	Y	Consultation outcome report: 25.07.17 Appendix A – distribution list
	b. the LA that maintains the schools (if the governing body is publishing the proposals);	N/A	
	c. families of pupils, teachers and other staff at the schools	Y	Ward members for Birstall & Birkenshaw
	d. any LA likely to be affected by the proposals, in particular neighbouring authorities where there may be significant cross-border movement of pupils;	Y	
	e. the governing bodies, teachers and other staff of any other schools that may be affected;	Y	MPs.
	f. families of any pupils at any other school who may be affected by the proposals including where appropriate families of pupils at feeder primary schools;	Y	Special Schools
	g. any trade unions who represent staff at the schools; and representatives of any trade union of any other staff at schools who may be affected by the proposals;	Y	Schools with specialist provisions
	h. (if proposals involve, or are likely to affect a school which has a particular religious character) the appropriate diocesan authorities or the relevant faith group in relation to the school;	N/A	PCAN (Parents of Children with Additional Needs Making a Difference in Kirklees)
	i. the trustees of the schools (if any)	N/A	
	j. (if the proposals affect the provision of full-time 14-19 education) the Learning and Skills Council (LSC)/EFA/DfE	N/A	Diocese of Leeds Church of England
	k. MPs whose constituencies include the schools that are the subject of the proposals or whose constituents are likely to be affected by the proposals;	Y	
	l. any other interested party, for example, the Early Years Development and Child Care Partnership (or any local partnership that exists in place of an EYDCP) where proposals affect early years provision, or those who benefit from a contractual arrangement giving them the use of the premises; and	Y	
	m. such other persons as appear to the proposers to be appropriate.	Y	
1.4 Pupils	Have pupils been formally consulted?	N	

2. PUBLICATION		Y,N,N/A	NOTES/EVIDENCE
2.1	a. Have formal proposals been published by the appropriate body (ie LA/GB etc)?	Y	The LA are able to publish proposals for specialist resource provisions in maintained schools. Proposals published 04.08.17
	b. Have proposals been published within 12 months of the consultation end	Y	Consultation period ended 22.05.17 and proposals published 04.08.17
2.2	a. Do the complete proposals contain all the specified information?	Y	See complete proposal
2.3 Statutory notice	a. Have statutory notices been prepared?	Y	See statutory notice
	b. Have the statutory notices been published in a local newspaper?	Y	Copy was published in Huddersfield examiner and The Press on 04.08.17
	c. Have the statutory notices been posted at the main entrance of the schools (or all entrances if there are more than one)?	Y	Posted at the main entrance of Windmill Church of England Voluntary Controlled Primary School on 04.08.17
	d. Has the statutory notice and full proposal been given to all children affected at the school.	N/A	Under current regulations for prescribed alterations for SEN provision in mainstream schools this is not required.
	e. Have the statutory notices been posted in other conspicuous areas in the area served by the school (eg local library, community centre, post office etc.)?	N	
2.4 Related proposals	a. Are these proposals interdependent on any other proposals?	N	
	b. If so, are the related proposals included on the same Statutory Notice?	N/A	
	c. If so, is this clearly identified in the Statutory Notice?	N/A	
	d. If so, is it clear who is proposing what on the Statutory Notice?	N/A	
2.5 Implementation date	a. Are the implementation dates for the proposals specified on the Statutory Notices?	Y	Statutory notice
	b. Is the time scale for implementation reasonable (proposals should be implemented within 3 years of their publication with the possible exception of Authority wide re-organisations.)?	Y	Proposals published 04.08.17 for implementation from 01.10.17
2.6 Explanatory note	a. Is the full effect of the proposals clear to the general public?	Y	Statutory notice
	b. If not, has an explanatory note been included alongside the Statutory Notice?	N/A	
2.7	Has the council's legal team advised on the validity of the Statutory Notices? * If a published notice has not been properly formulated in accordance with regulations, the notice may be judged invalid and therefore ineligible to be determined by the LA or the schools adjudicator. Should this be the case a revised notice must be published clearly stating that it is a replacement notice.*	Y	LA legal team have reviewed the statutory notices prior to publication.
2.8 Have the proposers distributed the complete proposal and notice to all relevant parties?	<b>Within a week of publication</b>		
	a. to the Governing Bodies (LA proposal)	Y	To governing bodies
	b. any person who requests a copy.	Y	Any persons requesting a copy would receive one. No requests have been received.

3. REPRESENTATION		Y,N,N/A	NOTES/EVIDENCE
3.1	Has a period been allowed for statutory representation?	Y	
3.2	Has the representation period been of appropriate length – 4 weeks	Y	In accordance with school organisation regulations a four week representation period has been held between 04.08.17 and 31.08.17
3.3	Have any representations been received during this period?	Y	One representation has been received.

<b>4. DECISION</b> – Decisions must be made within 2 months (by the LA, or this must be referred to the schools adjudicator).		<b>Y,N, N/A</b>	<b>NOTES/EVIDENCE</b>
4.1	Are these decisions to be made by the LA or the schools adjudicator?	LA	
4.2	Decisions must be made within 2 months (by the LA, or this must be referred to the schools adjudicator).	Y	Representation period ended 31.08.17 and decision-making cabinet is scheduled for 19.09.17 Recommendation made by SOAG and reported to cabinet for approval within a 2 month time frame.
4.3	Is there any information missing	N	
4.4	Do the published notices comply with statutory requirements? <i>Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.</i>	Y	
4.5	Has the statutory consultation been carried out (ie have all the criteria in the 'consultation' section been met? <i>If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals.</i>	N	In accordance with School Organisation Regulations for prescribed alterations to specialist resource provisions in mainstream schools a four week non statutory consultation has been completed.
4.6	Are the proposals 'related' to other proposals (if so, the related proposals must be considered at the same time)? <i>Proposals should be regarded as "related" if the notice makes a reference to a link to other proposals.</i>	N	
4.7	If there are related proposals are they compatible with each other?	N	
4.8	Are the proposals related to proposals published by the EFA (if so, the Decision Maker should defer taking a decision until the Secretary of State has taken a decision on the EFA proposals)?	N	

- Kirklees School Organisation Advisory Group: 21<sup>st</sup> August 2017: Windmill Church of England Voluntary Controlled Primary School



## Factors to be considered in decision making

The factors which are being considered are derived from guidance issued by the Department for Education. School Organisation Maintained Schools. Annex B: Guidance for Decision Makers January 2014, as these proposals have been published after this date.

Paragraph numbers highlighted in **dark grey** relate to factors that are relevant to all types of proposals and these are factors **10-29**. The relevant headings are highlighted in yellow for ease of identification.

Paragraph numbers **highlighted in light grey** relate to additional factors relevant to proposals which impact Post 16 provision (factors **33-37**) and changes to SEN (factors **39-40**). The relevant headings are highlighted in yellow for ease of identification.

Factors that are not highlighted are considered not to be relevant to these proposals. These have been identified as; "Not applicable to these proposals" and are highlighted in red, however for clarity these are fully listed.

### CONSIDERATION OF CONSULTATION AND REPRESENTATION PERIOD **10**

(10) The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received.

If the proposer has failed to meet the statutory requirements; a proposal may be deemed invalid and therefore should be rejected.

The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

### REPRESENTATIONS

A concern was raised over the representation period being held during the school holidays. The respondent stated that this was not a time when school communities could arrange a response if they wish to or a time when parents were likely to see a statutory notice that had been placed outside the school gates by the School Organisation and Planning team.

### OFFICER COMMENT

The School Organisation and Planning Team have followed a process set out by law. New School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations came into force on 28 January 2014. (updated 2016)

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice)		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

<p><i>“Although there is no longer a statutory ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations.” (Prescribed Alterations to Maintained Schools) (England) Regulations 2016</i></p> <p>The LA undertook two non-statutory consultations with parents, both of which took place during term-time. <b>Cabinet report</b> 15th November 2016 - report on the outcomes of the non-statutory consultation on proposals in relation to the changes to specialist provision for children and young people with additional needs in the areas of autism, speech, language and communication (SLCN). <a href="http://bit.ly/15thNov16">http://bit.ly/15thNov16</a> and <b>Cabinet report</b> 25 July 2017: Specialist provision for Kirklees children with communication and interaction needs <a href="http://bit.ly/04Apr17">http://bit.ly/04Apr17</a></p> <p>Statutory notices were posted outside Windmill Church of England Voluntary Controlled Primary School and Ashbrow School on the 4<sup>th</sup> August 2017. Notices were published in The Huddersfield Examiner and The Press. Notices are on the School Organisation and Planning webpage <a href="http://www.kirklees.gov.uk/schoolorganisation">www.kirklees.gov.uk/schoolorganisation</a> Links to notices and full notices were sent to PCAN (Parents of Children with Additional Needs)</p> <p>Wherever possible the School Organisation and Planning team does ensure that representation is not held outside of term time, however, this is not always possible.</p>				
<p><b>RATIONALE FOR THE PROPOSALS.</b></p> <p>(10) School organisation decisions for Local Authority maintained schools have to follow a process set out by law. Kirklees Local Authority has had due regard to legislation and followed the statutory process in respect of these proposals. New School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2016 came into force on 28 January 2014. The new regulations removed the statutory requirement to carry out a ‘pre-publication’ consultation for significant changes to schools. However, the LA did carry out a four week term time non-statutory consultation 24.04.17 to 22.05.17 to ensure the maximum opportunity was available to all key stakeholders to understand and comment upon the proposals, prior to publication. On the 17.07.17 the non-statutory consultation outcomes report was published on the Council’s external website and key stakeholders were notified and sent a link to the report. On the 25.07.17 Kirklees Council’s Cabinet (decision making authority) received the consultation outcomes report of the non-statutory consultation and it was agreed to proceed with the next stage of the statutory process and the publication of the related statutory notice and proposals.</p> <p>The publication of the statutory notice, proposals and representation period commenced on 04.08.17 and will end on 31.08.17, thereby lasting for a period of four weeks and meeting the requirements of School Organisation Regulations.</p>				

**EDUCATION STANDARDS AND DIVERSITY OF PROVISION**11/12

(11) Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents; raise local standards and narrow attainment gaps.

(12) The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS**

(11) The proposals would ensure that the overall pattern of specialist provision in Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is delivered in a safe environment, where young people can thrive in buildings and provision tailored to meet their special educational need or disability. The proposals take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum within a learning environment where children can be healthy and stay safe. The proposals will also provide access to appropriately trained staff and to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning, while participating at their local mainstream school and in their community. The proposals support the LA's strategy for making schools and settings more accessible to disabled children and young people, and their scheme for promoting equality of opportunity for disabled people.

(12) The proposals are to decommission the 12 transitional places for children with Speech, Language and Communication Needs at Ashbrow School and to create 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs. It is proposed that the places will be reserved for pupils aged 4-11 years with special educational needs. The school to which these proposals relate is not proposed to close. No new schools being established as part of these proposals.

**DEMAND** 13/14/15

(13) In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

(14) The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

(15) Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS**

(13/14/15) The proposals have been designed to re-organise specialist provision places for children with Speech, Language and Communication Needs. By creating 12 new transitional places at Windmill Church of England Voluntary Controlled Primary School places will be delivered in a new specialist provision, which are intended to provide a holistic approach to better support children with complex communication and interaction needs

**SCHOOL SIZE** 16

(16) Decision makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

**RATIONALE FOR THE PROPOSALS**

(16) The proposal relates specifically to the specialist provision in this school and does not impact on the size of the existing mainstream provision in the school.

**PROPOSED ADMISSION ARRANGEMENTS (including post 16 provision)** 17/18

(17) In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

(18) Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS**

(17-18) This proposal is for the re-organisation of specialist provision to which normal admissions criteria do not apply and, therefore, does not affect Admission Arrangements at Ashbrow School or at Windmill Church of England Voluntary Controlled Primary School.

There will be one child at Ashbrow School from 1 September 2017, the pupil would have the option of staying at Ashbrow School with special provision support until they change school at the usual transition point if this is what the parent(s) wish

**NATIONAL CURRICULUM** 19

(19) All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community. In addition, Kirklees gives a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is delivered in a safe environment, where young people can thrive in buildings and provision tailored to meet their special educational need or disability. Full account is taken of educational considerations, in particular the need to ensure a broad and balanced curriculum within a learning environment where children can be healthy and stay safe.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS**

(19) Ashbrow school and Windmill Church of England Voluntary Controlled Primary School would continue to implement the National Curriculum from Key Stage One through to Key Stage Two.

### **EQUAL OPPORTUNITY ISSUES 20/21**

(20) The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity;
- and foster good relations.

(21) The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

### **RATIONALE FOR THE PROPOSALS**

(20/21). It is considered that there are no adverse impacts arising from the proposals under this duty.

### **COMMUNITY COHESION 22**

(22) Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

**REPRESENTATIONS:** None

**OFFICER COMMENT:** None

### **RATIONALE FOR THE PROPOSALS**

(22) It is considered that there is no adverse impact upon community cohesion as a result of these proposals for Ashbrow School or Windmill Church of England Voluntary Controlled Primary School. The school would continue to provide primary education to the community that it presently serves.

### **TRAVEL AND ACCESSIBILITY 23/24/25**

(23) Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

(24) The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

(25) A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

**REPRESENTATIONS: None**

**OFFICER COMMENT: None**

#### **RATIONALE FOR THE PROPOSALS**

(23/24/25). If the proposal is implemented there would be an impact on travel for some children accessing the provision. In accordance with the LA transport policy, school transport may be available.

It is intended that the proposal will reduce travel and improve accessibility, children will be able to receive outreach and other forms of support that meet their needs, this would enable them to stay in their local school.

#### **CAPITAL 26/27**

(26) The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

(27) Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

**REPRESENTATIONS None**

**OFFICER COMMENT None**

#### **RATIONALE FOR THE PROPOSALS**

(26/27) There are no capital implications arising as a result of these proposals. The proposals are not therefore reliant on any capital funding being made available from the Education Funding Agency.

#### **SCHOOL PREMISES AND PLAYING FIELDS 28/29**

(28) Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

(29) Setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

**REPRESENTATIONS None**

**OFFICER COMMENT None**

#### **RATIONALE FOR THE PROPOSALS**

(28/29) There are no implications for school premises or playing fields as a result of these proposals. This is because the proposals are to reduce numbers of transitional places; no expansions are being

proposed that would impact on playing fields or any other aspect of school premise regulations.

## FACTORS RELEVANT TO CERTAIN TYPES OF PROPOSALS

### EXPANSION 30. **Not applicable to these proposals**

(30) When deciding on a proposal for an expansion on an additional site (a 'satellite school'), decision-makers will need to consider whether the new provision is genuinely a change to an existing school or is in effect a new school (which would trigger the academy presumption in circumstances where there is a need for a new school in the area<sup>6</sup>). Decisions will need to be taken on a case-by-case basis, but decision-makers will need to consider the following non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and to ensure that it will serve the same community as the existing site:

- The reasons for the expansion
- What is the rationale for this approach and this particular site?
- Admission and curriculum arrangements
- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?
- Governance and administration
- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?
- Physical characteristics of the school
- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS** **Not applicable to these proposals**

### EXPANSION OF EXISTING GRAMMAR SCHOOLS 31 **Not applicable to these proposals**

(31) Legislation prohibits the establishment of new grammar schools<sup>7</sup>. Expansion of any existing grammar school onto a satellite site can only happen if it is a genuine continuance of the same school. Decision-makers must consider the factors listed in paragraph 30 on 'expansions' when deciding if an expansion is a legitimate enlargement of an existing school.

**REPRESENTATIONS** None



<b>OFFICER COMMENT</b> None
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>CHANGES TO BOARDING PROVISION 32</b> Not applicable to these proposals
(32) In making a decision on a proposal to close a school that has boarding provision, or to remove boarding provision from a school that is not closing, the decision-maker should consider whether there is a state maintained boarding school within reasonable distance from the school. The decision-maker should consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.
<b>REPRESENTATIONS</b>
<b>OFFICER COMMENT</b> None
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>ADDITION OF POST 16 PROVISION 33/34/35/36/37</b> Not applicable to these proposals
(33) In assessing a proposal to add post-16 provision, decision-makers should look for evidence that the proposal will improve, extend the range, and increase participation in high quality educational or training opportunities for post-16 pupils within the LA or local area.
(34) The decision-maker should also look for evidence on how new places will fit within the 16-19 organisation in an area and that schools have collaborated with other local providers in drawing up a proposal.
(35) The decision-maker may turn down a proposal to add post-16 provision if there is compelling and objective evidence that the expansion would undermine the viability, given the lagged funding arrangements, of an existing high quality post-16 provider.
(36) Decision-makers should consider the viability of a proposal bearing in mind the formulaic approach to funding; that the school will have to bear any potential diseconomies of scale; and the impact of future demographic trends.
(37) A proposal should take account of the timeline for agreeing 16-19 funding which will be available in the most recent guidance on the department's website. Decision-makers should note that post-16 funding runs on an August – July academic year cycle
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>CHANGES OF CATEGORY TO VOLUNTARY AIDED 38</b> Not applicable to these proposals
(38) For a proposal to change the category of a school to voluntary-aided, the decision-maker must be satisfied that the governing body and/or the Foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.
<b>REPRESENTATIONS</b> None



**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

### **CHANGES TO SPECIAL EDUCATIONAL NEEDS PROVISION THE SEN IMPROVEMENT TEST 39/40**

(39) In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability. Decision-makers should ensure that proposals:

- take account of parental preferences for particular styles of provision or education settings;
- take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it;
- offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;
- take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe;
- support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- ensure appropriate provision for 14-19 year-olds; and
- ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs must be amended and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved. Pupils should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need.

(40). When considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children. Decision-makers should make clear how they are satisfied that this SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

### **RATIONALE FOR THE PROPOSALS**

On 1<sup>st</sup> September 2012 Kirklees Council implemented proposals to secure 12 transitional places reserved for pupils aged 4-11 years with Speech, Language and Communication (SLCN) special educational needs at Ashbrow School. Following a non-statutory consultation matters came to light which reflected the increasing challenges to schools with regard to meeting the needs of children and young people with very complex communication and interaction needs which were not being catered for under current provision arrangements. Therefore the LA propose a specialist provision in order to cater for this cohort changing from singly 'SLCN' to 'communication and interaction' would better reflect the

needs of this more complex cohort of children. See link to cabinet report of 13 March 2012:-

<http://bit.ly/13Mar2012>

The LA has consulted with parent/ carers and other key stakeholders, and has taken into account their views in a non-statutory consultation and reported these in an outcomes report for decision makers. Link to cabinet report of 15 November 16:- <http://bit.ly/15thNov16>

Children and young people with SEN would continue to be offered a range of services to meet their needs as part of their Education Health Care Plan.

The proposals aim to ensure that the overall pattern of specialist provision in Kirklees maintains flexibility and has a broad range of provision and support that can respond to the needs of individual pupils and parental preferences.

This proposal relates to children with Speech, Language and Communication Needs. Schools across the Local Authority have significantly improved accessibility with regard to staff expertise, which has contributed towards parents and carers making a preference for their local mainstream school. A full equality Impact assessment has been done and can be viewed at:- <https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>

The present structure of the provision enables children with SEN to receive the required level of support, either in their school or in a school with a designated specialist provision. Specialist provision staff would be given the skills they need to work with schools through recognised and accredited training.

Opportunities for Career development pathways would be established for all specialist staff in order to recruit and retain the high quality of specialist skills and expertise we need.

This proposal does not affect provision for 14-19 year olds.

No children are displaced as a result of these proposals. The one remaining affected child will have the option to remain in the provision at Ashbrow.

## ADDITIONAL FACTORS RELEVANT TO PROPOSALS FOR NEW MAINTAINED SCHOOLS

### SUITABILITY<sup>41</sup> **Not applicable to these proposals**

(41) When considering a proposal for a new maintained school, the decision-maker should consider each proposal on its merits, and take into account all matters relevant to the proposal. Any proposals put forward by organisations which advocate violence or other illegal activity must be rejected. In order to be approved, a proposal should demonstrate that they would support UK democratic values including respect for the basis on which UK laws are made and applied; respect for democracy; support for individual liberties within the law; and mutual tolerance and respect.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

### RATIONALE FOR THE PROPOSALS **Not applicable to these proposals**

### COMPETITION (under section 7 EIA 2006) 42/43/44/45 **Not applicable to these proposals**

(42). Where a LA considers that there is a need for a new school in its area it must first seek proposals to establish an academy/free school under section 6A of EIA 2006 (though proposals may also be made under section 10 and 11 of the EIA 2006). In such cases the Secretary of State is the decision-maker. However, in exceptional circumstances where no academy/free school proposals are received (or are received but are deemed unsuitable) a statutory competition under section 7 of the EIA 2006 may be held. Where there is demand for faith places the LA may seek to establish a new faith VA school (see paragraphs 47-51).

(43). Where two or more proposals are complementary, and together meet the requirements for the new school, the decision-maker may approve all the proposals.

(44). The specification for the new school is only the minimum requirement; a proposal may go beyond this. Where a proposal is not in line with the specification, the decision-maker must consider the potential impact of the difference to the specification.

(45). Where additional provision is proposed (e.g. early years or a sixth-form) the decision-maker should first judge the merits of the main proposal against the others. If the proposal is judged to be superior, the decision-maker should consider the additional elements and whether they should be approved. If the decision-maker considers they cannot be approved, they may consider a modification to the proposal, but will need to first consult the proposers and - if the proposal includes provision for 14-19 year olds - the Education Funding Agency (EFA).

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

**CAPITAL IN COMPETITIONS (46)** Not applicable to these proposals

(46) For competitions the LA will be expected to provide premises and meet the capital costs of implementing the winning proposal, and must include a statement to this effect in the notice inviting proposals. Where the estimated premises requirements and/or capital costs of a proposal submitted in response to a competition exceed the initial cost estimate made by the LA, the decision-maker should consider the reasons for the additional requirements and/or costs, as set out in the proposal and whether there is agreement to their provision.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

**NEW VOLUNTARY-AIDED SCHOOLS (under section 11 of EIA 2006) 47/48/49/50/51** Not applicable to these proposals

(47). Section 11 of the EIA 2006 permits a new VA school to be proposed without the requirement for the Secretary of State's approval. Such a school must be proposed following the required statutory process and may be for a school with or without a designated religious character.

(48). Many VA schools are schools with a religious character. The department recognises the important contribution that faith schools make to the education system and that 'faith need' (demand for faith places on choice grounds) may be viewed as separate from 'basic need' (demand for new school places).

(49). When assessing basic need, LAs need to look at the general demand for places and if a new school is needed to address basic need, must go down the academy presumption route. Where there is a demand for faith places, the law allows for LAs to seek to establish a new academy with religious designation, or for other proposers to establish new VA schools outside the presumption process.

(50). The approval of a new school to meet local demand for faith places may also meet the demand (or some of the demand) for basic need.

(51). Legislation allows maintained schools to seek to convert to academy status.

<b>REPRESENTATIONS</b> None
<b>OFFICER COMMENT</b> None
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>INDEPENDENT FAITH SCHOOLS JOINING THE MAINTAINED SECTOR 52</b> Not applicable to these proposals
<p>(52) Legislation allows an independent faith school to move into the maintained sector. However, decision-makers must ensure that the decision to proceed with such a proposal is clearly based on value for money and that the school is able to meet the high standards expected of state-funded educational provision. The department would expect the decision-maker to consider the following points:</p> <ul style="list-style-type: none"> <li>• that there is genuine demand/need for this type of school place in the local community;</li> <li>• that the current and projected financial health of the proposer is strong;</li> <li>• that the proposal represents long term value for money for the taxpayer;</li> <li>• that the school will be able to deliver the whole of the national curriculum to the expected high standard</li> <li>• that all aspects of due diligence have been considered and undertaken; and that the school building is appropriate for the delivery of a high standard of education and in good condition throughout, or can easily be improved to meet such standards.</li> </ul>
<b>REPRESENTATIONS</b> Not applicable
<b>OFFICER COMMENT</b> Not applicable
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>REPLACEMENT GRAMMAR SCHOOLS 53</b> Not applicable to these proposals
<p>(53) A new school can only be designated as a grammar school by the Secretary of State where it is being established in place of one or more closing grammar schools<sup>8</sup>. Decision-makers should therefore satisfy themselves that if a new school is proposed as a grammar school it is eligible for designation. Where an existing grammar school is expanding the proposer and decision maker must consider the points listed in paragraph 30.</p>
<b>REPRESENTATIONS</b> Not applicable
<b>OFFICER COMMENT</b> Not applicable
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

## ADDITIONAL FACTORS RELEVANT TO CLOSURE PROPOSALS

<b>CLOSURE PROPOSALS (under s15 EIA 2006) 54</b> Not applicable to these proposals
<p>(54) The decision-maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall quality of provision, the likely supply and future demand for places. The decision-maker should consider the popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.</p>

<b>REPRESENTATIONS</b> None
<b>OFFICER COMMENT</b> None
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>SCHOOLS TO BE REPLACED BY PROVISION IN A MORE SUCCESSFUL/POPULAR SCHOOL 55</b> Not applicable to these proposals
(55) Such proposals should normally be approved, subject to evidence provided.
<b>REPRESENTATIONS</b> None
<b>OFFICER COMMENT</b> None
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>SCHOOLS CAUSING CONCERN 56</b> Not applicable to these proposals
(56) For all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools should be made available. Decision-makers should have regard to the length of time the school has been in special measures, requiring improvement or otherwise causing concern. The decision-maker should also have regard to the progress the school has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There is a presumption that these proposals should be approved, subject to checking that there are sufficient accessible places of an acceptable standard available to accommodate displaced pupils and to meet foreseeable future demand for places in the area.
<b>REPRESENTATIONS</b> None
<b>OFFICER COMMENT</b> None
<b>RATIONALE FOR THE PROPOSALS.</b> Not applicable to these proposals

<b>RURAL SCHOOLS 57/58/59</b> Not applicable to these proposals
(57). There is a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and the proposal clearly in the best interests of educational provision in the area. Those proposing closure should provide evidence to show that they have carefully considered the following:
<ul style="list-style-type: none"> <li>alternatives to closure including the potential for federation with another local school or conversion to academy status and joining a multi-academy trust or umbrella trust to increase the school's viability;</li> <li>Not applicable where a rural infant and junior school on the same site are closing to establish a new primary school on the same site(s).</li> <li>the scope for an extended school to provide local community services; and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc.;</li> <li>the transport implications; and</li> <li>the overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.</li> </ul>

(58). When deciding a proposal for the closure of a rural primary school the decision-maker must refer to the Designation of Rural Primary Schools Order to confirm that the school is a rural school.

(59). For secondary schools, the decision-maker must decide whether a school is to be regarded as rural for the purpose of considering a proposal. In doing so the decision-maker should have regard to the department's register of schools – EduBase which includes a rural/urban indicator for each school in England. Where a school is not recorded as rural on Edubase, the decision-maker can consider evidence provided by interested parties, that a particular school should be regarded as rural.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

**EARLY YEARS PROVISION 60/61** Not applicable to these proposals

(60). In considering a proposal to close a school which currently includes early years provision, the decision-maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should have particular regard to the views of the Early Years Development and Childcare Partnership.

(61). The decision-maker should also consider whether the new, alternative/extended early years provision will maintain or enhance the standard of educational provision for early years and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

**NURSERY SCHOOL CLOSURES 62** Not applicable to these proposals

(62). There is a presumption against the closure of nursery schools. This does not mean that a nursery school will never close, but the case for closure should be strong and the proposal should demonstrate that:

- plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity as the provision provided by the nursery school with no loss of expertise and specialism; and
- replacement provision is more accessible and more convenient for local parents.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

**BALANCE OF DENOMINATIONAL PROVISION 63/64** Not applicable to these proposals

(63). In deciding a proposal to close a school with religious character, decision-makers should consider



the effect that this will have on the balance of denominational provision in the area.

(64). The decision-maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area. However, this guidance does not apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one or both of the predecessor schools.

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

**COMMUNITY SERVICES 65** Not applicable to these proposals

(65) Some schools may be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social consequences. In considering proposals for the closure of such schools, the effect on families and the community should be considered. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means.

**REPRESENTATIONS**

**OFFICER COMMENT**

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

#### **ADDITIONAL FACTORS RELEVANT TO PROPOSALS TO CHANGE CATEGORY TO FOUNDATION, ACQUIRE/REMOVE A TRUST AND ACQUIRE/REMOVE A FOUNDATION MAJORITY GOVERNING BODY**

**STANDARDS 66/67/68** Not applicable to these proposals

(66) Decision Makers should consider the impact of changing category to foundation and acquiring or removing a Trust on educational standards at the school. Factors to consider include:

- the impact of the proposals on the quality, range and diversity of educational provision in the school;
- the impact of the proposals on the curriculum offered by the school, including, if appropriate, the development of the school's specialism;
- the experience and track record of the Trust members, including any educational experience and expertise of the proposed trustees;
- how the Trust might raise/has raised pupils' aspirations and contributes to the ethos and culture of the school;
- whether and how the proposals advance/have advanced national and local transformation strategies;
- the particular expertise and background of Trust members. For example, a school seeking to better prepare its pupils for higher education might have a higher education institution as a partner.

(67) In assessing standards at the school, the decision-maker should take account of recent reports from

Ofsted or other inspectorates and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

(68) The government wants to see more schools benefit from the freedom to control their own assets, employ their own staff and set their own admissions criteria. However, if a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal

**REPRESENTATIONS** None

**OFFICER COMMENT** None

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

**COMMUNITY COHESION 69** Not applicable to these proposals

(69) Trusts have a duty to promote community cohesion. In addition to the factors outlined in paragraph 22, the decision-maker should also carefully consider the Trust's plans for partnership working with other schools, agencies or voluntary bodies.

**REPRESENTATIONS**

**OFFICER COMMENT**

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

**GENERAL POINTS ON ACQUIRING A TRUST 70** Not applicable to these proposals

(70). For new Trust schools (foundation schools with a charitable foundation) the decision-maker must be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking to alter the religious character of a school or for a school to acquire or lose a religious character. These alterations cannot be made simply by acquiring a Trust;
- the necessary work is underway to establish the Trust as a charity and as a corporate body; and
- that none of the trustees are disqualified from exercising the function of trustee, either by virtue of:
  - disqualifications under company or charity law;
  - disqualifications from working with children or young people;
  - not having obtained a criminal record check certificate<sup>14</sup>; or
  - the Requirements Regulations which disqualify certain persons from acting as charity trustees.

**REPRESENTATIONS**

**OFFICER COMMENT**

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

**OTHER POINTS ON TRUST PROPOSALS 71** Not applicable to these proposals



(71). Additionally, there are a number of other factors which should be considered when adding or removing a Trust:

- whether the Trust acts as the Trust for any other schools and/or any of the members are already part of an existing Trust;
- if the proposed Trust partners already have a relationship with the school or other schools, how those schools perform (although the absence of a track record should not in itself be grounds for regarding proposals less favourably);

how the partners propose to identify and appoint governors. What, if any, support would the Trust/foundation give to governors?

- to what extent the proposed Trust partners have knowledge of the local community and the specific needs of the school/area and to what extent the proposal addresses these; and
- the particular expertise and background of Trust members.

#### REPRESENTATIONS

#### OFFICER COMMENT

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

#### GENERAL POINT ON REMOVING A TRUST 72 Not applicable to these proposals

(72) If a proposal is for the removal of a Trust, the governing body should consider the proposal in the context of the original proposal to acquire the Trust, and consider whether the Trust has fulfilled its expectations. Where new information has come to light regarding the suitability of Trust partners, this should be considered.

#### REPRESENTATIONS

#### OFFICER COMMENT

**RATIONALE FOR THE PROPOSALS** Not applicable to these proposals

#### SUITABILITY OF PARTNERS 73/74 Not applicable to these proposals

(73) Decision-makers will need to be satisfied of the suitability of Trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis what circumstances might prevent the reputation of a Trust partner being in keeping with the charitable objectives of a Trust, or could bring the school into disrepute. However, the decision-maker should seek to come to a balanced judgement, considering the suitability and reputation of the current/potential Trust. Decision-makers should seek to assure themselves that:

- the Trust members and proposed trustees (where the trustees are specified in the proposals) are not involved in illegal activities and/or activities which could bring the school into disrepute;
- the Trust partners are not involved in activities that may be considered inappropriate for children and young people (e.g. tobacco, gambling, adult entertainment, alcohol).

(74) The following sources may provide information on the history of potential Trust partners (N/A)

#### REPRESENTATIONS

<b>OFFICER COMMENT</b>
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>LAND AND ASSETS, WHEN REMOVING A TRUST/FOUNDATION MAJORITY 75/76</b> Not applicable to these proposals
<p>75. When removing a Trust, the governing body is required to resolve all issues relating to land and assets before the publication of proposals, including any consideration or compensation that may be due to any of the parties. Where the parties cannot agree, the issues may be referred to the Schools Adjudicator to determine.</p> <p>76. The Schools Adjudicator will take account of a governing body's ability to pay when determining any compensation. Therefore, all of these issues must be resolved by the point at which the decision is made and the amount of compensation due to either party may be a factor in deciding proposals to remove a Trust.</p>
<b>REPRESENTATIONS</b>
<b>OFFICER COMMENT</b>
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>FINANCE - WHEN REMOVING A TRUST/FOUNDATION MAJORITY 77</b> Not applicable to these proposals
<p>77. Trusts are under no obligation to provide financial assistance to a school, but there may be instances where the Trust does provide investment. The well-being and educational opportunities of pupils at the school should be paramount, and no governing body should feel financial obligations prevent the removal of a Trust where this is in the best interests of pupils and parents.</p>
<b>REPRESENTATIONS</b>
<b>OFFICER COMMENT</b>
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals

<b>OTHER SERVICES PROVIDED BY THE TRUST WHEN REMOVING A TRUST/FOUNDATION MAJORITY 78</b> Not applicable to these proposals
<p>78. Trusts may offer a variety of services to the school, such as careers advice, work experience placements, strategic partnerships with other schools, and access to higher education resources and so on. The damage to relationships and/or loss of any of these advantages should be weighed up against the improvements envisaged by a change in governance or the removal of the Trust</p>
<b>REPRESENTATIONS</b>
<b>OFFICER COMMENT</b>
<b>RATIONALE FOR THE PROPOSALS</b> Not applicable to these proposals



**Name of meeting:** Cabinet  
**Date:** 19<sup>th</sup> September 2017  
**Title of report:** Ashbrow Housing Site - contract and land disposal

## Purpose of report

This report will seek authority for the Council to enter in to a contract with a development partner for the Ashbrow Housing site, and dispose of the land to that partner.

<b>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?</b>	<b>Yes</b>  <b>If yes give the reason why</b> The spending on this site will be in excess of £250,000  The land has a value in excess of £250,000
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Yes</b>  <b>If yes also give date it was registered</b> 25 <sup>th</sup> April 2017
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance, IT and Transactional Services?</b>  <b>Is it also signed off by the Service Director Legal Governance and Commissioning?</b>	<b>Naz Parkar - 07.09.17</b>  <b>Debbie Hogg - 07.09.17</b>  <b>Julie Muscroft - 07.09.17</b>
<b>Cabinet member <a href="#">portfolio</a></b>	Cllr Naheed Mather, Economy (Strategic Housing, Regeneration and Enforcement)  Cllr Graham Turner, Corporate (Place, Environment and Customer Contact Services)

**Electoral wards affected:** Ashbrow Ward

**Ward councillors consulted:** Cllr Calvert, Cllr A. Pinnock, and Cllr Homewood

**Public or private:** Public report and public Appendix 1 with private Appendices 2, 3 and 4

## **1. Summary**

- 1.1 The Ashbrow site is a key site for housing delivery as part of the Council's programme of work to address the growing housing crisis in Kirklees.

In February 2017, Cabinet gave approval for officers to progress the Ashbrow Housing Scheme; to appoint the preferred development partner and delegated powers were given to enter in to all legal documents.

- 1.2 Prior to finalising and entering into any legal contract it was agreed that a further report would be brought back to Cabinet for consideration.
- 1.3 This report confirms that the Council will be entering in to a legal contract with the development partner and seeks authority to dispose of the land to that partner. Members will be asked to consider and approve the proposals and to provide officers with delegated powers.

Specifically, the following approvals are sought:

- Approval for the disposal of land at less than best consideration and delegate powers to officers to complete this disposal
- Approval for use of the capital receipt from the disposal of the land to subsidise the provision of additional affordable homes

## **2. Information required to take a decision**

### **Background**

- 2.1 In November 2014, a motion submitted to Council, noted that "this Council recognises that there is a growing housing crisis in Kirklees. There is a lack of good quality, energy efficient and affordable homes across all tenures to meet the varied needs of local people. Secure, warm and affordable homes are the greatest determinant of the health and wellbeing of our communities, which is rightly a clear and stated priority of this Council".
- 2.2 In November 2015, a report was brought to Cabinet detailing the progress being made on housing delivery projects across the district. This included the Ashbrow site as a key site for housing delivery.
- 2.3 In February 2017, Cabinet approved the appointment of a preferred bidder for the Ashbrow scheme and delegated authority for the Assistant Director (Legal, Governance and Monitoring) to enter in to all relevant contracts, deeds and documents.
- 2.4 The council-owned site is adjacent to Ashbrow Road, approximately 3 miles from Huddersfield Town centre. This greenfield site was previously used by the former Huddersfield Technical College, for the provision of agricultural and horticultural courses. The site is 4.5 hectares, the majority of the site is allocated for housing in the UDP. A plan of the site is attached at appendix 1. In May 2015 outline planning permission was granted for residential development of the site.

### **Vision for the site**

- 2.5 The overall vision for the site was developed through discussions with elected members, senior managers and discussions between the various services involved. As a result of this work, the initial vision for development of the Ashbrow site was stated in the tender documents; "to create a desirable and sustainable high quality mixed tenure housing development of about 180 new homes to meet local housing needs, and which will include open market homes for sale and Affordable Homes. The Affordable Homes on the site will include a Council Extra Care scheme".

- 2.6 This overall vision reflects the Council's Housing Strategy, and will contribute to delivering two of the Strategy's three priorities - a range of products to support housing growth and a longer term supply of affordable housing, and meeting the housing needs of the most vulnerable groups.
- 2.7 To realise the vision for the site, a delivery partner was required to design and construct the open market homes, the Council Extra Care scheme and additional Affordable Homes for rent. A detailed evaluation of the bidder's proposals commenced in early September 2016 and was completed in January 2017. The recommendations brought to Cabinet, in February 2017, were approved and discussions with the preferred bidder have commenced.
- 2.8 The preferred bidder's proposal is for a scheme of 159 new homes. Details of their proposal are set out in the private appendix. The scheme comprises of an extra care scheme, market and affordable homes. The houses are a mix of two and three bedrooms, are generously sized, and have been designed to adapt to meet people's needs throughout their lives. There are also one and two bed affordable flats on the site.

Overall, the proposed development will provide a high quality environment with a range of housing types for different people. The proposal will provide a high quality layout, focusing on an area of public open space which is at the heart of the development.

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

- 3.1.1 The proposals for the Ashbrow Housing scheme include the construction of a 50 unit Extra Care scheme for the Council. This facility will enable older people to live independently for longer, in their own home and help to maintain a good quality of life.

As well as enabling older people to remain in their own home, within a supported environment, this provision is a real and more appropriate alternative to residential care. For many vulnerable older people, choosing to live in specifically designed housing, rather than residential care, is an important element of retaining independence and dignity in older age.

- 3.1.2 Extra Care housing schemes can also help to reduce social isolation, which is known to contribute to an increase in depression amongst many elders. Extra Care schemes are designed to be a community 'hub', which will help residents to feel part of the wider community.

Extra Care may also help to prevent people going into hospital or being kept in hospital, due to the presence of an on-site Care team. The emphasis of Extra Care schemes is one of prevention rather than cure.

- 3.1.3 The inclusion of an Extra Care scheme on the Ashbrow site responds to the Council's Housing Strategy identified need for housing a growing population of older people and the need for specialist accommodation, including housing with support, to respond to this.

The proposals for the site also give priority to affordable homes, which the Housing Strategy identifies as an area for particular focus due to local economic factors, barriers to housing and lower national priority being given to homes which are within the affordable sector. Furthermore, development of the site will also support the role good housing plays in supporting residents to achieve a good quality of life and in supporting Kirklees's ambitions for growth.

### **3.2 Economic Resilience (ER)**

- 3.2.1 The proposed scheme will provide good quality, and much needed, housing for the district. In addition to open market homes, the scheme will create new affordable homes for the district and also a new Extra Care Scheme, which will be owned by the Council.
- 3.2.2 The development of the land will have positive benefits for the local economy – there will be additional investment for the local supply chain and opportunities for the creation of new jobs and apprenticeships for local residents.

Officers are working in partnership with the preferred development partner; making sure that the opportunities explained above are maximised for the district. This includes exploring ways to promote opportunities for the local supply chain and seeking appropriate ways to engage with local residents to increase employment and training and skills opportunities.

Details of the specific proposals put forward by the preferred bidder are included in the private appendix 4.

### **3.3 Other (eg Legal/Financial or Human Resources)**

#### **a) Legal**

- 3.3.1 Following Cabinet approval to proceed in February 2017, and the expiry of the required ten day “standstill” period, the Council subsequently entered into legal discussions with the preferred bidder. The discussions focus on the detail of the contractual documentation, which is in accordance with the agreed Heads of Terms which was issued with the Invitation to Tender documentation.
- 3.3.2 The Council’s appointed Solicitors, Bevan Brittan, have produced a development agreement between the Council and the preferred bidder.
- 3.3.3 As set out above, the Development Agreement will incorporate the principles agreed in the Heads of Terms, which are in the private appendix 2.

The key points set out in the Heads of Terms document are summarised below;

#### **Conditionality**

- The responsibility to pay commuted sums and comply with a section 106 agreement will be the responsibility of the Developer
- The Developer will be responsible for appointing a Registered Provider (RP), who will own, and take the Affordable Homes which are not part of the Extra Care Scheme
- The transfer to the Developer will include covenants regarding the tenure of the Affordable Homes, and confirm that these will be for rent, and will also include eligibility criteria
- The Council will receive 100% nomination rights for the Affordable Homes transferred to the RP. The arrangement will be 100% Council nominations at first let and then 50% Council and 50% RP for subsequent lets. The Council has a standard Nominations Agreement, which the RP will be required to enter into

#### **Phasing**

- The site will be transferred to the Development Partner in three phases, and will be transferred once agreed milestones have been achieved
- The first phase will include the Extra Care Scheme, and will also include some Affordable Homes

### **Developer Construction obligations**

- The Council will pay an agreed sum for the Extra Care Scheme. The Council will not pay any shortfall between the price agreed as part of the tender process and the actual constructions costs for the Extra Care Scheme
- A payment matrix will be agreed with the Council and the Developer, and will form the basis upon which payments by the Council, up to the agreed sum, will be made
- The Developer shall complete the development within 3 years of start on site

### **Timing - planning**

- The Developer is to submit draft detailed planning application for approval by the Council.
- A detailed planning application must be submitted within 1 week of deemed approval from the Council
- The Developer will not have the right to appeal a planning decision made by the Local Planning Authority
- The Developer will, within 8 weeks of satisfactory consent, commence construction and complete the project in accordance with the approved planning consent within 36 months after start on site

### ***b) Finance***

- 3.3.4 The Housing Revenue Account (HRA) Strategic Capital Plan 2016/17 - 2020/21 outlined a number of strategic priorities including new build scheme proposals which would be subject to more detailed reports to be considered by Cabinet. The Ashbrow Extra Care scheme is identified in the HRA Strategic Capital Plan approved by Cabinet on 2nd February 2016 and Council on 17th February 2016.
- 3.3.5 An opportunity has arisen to apply for funding for the Extra Care scheme from the Homes and Communities agency for funding from their Affordable Housing Programme. The application process is currently ongoing. If approved, funding from the HCA would reduce the requirement for funding from the Housing Revenue Account capital plan.
- 3.3.6 The Council will provide the funding for the construction of the Council Extra Care scheme. Details of the cost of the Extra Care scheme are given in the private appendix 4.
- 3.3.7 The site investigations undertaken during the procurement process totalled £25,239 and were temporarily funded by the Council. The cost will be recovered from the Development Partner.
- 3.3.8 The Council has accessed Local Growth Funding, to implement highways improvements work to the site in advance of a preferred bidder being appointed. The use of this funding was approved by Cabinet on 20th October 2015. The costs of the highway works will be apportioned between the Council and the Development Partner in proportion to the amount of Council (Extra Care) housing and market housing within the scheme.
- 3.3.9 The Extra Care scheme will include a contract for on site care which will be procured by Commissioning and Health Partnerships. The scheme is expected to reduce care costs for the Council. When compared to the average cost of a place within a residential home, the delivery of the Extra Care scheme could potentially generate savings, for the Council, of around £226,800 per year. This is an approximate figure. The actual savings would be very much dependant on individual client need and circumstance.
- 3.3.10 As a result of development, the Council might receive New Homes Bonus, in which the government currently matches the council tax earned by local authorities from each new home built over a six-year period. However, in December 2016 the Department for Communities and Local Government (DCLG) indicated that it will revisit the case for withholding the bonus from areas "not delivering on housing growth from 2018/19." DCLG confirmed that from next year it

will introduce a national baseline for housing growth of 0.4%. Below this, the New Homes Bonus will not be paid. DCLG also confirmed that there will be a reduction in the number of years in which payments are made: from six years to five years in 2017/18, and for four years from 2018/19.

### **c. *Disposal of the land***

3.3.11 The tender process for the Ashbrow Housing site included consideration of what capital receipt was being offered for the site by bidders. The capital receipt offered for the site excludes the area on which the Extra Care is located as this land will be retained by the Council.

3.3.12 In order to prioritise the delivery of affordable housing, the tender process for the Ashbrow site included provision that the capital receipt for the site would be used to subsidise the purchase of additional affordable homes for rent, rather than a cash receipt being received. In essence, the land value is being utilised as a subsidy to provide additional affordable housing.

The development agreement will ensure that the land receipt is secured and used to deliver these additional units.

3.3.13 Details of the capital receipt and additional affordable homes offered by the preferred bidder are included in the private appendix 4. The legal and financial implications of this are also considered in the private appendix 4.

## **4. Consultees and their opinions**

4.1 Cllr Naheed Mather and Cllr Graham Turner were briefed on 29<sup>th</sup> August 2017 and 4<sup>th</sup> September 2017 respectively and their comments are given in section 7 of this report.

4.2 Ward Councillors have been periodically consulted and informed in relation to the progress of the scheme. Ward Councillors have met with the preferred developer who has informed them of progress and detailed plans for the scheme, and also to engage in discussion regarding the community consultation.

## **5. Next steps**

Subject to Cabinet approval of the recommendations in 6.0 below, the next steps would be:

5.1 To enter into a contractual agreement, with the preferred bidder

5.2 To dispose of the land at Ashbrow Road, to the preferred bidder; as shown at appendix 1. The disposal will exclude the area of land where the Extra Care Facility will be positioned. This land is edged blue on the plan.

## **6. Officer recommendations and reasons**

6.1 Cabinet give their approval to dispose of the land at less than best consideration to the preferred bidder, as set out in this report

6.2 Cabinet give their approval for use of the capital receipt from the disposal of the land to subsidise the provision of additional affordable homes

6.3 Cabinet note the opportunity for Homes and Communities Agency funding set out in 3.3.5 and give their approval for officers to pursue this funding opportunity.

6.4 Cabinet note and reconfirm their previous approval on 7<sup>th</sup> February 2017, delegating authority to the Assistant Director – Legal Governance and Monitoring (now the Service Director – Legal Governance and Commissioning), to finalise and enter in to all appropriate contracts, deeds, and



documents in relation to the appointment of a preferred bidder in consultation with the Assistant Directors (Place) (now Service Director Economy, Regeneration and Culture and the Service Director, Commercial, Regulatory and Operational Services). For clarity this delegation to include all matters relating to the disposal of the land and all other legal documentation as is required to complete this matter in accordance with the arrangements described in this and the previous report in February and the tender documents.

- 6.5 The reason for these recommendations is that, as set out in the report, the Ashbrow site will contribute to the delivery of the Council's housing strategy, specifically in relation to providing a range of products to support housing growth and a long term supply of affordable housing, and meeting the housing needs of the most vulnerable groups.

## **7. Cabinet portfolio holder's recommendations**

- 7.1 Cllr Graham Turner was briefed the week commencing 4<sup>th</sup> September 2017 and supports the recommendations set out in section 6. Cllr Turner said "I fully support the use of this Council site for the development of Council, market and affordable homes. It will help meet housing need in this area of the district."
- 7.2 Cllr Mather was briefed the week commencing 28<sup>th</sup> August 2017 and fully supports the recommendations set out in section 6. Cllr Mather said "the contractual and land disposal arrangements bring development at Ashbrow another step closer. I am excited about the range of housing that this project will deliver, including housing for older people and those who need an affordable home for rent".

## **8. Contact officer**

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## **9 Background Papers and History of Decisions**

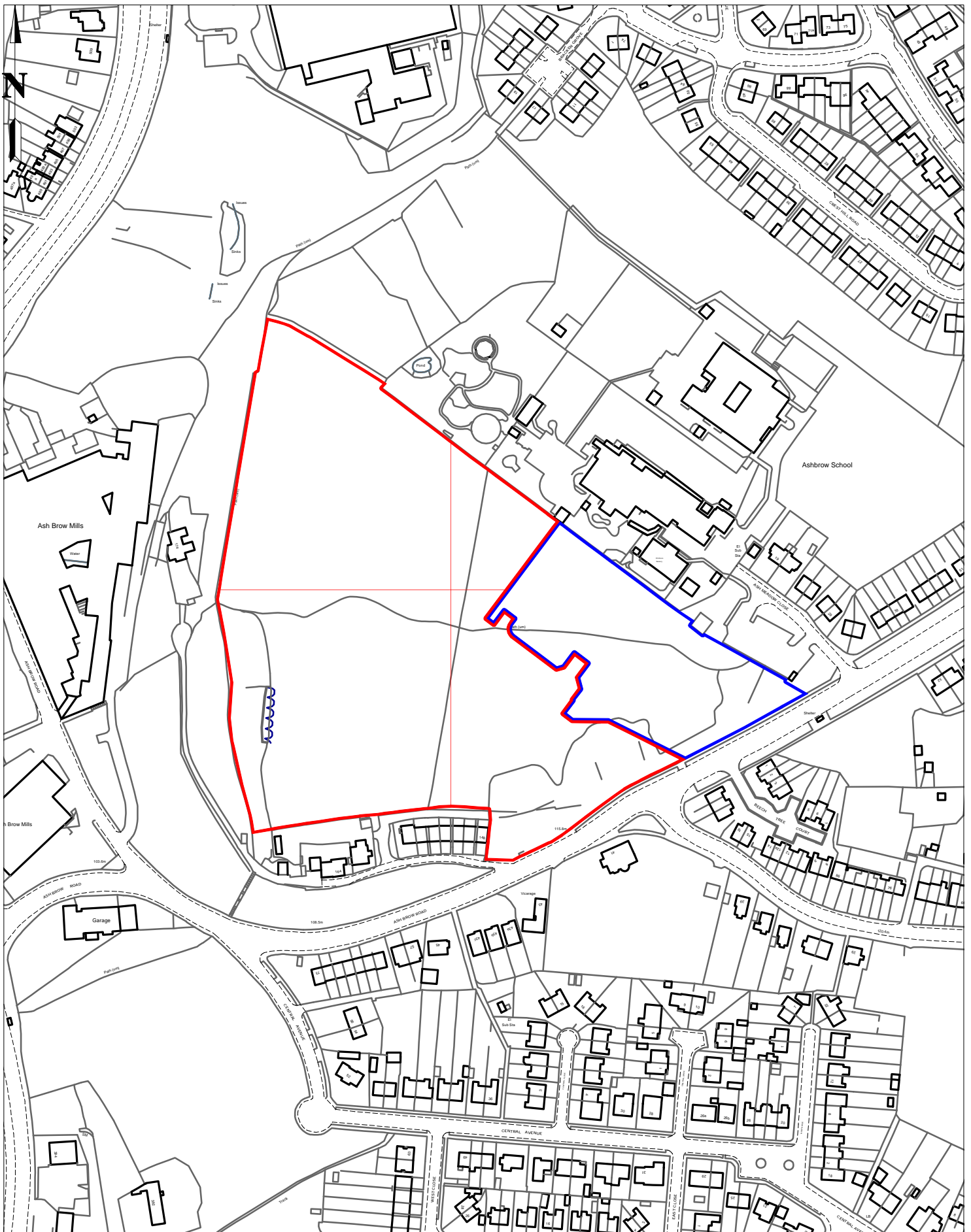
- 17<sup>th</sup> November 2015 Cabinet report:
- 7<sup>th</sup> February 2017 Cabinet Report

## **10. Appendices**

- Site plan - Appendix 1
- Private Appendix Heads of Terms Document – Appendix 2
- Private Appendix Valuation Report – Appendix 3
- Private Appendix - Appendix 4

## **11. Service Director responsible**

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

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