

# Public Document Pack



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

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Monday 15 January 2018

## Notice of Meeting

Dear Member

### **Cabinet**

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 23 January 2018**.

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

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

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**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 with shared Portfolio for Strategy and Strategic Resources, New Council & Regional Issues

Deputy Leader of the Council with shared Portfolio for Strategy and Strategic Resources, New Council & Regional Issues

Cabinet Member - Economy (Strategic Planning, Regeneration and Transport)

Cabinet Member - Economy (Strategic Housing, Regeneration and Enforcement)

Cabinet Member - Corporate (Place, Environment and Customer Contact Services)

Cabinet Member - Children (Statutory Responsibility for Children)

Cabinet Member - Adults & Public Health (Statutory Responsibility for Adults and Public Health)

Cabinet Member - Children

Cabinet Member - Corporate (Place, Environment and Customer Contact Services)

Cabinet Member - Adults and Public Health (Cabinet Lead on Democracy Commission)

# 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.

Cllr Erin Hill currently granted leave of absence.

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**2: Minutes of previous meeting**

1 - 4

To approve the Minutes of the meeting of the Committee held on 19 December 2017.

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**3: Interests**

5 - 6

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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**4: Admission of the Public**

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

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**5: Deputations/Petitions**

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

the body has powers and responsibilities.

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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**6: Public Question Time**

The Committee will hear any questions from the general public.

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**7: Member Question Time**

To consider questions from Councillors.

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**8: Housing Revenue Account (HRA) rent and service charge setting report and key housing challenges**

7 - 14

To seek Member approval for a 1% reduction in dwellings rents in 2018/19 and for the proposed garage rents annual uplift of 3.9% in 2018/19.

**Ward:** All

**Officer:** Helen Geldart Head of Housing, Kirklees Council Tel: 01484 221000

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**9: New Affordable Housing - Golcar, Huddersfield**

15 - 22

To consider a proposal to build 8 new 2 bedroom, 4 person properties for General Needs social housing rent on council owned land at Sycamore Avenue and Leymoor Avenue, Golcar, Huddersfield

**Ward:** Golcar

**Officer:** Helen Geldart, Head of Housing, Kirklees Council Tel: 01484 221000, and Asad Bhatti, Head of Asset Management, KNH Tel: 01484 221000

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**10: Proposed Bradley Urban Extension**

23 - 30

A report providing an update on the proposed Bradley Urban extension site

**Ward:** Ashbrow

**Officer:** Liz Jefferson, Regeneration Group Leader Tel: 01484 221000

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**11: Proposals for changes to support and transport for disabled children, adults and older people. 31 - 56**

To update Cabinet on the results of the consultation with service users and the wider public on potential changes to a number of services affecting children and adults with disabilities and their carers

**Ward:** All

**Officer:** Sue Richards, Service Director, Integration Tel: 01484 221000

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**12: Proposals for changes to Home to school transport policy for children attending mainstream school. 57 - 70**

To update Cabinet on the results of the consultation with service users and the wider public on potential changes to a number of services affecting children attending mainstream schools

**Ward:** All

**Officer:** David Martin – Head of Service for Capital Delivery and Facilities Management Tel: 01484 221000

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**13: Update on the Priority School Building Programme Rebuild of Mount Pleasant Primary 71 - 76**

To update Members on the current position with regards to the new build school for Mount Pleasant Primary.

**Ward:**  
Newsome/Crosland Moor and Netherton

**Officer:** David Martin – Head of Capital Delivery & Facilities Management Tel: 01484 21000

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## **14: Planning Application Fees**

77 - 82

To report to Cabinet changes to planning application fees being proposed by national government and to agree to move to the new nationally set charges once they are introduced by the required legislation

**Ward:** All

**Officer:** Simon Taylor – Head of Strategic Investment Tel: 01484 221000

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Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 19th December 2017**

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

Apologies: Councillor Musarrat Khan  
Councillor Masood Ahmed

**378 Membership of the Committee**

Apologies for absence were received on behalf of Councillors Ahmed and Khan.

**379 Interests**

There were no declarations of interest.

**380 Admission of the Public**

It was noted that all agenda items would be considered in public session.

**381 Deputations/Petitions**

No deputations or petitions were received.

**382 Public Question Time**

No questions were asked.

**383 Member Question Time**

No questions were asked.

**384 Quarter (2) Corporate Performance Report**

Cabinet received a report which provided an overview of the Council's corporate performance at the end of Quarter 2, 2017/2018, focussing on key strategic issues in relation to the themes of (i) Ambitious Kirklees (ii) Inclusive Kirklees and (iii) Resilient Kirklees, and being aligned to the Corporate Plan 2017/18.

It was noted that the performance report was based upon an agreed set of headline actions and performance measures which were considered to be strategic and also significant in terms of their contribution to the three delivery themes. Overall, the report reflected 38 actions and 65 measures, of which 54% were assessed as being on track.

Paragraph 2 of the considered report highlighted a number of key issues for note, which included matters relating to compliance, housing needs for vulnerable people, and caseload management for children's safeguarding and adult social care.

The appendix to the considered report illustrated the progress that had been made in relation to the three delivery themes.

**RESOLVED** – That the quarter 2 2017/18 Corporate Performance Report be noted.

**385 Local Development Scheme 2018**

Cabinet gave consideration to a report which sought approval to update the Council's Local Development Scheme (LDS), as approved by Cabinet on 23 August 2016.

The report advised that the LDS was the timetable for producing planning documents that would make up the Local Plan as required under Section 15 of the Planning and Compulsory Purchase Act 20014 (as amended by the Localism Act 2011). It was noted that, following the first stage of the Local Plan Examination in Public, the Planning Inspector had requested that the Council update the LDS to make specific reference to its intention to produce Area Action Plans for Huddersfield and Dewsbury town centres. The revised version also noted the Council's ongoing statutory commitments to supporting Neighbourhood Plans and to annual monitoring of evidence for key land uses which may inform planning decisions.

Cabinet noted that the main implication in agreeing to the revised scheme was ensuring that support for existing project management and sufficient resources were made available for the Local Plan programme and new planning policy documents, as far as is reasonable and practical within overall budget constraints.

The report advised that, subject to approval, the LDS would be available on the Council's website and would form part of the technical documents in the Local Plan Examination Library for consideration by the Planning Inspector as part of the Examination in Public. The revised document was attached as an appendix to the considered report.

**RESOLVED** - That the revised Local Development Scheme be approved.

**386 West Yorkshire plus Transport Fund Scheme Update**

Cabinet received a report which provided an update on progress of Kirklees schemes within the West Yorkshire plus Transport Fund programme.

The report introduced the agreed assurance process for schemes which was administered by the West Yorkshire Combined Authority Portfolio Management Office. The Assurance Process was attached at Appendix 1 of the report.

Paragraph 2 of the report set out scheme updates in regards to (i) Halifax – Huddersfield A629 corridor – Phase 5 (ii) A62 to Cooper Bridge (iii) A62 Leeds Smart Corridor Phase 1 – Huddersfield (Corridor Improvement Package) (iv) Holmfirth Town Access Plan (Corridor Improvement Package) (v) Huddersfield



Southern Gateways (Corridor Improvement) (vi) Mirfield to Dewsbury to Leeds and (vii) North Kirklees Orbital Route.

The report also provided an update on scheme governance, including the role of the Council within the decision making processes.

**RESOLVED** - That the content of the report be noted, in particular (i) the progress made on scheme development to date and the upcoming programme milestones (ii) the intention and reasons for employing a 'twin track' approach to land assembly, that any decisions regarding compulsory purchase would only be used as a last resort to secure the assembly of all the land needed for the implementation of a scheme, and that if a compulsory purchase is required a scheme specific report will be submitted to Cabinet prior to commencing any statutory processes (iii) the intention to write to all affected owners and occupiers of property/land in relation to the Halifax-Huddersfield A629 corridor Phase 5 scheme in order commence land negotiations (iv) in regards to Longroyd Bridge, the requirement to demolish no.s 1-7 Longroyd Lane subject to key stakeholder engagement which would include Historic England and putting in place the necessary consents and (v) the development of a consultation strategy and launch of an information website.

**387 Proposals to Update the Council's RIPA Policy**

Cabinet received a report which advised of the use of the Regulation of Investigatory Powers Act 2000 by the Council and sought approval for the adoption of an amended Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Guidance document.

The report advised that, in November 2016, the Investigatory Powers Bill received Royal Assent and would now be known as the Investigatory Powers Act 2016, providing a new framework to govern the use and oversight of investigatory powers by law enforcement and the security and intelligence agencies. It was noted that the relevant provisions were subject to consultation, which would cover the amendments proposed to the communications data regime and the draft communications data code of practice.

Cabinet were advised that the Council had been inspected by the Office of the Surveillance Commissioners on 17 July 2016 in relation to its use of directed surveillance and of covert human intelligence resources, and advised of two outstanding recommendations regarding establishing a RIPA training programme and raising RIPA awareness.

Cabinet noted that the draft RIPA Policy as attached at Appendix 1 of the considered report was intended to replace the RIPA Policy approved by Cabinet on 26 July 2016, and also included an amended schedule of officers with RIPA responsibility, amendments to RIPA roles, updated legislation and codes of practice.

**RESOLVED -**

- (1) That the actions being taken to implement the recommendations of the Office of the Surveillance Commissioners be noted.
- (2) That approval be given to the adoption of the revised RIPA Policy and Guidance document as set out at Appendix 1 of the considered report.

## Cabinet - 19 December 2017

- (3) That Cabinet shall continue to exercise executive powers relating to RIPA, receive annual reports regarding its operation and consider any policy changes that may be required.
- (4) That it be requested that Corporate Governance and Audit Committee receive regular updates and monitor the Council's use of RIPA.
- (5) That, pursuant to (4) above, the terms of reference of Corporate Governance and Audit Committee be amended to reflect that the Committee will receive regular updates on RIPA, and monitor its use.
- (6) That it be noted that a further authorising officer will be required to be nominated and named within the RIPA Policy.
- (7) That authority be delegated to the Senior Responsible Officer to appoint a further authorising officer, arrange appropriate training, and add their name to the policy once training is completed.

<b>KIRKLEES COUNCIL</b>			
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>			
<b>DECLARATION OF INTERESTS</b>			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>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]</b>	<b>Brief description of your interest</b>

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:** 23 January 2018

**Purpose of report:** Housing Revenue Account (HRA) rent and service charge setting report and key housing challenges

<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>	Yes  If yes give the reason why  The Council owns and manages 23,000 properties
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	Key Decision – Yes
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Not applicable This decisions forms part of the Council budget which will be considered by Budget Council on 14 February 2018
<b>Date signed off by <u>Director</u> &amp; name</b>	Naz Parkar – 15 January 2018
<b>Is it also signed off by the Service Director, Finance, IT and Transactional Services</b>	Debbie Hogg – 12 January 2018
<b>Is it also signed off by the Service Director, Legal, Governance and Commissioning</b>	Julie Muscroft – 15 January 2018
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Cathy Scott</b>

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

**Ward councillors consulted:** None

**Public or private:** Public

## 1. Summary

- 1.1 To seek Member approval for a 1% reduction in dwellings rents in 2018/19 and for the proposed garage rents annual uplift of 3.9% in 2018/19 and similar for the service and other charges with the exception of Extra Care services which have a proposed annual uplift of 2.87%.

- 1.2 To provide context in terms of the key challenges facing housing including the 1% rent reduction.
- 1.3 To set out the full schedule of proposed weekly dwelling rent, service and other charge increases to Council tenants for 2018/19, noting that these will be calculated on a basis that matches the billing period to the number of weeks in the year (i.e. 52 weeks for 2018/19) Appendix 1.

## 2. Information required to take a decision

- 2.1 This report provides the financial context and basis for the annual setting of rents and service charges as well as for the HRA budget which will be considered by Council on 14<sup>th</sup> February 2018.
- 2.2 The Government has confirmed it has clear expectations of a revised national rent setting policy. The expectation is that Councils will implement a 1% reduction in rents for 4 years from April 2016 to April 2019 and then increase rents by CPI + 1% from April 2020 for five years.
- 2.3 HRA self-financial was implemented in April 2012. National government rent policy at that time allowed for annual rent uplifts at Consumer Price Index + 1% and the longer term outlook for tenants was a financially viable HRA which would enable the Council and its key ALMO partner KNH to:
  - 1) Service HRA Debt
  - 2) Maintain current stock at decency standard over the long term
  - 3) Provide a high quality housing management and housing repair service
  - 4) Explore opportunities for additional strategic investment e.g. New Build
- 2.4 In July 2015 the government introduced new rent setting measures under the Welfare Reform and Work Act 2016, for social housing landlords to reduce the rent payable by tenants by 1% each year between April 2016 and April 2019. As a result a fundamental review of the HRA commenced in 2016 with HRA planning now focussing on year three of the 4 year reduction. The implications for the HRA linked to the 4 year rent reduction policy are summarised below:
  - 1) The HRA is a ring fenced account and has to live within its means. Its main income source is rents
  - 2) Future year HRA income forecasts prior to the July 2015 government announcement had assumed annual rent uplifts based on CPI + 1%. These forecasts have now been re-cast in light of the 1% reduction announcement
  - 3) The change in government rent policy has meant significant financial implications for the HRA. This is set out in a simple table below:

Financial Year	Annual rent forecasts before the 1% rent reduction announcement	Annual rent forecasts after the 1% rent reduction announcement	Annual HRA rental income loss
	£m	£m	£m
2016-17	84.4	82.8	(1.6)
2017-18	85.9	81.7	(4.2)
2018-19	87.8	80.6	(7.2)
2019-20	90.0	79.5	(10.5)

- 2.5 In addition to the rent reduction policy a number of key policy announcements have been made following the enactment of the Welfare Reform and Work Act 2016 and the Housing and Planning Act 2016. The implications of the new legislation have been included within the 30 year financial modelling for the HRA and are summarised below in section 3. A key objective is to deliver a balanced 30 year HRA business plan. The budget proposals for 2018-2021 result from a joint review of the HRA with Kirklees Council and KNH. The initial target, as reported in the 2017/18 report to Tenants and Residents Committees, identified a savings gap of approximately £6m, but to ensure that additional pressures are considered this has been revised to £8m. This target saving is in line with current information available on national policy changes and welfare reform.
- 2.6 Rental Income will reflect the 1% rent reduction (as in the above table) until 2019/2020, and then we assume CPI + 1% which will be applied for five years as per the Government announcement in October 2017.

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

3.1 Early Intervention and Prevention (EIP)  
N/A

3.2 Economic Resilience (ER)  
N/A

3.3 Improving outcomes for children  
N/A

3.4 Reducing demand on services

3.5 Other (eg Legal/Financial or Human Resources):

- a) The rent reduction and wider key housing challenges set the broader financial context for the HRA budget discussions in February 2018.
- b) The proposed 1% rent reduction for 2018/19 will directly impact on around 30% of Council tenants not in receipt of housing benefit.
- c) As part of HRA self-financial, central government's debt settlement allocation to Kirklees was £216 million. This was based on a nationally modelled assumption that Kirklees HRA would have sufficient future rental income streams to be able to service this level of debt, provided it continued to uplift rents annually in line with national rent guidelines.
- d) The current HRA business plan is based on a prudent servicing of the £216 million debt settlement figure and the fact that future rental income streams need to be sufficient to enable the Council to build up resources to be able to maintain existing housing stock at a level of decency over the longer term.
- e) The impact of the 1% rent reduction on the 30 year business plan represents a significant business risk to the Council.
- f) By year 2019/20 there will be an annual reduction of circa £10.5 million in rental income. The cumulative amount lost over the 4 years is circa £23.5m.

g) Initial proposals for dealing with the forecast deficit on the HRA include:

- By 2019/2020 the revised KNH management fee will have achieved savings reflecting the new structure.
- Income streams will be reviewed following the successful merger of Building Services and KNH.
- Continuation of the review for the improved delivery model for asset management.
- Continuation of interventions to mitigate the impact of welfare reform on the HRA.

h) The Equality Act 2010 (Section 149) requires the Council to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

It is believed that the proposals to change rents and other charges set out in this report will not have an unduly adverse impact on any persons in any of the 7 protected characteristics namely, age, disability, gender reassignment, pregnancy and maternity, race religion, or belief, sex and sexual orientation. All tenants affected by any approved changes to rents and other charges will be notified of the specific changes to their charges and be provided with information and guidance on how to access information and guidance on housing and other benefits.

Equality Impact Assessments in relation to the initial proposals for dealing with the forecast deficit outlined above are being developed and will as appropriate be considered as part of the budget setting discussions during February 2018.

#### **4. Housing challenges and context**

##### **Housing and Planning Act 2016**

4.1 The Housing and Planning Act confirmed a number of measures that will have an impact on the HRA, policies and Kirklees approach. These include:

- 1) The sale of high value vacant local authority homes to fund right to buy for housing association tenants is likely to be from 2020/2021. (High cost levy)
- 2) The ending of lifetime tenancies for council tenants and the introduction of fixed term tenancies, likely to be between 2 and 10 years.

##### **Universal Credit and Welfare Reform and Work Act 2016**

4.2 The impact of the introduction of Universal Credit (UC) in Kirklees has not been fully felt yet. The rollout of UC started in June 2015 with new, single claimants and the second full digital rollout stage commenced in November 2017 and initially involves all new claimants and existing Housing Benefit claimants with a change of circumstances. KNH Income Management resources are being made available and targeted towards new and transitioning UC claimants to ensure that they receive the support that they need to successfully make the change and keep in control of their rent accounts .Due



to the waiting period of around 6 weeks before the first payment is received it is inevitable that most tenants in receipt of UC will accrue some rent arrears during this waiting period. There may be a slight improvement due to the recent Government announcement to reduce the waiting period to on average five weeks and the continuation of payment of HB. There are significant strategic and operational challenges in dealing with the estimated total of 10000 claimants in Kirklees Council tenancies as UC continues to be rolled out in Kirklees over the next 4 years with increased risks associated with managing HRA cashflow and income collection rates. A KNH Welfare Reform Programme Board is in place to oversee the delivery of a set of action plans designed to directly mitigate the impact of welfare reform changes such as UC on tenants and the HRA.

4.3 The Welfare Reform and Work Act 2016 confirmed a number of other measures that could have a significant impact on tenants and the HRA. These include:

- 1) The 1% reduction in rent referred to above
- 2) The capping of Housing Benefit to cover rent and service charge payment in council housing to Local Housing Allowance rates, which has now been dropped as a policy
- 3) The reduction to £20,000 of the annual benefit cap limit
- 4) The freezing for 4 tax years of some social security benefit.

## **5. Proposed Rent and Service Charge**

5.1 The new average weekly HRA dwellings rent for 2018-19 is £69.10, based on a 52 week billing period and incorporating the compulsory 1% rent reduction.

5.2 It is proposed that the annual increases to average weekly garage rent and service and other charges for 2018/19, as attached at Appendix 1, continue to be uplifted in line with the same Retail Price Index (RPI) figure (September snapshot) which for 2018/19 is 3.9%, again calculated over a 52 week billing period and charges for Extra Care Services are uplifted by 2.87%.

5.3 The proposed changes to rent and service charges for 2018/19, as set out above, will be effective from 2<sup>nd</sup> April 2018.

## **6. Consultees and their opinions**

6.1 Awareness of the 1% rent reduction has been communicated to Tenant and Resident Committees through a briefing sent out in December 2017, where comments and feedback was requested on the proposals contained in this report. TRC were supporting the HRA budget proposals set out in light of the financial challenges facing the HRA as a result of the 1% annual rent reductions to 2020 and other national policy changes, as well as, acknowledging the opportunities from the merger between Property Services and KNH in October 2016. Individual tenants will be formally notified of the approved changes by letter and in accordance with the statutory 4 week notice period.

6.2 It is intended that there will be further member, senior officer and other key stakeholder briefings through 2018 to continue to assess the future opportunities for the HRA and key sensitivities impacting on longer term HRA business plan forecasts.

## **7. Next steps**

7.1 In order to comply with the requirements of the Local Government and Housing Act 1989 to have a balanced HRA and the Welfare Reform and Work Act 2016 to reduce rents payable for social housing by at least 1% from April 2016 and subject to Cabinet approval, Council and KNH officers will prepare for the implementation of rents and service charge changes from 2nd April 2018 as set out in Appendix 1 and the issuing of prior notification letters to individual tenants in accordance with the statutory 4 week notice period.

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

8.1 That Members, in order to comply with the requirements of the Local Government and Housing Act 1989 to have a balanced HRA and the Welfare Reform and Work Act 2016 to reduce rents payable for social housing by at least 1% from April 2016, approve the proposed rent and service charge changes from 2nd April 2018 for 2018/19 which are contained within this report and which are summarised at paragraphs 1.1 – 1.3 above and in Appendix 1.

8.2 That Members note that the national and local financial challenges outlined above in preparation for HRA budget discussions in February 2018.

## **9. Cabinet portfolio holder recommendation**

9.1 That the proposed dwelling rent, garage rent, service and other charges set out in the report be approved and be effective from 2nd April 2018.

9.2 That the national and local financial challenges outlined in the report are noted in preparation for the HRA budget discussions in February 2018.

## **10. Contact officer and relevant papers**

Helen Geldart  
Head of Housing Services  
Tel 01484 221000  
Email: [helen.geldart@kirklees.gov.uk](mailto:helen.geldart@kirklees.gov.uk)

## **11. Service Director responsible**

Paul Kemp, Economy, Regeneration & Culture, Investment and Regeneration

**Schedule of Weekly Rent and Service Charges for 2018/19**

	Schedule as at 3 April 2017 £	Schedule as at 2 April 2018 £	Increase %
<b>RENTS</b>			
Average Dwelling Rent	69.80	69.10	-1.0
Split:			
Average 1 Bedroom Rent	61.44	60.83	-1.0
Average 2 Bedroom Rent	72.57	71.84	-1.0
Average 3 Bedroom Rent	81.69	80.87	-1.0
Average 4 and Over Bedroom Rent	86.02	85.16	-1.0
Garage Rents (Excl VAT)	4.76	4.95	3.9
<b>Housing Benefitable Service Charges</b>			
Concierge	2.02 to 13.15	2.10 to 13.66	3.9
Door Entry Systems	0.36	0.37	3.9
Communal Cleaning	0.82 to 6.31	0.85 to 6.56	3.9
Communal Cleaning (contract extension)	1.40	1.45	3.9
Window Cleaning	0.17 to 2.10	0.18 to 2.18	3.9
<u>Sheltered Housing:</u>			
Scheme Management	11.57	12.02	3.9
Scheme Coordinator	4.26	4.43	3.9
<u>Furnished Tenancies:</u>			
1 bed property	15.89	16.51	3.9
2 bed property	21.57	22.41	3.9
Single Person (old charge)	12.50	12.99	3.9
Family charge (old charge)	15.89	16.51	3.9
<b>PFI Service Charges</b>			
Communal Cleaning	8.93 to 12.17	9.28 to 12.64	3.9
Communal Utilities	1.84 to 9.75	1.91 to 10.13	3.9
External Lighting (General Needs Only)	1.43 to 2.13	1.49 to 2.21	3.9
Grounds Maintenance	2.41 to 6.26	2.50 to 6.50	3.9
Intensive Housing Management (Extra Care Only)	20.89 to 53.30	21.49 to 54.83	2.87
Management and Admin	1.08 to 1.09	1.12 to 1.13	3.9
Night Time Security (Extra Care Only)	13.92	14.32	2.87
Property Management (Extra Care Only)	18.21	18.92	3.9
R&M Com fac&ut cost	4.27 to 9.77	4.44 to 10.15	3.9
<b>Other Charges</b>			
Parking Spaces	4.10	4.26	3.9
Older People Support	6.95, 17.45	6.95, 18.13	3.9
<b>Sheltered heating :</b>			
Bedsit	8.60	8.94	3.9
1 bed	9.86	10.24	3.9
2 bed	11.06	11.49	3.9
3 bed	12.14	12.61	3.9

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**Name of meeting:** Cabinet

**Date:** 23 January 2018

**Title of report:** New Affordable Housing - Golcar, Huddersfield

**Purpose of report**

To consider a proposal to build 8 new 2 bedroom, 4 person properties for General Needs social housing rent on council owned land at Sycamore Avenue and Leymoor Avenue, Golcar, Huddersfield.

<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>  Project spend is over £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> 20.12.17
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by Strategic Director &amp; name</b>	<b>Naz Parkar - 11.01.2018</b>
<b>Is it also signed off by the Service Director - Finance, IT and Transactional Services?</b>	<b>Debbie Hogg - 11.01.2018</b>
<b>Is it also signed off by the Service Director - Legal Governance and Commissioning?</b>	<b>Julie Muscroft - 09.01.2018</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Cathy Scott/Cllr Viv Kendrick</b> <b>Adults and Public Health</b>

**Electoral wards affected:** Golcar

**Ward councillors consulted:** Cllr Marchington, Cllr Iredale and Cllr Richards

**Public or private:** Public

## Summary

- 1.1 The Housing Commissioning Strategy, together with action plans for delivery, was approved by Cabinet in February 2013. In July 2014 Council endorsed the complementary Kirklees Economic and Joint Health and Well-being Strategies. It is widely acknowledged that the homes and places where people live contribute significantly to our health and wellbeing and in turn that confident healthy, resilient people are better able to secure a job and be more productive in the work place.
- 1.2 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”. As a result Council called on Cabinet to bring forward proposals to address this crisis to include consideration of the following:
- A target to provide up to 1200 new homes on mixed tenure developments over the next 4 years, a third of which (i.e. 400 homes), should be Council and/or affordable housing and some of which should meet more specialist need for older and vulnerable people.
  - Bring forward an initiative to buy back former right to buy properties.
  - Bring forward Council owned land for new homes to be built.
  - Identify sites for private sector homes for sale.
  - Maximising inward investment into the district.
  - Developing and bringing forward investment options and a business case to make best use of headroom and other HRA resources.
  - Using creatively the investment of the resources, land, powers and knowledge we have available.
  - Addressing the growing fuel poverty affecting our citizens.
  - Working with responsible private landlords to drive up standards across the private rented sector.
  - A long term strategic approach with partners including KNH and KCA to develop housing options and the ALMO model.
- 1.3 In November 2015 a report was brought to Cabinet detailing the progress being made on housing delivery projects across the district. This included progress on a joint KNH and KC Building Services project considering the development of new Council homes on council owned land at Sycamore Avenue and Leymoor Avenue, Golcar, Huddersfield.
- 1.4 Although the Golcar site is considered as `difficult to develop` given the level of enabling work and abnormal intervention; it was given further consideration in mid-2017 as part of the initiative to upskill KNH Property Services and self-deliver the project adopting system build approach (SIPS). The outcome feasibility indicated an unsustainable cost proposal and unacceptable levels of risk to the operational delivery of the project, in particular the effect on labour resource and impact on existing core services, as a result Kirklees Council, in full consultation with KNH decided reluctantly, not to progress the project at that time.
- 1.5 In October 2017 the scheme was revisited by the new KNH Senior Leadership Team/ Senior Management Team and subsequently earmarked as a project with an

opportunity to manage the first development project under the new team's expertise and skills. Advantages are seen as:

- An opportunity to enter into the new build discipline and support a developing authority approach
- Demonstrating capability and skill in the sector by making best use of existing overhead/fee
- Utilising the project as a lead into further potential small scale development i.e. garage sites
- Deliver new affordable homes for the Council.

## 2. Information required to take a decision

2.1. It is proposed that KNH lead on the development of 8 new council homes on the Council owned land site in Golcar, by appointing a contractor (GS Kelsey) from the Efficiency North procurement framework, on a design and build (D&B), traditional construction basis.

2.2 The forecasted cost of delivering the new homes (Option 2 in the table below) is higher than a similar specification/size of unit delivered by Ongo Homes (Option 3 in the table below) it should be noted however that Golcar is considered 'difficult to develop' due to the following site related factors:

- 2 adjacent plots
- Significant works to relocate mains/services
- Significant drainage remediation/connection
- Potential abnormal ground condition due to existing underground culvert.

Also it should be recognised that in comparison the cost to develop Golcar reflects an increase in cost due to:

- Relatively low build volume (less than 20 units) with less scope to realise economies of scale.
- Lack of long term relationship and commitment with the supply chain.

The overall budget for the scheme £1,021,638 includes the forecasted scheme cost highlighted below plus fees and a 10% contingency.

The table below provides benchmarking cost comparisons

	Delivery Option	Scheme Cost £	M2 cost £
1	Self-Delivery – traditional construction	£1m - £1.2m	£1900
<b>2</b>	<b>GS Kelsey (D&amp;B; traditional construction)</b>	<b>£961,035</b>	<b>£1600</b>
3	Ongo Homes – (specification aligned)	£825,030	£1450
4	Sector average (volume based)	£879,000	£1500

2.3 Based on a high demand for 2 bedroom 4 person homes in Golcar a financial assessment using the Net Present Value (NPV) approach, which in capital budgeting analyses the profitability of a projected investment, indicates that over a 30 year period the return on the investment is positive. At the full Local Housing Allowance (LHA) rate of £96.91 per week these properties have a positive NPV of £14,341 (£1,793 per property). NPV is the difference between the present value of cash inflows and the present value of cash outflows. The rent compares to 80% of the

market rent based on information from local letting agents on a similar new build 2 bedroom 4 person private sector rented product.

2.4 Planning permission was approved in April 2017 under Application No. 2017/62/90063/W.  
<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f62%2f90063%2fW>

2.5 A risk assessment in relation to the project has been carried out with key risks, impacts and mitigations outlined in the table below.

Risk	Impact	Mitigation
Abnormal ground condition	Delay and increase in construction cost	Comprehensive Site Investigations completed
Management and security of the site	Delay and increase in construction cost	Adequate and approved Construction Phase H&S plan
Inclement Weather	Delay and increase in construction cost	Programme of works will reflect risk and incorporate time contingency where appropriate
Construction phase H&S incidence	Prosecution, delay and increase in construction cost, reputational impact	Comprehensive PCI, CPHSP, KNH project management, intensive site monitoring.
Local Labour shortage	Construction delay and associate rent loss	Formal requirement to utilise local suppliers on Council framework (price dependent)
Defective construction	Delay in handover and associated rent loss	Sectional inspection and handover, competent contractor, agreed specification and preamble. JCT 2011 D&B contract. Building control sign off.
Cost over run	Impact on budget	Known BOQ appended to a fixed price assigned under JCT D&B 2011
Low product demand	Rent Loss	Local area housing assessment determines high demand for 2 bedroom 4 person affordable housing
Contractor insolvency	Project overrun, increased costs and reputational damage	Contractor meets risk and audit capability/capacity assessment. JCT D&B with bond of collateral warranty.



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

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

- 3.1.1 The proposal to build new homes for social rent on the site supports the Council's strategic priority of delivering more affordable housing. Due to local economic factors around 60% of households in Kirklees cannot access open market housing. Development of the site will also support the role good quality housing plays in supporting health and well-being and residents to achieve a good quality of life.

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

- 3.2.1 The proposed scheme will provide good quality and much needed housing for the district which will be owned by the Council. The scheme offers value for money via procurement and benchmarked construction costs and will provide increased Housing Revenue Account income.
- 3.2.2 Although the contractor is not local to the Kirklees area as part of the contract negotiation we have expressed a formal requirement of the contractor to, where possible, use local suppliers and labour. In addition to this they are also expected to provide an opportunity to utilise Property Services to deliver a sample of second fix activities as part of a mentoring and upskilling workforce programme.

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

- 3.3.1 The new 2 bedroom homes will be let to families with children who are in housing need. Good quality housing has a positive impact on the health and wellbeing and contributes to children achieving their full potential.

#### **3.4 Reducing demand on services**

- 3.4.1 The provision of more affordable quality homes reduces demand on housing services responsible for providing housing options advice and tackling homelessness for those on low incomes in housing need. Improving health and wellbeing by providing quality housing has the potential to have a reduce demand on health and social care services.

#### **3.5 Legal/Financial or Human Resources**

##### **3.5.1 Legal**

- The method of procurement; namely the use of the Efficiency North Framework (Re:Allies) has been assessed by KC Risk/Audit and Procurement. The process of contractor selection meets the tests for value for money and represents a fair market competition/price particularly considering the nature, complexity and size of the site.
- The preferred method of contractor appointment is on a design and build basis with responsibility for the overall delivery of the project on time and to budget. The form of contract will be a JCT Design & Build 2011 with Quantities. The contractor has undergone in-depth capacity and competency assessment both prior to qualification to the Efficiency North Framework and most recently by KC Risk/Audit to ensure sound financial standing.

- Public Sector Equality Duty – Public sector authorities are bound by the Public Sector Equality Duty set out in section 149 of the Equality Act 2010. This requires the Council to have regard to the effect of the proposed development of any differential impacts on groups with protected characteristics. The protected characteristics being race, disability, and gender and also covers sexual orientation, age, religion or belief, marriage and civil partnership, pregnancy and maternity and gender reassignment. A stage 1 Equality Impact Assessment (Screening Tool) has been completed to assess the likely impact on equality groups. This indicated that the development is likely to have little or no impact on groups. No further equalities impacts are therefore required.

3.5.2 Finance – The approved Housing Revenue Account Strategic Capital Plan 2017/18 outlined a number of strategic priorities including new build proposals which would be subject to more detailed reports to be considered by Cabinet. This includes a proposal for KNH to deliver new homes. The overall budget for the Golcar scheme is £1,021,638 this includes the forecasted scheme cost plus fees and a 10% contingency. The scheme continues to be identified in the revised Capital Plan which is to be considered for approval by Cabinet and Council in January/February 2018. (Garage /Green Space Development Phase1 - £1,238,000).

### 3.5.3 Human Resources

KNH Property services will assume the following client responsibilities:

- Client role: Construction Design and Management (CDM)
- Contract administrator
- Project Manager
- Employers agent
- Commercial Management

Kirklees Council PRP will provide a project monitoring role including:

- Quantity Surveying - checking that valuations align with work completed and the contract
- Clerk of Works – site checks during course of the project to ensure that the build quality aligns with Council expectations and the contract.

## 4. Consultees and their opinions

4.1 Cllrs Marchington, Iredale and Richards were consulted in December 2017 on the proposed scheme. Cllr Richards and Cllr Marchington have confirmed their support for the use of this land site to provide suitable accommodation that is to be charged at affordable rents.

## 5. Next steps

5.1 Continue to progress the delivery of new affordable homes at Golcar as outlined in this report.

## 6. Officer recommendations and reasons

6.1 Cabinet give their approval for KNH to progress the Golcar housing scheme.

- 6.2 Cabinet approve the proposed procurement approach, namely the use of the Efficiency North Framework and the appointment of GS Kelsey.
- 6.3 Cabinet delegate authority to 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 the design and build contractor in consultation with the Service Director, Economy regeneration and Culture.
- 6.4 The development of the Golcar site will deliver new social houses for rent and so contribute to the Council's strategic priorities of delivering housing growth and meeting the housing needs of low income/vulnerable households.

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

- 7.1 Councillor Cathy Scott was briefed on the proposal to build new council homes on 8<sup>th</sup> January 2018.

Cllr Scott said 'I am supportive of the proposal to build much needed council homes for families in need of an affordable home for rent. These new homes will help to meet housing need in this area of Kirklees'.

8. **Contact officer**

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Asad Bhatti, Head of Asset Management, Kirklees Neighbourhood Housing  
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Email: [Asad.Bhatti@knh.org.uk](mailto:Asad.Bhatti@knh.org.uk)

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

Housing Delivery Programme Update – Cabinet 17.11.15

<http://democracy.kirklees.gov.uk/documents/s8557/Housing%20Delivery.pdf>

Planning permission was approved in April 2017 under Application No. 2017/62/90063/W.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f62%2f90063%2fW>

10. **Service Director responsible**

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**Name of meeting:** Cabinet  
**Date:** 23<sup>rd</sup> January 2018  
**Title of report:** Proposed Bradley Urban Extension

### Purpose of report

This report provides an update on the proposed Bradley Urban extension site. It explains the further development of the masterplan for the site, including provision of a sport and leisure hub, and outlines the proposed approach to the delivery of the site.

<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> Disposal of the site will ultimately result in income of more than £250k.
<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> 16 <sup>th</sup> November 2017
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <u>Strategic Director</u> &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 for Legal, Governance and Commissioning?</b>	<b>Naz Parkar - 5/12/2017</b>  <b>Debbie Hogg - 4/12/2017</b>  <b>Julie Muscroft - 6/12/2017</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Corporate Portfolio - Cllr Graham Turner</b> <b>Cllr Musarrat Khan</b>

**Electoral wards affected:** Ashbrow Ward

**Ward councillors consulted:** Cllr Calvert, Cllr A. Pinnock, and Cllr Homewood

**Public or private:** Public

## 1. **Summary**

- 1.1 Bradley Park is proposed as a major urban extension in the Local Plan. In September 2016, Cabinet agreed a set of masterplan principles, alongside a strategic process to develop sports provision in North Huddersfield, and agreed that the Council, acting as landowner, would use the masterplan to support the housing site allocation through the Local Plan process.
- 1.2 This report provides an update on the following:
- Further development of the masterplan
  - The proposed provision of sport and leisure facilities on the site
  - The proposed approach to delivery of the site.
- 1.3 The report seeks Cabinet's approval of a revised masterplan, and an overall approach to delivery moving forward.

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

### **Background**

#### **2.1 Strategic Context**

- 2.1.1 The vision of the Kirklees Economic Strategy is:

*"Kirklees to be recognised as the best place to do business in the north of England and one where people prosper and flourish in all of our communities."*

The Economic Strategy identifies five priorities to deliver this vision. One of these priorities is the delivery of infrastructure that supports the success of businesses and makes it easier for people to access work. A key feature of this, is the creation of more, better and affordable housing to support economic growth.

The proposed housing site at Bradley Park will deliver a significant number of homes in a strategic location, close to the motorway network, and within easy distance of the employment opportunities on the Cooper Bridge Strategic Employment site, proposed as part of the Local Plan process. The size of the site means that we can better plan for quality and deliver a more thoughtful and integrated approach to the northern edge of Huddersfield's urban edge.

#### **2.2 The Local Plan**

- 2.2.1 The site is currently a combination of land already allocated for housing in the UDP (10 hectares) alongside land which is currently in the Green Belt.
- 2.2.2 The land that the Council owns at Bradley Park will deliver circa 1500 homes if it is allocated for housing in the Local Plan in the plan period (up until 2031). This increases to almost 2000 if the neighbouring site (in private ownership) to the west is allocated for housing in the Local Plan. Planning at this scale does have major implications for existing communities in terms of infrastructure delivery but it also has benefits, in that a more sustainable form of development is far more likely to be achieved at this scale. To ensure that this is achieved, the Council undertook masterplanning work. A report about this was provided to Cabinet in September 2016.

#### **2.3 Indicative masterplanning work**

- 2.3.1 The September 2016 Cabinet report endorsed a set of key masterplan principles, which were as follows:

- Over 40% of the site being retained as greenspace, suitable for a variety of uses.

- Focus of the masterplan around the creation of a central green corridor which sensitively balances development across the site, promoting environmental sustainability, high landscape value and the provision of recreational greenspace which will serve the local and wider community.
- The specification of homes to be for a high-quality and innovative product, which blends and complements existing homes in the area and meets the changing needs of people throughout their lives.
- The housing would be complemented by a wide range of wider community facilities including a new primary school to serve the wider community, a new local centre to provide services transport and infrastructure improvements to connect in to the A62 corridor. This would sit alongside a more coherent sports and open space strategy for the whole of north Huddersfield and improved green infrastructure and sustainable transport networks e.g. cycle routes.

## **2.4 Progress Since September 2016**

### **2.4.1 Revised Masterplan with Sports and Leisure Hub**

Following the approval of masterplan principles by Cabinet, along with the agreement to the proposed process for agreeing a strategic approach to sport and leisure provision, officers have engaged with both Sport England and England Golf to develop options for sport and leisure provision on the site. As a result of these discussions, a revised indicative layout for the site has been developed. The layout provides for a sport and leisure hub in the north east area of the site. This area would be sufficient to accommodate a nine hole golf course (utilising some of the existing holes), a floodlit golf driving range, two full size 3G sports pitches and new club house/changing facilities with appropriate parking. The facilities would serve new residents of the site and the wider community of north Huddersfield. It works with the existing masterplan principles and is consistent with the previously agreed principle, of providing a wide range of complementary community facilities to serve the expanded community, which would be created by the Bradley urban extension. The Council is committed to devising a funding strategy for the sports and leisure hub, including potentially earmarking receipts from land disposals.

The revised masterplan which accommodates the sports and leisure hub is show in appendix 1.

### **2.4.2 Consultation with England Golf, Sport England and Kirklees Active Leisure**

As part of the development of the proposed facilities, there has been extensive discussion with England Golf, the governing body for the sport in England. England Golf are supportive of the revised proposals and specifically the nature of the golfing provision included in it. They have confirmed that they are happy to work with the Council to further refine the development of the facilities.

Sport England have also been consulted on the proposals for Bradley Park. They have also given positive feedback about the proposals.

Kirklees Active Leisure (KAL) are being consulted through regular contact with officers in Culture and Vibrancy.

### **2.4.3 Delivery**

Officers continue to develop a delivery strategy, setting out how the proposed urban extension at Bradley would be delivered. As part of this, officers are developing a number of key principles, and these are explained further in 2.4.4 to 2.4.6 below:

## **2.4.4 Phasing**

The development of the site will be phased throughout the Local Plan period (which covers 2019 to 2031). It is intended that development would start during 2021/2022. A key principle, would be, that development is phased to ensure that there is no break in golfing provision i.e. there are always at least 9 holes available for use. Development would start on the south of the site, including the existing UDP allocation, allowing the existing golf course to continue, in operation, during the early stages of development. Meanwhile, the development of the new facilities hub would take place in the north east part of the site, to enable golfing activity to transfer to that area with no break in provision, with the remainder of the site being developed once suitable replacement facilities were in place.

## **2.4.5 Link with highways infrastructure**

The phasing strategy for the site is, in part, linked to the timing of infrastructure delivery, in particular highway infrastructure. The delivery strategy demonstrates how some housing can be delivered ahead of significant highway interventions, but it also recognises that there is a need for major interventions to ensure that the development can be completed. Early phases will be delivered via improved access points at Lamb Cote Road and Tithe House Way. Additional road infrastructure is required, to support later phases. This will be linked to the delivery of the A644/A62 major transport scheme. This includes, amongst other elements the creation of a link road from Bradley to the A644. This forms part of the West Yorkshire Transport Fund programme and will be delivered by 2023. An update on this scheme is reported elsewhere on this agenda.

It should be noted that the masterplan principles previously approved, place a strong emphasis in the internal layout of the proposed development, on providing a high quality infrastructure for walking and cycling, to encourage use of these forms of transport and reduce car journeys.

The masterplan is also designed to ensure that there are good public transport connections by including in consideration of the design of the site what highways layout would be most commercially attractive to bus operating companies.

## **2.4.6 Procurement**

Development of the Bradley urban extension will require the Council to work with development partners, in order to deliver housing on the site. Given the scale of the development, it is likely that two or more partners will be required. The delivery strategy for the site, proposes that the Council engages a development partner, in a way that allows efficient procurement, whilst ensuring that the Council's overall vision for the site is delivered.

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

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

- 3.1.1 The scale of the proposed urban extension at Bradley means that there is scope for creation of a sustainable community, including specialist supported living accommodation.
- 3.1.2 The inclusion of this type of accommodation as part of the development of Bradley, responds to the Council's Housing Strategy, which identifies the need for housing a growing population of older people and the need for specialist accommodation, including housing with support, to respond to this and other complex needs.



3.1.3 The Council's controlling interest in the site also means that there is scope for the site to give priority to affordable homes, which the Housing Strategy identifies as an area for particular focus due to local economic factors, and barriers to accessing the housing market. 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 As set out in 2.1 above, the quantity and quality of the local housing stock needs to increase to support the economic growth of the district. Development at Bradley will help support economic growth in South Kirklees, particularly given the proximity to the proposed employment site at Cooper Bridge.

3.2.2 The development of the land will also have positive benefits for the local economy – through partnering with the private sector on the development, there will be additional investment for the local supply chain and opportunities for the creation of new jobs and apprenticeships/training opportunities for local residents.

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

### **3.3.1 Legal Implications**

The proposed allocation of the site for housing, if approved, as part of the wider Local Plan process, will involve a procurement process for development partners for the site which may include an element of direct provision. Further details of the procurement process and proposed site disposal strategy as part of this, would be the subject of a future report to Cabinet.

### **3.3.2 Financial Implications**

In the short term, the Council in its role as landowner, is undertaking further technical work in order to pursue this site, as a housing allocation through the Local Plan process. The cost of the technical work will be met from existing budgets.

### **3.3.3 Human Resources Implications**

There are staffing implications in managing the master-planning work and the promotion of the site through the Local Plan process which will be managed within existing staff resources.

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

4.1 Cllr Turner and Cllr Khan were consulted on 27<sup>th</sup> November 2017. Their comments are given in section 7.

4.2 Cllr McBride and Cllr Mather were briefed on 4<sup>th</sup> December 2017.

4.3 Ward members were briefed on 18<sup>th</sup> December 2017. They have reservations about the loss of an eighteen hole golf course, and the proposed location of the 3G pitches. They have suggested alternative locations within the ward and elsewhere for the 3G pitches. They also have concerns about site constraints, potential contamination and proposed changes to the highway network. They have stated that they do not feel that their involvement to date has been sufficient, and they wish to be involved in the further masterplanning of the site and in particular the sports hub.

4.4 Representatives of the Committee of Bradley Park Golf Club have been briefed on the proposals in the revised masterplan.

## **5. Next steps**

5.1 Subject to Cabinet approval of the recommendations in 6.0 below, the next steps would be:

- Work with England Golf, Sport England, Kirklees Active Leisure, ward members and the local community to develop a detailed design for the proposed sport and leisure facilities
- The Council acting in its role as landowner to participate in the Stage 4 Local Plan hearing to pursue the allocation of the Bradley site as a housing allocation
- Officers to prepare a procurement strategy for a development partner and report back to Cabinet

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

6.1 Cabinet endorse the revised masterplan for the Bradley Urban Extension, which includes sport and leisure facilities as detailed at 2.4.1 above, and authorise officers to continue to progress design of the sports and leisure area

6.2 Agree that the Council, acting in its role as landowner, will pursue the allocation of the Bradley Park site for housing through the local plan hearing process, and authorise officers to commission the work necessary to progress this.

6.3 Cabinet to note officers to prepare a procurement strategy to secure a development partner for the site. This procurement strategy when developed will be the subject of a further report to Cabinet that will seek the authority for the implementation of the procurement strategy.

6.4 The reason for the recommendations are that housing is required to support the economic growth of the district. The proposals for Bradley Park will deliver housing growth in a sustainable way, supported by appropriate community facilities and is close to proposed areas of employment.

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

7.1 Cllr Graham Turner was briefed on 27<sup>th</sup> November 2017 and said "I fully support the Council as landowner pursuing the Bradley urban extension. New homes are vital to support the economic growth of the district".

7.2 Cllr Khan was briefed on 27<sup>th</sup> November 2017 and said "The proposed masterplan for the site sensitively balances the need for new housing with the need to create a new community, including a new sports hub which retains some dedicated golf provision and other facilities. I am confident that the principles set out in the masterplan will create a sustainable urban extension to Huddersfield and a positive environment to encourage people to lead physically active lifestyles."

## **8. Contact officer**

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Investment & Regeneration  
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## **9 Background Papers and History of Decisions**

## **10. Appendices**

- Masterplan - Appendix 1

## **11. Service Director responsible**

Paul Kemp - Service Director - Economy, Regeneration and Culture  
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9 Hole Golf Course based on existing course

2 no. 3G Adult Football Pitches 100 x 64m (110 x 70 yards) + 3m run off + Changing Facilities

5km Walking/Running Circuit

U12

3G

3G

Driving Range

**Name of meeting:** Cabinet

**Date:** 23 January 2018

**Title of report:** Proposals for changes to support and transport for disabled children, adults and older people.

**Purpose of report:** To update Cabinet on the results of the consultation with service users and the wider public on potential changes to a number of services affecting children and adults with disabilities and their carers. To seek approval for proposals for changes to a number of these services, following the consultation.

<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>	Yes Will have an impact on all wards Will save/spend in excess of £250k
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	Yes 20 December 2017
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Yes
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	<b>Richard Parry – 10 January 2018</b>
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	<b>Debbie Hogg – 15 January 2018</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	<b>Julie Muscroft – 15 January 2018</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Viv Kendrick Cllr Cathy Scott</b>

**Electoral wards affected:** All wards

**Ward councillors consulted:** N/A

**Public or private:** Public

## 1. Summary

In August 2017 Cabinet approved a public consultation in the following areas;

- Access fund
- Home to School transport for those with SEN and/or disabled children
- Social Care transport for disabled children, working age adults and older people
- Short breaks for disabled children

This report provides information about the outcomes of the consultation in relation to the above.

This report also seeks approval for policy changes and the implementation of new approaches under existing policies.

The consultation also included home to school transport for non SEND provision. The proposals for non SEND children is dealt with in a separate report on this agenda. The decision to develop separate proposals was taken for a number of reasons;

- There is little cross over between the people affected by the two sets of proposals
- The proposals need to be tailored and designed around the needs of different populations

The proposals were set within the context of the council overall medium term financial strategy approved in February 2017 and driving value for money in order to provide for other cost pressures within the council.

All proposals outlined in the report have been equality impact assessed in line with the Public Sector Duty and Equality Act 2010. For more information, see section 3 of the report.

## 2. Information required to take a decision

The Council has agreed a set of shared outcomes;

- Children have the best start in life.
- People in Kirklees are as well as possible for as long as possible.
- People in Kirklees have aspiration and achieve their ambitions through education, training, employment and lifelong learning.
- People in Kirklees live in cohesive communities, feel safe and are safe/protected from harm.
- Kirklees has sustainable economic growth for communities and businesses.
- People in Kirklees experience a high quality, clean, sustainable and green environment.
- People in Kirklees live independently and have control over their lives.

A number of reviews concluded that some services were not as effective or efficient as they might be in achieving outcomes for some children and adults, particularly in maximising the independence of disabled children. It is thought that redesigning services to maximise independence may reduce demand on (some elements of) children's and adults social care. This may assist the financial sustainability of the service. The Council had also agreed a number of savings in the medium term financial plan in relation to areas covered by this

report and changes in here will impact on those savings. There are elements of the proposals in here which will also require investment.

This report ensures that changes following the review, budget proposals and consultations findings are brought together into one plan.

The consultation was carried out between 4 September and 22 October 2017. There was a separate questionnaire for Home to School Transport but both consultations were promoted together as some families could be affected by proposals in each consultation. The questionnaires and the consultation report detailing the findings can be found on the Kirklees Involve website:

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

## 2.1 Access Fund

### **Background and context**

From April 2017 councils are legally required to set up a fund (SEND inclusion fund – formerly called the access fund) to fund the additional costs of childcare for disabled children. This fund is used to cover the **additional** costs of providing childcare for children who have an identified special need. Parents pay the cost of childcare to the early years setting. The early years provider can apply to the SEND inclusion fund for any additional costs e.g. additional staffing or adaptations to the building. The fund supports parents maintaining work and children gaining appropriate independence and becoming school ready. The current statutory expectation is 15 hours which rose to 30 hours for parents who work, in September 2017. No additional funding was given for the increase in statutory hours and the fund continues to be under pressure.

The SEND inclusion/Access fund is complex and legislation is changing. Further information related to the Access Fund can be found in Appendix A.

### **Summary of the outcomes of the statutory consultation**

The consultation responses were overwhelmingly against the proposals to restrict the Access Fund by linking it with only statutory hours for child care, with concerns cited across a number of key themes.

These key themes included:

- lack of fairness and equity,
- negative impact upon child development and progress,
- reduced opportunity for children with SEND to be fully included in childcare settings, reduced access to childcare provision,
- added costs later on if not investing at the earliest stage,
- negative impact upon parent/carer ability to take up work,
- parent/carer wellbeing and financial stability as a result of decrease in hours worked or additional costs if working beyond the statutory childcare hours.

Further information on the consultation findings related to the Access Fund can be found in the full consultation report [www.kirklees.gov.uk/SupportTransportDisability](http://www.kirklees.gov.uk/SupportTransportDisability)

2.1.1 Proposals for the Access Fund - a number of different proposed options have been developed for consideration by members, based on the feedback we received during the consultation. See the table below. The preferred option is option 5 because it invests in the independence of children, economic resilience of their parents and provides better outcomes for children and families in the medium and longer term.

Option	Proposal	Benefit	Risks/impact
1	Statutory only provision - limit additional support to a statutory number of hours (15 or 30).	Initial saving to the Council.  Meets basic legal requirements.	<ul style="list-style-type: none"> <li>• Potential for a negative impact on the opportunities for those children with SEN and/or disability to enjoy the same opportunities as their non-disabled peers to access local childcare and fulfil their opportunities to be involved in their own communities. (Impact on early intervention and prevention – maximising independence.)</li> <li>• Parents of children with SEN and/or disability are more likely to live in poverty than other families and therefore access to good quality childcare is an essential support. Reducing to statutory only would impact on access to this.</li> <li>• Reducing to statutory hours would mean parents funding the additional costs of childcare themselves. This would be largely unaffordable for many parents therefore having a negative impact on parents' ability to access employment – particularly full time employment.</li> <li>• The potential for legal challenge in regard to disability discrimination</li> </ul>
2	Capped budget covering statutory and non-statutory.  This would mean the Council setting a budget that is fixed and allocated on a first come first service basis. Once the budget was spent there would be a waiting list.	Controllable budget.	<p>Potential for legal challenge is likely to be greater.</p> <p>Would be inequitable and would not prioritise those with most need.</p> <p>There is also a risk that this wouldn't meet the change in needs of SEND children.</p>
3	Make the access fund available across statutory and none statutory hours (pre school and school aged) but reduce level of additionality all ages i.e. tightening criteria.	Would reduce spend.	Criteria are already relatively tight and this may discriminate against those with higher needs.
4	Develop/create Support Specialist Nurseries.	Specialist resources centred in a smaller number of sites would provide areas of expertise. Some limited savings are possible.	<ul style="list-style-type: none"> <li>• Would not meet legal requirements for parental choice.</li> <li>• Would limit inclusion in local community resources for children with SEN and/or disability.</li> <li>• Would be at odds with the emphasis on children attending mainstream school and potentially set up a pathway into longer term segregated services.</li> </ul>
5	Review a range of existing capacity and services to	Brings together a set of related	<ul style="list-style-type: none"> <li>• Project capacity required to undertake this activity.</li> </ul>



	<p>develop a model of specialist outreach support as part of the early help offer. <b>(preferred option)</b> This would include</p> <ul style="list-style-type: none"> <li>• Benchmarking of current costs.</li> <li>• Development of a strategic plan to develop an early years outreach team that can proactively build capacity within settings and monitor practice.</li> <li>• Collaboration with neighbouring authorities to establish protocols around allocation of access fund.</li> </ul>	<p>interventions to create a more holistic and effective approach that impacts positively to maximise independence and support improving outcomes for children. This may reduce future dependence on the access fund.</p>	<ul style="list-style-type: none"> <li>• The medium term financial plan requires savings in this area of in excess of £523k. Savings may need to be identified elsewhere and if there are knock on implications these will be reported to Cabinet.</li> </ul>
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If option 5 is approved, an immediate piece of work would be to scope in more detail the project and implications.

## 2.2 Home to School transport for children with Special Educational Needs and/or disability

### **Background and context**

Home to school transport for both mainstream provision and provision for those with SEN and/or disability was part of one consultation exercise. Due to the outcomes of the consultation and the nature of proposals following this, separate reports are being presented on this cabinet agenda.

The current Kirklees Home to School Transport policy, which can be found at <https://www.kirklees.gov.uk/beta/schools/pdf/home-to-school-transport.pdf>, provides a local interpretation of the statutory duties placed on the Council by the relevant Acts. For further information related to this legislation, see appendix B.

Custom and practise within Kirklees has meant a number of deviations from the policy have been introduced over the years which have meant that Kirklees currently go beyond the stated level of provision within its own policy and the national statutory guidance. This has meant that some children who are not eligible as defined by the relevant legislation have been receiving free transport provision.

In recent years the Home to School Transport revenue budget has overspent on average by £1.3m per annum. A budget proposal to reduce this overspend by £600k per annum has proven to be undeliverable.

The current interpretation of the policy has encouraged a default position where by the Council has been providing transport based around a taxi or minibus in many situations beyond what the law requires.

The effect of this is not only on the Councils budget but it also limits the options for independent or supported transport therefore potentially creating a longer term dependence on statutory services and limits future options for employment or alternatives to social care. This is at odds with the councils stated intention to support maximising independence.

The consultation proposed to take the Council back to a statutory only provision based around the definitions of eligible children contained within the relevant legislation. This would enable the Council to set a Home to School Transport revenue budget based on its statutory duties and make transport decisions in an open and transparent way. If decisions to go beyond statutory provision were then subsequently taken, this would be fully evidenced and appropriate budgets identified outside the Home to School Transport budget.

An Independent Travel Training team (ITT) has been part of the Home to School Transport team for the past year. The independent travel trainers work with eligible children that are of compulsory school age and young people who are aged 16 and above with a recognised learning difficulty or disability attending sixth form or college. Those who take part in this scheme, learn to make specific journeys independently, be that a walking route or using public transport. To date the ITT has achieved very positive results, with over 50 children now traveling independently.

### **Summary of the outcomes of the statutory consultation**

There were 543 survey responses, of which 306 (57%) were from a person who either received free home to school transport or had a family member that did – this could have been either non SEN or SEN provision.

29% (160) were from young people with SEN or a disability or a parent/carer with a child with SEN or a disability or a parent/carer with a disability that impacted on them taking their child to school.

The consultation findings go alongside intelligence gathered from other engagement activities with service users and stakeholders. The general outcome of the overall engagement is to move to a more enabling model.

Further information on the consultation findings related to the proposals on Home to School transport can be found in the full consultation reports;

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

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

Proposal for Home to School Transport for children with SEN and/or disability - we are seeking member approval on proposals to update and separate out the current Home to School Transport policy into two separate policies;

- mainstream Home to School Transport policy.
- SEN and/or disability specific Home to School Transport policy.

Separately, subject to member approvals of the above, there will be a need to review the post 16 Home to School Transport Policy to ensure that it aligns with the policy for statutory school age children (5-16yrs).

It should be noted that broader changes to the SEND Home to School policy will need to await the outcome of the current review of national statutory guidance by the Department for Education which may change or clarify the duties placed on local authorities.

There will also be a need to consider the impact of any of the proposed policy changes on families whom may be affected by other proposals detailed in this report.

In addition to the above, member approval is also sought on a proposal to create a Travel Assessment Unit that would sit outside the existing Home to School Transport and SENACT

teams, leaving these teams to concentrate on transport logistics and Education Health Care plans respectively. This unit will be effective from September 2018.

It is proposed that a greater emphasis is placed on identifying and training pupils with SEN and/or a disability that may benefit from independent travel training (ITT).

It is acknowledged that the needs of a number of children with SEN and/or a disability may be such that they cannot benefit from ITT in either the short, medium or long term. However, it is likely that a significant number of children with less complex needs could benefit from ITT for all or part of their school life, which would bring an important life skill for these children.

Our current ITT offer happens at high school and due to parental expectations is sometimes difficult to introduce. It is our intention in the New Year to work much more collaboratively with Head Teachers and families on this offer to consider how we extend the age range that we work with.

This new unit would assess the ability of eligible children to take part and benefit from ITT or other methods of travelling to and from school. It would consider whether other measures, potentially non – transport related, could be introduced which would support and benefit the child and/or family, whilst also reducing the reliance on home to school transport if possible. This would be a whole family approach to addressing the statutory duties around home to school transport. An immediate piece of work, subject to approvals, would be to determine the investment required to create this unit and to further clarify the impact.

If successful, more children would potentially be travel trained, which is a skill for life, whilst ensuring that the provision of a taxi / minibus would usually be the last method of transport considered. This would still be available for those children assessed as requiring the provision but it would not be the usual default starting position. This is already reflected in the existing Home to School Transport policy but would be rigorously and consistently assessed before such provision was provided.

Children and families who do not qualify for support may still benefit from an assessment to support them in getting their own child to school. This new arrangement may cause an initial budget pressure as additional resources such as more independent travel trainers and behavioural support workers will be required but the intention is that this will gradually be self-financing due to the savings that could be achieved through greater use of ITT and other transport measures. In effect the council would be investing in children and young peoples' independence rather than creating longer term dependence on statutory and non-statutory services into adulthood.

In summary, a clearer application of the current policy alongside the new Travel Assessment Unit will lead to clarity about the real baseline costs of the statutory Home to School Transport provision.

### 2.3 Social Care Transport for disabled children, working age adults and older people

#### **Background and context**

The provision of transport is only considered in relation to individuals who have been assessed as eligible for services and/or support from Social Care. Social Care is changing and Kirklees Council is developing modern, flexible approaches to adult social care that will support people and their carers to remain independent, enabling them to lead fulfilling lives.

This includes seeking to ensure that as many people live and travel as independently and safely as possible within their own communities. Travel is an important aspect of everyday life which should be achievable, where possible, independently. The benefits of being able to travel independently extend beyond attendance at formal social care services.

The promotion of commonly available transport options needs to be encouraged to promote independence, e.g. public transport, people using their own vehicles, walking and mobilising with the use of aids, either independently or with support and concessionary travel.

A person's assessment and annual review will focus on the 'assets or strengths' of a person and will identify their potential to learn road safety and orientation skills so they can travel safely and independently to and from community activities and arrangements will need to be made to ensure support is provided.

Individuals with disabilities may qualify for a range of schemes or benefits designed to support with travel, these include help with leasing a vehicle (Motability Scheme), parking (Blue Badge Scheme), or offering free or discounted travel on trains and buses. Individuals that are eligible can claim benefits via DLA or PIP if they need help to get around. The current weekly payments are £22 (lower rate) £58 (higher rate). Individuals that are eligible to receive the higher rate can use this benefit to lease a vehicle via the Motability Scheme. Currently over 640,000 people in the UK, use the Motability Scheme.

The provision of transport is subject to a charge under Kirklees Council's Social Care Charging Policy. The current charge for example for transport to Day Services is £1.95, each way, per person, per journey.

This policy may be reviewed from time to time and changes may affect the charge which will be made for the provision of transport. Currently the charges made do not fully reflect the cost of the service provided and is subsidised by the Council. Notification of any changes will be sent to all individuals who receive supported transport.

### **Summary of the outcomes of the statutory consultation**

In response to the question asked in the consultation questionnaire about proposal in the future to look at assessing individuals and their families on a case-by-case basis, so that the council would not necessarily fund transportation if a family is able to make their own arrangements for the transportation themselves; 35% of all respondents felt positive and 48% felt negative about this idea.

Those that were positive about the idea gave reasons including it feeling like a fairer approach and a good compromise given the need to reduce costs. Some felt that the parents should take greater responsibility and that this idea would encourage that, while others noted the change to assessment should ensure that those most in need will receive support.

Those against the proposal noted that individual assessments would increase workloads and therefore costs, or may introduce inconsistencies. Some felt that any reduction in the service was a bad thing, while others were concerned about increased stress and pressure on families to provide transport. Some noted that there may be an impact on time spent with other family members, if more time had to be spent on transportation. Many felt they would be unable to provide transport themselves due to not driving, other commitments or the physical and mental challenges involved in transporting disabled family members. Some commented that their child's social interaction and independence may be compromised if they lost social care transport

Key themes included;

- Potential for greater stress on the family and for the disabled family member.
- Some felt choices would be limited and social interaction may decrease.

Further information on the consultation findings related to the proposals on Social Care transport can be found in the full consultation report [www.kirklees.gov.uk/SupportTransportDisability](http://www.kirklees.gov.uk/SupportTransportDisability)

2.3.1 Proposals for Social Care Transport for disabled children, working age adults and older people - a number of different proposed options have been developed for consideration by members, based on the feedback we received during the consultation. See the table below. The preferred options are a combination of options 3 and 4 because it allows us to take account the whole of an individuals and their family circumstances.

Option	Proposal	Benefit	Risks/issues
1	Retain the status quo.	Will not create disruption for existing service users.	<ul style="list-style-type: none"> <li>• Is not in line with an approach which takes account of what people can do for themselves (“asset based approach”).</li> <li>• Does not support maximising independence and managing demand in social care.</li> <li>• The approach is inconsistent as some people using direct payments use their own assets for transport.</li> </ul>
2	Ensure (with immediate effect) that all reasonable means have been explored (including considering) before offering council funded transport. Assess new social care users and reassess existing individuals with a focus on being able to use or fund other means of transport. This includes use of Motability vehicle or funding own transport. See proposed ‘tier factor’ approach on Appendix C.	<ul style="list-style-type: none"> <li>• Encourages independent travel.</li> <li>• In line with proposed changes to the home to school transport policy.</li> <li>• Some savings would be achieved.</li> <li>• Consistent approach for all eligible individuals.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited capacity to undertake this number of reassessments.</li> <li>• Potential for negative financial impact on service users and their families of using mobility element of DLA/PIP.</li> <li>• Potential for negative impact on carers if Motability vehicle is used.</li> <li>• Will increase the need to review or assess carers needs.</li> </ul>
3 Preferred option- alongside option 4	As above - with immediate effect for new service users and <u>phased</u> over a longer period of time for <u>existing service users</u> , to coincide with their planned reviews.	As above.	As above – but will have a lesser impact on capacity to undertake reassessments.  Possible risk of legal challenge if existing users have benefit over new during transition period
4 Preferred option- alongside option 3 above	Consideration needs to be given to moving to a full cost recovery model and changing the charging approach. Further work is needed as we would need to understand the impact this would have on the maximum financial contributions people make.	Would reduce spend – offset costs.	Potential for negative financial impact on service users and their families.

	This option could be combined with any of the other options outlined above.		
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## Impact

All the options outline above, excluding option 1, would have the greatest impact on those attending adults day care. People not eligible for transport may be deterred from attending day care. A holistic assessment of need, would reduce the risk of this impact by taking into account the whole of the family circumstances including assets and need.

### 2.4 Short breaks for disabled children

#### Background and context

This consultation forms part of the local authority's duty to annually review the short breaks statement. Currently the 2016/2017 Short Breaks Statement offers a range of breaks including access to community activities (grant funded in 2016/2017 to the tune of £90,000), Integrated Youth Support Services (IYSS), Orchard View and Young People's Activity Team (YPAT).

IYSS has been reviewed and the services they provided have been supported to continue in the voluntary and community sector. YPAT has a zero budget but from consultation earlier this year cabinet made the decision to continue the service for vulnerable children and officer undertakings have been made to develop the service. A number of the operational arrangements have been reviewed to reduce operating costs.

#### Summary of the outcomes of the statutory consultation

Out of the 267 responses in total, 55 of the respondents utilise short breaks provided via the council or community and voluntary sector.

From the figures and comments collected it is evident that people use a mix of short breaks on offer;

- day-time care at home,
- day-time care elsewhere,
- overnight care at home,
- overnight care elsewhere,
- educational or leisure activities away from home,
- evening or weekend support and/or
- support in the school holidays.

A sizable majority of respondents who use the services said they were extremely useful. 56% of the respondents who use the service said they would rather make a contribution than lose the service they use.

From comments it is evident the families who responded felt they did not always know what services are available to them, as we do not know the respondents eligibility this could have skewed the response. To mitigate this we need to ensure the short breaks statement and eligibility is well publicised amongst the community of interest.

Results from the respondents tells us that the services provided enable families to 'recharge their batteries' and that short breaks are essential to enable carers to maintain employment but some felt that the hours were restricted and transporting a family member with complex needs could also restrict their access to short breaks.

When asked if the short breaks are missing anything respondents comments evidences that they would value more after school and holiday provision. Comments also included the need to be able to plan, for example, certainty over funding and also not having planned nights cancelled because of emergency stays being provided at Orchard View. There is a lack of sufficiency for emergency placements in Kirklees so often when families go into crisis due to extreme behaviours Orchard View is used, this inevitably leads to planned stays being cancelled. As an authority we need to consider sufficiency for emergency placements so that planned respite is not disrupted.

Some respondents also felt that the number of allocated nights short breaks were not enough, we need to ensure families are aware of short break legislation and of the allocation process. One respondent also expressed concern that there was not a good enough spread of schemes available across Kirklees and that transport was an issue.

Further work is needed to look at the support that Community Plus and schools could provide in commissioning voluntary sector short breaks for families and activities for young disabled people.

Further information on the consultation findings related to short breaks can be found in the full consultation report; <http://www.kirklees.gov.uk/SupportTransportDisability>

### **Proposal for short breaks for disabled children**

To comply with guidance we need to refresh the short breaks statement for 2017/2018 ensuring we continue to provide the services that are valued by our community. The proposed way forward of travel is that we need to continue with overnight short breaks, further develop after school services and provision for breaks provided in the community.

We need to work with colleagues in Community Plus to develop a sustainable range of services provided by the voluntary and community sector that will enable young people to achieve positive outcomes whilst giving families a break from their caring role

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

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

Maximising independence for children, working age adults with disabilities and older people is at the heart of the proposals. By supporting people with travel training and investing in independence in the early years the use of the access fund, the council will not only improve outcomes but reduce dependence on and demand for social care.

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

The proposals recognise the vital part that economic resilience plays in the independence of families. The access fund recommended option and the approach to short breaks, invests in families maintaining employment. Where a potential impact on families exists in the recommendation regarding social care and home to school transport a more holistic approach to families and assessment of the needs of carers will be mitigating actions.

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

Investing in early years, independent travel training and short breaks in a more holistic and person centred way will have clear benefits to outcomes for children and young people that last into adulthood.

### 3.4 Reducing demand on services

Ensuring an asset based approach to assessment, while supporting people to be as independent as possible is the best way of reducing demand on services.

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

These proposals are all focussed on helping people be as independent as possible. What is outlined above forms a clear strategy that is aligned with the councils vision and firmly anchored in 7 Kirklees outcomes. The proposals invest in the most vulnerable in society while using the Council's resources in the most effective way.

The Equality Act 2010 creates the Public Sector Equality Duty (PSED).

Under section 149 of the Act

- 1) A public authority must, in the exercise of its functions, have due regard to the need to –
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are –

age;  
disability;  
gender reassignment;  
pregnancy and maternity;  
race;  
religion or belief;  
sex;  
sexual orientation.

In order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).

The Council has therefore carried out Equality Impact Assessments (EIAs) to help it take due regard of its public sector equality duties in relation to these proposals. These can be found in the All Age Disability section of the Council's website using <http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>.

Key findings of the EIAs are outlined below.

#### Access fund

The Stage 1 assessment has shown that there will be an overall positive "Impact" and "Risk" score for this area. In particular the assessment demonstrates a positive impact for Age and Disability in terms of the Protected Characteristic Groups; the changes were also deemed to be positive in terms of impact for existing service users and all residents across Kirklees. For all other Protected Characteristic Groups the assessment of impact was neutral.



## Home to School transport for those with SEN and/or disabled children

The Stage 1 assessment has shown that there will be a negative “Impact” and a positive “Risk” score for this area. For all Protected Characteristic Groups the assessment of impact was neutral. In particular the assessment demonstrates a negative impact for Age and Disability in terms of the Protected Characteristic Groups.

A Stage 2 assessment has been completed which outlines the results of consultations undertaken and the required actions to be taken forward as a result.

## Social Care transport for disabled children, working age adults and older people

The Stage 1 assessment has shown that there will be a neutral “Impact” and a positive “Risk” score for this area. For all Protected Characteristic Groups the assessment of impact was neutral.

A Stage 2 assessment has been completed which outlines the results of consultations undertaken and the required actions to be taken forward as a result.

## Short breaks for disabled children

The Stage 1 assessment has shown that there will be a neutral “Impact” and a positive “Risk” score for this area. In particular the assessment demonstrates a positive impact for Disability in terms of the Protected Characteristic Groups; the changes were also deemed to be positive in terms of impact for all residents across Kirklees. For all other Protected Characteristic Groups the assessment of impact was neutral.

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

A public consultation was undertaken for what was just over a 7 week period, between the 4 September and 22 October 2017. There was a separate questionnaire for Home to School Transport but both consultations were promoted together as some families could be affected by proposals in each consultation. The questionnaires and the consultation report detailing the findings from this consultation can be found on the Kirklees Involve website:

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

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

Methodology – A number of consultation methods were used including public drop in sessions, an online questionnaire, hard copy/paper versions of the questionnaire, which included an easy read version.

See appendix D for additional information related to the consultation.

## **5. Next steps**

Subject to decisions made by Cabinet, officers will commence the work required to implement the proposed changes approved.

Immediate work will be required to determine the investment strategy for capacity building in the access fund and the home to school transport.

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

That in relation to the:

**6.1 Access fund** – members agree option 5 as set out in paragraph 2.1.1 above; Invest in specialist outreach support as part of the early help offer. Work to commence on determining the investment strategy for capacity building in the access fund is carried out. This is because it invests in the independence of children, economic resilience of their parents and provides better outcomes for children and families in the medium and longer term.

### **6.2 Home to School transport for children with Special Educational Needs and/or disability;**

- to update and separate out the current Home to School Transport policy into two separate policies (as recommended in the other report on the agenda relating to non SEN home to school transport) and come back to Cabinet with their proposals on both in due course;
- to review the post 16 Home to School Transport policy and to come back to Cabinet with their proposals in due course this year: and
- commence the work to plan the creation of a separate Travel Assessment Unit as described in this report.

**6.3 Social Care transport for disabled children, working age adults and older people** – members agree to implement a combination of option 3 and option 4 as set out in the table at paragraph 2.3.1 of this report - Ensure (with immediate effect) that all reasonable means have been explored before offering council funded transport to new service users with eligible social care needs. The adoption of a phased approach to the implementation of this for existing service users. Consideration to be given to working towards a full cost recovery model. That authority to progress this be given to the Strategic Director – Adults to implement this.

**6.4 Short breaks for disabled children** – to approve the proposed way forwards as set out in the report, so therefore to continue with overnight short breaks, further develop after school services and provision for breaks provided in the community.

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

That in relation to the:

**7.1 Access fund** – option 5 be agreed as set out in the officer recommendations; Invest in specialist outreach support as part of the early help offer. Work to commence on determining the investment strategy for capacity building in the access fund is carried out. This is because it invests in the independence of children, economic resilience of their parents and provides better outcomes for children and families in the medium and longer term.

### **7.2 Home to School transport for children with Special Educational Needs and/or disability**

- to update and separate out the current Home to School Transport policy into two separate policies (as recommended in the other report on the agenda relating to non SEN home to school transport) and come back to Cabinet with their proposals on both in due course;
- to review the post 16 Home to School Transport policy and to come back to Cabinet with their proposals in due course this year: and
- commence the work to explore the creation of a separate Travel Assessment Unit as described in this report.

**7.3 Social Care transport for disabled children, working age adults and older people** – implement a combination of option 3 and option 4 as set out in paragraph 2.3.1 of the report - Ensure (with immediate effect) that all reasonable means have been explored before offering council funded transport to new service users with eligible social care needs. The adoption of a phased approach to the implementation of this for existing service users. Consideration to be given to working towards a full cost recovery model. That authority to progress this be given to the Strategic Director – Adults to implement this.

**7.4 Short breaks for disabled children** – to approve the proposed way forwards as set out in the report, so therefore to continue with overnight short breaks, further develop after school services and provision for breaks provided in the community.

## **8. Contact officers**

Sue Richards, Service Director - Integration

Jo-Anne Sanders, Service Director - Learning and Support

Joanne Bartholomew, Service Director - Commercial, Regulatory and Operational Services

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

Cabinet approval received to undertake a public Consultation about services for children and families, including people with disabilities – approved 22 August 2017

<http://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=139&MId=5267&Ver=4>

## **10. Service Directors responsible**

Sue Richards, Service Director – Integration

Jo-Anne Sanders, Service Director – Learning and Support

Joanne Bartholomew, Service Director – Commercial, Regulatory and Operational Services

## Appendix A – Additional information related to Access Funding

From April 2017 under the governments early years funding consultation response, 'all local authorities are required to establish a SEND Inclusion Fund for 3 & 4 year olds whose parents/carers are taking up their free early entitlement. The purpose of this fund is to support local authorities to work with providers to establish the needs of individual children with SEN. This structure will also support local authorities to undertake their responsibilities to strategically commission SEN services as required under the Children and Families Act 2014'.

In essence, this is the equivalent to Access Fund however the new requirement to extend this to maintained settings means that additional funding will be required in order for the local authority to fulfil its statutory duties.

In addition, the element of Access Fund required for school aged children needs to be considered alongside any increased costs in terms of ensuring accessible childcare for those affected as a result of changes to the provision of short breaks for working parents/carers.

### **Parliamentary inquiry into childcare for disabled children (2014): Key statistics**

- It costs up to 3 times as much to raise a disabled child, as it does to raise a child without disabilities (*Department for work and Pensions (2013) Households Below Average Income; an analysis of income distribution 1994/5-2011/12*)
- Families of disabled children are 2.5 times more likely to have no parent working for more than 16 hours per week. Only 16% of mothers with disabled children work compared to 61% of all mothers. (*EDCM (2006) Between a rock and a hard place*)
- Parent carers reported paying between £12-14 per hour for childcare, whilst others pay up to £20 per hour. This compares to the national average of around £3.50-4.50 per hour (*ECDM and Family Fund (2011) Breaking Down Barriers, Department for Education (2011); Qualitative research into families' experiences and behaviours in the Childcare Affordability Pilots (CAP09): Disabled Children's Pilot; Daycare Trust (2011), Childcare Costs Survey 2010*)

### **Joseph Rowntree Foundation:**

'Once account is taken of the higher costs faced by those who are disabled, half of people living in poverty are either themselves disabled or are living with a disabled person in their household' 'Of those people in poverty, 45% are not in a working family. This 45% is made up of pensioners (12%); families with disabled members (17%); lone parent families (6%); and 11% in other circumstances, such as workless single adults'

Quoted in **Routes Out of Poverty: A research review:**

<http://eprints.whiterose.ac.uk/73260/1/Document.pdf>

'For people of working age, an increase in labour earnings – either for the head of household or partner – was the main event associated with an exit from poverty.' [1991 to 1999] (Jenkins and Rigg, 2001).

'Second-earners can make an important difference in helping households to escape from poverty.' (Jenkins and Rigg, 2001).

Quoted in **Routes Out of Poverty: A research review:**

<http://eprints.whiterose.ac.uk/73260/1/Document.pdf>

Ability to work and play one's part in society has a positive impact upon parent/carer mental health. There is a wide variety of evidence to show that children who live in poverty are exposed to a range of risks that can have a serious impact on their mental health, including debt, poor housing, and low income (*Poor Mental Health: The Links Between Child Poverty and Mental Health Problems. The Children's society, March 2016*)

## Appendix B – Additional information related to Home to School Transport

### Home to School Transport Legislation

The Education Act 1996 Sections 508B and 508C place a statutory duty on local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. These provisions apply to home to school travel arrangements and vice versa but do not cover travel between educational institutions during the school day.

Section 508D of the Act places a duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children as defined by Schedule 35B of the Act (which was inserted by Part 6 of the Education and Inspections Act 2006). Eligible children are those categories of children of compulsory school age (5-16) in the authority's area for whom free travel arrangements will be required.

Local authorities are required to:

- Provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school (which means nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child and any Special Educational Needs (SEN) that the child may have) is beyond two miles (if below the age of 8) or beyond 3 miles (if aged between 8 and 16);
- Make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their Special Educational Needs (SEN) or disability. Eligibility for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability;

## Appendix C – Additional information related to Home to School Transport

### Social Care Transport – Tier factor

#### Proposed factors to be considered before providing council funded transport to access social care

- A. Person is able to walk or use assisted mobility either independently or with support from family, friends, support worker or volunteer
- B. Person can use public or voluntary transport, either independently or with support
- C. Person is able to be travel trained to access support
- D. Person has a private car, including a car leased through the Motability scheme. NB: Where a person uses their own vehicle or Motability car, no petrol costs or other expenses will be considered.
- E. Person receives the lower or higher rate mobility element of DLA or PIP, they will be required to fully utilise the benefit to support their transport needs to and from community activities.

**Appendix D- further information related to the consultation approach/methodology**

<b>Who did we talk to?</b>	<b>How?</b>	<b>When?</b>	<b>Method?</b>
Parents/carers of school age children and schools	Article in the Schools as community hubs newsletter	5 Sept 2017	Newsletter
	Information circulated to Schools PSE Network	7 Sept 2017	E-marketing
	Article in the school governors and head teachers newsletter	8 Sept 2017	Newsletter
	Article in HeadsUP! (schools e-newsletter)	21 Sept & 11 Oct 2017	E-marketing
	Letters sent to parents and carers of pupils with special educational needs (approx. 850)	21 Sept 2017	Letters
	Letters sent to parents and carers of bus pass holders (approx. 1500)	21 Sept 2017	Letters
	Letters sent to all school escorts and operators	21 Sept 2017	Letters
	Information presented at the Schools as community hubs leaders network	21 Sept 2017	Meeting
	Posters circulated to the Schools as community hubs network	21 Sept 2017	'Point of sale' and Display advertising
	Article in Nexus News	21 Sept 2017	Online
	Letters sent to head teachers	22 Sept 2017	Letters
	Drop in session at Royds Hall Community Schools	22 Sept 2017	Drop in Sessions at Mainstream Schools with specialist provision
	Information circulated on the Schools as community hubs twitter	Sept 2017	Social Media
	Information included in the schools admissions guide for parents (primary and secondary)	Sept 2017	Parent guide
	Drop in session at Newsome High School	3 Oct 2017	Drop in Sessions at Mainstream Schools with specialist provision
	Drop in session at Southgate School	11 Oct 2017	Drop in sessions at Special Schools
	Drop in session at Woodley School	12 Oct 2017	Drop in sessions at Special Schools
	Drop in session at Fairfield School	13 Oct 2017	Drop in sessions at Special Schools
	Drop in session at Joseph Norton Academy	17 Oct 2017	Drop in sessions at Special Schools

Parents/carers of school age children and schools	Drop in session at Honley High School	19 Oct 2017	Drop in Sessions at Mainstream Schools with specialist provision
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Who did we talk to?	How?	When?	Method?
Parents/carers of children and young people with a disability and provider services (early years)	Information emailed to EYSENCoNet members	5 Sept 2017	Email
	Information emailed to SENACT members	5 Sept 2017	Email
	Information emailed to the Pre-school Learning Alliance (PLA) network	5 Sept 2017	Email
	Information emailed to National Day Nurseries Association (NDNA) Chair and NDNA providers	5 Sept 2017	Email
	Information emailed to all childminders within Kirklees	5 Sept 2017	Email
	Information emailed to PVI managers network	5 Sept & 22 Sept 2017	Email
	Information emailed to SENCoNet members	6 Sept 2017	Email
	Information included to family information service introductory letter for parents requesting childcare	18 Sept 2017	Letter
	Information posts on Families in Kirklees Facebook	19 Sept 2017	Social Media
	Information included on the Kirklees online childcare search page	19 Sept 2017	Online
	Information and flyer shared with all childcare group settings, including: <ul style="list-style-type: none"> <li>• Day nurseries</li> <li>• Pre-schools and playgroups</li> <li>• Out of school clubs</li> <li>• Childminders</li> </ul>	22 Sept 2017	Email 'Point of sale' and Display advertising
	Letters sent to parents/carers who are supported by the Access Fund	25 Sept 2017	Letter
	Article in the bulletin to all childcare providers	3 Oct 2017	Newsletter
	Information presented at the EYSENCoNet meeting	3 Oct 2017	Meeting
Parents/carers of children and young people with a disability and provider services (early years)	Information presented at the SENCoNet professional network meeting	17 Oct 2017	Meeting



Who did we talk to?	How?	When?	Method?
Children, young people and adults with a disability, their parents/carers and provider services (social care)	Information emailed to carers services, including: <ul style="list-style-type: none"> <li>• Carers Count</li> <li>• St Anne's</li> <li>• Making Space</li> <li>• Kirkwood Hospice</li> <li>• Looking After Me</li> <li>• Care Navigation (Carers Workers)</li> <li>• Learning Disability Voice</li> <li>• Support to Recovery</li> <li>• South West Yorkshire Primary Foundation Trust (SWYPFT)</li> </ul>	5 Sept 2017	Email
	Information emailed to the Carers Strategy Groups	5 Sept 2017	Email
	Information emailed to the Blind and Low Vision Group	5 Sept 2017	Email
	Information emailed to the Deaf and Hard of Hearing Group	5 Sept 2017	Email
	Information shared with contracted providers of older peoples (OP) services	5 Sept 2017 & 27 Sept 2017	Email
	Information shared with contracted providers of learning disability (LD) and physical disability (PD) services	5 Sept 2017 & 27 Sept 2017	Email
	Letters sent to parents/carers who access inhouse AAD provider services	8 Sept 2017	Letter
	Information shared with the Howlands Centre	11 Sept 2017	Email
	Information shared with the MS Society	11 Sept 2017	Email
	Information shared with Carers Count	11 Sept 2017	Email
	Information presented at the LD Partnership Board Carers Sub Group	12 Sept 2017	Meeting
Children, young people and adults with a disability, their parents/carers and provider services (social care)	Targeted drop in sessions run by Parents of Children with Additional Needs (PCAN) in Huddersfield	12 Sept, 6 Oct & 16 Oct 2017	Drop in
	Easy read questionnaires were circulated to inhouse AAD provider services	14 Sept 2017	Email

	Information emailed to parents/carers included on the Additional Needs Register (who opted for contact via email)	14 Sept 2017	Email
	Information shared with contracted providers of generic adult social care services	21 Sept 2017	Email
	Information emailed to individuals who have expressed an interest in being contacted with regards to wellbeing consultations	22 Sept 2017	Email
	Update provided at LD Partnership Board meeting	25 Sept 2017	Meeting
	Information presented at the LD Partnership Board	25 Sept 2017	Meeting
	Targeted drop in sessions run by Parents of Children with Additional Needs (PCAN) in Dewsbury	26 Sept & 17 Oct 2017	Drop in
	Information shared with contracted providers of mental health (MH) services	27 Sept 2017	Email
	Information shared with commissioners of children's AAD services	27 Sept & 2 Oct 2017	Email
	Information emailed to KIN/ Cloverleaf Advocacy	28 Sept 2017	Email
	Flyers sent to the Milen Centre	29 Sept 2017	'Point of sale' and Display advertising
	Information emailed to Shared Lives carers	Sept 2017	Email
	Information emailed out to Partnership Boards (OP, MH, LD, PD) members (adults)	Sept 2017	Email
	Information promoted by PCAN on their Facebook page	Sept 2017	Social Media
Children, young people and adults with a disability, their parents/carers and provider services (social care)	<p>Information shared with disabled children's charitable groups, including:</p> <ul style="list-style-type: none"> <li>• Huddersfield Down Syndrome Support Group (HDSSG)</li> <li>• Huddersfield Support Group for Autism (HSGA)</li> <li>• The whole autism family</li> <li>• Kirklees deaf children's society</li> <li>• North Kirklees autism support group</li> <li>• Action for Blind People</li> </ul>	2 Oct 2017	Email

	Letters sent to all direct payments users (children's and adults)	2 Oct 2017	Letter
	Information shared with contracted providers of children's short breaks	2 Oct-6 Oct 2017	Email
	Flyers sent to Age UK	2 Oct 2017	'Point of sale' and Display advertising
	Flyers sent to Action for Blind People	4 Oct 2017	'Point of sale' and Display advertising
	Questionnaires sent out to Shabang	5 Oct 2017	Questionnaires
	Targeted drop in session run by Parents of Children with Additional Needs (PCAN) in Mirfield	9 Oct 2017	Drop in
	Information presented at the Blind and Low Vision Group	10 Oct 2017	Meeting
	Information shared with community short breaks providers	Oct 2017	Email
	Involvement sessions held with disabled children and young people at: <ul style="list-style-type: none"> <li>• Sports Work</li> <li>• Rising Stars</li> </ul>	Oct 2017	Young people involvement
<b>Who did we talk to?</b>	<b>How?</b>	<b>When?</b>	<b>Method?</b>
Members of the public	Public Cabinet Meeting	22 Aug 2017	Meeting
	Details of the consultations available on Involve (the council's online consultation and engagement system)	4 Sept 2017	Online
	Article online on Kirklees Together	8 Sept 2017	Online
	Press release & news stories in Huddersfield Examiner	9 Sept, 16 Oct & 19 Oct 2017	Press
	Drop in session at Dewsbury Customer Service Centre	20 Sept 2017	Drop in
	Drop in session at Huddersfield Customer Service Centre	21 Sept 2017	Drop in
	Drop in session at Huddersfield Town Hall	26 Sept 2017	Drop in
	Drop in session at Dewsbury Town Hall	28 Sept 2017	Drop in
	Information posted on Facebook	Sept-Oct 2017	Social Media
	Information posted on Twitter	Sept-Oct 2017	Social Media
	Information shared on Media Screens in Customer Service	Sept-Oct 2017	'Point of sale' and Display advertising

	Centres		
	Flyers available in Customer Service Centres	Sept-Oct 2017	'Point of sale' and Display advertising
	Flyers available in Libraries	Sept-Oct 2017	'Point of sale' and Display advertising
	North Kirklees targeted posted on Facebook	Oct 2017	Social Media
Who did we talk to?	How?	When?	Method?
Council staff and networks	FAQ information shared with managers across adult social care, all age disability services, customer service units, customer service centres, early intervention and prevention	8 Sept 2017	Email
	FAQ information shared with inhouse AAD provider services	8 Sept 2017	Email
	Information shared with Faith and Community Integration network	11 Sept & 17 Oct 2017	Email
	Information shared with Area and Neighbourhood Action Co-ordinators	19 Sept 2017	Email
	Information presented at Huddersfield Customer Services Centre Team	21 Sept 2017	Meeting
	Regular Head of Service update to all age disability staff	Sept 2017	Email
	Information shared with managers across adult social care and all age disability services	Sept 2017	Email
	Information and flyers shared with managers in community plus and early help	29 Sept 2017	Email 'Point of sale' and Display advertising
	Information shared with targeted youth support staff	Oct 2017	Email
	Information shared with Kirklees Youth Councillors (approx. 76)	Oct 2017	Email

Who did we talk to?	How?	When?	Method?
Councillors	Regular updates presented at Portfolio Holders Briefings	Sept-Oct 2017	Meeting
	Information regarding and invited to the drop in sessions	14 Sept 2017	Email
	Information shared on the online blog available for all councillors	14 Sept 2017	Online
	Information shared with Parish Councils	12 Oct 2017	Email

Who did we talk to?	How?	When?	Method?
Other partners, community groups and charities	Information and flyer shared with Healthwatch networks	4 Sept & 4 Oct 2017	Email 'Point of sale' and Display advertising
	Information shared with Kirklees College	5 Sept 2017	Email
	Information emailed to C&K Careers	5 Sept 2017	Email
	Article in the Volunteering Kirklees Newsletter	5 Sept 2017	Newsletter
	Article in the Third Sector Leaders newsletter	5 Sept 2017	Newsletter
	Information shared with Home Start	5 Sept 2017	Email
	Information shared with Health colleagues	5 Sept, 2 Oct & 10 Oct 2017	Email
	Information presented at the Health Champions Meeting	21 Sept 2017	Meeting
	Article in the Getting Involved e-newsletter	17 Oct 2017	Newsletter

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**Name of meeting:** Cabinet  
**Date:** 23rd January 2018  
**Title of report:** Proposals for changes to Home to School transport policy for children attending mainstream school.

**Purpose of report:**

To update Cabinet on the results of the consultation with service users and the wider public on potential changes to a number of services affecting children attending mainstream schools and, following the consultation, to seek approval for proposals for changes to Home to School transport for eligible children attending mainstream schools.

<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>	Yes – the proposals in this report would have a significant effect across Kirklees and result in significant financial savings.
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	Key Decision – Yes Private Report/Private Appendix – No
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Yes
<b>Date signed off by <u>Director</u> &amp; name</b>	Steve Walker (Jo-Anne Sanders) – Director for Children’s Services – 15 January 2018  Naz Parkar (Joanne Bartholomew) – Director for Economy and Infrastructure – 15 January 2018
<b>Is it also signed off by the Assistant Service Director for Financial Management, IT, Risk and Performance?</b>	Debbie Hogg – 15 January 2018
<b>Is it also signed off by the Assistant Service Director (Legal Governance and Commissioning)?</b>	Julie Muscroft – 15 January 2018
<b>Cabinet member <a href="#">portfolio</a></b>	Cllr Masood Ahmed – Children’s Cllr Viv Kendrick - Adults Cllr Graham Turner – Corporate

**Electoral wards affected:** All  
**Ward councillors consulted:** All  
**Public or private:** Public

## 1. Summary

On 22<sup>nd</sup> August 2017 Cabinet approved a proposal to run simultaneous consultation exercises on four service areas so that residents and users could have an opportunity to understand and pass comment on the services they receive and any potential changes to those services. The four areas were:

- Access Fund which provides support in the Early Years for children with Special Educational Needs (SEN) and disabilities (Note – not including Portage or Childcare Inclusion);
- Home to School Transport – the policy and approach for Home to School Transport for compulsory school aged children (i.e. 5-16 years);
- Social Care funded transport – the policy and approach to social care funded transport for disabled children, young people, working age adults and older people to access services within their communities;
- Short Breaks offer for children and young people with a disability (as part of the Council's statutory duty to conduct an annual review of its Short Breaks offer).

It should be noted that the Home to School Transport policy covers two elements of provision:

- Home to School transport for eligible pupils of statutory school age (5-16) attending mainstream schools;
- Home to School transport for eligible children with Special Educational Needs or a disability.

This report relates to the provision of Home to School Transport for eligible pupils attending mainstream schools and primarily deals with the issue of eligibility for train / bus passes / boarding cards. The report looks at what we consulted on, outlines the consultation process, analyses the feedback received during the consultation period and makes a number of Officer Recommendations regarding how Home to School Transport for mainstream provision could be amended for consideration by Cabinet.

Provision of Home to School transport for eligible children with Special Educational Needs or a disability will be dealt with as part of the All Age Disability report, which will be considered separately at Cabinet.

## 2. Information required to take a decision

### (a) The Consultation process

The consultation was carried out between 4 September and 22 October 2017. There was a separate questionnaire for Home to School Transport and for All Age Disability though both consultations were promoted together as some families could



be affected by proposals in each consultation. The Home to School Transport questionnaires can be found at [www.kirklees.gov.uk/SchoolTransportSurvey](http://www.kirklees.gov.uk/SchoolTransportSurvey)

The consultations were widely promoted to the following key groups of people / users:

- Parents / carers of school age children and schools;
- Parents / carers of children and young people with a disability and provider services (early years);
- Children, young people and adults with a disability, their parents / carers and provider services (social care);
- Members of the public;
- Council staff and networks;
- Councillors.

In total, there were 543 responses to the Home to School Transport questionnaire. A detailed analysis of the responses to the consultation can be found at [www.kirklees.gov.uk/SchoolTransportSurvey](http://www.kirklees.gov.uk/SchoolTransportSurvey) . The online report summarises who responded to the questionnaire, where do they live in Kirklees and what did they say in relation to the questions asked.

Members should note that there was a small difficulty with the printed Home to School Transport questionnaire as, due to an administrative error, there were two less questions compared to the on-line version. However, as the Council only received 28 paper questionnaires this represents just 5% of the total responses received on Home to School Transport and therefore there is only a low to very low risk that this error had any impact on the outcomes of the consultation.

Overall, the consultation revealed that the Home to School Transport arrangements currently provided for eligible children to attend mainstream schools are highly valued by users who receive bus passes / train passes / bus boarding cards and there is only limited support for change, primarily from people who do not use the service. A number of respondents have told us about the negative impact changes would have on them and their families.

Having reflected on the outcomes of the consultation and the challenging financial situation that the Council is facing, Officers' have reached a number of conclusions which are outlined further in this report. As a consequence, a number of recommendations have been made for Members' consideration.

## **(b) Proposals relating to Home to School transport for compulsory school aged children (i.e. 5-16 years)**

### *Background and context*

#### 1) *Relevant Legislation*

The Education Act 1996 Section 508B places a statutory duty on local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate an eligible child's attendance at school. These provisions apply to home to school travel arrangements and vice versa but do not cover travel between educational institutions during the school day.

Section 508B of the Act places a duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for

eligible children as defined by Schedule 35B of the Act (which was inserted by Part 6 of the Education and Inspections Act 2006). Eligible children are those categories of children of compulsory school age (5-16) in the authority's area for whom free travel arrangements will be required.

Local authorities are required to:

- Provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school (which means nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child and any Special Educational Needs (SEN) that the child may have) is beyond two miles (if below the age of 8) or beyond 3 miles (if aged between 8 and 16);
- make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their Special Educational Needs (SEN) or disability. Eligibility for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability;
- make transport arrangements for all children who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk;
- provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit\* if:
  - the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
  - the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
  - the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

Note \* - From 1st November 2017 Universal Tax Credit has been introduced in Kirklees. Guidance is being sought as to how this impacts on the wording of this clause.

In addition Section 508C provides a discretionary power to make travel arrangements for any other child.

Section 508D requires the Council to have regard to guidance issued by the Secretary of State from time to time; and to publish a home to school transport policy.

Parents are responsible for ensuring that their children attend school regularly. However, section 444(3B) of the Act provides that a parent will have a defence in law against a prosecution by a local authority for their child's non-attendance at school where the local authority has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

## *(2) Purpose of the consultation*

The current Kirklees Home to School Transport policy can be found at <https://www.kirklees.gov.uk/beta/schools/pdf/home-to-school-transport.pdf>.

Custom and practise within Kirklees has meant a number of deviations from the policy have been introduced over the years which have meant that we currently go beyond the stated level of provision within our own policy and the national statutory guidance. This has meant that some children who would not be eligible as defined by the relevant legislation have been receiving free transport provision.

In recent years the Home to School Transport revenue budget has overspent on average by £1.3m per annum. A budget proposal to reduce this overspend by £600K per annum has proven to be undeliverable. This overspend is due to a combination of volumes (and therefore realistically cannot be reduced) and the provision of free transport arrangements that go beyond our statutory duties, though the percentage split between the two has not yet been determined.

The current interpretation of the policy has encouraged a default position where by, in relation to mainstream provision, the Council has been providing a train / bus pass or boarding card in circumstances that go beyond our legal duties.

The consultation proposed to take the Council back to a statutory only provision based around the definitions of eligible children contained within the relevant legislation. This would enable the Council to set a Home to School Transport revenue budget based on its statutory duties. If a decision to go beyond statutory provision was then subsequently taken, this would be fully evidenced and appropriate funds identified outside of the Home to School Transport budget.

## *(3) Consultations outcomes and impact on proposals*

There were 543 survey responses, of which 306 (57%) were from a person who either received free home to school transport or had a family member that did – this could have been either mainstream or SEN provision. Of the 518 valid postcodes logged, the majority (60%) were from the Kirklees Rural District Committee areas, with 22% from Huddersfield, 8% from Batley and Spen and 8% from Dewsbury and Mirfield. By far the largest hotspot of responses was Meltham, with other significant hotspots being Marsden, Holmfirth/New Mill, Honley and Kirkheaton.

51% (276) of all responses were from young people without SEN or a disability or parents / carers of a child without SEN or a disability, whilst 29% (160) were from young people with SEN or a disability or a parent / carer with a child with SEN or a disability or a parent / carer with a disability that impacted on them taking their child to school.

52% (269) of all responses were against the proposal to provide home to school transport arrangements only in accordance with the law, seeing it either as a bad idea (21%) or a very bad idea (31%). 18% (96) were neutral on the proposal and 30% (152) were in favour of the change. This approval rating dropped to just 22% amongst those respondents that had a family member who benefitted from a train or bus pass / boarding card or equivalent funding.

Unsurprisingly, those respondents who do not benefit from the current free service were more likely to support a return to statutory only provision, whilst families that

receive free home to school transport and education professionals were less positive about the proposed change.

Of the respondents who have a family member that currently receives a bus or train pass / boarding card or equivalent funding, 52% felt that the move to a statutory only provision would have a negative impact on them and their family, 43% felt it would have no impact and only 5% supported the proposal as being positive. The number of people indicating that it would have no impact on their family is surprising, though an analysis of the comments supplied with the surveys indicates that a significant number of people assumed that the consultation would not change the current free transport arrangements that they receive, which may not be correct.

With responses excluded from those who do not use the Home to School Transport service, it was found that 69% (219) of users of bus/train passes issued for public transport and boarding cards for contracted buses found the service extremely valuable with nearly 92% (290) overall finding it valuable or better.

Many respondents chose to provide comments to support their responses and an analysis of the comments indicates a number of recurring themes. These can be summarised as follows:

- the impact that the additional cost of paying for school transport (the annual cost of a bus pass is in the region of £310 per annum) would have on monthly household budgets;
- the danger from pupils walking to school instead of getting the bus. Many comments related to narrow rural roads with no paths, children walking long distances and road safety during the dark winter nights;
- the impact on attendance, the mix of pupils in a school if people were restricted to nearest school and the knock on impact on attainment;
- parents would make school choices based on transport considerations rather than educational outcomes for pupils;
- potential environmental impact if pupil transport switched from buses to cars.

As a counterbalance, a number of comments were received which indicated that providing statutory only provision would be sensible when the Council is faced by declining budgets and limited resources.

#### *(4) Officer Mainstream provision proposals*

Department for Education statutory guidance and the Kirklees Home to School Transport policy both refer to the concept of a nearest suitable school with places available when deciding whether a child qualifies for free transport arrangements. However, custom and practise within the Council's Customer and Exchequer Service / Home to School Transport team has interpreted this to mean the catchment area school, which is a concept used in the Kirklees Admissions and School Place Planning processes.

This interpretation means that in certain geographical areas, parents have been directed to a school that is not their geographically nearest suitable school – for

example, parents in Kirkheaton are directed to King James's when their actual nearest school is Nether Hall Learning Campus High. In the Meltham area, parents have been directed to Honley High, when often the nearest geographical school is Colne Valley High.

In addition, in the Meltham area parents have been provided with a bus pass regardless of whether they choose Holmfirth or Honley High, when really under our own custom and practise we should have only provided a pass to the nearest catchment school – so, for example, if the nearest school was Honley High but a parent subsequently chose Holmfirth High then we had no requirement to provide a free bus pass but we usually did, when the distance to both schools met the qualifying distance criteria.

Officers have considered a number of proposals relating to the provision of boarding cards / bus / train passes for mainstream provision as follows:

#### *Proposal 1*

No change to the current operation of the mainstream boarding card / bus / train pass provision. i.e. continue with current custom and practise – this would mean that the Council continues to interpret catchment area school as the nearest suitable school and we continue to provide free travel arrangements in geographically unique areas such as Meltham, including to both Honley High and Holmfirth High, even where one is not the nearest catchment school.

This policy currently costs £447K per annum and around 1450 pupils benefit overall.

#### *Proposal 2*

The Council continues to interpret catchment area school as the nearest suitable school but we only provide a train / bus pass / boarding card to the catchment school with available places that is nearest to the pupils' home. This would mean that the provision of train / bus passes / boarding cards in geographically unique circumstances such as the Honley High / Holmfirth High example illustrated in section 4 and proposal 1 above would change, with assistance only provided to the nearest catchment school. It is estimated that this would involve around 257 pupils losing their current free entitlement, which equates to a saving of around £79K.

This could be phased in for all new applicants for a train / bus pass / boarding card and for applications relating to school transition points (e.g. infant to junior school, first to middle school etc.) or a change of address from September 2019 (which is the first academic year that this change can be phased in from) and would primarily affect schools such as Honley High, King James's School, Kirkburton Middle and Holmfirth High.

An alternative option would be to apply this to all new applicants and existing pupils in receipt of a train / bus pass / boarding card from September 2019 – this could potentially lead to a significant number of appeals that would be challenging to process for officer and members (who currently form the appeals panel).

#### *Proposal 3*

Under this proposal the Council would use the concept of nearest geographical school with places rather than catchment school when considering applications for

boarding cards / bus / train passes i.e. a child would be expected to attend the nearest school to their home, which might not be their catchment school.

If this was applied immediately this would impact on around 371 pupils and particularly affect Meltham (Catchment School – Honley High, nearest geographical school – Colne Valley High) and Kirkheaton (Catchment School – King James’s, nearest geographical school – Nether Hall Learning Campus High).

It would also create operational complications, though these are not insurmountable, within the three tier Middle School system in South Kirklees, particularly in areas such Farnley Tyas, Flockton and Thurstonland and also where there is a two tier primary provision within a reasonable distance. The impact of this proposal will need carefully modelling in relation to the three tier system and clear guidance would need to be provided for parents when choosing the three tier system regarding their eligibility for free Home to School Transport provision.

This would provide a saving of around £114K assuming that pupils stayed at their current school rather than tried to move to their nearest school (assuming that it had places available) but It could have an impact on the pattern of school places in these areas. It may also lead to some of the proposed savings being eroded if the nearest school has an unsafe walking route – this will need to be modelled.

This could be phased in for all new applicants for a train / bus pass / boarding card and for applications relating to school transition points (e.g. infant to junior school, first to middle school etc.) or a change of address from September 2019 (which is the first academic year that this change can be introduced). This would mean that the new system would be phased in over a period of four years.

An alternative option would be to apply it to all new applicants and all existing pupils in receipt of a train / bus pass / boarding card from September 2019 i.e. the new system would apply to everyone from September 2019 and would not be phased in – this could potentially lead to a significant number of appeals that would be challenging to process for officer and members (who form the appeals panel).

#### *Additional proposal (1)*

Regardless of the proposal adopted, it may be financially beneficial to move away from a system based on the provision of a train / bus pass / boarding card for a full academic year to a system based on reimbursing parents / carers retrospectively (possibly monthly or termly) for the cost of a train / bus pass for journeys to and from school brought by them for their child / children. Currently, train / bus passes / boarding cards are provided and paid for by the Council upfront with no reference made to the actual usage of the pass / boarding card during the course of the financial year.

An analysis of usage data for 899 school bus / train passes for the period September – November 2017, shows that very few passes were used for the maximum number of potential journeys to and from school during this period. Around 28% of all passes were used less than 50% of the time, with around 44% used for between 50-75% of the time. Clearly this indicates that there may be financial benefits from moving from a system of upfront provision of bus / train passes / boarding cards to a retrospective reimbursement system.

### *Additional proposal (2)*

As part of the Council's drive to promote health and wellbeing, encourage the independence of children and young people and improve the environment, it is proposed that a cycling scheme is introduced that provides a bicycle, helmet and cycling training in lieu of a boarding card / bus / train pass in circumstances where an individual / family decides that this would be the most appropriate provision for their circumstances. The details of this proposal would be worked up if the principle is approved by Members.

### *(5) Officer Recommendations*

It is clear from the consultation that the provision of boarding cards / bus / train passes is highly valued by those in receipt of this service and there has been a significant response from those areas of the district that currently benefit from this provision indicating that they would not wish this level of benefit to change. However, there is a significant financial cost to providing this service, which often goes beyond the Council's statutory requirements.

Given the financial pressures being faced by the Council it is recommended by Officers that **proposal 3** should be adopted as this would take us back to statutory only provision and have the greatest financial impact for the Authority.

Low income families that qualify for Free Schools Meals or maximum Working Tax Credits would not be impacted but families that are above this threshold would be as they would need to budget for the cost of bus or train pass / fares.

This proposal should be adopted as a minimum for all new applicants for a train / bus pass / boarding card and for applications relating to school transition points (e.g. infant to junior school, first to middle school etc.) or a change of address from September 2019.

In addition, it is the Officer recommendation that the proposal is applied to all existing train / bus pass / boarding card holders and all new applicants from September 2019 as this will provide the greatest financial benefit quickest.

It is also recommended that Officers be given authority to investigate the possibility of moving from a system of train / bus pass / boarding card provision upfront to a system based on reimbursement of bus / train pass / boarding card costs to parents / carers retrospectively. Should this prove to be feasible and deliver savings that outweigh the cost of delivery, authority is requested to implement this system from September 2019 onwards.

A further Officer recommendation is that a cycling scheme is set up to provide a bicycle, helmet and safety training in lieu of a boarding card / bus / train pass in circumstances where it is appropriate.

Finally, Members should note that the existing Home to School Transport policy covers both mainstream and SEN provision. The policy relating to SEN provision is currently being reviewed by the Government and is likely to change in the future months.

It is therefore recommended that a separate mainstream policy is drafted based on the decisions made by Members as part of this report and the new policy will be brought forward for Cabinet consideration in Spring 2018.

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

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

It is not envisaged that there will be an impact on Early Intervention and Prevention.

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

Moving to a system based around nearest geographical school could potentially impact on public transport provision if services need to change / increase / reduce depending on the impact on pupil movement in the short, medium and long term. This will need to be modelled and closely monitored with the West Yorkshire Combined Authority.

Some parents who do not qualify for low income assistance may not be able to afford a bus / train pass upfront, particularly if they have more than one school age child, which would impact on their family circumstances and economic wellbeing.

#### **3.3 Improving outcomes for Children**

The introduction of a bicycle provision system will potentially have a beneficial impact on the health and wellbeing of the children using the new service. More children may walk to school if attending their nearest geographical school rather than their catchment school.

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

If proposal 3 is introduced as recommended, this will have the impact of reducing demand for services as less train / bus passes / boarding cards will be issued, with a resultant financial saving depending on the implementation period. Initially, there would be a spike in officer time as the new system is introduced and bedded down, with the potential for increased appeals for a period after introduction. However, overtime this would decrease as parents / carers became accustomed to the new system.

#### **3.5 Equalities Impact Assessments**

The Equality Act 2010 creates the Public Sector Equality Duty (PSED). Under section 149 of the Act:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.



In order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).

The Council has therefore carried out an EIA in relation to mainstream Home to School Transport, which can be found at the PLACE Directorate section of the Council's website using <https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp> , to help it take due regard of its public sector equality duties and to aid Members in their consideration of the proposals and recommendation contained in this report.

The Stage 1 EIA has shown that there will be a negative "Impact" and a positive "Risk" score for the mainstream Home to School Transport proposals. In particular, the assessment demonstrates a negative impact for Age and Disability in terms of the Protected Characteristic Groups; the changes were also deemed to be negative in terms of impact for existing service users and all residents across Kirklees. For all other Protected Characteristic Groups the assessment of impact was neutral.

A Stage 2 EIA has been completed which outlines the results of consultations that have been undertaken covering the following areas:

- Adults with a disability;
- Carers and families of adults with a disability;
- Children and young people with special educational needs or a disability;
- Children and young people of school age;
- Parents of children and young people with special educational needs or a disability;
- Parents of school age children;
- Parents of pre-school age children;
- General public;
- Key partners and agencies.

The Stage 2 EIA highlights actions that will allow service users to shape future provision and access to services. The consultation has informed the proposals and recommendations to be presented to Cabinet on 23 January 2018.

These actions will help to mitigate the identified adverse impacts for particular protected characteristic groups.

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

Sections 2 and 3 of this report provide details of the consultation process and the feedback received and further details can be found at the links contained within those sections.

#### **5. Next steps**

If the recommendations are approved by Members, Officers will begin preparations for introducing the proposals for September 2019, which would include detailed modelling of the financial and practical implications of the new policy.

## 6. Officer recommendations

Officers propose the following recommendations in relation to the Home to School Transport mainstream provision offer as follows:

- The adoption of **proposal 3** as outlined in this report in relation to mainstream provision i.e. the Council would use the concept of nearest geographical school rather than catchment school when considering applications for boarding cards / bus / train passes thereby returning to a statutory only policy;
- That this proposal should be applied as a minimum to all new applicants for a train / bus pass / boarding card and for applications relating to school transition points (e.g. infant to junior school, first to middle school etc.) or a change of address from September 2019;
- That this proposal should also apply to all existing boarding card / bus / train pass holders from September 2019;
- That the Service Director for Commercial, Regulatory and Operational Services be authorised to investigate the possibility of moving from a system of bus / train pass / boarding card provision upfront to a system based on retrospective reimbursement of the cost of a bus / train pass / boarding card brought by parents / carers for their child / children for journeys to and from school. Should this prove to be feasible and deliver savings that outweigh the cost of delivery, authority is requested to implement this system from September 2019 onwards;
- That the Service Director for Commercial, Regulatory and Operational Services be authorised to investigate the feasibility of setting up a cycling scheme that would provide a bicycle, helmet and cycling safety training in lieu of a boarding card / bus / train pass in circumstances where an individual / family decides that this would be the most appropriate provision for their circumstances and delegate authority to the Service Director for Commercial, Regulatory and Operational Services to implement the detail of the scheme;
- That the existing Home to School Transport policy should be split into two separate policies -. One covering mainstream provision and one covering SEN provision;
- A new mainstream transport policy should be prepared and brought back for Member consideration in early 2018.

## 7. Cabinet portfolio holder's recommendations

It is recommended that this report moves forward to Cabinet for consideration and decision.

**8. Contact officer**

David Martin – Head of Service for Capital Delivery and Facilities Management –  
Email [david.martin@kirklees.gov.uk](mailto:david.martin@kirklees.gov.uk) Telephone – 01484 221000

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

This matter was considered at Cabinet on Tuesday 22<sup>nd</sup> August 2017. Please see  
<http://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=139&MId=5267&Ver=4>

**10. Service Directors responsible**

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

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**Name of meeting:** Cabinet  
**Date:** 23 January 2018  
**Title of report:** Update on the Priority School Building Programme  
 Rebuild of Mount Pleasant Primary and the implications for the Council

**Purpose of report**

To update Members on the current position with regards to the new build school for Mount Pleasant Primary, outline the need for further works and to consider the financial implications for the Council.

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the <a href="#">Council's Forward Plan</a> ?	No
Is it eligible for "call in" by <a href="#">Scrutiny</a> ?	Yes
<b>Date signed off by Strategic Director and name</b>  <b>Is it also signed off by the Service Director for Finance, IT &amp; Transactional Services?</b>  <b>Is it also signed off by the Service Director - Legal, Governance &amp; Commissioning?</b>	Naz Parkar - 15.01.2018  Debbie Hogg - 15.01.2018  Julie Muscroft - 11.01.2018
<b>Cabinet member <a href="#">portfolio</a></b>	Corporate - Cllr Masood Ahmed Cllr Graham Turner

**Electoral [wards](#) affected:** Newsome/Crosland Moor and Netherton  
**Ward councillors consulted:** Yes

**Public or private:** Public

**1. Summary**

1.1 Mount Pleasant Primary School is currently being re-built as part of the Government's Priority Schools Building Programme (PSBP). Much of the old school has been demolished and a new build school was handed over to the Council on 27<sup>th</sup> October 2017. The project is now entering its final stages with the demolition of the remaining defunct accommodation and the completion of external works by July 2018.

- 1.2 This report provides an update on the project and seeks approval from Members to allocate an additional £125K of Council funding from its Basic Need capital grant to provide enhancements to the external areas not covered by the PSBP.

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

### *(a) Background*

- 2.1 Due to the rising backlog of condition works at Mount Pleasant Primary School, in 2011 Kirklees Council submitted a successful bid to the Government's PSBP for the replacement of Mount Pleasant Primary with a new build school.
- 2.2 During 2012-14 the Council and the Education and Skills Funding Agency (ESFA) worked together to develop an agreed project and in June 2014, following Cabinet approval in March 2014, a Section 151 letter was agreed between the Council and the ESFA which committed the ESFA to the clearance of the existing site and its replacement with a new build school at an estimated investment value of £8-10M.
- 2.3 In March 2015 an update report to Cabinet authorised the project to continue and provided officers with delegated authority to progress the demolition of the former Lockwood Community Centre and associated Clock Tower in its entirety, provided that interested parties were first given the opportunity to submit funded proposals for the retention and future use of the Clock Tower structure. This opportunity was given and no proposals were either received by the submission closure date in autumn 2015 or subsequent to this.
- 2.4 On 8<sup>th</sup> March 2016 Cabinet approved a capital injection of up to £425K by the Council into the ESFA project to address concerns raised by officers and the school's Senior Management Team regarding pupil movements around the building, arrangements for disabled access and sick pupils and pupil/parent access to the site and building. Cabinet delegated authority to officers to agree improvements to the existing design of the building such as the widening of corridors and the creation of a larger and more noticeable main entrance, plus improvements to access to the site. This was to be funded from Section 106 contributions (£238K) and Basic Need capital grant (£187K).
- 2.5 In summer 2016 temporary accommodation was installed on the school site by the ESFA's contractor, Kier Construction, to decant around half the school thereby enabling the demolition of the former Junior School buildings so that a new build 630 place primary school could be constructed. The new build school began construction in September 2016 and was completed in October 2017. The school has now moved in its entirety into its new building.

(b) *Current Situation*

*Site clearance*

- 2.6 The PSBP project is now moving into its final stages, which involves clearing the remaining redundant buildings from site and undertaking landscaping works to enable the school to occupy the full site again from summer 2018. Whilst this work is occurring, the school's play facilities are limited to the lower part of an already constrained site, which is placing significant pressures on the operation of the school.
- 2.7 Kier Construction and its demolition subcontractor are currently preparing for the clearance of the site in order to facilitate the subsequent landscaping works. This will remove all remaining redundant buildings, with the exception of the Clock Tower as this is the responsibility of the Council.
- 2.8 In order to facilitate the removal of the Clock Tower building alongside the clearance of the rest of the former Lockwood Community Building, Officers have issued a Prior Notification of Demolition application for the Clock Tower to the Kirklees Planning Department, as authorised by Cabinet in March 2015. If granted, the demolition will be negotiated with ESFA in order to provide best value for the Council. This will be funded from existing condition budgets using officer delegated powers.

*External Works*

- 2.9 The Mount Pleasant site is small when compared against the Department for Education's 'standard' for a school of its size and has always struggled with limited and constrained external play and PE provision. As the focus of the Government's PSBP is almost exclusively on dealing with the replacement of life expired school buildings with new build, the current ESFA project will not deal with this issue.
- 2.10 The landscaping works being proposed by the ESFA are limited and the layout of the new hard play areas has been designed by the contractor to minimise costs rather than rationalise and maximise the areas available. Whilst the school will not have less hard space than it had previously, the proposed layout will leave extensive areas of grass between tarmacked areas which will create supervision issues, generate mud and will be a maintenance burden. The proposed design represents a missed opportunity to improve the external layout of the site so that it better reflects the needs of the school.
- 2.11 In order to address these concerns, Officers have worked extensively with the School and the ESFA to identify a number of enhancements that would improve the quality of the external provision. These are as follows:
- Additional hard play - a 'squaring off' of a proposed grassed area adjacent to a hard play area will create around 385m<sup>2</sup> of additional meaningful and useable play space. This would be constructed using a free draining material in order to avoid the requirement for additional drainage;

- Existing grassed area on the lower part of the site - this grassed area is often unavailable depending on weather conditions. This area would be made more usable through the provision of around 400m<sup>2</sup> of permeable 'eco- mulch' with various items of play equipment and/or a trim-trail provided for use by Key Stage 1 pupils, with the remaining area retained as grass. Land drains would be provided over the whole area which would discharge into the existing dry pond. This would facilitate the re-establishment of a nature walk adjacent to the grassed area leading to the re-instated pond;
- Provision of canopies outside Key Stage 1 classrooms to encourage outdoor access to the curriculum all year round. These are provided as standard on Council funded new build primary school projects such as Royds Hall, Beaumont Academy Primary and Brambles Academy Primary but are not provided by the ESFA on PSBP projects;
- Improvements to the proposed arrangements for the nursery and Key Stage 1 hard play plus some works to the existing orchard area;
- New access steps from Victoria Road to replace the existing steps which are in a poor condition and do not meet current standards regarding disability access.

2.12 As previously mentioned in paragraph 2.4, Cabinet delegated to Officers in March 2016 a budget of £425K to negotiate and agree additional capital works at Mount Pleasant. The current estimated cost for the additional works previously approved plus the new works proposed in paragraph 2.11 is around £550K (including all fees, preliminaries and contingencies).

2.13 It is therefore proposed that the Council's capital injection into the PSBP project be increased by £125K. This would be funded from Basic Need capital grant currently available within the baseline section of the Learning and Early Support Schools Capital Plan. This investment would ensure that the external facilities available to the school match the excellent internal facilities being provided by the new school building.

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

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

None



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

This will provide opportunities for the local supply market to be involved in the additional works proposed.

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

Mount Pleasant Primary School draws the majority of its intake from Huddersfield South West and serves an area of significant economic disadvantage. A large majority of its pupils are from a Pakistani heritage, with the remaining coming from a wide range of different ethnic groups. A high proportion of pupils speak English as an additional language and the percentage of pupils with a disability and/or Special Educational Needs is above average. The proportion of pupils entitled to pupil premium funding is greater than in most schools.

The PSBP project has removed life expired, unsuitable accommodation and replaced it with a brand new school building that facilitates the delivery of the national curriculum in a modern and excellent learning environment. The proposals in this report will ensure that the external facilities available to all pupils will match the excellence of the internal facilities available for learning and development.

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

None

### **3.5 Legal, Financial or Human Resources**

The increase in capital funding of £125K requested in this report will be funded solely from the 2017/18 Learning & Early Support Basic Need capital grant baseline and will therefore not incur revenue borrowing costs.

## **4. Consultees and Their Opinions**

4.1 The Ward Members for Newsome and Crosland Moor & Netherton were informed of the proposals for the improved external works and demolition on 21<sup>st</sup> December 2017. One query was received regarding the content of the external works, which Officers dealt with.

4.2 The Portfolio Holders for Resources and Place were briefed on the contents of this report on 8<sup>th</sup> January 2018 and were supportive of the proposals contained within it.

## **5. Officer Recommendation and Reasons**

Members are requested to:

- note that Officers have submitted a Prior Notification of Demolition application for the demolition of the Clock Tower at Mount Pleasant Primary School;

- approve the allocation of an additional £125K Basic Need capital grant funding to the new Mount Pleasant Primary School scheme and authorise a revised Section 151 letter to be issued if required by the ESFA.

## **6. Cabinet Portfolio Holders Recommendation.**

Portfolio Holders welcome the proposed increase in the size and quality of the external play space at this school, which brings it into line with the Council's own new Primary School building programme.

## **7. Next Steps.**

- 7.1 Once approval of the Prior Notification of Demolition has been received, discussions will occur with the ESFA and Kier Construction to add the demolition of the Clock Tower to the existing contract for the removal of the remaining buildings on site.
- 7.2 Subject to approval of the additional funding, Officers will either negotiate with the ESFA and Kier Construction for completion of some or all of the additional works as part of the ESFA project or will arrange procurement and implementation separately depending on timescales and Value for Money considerations.

## **8. Contact Officer and Relevant Papers.**

David Martin – Head of Capital Delivery & Facilities Management –  
Tel (01484) 221000 Email: [david.martin@kirklees.gov.uk](mailto:david.martin@kirklees.gov.uk)

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

Private Cabinet Report - 11<sup>th</sup> March 2014;

Public Cabinet Report 17<sup>th</sup> June 2014- Education Funding Agency proposals for the Mount Pleasant Primary School site;

Public Cabinet Report 30<sup>th</sup> June 2015- Revenue Financial Outturn & Rollover Report 2014-15;

Public Cabinet Report 28<sup>th</sup> July 2015- Implications arising from the Education Funding Agency proposals for the Mount Pleasant Primary School site;

Public Cabinet Report 8<sup>th</sup> March 2016- Implications arising from the Education Funding Agency proposals for the Mount Pleasant Primary School site.

## **10. Service Director Responsible.**

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



**Name of meeting**                      **Cabinet**  
**Date**                                        **23rd January 2018**  
**Title of report**                         **Planning Application Fees**

**Purpose of report**

To report to Cabinet changes to planning application fees being proposed by national government and to agree to move to the new nationally set charges once they are introduced by the required legislation.

<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>	Yes
<b>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 Strategic Director &amp; name</b>	Naz Parkar - 11.01.2018
<b>Is it also signed off by the Service Director Finance, IT and Transactional?</b>	Debbie Hogg - 29.12.2017
<b>Is it also signed off by the Service Director - Legal Governance and Commissioning?</b>	Julie Muscroft - 03.01.2018
<b>Cabinet member portfolio</b>	Cllr Peter McBride Strategic Planning Regeneration and Transport  Cllr Naheed Mather Strategic Housing, Regeneration and Enforcement

**Electoral wards affected: All**

**Ward councillors consulted: N/a**

**Public or private: Public**

**1. Summary**

- 1.1 The White Paper “Fixing our broken housing market” issued in February 2017 indicated that there would be the option for all Local Planning Authorities to increase planning application fees by 20% from July 2017. It also indicated that in addition to this there would be a further opportunity to increase fees - again by 20% - dependent upon performance against housing delivery targets.
- 1.2 The first step of this proposal has now been activated. All Local Authorities were written to on the 1st March 2017. There was a request to indicate a preference for making the increase in fees from the July date. All returns were requested by 10th March 2017 from S151 officers (Chief Finance officer).

- 1.3 Given the timescales Kirklees returned these forms indicating that there would be an intention to do this if the option became available. It should be noted that, nationally, all local authorities in England have applied to increase planning application fees as part of this proposal.
- 1.4 Whilst there was an intention to introduce the fees in July 2017 this has been delayed with no indication as to when the required legislation would be laid before Parliament. As a consequence the need to report to Cabinet was delayed.
- 1.5 Following recent consultation by DCLG in the form of, '*Planning for the right homes in the right places: consultation proposals*' (September 2017) there is a further commitment to increase planning application fees. Here it is recognised that a lack of capacity and capability in planning departments can act as a constraint and restrict developers' ability to get on site and build. As such an increase in planning application fees is seen as an important step to recognise and address the significant, nation-wide problem of under-resourced local planning authorities.
- 1.6 The consultation underlines the fact that all local planning authorities have chosen to make the commitment to increase fees.
- 1.7 On this basis the government has committed to bring forward regulations at the earliest opportunity which, subject to Parliamentary scrutiny, will enable local authorities to increase fees. The House of Lords on the 6th December 2017 has now approved the motion to bring forward the increase in Planning fees as set out in the Regulations cited below. The next step is for the Regulations to be laid before Parliament. Once this is done the ability to be able to make the fee increase takes effect 28 days later.
- 1.8 Regulations in the form of - *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* have now been drafted to secure the fee increase. This can be found at:  
  
<https://www.legislation.gov.uk/ukdsi/2017/9780111160749/introduction>
- 1.9 The latest news bulletin from the Governments Chief Planner – Steve Quartermain CBE – was released on the 21st December 2017. This indicates that regulations to introduce the 20% increase in planning fees were made on 20th December 2017, which means that local planning authorities will be able to start applying the fee increase from 17th January 2018. The reference for the Regulations is SI 2017 no.1314

## 2. Information required to take a decision

- 2.1 Planning fees are set nationally and have not been increased since 2011/12 when a national increase of 15% was applied.
- 2.2 Fees are complex and cover all types of application. Some are fixed, such as house extensions, others vary depending upon site area and the scale of development.

- 2.3 As a Local Planning Authority we are required to adhere to the fees set down by legislation. It is not possible to set fees at a local level although this has been an area of national discussion in the past. Within Kirklees total planning fee income has been increasing steadily over recent years following a slump in 2012/13. This has been driven largely by an increase in major application fees. However, minor applications are also increasing. The Council cannot set any planning fees locally and therefore the increase in fees will come into effect from the 17<sup>th</sup> January 2018 onwards. The Council's website has been updated to make people aware of these changes and in advance of the bi annual Agents Forum meeting to be held at the beginning of February it is proposed to write to agents as part of the agenda pack referring them to the DCLG guidance webpages explaining the increase in fees. This will also provide interested parties with access to the Fee Schedule.
- 2.4 Officers expect planning application numbers to stabilise this year as the Local Plan process is yet to be completed. It is expected that once the Local Plan becomes adopted then application numbers, particularly major application, will increase. This will place considerable burdens on existing staff resources.
- 2.5 One of the key caveats in the initial DCLG letter is that this increased income is ring fenced to Planning Services to assist in speeding up planning decisions and housing and infrastructure delivery.
- 2.6 In Kirklees this would be a useful resource as there are deficiencies in some technical support areas which are potentially slowing down delivery and the speed at which housing can be delivered on the ground. As part of this exercise we have identified where resources may be utilised These include:
- Highways development management
  - Drainage
  - Development Management
  - Economic Resilience

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

- 3.1 Provided that planning application numbers are maintained or increase as expected as a result of the Local Plan introduction then a 20% increase on existing fees would increase income by circa £250k per annum. As set out in section 1.9 the process commenced on 20<sup>th</sup> December and the new fees will be in place by 17<sup>th</sup> January 2017.

#### **Economic Resilience**

- 3.2 None specifically

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

None specifically

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

N/A

### **3.5 Legal/Financial or Human Resources**

#### 3.5.1 Legal

None.

#### 3.5.2 Financial

The increased income anticipated from the proposed fee increase will support existing and future staff costs.

#### 3.5.3 Human Resources

Some additional recruitment maybe required. Those areas targeted are set out in Section 2.6 above.

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

#### 4.1 None

### **5. Next steps**

5.1 Following the House of Lords approval of the Motion on the 6<sup>th</sup> December 2017 the final step is to lay the Regulations before Parliament and they then take effect 28 days later. This took place on the 20<sup>th</sup> December 2017 and the fee increase automatically takes place from the 17<sup>th</sup> January 2018.

5.2 The new fees will be charged as soon as the legislation allows.

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

6.1 Cabinet is requested to:

1. Note the contents of this report
2. Note that once the legislation is in force that the fee increase automatically becomes effective.

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

7.1 Portfolio Holders support the officer recommendations.

### **8. Contact officer**

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

1. White Paper “Fixing our broken housing market” (DCLG 2017)
2. Planning for the right homes in the right places: consultation proposals’ (DCLG 2017)
3. The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 – DRAFT VERSION

10. **Service Director responsible**

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