

Public Document Pack

Kirklees Council



Council Chamber - Town Hall, Huddersfield

Tuesday 5 December 2017

Dear Member

The Council will meet on Wednesday 13 December 2017 at 5.30 pm at Council Chamber - Town Hall, Huddersfield.

This meeting will be webcast live and will be available to view via the Council's website.

The following matters will be debated:

Pages

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

2: Apologies for absence

To receive any apologies for absence.

3: Minutes of Previous Meeting

To receive the Minutes of Council held on 15 November 2017.

1 - 6

4: Declaration of Interests

7 - 8

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

5: Petitions (From Members Of The Council)

To receive any Petitions from Members of the Council in accordance with Council Procedure Rule 9.

6: Deputations/Petitions (From Members Of The Public)

The Council 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.

7: Public Question Time

The Council will hear any questions from the general public.

8: Amendment to Councillors Allowances Scheme (Reference from Corporate Governance and Audit Committee)

9 - 20

To consider the report.

Contact: Carl Whistlecraft, Head of Democracy.

- 9: Changes to Procedures for Dismissal of Statutory Officers (Reference from Corporate Governance and Audit Committee)** 21 - 46
- To consider the report.
- Contact: Samantha Lawton, Legal Services.
-
- 10: Review of Council Tax Reduction Scheme (Reference from Cabinet)** 47 - 114
- To consider the report.
- Contact: Julian Hobson, Exchequer and Welfare Service.
-
- 11: Half Yearly Treasury Management Report (Reference from Cabinet)** 115 - 136
- To consider the report.
- Contact: Eamonn Croston, Strategic Finance.
-
- 12: Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons**
- To receive written questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons in accordance with Council Procedure Rule 12/12(1).
- The schedule of written questions will be tabled at the meeting.
-
- 13: Minutes of Cabinet and Cabinet Committee Local Issues** 137 - 164
- To receive for information; the minutes of Cabinet held on 22 August, 19 September, 17 October and 8 November 2017, and Cabinet Committee – Local Issues held on 20 September 2017.
-

14: Holding the Executive to Account

- (a) To receive a Portfolio Updates on (i) Adults and Public Health Portfolio – Councillor Kendrick and (ii) Children’s Portfolio – Councillor Ahmed
 - (b) Oral Questions/Comments to Cabinet Members on their Portfolios and relevant Cabinet Minutes;
 - (i) Adults and Public Health Portfolio (Councillors Kendrick and Scott)
 - (ii) Children’s Portfolio (Councillors Ahmed and Hill)
 - (iii) Corporate Portfolio (Councillors Khan and Turner)
 - (iv) Economy Portfolio (Councillors Mather and McBride)
 - Strategy and Strategic Resources Portfolio (Councillors Sheard and Pandor)
-

15: Minutes of Other Committees

165 -
222

To receive for information the minutes of the following Committees;

- (i) Appeals Panel
 - (ii) Corporate Governance and Audit Committee
 - (iii) Corporate Parenting Board
 - (iv) Licensing and Safety Committee
 - (v) Overview and Scrutiny Management Committee
 - (vi) Personnel Committee
 - (vii) Strategic Planning Committee
-

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

- (a) Appeals Panel (Councillor Dad)
- (b) Corporate Governance and Audit Committee (Councillor Richards)
- (c) Corporate Parenting Panel (Councillor Hill)
- (d) Employee Relations Sub Committee (Councillor Sheard)
- (e) Health and Wellbeing Board (Councillor Sheard)
- (f) Licensing and Safety Committee – including Licensing Panel and Regulatory Panel (Councillor Pattison)
- (g) Overview and Scrutiny Management Committee (Councillor Stewart-Turner)
- (h) Personnel Committee (Councillor Sheard)
- (i) Planning Sub Committee - Heavy Woollen Area (Councillor Kane)
- (j) Planning Sub Committee – Huddersfield Area (Councillor Lyons)
- (k) Strategic Planning Committee (Councillor S Hall)

- (l) Kirklees Neighbourhood Housing (Councillor Smaje)
 - (m) Kirklees Active Leisure (Councillor Sokhal)
 - (n) West Yorkshire Combined Authority (Councillor Sheard)
 - (o) West Yorkshire Combined Authority Transport Committee (Councillor Kaushik)
 - (p) West Yorkshire Fire and Rescue Authority (Councillor O'Donovan)
 - (q) West Yorkshire Joint Services Committee (Councillor Pandor)
 - (r) West Yorkshire Police and Crime Panel (Councillor Hussain)
-

17: Motion submitted in accordance with Council Procedure Rule 14 as to the Government's review of the Electrification of the Transpennine Railway

To consider the following Motion in the names of Councillors Sheard, D Hall, McBride, N Turner, Greaves and Cooper.

“The Council calls on the Secretary of State for Transport to recommit to the electrification of Transpennine Railway. We note that on the day he confirmed support for the £30 billion Crossrail project he cancelled electrification of strategic significance to Yorkshire, the Midlands, North West and South West and deferred a decision on Transpennine.

As the Transpennine Railway is the main artery for rail freight and passenger movements in the North, we therefore seek the support of our Yorkshire MP's and particularly those in Kirklees, to join forces with the Mayors of Liverpool and Manchester and the Leader of Leeds Council, in stressing the urgency of this matter and its significance as a project which could in part redress the imbalance of regional investment in the UK and lend some meaning to the term Northern Powerhouse.”

18: Motion submitted in accordance with Council Procedure Rule 14 as to Clean Air for Kirklees

To consider the following Motion in the names of Councillors Khan and Kendrick;

“This Motion calls upon the Environment Secretary Michael Gove to urgently review the Government's updated clean air plan and produce a national Clean Air Act which demonstrates the Government taking responsibility as well as local authorities.

Clean air is considered to be a basic requirement of human health and well-being. However, air pollution continues to pose a serious threat to health of the public. Air pollution is contributing to

approximately 40,000 early deaths a year in the UK. When dissected down to a Kirklees level that was the equivalent to 137 deaths per year associated with poor air quality in 2015.

This Council believes that air pollution in the UK is a public health crisis, with the World Health Organisation and Public Health England describing it as the largest environmental risk to public health.

Currently Kirklees Council are working on the following improvement projects;

- Kirklees Council led on the creation of the West Yorkshire ECO-Stars freight recognition scheme. The scheme encourages operators of commercial vehicles to clean up their fleets and at the same time saves operating costs. This scheme is a free initiative to West Yorkshire businesses. The success of this scheme is currently under review and an extension to the scheme is being explored for 2017/18 & 2018/19
- Over 100 school transport buses have been retrofitted with exhaust technology to remove harmful exhaust emissions.
- Kirklees Council have installed Smart traffic lights at the busier junctions across the district to improve vehicle flows and reduce congestion where possible, which in turn reduces emissions
- Further to this Kirklees Council are working with a 3rd party company to rationalise this traffic management system to improve air quality further by running a pilot which uses modelled air pollution emissions to dictate traffic light changes. The pilot for this scheme is along the A62 Leeds Road.
- West Yorkshire has been awarded funding from central government to encourage low emission taxis. Kirklees along with the other 4 West Yorkshire Authorities are looking to install a strategic electric vehicle (EV) taxi charging network across the district, along with funding for the private hire sector.
- Kirklees Council are considering releasing further Hackney License plates for E.V Taxis in order to encourage further EV uptake
- Air Quality Assessments were conducted on the Local Plan to assess the cumulative impact of development on air quality across the district.
- Kirklees are working with the West Yorkshire Authorities and the combined authority to create a public electric vehicle charging network.
- Kirklees Council has the Green Parking Season Ticket, which allows Ultra Low Emission Vehicles to Park within Council car parks for free
- Working with DEFRA to improve the understanding of West Yorkshire Air Quality issues by installing a National AQ monitor within Kirklees

- Continuing to integrate the West Yorkshire Low Emission Strategy into Kirklees Council policy & operations and also working with partnership agencies to include relevant elements of the WYLES into their operations

The Council urges the Government to act immediately to protect the health, wellbeing and economic sustainability for our generation and those of the future. The Government is urged to work with local authorities and industry to make long-term sustainable evidence based changes.”

19: Motion submitted in accordance with Council Procedure Rule 14 to address removal of the 1% pay cap for all public sector workers

To consider the following Motion in the names of Councillors G Turner, Kendrick, N Turner and Lawson;

“This Motion calls on the Government to remove the 1% pay cap for all public sector workers.

The current plan to remove the cap for police and prison officers is divisive and unfair; why should nurses saving lives, be valued less than a prison officer?

The public sector needs a rise for all and this must be fully funded by government and not come from existing budgets, as this would continue the decline in the vital services provided by the public sector.

With inflation currently above 2% a rise of only 1% since 2013 and a total pay freeze for the two years before that means that the public sectors living standards will fall at well over 1% this year and have fallen significantly since 2010. Public sector workers are effectively receiving real time pay cuts.

This policy has created staff shortages in large parts of the public sector and has added to the costs of parts of the public sector as agency staff have to be employed, only adding to the costs of the sector at a time when it's struggling to deliver services due to the general underfunding of public services.

A low wage public sector does nothing to attract the talent and much needed workers of the future in to the sector, and largely discriminates against woman who make up 2 thirds of the public sector.

Higher wages among public sector workers would lead to increased spending and increased income tax collected by the Treasury.

This Council, therefore, agrees that:

The Chief Executive should write to the Chancellor of the Exchequer and the Secretary of State for Communities and Local Government to request that:

- The pay cap is lifted across the public sector, to allow the implementation of the recommendations of Pay Review Bodies and negotiations with employers; and
 - Subsequent pay increases be fully funded via the central government settlement, not through existing departmental budgets, which could result in further cuts to public services.”
-

20: Motion submitted in accordance with Council Procedure Rule 14 as to Care Leavers Council Tax Exemption

To consider the following Motion in the names of Councillors N Turner, A Pinnock, K Pinnock, Burke, Marchington, Lawson, Eastwood and Wilkinson;

“This Council notes that:

- 1) Last year, a number of young people (aged 16 or over) left the care of Kirklees Local Authority and began the difficult transition into adulthood;
- 2) The recent Ofsted report on the authority’s Children’s Services identified the experiences and progress of care leavers as requiring improvement and recommended proactive support;
- 3) A 2016 report by The Children’s Society found that when care leavers move into independent accommodation, they begin to manage their own budget fully for the first time. The report showed that care leavers can find this extremely challenging and with no family to support them and insufficient financial education, are falling into debt and financial difficulty;
- 4) Research from The Centre for Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care;
- 5) The local authority has a duty of care to care leavers.

This Council believes that:

- 1) Care leavers need support to make their transition from care to adult life as smooth as possible and to reduce the chance of falling into debt as they begin to manage their own finances;
- 2) Care leavers are a particularly vulnerable group for council tax debt.

This Council, therefore, resolves:

- 1) To investigate options to exempt care leavers from Council Tax until they are 25;
 - 2) To report back to Council in time for budget setting for 2018/19.”
-

By Order of the Council

A handwritten signature in cursive script, appearing to read "J. Geelman".

Chief Executive

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Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Council Chamber - Town Hall, Huddersfield on Wednesday 15 November 2017**

PRESENT

The Mayor (Councillor Christine Iredale) in the Chair

COUNCILLORS

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

81 Announcements by the Mayor and Chief Executive

The Mayor welcomed Cllr Zaman to the meeting, acknowledging Cllr Zaman's recent election as Councillor to the Batley East ward.

The Mayor also advised that there would be a break during the meeting, during which time officers would be available for discussions regarding the future provision of Adult Social Care.

82 Apologies for absence

Apologies for absence were received from Councillors O'Neill and Hussain.

83 Minutes of Previous Meeting

It was moved by the Mayor, seconded by the Deputy Mayor and;

RESOLVED – That the minutes of Council held on 11 October 2017 be approved as a correct record.

84 Declaration of Interests

Councillors Ahmed, D Hall, Hughes, Light, Lowe, O'Donovan, Pandor, Scott, Smith and N Turner declared an 'other' interest in Agenda Item 18 on the grounds that either they, or a family member, were employed within the public sector.

Councillor Hill declared an 'other' interest in Agenda Item 8 on the grounds that her partner is employed by West Yorkshire Combined Authority.

85 Petitions (from Members of the Council)

Councillor Loonat submitted a petition on behalf of the residents of Hyrstlands Road, Carrside Crescent and Park Close Batley, regarding car parking issues and safety concerns.

The Mayor directed that, in accordance with Council Procedure Rule 9(3), the petition be referred to the appropriate Service Director for investigation.

86 Deputations/Petitions (from Members of the Public)

Council received deputations from (a) Isaac Barnett in regards to Yorkshire Devolution and (b) Jackie Murphy in regards to the Hands off HRI Campaign.

The Leader of the Council responded to the deputations.

87 Public Question Time

Council received a question from Brigid Harbour regarding the role of scrutiny in regards to the HRI campaign.

A response was provided by the Leader of the Council.

88 West Yorkshire Combined Authority - Minutes

Council received the Minutes of the West Yorkshire Combined Authority held on 3 August 2017. The Leader of the Council responded to questions arising from the content of the Minutes.

RESOLVED – That the minutes of the West Yorkshire Combined Authority held on 3 August 2017 be received and noted.

89 Overview and Scrutiny Annual Report (Reference from Overview and Scrutiny Management Committee)

It was moved by Councillor Stewart-Turner, seconded by Councillor Smaje, and

RESOLVED – That the Overview and Scrutiny Annual Report be received and noted.

90 Report of Scrutiny Ad Hoc Panel (Reference from Cabinet)

It was moved by Councillor Burke, seconded by Councillor Bellamy, and

RESOLVED – That the Ad Hoc Scrutiny Panel report be received and noted.

91 Reasonable Behaviour Policy (Reference from Cabinet)

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

RESOLVED - That the Reasonable Behaviour Policy be accepted and endorsed.

92 Property Investment Fund (Reference from Cabinet)

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

RESOLVED - That approval be given to the setting up of a Property Investment Fund with £25m of provision being made in the Capital Plan phased as detailed in paragraph 3.5 of the report.

93 Kirklees Democracy Commission

(Under the Provision of Council Procedure Rule 16(4), The Mayor advised during the debate on this item that she would extend the meeting beyond 9.00pm to allow the debate to be concluded).

It was moved by Councillor Scott and seconded by Councillor Marchington;

- 1) That under the provision of Council Procedure Rule 15(11), Council move immediately to the vote on the recommendations as set out below.
- 2) That Council undertake a separate debate and vote on recommendation 18 as set out in Appendix 1 of the considered report in respect of votes at 16 immediately on the conclusion of the rest of the debate.
- 3) That Council agrees the strategic outcomes and underpinning recommendations set out in Appendix 1 of the considered report to the report subject to the changes set out below:
 1. Kirklees Council should make Active Citizenship a shared strategic priority and use this as a basis for developing a new democratic relationship between all Kirklees citizens and the state;

Council - 15 November 2017

2. Kirklees Council should ensure that schools play a central role as local democratic hubs as part of the delivery of an Active Citizens Strategy. This should involve designing (and putting into practice) a range of approaches which will create pathways for young citizens to become involved in civic society, including raising awareness about being a councillor. These could include:
 - (i) Designing local democracy resources for Kirklees schools to be used in the context of civic education.
 - (ii) Strengthening the links between local councillors and the schools in their wards through programmed “school surgeries” as part of citizenship education.
 - (iii) Working with the National Citizen Service to develop a mentoring scheme, to be piloted in Kirklees.
 - (iv) Working with the Local Government Association (LGA) to develop a young councillor “apprenticeship” scheme, to be piloted in Kirklees.
 - (v) Working with the University of Huddersfield and local colleges to develop a structured approach to work placement.
 - (vi) Developing a mentoring scheme between Kirklees Councillors and Kirklees Youth Councillors;
 - (vii) Kirklees Council should work with local businesses to develop the idea of “Business Citizenship” as part of delivering an Active Citizens Strategy with our partners;

Whereby, it was agreed by Council to move to the vote as moved by Councillor Scott at recommendation (1). The vote was carried.

RESOLVED –

- 1) That Council undertake a separate debate and vote on recommendation 18 as set out in Appendix 1 of the considered report in respect of votes at 16 immediately on the conclusion of the rest of the debate.
- 2) That Council agrees the strategic outcomes and underpinning recommendations set out in Appendix 1 of the considered report to the report subject to the changes set out below:
 1. Kirklees Council should make Active Citizenship a shared strategic priority and use this as a basis for developing a new democratic relationship between all Kirklees citizens and the state;
 2. Kirklees Council should ensure that schools play a central role as local democratic hubs as part of the delivery of an Active Citizens Strategy. This should involve designing (and putting into practice) a range of approaches which will create pathways for young citizens to become involved in civic society, including raising awareness about being a councillor. These could include:
 - (i) Designing local democracy resources for Kirklees schools to be used in the context of civic education.

Council - 15 November 2017

- (ii) Strengthening the links between local councillors and the schools in their wards through programmed “school surgeries” as part of citizenship education.
- (iii) Working with the National Citizen Service to develop a mentoring scheme, to be piloted in Kirklees.
- (iv) Working with the Local Government Association (LGA) to develop a young councillor “apprenticeship” scheme, to be piloted in Kirklees.
- (v) Working with the University of Huddersfield and local colleges to develop a structured approach to work placement.
- (vi) Developing a mentoring scheme between Kirklees Councillors and Kirklees Youth Councillors;
- (vii) Kirklees Council should work with local businesses to develop the idea of “Business Citizenship” as part of delivering an Active Citizens Strategy with our partners;

At this stage of the Meeting, Council moved to the consideration of Agenda Item No. 20 (Minute No. 100 refers)

- 94 **Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons**
Item not considered (due to time constraints).
- 95 **Key Discussion - Children's Services**
Council received an update from Councillor Hill (Cabinet Member – Children’s Services) on the progress of the Children’s Services Improvement Journey and held a Key Discussion debate on Children’s Services.
- 96 **Motion submitted in accordance with Council Procedure Rule 14 as to the Government's review of the Electrification of the Transpennine Railway**
Item not considered (due to time constraints).
- 97 **Motion submitted in accordance with Council Procedure Rule 14 as to Clean Air for Kirklees**
Item not considered (due to time constraints).
- 98 **Motion submitted in accordance with Council Procedure Rule 14 to address removal of the 1% pay cap for all public sector workers**
Item not considered (due to time constraints).
- 99 **Motion submitted in accordance with Council Procedure Rule 14 as to Care Leavers Council Tax Exemption**
Item not considered (due to time constraints).

100

Motion submitted in accordance with Council Procedure Rule 14 as to Votes at 16

It was moved by Councillor N Turner, seconded by Councillor Pandor and;

RESOLVED – “That this is Council notes:

- 1) That currently 1.5 million 16 and 17 year olds are denied the vote in public elections in the UK;
- 2) That 16 and 17 year olds are able to vote in local elections in Scotland, and in elections to the Scottish Parliament;
- 3) That the campaign to lower the voting age is supported by thousands of young people across the UK and that the Votes at 16 Coalition consists of a wide range of youth and democracy organisations;
- 4) The recent report by the Democracy Commission, which recommends that “National government should amend legislation to introduce the compulsory registration of young people at the age of 16.”

This Council believes:

- 1) 16 and 17 year olds are knowledgeable and passionate about the world in which they live and are as capable of engaging in the democratic system as any other citizen;
- 2) Lowering the voting age to 16, combined with strong citizenship education, would empower young people to better engage in society and influence decisions that will define their future;
- 3) People who can consent to medical treatment, work full-time, pay taxes, get married and join the armed forces should also have the right to vote.

This Council resolves:

- 1) To join the Votes at 16 Coalition;
- 2) To write to local MPs and the local media to inform them of this decision and ask them to support the campaign;
- 3) To promote this policy through its communications;
- 4) To encourage our local MPs to attend and debate at the second reading of Representation of the People (Young People’s Enfranchisement and Education) Bill 2017-2019, which is taking place on 1 December 2017.
- 5) To run activities to raise awareness of and support for Votes at 16 in the local area.”

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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

Name of meeting: Council

Date: Wednesday 13 December 2017

Title of report: Amendment to the Councillors' Allowances Scheme

Purpose of report

To consider the recommendations set out below in relation to Maternity, Adoption and Paternity Leave for Councillors

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?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Debbie Hogg, Service Director – Finance, IT and Transactional Services
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft, Service Director – Legal, Governance & Commissioning
Cabinet member portfolio	Cllr Graham Turner, Corporate (Place, Environment and Customer Contact Services)

Electoral wards affected: None

Ward councillors consulted: None

Public or private: Public

1. Summary

The Local Authorities (Members' Allowances) (England) Regulations 2003 are silent on Maternity/Paternity/Adoption Leave and the Kirklees Council Councillors' Allowances Scheme does not make any provision for it within the current scheme.

In light of the above work has taken place to address this issue with a view to revising the Councillors' Allowances Scheme. A copy of the revised scheme, incorporating the proposed changes, is attached at Appendix 1 to this report. The changes can be found at paragraph 7 in Appendix 1.

2. Information required to take a decision

In developing the proposals set out in this report the practice of other local authorities have been considered, as has the views of the Leaders of all political groups on the Council. The Kirklees Council staff Maternity Policy has been used as a basis for developing a local agreement for inclusion within the Councillors' Allowances Scheme. This local agreement would be as follows:

Maternity and Adoption Leave/Pay

Councillors would be entitled to:

Leave

- 52 weeks leave.

Pay

- 6 weeks at 90% of the Basic Allowance and any Special Responsibility Allowance payable.
- 33 weeks at half pay plus the equivalent weekly amount paid to staff in receipt of Statutory Maternity/Adoption Pay.

A replacement to cover the period of absence shall be appointed, by Council, Committee or the Leader (dependent of the role being vacated) and the replacement will be paid the appropriate Special Responsibility Allowance subject to any applicable abatement.

Paternity Leave

Leave

- Councillors can take up to two weeks' Paternity Leave.

If an election is held during the Councillor's Maternity, Adoption or Paternity leave and they are not re-elected, or decide not to stand for re-election, their Basic Allowance and SRA (if appropriate) will cease from the Monday after the election date when they would technically leave office and payments under this agreement would cease at that point.

3. Implications for the Council

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

There will be no impact

3.2 **Economic Resilience (ER)**

There will be no impact

3.3 **Improving Outcomes for Children**

There will be no impact

3.4 **Reducing demand of services**

There will be no impact

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

Council should note that any such changes would be paid from the existing Councillors' Allowances budget.

The proposed approach set out in this paper should also be considered in the context of the findings of the [Democracy Commission](#). Refining the scheme in such a way removes another potential barrier to becoming and continuing to be a councillor.

4. **Consultees and their opinions**

Members of the Councillors' Allowances Independent Review Panel have been consulted and are fully in agreement with the approach set out in this report.

Leaders of all political groups have been consulted and are in agreement with the approach set out in this report.

Corporate Governance & Audit Committee gave consideration to the report at the meeting on Friday 17 November 2017 where it was agreed that the report be submitted to Council with a recommendation of approval.

5. **Next steps**

Subject to the approval of Council the proposed changes to the Allowances Scheme will be implemented with immediate effect.

6. **Officer recommendations and reasons**

That Council agree to the proposed changes to the Councillors' Allowances Scheme as set out at Appendix 1 to this report.

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

That Council agrees the officer recommendation

8. **Contact officer**

Carl Whistlecraft, Head of Democracy

Carl.whistlecraft@kirklees.gov.uk

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

Report to Chief Executive's Leading Members Meeting – Wednesday 1 November 2017

Report to Corporate Governance & Audit Committee – Friday 17 November 2017

10. **Service Director responsible**

Julie Muscroft, Service Director – Legal, Governance & Commissioning

julie.muscroft@kirklees.gov.uk

Appendix 1

Kirklees Council Members' Allowances Scheme 2017-2018

This Members' Allowances Scheme is made under the Local Authorities (Members' Allowances) (England) Regulations 2003, and the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003. In making this scheme the Council had regard to the recommendations of its Members' Allowances Independent Review Panel, which met on 18 November 2016.

1. The Members' Allowances Scheme will apply from 1 April 2017 to 31 March 2018.

2. Basic allowances for ward duties

2.1 The amount allocated per annum to each elected councillor for ward duties is £13,099.

2.2 The role of councillor is dynamic and the expectations and responsibilities associated with the role are constantly changing. This is an ongoing consideration in determining the basic allowance which recognises the level of responsibility, time devoted and expenses incurred in dealing with their constituents, political group and cross party discussions on a ward basis.

No additional payment will therefore be made for travel and subsistence costs for duties within the Kirklees district.

2.3 Basic allowances will be paid calendar monthly in arrears to each elected councillor in equal monthly instalments.

2.4 Where the term of office of a councillor begins or ends otherwise than on the 1 April 2017 or 31 March 2018 his/her entitlement to the allowance will be pro-rata.

3. Special responsibility allowances

3.1 The amounts allocated per annum to councillors of specific duties, which are additional to the basic allowance are:-

	£ per year
Leader	25,155
Deputy leader	18,866
Band A	
Cabinet member	12,274
Band A1	
Chair of Overview and Scrutiny	11,047
Group Leader (30+ councillors)	11,047

Band B	
Group Leader (7-29 councillors)	9,820
Business Manager (30+ councillors)	9,820
Band B1	8,592
Band C	
Business Manager (20-29 councillors)	7,365
Band C1	
Chairs of Planning Committees	6,138
Lead Members of Scrutiny Panels	6,138
Band C2	
Police and Crime Panel Members	6,000
Band D	
Business Manager (7-19 councillors)	4,911
Chair of Licensing and Safety Committee	4,911
Band D1	
Group Leader (2-6 councillors)	3,684
Deputy Group Leader (12+ councillors)	3,684
Chair of Appeals panel	3,684
Band E	
Chair of Corporate Governance and Audit committee	2,454
Band E1	
Adoption Panel member	1,227
Fostering Panel member	1,227

Chairs of Overview and Scrutiny Ad-Hoc Panels will receive £38.37 day split into half day sessions (2 x 4 hours) to commence at the start of formal meetings to their conclusion. The Overview and Scrutiny Management Committee will place a time allocation on the work of the ad-hoc panel.

- 3.2 The special responsibility allowance recognises the additional time and expenses incurred by those councillors effectively performing additional special responsibilities.
- 3.3 Special responsibility allowances will be paid calendar monthly in arrears to the appropriate councillor in equal monthly instalments.
- 3.4 Where the term of office entitling a councillor to a special responsibility allowance begins or ends otherwise than on the 1 April 2017 or 31 March 2018 his/her entitlement to the allowance will be pro-rata.
- 3.5 No councillor shall receive more than one special responsibility allowance.

4. Renunciation of allowances

- 4.1 A councillor may, by giving notice in writing to the Service Director – Legal, Governance and Commissioning, elect to forego any part of his/her entitlement to an allowance payable under this scheme.

5. Travel and subsistence outside the district

- 5.1 Travel and subsistence allowances for approved duties outside the district can be paid only:

- * approved duty are those as described in paragraph 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003.
- * any other duty approved by the body, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body, or of any of its committees or sub-committees
- * for approved duties previously authorised by the appropriate body (Cabinet or Overview and Scrutiny Management Committee) and Service Director – Legal, Governance and Commissioning. The approval must precede the performance of the duty and not be given retrospectively.

Claims for expenses must be made and received by the Service Director – Legal, Governance and Commissioning within two months of the expense being incurred.

- 5.2 Attendance at conferences: The Head of Democracy has delegated powers to determine councillor attendance at conferences etc.
- 5.3 Attendance at training and development events: The council will reimburse a councillor for travel and subsistence costs, at the approved rates, for training and development events. The appropriate Business Manager will approve councillor attendance.
- 5.4 The council will book accommodation on behalf of councillors to a maximum of the rates given in Appendix 1, subject to availability. Councillors requiring overnight accommodation may claim daytime meal allowance(s) in the usual way.
- 5.5 The authority will pay car mileage at HMRC rates and daytime subsistence allowances at the same rates determined for officers by the National Joint Council for Local Government Officers. The allowance rates are given at Appendix 1.
- 5.6 The rate of travel by public transport shall not exceed the amount of an ordinary fare or any available cheap fare and wherever possible should be arranged through Councillor Support to maximise available discounts and concessions.

Tickets or receipts must always accompany travel and subsistence claims for over £8.

- 5.7 Councillors' use of private motor vehicles should demonstrate either a substantial saving of the councillors' time, or being in the best interests of the council.
- 5.8 The rate of travel by taxicab will not normally exceed the fare for travel by appropriate public transport. In cases of urgency or where no public transport is reasonably available, the council will reimburse the amount of the actual fare and any reasonable gratuity. Taxi receipts more than £8 must support the claim.
- 5.9 Travel by any other hired vehicle is limited to the rate applicable had the vehicle belonged to the member who hired it unless prior approval to the actual cost of hiring.
- 5.10 The rate for travel by air should not exceed the rate applicable to travel by any appropriate alternative means of transport together with the equivalent saving in subsistence allowance.

Where the saving in time is so substantial as to justify payment of the fare for air travel the amount paid will not exceed:-

- (i) the ordinary fare or any cheap fare, or
- (ii) where no such service is available or in case of urgency the fare actually paid by the councillor.

6. Pensions

With effect from 1 April 2014, any Councillor who is not an active member of the Councillors pension scheme will no longer have access to the pension scheme. Councillors who are currently contributing to the pension scheme will only be allowed to remain in it, until the end of their current term in office. Councillors elected after April 2014 will not be entitled to access the pension scheme.

7. Maternity/Adoption/Paternity

Maternity and Adoption

Councillors would be entitled to:

Leave

- 52 weeks leave.

Pay

- 6 weeks at 90% of the Basic Allowance and any Special Responsibility Allowance payable.
- 33 weeks at half pay plus the equivalent weekly amount paid to staff in receipt of Statutory Maternity/Adoption Pay.

A replacement to cover the period of absence shall be appointed, by Council, Committee or the Leader (dependent of the role being vacated) and the replacement will be paid the appropriate Special Responsibility Allowance subject to any applicable abatement.

Paternity

- Councillors can take up to two weeks' Paternity Leave.

If an election is held during the Councillor's Maternity, Adoption or Paternity leave and they are not re-elected, or decide not to stand for re-election, their Basic Allowance and SRA (if appropriate) will cease from the Monday after the election date when they would technically leave office and payments under this agreement would cease at that point. If they otherwise stand down from the post or otherwise lose the position, their Basic Allowance and SRA (if appropriate) will cease from the date which would be the position if the member stepped down or otherwise lost their position.

8. Dependants' carers' allowance

Councillors who need to engage carers to look after dependants whilst undertaking duties specified in regulation 7 of the Local Authorities (Members Allowances) (England) Regulations 2003 may receive a carers' allowance. The criteria are given at Appendix 2.

9. Support for a councillor with a disability

Even though local councillors are not explicitly covered by the Disability Discrimination Act Part II (employment provisions), it is an expectation on councils that they will make every reasonable effort to meet the individual needs of disabled councillors. The council will provide support for disabled councillors, where appropriate, by actively discussing an individual's needs and putting in place the necessary support mechanisms wherever practicable.

10. Information technology

Each councillor is offered a PC or laptop to be used in their homes through a broadband link and/or a smart device to assist them in the discharge of their functions as a councillor. Use of a smart device abroad is restricted to Council business only and councillors are encouraged to connect to wifi wherever possible.

11. Publicity

- 11.1 The regulations place certain duties on local authorities in connection with publicising the recommendations made by their independent remuneration panel, their scheme of allowances and the actual allowances paid to councillors in any given year:

The regulations require, as soon as reasonably practicable after the end of a year to which the scheme relates, that local authorities must make arrangements for the publication in their area of the total sum paid by it to each recipient, in respect of each of the following:

- Basic allowance
- Special responsibility allowance
- Dependants' carers' allowance
- Travelling and subsistence allowance

12. Sickness and holiday

The scheme recognises the right of councillors to holiday and entitlement to sickness absence.

An entitlement is made for 28 days of holiday. During periods of sickness a councillor is not expected to make up any hours lost as a result of that illness.

13. Suspension of Allowance

Where a Member, since election has been convicted of any offence and has had passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, the Council shall suspend any part of any allowance payable from the date of sentence. Such suspension shall remain in force until such time as section 80 of the Local Government Act 1972 (disqualification for election and holding office as member of a local authority) takes effect.

14. Education appeals panel members

Members of Education Appeals Panels (who are not elected councillors of Kirklees Council), will receive an allowance of £114 for a full day meeting and £65 for meetings less than four hours. Periods of adjournment will not be included in the allowance payment.

APPENDIX 1

Travel and subsistence rates from 1 April 2017 (for approved duties performed outside Kirklees only)

1. Motor mileage rates

Car

First 10,000 business miles in the tax year: 45p per mile
Each business mile over 10,000 in the tax year: 25p per mile

Bicycle or other non-motorised forms of transport: 20p per mile

Motor cycle (for journeys less than 10,000 miles per year): 24p per mile

Passenger supplements: The supplement remains unchanged; an increase in the above rates by 5p per person per mile not exceeding four passengers.

(Subject to change by HMRC)

Members of the council shall be entitled to an official parking permit for use when undertaking official council duties and otherwise used in accordance with the rules relating to their use, and specifically to take account of the contribution to parking permits in line with any residents charge as agreed by Council on 19 February 2014.

2. Day subsistence

Breakfast allowance £6.06
(more than 3 hours away from normal place of residence before 11.00 a.m.)

Lunch allowance £8.37
(more than 3 hours away from normal place of residence to include the period 12.00 noon - 2.00 p.m.)

Tea allowance £3.29
(more than 3 hours away from normal place of residence to include the period 3.00 p.m. - 6.00 p.m.)

Evening meal allowance £10.35
(more than 3 hours away from normal place of residence ending after 7.00 p.m.)

3. Overnight accommodation costs up to:

London/LGA annual conference £105.00
Outside London £90.00
(maximum room/bed-breakfast rates per person per night, but subject to availability)

4. Meals on trains

Where **main meals (i.e. breakfast, lunch or dinner) are taken on trains** during a period for which there is an entitlement for a day subsistence allowance, the reasonable cost of meals (including VAT) may be reimbursed in full. This reimbursement would replace the entitlement to the day subsistence allowance for the appropriate meal period. Councillors are asked to submit receipts for meals when claiming.

Kirklees Council

COUNCILLORS' ALLOWANCES

Criteria for dependants' carers' allowance

1. Councillors who care for children or dependants can claim a carer's allowance paid at the rate of the national minimum wage for age 21 and above (currently £7.05 per hour), subject to paragraph 3 below.
2. Payment is claimable in respect of children aged 14 years or under. In respect of dependant relatives, payment is claimable subject to written medical or social work evidence.
3. The Corporate Governance and Audit Committee will determine any application by a councillor on the grounds of special circumstances for payment of dependants' carers' allowance at a higher rate than that of the national minimum wage for age 21 and above.
4. The carer must not be a member of the same household.
5. Councillors should submit their claims, using a claim form and supported by receipts and, if applicable, declare any other care payment received from another agency, to the Councillors' Allowances section each calendar month in arrears.
6. Councillors can only claim for the carers' allowance in respect of expenses of arranging for care of their children or dependants necessarily incurred for attendance at meetings and performance of duties specified in the regulations, and any other duties approved by the Council including training sessions held within the induction period following an election. **Approved duties do not include meetings with officers and constituents and attendance at political group meetings.**
7. Any allegations of abuse of the scheme will be investigated through the Council's Standards process.
8. The dependants' carers' allowance is subject to annual review.

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Name of meeting: Council

Date: 13 December 2017

Title of report: Changes to the Procedures for the Dismissal of Statutory Officers

Purpose of report

To recommend changes to the Council's Constitution to reflect changes to legislation relating to the dismissal of statutory officers

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?	N/A
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	N/A
The Decision - Is it eligible for "call in" by Scrutiny?	N/A
Date signed off by Director & name Is it also signed off by the Service Director for Finance, IT and Transactional Services? Is it also signed off by the Service Director - Legal Governance and Commissioning?	
Cabinet member portfolio	Graham Turner

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or private: Public

1. Summary

1.1 The Corporate Governance and Audit Committee have considered a number of options relating to proposals to change the arrangements that the Council would need to put in place if it were to consider the dismissal of its statutory officers (the Head of Paid Service, the section 151 officer and the Monitoring Officer). Details of this are set out in the attached reports. The Local Authority's (Standing Orders) (England) Regulations 2001 (as amended) provide for new arrangements in the disciplinary process, in particular reference to a panel including Independent Persons must be made before a decision is made on the dismissal of a statutory officer in relation to an allegation of alleged misconduct.

1.2 The implementation of the new arrangements have been considered by the Corporate Governance and Audit Committee on 15th September 2017 and on 17th November 2017 when Option A was approved as a recommendation to Council.

1.3 Corporate Governance and Audit Committee approved Option A as set out at paragraph 2. This process ensures that the Independent Persons are involved with the committee from the beginning. It was felt a separate committee dealing simply with dismissal would be the fairest

and most transparent and efficient manner to implement the changes. The reports considered by the committee are set out in the Background Reports as Appendix A.

1.4 This report sets out the recommendations of Corporate, Governance and Audit in relation to implementing the changes. Members of Council are asked to consider the report and approve the recommendations set out at 6.2 and agreed by Corporate Governance and Audit committee.

1.5 Members of the Council are asked to delegate authority to the Head of Legal Services to implement the changes required.

2. Information required to take a decision

Composition of the Panel

Option A:-

A. Council appoint a new committee named the Statutory Officer Disciplinary Committee and it would include two independent persons.

2.2 In summary it is proposed the Statutory Officer Dismissal Committee will hear all disciplinary matters relating to 'disciplinary action' defined in the 2015 regulations in respect of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, where the Committee is considering dismissal of those statutory officers (any dismissal being subject to approval by full Council) in relation to alleged misconduct. It will comprise of two independent persons, five members of the Council, cross party representation, with the quorum being three members where at least one of whom must be a member of Cabinet.

2.3 The advantage of this approach is that it is transparent, simple and the Independent persons are involved with the Committee from the beginning which should enable them to be better informed to advise and make recommendations to full council. It also allows the current employment procedures to consider any allegations that relate to disciplinary sanctions short of dismissal.

Independent Persons

2.5 Kirklees currently has one independent person; which may increase in the future if further recruitment is undertaken. If it has not increased and should we need to use this process then we are able to invite other Local Authority independent persons to join the committee rather than appoint another one specifically to fulfil the role.

2.6 In practice the referral to the Independent panel would take place before Council so their views can be taken into account by full Council before reaching a decision.

2.7 Once full Council has approved the dismissal following the decision to dismiss from the Statutory Officer Disciplinary Committee (SODC), the regulations do not provide for a higher decision making body. It is for this reason that the decision to dismiss could be taken at the first stage by SODC Committee and Full Council will in effect consider whether to approve the dismissal.

3. Implications for the Council

The regulations require that the Council changes its procedures.

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 of services

N/A

3.5 Legal and Financial Implications

The regulations require the council to change its procedures.

4. Consultees and their opinions

Consultations have been carried out with the relevant officers involved who understand the requirements and have no objections to the proposed procedures.

HR and Head of Legal Services.

The options have been considered by Corporate Governance and Audit Committee who recommend Option A set out in the report, to Council.

5. Next steps

If approved by Council the necessary changes will be made to the Constitution to reflect the new process.

6. Officer recommendations and reasons

6.1 The reason for preferring Option A is as a result of feedback and comments from Corporate Governance and Audit Committee, highlighting a preference for a new and independent committee. It offers a simple and clear process in line with the intention of the Regulations and provides an opportunity for the officer to be heard before an Independent Panel prior to any recommendation to Council to make a decision. The Independent Person will be present with the Committee from the beginning. The Corporate Governance and Audit Committee are recommending this option to the Council.

6.2 Members are asked to:-

- i) recommend to full Council approval of **Option A** for the reasons already set out in this report at paragraph 2.1, 2.3 and 6.1.
- ii) Approve the Terms of Reference and Composition for the Committee at Appendix B
- iii) Approve the amendments to the Officer Employment Procedure as set out at Appendix C to this report.

- iv) Delegate authority to the Head of Legal Services to make the amendments to the constitution to reflect the changes set out above.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer

Samantha Lawton, Senior Legal Officer - Legal, Governance and Commissioning – 01484 221000
samantha.lawton@kirklees.gov.uk

9. Background Papers and History of Decisions

Changes to Statutory Process for Dismissal Procedures for Senior Officer dated 24 June 2015

Changes to the Procedures for the Dismissal of Statutory Officers dated 15 September 2017

Changes to the Procedures for the Dismissal of Statutory Officers dated 17 November 2017

Appendices:

Appendix A – previous reports to Corporate, Governance and Audit dated 15 September 2017 and 17 November 2017

Appendix B - Statutory Officer Dismissal Committee Terms of Reference

Appendix C – Officer Employment Procedure Rules

10. Service Director responsible

Julie Muscroft, Service Director – Legal, Governance and Monitoring, First Floor (Executive Suite), Civic Centre 3, Huddersfield.
Telephone: 01484 221000 Email: julie.muscroft@kirklees.gov.uk

The Service Director recognises that she has a conflict of interest in relation to this report but responsibility primarily lies in her service.

Name of meeting: Corporate Governance & Audit Committee

Date: 15 September 2017

Title of report: Changes to the Procedures for the Dismissal of Statutory Officers

Purpose of report

To recommend changes to the Council's Constitution to reflect changes to legislation relating to the dismissal of statutory officers

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?	N/A
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	N/A
The Decision - Is it eligible for "call in" by Scrutiny?	N/A
Date signed off by Director & name Is it also signed off by the Service Director for Finance, IT and Transactional Services? Is it also signed off by the Service Director - Legal Governance and Commissioning?	
Cabinet member portfolio	Graham Turner

Electoral wards affected: N/A
Ward councillors consulted: N/A

Public or private: Public

1. Summary

1.1 This committee previously received a report about the potential changes to the legislation relating to the dismissal of statutory officers in June 2015. The regulations amend the Local Authority's (Standing Orders) (England) Regulations 2001 in relation to the disciplinary process for statutory officers, namely the Chief Executive (the Authority's Head of Paid Service), the Service Director for Finance, IT and Transactional Services (as the Authority's Chief Section 151 Finance Officer) and the Service Director for Legal, Governance and Commissioning (as Monitoring Officer).

1.2 The regulations provide for new arrangements in the disciplinary process, in particular reference to a panel including Independent Persons before a decision is made.

1.3 The regulations will require changes to some of the following: -

- a) Changes to Personnel Committee terms of reference; or
- b) Establishing a new committee
- c) Changes to the Officer Employment Procedure Rules; and

d) the possible establishment of a panel of independent persons.

1.4 The changes will provide clarity on the dismissal process for the relevant senior officers.

2. Information required to take a decision

2.1 It is a statutory duty of the Local Authority to designate officers to hold the statutory post of Head of Paid Service, Chief Finance Officer and Monitoring Officer. In this Council the Chief Executive is designated as Head of Paid Service, the Service Director for Finance, IT and Transactional Services is Chief Finance Officer, and the Service Director for Legal, Governance and Commissioning is Monitoring Officer. The three officers all discharge their statutory duties and responsibilities in a political environment.

2.2 Previously the statutory protection in 2001 legislation required an appointment of a designated independent person (DIP) to investigate any allegation of misconduct against the statutory post holders. Those regulations provided that no disciplinary action in respect of these statutory post holders could be taken other than in accordance with the recommendation in a report made by a DIP.

2.3 The 2015 regulations remove the mandatory requirements that a DIP should be appointed. In place of the DIP procedure the decision will be taken by full Council, which must consider any advice, views or recommendations from a panel, comprising independent persons, the conclusions of any investigation into the proposed dismissal and the representations from the officer concerned.

2.4 The regulations and their impact has been set out in an earlier report before Corporate, Governance and Audit in June 2015. As there was little information in the regulation as to how this would work in practice there were a number of questions raised by the LGA but there has not been any further information provided.

2.5 In the case of potential disciplinary action under the new regulations the Council is now required to form a panel comprising Independent Persons. The membership of the panel is formed if two or more independent persons accept invitation to serve on the panel.

2.6 Establishing the panel is only necessary in the event that disciplinary action is envisaged, but if this does happen, a panel has to be formed twenty days in advance of the relevant disciplinary meeting. Due to this it is proposed that full Council establish an independent panel and amend the constitution now so that it is always available should the need arise. The suggested terms of reference for this panel are set out in Appendix D.

Options with regard to the Composition of the Panel

2.7 It is not clear whether the Panel is required to be made up of only Independent persons or whether the panel is required to also include elected members.

There are two possible options:-

- A. Council appoint a new committee named the Statutory Officer Disciplinary Committee. The Committee would include two independent persons when considering whether to recommend dismissal to full Council.
- B. Council extend the composition of the Personnel Committee and widen its functions to address the changes made by the 2015 Regulations. In support and to reflect the requirements of the regulations the Council would appoint a Panel made up of Independent persons only, which is to be convened when Personnel Committee is considering whether to recommend dismissal to full Council.

Option A

- 2.8 In summary it is proposed the Statutory Officer Dismissal Committee will hear all disciplinary matters relating to 'disciplinary action' as defined in the 2015 regulations in respect of the Head of Paid Service, Monitoring Officer and Chief Finance Officer . It will comprise of five members of the Council, with the quorum being three members where at least one of whom must be a member of Cabinet.
- 2.9 Where the Committee is considering whether to recommend to Council the dismissal of the Head of Paid Service, Monitoring Officer or the Chief Finance Officer the committee will comprise 5 members of Council, at least one of whom must be a member of the Cabinet and two independent persons appointed in accordance with the 2015 regulations. This would enable the Independent person to be involved from a slightly earlier stage.
- 2.10 The advantage of this approach is that it is simple and the Independent persons are involved from an early stage. However, the disadvantage is that it does not build in a further opportunity for the officer to address or appeal the decision made which is contrary to employment practice. Investigations of misconduct at a senior level are often complex and involve an outside investigator. Although, having the Independent Panel involved from the beginning allows for transparency it leaves little in the way of appeal or to address any areas of concern from the officer point of view.

Option B

- 2.11 Kirklees already has a Personnel Committee and has within its current terms of reference the ability to consider and deal with disciplinary procedures in the case of officers above the level of Service Director as described, "*.. 1...Appointment of staff and determination of their terms and conditions of appointment, including disciplinary procedures and including negotiations and consultation with trade unions over issues relating to terms and conditions..*"
- 2.12 The committee could make a referral to full Council for a decision if dismissal is recommended. It is proposed that the role of Personnel Committee be slightly expanded to include the terms of reference as set out at Appendix B in line with the regulations to include investigation and consideration of appropriate issues relating to the other two senior posts referred to, the Chief Finance Officer and Monitoring Officer.

2.13 This means that there would be referrals by the Personnel Committee to the Independent panel, who would review the recommendation and have full access to the written evidence and recommendations of Personnel Committee. The Independent Panel would conduct a full review following the recommendation from Personnel Committee and would have a further opportunity to hear from the relevant officers, investigator and employee and make recommendations to full Council for a decision where appropriate. The Independent Panel would require appropriate support in place to ensure they were properly independent. The Independent panel would be made up of three independent persons and they would be appointed in accordance with the 2015 regulations. The Regulations state how and in what order of priority independent persons are approached to form the membership of the panel. It is as follows:

- a. A relevant independent person who has been appointed by the authority and who is a local government elector;
- b. Any other relevant independent person who has been appointed by the authority
- c. A relevant independent person who has been appointed by another authority or authorities

Kirklees currently has one independent person; which may increase in the future if further recruitment is undertaken. If it has not increased then we are able to ask other Local Authorities to use theirs rather than appoint another one specifically to fulfil the role

2.14 In practice the referral to the Independent panel would take place before Council so their views can be taken into account by full Council before reaching a decision. This would also provide a mechanism for the statutory officer to appeal or challenge the investigation process so far and provide a second opportunity for the officer to have their views heard by the independent panel.

2.15 Once full Council has approved the dismissal following the decision to dismiss from the Personnel Committee and the Independent Panel, the regulations do not suggest there is a higher decision making body. It is for this reason that the decision to dismiss could be taken at the first stage by the Personnel Committee and the Independent Panel can in effect become the appeal stage. The officer will have had a further opportunity to state their case before any proposal to dismiss is made and then to address the authority before any decision to approve the dismissal is made.

Impact on Senior Officers

2.16 The changes in the legislation have been discussed with the relevant officers. They have been informed that the new procedure will be an implied term within their current contract and will take precedence over the previous DIP procedure which may be referred to in their current terms and conditions. Once the changes are made it will become an express term and HR will confirm the amendment to their terms and conditions subject to approval of the changes by Council.

3. Implications for the Council

The regulations require that the Council changes its procedures.

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 of services

N/A

3.5 Legal and Financial Implications

The regulations require the council to change its procedures.

4. Consultees and their opinions

Consultations have been carried out with the relevant officers involved who understand the requirements and have no objections to the proposed procedures.

HR and Head of Legal Services.

5. Next steps

Members are asked to consider each of the options and approve either Option A or B as a recommendation for Council to adopt.

If Committee approve Option A and the establishing of a new committee the suggested terms of reference, composition and functions of the committee are set out at Appendix A

If Committee approve Option B the extension of the role of Personnel Committee is agreed, it is necessary to amend the Personnel Committee terms of reference to reflect the changes as set out in Appendix B and to amend the Officer Employment Procedure Rules as set out in Appendix C.

A report will be taken to full Council on 11 October 2017 recommending one of the options with any feedback, comments or recommendations from this meeting will be included in that report. Following Council the necessary changes will be made to the Constitution to reflect the new process

6. Officer recommendations and reasons

6.1 Members are asked to recommend to full Council approval of **Option B for the reasons already set out in this report at paragraph 2.14 and 2.15:**

The reason for preferring Option B having considered a number of other Local Authorities procedures is because most have built in a three layer approach similar to Option B. This adds a further layer in

terms of an appeal, as there is no reference to this in the regulations and provides a further opportunity for the Independent Panel to consider the decision from Personnel Committee with 'fresh eyes' in accordance with the regulations. It offers a simple and clear process in line with the intention of the Regulations and provides an opportunity for the officer to be heard before an Independent Panel prior to the recommendation to Council. This also places it in line with good practice in employment terms which requires an appeal process.

- 6.2 If **Option B is approved by members** amendments will be required to the Personnel Committees' terms of reference as set out at Appendix B to this report
- 6.3 Amendments to the Officer Employment Procedure as set out at Appendix C to this report.
- 6.4 That a panel be established to comprise a minimum of two Independent persons with terms of reference as set out in Appendix D
- 6.5 This Committee considers the requirements of the regulations as set out in the report and makes any comments/observations before the changes to the constitution are considered by Council.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer

Samantha Lawton, Senior Legal Officer - Legal, Governance and Commissioning – 01484 221000
Samantha.lawton@kirklees.gov.uk

9. Background Papers and History of Decisions

Changes to Statutory Process for Dismissal Procedures for Senior Officer dated 24 June 2015

Appendices:

Appendix A – Statutory Officer Dismissal Committee Terms of Reference

Appendix B - Personnel Committee Terms of Reference

Appendix C – Officer Employment Procedure Rules

Appendix D – Independent Persons Panel

10. Service Director responsible

Julie Muscroft, Service Director – Legal, Governance and Monitoring, First Floor (Executive Suite), Civic Centre 3, Huddersfield.
Telephone: 01484 221000 Email: julie.muscroft@kirklees.gov.uk

The Service Director recognises that she has a conflict of interest in relation to this report but responsibility primarily lies in her service.

Name of meeting: Corporate Governance & Audit Committee

Date: 17 November 2017

Title of report: Changes to the Procedures for the Dismissal of Statutory Officers

Purpose of report

To recommend changes to the Council's Constitution to reflect changes to legislation relating to the dismissal of statutory officers

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?	N/A
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	N/A
The Decision - Is it eligible for "call in" by Scrutiny?	N/A
Date signed off by Director & name Is it also signed off by the Service Director for Finance, IT and Transactional Services? Is it also signed off by the Service Director - Legal Governance and Commissioning?	
Cabinet member portfolio	Graham Turner

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or private: Public

1. Summary

1.1 This committee previously received a report about the changes to the legislation relating to the dismissal of statutory officers in June 2015 and September 2017. The full details are set out in those reports and the 2017 September report is attached at Appendix A.

1.2 The regulations provide for new arrangements in the disciplinary process, in particular reference to a panel including Independent Persons before a decision is made. Following the receipt of the feedback and comments at the September 2017 CGA meeting the option setting out the proposal has been presented below.

2. Information required to take a decision

2.1 In September 2017 committee outlined concerns at extending the role of Personnel Committee and preferred to establish a new committee as per Option A. They also highlighted their preference for the independent person to be involved in the proceedings from the beginning of the committee process. Therefore, through discussions, the Committee highlighted that their preference would be for a separate

committee to be established, to include the independent persons along with cross party representation of councillors, separate to those already appointed to the Personnel Committee.

Composition of the Panel

Option A:-

- A. Council appoint a new committee named the Statutory Officer Disciplinary Committee and it would include two independent persons.
- 2.2 In summary it is proposed the Statutory Officer Dismissal Committee will hear all disciplinary matters relating to 'disciplinary action' defined in the 2015 regulations in respect of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, where the Committee is considering dismissal of those statutory officers (any dismissal being subject to approval by full Council). It will comprise of two independent persons, five members of the Council, cross party representation, with the quorum being three members where at least one of whom must be a member of Cabinet.
- 2.3 The advantage of this approach is that it is transparent, simple and the Independent persons are involved with the Committee from the beginning which should enable them to be better informed to advise and make recommendations to full council. It also allows the current employment procedures to consider any allegations that relate to disciplinary sanctions short of dismissal.
- 2.4 However, the disadvantage is that it does not build in a further opportunity for the officer to address or appeal the decision made which is contrary to employment practice. Investigations of misconduct at a senior level are often complex and involve an outside investigator. Although, having the Independent Panel involved from the beginning allows for transparency it leaves little in the way of appeal or to address any areas of concern from the officer point of view.

Independent Persons

- 2.5 Kirklees currently has one independent person; which may increase in the future if further recruitment is undertaken. If it has not increased then we are able to invite other Local Authority independent persons rather than appoint another one specifically to fulfil the role.
- 2.6 In practice the referral to the Independent panel would take place before Council so their views can be taken into account by full Council before reaching a decision.
- 2.7 Once full Council has approved the dismissal following the decision to dismiss from the Statutory Officer Disciplinary Committee (SODC), the regulations do not suggest there is a higher decision making body. It is for this reason that the decision to dismiss could be taken at the first stage by SODC Committee and Full Council will in effect consider whether to approve the dismissal.

3. Implications for the Council

The regulations require that the Council changes its procedures.

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 of services

N/A

3.5 Legal and Financial Implications

The regulations require the council to change its procedures.

4. Consultees and their opinions

Consultations have been carried out with the relevant officers involved who understand the requirements and have no objections to the proposed procedures.

HR and Head of Legal Services.

5. Next steps

Members are asked to consider Option A as a recommendation for Council to adopt.

If Committee approve Option A and the establishing of a new committee the suggested terms of reference and composition are set out at Appendix B

The Officer Employment Procedure Rules will require amendment as set out in Appendix C.

If approved, a report will be taken to full Council on 13 December 2017 recommending Option A with any feedback, comments or recommendations from this meeting will be included in that report. Following Council the necessary changes will be made to the Constitution to reflect the new process.

6. Officer recommendations and reasons

6.1 The reason for preferring Option A is as a result of feedback and comments from Corporate Governance and Audit Committee, highlighting a preference for a new and independent committee. It offers a simple and clear process in line with the intention of the Regulations and provides an opportunity for the officer to be heard before an Independent Panel prior to the recommendation to Council. The Independent Person will be present with the Committee from the beginning.

6.2 Members are asked to:-

- i) recommend to full Council approval of **Option A** for the reasons already set out in this report at paragraph 2.1, 2.3 and 6.1.
- ii) Approve the Terms of Reference and Composition for the Committee at Appendix B
- iii) Approve the amendments to the Officer Employment Procedure as set out at Appendix C to this report.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer

Samantha Lawton, Senior Legal Officer - Legal, Governance and Commissioning – 01484 221000

Samantha.lawton@kirklees.gov.uk

9. Background Papers and History of Decisions

Changes to Statutory Process for Dismissal Procedures for Senior Officer dated 24 June 2015

Appendices:

Appendix A – Report to CGA dated 15 September 2017

Appendix B - Statutory Officer Dismissal Committee Terms of Reference

Appendix C – Officer Employment Procedure Rules

10. Service Director responsible

Julie Muscroft, Service Director – Legal, Governance and Monitoring, First Floor (Executive Suite), Civic Centre 3, Huddersfield.
Telephone: 01484 221000 Email: julie.muscroft@kirklees.gov.uk

The Service Director recognises that she has a conflict of interest in relation to this report but responsibility primarily lies in her service.

APPENDIX B

Statutory Officer Dismissal Committee

Membership

5 Members of the council (One to be a member of Cabinet) and two independent persons

Terms of Reference

Delegated responsibility in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 for the following:-

- 1.To give advice, express its views and make recommendations to full Council as to the dismissal of the Head of Paid Service, the Monitoring Officer and the Chief of Finance Officer
- 2.To keep under review the suspension of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer

APPENDIX C

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**OFFICER EMPLOYMENT
PROCEDURE RULES**

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OFFICER EMPLOYMENT PROCEDURE RULES

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N.B. Reference should be made to the relevant sections of Part 3 of the Constitution for details of responsibilities delegated to Personnel Committee, Appointment Panels, Statutory Officer Disciplinary Committee, and Officers in accordance with these Procedure Rules.

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1. Definition of Chief Officer for the purposes of these Rules

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In these rules the expression "Chief Officer" means any Deputy Chief Executive, Strategic Director, Head of Service or Assistant-Service Director. This definition fulfils the relevant requirements of the 1993 and 2001 Standing Orders Regulations (as amended).

2. Recruitment and Appointment

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(a) Declarations

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- (i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or senior officer of the council; or of the partner of such persons.
- (ii) No candidate so related to a councillor or senior officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her

(b) Seeking support for appointment

- (i) Subject to paragraph (iii), the council will disqualify any applicant who directly or indirectly canvasses the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no councillor will canvass support for any person for any appointment with the council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

3. Recruitment of Head of Paid Service and Chief Officers

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- (a) Where the council proposes to appoint the Head of Paid Service or a chief officer (other than on an acting basis) and it is not proposed that the appointment be made exclusively from among their existing

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- officers, the council or its Personnel Committee will establish a committee or sub-committee to act as the appointment panel.
- (b) The appointment panel will:
- (i) draw up a statement specifying the duties of the post concerned; and an employee specification which describes the experience, education, training, knowledge, skills and other factors to be sought in the person to be appointed.
 - (ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (iii) make arrangements for a copy of the statement mentioned in paragraph (i) to be sent to any person on request.
- (c) Where a post has been advertised, the appointment panel shall:-
- (i) Select a short list of qualified applicants and interview those included on the short list.
 - (ii) At all times act in accordance with the council's equal opportunities policy and code of practice on recruitment and selection.
 - (iii) When no person is appointed, make further arrangements for advertisement.
- (d) Where the council propose to appoint the Head of the Paid Service or a chief officer (other than on an acting basis) exclusively from amongst their existing officers, the council or its Personnel Committee will establish a committee or sub-committee which will make arrangements in connection with the appointment.
- (e) Where the duties of a chief officer include the discharge of functions of two or more local authorities in pursuance of Section 101 (5) of the Local Government Act 1972 -
- (i) The steps taken under this Rule may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned;
 - (ii) Any chief officer may be appointed by such a joint committee, a sub-committee of that committee or a committee or sub-committee of any of those authorities.

4. Appointment of Head of Paid Service

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a

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committee or sub-committee of the council. That committee or sub-committee must include at least one member of the Cabinet.

- (b) The full Council may only make or approve the appointment of the Head of Paid Service where the procedure set out in Annex 1 of these Rules has been completed.

5. Appointment of Chief Officers

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- (a) A committee or sub-committee of the council will appoint chief officers. That committee or sub-committee must include at least one member of the Cabinet.
- (b) An offer of employment as a chief officer shall only be made where the procedure set out in Annex 1 to these Rules has been completed.

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6. Other Appointments

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(a) Officers below chief officer

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Appointment of officers below chief officer (as defined in Rule 1) (other than assistants to political groups) is the responsibility of the Head of the Paid Service or officers nominated by him/her and may not be made by councillors.

(b) Assistants to political groups

- (i) The council may appoint up to three posts to provide assistance to the members of any political group to which members of the council belong to discharge any of their functions as members of the council.
- (ii) Each such post shall first be allocated to a political group in accordance with Section 9 of the Local Government & Housing Act 1989 and will then fall to be filled from time to time in accordance with the wishes of that group. No post shall be allocated to a political group which does not qualify for one.
- (iii) No appointment shall be made to any such post until the council has allocated a post to each political group that qualifies for one. No more than one post shall be allocated to any one political group.

7. Disciplinary Action

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(a) Suspension

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The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged

misconduct. That suspension will be on full pay and will last no longer than two months.

(b) **Independent ~~Panel~~erson**

Subject to (a) above, no disciplinary action ~~(as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2015)~~ may be taken in respect of any of those officers except in accordance with the ~~recommendation in a report made by a designated independent person under Regulation 7 of the~~ Local Authorities (Standing Orders) (England) Regulations 20~~15~~~~04~~ (investigation of alleged misconduct).

(c) **Involvement of Councillors**

Councillors will not be involved in ~~the disciplinary action against~~process **in respect of** any officer below chief officer (as defined in Rule 1), except where such involvement is necessary for any investigation or inquiry into alleged misconduct. ~~However, the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.~~

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8. Dismissal

(a) Councillors will not be involved in the dismissal of any officer below chief officer (as defined in Rule 1), except where such involvement is necessary for any investigation or inquiry into alleged misconduct. ~~However, the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals. [See comment above]~~

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9. The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer

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(b) ~~Subject to paragraph 9(g) the Statutory Officer Disciplinary Committee may recommend to full Council that the Head of Paid Service, Chief Finance Officer or Monitoring Officer be dismissed. Only full council can approve the dismissal~~

(c) ~~Where a committee or sub-committee of the authority is discharging, on behalf of the authority, the function of the dismissal of the Head of Paid Service, **the Monitoring Officer, the Chief Finance Officer**, or a chief officer that committee or sub-committee must include at least one member of the Cabinet.~~

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(d) ~~Where a committee or sub-committee is discharging the function of the dismissal of the Head of Paid Service, **the Monitoring Officer and the**~~

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~~Chief Finance Officer, the full Council must approve any recommendation of the dismissal before notice of dismissal is given.~~

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~~(e) Before taking a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular-~~

~~(i) any advice, views or recommendations of an independent panel¹~~

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~~(ii) the conclusions of any investigation into the proposed dismissal; and~~

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~~(iii) any representations from the relevant officer~~

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~~(f) The independent panel referred to must be appointed by the authority at least 20 days before the relevant meeting and should comprise a minimum of two independent panel members~~

~~(g) Notice of dismissal of the Head of Paid Service, the Monitoring Officer, Chief Finance Officer or a chief officer must not be given until the procedure set out in Annex 2 has been completed.~~

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¹ Appointed under s.102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority in accordance with the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended)

ANNEX 1

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APPOINTMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

1. This procedure applies to the appointment of the Head of Paid Service and chief officers as defined in Rule 1 of these rules ("relevant officers"). It has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.
2. In this procedure, "appointor" means, in relation to the appointment of a relevant officer, the committee, sub-committee or panel making the appointment, or, in the case of the appointment of the Head of Paid Service, making a recommendation to the council.
3. An offer of an appointment as a relevant officer must not be made by the appointor until -
 - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the proper officer has notified every member of the Cabinet of:
 - (i) the name of the person to whom the appointor wishes to make the offer
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the proper officer; and
 - (c) Either:
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b) (iii), notified the appointor that neither s/he nor any member of the Cabinet has any objection to the making of the offer;
 - (ii) no objection has been received by the proper officer within that period from the Leader; or
 - (iii) the appointor is satisfied that any objection received is not material or is not well-founded.
4. The "proper officer" for the purposes of paragraph 3 will be either of a **Strategic** Director responsible for human resources or the Head of the Human Resource

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Strategy Unit, and the above function may be exercised on their behalf by the Human Resource officer dealing with the particular appointment.

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ANNEX 2

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DISMISSAL OF HEAD OF PAID SERVICE, MONITORING OFFICER, CHIEF FINANCE OFFICER, AND CHIEF OFFICERS

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1. This procedure applies to the dismissal of the Head of Paid Service, Monitoring Officer, Chief Finance and chief officers as defined in Rule 1 of these Rules (“relevant officers”). It has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended);
2. In this procedure, “dismissor” means, in relation to the dismissal of a relevant officer, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
3. Notice of the dismissal of a relevant officer must not be given by the dismissor until:
 - (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the proper officer has notified every member of the Cabinet of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the proper officer; and
 - (c) Either:
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b) (iii), notified the dismissor that neither s/he nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) no objection has been received by the proper officer within that period from the Leader; or
 - (iii) the dismissor is satisfied that any objection received is not material or is not well-founded.
4. The “proper officer” for the purposes of paragraph 3 will be either of the member of the Executive Management Group responsible for human resources or the Head of Human Resources.

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Name of meeting: Cabinet then Full Council

Date: Cabinet 8th December 2017 & Council 13th Dec 2017

Title of report: Review of the Council Tax Reduction Scheme (CTR)

Purpose of report:

To report on the (CTR) consultation and set out the options for members to consider for 2018/19 and subsequent years

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	Yes 19 th Jan 2017
The Decision - Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Director & name	Debbie Hogg : 30 November 2017
Is it also signed off by the Service Director, Finance and Transactional Services?	Yes
Is it also signed off by the Service Director, Legal, Governance and Commissioning	Julie Muscroft - 30 November 2017
Cabinet member portfolio	Cllr Graham Turner & Cllr Musarrat Khan

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

1. Summary

Section 13A(2) of the local government finance Act 1992 requires that each billing authority in England must make a Council Tax Reduction scheme that specifies the reduction in Council Tax available to people in financial need.

This report sets out the response(s) to the consultation and the options for members to consider for the authority's CTR working age scheme for the year 2018/19 and beyond.

- 1.1 In developing scheme recommendations, a comprehensive consultation with Major Preceptors (Fire and Police authorities) and the public has taken place, the results of which are identified at **appendix 3** of this report. The Council can vary the current scheme but must only do so in line with the consulted options.
- 1.2 Cabinet/Council are asked to determine whether to adopt any of the proposed CTR scheme changes that have been subject to consultation with Kirklees residents.

2. Information required to take a decision

- 2.1 The authority has operated a Council Tax Reduction Scheme (CTR) since April 2013 and this was revised on 14th Jan 2015. The scheme must provide prescribed reductions for those of state pension age (national scheme). There is no such prescription in relation to (local scheme) i.e. those of working age. **(See section 9 below: - Background Papers and History of Decisions)**

The matters to be included in a scheme are set out in Schedule 1A of the local Government Finance Act 1992 (**Appendix 4**).

It is worth noting that the cost of the scheme at around £28.7 million is actually potential Council Tax income forgone.

- 2.2 If the authority decides that it will revise the scheme and adopt one, or more of the option(s) consulted on, it must do so by 31 January 2018 if that scheme is to have effect from 1st April 2018.
- 2.3 If the authority decides to revise its scheme and that revision results in a reduction in the value of a CTR award for any class of person then the authority must also decide whether to introduce any transitional protection. That requirement is imposed by paragraph 5(4) of schedule 1A to the Local Government Finance Act 1992. A scheme of transitional protection is not proposed in relation to any of the options because of the relatively small weekly values involved for the individuals affected.
- 2.4 If the authority fails to agree any changes this will result in the existing CTR scheme persisting for 2018/19 with no change in accordance with paragraph 5 of Schedule 1A to the Local Government Finance Act 1992.
- 2.5 The history and basic mechanics of the current scheme are set out in **Appendix 5**.
- 2.6 In considering the options it is worth noting that the collection rate for council tax from those receiving a partial council tax reduction for the 2013/14 year is as set out in the table below. This shows that there is little variance across the groups.

Group	Collection rate
CTR Pensioner scheme <i>(not affected by the working age CTR changes)</i>	99.81%
CTR Protected scheme – Single parents with children under 5 and war pensioners	98.39%
CTR Protected scheme – Disabled people with the severe or enhanced disability premium	99.13%
CTR Working age scheme - earning	98.78%
CTR Working age scheme – out of work	98.76%
overall	99.04%

2.7 Options to Consider

In order to determine which options to develop and introduce into the scheme the Council went out for consultation, a copy of the consultation survey is attached in **Appendix 6**.

Appendix 1 sets out the high level impact of each option included in the consultation for each of the groups affected. The saving of just over £1 million set out in the Medium Term Financial plan could be achieved by implementing Options 2, 4 and 6.

Whilst it is an option to reduce support for working age war pensioners as set out in the options considered in the consultation, members are reminded of the commitment in the Armed Forces Community covenant, namely:

“The purpose of this Community Covenant is to encourage support for the Armed Forces Community working and residing in the Borough of Kirklees and to recognise and remember the sacrifices made by members of this Armed Forces Community, particularly those who have given the most. This includes in-Service (regular and reserve) and ex-Service personnel their families and widow(er)s in the Borough of Kirklees”

Officer recommendations are set out in paragraph 6 below followed by the Cabinet Portfolio Holder recommendation at paragraph 7.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

Whilst the Local Government Finance Act 1992 requires each authority to devise a reduction scheme it does not specify the extent of any such reduction.

By providing a scheme that reduces liability to an affordable level, it prevents the need to take unnecessary and costly recovery action that would inevitably result in the courts finding that the debtor did not have the means to pay.

3.2 Economic Resilience (ER)

Setting aside a budget specifically to meet the Council tax liability of those that would otherwise be unable to pay, means that we have greater clarity as to the debt that we might reasonably collect. That in turn allows us to plan more accurately based upon expected revenue.

3.3 Improving Outcomes for Children

It is well known that very often children are the first to suffer the effects of low incomes and poverty. Means testing support for Council Tax allows us to target resources at those families in greatest need, with the potential to improve outcomes against the outcomes that might otherwise be expected.

It is worth noting that there are provisions within Section 13A(1)(c) of Local Government Finance Act that allow discretion to further reduce the Council Tax

charge in cases of severe hardship the authority does have a policy in place to assist in appropriate cases.

3.4 Reducing demand of services

When the Government passed responsibility for Council tax support to Local Authorities in 2013 it came with a funding reduction of 10% and a requirement to maintain spending in relation to Pensioners. That effectively meant that those of working age shouldered the burden unless an authority could plug the gap.

The idea was that authorities would design schemes that incentivise work and by doing so reduce demand for the reduction itself. In reality there has been little reduction in demand but the incentive clearly remains.

It is worth noting that when a scheme is less generous, fewer people will qualify for support and so not only do the costs reduce but the numbers receiving support reduce also.

There is clearly a risk that if the level of support is insufficient then the demand for other services will increase particularly in the areas of debt advice, emergency/discretionary support and safeguarding.

It is worth noting that there are provisions within Section 13A(1)(c) of Local Government Finance Act that allow discretion to further reduce the Council Tax charge in cases of severe hardship and the authority does have a policy in place to assist in appropriate cases.

3.5 Financial, Legal and Other Implications

The ongoing financial challenge means that the scheme as it currently stands is no longer affordable. The options explored here can deliver just over the £1 million saving that is incorporated into the medium term financial plan. If that saving is not made then the only options available would be to reduce services elsewhere or to consider triggering a referendum as a result of a Council Tax Rise with no guarantee that such a rise become effective.

The legal implications that are not set out here are set out in section 2 above.

It is worth reiterating that the requirement to make a scheme by the 31st January in the year before it is to take effect, is set out in the Local Government Finance Act 1992, and that requirement applies to the revision of a scheme as it does to the making of a scheme. The requirements to consult and the expectations in relation to those consultations are also set out in the Act. A decision made to “make” or “revise” a scheme can only be challenged by judicial review.

There have been a number of challenges described below, where schemes have been successfully challenged and therefore it is important that we have regard to that in the consultation and decision making process

A judicial review of a decision by Sandwell Council (*Winder v Sandwell* [2014] EWHC 2617 (Admin)) to impose a “residence condition” meaning that those without a history of residence could not secure an entitlement, was deemed ultra

vires and thus unlawful, because it was based on criteria other than “financial need”.

A judicial review of a decision by Hackney Council (R (on the application of Moseley) (in substitution of Stirling (Deceased)) (AP) (Appellant) v London Borough of Haringey (Respondent) [2014] UKSC 56) was found to be unlawful because the consultation did not include any options to reduce services or increase council tax, as alternatives.

In the Moseley case, the Supreme court endorsed the Sedley principles accepted in Rv Brent LBC namely that;

- Consultation must be when the proposals are at a formative stage;
- the council must give sufficient reasons;
- adequate time must be given for consideration of responses to the consultation; and
- responses must be conscientiously taken into account .

The consultation commenced 21st August 2017 and closed on 15th October 2017. This was an open public consultation, a questionnaire could be completed online or in paper format obtained from our Customer Service Centres.

1000 Council Tax Reduction recipients were randomly chosen to be invited to make comment on the consultation.

1000 Council Tax Payers that did not receive a reduction were also invited to make comment on the consultation.

This approach was taken in order to ensure that the council complied with the legal guiding principles for fair and lawful consultation.

An Equality Impact assessment in relation to the proposed option(s) following consultation has been undertaken and is included in Appendix 7 and 8

Members are requested to read Appendix 7 and 8 which contains the Equality Impact Assessments so as to be able to discharge the public sector equality duty before making their decision.

Section 149 of the Equality Act 2010 places a duty on the council in carrying out its functions to have due regard to the need;

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

Section 149(7) of the 2010 Act set out the protected characteristics which are age , disability, gender reassignment ;pregnancy and maternity, race, religion or belief, sex and sexual orientation.

It is worth noting that whilst those with disabilities are the only “protected characteristic group” specifically affected by the options, we do not provide the same protection to all people with disabilities, only those with circumstances that

produce the enhanced and severe disability premium in the assessment are currently protected against the 20% working age provision.

Lone parents in work receive an enhanced earnings disregard in the means test that equivalent two parent families and individuals without children, do not receive. So that not only are Lone Parents with children under 5 “protected”, their award is higher than many, before the protection is applied.

It is worth noting that there are provisions within Section 13A(1)(c) of Local Government Finance Act that allow discretion to further reduce the Council Tax charge in cases of severe hardship and the authority does have a policy in place to assist in appropriate cases.

4. Consultees and their opinions

An 8 week consultation has been undertaken on the scheme options and the findings are identified in **Appendix 3** .

The West Yorkshire Fire and Rescue have responded to say that they are supportive of the proposal.

532 responses were received to the Public consultation.

4.1 Headlines:

- The majority of responses were from working age people (89%) with 11% coming from pensionable age people.
- Officer recommendations are to implement options two, four and six. This would mean reducing support by 10% for protected groups, reducing the savings limit, and simplifying administration:
 - 84% agree with reducing administration costs of the scheme
 - 64% agree with reducing the savings limit to £8,000
 - There is between 50%-59% agreement for reducing support by 10% for protected groups (with a reduction for lone parents of children under 5 receiving the greatest agreement)
 - There is generally around 15% more agreement for reducing the amount of support that protected groups receive by 10%, than by 20%.
 - 59% agree we should develop a new reduction scheme
 - 30% agree with keeping the current scheme for another year

4.2 Summary of themes covered in free text comments: (See also Appendix 3).

- Some commenters stated that they agreed with our preferred approach.
- Some suggested various other combinations of options to achieve the required reduction in costs, though there was no consensus or preferred other option.
- Some felt the council should look to increase council tax for the perceived better off, rather than reduce CTR for those that need it (either by creating additional higher bands for more valuable properties; charging more for higher bands; charging more for second properties; or a general increase for all payers).

- Focus on recovery: take every effort to recover owed council tax (and other debts like rent), reducing written off council tax.
- There were many comments on possible implications for protected groups, with some stating that disabled people, those with young children, or pensioners should not have to pay more, and it would be wrong to increase their hardship, while others felt it wrong to assume certain groups are in need of CTR when this may not be the case. Others felt that those outside of the protected groups are generally being hit hardest, may also be struggling to make ends meet despite working, and may not be able to afford to pay any more.
- Comments on savings again covered a range of views; with some feeling all savings should be disregarded as people should not be penalised for having worked and saved, while others felt that those with savings could afford to contribute more to council tax than those without.
- Commenters felt any scheme should be fair and simple to run, being administered in line with national benefits.
- There was recognition from some that Kirklees' need to make savings is linked to national government funding cuts, and that LAs should fight back against national policy.
- Some felt greater means testing would make the tax fairer.
- Some chose to comment that council tax should generally be cut, while others stated they would opt to pay more to help balance the council budget.
- Reduce council tax funding to parishes
- Reduce staffing, internal costs and councillor costs and expenses.

5. Next steps

- Contact the residents affected by the changes to the scheme and offer assistance and help with payment options including promotion of direct debit
- Set the council taxbase based on the assumptions and options adopted by members.

6. Officer recommendations and reasons

Approve the proposed draft Council Tax Support Scheme as consulted and set out in this report for options 2, 4 and 6 that;

- 1) **Option Two** - Revise the protection so that those protected pay at least 10% of their Council Tax Liability depending upon their actual income. (i.e 90% reduction and 10% to pay towards council tax)

1. A single parent with children under 5
2. Households that receive the severe or enhanced disability premium

With the exception of households receiving a war pension or war widows pension where the current protection will remain. The option to reduce support for this group has been removed because of the commitment under the enduring Armed Forces Community Covenant between Kirklees (and its partners) and the Armed Forces Community in Kirklees.

This is projected to reduce the annual scheme expenditure by around **£959,064**

- 2) **Option Four** – Reduction of the capital limit from £16,000 to £8,000. This would mean that people with between £8,000 and £16,000 would no longer be eligible for local council tax reduction.

This is projected to reduce the annual scheme expenditure by around **£101,122**

- 3) **Option Six** - is to reduce how often we reassess council tax reduction entitlement, to four times per year. (This is an administrative change that needs to be made irrespective of the other option adopted including no change) it does not impact on any particular group.
- 4) No scheme of transitional protection is proposed under paragraph 5(4) of schedule 1A to the Local Government Finance Act 1992.
- 5) In addition, to delegate the calculation of any consequential changes to the Council Tax Base, as a result of the new scheme adopted, to the Service Director for Finance, IT & Transactional Services and that the impact is incorporated into the budget report submitted to council on the 14th Feb 2018.

7. Cabinet portfolio holder recommendation

- 7.1 Cabinet have considered the proposals and appraised themselves of the consultation finding. They are acutely aware of the financial challenges but also the impact of these proposals on the most vulnerable people whilst other significant changes to welfare provision are taking place.
- 7.2 Consequently Cabinet recommends options 4 and 6 for Council approval:
- Option 4 – Approve a reduction in the capital limit from £16,000 to £8,000
Option 6 – Approve general changes for all options to reduce administration costs
- 7.3 Approve delegation of the taxbase as a result of the scheme changes to the Service Director for Finance, IT & Transactional Services and that the impact is incorporated into the budget report submitted to Council on the 14th Feb 2018.

8. Contact officer

Steve Bird - Head of Welfare and Exchequer Services
Julian Hobson – Policy Officer

9. Background Papers and History of Decisions

Council decision 16th January 2013 that introduced the original scheme where the charge was 29% for those not protected.

RESOLVED - That, as recommended by Cabinet:

- (1) Approval be given to the proposed draft Council Tax Support Scheme as set out in the submitted report that:-

- (i) Includes the protection of certain vulnerable classes (approximately 17,681 pensioner households under the Pensioner Default Scheme and approximately 5128 working age households deemed vulnerable in classes 1-3 under the Council Tax Support (Working Age) Scheme).
 - (ii) Passes on the 10% (approximately 19,920 households and approximately £3m) cut in Government funding to the working age classes not protected (i.e. classes 4-6 under the Council Tax Support (Working Age) Scheme).
 - (iii) Removes second adult rebate from the Working Age Scheme (approximately 252 households and approximately £61,000)
- (2) The calculation of any consequential changes to the Council Tax Base, as the result of the new scheme adopted, be delegated to the Director of Resources, and that the final figure be reported to Council as part of the Budget setting process.

Council decision 14th January 2015 that changed the charge to 20% for those not protected.

Localised Council Tax Support (CTS) and Tax Base

To consider a recommendation of Cabinet on the Local Council Tax Support Scheme and the Council Tax Base. (Reference from Cabinet)

Decision:

That the current Localised Council Tax Support Scheme be amended from 29% to 20%, providing additional support for low income working age Council Tax payers at neutral cost on the taxbase.

10. Assistant Director responsible

Debbie Hogg, Service Director for Finance, IT & Transactional Services

Appendix 1 – High level impact of each Option

Appendix 2 – Providing an in depth analysis of the impact of option 2

Appendix 3 – Consultation Results

Appendix 4 – Schedule 1A Local Government Finance Act 1992

Appendix 5 – The History and basic mechanism of the scheme

Appendix 6 – Consultation Document

Appendix 7 – Equality impact assessment Stage 1

Appendix 8 – Equality impact assessment action plan

Appendix 1 – High level impact of each Option

Option One - No change - keep the current local scheme as it is.

We could choose to retain the current scheme for another 12 months, meaning council tax support would continue much as it is. This would not make any savings.

In addition to the prescribed scheme for pensioners the current scheme provides a reduction largely based upon the old Council Tax Benefit regulations.

All assessments under the local working age scheme are means tested

Most working age recipients do not receive a 100% reduction. Unless they fall into one of the protected groups below, they will pay at least 20% of their total council tax liability depending upon their actual income.

If any of the following apply the individual households they could receive upto 100% of their Council Tax liability by way of a reduction:

1. A single parent with children under 5
2. Households that receive the severe or enhanced disability premium
3. Households that receives a war pension or war widows pension

In order to continue funding the current scheme, further cuts in services would be required.

The current cost of this Council Tax Reduction scheme is £28.79m in 2017/18 with the spend broken down into the following areas.

Current spend figures	Numbers	Costs
CTR Pensioner scheme	13,971	£11,559,391.73
CTR Protected scheme – Single parents with children under 5	2,800	£2,149,547.81
CTR Protected scheme – War Pensions (working age)	21	£18633.25
CTR Protected scheme – Disabled people with the severe or enhanced disability premium	8,406	£7,441,098.72
CTR Working age scheme - earning	4,175	£2,282,182.02
CTR Working age scheme – out of work	7,807	£5,340,809.85
Total spend	37,180	£28,791,663.38

Option Two - Local (working age) council tax support is reduced by 10% for protected groups. This option would retain the current scheme (20%) for all but the protected groups who would have 10% to pay rather than 20% to pay.

Revise the protection so that those protected pay at least 10% of their Council Tax Liability depending upon their actual income. (i.e 90% reduction and 10% to pay towards council tax)

Customers were asked how far they agree or disagree with reducing support by 10% for each protected group.

1. A single parent with children under 5

2. Households that receive the severe or enhanced disability premium
3. Households receiving a war pension or war widows pension

The assumption is that the existing benefits scheme offers protection as its means tested.

Example 1, an out of work, disabled and protected person who currently gets 100% support towards their bill would get 90% and be expected to pay the remainder themselves. Using 2017/18 council tax rates this would be a maximum of £1.57 per week or £81.86 per year for a single person in a Council Tax Band A property in the most expensive Parish (or £2.09 per week / £108.98 per year for a couple).

Example 2, a disabled and protected person in work world see a smaller reduction in support than their out of work equivalent. That 10% reduction in support is set out in Appendix 1 for a number of scenarios. One example shows that a couple with one child, where one member of the couple is disabled and in work for 25 hours at £8.00 an hour, would see their support reduce by £0.48 per week, or £25.03 per year.

This option would reduce the cost of the scheme by approximately £960,000. Combined with other options, it could help achieve the £1 million saving in the medium term financial plan.

This revised Scheme would cost £27.83m compared to the existing scheme cost of £28.79

With 10% adjustment	Numbers	Existing Costs	Costs	Variance/ Saving
CTR Pensioner scheme	13,971	£11,559,391.73	£11,559,391.73	£0.00
CTR Protected scheme – Single parents with children under 5	2,800	£2,149,547.81	£1,934,593.02	£-214,954.79
CTR Protected scheme – War Pensions (working age)	21	£18,633.25	£16,769.93	£-1,863.33
CTR Protected scheme – Disabled people with the severe or enhanced disability premium	8,406	£7,441,098.72	£6,696,988.85	£-744,109.87
CTR Working age scheme - earning	4,175	£2,282,182.02	£2,282,182.02	£0.00
CTR Working age scheme – out of work	7,807	£5,340,809.85	£5,340,809.85	£0.00
Total spend	37,180	£28,791,663.38	£27,830,735.40	£-960,927.98

Option Three - Local (working age) council tax support is reduced by 20% for protected groups, so protected groups are assessed in the same way as all other working age claimants.

This option, similar to option two above, would retain the current scheme with one key change – Standardise the Council Tax Reduction working age scheme with all groups to pay at least 20% of their Council Tax Liability depending upon their actual income i.e. the means test.

For example:- The 20% to pay works out as £4.18 per week (£217.36 per year) for a couple in a Council Tax Band A property, or £3.13 per week (£162.76 per year) for a single person.

The assumption is that the existing benefits scheme offers protection as its means tested. This option would reduce the cost of the scheme by approximately £1.9 million.

This revised Scheme would cost £26.87m compared to the existing scheme cost of £28.79m.

Standardised 20% Scheme	Numbers	Existing Costs	Costs	Variance/ Saving
CTR Pensioner scheme	13,971	£11,559,391.73	£11,559,391.73	£0.00
CTR Protected scheme – Single parents with children under 5	2,800	£2,149,547.81	£1,719,638.25	-£429,909.56
CTR Protected scheme – War Pensions (working age)	21	£18,633.25	£14,906.60	£3,726.65
CTR Protected scheme – Disabled people with the severe or enhanced disability premium	8,406	£7,441,098.72	£5,952,878.98	-£1,488,219.74
CTR Working age scheme - earning	4,175	£2,282,182.02	£2,282,182.02	£0.00
CTR Working age scheme – out of work	7,807	£5,340,809.85	£5,340,809.85	£0.00
Total spend	37,180	£28,791,663.38	£26,869,807.42	-£1,921,855.96

Option four - Reducing the savings limit from £16,000 to £8,000 Currently you must have less than £16,000 in capital, savings, shares and property. Option four would reduce the savings limit down to £8,000.

The modelling we have done suggests that 139 working age recipients would be affected.

This would mean that 139 people with between £8,000 and £16,000 would no longer be eligible for local council tax reduction. This option would reduce the cost of the scheme by approximately £101,000.

This change is based on income only and not the characteristic of each working age group.

This revised Scheme would cost £28.68m compared to the existing scheme cost of £28.79m. Because the numbers affected are small the modelling on the effect of overall spend in each area on existing and proposed costs is extremely difficult.

Savings limit £8000	Numbers affected	Variance/Saving
CTR Pensioner scheme	0	£0.00
CTR Protected scheme – Single parents with children under 5	7	-£4,457.02
CTR Protected scheme – War Pensions (working age)	0	£0.00
CTR Protected scheme – Disabled people with the severe or enhanced disability premium	45	-£39,274.56
CTR Working age scheme - earning	50	-£30,585.67
CTR Working age scheme – out of work	37	-£26,804.76
Total spend	139	-£101,122.00

Option Five - Develop a new local Council Tax Reduction Scheme

Most billing authorities have based their reductions schemes upon the old Council Tax Benefit scheme. As further welfare reforms take effect it is very difficult to mirror changes in order to preserve the old synergy.

The Government has also introduced Universal Credit (UC) for working age customers, and how this is assessed, means that our existing scheme is becoming difficult to run, and will get more difficult as more people start to receive Universal Credit. Option five is to develop a new, simpler council tax reduction scheme which would better fit with Universal Credit. Those customers not on UC would stay on the existing CTR scheme.

Broadly speaking the new UC scheme would reduce the number of changes in circumstance by reducing the features considered in its calculation. The administration would be reduced by:-

- Ignoring any changes in benefits income
- Ignoring the numbers and ages of any children in the household, and
- Ignoring any child related benefits that are received.

Anyone who was in one of the three protected working age groups will have more council tax to pay when they transfer onto Universal Credit.

The cost of awarding council tax reduction under this scheme should reduce over time but this is linked to the transfer of customers to (UC).

It is very difficult to predict the eventual saving because of the variables however; translating projected savings calculation made by another authority suggests that it could be in the order of £200,000 by 2022.

In option five the Council would have to continue funding the current scheme, and would need to find other ways of meeting the £800,000 shortfall in the medium term financial plan. This could include reducing other services further.

Option 6 General Changes to Council Tax Reduction Scheme (CTR) required for all options above. - Reduce administration costs. The frequency we receive

information about Universal Credit affects how we administer council tax reduction. Option six is to reduce how often we reassess council tax reduction entitlement, to four times per year.

It would also mean that customers do not need to report minor income changes during this period - though a significant change such as the claimant or a partner moving home, or the claimant starting or stopping work, would still result in a reassessment of council tax reduction.

Being in a position to recover Council Tax is extremely important, if the authority is having to reassess Council Tax and rebill individuals regularly as a result of benefit or wage changes then it is simply not in a position to secure the debt in court to force payment, this is due to the statutory notice periods for issuing of documents in the Council Tax legislation.

The Government has introduced the Real Time Information (RTI) system, meaning that employers need to submit information to Her Majesty's Revenues and Customs, in real time, every time they pay an employee. It is expected therefore that many CTR recipients could have weekly adjustments to their income.

The Universal Credit system responds to changes in circumstances each month and so it is conceivable that many working age recipients will have an equivalent Council Tax change unless the scheme is simplified so that it doesn't respond to every change.

This is an administrative change only and does not impact on any particular group and combined with other options above, it could help achieve the saving in the medium term financial plan.

The Income Comparison Table below shows the additional weekly council tax payable for each group if option 2 were to be implemented. Further detail is shown in Appendix 2.

Comparison between those out of work with and without severe disabilities in a local ward to demonstrate highest charge.	Weekly Income including Job Seekers Allowance, Child Tax Credit, Child Benefit and disability benefits if appropriate	Current weekly council Tax charge after reduction applied	Proposed weekly council Tax charge after reduction applied	Weekly difference as a percentage of weekly income
Single under 25 no children	£57.90	£3.13	£3.13	0
Single Over 25 no children	£73.10	£3.13	£3.13	0
Lone Parent - 1 child under 5	£157.82	0	£1.57	0.99
Lone Parent - 1 child over 5	£157.82	£3.13	£3.13	0
Lone Parent - 2 child under 5	£225.00	0	£1.57	0.70
Lone Parent - 2 child over 5	£225.00	£3.13	£3.13	0
Couple no children	£114.85	£4.18	£4.18	0
Couple 1 child any age	£199.57	£4.18	£4.18	0
Couple 2 children any age	£266.75	£4.18	£4.18	0
Disabled - Single under 25 no children	£277.65	0	£1.57	0.56
Disabled - Single Over 25 no children	£292.55	0	£1.57	0.54
Disabled - Lone Parent - 1 child under 5	£377.27	0	£1.57	0.42
Disabled -Lone Parent - 1 child over 5	£377.27	0	£1.57	0.42
Disabled - Lone Parent - 2 child under 5	£444.45	0	£1.57	0.35
Disabled - Lone Parent - 2 child over 5	£444.45	0	£1.57	0.35
Disabled - Couple no children	£174.25	0	£2.09	1.20
Disabled - Couple 1 child any age	£400.07	0	£2.09	0.52
Disabled - Couple 2 children any age	£467.25	0	£2.09	0.45

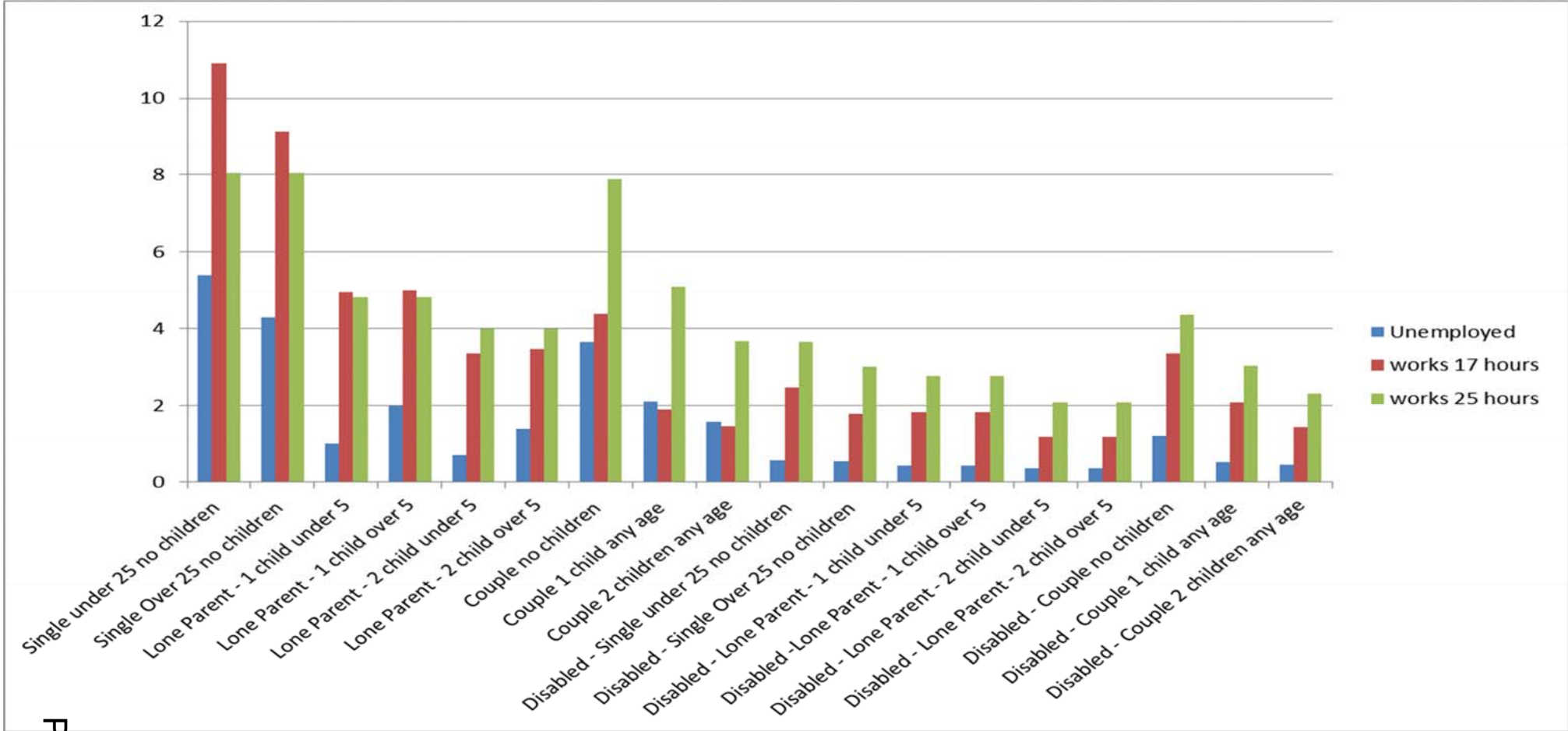
The Table below shows the impact of each option, in terms the recipient, the scheme costs and savings.

Working Age Groups affected (none of these changes affect pensioners)	Number of Customer	Do Nothing Maximum Impact of Option 1	10% to pay for protected groups Maximum Impact of Option 2	20% protected groups Maximum Impact of Option 3	Capital Limit £8,000 Impact of Option 4	Affected by Option 5	Affected by Option 6
Protected group Single parents with children under 5	2,800	no impact	Single -£1.57pw	Single -£3.13pw	7 no longer entitled	Yes	Yes
Protected group - War widows and War Pensioners (working age)	21	no impact	Single -£1.57pw Couple -£2.09pw	Single -£3.13pw Couple -£4.18pw	0 affected	Yes	Yes
Protected group - Disabled people with the severe or enhanced disability premium	8,406	no impact	Single -£1.57pw Couple -£2.09pw	Single -£3.13pw Couple -£4.18pw	45 no longer entitled	Yes	Yes
CTR Working age scheme - earning - Currently 20% to pay	4,175	no impact	no impact	no impact	50 no longer entitled	Yes	Yes
CTR Working age scheme – out of work - Currently 20% to pay	7,807	no impact	no impact	no impact	37 no longer entitled	Yes	Yes
Scheme costs		£28,791,663.38	£27,830,735.40	£26,869,807.42			n/a
Scheme Saving		Nil - £1m Cuts in other services required.	-£960,927.98	-£1,921,855.96	-£101,122.00	-£200,000 by 2022	n/a

Appendix 2 – providing an in depth analysis of the impact of option 2

Examples and comparisons between various “classes” of CTR recipient. “Class” is the term used in the Local Government Finance Act 1992.

The graph shows the percentage of weekly income used by each category of household to pay their council tax liability given three different sets of circumstances for each category.



The data behind the graph

Comparison between those out of work with and without severe disabilities using a local ward to demonstrate highest charge.	Weekly maximum Band A council Tax charge in Kirklees	Weekly Income including Job Seekers Allowance, Child Tax Credit, Child Benefit and disability benefits if appropriate	Current weekly council Tax charge after reduction applied	Current Weekly Council Tax charge as a percentage of income	Proposed weekly council Tax charge after reduction applied	Proposed weekly Council Tax Charge as a percentage of income	Weekly Difference between old scheme and proposed new scheme	Weekly difference as a percentage of weekly income
Single under 25 no children	£15.66	£57.90	£3.13	5.41	£3.13	5.41	£0.00	0.00
Single Over 25 no children	£15.66	£73.10	£3.13	4.28	£3.13	4.28	£0.00	0.00
Lone Parent - 1 child under 5	£15.66	£157.82	£0.00	0.00	£1.57	0.99	-£1.57	-0.99
Lone Parent - 1 child over 5	£15.66	£157.82	£3.13	1.98	£3.13	1.98	£0.00	0.00
Lone Parent - 2 child under 5	£15.66	£225.00	£0.00	0.00	£1.57	0.70	-£1.57	-0.70
Lone Parent - 2 child over 5	£15.66	£225.00	£3.13	1.39	£3.13	1.39	£0.00	0.00
Couple no children	£20.88	£114.85	£4.18	3.64	£4.18	3.64	£0.00	0.00
Couple 1 child any age	£20.88	£199.57	£4.18	2.09	£4.18	2.09	£0.00	0.00
Couple 2 children any age	£20.88	£266.75	£4.18	1.57	£4.18	1.57	£0.00	0.00
Disabled - Single under 25 no children	£15.66	£277.65	£0.00	0.00	£1.57	0.56	-£1.57	-0.56
Disabled - Single Over 25 no children	£15.66	£292.55	£0.00	0.00	£1.57	0.54	-£1.57	-0.54
Disabled - Lone Parent - 1 child under 5	£15.66	£377.27	£0.00	0.00	£1.57	0.42	-£1.57	-0.42
Disabled -Lone Parent - 1 child over 5	£15.66	£377.27	£0.00	0.00	£1.57	0.42	-£1.57	-0.42
Disabled - Lone Parent - 2 child under 5	£15.66	£444.45	£0.00	0.00	£1.57	0.35	-£1.57	-0.35
Disabled - Lone Parent - 2 child over 5	£15.66	£444.45	£0.00	0.00	£1.57	0.35	-£1.57	-0.35
Disabled - Couple no children	£20.88	£174.25	£0.00	0.00	£2.09	1.20	-£2.09	-1.20
Disabled - Couple 1 child any age	£20.88	£400.07	£0.00	0.00	£2.09	0.52	-£2.09	-0.52
Disabled - Couple 2 children any age	£20.88	£467.25	£0.00	0.00	£2.09	0.45	-£2.09	-0.45

Comparison between those in work - working in the same job 17 hours at £8.00 per hour both with and without severe disabilities using a local ward to demonstrate highest charge.	Weekly maximum Band A council Tax charge in Kirklees	Weekly Income including Net Earnings, Working Tax Credit, Child Tax Credit, Child Benefit and disability benefits if appropriate	Current weekly council Tax charge after reduction applied	Current Weekly Council Tax charge as a percentage of income	Proposed weekly council Tax charge after reduction applied	Proposed weekly Council Tax Charge as a percentage of income	Weekly Difference between old scheme and proposed new scheme	Weekly difference as a percentage of weekly income
Single under 25 no children	£15.66	£136.00	£14.83	10.90	£14.83	10.90	£0.00	0.00
Single Over 25 no children	£15.66	£136.00	£12.40	9.11	£12.40	9.11	£0.00	0.00
Lone Parent - 1 child under 5	£15.66	£291.95	£14.31	4.90	£14.45	4.95	-£0.14	-0.05
Lone Parent - 1 child over 5	£15.66	£291.95	£14.58	4.99	£14.58	4.99	£0.00	0.00
Lone Parent - 2 child under 5	£15.66	£359.13	£11.63	3.24	£12.03	3.35	-£0.40	-0.11
Lone Parent - 2 child over 5	£15.66	£359.13	£12.44	3.46	£12.44	3.46	£0.00	0.00
Couple no children	£20.88	£136.00	£5.96	4.38	£5.96	4.38	£0.00	0.00
Couple 1 child any age	£20.88	£220.72	£4.18	1.89	£4.18	1.89	£0.00	0.00
Couple 2 children any age	£20.88	£287.90	£4.18	1.45	£4.18	1.45	£0.00	0.00
Disabled - Single under 25 no children	£15.66	£392.20	£9.04	2.30	£9.70	2.47	-£0.66	-0.17
Disabled - Single Over 25 no children	£15.66	£392.20	£6.00	1.53	£6.97	1.78	-£0.97	-0.25
Disabled - Lone Parent - 1 child under 5	£15.66	£515.59	£8.67	1.68	£9.37	1.82	-£0.70	-0.14
Disabled -Lone Parent - 1 child over 5	£15.66	£515.59	£8.67	1.68	£9.37	1.82	-£0.70	-0.14
Disabled - Lone Parent - 2 child under 5	£15.66	£582.78	£5.99	1.03	£6.96	1.19	-£0.97	-0.17
Disabled - Lone Parent - 2 child over 5	£15.66	£582.78	£5.99	1.03	£6.96	1.19	-£0.97	-0.17
Disabled - Couple no children	£20.88	£430.88	£13.72	3.18	£14.44	3.35	-£0.72	-0.17
Disabled - Couple 1 child any age	£20.88	£515.59	£9.65	1.87	£10.77	2.09	-£1.12	-0.22
Disabled - Couple 2 children any age	£20.88	£582.78	£6.97	1.20	£8.36	1.43	-£1.39	-0.24

Comparison between those in work - working in the same job 25 hours at £8.00 per hour both with and without severe disabilities using a local ward to demonstrate highest charge.	Weekly maximum Band A council Tax charge in Kirklees	Weekly Income including Net Earnings, Working Tax Credit, Child Tax Credit, Child Benefit and disability benefits if appropriate	Current weekly council Tax charge after reduction applied	Current Weekly Council Tax charge as a percentage of income	Proposed weekly council Tax charge after reduction applied	Proposed weekly Council Tax Charge as a percentage of income	Weekly Difference between old scheme and proposed new scheme	Weekly difference as a percentage of weekly income
Single under 25 no children	£15.66	£194.84	£15.66	8.04	£15.66	8.04	£0.00	0.00
Single Over 25 no children	£15.66	£194.84	£15.66	8.04	£15.66	8.04	£0.00	0.00
Lone Parent - 1 child under 5	£15.66	£324.55	£15.66	4.83	£15.66	4.83	£0.00	0.00
Lone Parent - 1 child over 5	£15.66	£324.55	£15.66	4.83	£15.66	4.83	£0.00	0.00
Lone Parent - 2 child under 5	£15.66	£391.73	£15.66	4.00	£15.66	4.00	£0.00	0.00
Lone Parent - 2 child over 5	£15.66	£391.73	£15.66	4.00	£15.66	4.00	£0.00	0.00
Couple no children	£20.88	£194.84	£15.38	7.89	£15.38	7.89	£0.00	0.00
Couple 1 child any age	£20.88	£324.55	£16.54	5.10	£16.54	5.10	£0.00	0.00
Couple 2 children any age	£20.88	£391.73	£14.40	3.68	£14.40	3.68	£0.00	0.00
Disabled - Single under 25 no children	£15.66	£424.80	£15.51	3.65	£15.53	3.65	-£0.02	0.00
Disabled - Single Over 25 no children	£15.66	£424.80	£12.47	2.94	£12.79	3.01	-£0.32	-0.08
Disabled - Lone Parent - 1 child under 5	£15.66	£548.19	£15.14	2.76	£15.19	2.77	-£0.05	-0.01
Disabled -Lone Parent - 1 child over 5	£15.66	£548.19	£15.14	2.76	£15.19	2.77	-£0.05	-0.01
Disabled - Lone Parent - 2 child under 5	£15.66	£615.38	£12.56	2.04	£12.87	2.09	-£0.31	-0.05
Disabled - Lone Parent - 2 child over 5	£15.66	£615.38	£12.56	2.04	£12.87	2.09	-£0.31	-0.05
Disabled - Couple no children	£20.88	£463.48	£20.19	4.36	£20.26	4.37	-£0.07	-0.01
Disabled - Couple 1 child any age	£20.88	£548.19	£16.12	2.94	£16.60	3.03	-£0.48	-0.09
Disabled - Couple 2 children any age	£20.88	£615.38	£13.44	2.18	£14.18	2.30	-£0.74	-0.12

Examples of how the scheme might operate under option 2 where protection is reduced to 10% for protected groups.

Scenario 1

Mel and Don are married with one child, Mitchell aged 13 years old. Mel has never worked and Don has been out of work for 2 years.

Their total weekly income is **£199.57**.

The maximum weekly council tax liability is £20.88.

After council tax reduction is applied their council tax liability is **£4.18** per week.

Mel gets a job as a teaching assistant at the local school, working 17 hours per week at £8.00 per hour, taking home £136 per week. Their household weekly income is now £220.20.

The maximum weekly council tax liability is £20.88.

After council tax reduction is applied their weekly council tax liability is still **£4.18**.

Mel's hours increase to 25 per week and her take home pay increases to £195 per week. The family's household income is now £324.

After council tax reduction is applied their weekly council tax liability is now **£16.54** and would remain **£16.54** under option 2 because Mel and Don are not in a protected group now and so unaffected by these changes.

Scenario 2

Amanda and Mark are married with a daughter, Rebecca, who is 14 years old. Mark is disabled and receives the enhanced rate personal independence payment for both daily living and mobility. Neither Mark nor Amanda work.

Their total weekly income is £400.07.

The maximum weekly council tax liability is £20.88; however as they are in a protected group they currently pay **£0** but would pay **£2.09** under the proposed scheme.

Amanda gets a job as receptionist, working 17 hours per week at £8.00 per hour. Her take home pay is £136 per week and the family's weekly income increases to £515.29.

Their council tax liability increases to **£10.77** per week after council tax reduction is applied, under the existing "protected" scheme that liability would have been **£9.65** per week.

Amanda takes the opportunity to increase her hours to 25 per week and her take home pay increases to £195 per week.

Their total weekly income is now £548.19.

After council tax reduction is applied their council tax liability is now **£16.60** per week, under the existing scheme that would have been **£16.12** per week.

Scenario 3

Jon is a single parent with twin daughters Medeline and Gabby aged 3 years old.

He is currently looking for work.

His household income, comprised of jobseekers allowance, child tax credit and child benefit is £225.00 per week.

The maximum weekly council tax liability is £15.66; however Jon is in a protected group so he pays **£0** under the existing scheme or **£1.57** under the proposed scheme.

He decides to take advantage of the 15 hours free child care available for his daughters and started working in the gym at his local sports centre, 17 hours per week on £8.00 per hour.

His take home pay is £136, and his total weekly household income is increased to **£359.13**.

His weekly council tax liability after reduction is increased to **£11.63** under the existing scheme or **£12.03** under the proposed scheme.

He then increases his hours to 25 and his take home pay increases to £195 per week, making his weekly household income **£391.73**.

Jon's council tax liability after reduction is now **£15.66** under the existing scheme and **£15.66** under the proposed scheme, because he doesn't qualify for support under the existing or proposed scheme .

Scenario 4

Heidi is 29 years old, single and lives alone in a ground floor flat. A car accident has left her disabled.

Her weekly household income is £292.55

The maximum weekly council tax liability is £15.66, and as Heidi is in a protected group her weekly liability after reduction is **£0** moving to **£1.57** under the proposed scheme

Heidi's former employer makes a number of adaptations and she is able to return to work in a less demanding role for 17 hours per week. Her take home pay is £136 per week and her total weekly household income is now **£392.20**.

Her council tax liability after reduction increases to **£6.00** under the existing scheme or **£6.97** under the proposed scheme

She increases her hours to 25 per week taking her total weekly income to **£424.80**

As a result her weekly council tax liability after reduction is **£12.47 under the** existing scheme and **£12.79** under the proposed scheme.

Scenario 5

Jon's girlfriend Heidi, moves in with him after she is made redundant following deterioration in her condition. Due to Heidi's disability, Jon decides to give up work to look after her. His daughters are now 4 years old.

Heidi receives the enhanced personal independence payments for daily living and mobility at the family's weekly income is **£467.25**

The maximum weekly council tax liability is £20.88.

Jon has **£0** to pay under the existing scheme, and **£2.09** to pay under the proposed scheme as his family is in a protected group.

Jon is eventually able to return to work, as Heidi's condition improves slightly and returns to work, but can only do 17 hours. His take home pay of £136 brings the families weekly income to **£582.78**.

The weekly council tax liability after reduction is increased to **£6.97** under the existing scheme and **£8.36** under the proposed scheme.

Madeline and Gabby start school full time, but Heidi's disability is permanent, and so she still requires a level of support from Jon. He is however able to increase his hours at work again and starts working 25 hours per week.

The family's weekly income increases to **£615.38**.

The weekly council tax liability after reduction is increased to **£13.44** under the existing scheme and **£14.18** under the proposed scheme

Appendix 3 – Consultation Results

West Yorkshire Fire and Rescue have responded to say that they are supportive of the proposal.

Consultation on proposed changes to the local (working age) Council Tax Reduction Scheme

Online survey supported by paper, large print, and Easy Read surveys
Survey open 21st August – 15 October 2017

532 responses received

Headlines:

- The majority of responses were from working age people (89%) with 11% coming from pensionable age people.
- Our preferred approach is to implement options two, four and six. This would mean reducing support by 10% for protected groups, reducing the savings limit, and simplifying administration:
 - 84% agree with reducing administration costs of the scheme
 - 64% agree with reducing the savings limit to £8,000
 - There is between 50%-59% agreement for reducing support by 10% for protected groups (with a reduction for lone parents of children under 5 receiving the greatest agreement)
 - There is generally around 15% more agreement for reducing the amount of support that protected groups receive by 10%, than by 20%.
 - 59% agree we should develop a new reduction scheme
 - 30% agree with keeping the current scheme for another year

Option one

No change - keep the current local scheme as it is

We could choose to retain the current scheme for another 12 months, meaning council tax support would continue much as it is. This would not make any savings. In order to continue funding the current scheme, we would need to find other ways of meeting the shortfall. This could include raising council tax, or reducing services further.

Please tell us how far you agree or disagree with keeping the current scheme as it is:

93 (18%)	Strongly agree	30% agree
62 (12%)	Tend to agree	
81 (16%)	Neither agree nor disagree	
127 (25%)	Tend to disagree	55% disagree
152 (30%)	Strongly disagree	

Option two

Local (working age) council tax support is reduced by 10% for protected groups

This option would retain the current scheme with one key change – reducing the amount of support that protected groups receive by 10%.

For example, someone with severe disability premium who currently gets 100% support towards their bill would get 90% and be expected to pay the remainder themselves. This would be £1.53 per week or £79.56 per year for a single person in a Council Tax Band A property (or £2.04 per week / £106.08 per year for a couple).

Reducing support for all protected groups would reduce the cost of the scheme by approximately £960,000. Combined with other options, it could help achieve the necessary £1 million reduction.

Please tell us how far you agree or disagree with reducing support by 10% for each protected group:

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree
Lone parents with children under the age of 5	137 (27%)	163 (32%)	43 (8%)	73 (14%)	99 (19%)
	59% agree			33% disagree	
People eligible for severe disability premium or enhanced disability premium	105 (20%)	152 (30%)	46 (9%)	80 (16%)	131 (25%)
	50% agree			41% disagree	
People receiving War Pension or War Widows Pension	115 (23%)	151 (30%)	53 (10%)	84 (16%)	108 (21%)
	53% agree			37% disagree	

Option three

Local (working age) council tax support is reduced by 20% for protected groups, so protected groups are assessed in the same way as all other working age claimants.

This option, similar to option two, would retain the current scheme with one key change – reducing the amount of support that protected groups receive by 20%.

The 20% works out as £4.08 per week (£212.16 per year) for a couple in a Council Tax Band A property, or £3.06 per week (£159.12 per year) for a single person.

Reducing support for all protected groups would reduce the cost of the scheme by approximately £1.9 million.

Please tell us how far you agree or disagree with reducing support by 20% for each protected group:

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree
Lone parents with children under the age of 5	114 (22%)	96 (19%)	64 (13%)	98 (19%)	140 (27%)
	41% agree			46% disagree	
People eligible for severe disability premium or enhanced disability premium	81 (16%)	87 (17%)	69 (14%)	111 (22%)	161 (32%)
	33% agree			54% disagree	
People receiving War Pension or War Widows Pension	84 (17%)	103 (20%)	78 (15%)	106 (21%)	138 (27%)
	37% agree			48% disagree	

Option four

Reducing the savings limit from £16,000 to £8,000

Currently you must have less than £16,000 in capital, savings, shares and property.

Option four would reduce the savings limit down to £8,000. This would mean that people with between £8,000 and £16,000 would no longer be eligible for local council tax reduction.

This option would reduce the cost of the scheme by approximately £101,000. Combined with other options, it could help achieve the necessary £1 million reduction.

Please tell us how far you agree or disagree with reducing the savings limit:

189 (36%)	Strongly agree	64% agree
147 (28%)	Tend to agree	
33 (6%)	Neither agree nor disagree	
63 (12%)	Tend to disagree	29% disagree
87 (17%)	Strongly disagree	

Option five

Develop a new local council tax reduction scheme

The Government's introduction of Universal Credit, and how this is assessed, means that our existing scheme is becoming difficult to run, and will get more difficult as more people start to receive Universal Credit. Option five is to develop a new, simpler council tax reduction scheme which would better fit with the Universal Credit system.

A new simpler scheme would likely work by only assessing your income. We would not need information about any children and related benefits, or any changes in benefits income.

The new scheme would only affect customers as they move onto Universal Credit.

A new local council tax reduction scheme should reduce expenditure over time, and could save around £200,000 by 2022. Combined with other options, it could help achieve the necessary £1 million reduction.

Please tell us how far you agree or disagree with developing a new scheme:

140 (27%)	Strongly agree	59% agree
164 (32%)	Tend to agree	
117 (23%)	Neither agree nor disagree	
43 (8%)	Tend to disagree	18% disagree
54 (10%)	Strongly disagree	

Option six

Reduce administration costs

The way we receive information about Universal Credit affects how we administer council tax reduction. Option six is to reduce how often we reassess council tax reduction entitlement, to four times per year. This will cut down on costly administration of the scheme, and combined with other options, it could help achieve the necessary £1 million reduction.

It would also mean that customers do not need to report minor income changes during this period - though a significant change such as the claimant or a partner moving home, or the claimant starting or stopping work, would still result in a reassessment of council tax reduction.

Please tell us how far you agree or disagree with reducing administration of the scheme:

274 (52%)	Strongly agree	84% agree
167 (32%)	Tend to agree	
33 (6%)	Neither agree nor disagree	
20 (4%)	Tend to disagree	9% disagree
28 (5%)	Strongly disagree	

If you have any comments on our preferred approach then please use the space below:

146 comments received – see list at end for all comments.

Summary of themes covered in comments:

- Some commenters stated that they agreed with our preferred approach.
- Some suggested various other combinations of options to achieve the required reduction in costs, though there was no consensus or preferred other option.
- Some felt the council should look to increase council tax for the perceived better off, rather than reduce CTR for those that need it (either by creating additional higher bands for more valuable properties; charging more for higher bands; charging more for second properties; or a general increase for all payers).
- Focus on recovery: take every effort to recover owed council tax (and other debts like rent), reducing written off council tax.
- There were many comments on possible implications for protected groups, with some stating that disabled people, those with young children, or pensioners should not have to pay more, and it would be wrong to increase their hardship, while others felt it wrong to assume certain groups are in need of CTR when this may not be the case. Others felt that those outside of the protected groups are generally being hit hardest, may also be struggling to make ends meet despite working, and may not be able to afford to pay any more.
- Comments on savings again covered a range of views; with some feeling all savings should be disregarded as people should not be penalised for having worked and saved, while others felt that those with savings could afford to contribute more to council tax than those without.
- Commenters felt any scheme should be fair and simple to run, being administered in line with national benefits.
- There was recognition from some that Kirklees' need to make savings is linked to national government funding cuts, and that LAs should fight back against national policy.
- Some felt greater means testing would make the tax fairer.
- Some chose to comment that council tax should generally be cut, while others stated they would opt to pay more to help balance the council budget.
- Reduce council tax funding to parishes
- Reduce staffing, internal costs and councillor costs and expenses.

Are you completing this questionnaire:

415	As, or on behalf of, a council tax payer in Kirklees
63	As, or on behalf of, someone who receives council tax reduction in Kirklees
5	On behalf of a local voluntary / community group or organisation

1	On behalf of a local business
101	As a Kirklees Council councillor or employee
14	In another capacity

Are you...

463	Working age
59	Pension age

Full list of 146 comments received on the officer recommended approach

- "Any savings from the reduction in admin costs (Option 6) should be reinvested in chasing down those who do not pay and should. As someone who currently owns two properties (Neither being rented, I'm not a landlord or a developer) and has to pay twice despite only one of those being lived in and has done so since Jan 17 it's really annoying to hear how many get away with paying what's due. That reinvestment may generate further savings if it generates more than £2 million in what would otherwise ""Lost"" income."
- "Re adjust banding as i dont see how a four bed detached has the same banding as terrace houses opposite"
- "Concentrate on getting rent arrears and previous council tax that has not been paid instead of writing it off as a loss"
- "You should also look for cutting your own cost such as your wages, jobs-especially staff that is not needed and use more common sense when dealing with projects proposed to you. Your spending needs more transparency and efficiency, increasing council tax/making cuts that affect people living in the area aren't the only solutions and are usually only temporary and it will not take long till you come up with other ""ideas"" how to fill in your budget gaps that are result of your inability to balance expenses and income."
- "All this necessarily means increased hardship for some people - those who are already struggling to make ends meet in most cases. I understand the government's stated requirement to make savings in this area, but as I feel it is essentially immoral, in spite of it making the situation difficult for the authority, I don't see how in conscience I can agree with such measures."
- "Please stop picking on the vulnerable in our communities, they've already been at the blunt end of austerity for years. Concentrate on collecting in taxes already owed and better housekeeping."
- "People on disability benefits get that money for them to pay for things they need for their health like carers, mobility aids, beds etc etc, and i think to expect those people to have to pay anything out of their money is totally out of order ! If you bring this in the people that gets those benefits will lose them as they are to be used to help with mobility and care ONLY ! Do you think it is right to put those people in that position when they lose their benefits so can not have carers or get out of their homes ? I am on this benefit and if you bring this in i will be doing something about it as the rules of disability do not allow it ! Look at the people with savings and those that can afford to pay more and charge them more, not people that have worked hard all their lives and up on benefits through no fault of their own."
- "Give no reduction to anyone... and stop funding professional mothers"

- "I cannot believe that a council is looking for savings off the disabled, vulnerable and those that have served their country in the armed forces. Surely cutting the funding for trades unions and other political activities currently financed by the council should be the first to see cuts. What the council is proposing is wrong and extreme."
- "I also believe people with 2nd, 3rd 4th + etc homes should not get a reduction unless it was uninhabitable. Empty homeowners still require fire, police, highway services of some kind. Surely there's a saving there. After all if you can afford to have a 2nd home then surely you can afford the council tax."
- "Have you received payment yet from the Councillors who haven't paid their council tax? That's a subject that's gone quiet and is an absolute disgrace! How dare you even contemplate reducing discounts when you can't get your own house in order and also keep writing off debts. I'm a pensioner and get naff-all off my council tax. I also wish that I could 'switch' and pay to another council instead ie one that has a pride in it's town! Save money by getting rid of some middle management instead of those staff on the lower payscales who do the jobs which make a difference to the public. Stop being so political all the time!"
- "I think we need to stop squeezing the worst off in society and look at cutting costs within Kirklees council. If you want to put more pressure on the already struggling public sector supporting the people affected by cuts , cut , cuts then a total rethink is needed. It's so easy to target the vulnerable. It's time ,aye you looked at the most well off in Kirklees."
- "On a piece of paper, I look ok financially, however the reality is very different, I am a growing number of working poor. In addition, I am likely to face a reduction in my pay packet next year, yet another hit in my purse. It's reported in the media that there are councillors not paying their council tax, not a good advert for reductions in support for council tax."
- "I feel that you hardly have any examples for disabled people and you have not included whether they contribute to their care costs if they have any which would reduce their available income to pay towards council tax. They should remain a protected group with no change to the current scheme, particularly as they have so few options to improve their income or employment options compared to the other groups This is often about attitudes of employers and people with complex needs and severe learning disabilities have no chances of increasing their income as other groups do.. Regarding lone parents - there is no inclusion in their income on the examples shown of any child support they receive from ex partners. Also with the introduction of additional free childcare, parents have more chance to work with children under 5 or at least fewer costs than previous. There is no mention of carers in any of your examples. These are people whose incomes are often massively or totally reduced due to their caring roles. What is the situation for them? They are already saving the Council thousands of pounds a year."
- "how ironic write off millions of unpaid revenue then reduce discount my thoughts would be that next year you will have more to write off for the new people unable to pay amounts required"
- "I think that targeting the protected groups is not an option that they would be able to cope with. I have answered honestly for my situation (lone parent with s child under 5). I currently receive a 25% reduction, which I think is fair. Over the past few months my rent has increased and my bills have increased. My income has not. If my benefits (of which are very little to begin with) decreases, how is this fair?"
- "I assume when you are talking about protected groups you are meaning those who are on some form of benefit rather than the discounted amounts for Older People, single People. Older people and single people seem to get the brunt of most cuts and often end up paying more for services that they don't even use ie schools, education etc. I would not be for the removal of the discount for those categories, however I do feel that those who receive benefits (some quite a lot I will add) should pay something towards their council costs."
- "I'm not sure why a person with such a (relatively) low level of savings should be disadvantaged (i.e. be made to pay more towards council tax than a person who has not saved) in relation to someone who has no savings. Having looked at the examples you provide, why can't the emphasis be switched to helping the people in a two parent family to work more hours instead of part time work."

- "Its easy to target the vulnerable and disabled as they usually can't respond or react to such decisions. Personally I think you need to start & get ones house in order first! There are many examples of council not thinking things out. Take the windmills on top of building services building that failed to work and cant be repaired, the waterfall looking like a urinal, why bother & how much have/do runing costs cost, putting the cycle lane in outside Town hall - I have yet to see a cyclist use it. Whoever agreed to that just shows they have no concern over spending council funds! Getting rid of the gardening services to employ an outside agency again shows how the easy option is taken. How much was spent on councillors ipads & what has been the annual cost to upgrade, repair them? Do councillors still get free parking, if so scrap it & lets see the uproar that brings, it may stop certain councillors parking free afor 2 weeks holiday without any meanfull chastising. I could carry on but as someone who receives such a helpful benefit I do feel the council looks at thing's without looking inhouse firstt Please feel frre to come look at the room taken up to carry out my dialysis wjich makes a savinf to the NHS of thousands, I have no oltion but to take a room for treatment & it really gets me angry when you look to reduce those with disabilities benefits."
- "Poor people should not be bearing the brunt of cuts. Don't do it! Do Councillors really go into politics to take money away from those least able to pay? The poll tax was unpopular how is this any different?"
- "Also stronly suggest cutting down on the number of staff doing the same, similar or overlapping duties. Whenever we try to contact a person in particular they are either on annual leave or off sick. The council is over-burdened by the cost of wages spent and wasted on administrative staff and it seriously needs reducing considerably. This saving would help save hundreds of thousand pounds, if not Millions and would allow for the available scarce funds to be spent on their intended designation which is for the benefit of council taxpayers."
- "Disabled people need every penny the heating has to be higher as they feel the cold more, they are indoors a lot of the time they can't walk to bus etc others can, it should be no savings to get benefit, benefit is for people who don't have, not those who can work, if benefit is reassured that is when council tax should be reasssed, look how different agency's can work together like why have a passport card and a pals card for those entailed have a tick box on a card, take everyone who does not pay to court, no matter what, people need to understand benefit is not for drugs alcohol smoking etc look at how you sub work out, for repairs, get it right first time, if workers have to re book find out why, I have had about 3 repairs people coming round o I can't do that, you need someone else, etc"
- "Disgusting targeting the mist vulnerable, how about charging the rich more. Disgusting to say it's a labour run council. Hang your heads in shame."
- "Do not target the poorest & most vulnerable"
- "Currently front line services within most council areas have had the most cuts and as such disproportionately imbalance the costings structure that Kirklees has adopted. It would be better if the administration side became more automated, less structured and less diverse than it currently is...things have to change"
- "Self serving and publically motivated"
- "I believe whatever outcome comes about , the people are always ignored on whatever is said , however the outcome , councillors will always have the last say , however much us council tax payers disagree."
- "As a single person with an income of £900 per month I simply could not afford to pay full council tax as I receive no benefits whatsoever."
- "If people are on ESA they cannot afford even 10% reduction in their support, especially if they are also having to pay towards rent and with the increase in gas and electricity, reducing support for council tax would mean more people losing their accommodation or going to food banks and neglecting themselves, try and reduce unnecessary costs, ie flower boxes on dual carriage ways, staff, councillors etc expenses and unnecessary expenditure or raise council tax on people who can pay or who have more expensive homes. Do not penalise people who already have very little."
- "I think vulnerable children should be protected whatever happens, the other groups recieve additional income which should soften the blow. I agree broadly with the council's preferences with that one caveat. There are far too many children living in poverty."

- "I agree with the council's preferred approach."
- "Do it. The amount of savings a person or family has is a pretty good indicator of how they're coping with the cost of living. Those who are struggling tend not to have any savings and often have considerable debt. If you're going to assess an individual's ability to afford to pay full council tax or not then you ought to be assessing income, savings and debt. An assessment of all three together is the only way to know if someone can afford to pay the full council tax bill. I own my own house and have a reasonably paid job - but my house is damp and run down, I have a lot of debt and no savings. So I'm really struggling to keep my head above water and can't afford to sort my house out despite it being barely live-able in!"
- "I am happy with the preferred approach. But then, I am a 'better off' pensioner so unaffected. There may be a good few pensioners who could afford to not benefit from any reduction scheme and who would also be happy to pay fifty pence or a pound for bus fares."
- "People find it difficult to understand why there's a fund shortage in view of the increase in homes. More people are living alone, surly that means more c/ tax.. could administration costs be reduced, i.e. paperless billing etc As a single mother of 2 boys, I understand cost cutting. The amount of paperwork sent seems unjustifiable. Many people in my area live extravagantly, council tax could have a larger scale of Bill options. Should there be so much small business relief available??"
- "I would like to see the Council vigorously collecting Council tax arrears both in residential and business instances. The money not paid to the council by tenants is several fold the monies that will be saved by changes to the current scheme. I would also question whether the suggested reduced limit on savings should be more radically reduced to say £5K."
- "Why do you have to make cut backs when you are already cut back on alot"
- "I am finding it hard to live at the moment on the salary i have and the bills i have to pay. I would welcome any saving of any kind regards any outgoings."
- "I agree with these proposals."
- "Tinkering with a system that is built on years of amendments, would be better served with a fresh start on a 'blank piece of paper'."
- "Regards saving money, I have sent several emails to yourselves regards saving money. Such as turning of lights that run all night in locked car parks ect. Never had a response. Many thanks"
- "I work hard for the bit of money I get. I would be worried my bill will go up."
- "2, 4 6"
- "vulnerable groups need to be protected however you also need to take into account and charge those more who have more than 1 property in Kirklees, if you have one property you pay 5% more for 2 properties 10% etc. This would help with the shortfall and also protect the other groups."
- "Further reduce the savings limit to a nominal £1,000. I work full time and am not able to save anything, why should people get Council Tax reductions when they have savings, they should use these first to pay their bills and then be reassessed"
- "If you don't have people report ""minor"" income changes; how much would that cost in the long run? Paying out for a longer period of time if circumstances change? Maybe you should start to crack down on people who don't report the changes and keep siphoning money for as long as they can. How much does that add up to? Would that help reach your target of £1 million in savings?"
- "I think it is difficult to ask those struggling to pay more, when there are many who don't pay anything and their debts are wiped off. I would prefer that chasing non payers was reviewed, rather than penalising those who do. I appreciate that we are in a difficult position. I also think it is very unfair to use band A to demonstrate the amounts that the increases would be, is this the most common band for properties occupied by this cohort? If it is, then this should be clarified within the examples, otherwise it just looks like you are trying to minimise the effect this would have on residents."
- "I strongly feel the best way to include a CT reduction would be to incorporate it into the Universal Benefits calculation for the year. Then only an annual assessment needs to be carried out, rather than 4, which would give a further saving in administration."

- "I don't agree with reducing support for protected groups, being in a protected group should mean that they are not affected by the fact the council needs to save money. I agree with reducing admin costs by not constantly reassessing council tax reductions, if people have a change in circumstances that may affect their benefit they will let the council know about it. Reducing the savings limit will mean more people may be affected by having their council tax increased as their benefits reduce which will mean more families/single people will struggle financially and may create more poverty, the council should be actively trying to reduce poverty but some of the options that are being looking into will ensure at least one or more groups of people will be affected negatively."
- "Option 6 - if you reassess claims less often you'd end up with customers paying either too much or too little for a period of time. If the customer is on a low income and its a beneficial change shouldn't that be processed straight away as the customer would have less to pay as a result. Would we be making the customer worse off by not processing the change straight away. On the flip side if the change results in the customer being entitled to less CTR if the change isn't processed straight away would you end up with more overpayments being created which may be difficult to recover if the customer is on a low income. Would this result in more council tax being written off if we're unable to collect it."
- "If council tax was based on income including benefits and house band then it would be fair for all. People with benefits including for children and disability shouldn't be exempt from council tax- everybody should HAVE to contribute. Many people receive income from benefits that far outweigh the income of a full time worker and this needs to be levelled out and made fair."
- "I agree with your preferred approach"
- "My preferred approach would be options 6, 4 and 1. Some of option 2 could be implemented but not by as much as 10% and maybe protected groups could be looked at in more detail to assess who falls into them and real levels of hardship. What I don't want to see is food-banks on the streets of Kirklees."
- "20% is significant and will affect low income families especially when food and utility bills are going up."
- "With regards options 2 and 3, it makes sense to me to still protect lone parents with children under 5. Out of the 3 protected groups, protecting young people (and by extension protecting their parents from stresses on providing quality parenting) can have the single biggest impact on the wealth and quality of the district long term, such that further support can (eventually) be made available for the other 2 groups."
- "Whichever option you choose, it should not have the effect of widening the existing inequalities."
- "I believe that a 10% or 20% reduction is a good appropriate and would be affordable to people and help the Council keep key services going."
- "With regard to Option six, I believe it's a very good idea as long as reducing costs means that the seemingly useless middle management that the council chooses employ, within areas such as housing and environmental health are taken into account for reduction in numbers rather than the largely helpful individuals (who are presumably on lower wages too) on the front line."
- "By trying to be fair to as many people as possible, whilst taking into account the budget restrictions of the Council, I think you are taking the best approach"
- "to cut cost reduce to twice yearly"
- "Options two and six together seem as though they would work fine. I noted that you specifically gave cost implications for every option except for option six. You then proceeded to estimate the overall saving from 2, 4 and 6 together as less than the saving from two and four added together. Given that option 2 alone makes up 96% of the savings amount you need I highly doubt that three together would be needed to bridge the gap and feel that this is specifically used as an excuse to attack vulnerable groups both for existing and for trying to save towards something better at the same time and it's suspicious as hell. Also, in general, the best option for making up for the government screwing up its own money management is to make sure big corporations actually pay their damn taxes and maybe being a bit more careful about how many houses government officials can own rather than kicking people who have barely enough to get by anyway."

- "As a caring council we should be looking after the disabled, elderly and people on low incomes and people who cannot find work. Therefore reducing council tax for the vulnerable in any we can is worth doing."
- "Personally on the 10% or 20% reduction it should if possible depend on each individual situation-it would cause severe hardship perhaps for some but be affordable to others. Just because someone is severely disabled doesn't necessarily mean they are poor (although its more likely). I would argue lone parents with children are the most vulnerable and should not be put under additional hardship. I also think if people have worked hard all their lives and managed to have a bit of savings put by for a rainy day and then fall on harder times they should not be penalised....£16k I would argue is reasonable to be able to keep without it affecting benefit...it todays value its not a lot in the scheme of things"
- "I agree with the preferred approach proposals"
- "It is about time that a clear, transparent new system is designed and linked to Universal Credit. I also feel that there should be a scale of assistance with those in most need getting a certain percentage, but those just over the cutover line not discriminated against either.. An example - years ago my mother was £2 per week over the financial assessment limit to receive Housing and Council tax benefits, due to a pension payment. Which left her disadvantaged to those who earned £3 less a week by some considerable amount. If the systems is unfair then people will always work to break the Council bank and have a good case to complain. However I also find as I live with a partner and we both work. Colleagues who work with my partner receive additional money for low wages as they have children. when they have the option to work additional hours but refuse to as it affects their payments. However we receive nothing. I believe if people choose to have children why should we, when we have decided to not have any pay towards upbringing other peoples children. So I think Universal Credits should be tightened first."
- "Concern i have with only charging 10% is around how efficient it is to collect small sums of money from people. Likewise option 6 might be confusing for people to understand when they should tell you about a change in circumstances."
- "More resources should be directed to recovering unpaid Council Tax"
- "We'd need more detail about what impact the UC option would have on the service, staff and CTax payers before I'd be confident in making a decision on that option. I am against any further austerity measures."
- "I can't see why people receiving a War Pension or War Widows Pension are in the protected group. If they are unable to work for whatever reason then surely they would be in receipt of other benefits. Lone parents with children under 5 and people with disabilities have a difficult enough time of it as it is and great thought should be given before increasing their financial burden"
- "as i have to pay 20 percent and I only get 73 a week there are those that get more then me should either pay the same or reduce admin costs. At the moment I thought all those in receipt of benefits had to pay 20 percent didn't realise that those that get more money the me didn't so I don't find that fair. so all in favour of them paying what I pay as job seekers is less the disability and its less then what lone parents get. Having said all that I don't have savings so if someone has savings they should pay towards their council tax as that's fair"
- "Options 2, 4 & 6 are good, but 3, 4 & 6 would be better and help to achieve savings for the next round of cuts the government introduce."
- "Disability and old age are factors beyond anyone's control and these people need financial aid as much as there is available. These people suffer at no fault of their own while some parents do not consider bills before having children. Having children is a choice, being old or ill is not. If you cant pay your bills, don't have so many children. I also oppose the principle of child benefit"
- "Don't agree with the savings limit reduction, this is often money people have saved for their funerals and seems harsh to reduce it by this amount. Surely these are people who have been prudent and not got into financial difficulty and are therefore worthy of a little support."

- "If you have savings of ANY sort you are in a position to contribute towards council tax, if you have or are having children you should also be aware of the financial responsibilities of not only becoming a parent, but not expecting the council to substitute your way of life. War veterans and soldiers however have made sacrifices and fought for and on behalf of us and deserve those privileges similar to the U.S"
- "Yes go for it"
- "I would say the amount of savings should be increased to 10,000, and also people who are long term ill should be protected"
- "The ""new scheme"" ideas depend completely on what is being proposed. Something that seems simpler for the council may be more confusing for claimants if it isn't in line with other benefits."
- "It must be very difficult to assess who is or is not entitled to a deduction.i for one was very grateful to receive the help after my records.but there seem to be a difference as in to who will receive or not.i suppose I have been lucky to always had a job and therefore was able to pay.many poeple just expect to get help automatically and complained if not.if someone can save that kind of money(i never have been) surely you should pay the full amount.the bottom line for me is.poeple don't like to pay for the service and many don't like to work either.everything for free."
- "Its like asking a person which way you would prefer to die....EXAMPLE shot /hanged / the result is still the same ! if it affects me then im not going to vote for it.Basically the full amount of council tax is too much for a single working person like myself with a 10 year old daughter."
- "You need to add CT Bands and put it up on higher earners. There are far too many properties paying disproportionately low CT. I write as someone who would be affected by this as would my two adult children. We all agree that the better off should pay more for humane and decent treatment of those less well off."
- "Any option that puts added financial strain on those who are already struggling is unacceptable. Council tax is already a regressive Tax, meaning those in the lowest bands pay relatively more. The banding system needs reviewing so those in the higher bands pay the same in relation to their property value. On a general note, local councils need to look at other ways of saving money instead of looking to constantly increase council tax. It is putting an increasing financial burden on people. The council should look at reducing the tiers of management and bureaucracy first."
- "By reducing how often we reassess council tax reduction entitlement has potential danger of overlooking when this entitlement needs to be removed. I also strongly disagree with reducing support to severely disabled, think it's unethical. I strongly agree with reducing the savings limit from £16,000 to £8,000(or maybe £10,000) as £16,000 figure is too high."
- "It is always assumed that war Widows/vetreans should have discounts. Some may have savings or other income way over the limit. This should be assessed."
- "The information provided is difficult to understand and I used to work in housing and advise people on benefits. My opinion is that no-one whose only income is state benefits of any kind should have to pay any more or lose protection. Benefit levels are set at rates that barely cover basic living costs and any increase in expenditure will have a negative impact on them. Will these changes lead to more people using food banks, being unable to heat their houses, buy children shoes etc? I am well aware of the council's financial position (am taking VR as a result) but poor people cannot be made to pay the cost of it. It could cost the council more in the long run if people are unable to maintain their health and wellbeing"
- "All good."
- "Ensure all people who should pay do!"
- "That sounds like the best options to me"
- "Much prefer a combination of option 3 & 6."
- "many lone parent families have child tax credits and child benefit and child support in addition to wages or Income support etc and for those with several children this can amount to significant money so reducing any council tax reduction should not mean serious problems. perhaps offering advice about money

management help if this is rolled out would be a good idea. It is often people's choices or poor money management skills that cause problems. For basic state pensioners with war related benefits the same applies. many of those will also have attendance allowance and perhaps we should encourage others who need to, to claim this too."

- "Reduce admin costs is the best option!"
- "Currently Kirklees approach is to subsidise those protected groups by reducing services and increasing council tax for those in higher bandings. So for example a person paying in Band G has seen a significant increase in their council tax bill which is completely unjustified when analysed against the services received and utilized. Kirklees Council tend to waste a lot of the available resources and revenues unjustifiably without consultation and transparency and then squeeze and claw back the wasted monies from council tax payers in higher bandings. Its completely scandalous and immoral but does anyone care as long as the Kirklees Cabinet have enough monies to fill their own bellies sod the rest of us!!!"
- "I think out of all the options, 2, 4 and 6 would be better. I think reducing admin costs overall need to be done with people working more effectively. This could be replaced by a simple confirmation system online which the majority of people will be able to access. I would also agree with lowering the level of capital savings to £4000 or such like. I dont believe you should have that level of savings whilst getting a reduction in council tax. Other people dont have this luxury and have to pay."
- ""This is my opinion"", that many young single girls become pregnant deliberately to work the system. It would be interesting to know how much it costs tax payers. I am a pensioner and I still pay 20% tax on my private pension having contributed to the exchequer for 50 years and paid my contributions weekly / monthly for my retirement pension, you could argue I was one of the lucky ones ,but I still worked a minimum of 60 hours a week to achieve my retirement pension and no doubt I was lucky enough to work in a period when jobs were plentiful and earnings kept pace with inflation, but 1000`s like me saved. Unlike today`s attitude live now pay later."
- "I think this would work as the residents in the protected groups are in receipt of benefits and could probably make up the 10% themselves, a bit like the bedroom tax."
- "The only option I favour is the first - no cuts. Th least well-off have, nationally, been the hardest hit by austerity measures, both at national and local level. Any reduction in Council Tax Benefit would hit the least privileged members of society. Any reduction in Council Tax Benefit is likely to have adverse effects on health, so making additional demands on the already presurised NHS budget (admittedly not administered by Kirklees) and so may well result in no overall saving but with an increase in poor health."
- "I believe that lowering the capital limit to 8,000 will not save much as the vast majority of non pensioner claimants have nowhere near this amount of capital. War widows get an exceptionally good deal from the KMC scheme which cannot be sustained when you are cutting money to others less well off. The Major Government were to limit claims to the Band D figure is this is the average level of Council Tax. The Blair Government overturned this idea. Perhaps this should be revisited, why should poorer people pay more to help those in an expensive house? How about using the overlarge criteria as used for HB claimants for CTR? Why should those in overlarge homes receive help for the excess part of their homes?"
- "Difficult choices. Seems right balanced approach"
- "Reducing the amount of savings is abhorrent. In fact all 3 proposals need reconsidering as unfair to all the groups involved. In my opinion Council Tax benefit should be available to ALL disabled people - probably all those that receive Personal Independence Payment at any rate and the disabled should not be discriminated against as they are now. The only proposal that has any sense at all is number 6 and should apply to everyone not just Universal Credit recipients"

"I think you should increase council tax, to cover the costs."

- "More tax = a better Kirklees. Raise council tax! We don't want to see scenes like in Birmingham where bins go I collected. Nobody wins if we pay tax and don't see the benefit. Raise council tax, maybe means tested, so we can all enjoy a better quality of life in Kirklees."
- "Aggressively chase those you don't pay their council tax as it's not fair on all those that abide by the law and pay their fair share!"
- "reduce all benefits by 30%. Force them back into work."
- "It is imperative you make people pay their council tax and do not write it off especially if it is the same people each year. It is better to base your calculations on what people receive in income as it is difficult to assess accurately what savings people have, especially when you are only talking about people with savings of less than £16 000"
- "why do we pay to a parish through council tax?! Get rid of this, not everyone believes in god and we have to pay funeral costs anyway so why not let it all be paid through the funeral parlours seeing as it's a rip off anyway. They charge as much as they can for the inevitable"
- "The questions are limited in answer (I understand the challenges of a survey), so it's difficult to completely agree with all the elements of the options suggested. Option 3 is more preferable to option 2. Though option 4 should be a definite. Option 6 whilst being simple to administer leaves low income / high savings groups still benefitting inappropriately and conflicts with option 4. Ideally I'd prefer options 3 and 4 with an amended option 6 (not quite so simple)."
- "completely agree, as a council tax full payer, as I work full time with two jobs to be able to pay my way and all my bills in full, the financial situation does need addressing but not at the expense of local people who work and receive no financial benefits. everyone should have to cover this shortfall in finance . thank you for asking me to participate."
- "The administration system is not at it's best as it is so a different system could solve some of the financial losses"
- "There needs to be protection for pensioners, we have already had a 3% increase to pay for social care, we are due to retire we have to look seriously about moving home maybe out of kirklees. We only have a 3 bed room house and a huge chunk of our weekly pension will have to pay council tax, I would hate to think on top of that we had to find rent, we are lucky we are almost mortgage free. We have worked hard all our lives and need to find a way to save the value of our house to leave to our child with learning difficulties as she may struggle to find a decently paid job. We should be looking at attracting more employment into the area then people who can work can come off of benefits."
- "The authority should not look at how to tweek an existing system without looking to reassess the whole scheme to see if there is a better overall method of assessing council tax and any necessary reductions due."
- "You say your preferred approach is to implement options 2, 4 & 6, yet you say that the introduction of universal credit means the existing scheme is becoming difficult to run & will get harder. Surely common sense would dictate that you need to develop a new scheme which accounts for these changes, rather than making cuts to address the initial problem & then having to reevaluate it again in another year or two, at an additional cost to the tax payer."
- "Council tax should be reduced for all, as the money earned is clearly wasted on hair brained schemes thought up by the elected individuals of the council. Individuals who are elected by less than the majority of people in Kirklees, and who are incapable of undertaking the duties elected to carry out. Also if the number of councillors per ward was reduced to 2 from 3, you would save enough money there to not have to touch council tax support"
- "The system the has been in place has worked.changes that you want to make are not helping us. Although I work full.time and I get a single council tax saving. It isn't much in an ever increasing economy. My wage has not I creased in line with infktion the cost of living is ridiculous. I am jut about keeping my head above water. Now you want to take more money from me. There are other ways to make money than taking from those that appear to earn a bit more than those on be edits. As much as I believe we should have a benefit system- I already py tax etc. I cannot now afford to support your shortfalls. Perhaps look at what the councillors get for free. Look at empty buildings make better use of your resources. I get stung for anything to do with coucillors services if I

want to use them because I am a we earning diggle person on a mediocre wage trying to get by. Your suggestions will not help me or benefit me in any way apart from making me poorer than if I was on benefits"

- "Strongly disagree with reducing support for protected groups as these are vulnerable groups who we need to ensure are supported"
- "I would agree to your preferred approach."
- "I appreciate that savings may be needed, however, reducing the help for vulnerable families is a false economy: for which the bill will have to be picked up in other areas, such as mental health provisions. In this questionnaire you have made that 10% reduction appear to be a tiny amount but have omitted to declare any perspective by stating what percentage of weekly income that will be for a vulnerable adult, which, en fin, is a kin to less food or heat of rent. £8000 is not a huge amount to have in savings and if a parent does pass away a small inheritance is a tiny consolation that can carry a brokenhearted citizen, to penalize a vulnerable adult by reducing the tiny amount of support they receive is just plain cruel. In my humble opinion the only valid savings that can be made would be administrative, (why 4 times a year? Twice max) along with the council fighting against the party politics of austerity and central government to demand the money that Tory councils receive in order to provide the services this council are legally required to give? Regards [name] I would like to take this opportunity to say thank you, from the bottom of my heart, for the financial and emotional support myself, my family and friends had received over the years, without which I would have struggled to survive at times. Please watch Daniel Blake and fight hard for the vulnerable citizens of Kirklees and the UK, theses are the people who rely upon you, they're already falling through the safety net onto the streets, please consider this and fight against austerity before we find children begging on the streets."
- "agree"
- "Targeting the most vulnerable groups of people resident in the area is not going to save money in the long term, and may have implications for other services that these people will no longer be able to afford. These are not useful options for consideration, and should be removed. In addition the administration of such a change will cost money, so the savings may be very limited. The only ways to make savings are:- 1) to focus on the administration of the system, ensuring that it remains flexible enough to meet the needs of the residents of Kirklees, and to be able to facilitate the raising of Council Tax. A properly designed system that is accessible for residents, and is efficient in its usage by staff will be welcome. However, there are already problems with the Universal Benefit/Credit system, so this needs careful consideration. 2) to raise Council Tax for the highest earners, or property owners. The would need to be an evaluation of the current banding system and an estimate of how much money this would raise. This should be included as an option, even if it may be considered unpopular by local business and home owners. This is one of the tough decisions you need to make. Targeting the vulnerable is not tough, it is far too easy."
- "More needs to be done for those who are single parents, who work full time and are on a low income. A lot of people struggle with bills who work and most workers working over 16 hours do not get reductions"
- "reduce council tax in line with other local councils would be good."
- "How about you collect the money you are already owed rather than writing it off."
- "I feel that the costs of designing and implementing a new scheme for each local authority to work with U/C will cost more that the projected savings. Surely this could be done nationally, and then offered to different councils."
- "from the work I have done with families within the council those who don't get any support at the moment are at a greater financial disadvantage to those in receipt of disability benefits, who get not only the extra income from DLA/Pip but then many go on to receive a full exemption from council tax under-stand ably the council has had to reduce costs and I feeler its a fairer system if all benefit recipients get the same disregard if any."
- "Perhaps funding to Parish councils could also be reduced with the parish's being encouraged to raise funds etc to cover the shortfall. Our local Parish council is disappointing and does not meet the needs of many of it's residents, they are set in their ways and too rigid."

- "Would simplifying the administration mean reduction in staff and thus making people redundant? If so I would tend to disagree with that option. I would seriously look at raising council tax for those in highly banded properties (i.e. the wealthy) rather than reducing support for the poorer residents of the area. This would seem fairer than what has been outlined. I think all local authority chiefs should get together and defy the government by raising council tax for those living in high end housing and areas."
- "Increase council tax for top end rates"
- "Reduce administrative costs is the healthiest option"
- "Simplify administration should help immensely - savings on staff costs as well as savings in CTR awards should be combined towards the overall £1m aim. The trick will be to realise the actual staffing savings and not just move them elsewhere."
- "These appear to be the best options however I have concerns about those with severe disabilities and on pensions who are unable to increase their incomes. Parents with children between the ages of 2 and school age will likely be able to access childcare support which would enable them to increase their working hours and income therefore they are in a better position. I also feel that for the future the council should be looking at option 5 alongside these options so that by 2020 there is another viable alternative."
- "As a landlord with tenants receiving housing benefit could I suggest that you stop sending me monthly statements by post telling me how much housing benefit has gone into my account. I already know this by looking at my account online. I don't know how many landlords you have but I guess this would make a considerable saving in both admin costs and postage. For landlords options 2 and 3 would be a complete mess."
- "Keep a single person discount in place for anyone with less than the average national income and definitely below £20k"
- "Some options are difficult to assess due to lack of information though I appreciate the need to be concise for a survey - option 5. This option does not appear to make a significant saving (200K over 3 years - is this net? Does it take into account the cost of setting up a new system?) I am strongly opposed to option 4 - as a higher bracket tax payer I am concerned that this is another way of 'stinging' people who go out to work and who make a concerted effort to save. All that said, doing nothing is not an option."
- "i think in certain caseers it is wrong we are in the age group of 62 i only work part time and without the help which is not much we will not be able to pay the poll tax perhaps if you asked single mums old age pensoiners just to pay 1 pound it would help."
- "In the info given for option 1 you say that money could be saved by increasing council tax or reducing services. We are not given the opportunity to to comment on these options. Surely the problem could be solved by increasing council tax. When people understand that the blame for this increase lies with the Tory Government hopefully they would be more likely to cast their votes accordingly, and get rid of them"
- "Eligibility assessment should be income based only. Number of children should be disregarded. If someone in work chooses to have more children then it is their responsibility to support them, not the state by allowing/giving more in benefits for people who choose to have children they can't afford to support. Develop a new scheme to link with Universal Credit and reduce the payments TO ALL RECIPIENTS by the percentage required to achieve the required savings eg 4 or 5%. Administration should remain at a high level in order to allow the scheme to run efficiently and prevent fraud/overpayment. Everyone should have equal entitlement based on their income and all should pay more if necessary. Savings should be disregarded. If someone has worked and saved their money it is to their credit. It should not be taken off them because they have been sensible. They are penalised in comparison to someone who has been irresponsible with their money and perhaps frittered it away knowing that the 'State' will bale them out. So, income based and linked to Universal Credit system so that income changes are notified promptly/automatically. No reductions in staff. The system needs to be properly managed."
- "Perhaps you need to consider the meaning of the word 'protected' and determine what it means. Are you hoping to change it's meaning - and is the dictionary definition no longer valid?"

- "I think that everyone should pay Council tax at 100% cost. They can afford Sky dishes, to smoke, drink and drive cars - they can afford to pay Council Tax. Get real - stop being so soft headed. May be if they did some obligatory Council work (litter picking /caring for elderly etc) they could earn a discount?"
- "I agree"
- "Can the £1m not be obtained by introducing higher tax bands for the most expensive houses, rather than cutting relief to the less well off ? All 6 options are fundamentally flawed because they fail to recognise that families needing support are the ones least able to take further cuts over and above what they've taken over 7 years of a Tory Govt. Any extra income needed by the Council must surely come from those who can most afford it. It's shocking this option isn't offered in this survey. Many Council have a higher tax band category for the highest value homes, so why not Kirklees ?"
- "I would be willing to pay 10% more council tax to stop you treating those who are already vulnerable punitively."
- "Don't respond to pre arranged options because they invariably lead to subsequent misrepresentation. In a nutshell however my preferred option is for the KMC to raise funds via graduated taxation and meet costs via this increase. Happy to pay more if services/provision improves notably road investment and health support services."
- "The questionnaire concerns only council tax reductions. I hope consideration is also being given to perhaps increasing the differentials between bands so that those in larger and pricier houses who by and large can afford more pay more council tax."
- "Property owners should pay council tax, not the people renting it. The owners, after all, reap a significant financial reward from owning a house in a well run and well serviced community. Also, why are pensioners exempt? That makes no sense at all."
- "Some protected groups have little money as it is. You should assess all protected groups like every one else. Some protected groups have more money coming in than working people this is not fair and working people suffer"
- "It is not fair to penalise people with savings. I have a lady we care for + she needs savings in case she needs a new bed etc, as her equipment can be very expensive"
- "Reducing upper capital limit to approx £10,000-£12,000 rather than £8,000."
- "council tax is NOT value for money and is wasted by the people sitting at desks at the top lining their pockets."
- "Reducing the saving limit is far too personal."

Appendix 4 – Schedule 1A Local Government Finance Act 1992

“SCHEDULE 1A COUNCIL TAX REDUCTION SCHEMES: ENGLAND

Interpretation

1 In this Schedule—

(a) “scheme” means council tax reduction scheme under section 13A(2), and

(b) in relation to a scheme, “the authority” means the billing authority which made the scheme or is under a duty to make it.

Matters to be included in schemes

2(1) A scheme must state the classes of person who are to be entitled to a reduction under the scheme.

(2) The classes may be determined by reference to, in particular—

(a) the income of any person liable to pay council tax to the authority in respect of a dwelling;

(b) the capital of any such person;

(c) the income and capital of any other person who is a resident of the dwelling;

(d) the number of dependants of any person within paragraph (a) or (c);

(e) whether the person has made an application for the reduction.

(3) A scheme must set out the reduction to which persons in each class are to be entitled; and different reductions may be set out for different classes.

(4) A reduction may be—

(a) a discount calculated as a percentage of the amount which would be payable apart from the scheme,

(b) a discount of an amount set out in the scheme or to be calculated in accordance with the scheme,

(c) expressed as an amount of council tax to be paid (lower than the amount which would be payable apart from the scheme) which is set out in the scheme or is to be calculated in accordance with it, or

(d) the whole amount of council tax (so that the amount payable is nil).

(5)A scheme must state the procedure by which a person may apply for a reduction under the scheme.

(6)A scheme must state the procedure by which a person can make an appeal under section 16 against any decision of the authority which affects—

(a)the person's entitlement to a reduction under the scheme, or

(b)the amount of any reduction to which the person is entitled.

(7)A scheme must state the procedure by which a person can apply to the authority for a reduction under section 13A(1)(c).

(8)The Secretary of State may by regulations prescribe other requirements for schemes.

(9)Regulations under sub-paragraph (8) may in particular—

(a)require other matters to be included in a scheme;

(b)prescribe classes of person which must or must not be included in a scheme;

(c)prescribe reductions, including minimum or maximum reductions, which must be applicable to persons in prescribed classes;

(d)prescribe requirements which must be met by the procedure mentioned in sub-paragraph (5).

(10)Regulations under sub-paragraph (8) may in particular set out provision to be included in a scheme that is equivalent to—

(a)provision made by a relevant enactment, or

(b)provision that is capable of being made under a relevant enactment,

with such modifications as the Secretary of State thinks fit.

(11)Subject to compliance with regulations under sub-paragraph (8), a scheme may make provision that is equivalent to—

(a)provision made by a relevant enactment, or

(b)provision that is capable of being made under a relevant enactment,

with such modifications as the authority thinks fit.

(12) For the purposes of sub-paragraphs (10) and (11), each of the following enactments as it had effect on the day on which the Local Government Finance Act 2012 was passed is a “relevant enactment”—

- (a) sections 131 to 133 of the Social Security Contributions and Benefits Act 1992 (council tax benefit);
- (b) sections 134 to 137 of that Act (general provisions about income-related benefits) so far as applying in relation to council tax benefit;
- (c) section 1 of the Social Security Administration Act 1992 (entitlement to benefit dependent on claim) so far as applying in relation to council tax benefit;
- (d) section 6 of that Act (regulations about council tax benefit administration);
- (e) sections 32 to 34 of the Welfare Reform Act 2007 (benefit for persons taking up employment) so far as applying in relation to council tax benefit.

Preparation of a scheme

3(1) Before making a scheme, the authority must (in the following order)—

- (a) consult any major precepting authority which has power to issue a precept to it,
- (b) publish a draft scheme in such manner as it thinks fit, and
- (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.

(2) The fact that this paragraph was not in force when any step described in sub-paragraph (1) was taken is to be disregarded in determining whether there has been compliance with that sub-paragraph.

(3) Having made a scheme, the authority must publish it in such manner as the authority thinks fit.

(4) The Secretary of State may make regulations about the procedure for preparing a scheme.

(5) Regulations under sub-paragraph (4) may in particular—

- (a) require the authority to produce documents of a particular description in connection with the preparation of a scheme;
- (b) include requirements as to the form and content of documents produced in connection with the preparation of a scheme;
- (c) include requirements (in addition to sub-paragraphs (1)(b) and (3)) about the manner in which such documents must be published;
- (d) require the authority to make copies of such documents available for inspection by members of the public, or to supply copies of such documents to them;

(e) include provision about the making of reasonable charges for the supply of copies of such documents to members of the public.

Default scheme

4(1) The Secretary of State must by regulations prescribe a scheme (“the default scheme”) for the purposes of this paragraph.

(2) The first financial year to which the default scheme relates must be the year beginning with 1 April 2013 (or such other year as is specified in section 10(4) of the Local Government Finance Act 2012).

(3) The default scheme must comply with the requirements of—

(a) paragraph 2(1) to (7), and

(b) any regulations under paragraph 2(8).

(4) The default scheme may in particular make provision that is equivalent to—

(a) provision made by a relevant enactment, or

(b) provision that is capable of being made under a relevant enactment,

with such modifications as the Secretary of State thinks fit.

(5) For the purposes of sub-paragraph (4), each of the following enactments as it had effect on the day on which the Local Government Finance Act 2012 was passed is a “relevant enactment”—

(a) sections 131 to 133 of the Social Security Contributions and Benefits Act 1992 (council tax benefit);

(b) sections 134 to 137 of that Act (general provisions about income-related benefits) so far as applying in relation to council tax benefit;

(c) section 1 of the Social Security Administration Act 1992 (entitlement to benefit dependent on claim) so far as applying in relation to council tax benefit;

(d) section 6 of that Act (regulations about council tax benefit administration);

(e) sections 32 to 34 of the Welfare Reform Act 2007 (benefit for persons taking up employment) so far as applying in relation to council tax benefit.

(6) The default scheme is to take effect, in respect of dwellings situated in the area of a billing authority, if the authority fails to make a scheme on or before 31 January 2013 (or such other date as is specified in section 10(4) of the Local Government Finance Act 2012).

(7) If the default scheme takes effect in the area of a billing authority, this Part applies to the default scheme as if it had been made by the authority.

Revisions to and replacement of scheme

5(1) For each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme.

(2) The authority must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.

(3) The Secretary of State may by order amend sub-paragraph (2) by substituting a different date.

(4) If any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.

(5) Paragraph 3 applies to an authority when revising a scheme as it applies to an authority when making a scheme.

(6) References in this Part to a scheme include a replacement scheme.

Arrangements to deal with shortfall in council tax receipts

6(1) In this paragraph “scheme authority” means, in relation to a scheme and a year—

(a) the billing authority which made the scheme, and

(b) any major precepting authority with power to issue a precept to that billing authority in relation to that year.

(2) Two or more scheme authorities may make arrangements which are to have effect if, as a result of the operation of the scheme—

(a) there is a deficit in the billing authority's collection fund for that year, or

(b) the billing authority estimates that there will be such a deficit.

(3) Arrangements under this paragraph may include—

(a) the making of payments by one scheme authority to another scheme authority;

(b) the variation of any payment or instalment of a payment which is required to be made under regulations under section 99 of the 1988 Act (regulations about funds) that make provision in relation to council tax.

Provision of information to the Secretary of State

7(1)The Secretary of State may serve on a billing authority in England a notice requiring it to supply to the Secretary of State such information as is specified in the notice and required by the Secretary of State for the purpose of exercising, or of deciding whether to exercise, any function relating to schemes.

(2)The authority must supply the information required if it is in its possession or control, and must do so in such form and manner and at such time as the Secretary of State specifies in the notice.

(3)If an authority fails to comply with sub-paragraph (2), the Secretary of State may exercise the function on the basis of such assumptions and estimates as the Secretary of State thinks fit.

(4)In exercising, or deciding whether to exercise, any function relating to schemes, the Secretary of State may also take into account any other available information, whatever its source and whether or not obtained under a provision contained in or made under this or any other Act.

Guidance

8In exercising any function relating to schemes, a billing authority must have regard to any guidance issued by the Secretary of State.

Transitional provision

9(1)The Secretary of State may by regulations make such transitional provision regarding the commencement of schemes as the Secretary of State thinks fit.

(2)Such provision may include, in particular, provision for and in connection with treating a person who is or was in receipt of council tax benefit, or who makes or has made a claim for that benefit, as having made an application for a reduction under a scheme.

Appendix 5 – The History and basic mechanism of the scheme

With effect from April 2013 Council Tax Benefit was abolished by the Welfare Reform Act 2012 under section 33(1)(e).

Prior to April 2013 the cost of Council Tax Benefit was met by the Government in full however from 1 April 2013 the reduction of an applicants' Council Tax would be through a local scheme via a discount. The Government advised that it would be giving a grant to billing authorities and major preceptors of 90% of the original cost of Council Tax Benefit to partially compensate for the loss in income.

Billing authorities are required to award Council Tax Reduction to those of pension age in the same way as they always had under the old Council Tax Benefit Scheme. That meant that the 10% reduction in grant was born entirely by those of working age. In Kirklees that 10% reduction in grant meant that working age recipients saw the award they might have seen under the old Benefit scheme reduce by 29%. That decision was reviewed and changed to 20% from April 2015. Those decision are set out in section 9 of this report.

The current scheme borrows most of its structure from what was its predecessor, the Council Tax Benefit Scheme.

The scheme includes a set of allowances that are designed to describe the financial need of a household. Those allowances include specified amounts and disregards for adults based upon age, children, family and degrees of disability.

The means tested assessment does recognise the additional costs of disability by both disregarding Disability Living Allowance and Personal Independence Payments and awarding "premiums" in the needs allowance. So that not only are those most severely affected "protected", their award is higher than their non-protected equivalent, before the protection considered in this report, is applied.

This means that the scheme itself has inbuilt protection for disabled and lone parent applicants that is not the subject of any proposed change.

Those allowances are then used to calculate a sum of money against which a household's actual weekly income (subject to appropriate income disregards) can be compared and any income above their needs identified. This is known as the Means test.

The scheme then reduces that calculated figure by 20% for non- protected groups meaning that they have more Council Tax to pay than those that are protected but have the same disposable income.

The protections considered in this report were originally designed for lone parents with children under 5 and those with the severe and enhanced disability premiums in order to recognise an individual's limited ability to respond to the implicit "work incentive".

Consultation on proposed changes to the local (working age) Council Tax Reduction Scheme

What is Council Tax Reduction?

Council Tax Reduction is a local scheme designed to help households on low incomes to pay their council tax.

Almost 37,000 people are receiving council tax reduction at the moment, at a cost to Kirklees Council of £28.8 million a year.

Why make changes?

You will have heard about the ongoing financial challenge we face. We need to reduce the cost of the scheme by at least £1 million during the next financial year, to contribute towards balancing the books.

To help local councillors decide on any changes to the local working age council tax reduction scheme, we are consulting on the potential options for changes, including a preferred approach which we believe will best help us achieve the savings we need to make. Some options may be combined and introduced together, and any changes will be introduced from 1st April 2018.

The Government's introduction of Universal Credit, and how we receive information about this, affects how we administer council tax reduction. Options five and six could help simplify our local scheme by working more closely with Universal Credit, reducing ongoing administration.

There will be no changes to the national council tax reduction scheme for people of pension age.

Our local scheme currently works like this:

- You must have less than £16,000 in capital, savings, shares and property.
- We calculate your reduction using your household's income and savings and compare this to what the government says your family needs to live on.

This figure is then reduced by 20% for working age claimants who are NOT in one of the protected groups below:

- Lone parents with children under the age of 5
- Those eligible for severe disability premium or enhanced disability premium
- Those receiving War Pension or War Widows Pension

Approximately 11,200 customers are in the protected groups.

Our preferred approach

Our preferred approach would be to implement options two, four and six, reducing costs by approximately £1,060,000 and meaning we achieve the necessary reduction in the cost of the scheme.

Please tell us what you think

We would like to understand how much you agree or disagree with each option. This will help councillors make decisions on the scheme. A final decision will be made by Full Council before the end of January 2018.

Section 1 - Your views

This section asks for your views on six potential options for changes, including a preferred approach which we believe will best help us achieve the savings we need to make.

Option one

No change - keep the current local scheme as it is

We could choose to retain the current scheme for another 12 months, meaning council tax support would continue much as it is. This would not make any savings. In order to continue funding the current scheme, we would need to find other ways of meeting the shortfall. This could include raising council tax, or reducing services further.

Please tell us how far you agree or disagree with keeping the current scheme as it is:

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

Option two

Local (working age) council tax support is reduced by 10% for protected groups

This option would retain the current scheme with one key change – reducing the amount of support that protected groups receive by 10%.

For example, someone with severe disability premium who currently gets 100% support towards their bill would get 90% and be expected to pay the remainder themselves. This would be £1.53 per week or £79.56 per year for a single person in a Council Tax Band A property (or £2.04 per week / £106.08 per year for a couple).

This option would reduce the cost of the scheme by approximately £960,000. Combined with other options, it could help achieve the necessary £1 million reduction.

Please tell us how far you agree or disagree with reducing support by 10% for each protected group:

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree
Lone parents with children under the age of 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People eligible for severe disability premium or enhanced disability premium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People receiving War Pension or War Widows Pension	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Option three

Local (working age) council tax support is reduced by 20% for protected groups, so protected groups are assessed in the same way as all other working age claimants.

This option, similar to option two, would retain the current scheme with one key change – reducing the amount of support that protected groups receive by 20%.

The 20% works out as £4.08 per week (£212.16 per year) for a couple in a Council Tax Band A property, or £3.06 per week (£159.12 per year) for a single person.

This option would reduce the cost of the scheme by approximately £1.9 million.

Please tell us how far you agree or disagree with reducing support by 20% for each protected group:

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree
Lone parents with children under the age of 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People eligible for severe disability premium or enhanced disability premium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People receiving War Pension or War Widows Pension	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Option four

Reducing the savings limit from £16,000 to £8,000

Currently you must have less than £16,000 in capital, savings, shares and property.

Option four would reduce the savings limit down to £8,000. This would mean that people with between £8,000 and £16,000 would no longer be eligible for local council tax reduction.

This option would reduce the cost of the scheme by approximately £101,000. Combined with other options, it could help achieve the necessary £1 million reduction.

Please tell us how far you agree or disagree with reducing the savings limit:

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

Option five

Develop a new local council tax reduction scheme

The Government's introduction of Universal Credit, and how this is assessed, means that our existing scheme is becoming difficult to run, and will get more difficult as more people start to receive Universal Credit. Option five is to develop a new, simpler council tax reduction scheme which would better fit with the Universal Credit system.

A new simpler scheme would likely work by only assessing your income. We would not need information about any children and related benefits, or any changes in benefits income.

The new scheme would only affect customers as they move onto Universal Credit.

A new local council tax reduction scheme should reduce expenditure over time, and could save around £200,000 by 2022. Combined with other options, it could help achieve the necessary £1 million reduction.

Please tell us how far you agree or disagree with developing a new scheme:

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

Option six

Reduce administration costs

The way we receive information about Universal Credit affects how we administer council tax reduction. Option six is to reduce how often we reassess council tax reduction entitlement, to four times per year. This will cut down on costly administration of the scheme, and combined with other options, it could help achieve the necessary £1 million reduction.

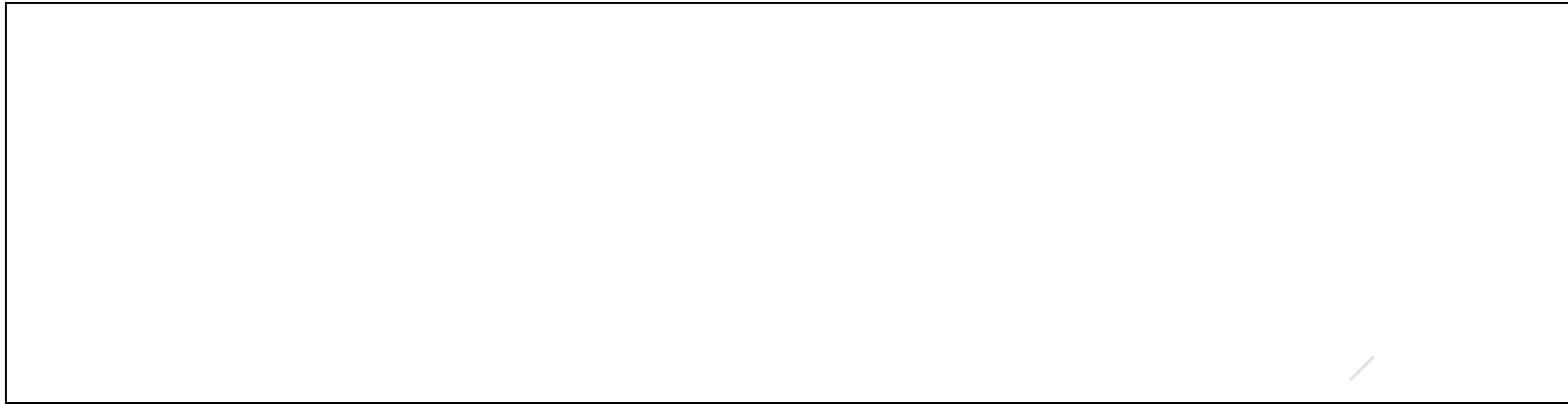
It would also mean that customers do not need to report minor income changes during this period - though a significant change such as the claimant or a partner moving home, or the claimant starting or stopping work, would still result in a reassessment of council tax reduction.

Please tell us how far you agree or disagree with reducing administration of the scheme:

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree

Our preferred approach would be to implement options two, four and six. This would mean reducing support by 10% for protected groups, reducing the savings limit, and simplifying administration.

If you have any comments on our preferred approach then please use the space below:



Section 2 - About you

This section asks for some details about you. This information will help us to understand any differences in views between groups. Your responses are completely confidential and will not be used to identify you as an individual.

Are you completing this questionnaire:

- As, or on behalf of, a council tax payer in Kirklees
- As, or on behalf of, someone who receives council tax reduction in Kirklees
- On behalf of a local voluntary / community group or organisation
- On behalf of a local business
- As a Kirklees Council councillor or employee
- In another capacity

Are you...

Working age

Pension age

Thank you for sharing your views.

Please make sure we receive your completed survey by 15th October 2017.

Results will be shared with Kirklees councillors to help them make decisions on the Kirklees council tax reduction scheme from April 2018.

Appendix 7 – Equality impact assessment Stage 1

1) WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	NO
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	YES
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	YES
<p>Please briefly outline your proposal and the overall aims/purpose of making this change:</p>	
<p>Review of working age (means tested) local Council Tax Reduction (CTR) scheme to take account of issues with Universal Credit, Capital limit, legislation changes and an admin change to the local scheme.</p> <ul style="list-style-type: none"> - a proposed 10% scheme for the current protected groups, (Option 2) - Capital change from £16,000 to £8,000 (Option4) - Admin change to bills and notification to 4 times per year (Option 6) - retain the current 20% scheme for other working age group. <p>There are approx 37,604 customers in the current CTR scheme; (including approx 11,200 in the protected groups) should the change be adopted. The CTR awarded to the protected groups is approx £9mil, and a 10% scheme would reduce this CTR award by approx £900k. NB Please note, this proposal does not affect the protected pension group.</p> <p>A 10 % scheme for a Band A property (excluding any parish precept) would be approx £106.08 pa to pay for a couple and £79.56 p.a for a single person.</p> <p>Capital Limit affecting 140 customers £101k p.a.</p>	

2) WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...			Level of Impact
			Please select from drop down
Kirklees employees within this service/directorate? (overall)			Neutral
Kirklees residents living in a specific ward/local area?			Neutral
Please tell us which area/ward will be affected:			all
Residents across Kirklees? (i.e. most/all local people)			Neutral
Existing service users ?			Neutral
Each of the following protected characteristic groups ?			Please select from drop down
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>			
...age	What impact is there on Kirklees employees /internal working practices?	Neutral	
	What impact is there on Kirklees residents /external service delivery?	Neutral	
...disability	What impact is there on Kirklees employees /internal working practices?	Neutral	
	What impact is there on Kirklees residents /external service delivery?	Negative	
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral	
	What impact is there on Kirklees residents /external service delivery?	Neutral	
...marriage/civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral	
	What impact is there on Kirklees residents /external service delivery?	Neutral	
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral	
	What impact is there on Kirklees residents /external service delivery?	Neutral	
...race	What impact is there on Kirklees employees /internal working practices?	Neutral	
	What impact is there on Kirklees residents /external service delivery?	Neutral	
...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral	
	What impact is there on Kirklees residents /external service delivery?	Neutral	
...sex	What impact is there on Kirklees employees /internal working practices?	Neutral	
	What impact is there on Kirklees residents /external service delivery?	Neutral	
...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral	
	What impact is there on Kirklees residents /external service delivery?	Neutral	

3) HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?		Please select YES or NO
Have you taken any specialist advice linked to your proposal? (Legal, HR etc.)?		NO
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	...employees?	NO
	...Kirklees residents?	YES
	...service users?	YES
	...any protected characteristic groups?	YES
<p>This will affect the following groups as we are asking them to pay (10%) of Council Tax rather than 20% for other working age customers. Together with the reduced capital from £16,000 to £8,000 and the admin changes to bill 4 times p.a.</p> <ul style="list-style-type: none"> - Lone parents with children under the age of 5 - Those in receipt of war pensions, or war widows pension - Those eligible for severe disability premium or enhanced disability premium 		
		Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the different groups of people outlined in section 2?		FULLY
To what extent do you feel you have considered your Public Sector Equality Duty?		FULLY

STAGE 1 ASSESSMENT	
IMPACT	RISK
Based on scoring of 1) and 2)	Based on scoring of 2) and 3)
-5	5
SCORE (calculated) Max = - / + 32	SCORE (calculated) Max risk = - / + 40
You need to move on to complete a Stage 2 assessment if:	
The final Impact score is negative <u>and</u> or the Risk score is negative.	

Appendix 8 – Equality impact assessment action plan

Directorate:	Senior officer responsible for service/policy:
Finance, IT and Transactional Services	Steve Bird
Service:	Lead officer responsible for this EIA:
Welfare and Exchequer	Julian Hobson
Specific service area/policy:	Date of EIA (Stage 1):
Benefits	7 th August 2017
EIA (Stage 1) reference number:	Date of EIA (Stage 2):
	19 th October 2017

A) Further evidence and consultation with employees, residents and any other stakeholders

CONSULTATION WITH KEY STAKEHOLDERS				COMPLETE THIS DETAIL WHEN YOU HAVE DONE YOUR CONSULTATION	
REF No.	Which key stakeholders have you/are you consulted/ing with?	Why have you/are you consulted/ing them (or not?) and what were you/are you looking to find out?	How did you/are you planning to consult them? Date and method of planned consultation	Actual Date of Consultation	Outcome of consultation What have you learned? Do you have actions to complete that will help mitigate any unnecessary negative impact on groups? [move to section B if you do]
1	Preceptor (Fire and Police) consultation	Views on the proposed changes to the Local Council tax reduction scheme (6 options)	A copy of the Consultation Letter sent to the major precepting authorities w/c 7 th August 2017	w/c 21 st August 2017 for 8 Weeks	Full report to members Cabinet and then Full Council. Following the consultation options will be put to Full Council for a scheme to be "made" before 31 st January 2018 in accordance with the requirements of s13A(2) and 67(2)(aa) of the Local Government Finance Act 1992
2	Full public consultation	Views on the proposed changes to the Local Council tax reduction scheme (6 options)	<ul style="list-style-type: none"> • Standard, large print survey (<i>on web and printed versions on request</i>) • Easy Read versions of the survey (<i>on web and printed versions on request</i>) • Examples to go with surveys in 1 and 2 above • Comms (for example): 	w/c 21 st August 2017 for 8 Weeks	Full report to members Cabinet and then Full Council. Following the consultation options will be put to Full Council for a scheme to be "made" before 31 st

			<ul style="list-style-type: none"> a. Kirklees Together (Examiner already picked up on Cabinet report 30/5/17 so may be interested), b. web ads, c. facebook d. customer service centre screens. • Press release for PH's • Briefing Note for other members • Letter - Establishing a random selection of council tax payers (including those claiming CTR and not claiming (approx 2,000) to whom the survey will be specifically targeted • E-mail/letter - identified interested stakeholder groups for example 3rd sector and housing associations. • EIA for each option. 		<p>January 2018 in accordance with the requirements of s13A(2) and 67(2)(aa) of the Local Government Finance Act 1992</p>
3					

B) Action planning

REF.No [from section A]	What actions are you going to do as a result of carrying out your consultation?	What do you think these actions will achieve? Will they mitigate any adverse impact on protected groups? Will they foster good relations between people? Will they promote equality of opportunity?	What did you actually do?	When did you do this?	What was the actual outcome? Have you mitigated any negative impact? Have you ensured good relations exist? Have you promoted equality of opportunity?
2	Prepare a report for members so that a decision can be made by full council as required by the Local Government Finance Act 1992	Members will consider the impact of the proposals upon those affected by them and will decide whether to make the changes.			
2	Continue to provide a discretionary hardship scheme under s13A(1) (c) of the Local Government Finance Act 1992	Provides a possible safety net for those individuals and households that are unable to adapt to the change without support			
2	Provide advice a support through “Advice Kirklees” for those that may need help	Provides a help and advocacy service for those that need additional support			
2	Provide facilities to make payment by direct debit.	Helps new charge payers manage regular payments and avoids people falling into arrears			

COUNCIL

AGENDA ITEM 10 – COUNCIL TAXBASE AND CTR SCHEME FOR 2018

RECOMMENDATION OF CABINET MEETING HELD ON 8 DECEMBER 2017;

- 1) That Options 4 and 6 as detailed within the considered report be approved.
- 2) That authority be delegated to the Service Director (Finance, IT and Transactional Services) to approve the taxbase as a result of changes to the scheme, and that the impact be incorporated into the budget report to be submitted to Council on 14 February 2018.

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Name and date of meeting: Council
13 December 2017

Title of report: Half Yearly Monitoring report on Treasury Management activities 2017/18

Purpose of report

The Council has adopted the CIPFA Code of Practice on Treasury Management. It is a requirement of the Code that regular reports be submitted to Members detailing treasury management operational activity. This report is the mid-year for 2017/18 covering the period 1 April to 30 September 2017.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Key Decision: Yes Private Report/Private Appendix: N/A
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by Strategic Director and name	Jacqui Gedman – 9 November 2017
Date signed off by Service Director	Debbie Hogg – 8 November 2017
Is it also signed off by the Service Director Legal, Governance and Commissioning (Monitoring Officer)?	Julie Muscroft – 9 November 2017
Cabinet member portfolio	Corporate Graham Turner Musarrat Khan

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

1 Summary

- 1.1 The report gives assurance that the Council's treasury management function is being managed prudently and pro-actively. External investments averaged £41.3 million during the period at an average rate of 0.20%. Investments have ranged from a peak of £59.8m in August and a low of £23.2m in September.
- 1.2 Balances were invested in line with the approved treasury management strategy (see Appendix 1), in instant access accounts or short-term deposits.
- 1.3 The treasury management revenue budget is forecasted to marginally underspend by £100k in 2017/18 against an annual budget provision of £22.2m.
- 1.4 In-year treasury management performance is in line with the treasury management prudential indicators set for the year (see appendix 4).
- 1.5 A new regulatory update comes into force from 3 January 2018, which means that the Council is required to formally apply to renew its status as a 'professional client' for the purposes of continuing to invest with or borrow from regulated financial services firms, such as money market funds. This report recommends that the Council formally applies on this basis.
- 1.6 The Chartered Institute of Public Finance & Accountancy (CIPFA) is currently consulting with the sector on a number of proposed changes to the current Treasury Management and Prudential codes of practice, to be implemented from April 2018 onwards. This report summarises the key proposals and implications.
- 1.7 The report also includes a recommendation for the formal adoption of a pro-active cash flow management approach between the Council and its wholly owned arms-length management organisation, Kirklees Neighbourhood Housing), as an integral part of effective treasury management strategy of the respective organisations.

2 Information required to take a decision

- 2.1 The treasury management strategy for 2017/18 was approved by Council on 15 February 2017. The over-riding policy continues to be one of ensuring the security of the Council's balances. The Council aims to invest externally balances of around £30 million, largely for the purpose of managing day-to-day cash flow requirements, with any remaining balances invested "internally", offsetting borrowing requirements.

The investment strategy is designed to minimise risk, with investments being made primarily in instant access accounts or short-term deposits, with the major British owned banks and building societies, or Money Market Funds. Diversification amongst counterparties is key.

Economic Context

- 2.2 The following economic update has been provided via our external advisors Arlingclose (paragraphs 2.3 to 2.5 below in italics):
- 2.3 *Prime Minister Theresa May called an unscheduled General Election in June 2017, to resolve uncertainty but the surprise result has led to a minority Conservative government in coalition with the Democratic Unionist Party. This clearly results in an enhanced level of political uncertainty. Although the potential for a so-called hard Brexit is diminished, lack of clarity over future trading partnerships, in particular future customs agreements with the rest of the EU block, is denting business sentiment and investment. The reaction from the markets on the UK election's outcome was fairly muted, business confidence now hinges on the progress (or not) on Brexit negotiations, the ultimate 'divorce bill' for the exit and whether new trade treaties and customs arrangements are successfully concluded to the UK's benefit.*
- 2.4 *In the face of a struggling economy and Brexit-related uncertainty, Arlingclose expects the Bank of England to take only a very measured approach to any monetary policy tightening, any increase will be gradual and limited as the interest rate backdrop will have to provide substantial support to the UK economy through the Brexit transition.*
- 2.5 *Ring-fencing, which requires the larger UK banks to separate their core retail banking activity from the rest of their business, is expected to be implemented within the next year.*

Investment Performance

- 2.6 The Council invested an average balance of £41.3 million externally during the period (£44.8 million in the first six months of 2016/17), generating £42k in investment income over the period.
- 2.7 Balances were invested in instant access accounts or short term deposits. Appendix 1 shows where investments were held at the start of April, the end of June and September by counterparty, by sector and by country.
- 2.8 The Council's average investment rate for the period was 0.20%. This is lower than the average for 2016/17 of 0.46%. This is due to the base rate cut to 0.25% from August 2016 and consequential impact on investment interest rates from this date onwards.

Borrowing Performance

- 2.9 Long-term loans at the end September totalled £397.4 million (£400.5 million 31 March 2017) and short-term loans £0.9 million (£37.7 million 31 March 2017). There has been no new external borrowing so far this year. The external borrowing requirement for the year is expected to be around £56m. Any borrowing undertaken is likely to be fairly short-term, mainly to take advantage of very low borrowing rates.

- 2.10 Fixed rate loans account for around 81.3% of total long-term debt giving the Council stability in its interest costs. The maturity profile for fixed rate long-term loans is shown in Appendix 2 and shows that no more than 10% of fixed rate debt is due to be repaid in any one year. This is good practice as it reduces the Council's exposure to a substantial borrowing requirement in future years when interest rates might be at a relatively high level.
- 2.11 The Council has occasionally borrowed small amounts from the Money Market for periods between one to seven weeks at an average rate of 0.23%.
- 2.12 Appendix 5 sets out in year repayments on long term borrowing and also further re-payments for the next 6 months.

Revenue Budget Monitoring

- 2.13 The treasury management budget for 2017/18 currently stands at £22.2m. The latest budget monitoring shows a marginal under-spend of £0.1 million; equivalent to just 0.4%. The under-spend is mainly due to a slightly revised Minimum Revenue Provision (MRP) calculation. The MRP calculation is used to determine the amount of revenue resources that need to be set aside annually by the Council to meet its debt obligations.

Prudential Indicators

- 2.14 The Council is able to undertake borrowing without central government approval under a code of practice called the Prudential Code. Under this Code, certain indicators have to be set at the beginning of the financial year as part of the treasury management strategy.
- 2.15 The purpose of the indicators is to contain the treasury function within certain limits, thereby reducing the risk or likelihood of an adverse movement in interest rates or borrowing decision impacting negatively on the Council's overall financial position. Appendix 4 provides a schedule of the indicators set for treasury management and the latest position.

Borrowing and Investment – General Strategy for 2017/18

- 2.16 The Capital Financing Requirement (CFR) represents the Council's underlying need to finance capital expenditure by borrowing or other long-term liability arrangements.
- 2.17 An authority can choose to finance its CFR through internal or external borrowing or a combination of the two.
- 2.18 Forecast changes in the Capital Financing Requirement (CFR) and how these will be financed are shown in the balance sheet analysis at Table 1 below:

Table 1: Balance Sheet Forecast

	Actual	Strategy	Revised Forecast
	2016/17	2017/18	2017/18
	£m	£m	£m
General Fund CFR - Non PFI	412.8	437.9	414.3
PFI	55.5	52.3	52.3
HRA CFR - Non PFI	186.2	182.8	182.8
PFI	56.8	54.9	54.9
Total CFR	711.3	727.9	704.3
Less: PFI debt liabilities (1)	112.3	107.2	107.2
Borrowing CFR	599.0	620.7	597.1
<u>Financed via:</u>			
Deferred Liabilities (Non-PFI) (2)	4.1	4.0	4.0
Internal Borrowing	156.7	104.4	136.6
External Borrowing	438.2	512.3	456.5
Total	599.0	620.7	597.1
Investments	31.3	30.0	30.0

(1) £112.3m PFI Liability (£5.1m falling due in 2017/18)

(2) Deferred Liabilities = £1.0m Finance Lease (Civic Centre 1) & £3.1m Transferred Debt (Probation - Bradford, Waste Mgt - Wakefield & Magistrates Debt Charges)

2.19 The revised forecast takes into account the following factors;

- a) General Fund CFR has reduced from £437.9m to £414.3m due to further slippage in the Capital Plan throughout the last quarter of 2016/17 and also forecasted Capital Plan Expenditure in 2017/18 as reported in Quarter 2 monitoring.
- b) Internal borrowing was forecasted in the Strategy to be £104.4m, this has now been revised up to £136.6m due to lower than forecasted use of reserves.

2.20 The Council currently looks to maximise internal borrowing due to the relatively low rates of investment income available within the scope of the Treasury Management Strategy. However, because of the use of reserves in supporting the MTFP over recent years this has required the Council to convert internal borrowing to external.

Risk and Compliance issues

2.21 On occasions when the Council has received unexpected monies late in the day, officers have had no alternative but to put the monies into the Barclays Business Reserve Account overnight. This has led to a marginal breach of the investment limit on Barclays on each occasion. Notable occasions were a receipt of £1.03m for sale of land at Dewsbury to Kirklees College and also a £0.632m receipt from N Kirklees CCG late in the day. In addition 1 day in May and 1 in June, a Barclays'

software problem prevented the Council from transmitting funds to other counterparty deposit accounts.

2.22 On the May occasion the Council had limited balances of under £0.25 million and in June the Council was actually within an overdraft position. The Council were not penalised for using the credit facility on this occasion.

2.23 In line with the investment strategy, the Council has not placed any direct investments with companies as defined by the Carbon Underground 200.

Council 'Professional Client' Status

2.24 Local authorities are currently treated by regulated financial services firms as professional clients who can “opt down” to be treated as retail clients instead. But from 3rd January 2018, as a result of the second Markets in Financial Instruments Directive (MiFID II), local authorities will be treated as retail clients who can “opt up” to be professional clients, providing that they meet certain criteria. Regulated financial services firms include banks, brokers, advisers, fund managers and custodians, but only where they are selling, arranging, advising or managing designated investments.

2.25 In order to opt up to professional client status, the authority must have an investment balance of at least £10 million and the person(s) authorised to make investment decisions on behalf of the authority must have at least one year's relevant professional experience. In addition, the firm must assess that that person has the expertise, experience and knowledge to make investment decisions and understand the risks involved.

2.26 In order to continue to have the widest opportunities to invest within the scope of the Council's current treasury management strategy, the officer recommendation is for the Council to “Opt up” to become a professional client, to maintain the current status the Council has to invest.

CIPFA Treasury Management Codes - Consultation

2.27 In February 2017 CIPFA canvassed views on the relevance, adoption and practical application of the existing Treasury Management and Prudential Codes and after reviewing responses launched a further consultation on changes to the codes in August 2017.

2.28 The proposed changes to the Prudential Code include the production of a new high-level Capital Strategy report to full council which will cover the basics of the capital programme and treasury management. The prudential indicators for capital expenditure and the authorised borrowing limit would be included in this report but other indicators could be delegated to another committee.

2.29 There are plans to drop certain prudential indicators, but local indicators are recommended for ring fenced funds (including the HRA) and for group accounts. Other proposed changes include applying the principles of the Code to subsidiaries.

- 2.30 Current Council Treasury Management Strategy incorporates the twelve Treasury Management Practices (TMP) which form part of the existing CIPFA Treasury Management Code, and these are included at Appendix 6 for reference.
- 2.31 These TMP's currently include pre-existing references to 'Director of Resources', and it recommended that these references be amended to 'Chief Finance Officer' (consistent with updated Financial Procedure Rules). For these purposes, Chief Finance Officer is the person so designated as the section 151 of the Local Government Act 1972 from time to time by the Chief Executive; currently the Service Director Finance, IT and Transactional Services.
- 2.32 It is anticipated that the existing twelve TMP's as set out at Appendix 6 will remain intact as a result of the consultation. Proposed additions to the Treasury Management Code include the potential for non-treasury investments such as commercial investments in properties, to be included in the definition of "investments", as well as loans made or shares brought for service purposes. Another proposed change is the inclusion of financial guarantees as instruments requiring risk management, which would need to be addressed within the Treasury Management Strategy.
- 2.33 The consultation further proposes that approval of the technical detail of the Treasury Management Strategy may be delegated to a committee rather than needing approval of full Council. There are also plans to drop or alter some of the current treasury management indicators.
- 2.34 CIPFA intends to publish the two revised Codes towards the end of 2017 for implementation in 2018/19, although CIPFA plans to put transitional arrangements in place for reports that are required to be approved before the start of the 2018/19 financial year.
- 2.35 The Department of Communities and Local Government (DCLG) and CIPFA wish to have a more rigorous framework in place for the treatment of commercial investments as soon as is practical. DCLG is looking to revise its Investment Guidance and its MRP guidance for local authorities in England, and issued a technical consultation on 7 November, which runs to 22 December 2017.
- 2.36 The revised CIPFA codes are expected to be published in Dec 2017, and will be formally incorporated into the Council's 2018/19 Treasury Management Strategy as appropriate, taking into account any transitional arrangements. The outcome of the current DCLG consultation on investment guidance and MRP will also be taken into account, as appropriate.

Council Treasury Management and other Organisations

- 2.37 Kirklees Neighbourhood Housing (KNH) is an arms length management organisation which provides landlord services on the Council's behalf, to about 23,000 tenants and leaseholders, as well as property services (repair and

enhancements) to other Council stock. KNH is a separate but wholly owned Council company.

- 2.38 Following the merger of the Council's Building Services operation with Kirklees Neighbourhood Housing (KNH) from April 2017, there has been a significant increase in KNH annual turnover, from about £14m previously, to an estimated £58m. On an operational level, KNH cashflow management is significantly shaped both by the timing of Fee payments from the Council, and the timing of charges to the Council for property work undertaken.
- 2.39 The current management agreement between the Council and KNH was signed on 16 October 2017, and includes provision for both parties to review the timing of Fee payments and charges in-year between the respective organisations, to support effective 'liquidity risk' cashflow management.
- 2.40 It is recommended that as part of a robust risk management strategy (as set out at TMP1 attached at Appendix 6), as a wholly owned subsidiary of Kirklees Council, KNH shall further have the ability to lend to or borrow from the Council to support their operational cashflow requirements, and at rates of interest no less onerous than those attached to the reference loan from which the funds are derived. These loans will be repayable on demand.
- 2.41 KNH has reviewed its current Treasury Management policy and at its Resources Committee on 2 November, adopted the CIPFA Treasury Management Code as part of their treasury management revision. This also included incorporation of the proposals as set out at para 2.40 above, subject to Council approval.
- 2.42 The Council is a shareholder of Yorkshire Purchasing Organisation (YPO), and YPO's own Treasury Management Strategy is based around cash liquidity before financial returns and therefore minimising risk. Any cash may be invested within the same counterparties as the Council. The Council's pro-rata share of the YPO limit per counterparty is £150k.
- 2.43 Whilst the Council and YPO may be investing in the same counterparties, the Council's share of YPO counter-party limit is a maximum of 1.5% on top of the Council's own £10m counterparty limit, and is therefore not considered material enough for the Council to lower its own counterparty limit. This will be monitored moving forward to ensure that the Council's exposure to risk does not become material.

3 Implications for the Council

- 3.1 The treasury management underspend has been incorporated into the overall Quarter 2 financial monitoring report to Cabinet on 21 November.
- 3.2 The outcome of the CIPFA Prudential and Treasury Management Code consultation will be incorporated as appropriate in the Council's forthcoming annual budget report which will incorporate the 2018/19 Council treasury management strategy.

3.3 Early Intervention and Prevention (EIP)
N/A

3.4 Economic Resilience (ER)
N/A

3.5 Improving Outcomes for Children
N/A

3.6 Reducing Demand for Services
N/A

4 Consultees and their opinions

This report was also considered at Corporate Governance and Audit Committee on 17 November 2017. Arlingclose, the treasury management advisors to the Council, have provided the economic context commentary contained in this report, and advice on the CIPFA Code consultation.

5 Next steps

For Full Council to approve the recommendations of this report.

6 Officer recommendations and reasons

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

- i) note the half-year treasury management performance in 2017-18 as set out in the report;
- ii) approve the “Opt up” application to professional client status as part of the Markets in Financial Instruments Directive in order for the Council to continue to be able to access the widest range of instruments in line with approved strategy, from January 2018;
- iii) approve the changes as set out in Appendix 6 regarding current Treasury Management Practices wording and the substitution of Director of Resources with Chief Finance Officer;
- iv) note the CIPFA consultation on the current treasury management and prudential codes and that any revisions will be incorporated as appropriate into the forthcoming Treasury Management strategy 2018/19; and
- v) approve the ‘liquidity risk’ management strategy and approach in relation to the Council and Kirklees Neighbourhood Housing.

7 Contact officer

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James Buttery	Finance Manager	01484 221000

8 Background Papers and History of Decisions

CIPFA's Prudential Code for Capital Finance in Local Authorities.
CIPFA's Code of Practice on Treasury Management in the Public Services.
The treasury management strategy report for 2017/18 - Council 15 February 2017
CIPFA 2017 consultation - Prudential and Treasury Management Codes
DCLG 2017 consultations – treasury management investment guidance and MRP

9 Service Director responsible

Debbie Hogg	01484 221000
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Kirklees Council Investments 2017-18													
Counterparty	Approved Strategy Limit £m	Approved Strategy Credit Rating	Credit Rating Sept 2017*	1 April 2017 (opening)			30 June 2017			30 September 2017			
				£m	Interest Rate	Type of Investment	£m	Interest Rate	Type of Investment	£m	Interest Rate	Type of Investment	
Specified Investments													
Bank of Scotland	Bank	10.0	F1	F1/A+	1.2	0.20%	Instant	5.8	0.20%	Instant		0.10%	Instant Access
Handelsbanken	Bank	10.0	F1	F1+/AA	0.0	0.20%	Instant	8.0	0.20%	Instant	8.0	0.20%	Instant Access
Leeds	BS	10.0	F1	F1/A-				3.0	0.22%	1			
Std Life (Ignis)	MMF**	10.0	AAA-A	AAA	8.7	0.29%	MMF	10.0	0.24%	MMF	10.0	0.20%	MMF
Aviva	MMF**	10.0	Aaa-A2	Aaa	7.3	0.20%	MMF	10.0	0.17%	MMF	10.0	0.16%	MMF
Deutsche	MMF**	10.0	AAA-A	AAA	6.9	0.20%	MMF	2.9	0.15%	MMF		0.13%	MMF
Goldman Sachs	MMF**	10.0	AAA-A	AAA	7.1	0.20%	MMF	2.9	0.15%	MMF	3.5	0.13%	MMF
					31.2			42.6			31.5		
Sector analysis													
Bank		10.0 each			1.2	4%		13.8	32%		8.0	25%	
Building Society		10.0 each						3.0	7%				
MMF**		40.0			30.0	96%		25.8	61%		23.5	75%	
Local Authorities/Cent Govt		Unlimited											
					31.2	100%		42.6	100%		31.5	100%	
Country analysis													
UK					1.2	4%		8.8	21%		0.0	0%	
Sweden						0%		8.0	19%		8.0	25%	
MMF**					30.0	96%		25.8	60%		23.5	75%	
					31.2	100%		42.6	100%		31.5	100%	

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

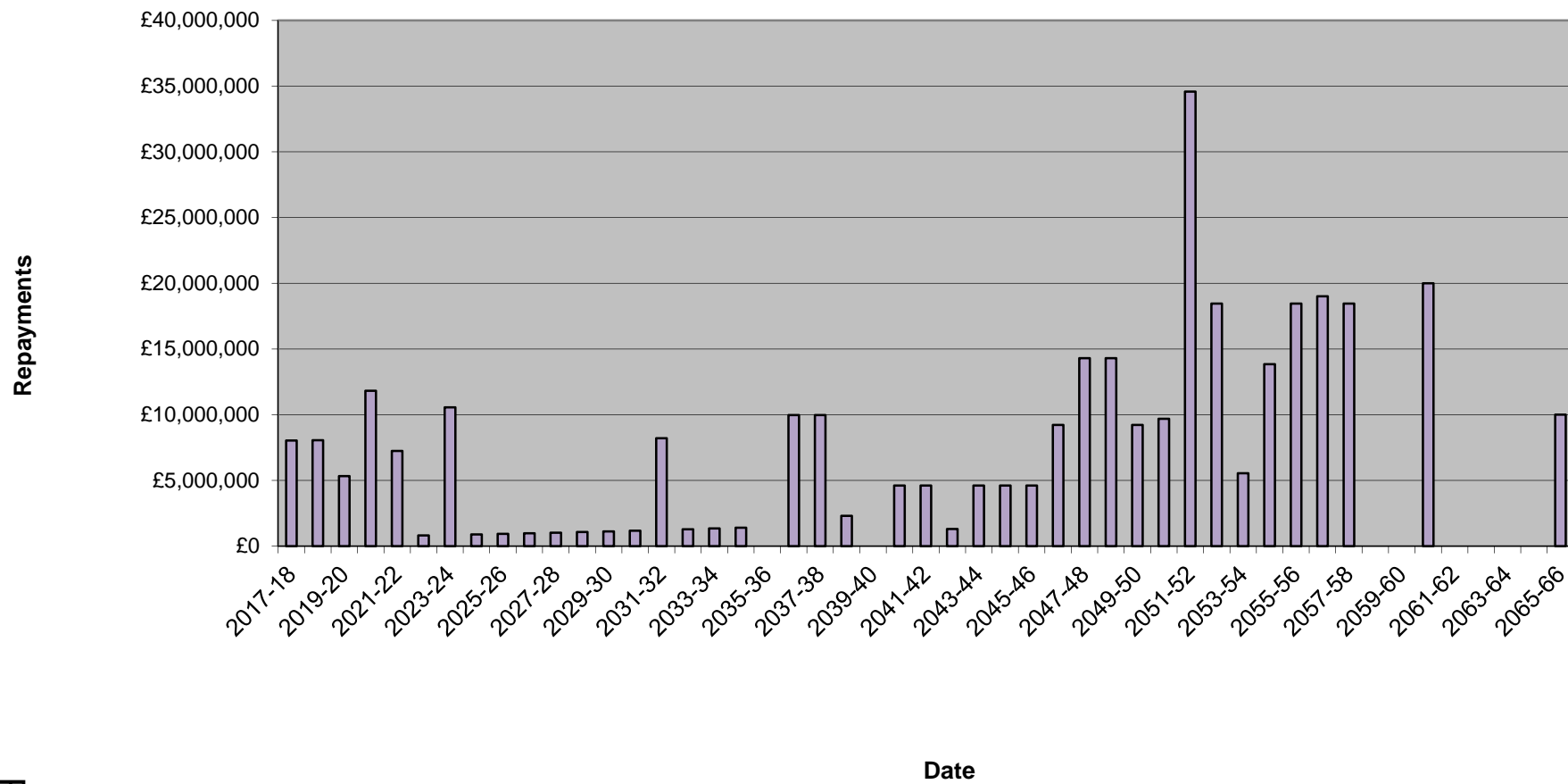
**MMF – Money Market Fund. These funds are domiciled in Ireland for tax reasons, but the funds are made up of numerous diverse investments with highly rated banks and other institutions. The credit risk is therefore spread over numerous countries, including the UK. The exception to this is the Aviva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

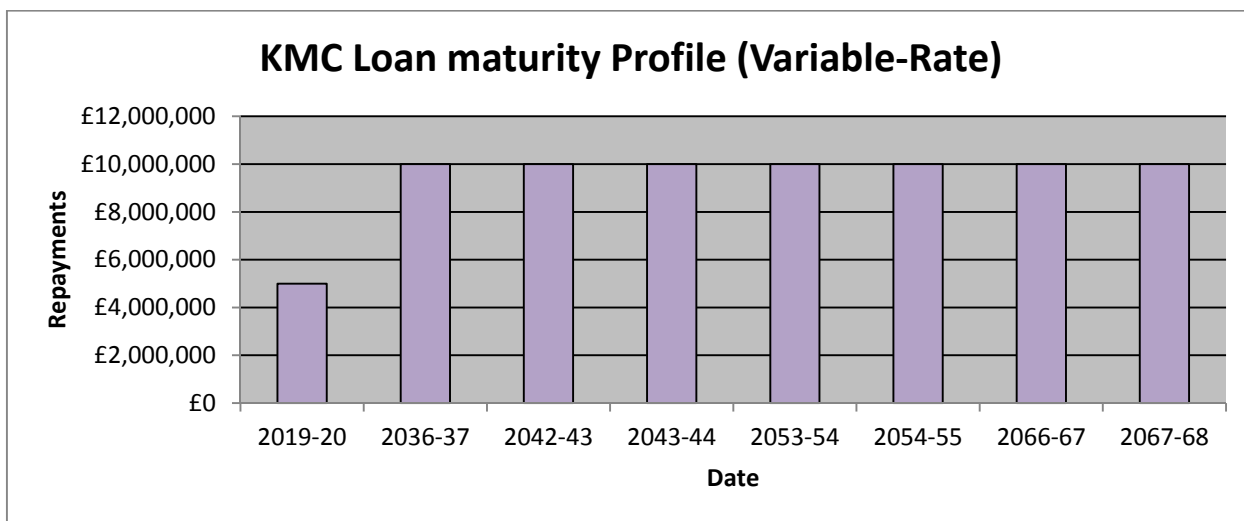
Key – Fitch’s credit ratings:

Appendix 1 Continued

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

KMC Loan Maturity Profile (Fixed-Rate)





The above maturity repayments are based on principal amounts excl. any adjustment for fair values and therefore will not reconcile to table 2 in 2.15

Treasury Management Prudential Indicators

Interest Rate Exposures

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

	Limit Set 2017 - 18	Estimated Actual* 2017 - 18
Interest at fixed rates as a percentage of net interest payments	60% - 100%	81%
Interest at variable rates as a percentage of net interest payments	0% - 40%	19%

*The estimated actual is within the limits set.

The table below further examines the Councils External Borrowing over 1 year

	Actual 2016/17 £m	Strategy 2017/18 £m	Revised Forecast 2017/18 £m	Estimated Forecast 2017/18 %
External Borrowing over one year :	400.5	392.3	392.3	100%
Fixed Rate	324.7	316.5	316.5	81%
Variable Rate (LOBO)	75.8	75.8	75.8	19%

Maturity Structure of Borrowing

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

Amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate	Limit Set 2017 - 18	Est'd Actual 2017 - 18
Under 12 months	0% - 20%	4%
12 months to 2 years	0% - 20%	2%
2 years to 5 years	0% - 60%	6%
5 years to 10 years	0% - 80%	4%
More than 10 years	20% - 100%	84%

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

Total principal sums invested for periods longer than 364 days

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

APPENDIX 5

Long-term loans repaid during the period 01/04/17 to 30/09/17

	Amount £000s	Rate %	Date repaid
PWLB (498358) - Maturity	2,768	4.24	21 Aug 17
PWLB (496956) - Annuity	322	4.58	29 Sept 17
Total	3,090		

Long-term loans to be repaid during the period 01/10/17 to 31/03/2018

	Amount £000s	Rate %	Date to be repaid
PWLB (476734) – Maturity	4,613	8.38	06 Dec 17
PWLB (496956) - Annuity	330	4.58	29 Mar 17
Total	4,943		

TREASURY MANAGEMENT PRACTICES

The following Treasury Management Practices (TMPs) set out the manner in which the Council aims to achieve its treasury management policies and objectives, and how it will manage and control those activities.

1. TMP 1 Risk management

The ~~Director of Resources~~ Chief Finance Officer will design, implement and monitor all arrangements for the identification, management and control of treasury management risk, will report at least annually on the adequacy/suitability thereof, and will report, as a matter of urgency, the circumstances of any actual or likely difficulty in achieving the organisation's objectives in this respect, all in accordance with the procedures set out in TMP6 Reporting requirements and management information arrangements. In respect of each of the following risks, the arrangements which seek to ensure compliance with these objectives are set out in the schedule to this document.

(i) Credit and counterparty risk management

The Council regards a prime objective of its treasury management activities to be the security of the principal sums it invests. Accordingly, it will ensure that its counterparty lists and limits reflect a prudent attitude towards organisations with which funds may be deposited, and will limit its investment activities to the instruments, methods and techniques referred to in TMP4 Approved Instruments, methods and techniques and listed in the schedule to this document. It also recognises the need to have, and will therefore maintain, a formal counterparty policy in respect of those organisations from which it may borrow, or with whom it may enter into other financing arrangements.

(ii) Liquidity risk management

The Council will ensure it has adequate though not excessive cash resources, borrowing arrangements, overdraft or standby facilities to enable it at all times to have the level of funds available to which are necessary for the achievement of its business/service objectives. The Council will only borrow in advance of need where there is a clear business case for doing so and will only do so for the current capital programme or to finance future debt maturities.

(iii) Interest rate risk management

The Council will manage its exposure to fluctuations in interest rates with a view to containing its net interest costs, or securing its interest revenues, in accordance with the amounts provided in its budgetary arrangements.

It will achieve these objectives by the prudent use of its approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of interest rates. The above are subject at all times to the consideration and, if required, approval of any policy or budgetary implications.

(iv) Exchange rate risk management

The Council will manage its exposure to fluctuations in exchange rates so as to minimise any detrimental impact on its budgeted income/expenditure levels.

(v) Refinancing risk management

The Council will ensure that its borrowing, private financing and partnership arrangements are negotiated, structured and documented, and the maturity profile of the monies so raised are managed, with a view to obtaining offer terms for renewal or refinancing, if required, which are competitive and as favourable to the organisation as can reasonably be achieved in the light of market conditions prevailing at the time.

It will actively manage its relationships with its counterparties in these transactions in such a manner as to secure this objective, and will avoid over-reliance on any one source of funding if this might jeopardise achievement of the above.

(vi) Legal and regulatory risk management

The Council will ensure that all of its treasury management activities comply with its statutory powers and regulatory requirements. It will demonstrate such compliance, if required to do so, to all parties with whom it deals in such activities. In framing its credit and counterparty policy under TMP1(i) Credit and counterparty risk management, it will ensure that there is evidence of counterparties' powers, authority and compliance in respect of the transactions they may effect with the Council.

The Council recognises that future legislative or regulatory changes may impact on its treasury management activities and, so far as it is reasonably able to do so, will seek to minimise the risk of these impacting adversely on the organisation.

(vii) Fraud, error and corruption, and contingency management

The Council will ensure that it has identified the circumstances which may expose it to the risk of loss through fraud, error, corruption or other eventualities in its treasury management dealings. Accordingly, it will employ suitable systems and procedures, and will maintain effective contingency management arrangements, to these ends.

(viii) Market risk management

The Council will seek to ensure that its stated treasury management policies and objectives will not be compromised by adverse market fluctuations in the value of the principal sums it invests, and will accordingly seek to protect itself from the effects of such fluctuations.

2. TMP2 Performance measurement

The Council is committed to the pursuit of value for money in its treasury management activities, and to the use of performance methodology in support of that aim, within the framework set out in its Treasury Management Policy Statement.

Accordingly, the treasury management function will be the subject of ongoing analysis of the value it adds in support of the Council's stated business or service objectives. It will be the

subject of regular examination of alternative methods of service delivery and of other potential improvements. The performance of the treasury management function will be measured using the criteria set out in the schedule to this document.

3. **TMP3 Decision-making and analysis**

The Council will maintain full records of its treasury management decisions, and of the processes and practices applied in reaching those decisions, both for the purposes of learning from the past, and for demonstrating that reasonable steps were taken to ensure that all issues relevant to those decisions were taken into account at the time. The issues to be addressed and processes and practices to be pursued in reaching decisions are detailed in the schedule to this document.

4. **TMP4 Approved instruments, methods and techniques**

The Council will undertake its treasury management activities by employing only those instruments, methods and techniques detailed in the schedule to this document, and within the limits and parameters defined in TMP1 Risk management.

Where the Council intends to use derivative instruments for the management of risks, these will be limited to those set out in its annual treasury strategy. The Council will seek proper advice when entering into arrangements to use such products.

5. **TMP5 Organisation, clarity and segregation of responsibilities, and dealing arrangements**

The Council considers it essential, for the purposes of the effective control and monitoring of its treasury management activities, and for the reduction of the risk of fraud or error, and for the pursuit of optimum performance, that these activities are structured and managed in a fully integrated manner, and that there is at all times a clarity of treasury management responsibilities.

The principles on which this will be based is a clear distinction between those charged with setting treasury management policies and those charged with implementing and controlling these policies, particularly with regard to the execution and transmission of funds, the recording and administering of treasury management decisions, and the audit and review of the treasury management function.

If and when the Council intends, as a result of lack of resources or other circumstances, to depart from these principles, the ~~Director of Resources~~ Chief Finance Officer will ensure that the reasons are properly reported in accordance with TMP6 Reporting requirements and management information arrangements, and the implications properly considered and evaluated.

The ~~Director of Resources~~ Chief Finance Officer will ensure that there are clear written statements of the responsibilities for each post engaged in treasury management, and the arrangement for absence cover. The present arrangements are detailed in the schedule to this document.

The ~~Director of Resources~~ Chief Finance Officer will ensure there is proper documentation for all deals and transactions, and that procedures exist for the effective transmission of funds. The present arrangements are detailed in the schedule to this document.

The delegation to the ~~Director of Resources~~ Chief Finance Officer in respect of treasury management is set out in the schedule to this document. The ~~Director of Resources~~ Chief Finance Officer will fulfil all such responsibilities in accordance with the Council's policy statement and TMPs and, as a CIPFA member, the Standard of Professional Practice on Treasury Management.

6. **TMP6 Reporting requirements and management information arrangements**

The Council will ensure that regular reports are prepared and considered on the implementation of its treasury management policies; on the effects of decisions taken and the transactions executed in pursuit of those policies; on the implications of changes, particularly budgetary, resulting from regulatory, economic, market or other factors affecting its treasury management activities; and on the performance of the treasury management function.

As a minimum, the Council will receive:

- an annual report on the strategy and plan to be pursued in the coming year
- a mid-year review
- an annual report on the performance of the treasury management function, on the effects of the decisions taken and the transactions executed in the past year, and on any circumstances of non-compliance with the organisation's Treasury Management Policy Statement and TMPs.

The present arrangements and the form of these reports are detailed in the schedule to this document.

7. **TMP7 Budgeting, accounting and audit arrangements**

The ~~Director of Resources~~ Chief Finance Officer will prepare, and the Council will approve and, if necessary, from time to time amend, an annual budget for treasury management, which will bring together all of the costs involved in running the treasury management function, together with associated income. The matters to be included in the budget will at a minimum be those required by statute or regulation, together with such information as will demonstrate compliance with the TMPs. Budgeting procedures are set out in the schedule to this document. The ~~Director of Resources~~ Chief Finance Officer will exercise effective controls over this budget, and will report any major variations.

The Council will account for its treasury management activities, for decisions made and transactions executed, in accordance with appropriate accounting practices and standards, and with statutory and regulatory requirements in force for the time being. The present form of this function's accounts is set out in the schedule to this document.

The Council will ensure that its auditors, and those charged with regulatory review, have access to all information and papers supporting the activities of the treasury management function as are necessary for the proper fulfilment of their roles, and that such information and papers demonstrate compliance with external and internal policies and approved practices. The information made available under present arrangements is detailed in the schedule to this document.

8. TMP8 Cash and cash flow management

Unless statutory or regulatory requirements demand otherwise, all monies in the hands of the Council will be under the control of the ~~Director of Resources~~ Chief Finance Officer and, with the exception of Secondary Schools' bank accounts, will be aggregated for cash flow purposes. Cash flow projections will be prepared on a regular and timely basis, and the ~~Director of Resources~~ Chief Finance Officer will ensure that these are adequate for the purposes of monitoring compliance with TMP1(i) Liquidity risk management. The present arrangements for preparing cash flow projections are set out in the schedule to this document.

9. TMP9 Money laundering

The Council is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly, it will ensure that staff involved in treasury management activities are fully aware of their responsibilities with regards this. The present safeguards, including the name of the officer to whom any suspicions should be reported, are detailed in the schedule to this document.

10. TMP10 Training and qualifications

The Council recognises the importance of ensuring that all staff involved in the treasury management function are fully equipped to undertake the duties and responsibilities allocated to them. It will therefore seek to appoint individuals who are both capable and experienced and will provide training for staff to enable them to acquire and maintain an appropriate level of expertise, knowledge and skills. The present arrangements are detailed in the schedule to this document.

The ~~Director of Resources~~ Chief Finance Officer will ensure that Members of the committee providing a scrutiny function have access to regular training relevant to their responsibilities.

11. TMP11 Use of external service providers

The Council recognises that responsibility for treasury management decisions remains with the organization at all times. However, it also recognises the potential value of employing external providers of treasury management services, in order to acquire access to specialist skills and resources.

When it employs such service providers, it will ensure it does so for reasons which will have been submitted to full evaluation of the costs and benefits. It will also ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review. And it will ensure, where feasible and necessary, that a spread of service providers is used, to avoid over-reliance on one or a small number of companies.

Where services are subject to formal tender or re-tender arrangements, legislative requirements and the Council's Contract Procedure Rules will always be observed. The

monitoring of such arrangements rests with the ~~Director of Resources~~ Chief Finance Officer, and details of the current arrangements are set out in the schedule to this document.

12. TMP12 Corporate governance

The Council is committed to the pursuit of proper corporate governance throughout its businesses and services, and to establishing the principles and practices by which this can be achieved. Accordingly, the treasury management function and its activities will be undertaken with openness and transparency, honesty, integrity and accountability.

The Council has adopted and has implemented the key principles of the Code. This, together with the other arrangements detailed in the schedule to this document, are considered vital to the achievement of proper corporate governance in treasury management, and the ~~Director of Resources~~ Chief Finance Officer will monitor and, if necessary, report upon the effectiveness of these arrangements.

COUNCIL MEETING

Wednesday 13 December 2017

AGENDA ITEM 12 – WRITTEN QUESTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 12

**(1) Question by Councillor Cooper to The Cabinet Member for Corporate
(Councillor Khan)**

“When will the play area that the Council has removed between Manor Rise and Manor Street, Newsome, be replaced?”

The Cabinet Member to respond

**(2) Question by Councillor Cooper to The Cabinet Member for Corporate
(Councillor Khan)**

“Why did the report on the changes to Bereavement Services charges go forward to the Cabinet meeting in September?”

The Cabinet Member to respond

**(3) Question by Councillor Cooper to The Cabinet Member for Corporate
(Councillor Khan)**

“Given the predictable nature of the responses to the engagement exercise on Bereavement Charges how and when will the Council respond?”

The Cabinet Member to respond

**(4) Question Councillor Cooper to The Cabinet Member for Economy
(Councillor Mather)**

“What action has the Council taken to implement the recommendations of the motion on flying lanterns passed by Full Council on 2 September 2015?”

The Cabinet Member to respond

**(5) Question by Councillor Cooper to The Deputy Leader of the Council
(Councillor Pandor)**

“We understand that you will be leading for the Cabinet on the Kirklees Budget.

Can you detail for us your priorities in the Budget Setting Process?”

The Deputy Leader to respond

(6) Question by Councillor Cooper to The Cabinet Members for Economy (Councillors Mather /McBride)

“When will Cabinet consider the Passivhaus report referred from Policy Committee several months ago?”

The Cabinet Member to respond

(7) Question by Councillor Burke to The Cabinet Member for Economy (Councillor Mather)

“What proportion of plastic in Kirklees’ domestic waste is recycled?”

The Cabinet Member to respond

(8) Question by Councillor Burke to The Cabinet Member for Children (Councillor Ahmed)

“The Kirklees population is estimated to be 461,500 by 2025, an increase of 27,200 people from 2015. What provision is being made for new schools and school places?”

The Cabinet Member to respond

(9) Question by Councillor N Turner to The Cabinet Member for Corporate (Councillor Khan)

“In regard to gritting night patrols, please would the Cabinet member inform us as to how these patrols are carried out in particular with reference to vehicles used and exactly what equipment is used to measure the temperature?”

The Cabinet Member to respond

(10) Question by Councillor N Turner to The Cabinet Member for Corporate (Councillor Khan)

“Please would the Cabinet member tell us how residents are to be informed about which bins are being collected on which days now that the Council is no longer providing a calendar?”

The Cabinet Member to respond

(11) Question by Councillor N Turner to The Cabinet Member for Corporate (Councillor Khan)

“Please would the Cabinet Member tell me when I can expect the Speed Indicator Device in Outlane to be repaired/replaced?”

The Cabinet Member to respond

(12) Question by Councillor Eastwood to The Cabinet Member for Corporate (Councillor G Turner)

“How much capital has the Council borrowed to invest in developments that are not related to land or buildings owned by the Council (for instance, the HD One hotel)?”

The Cabinet Member to respond

(13) Question by Councillor N Turner to The Cabinet Member for Economy (Councillor Mather)

“How much fly-tipping has been recorded since the bulky waste collection became a paid for service?”

The Cabinet Member to respond

(14) Question by Councillor A Pinnock to The Cabinet Member for Corporate (Councillor Khan)

“All Councillors have had emails from Messrs Badat of the Snowdon Street mosque in Batley about the rise in burial fees. How does the Cabinet Member respond to the questions posed by these emails?”

The Cabinet Member to respond

(15) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)

“Who is liable if a legal challenge is made to penalty notices given by Kingdom?”

The Cabinet Member to respond

(16) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)

“What lessons have been learnt from wrongly issued penalty notices given by Kingdom officers in the Mereside area in the Almondbury ward?”

The Cabinet Member to respond

(17) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)

“What % of a £75 penalty notice goes to Kirklees Council?”

The Cabinet Member to respond

(18) Question by Councillor McGuin to The Cabinet Member for Economy (Councillor Mather)

“Research from Cumbria University shows that firms like Kingdom fail to change the behaviour of people and that there is no incentive for Kingdom, or others, to change behaviour because they rely on giving out penalty notices rather than advice. Do you agree?”

The Cabinet Member to respond

(19) Question by Councillor Watson to The Cabinet Member for Corporate (Councillor Khan)

“When in 2017 are the last dates for Green and Grey bin collections in Carr Hill Road, Upper Cumberworth, and when are the first collections scheduled in 2018?”

The Cabinet Member to respond

(20) Question by Councillor Watson to The Cabinet Member for Corporate (Councillor Khan)

“The Chairman of Dewsbury County Conservative Association recently wrote directly to the Secretary Of State for Communities and Local Government following concerns raised by local residents that the proposed increased charges for funeral services on a Friday afternoon might be considered discriminatory towards the Muslim Community.

Have the Council now revised its burial fee proposals in light of such concerns?”

The Cabinet Member to respond

(21) Question by Councillor Watson to The Chair of Planning Sub Committee (Heavy Woollen Area) (Councillor Kane)

“Planning consent was granted some time ago for the development of circa 200 dwellings at Pilling Lane Scissett.

- i) When was the long stop date for commencing the development in accordance with the planning Permission?
- ii) Did work commence on site before that date?
- iii) If so who took the decision that they were satisfied work had commenced?
- iv) Upon what evidence was this decision taken?
- v) When was the decision taken?”

The Chair of Planning Sub Committee to respond

(22) Question by Councillor Watson to The Chair of Planning Sub Committee (Heavy Woollen Area) (Councillor Kane)

“In relation to the aforementioned planning permission at Pilling Lane Scissett;

- i) Was there a requirement for a Construction Management Plan to be agreed before works could commence on site?
- ii) If so when was it submitted?
- iii) If so when was it approved and by whom?”

The Chair of Planning Sub Committee to respond

(23) Question by Councillor Watson to The Cabinet Member for Corporate (Councillor G Turner)

“I understand that the Council Cabinet acts as a trustee of the Scissett Baths Charity. In the past when the charity has disposed of assets the proceeds of sale have been accounted for through the accounts of the council. Have any such transactions passed through the accounts of the council in the last 12 months?”

The Cabinet Member to respond

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 22nd August 2017

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

Apologies: Councillor Shabir Pandor
Councillor Viv Kendrick
Councillor Cathy Scott

303 Membership of the Committee

Apologies for absence were received on behalf of Councillors Kendrick, Pandor and Scott.

304 Minutes of previous meetings

RESOLVED

That the minutes of the meetings held on 25 July and 31 July 2017 be approved as a correct record.

305 Interests

No interests were declared.

306 Admission of the Public

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

307 Deputations/Petitions

Cabinet received the following deputations:

- (a) from Conscious Youth CIC seeking to raise awareness of Motor Neurone Disease among Councillors and the community, and encouraging the Council to adopt the MND charter.
- (b) from local residents of Lockwood regarding the impact of the introduction of a one way system at Victoria Road, Lockwood.

(c) from Mr S Bradbury regarding his access to Council buildings within Kirklees.

The Leader of the Council responded to the deputations.

308 Public Question Time

No questions were asked.

309 Member Question Time

Cabinet received a question from Councillor Cooper asking that urgent attention be given to the issue raised at Agenda Item 5 (Minute No. 3076 refers) regarding Victoria Road, Lockwood.

A response was provided by the Cabinet Member (Councillor Khan).

310 Corporate Financial Monitoring Report - Quarter 1 for 2017-18

Cabinet received a report which provided financial monitoring information in respect of the General Revenue Fund, Housing Revenue Account and Capital Plan, at Quarter 1, 2017-2018. The report advised that the Council's General Fund controllable (net) revenue budget for 2017-2018 was set at £294.7m, which included planned (net) revenue savings of £54m. A further £8.3m of 'temporary resources' had been added to this budget in-year, reflecting a planned drawdown from one-off earmarked reserves to fund a number of one-off deferred expenditure commitments or other developments, which resulted in a revised budget of £302.9m at Quarter 1. There was a forecast overspend of £5.8m against the £302.9m revised budget at Quarter 1, which was equivalent to a 1.9% variance against revised budget.

Cabinet noted that the Council was on track to deliver £49m (net) savings in-year against its £54m savings target, equivalent to 90% achievement, and that the £5.8m forecast overspend represented a shortfall against target savings in-year.

The report advised that General fund reserves were forecast to reduce in-year by £25.2m, to £64.9m and that the forecast reduction included £8.3m earmarked reserves. Of the remaining £64.9m general fund reserves at year end, earmarked reserves totalled £25.6m, and statutory schools reserves totalled £9.8m.

The report also advised that the forecast capital outturn at Quarter 1 was £80.8m, resulting in an underspend of £29.0m, equivalent to 26.4%. It advised that this projected underspend reflected in part the timing in delivery of a number of strategic priority capital schemes, including £8.3m relating to the HD-One development and the revolving credit facility to Kirklees College no longer being required.

Cabinet noted that the report provided a summary of the current and forecast financial performance against revenue and capital budgets, as at Quarter 1, and that the budgets supported the overall delivery of Council objectives and priorities.

RESOLVED

- 1) That the Quarter 1 forecast revenue monitoring overspend be noted.
- 2) That the forecast reduction in general fund reserves in-year at £25.2m and year end position at £64.9m be noted.
- 3) That the favourable in-year financial performance on Collection Fund be noted.
- 4) That the Quarter 1 forecast HRA surplus at £159k, and forecast reserves position at year end at £49.7m, be noted.
- 5) That proposals to bring the forecast £5.8m overspend in line with budgets by year end be noted.
- 6) That proposals to incorporate key intelligence from Quarter 1 monitoring into the forthcoming budget strategy update 2018-2022, as appropriate, be noted.
- 7) That it be noted that further proposals for the use of new Adult Social Care monies will be submitted to Cabinet and Council as part of the budget strategy update report.

311 West Yorkshire +Transport Fund (WY+TF)

Cabinet received a report which requested that consideration be given to underwriting land acquisition costs. The report explained that, further to the Cabinet report of 9 February 2016, the Council was now able to seek funding for the acquisition of land at the Outline Business Case stage which would allow Officers to commence negotiations with landowners to try and secure land at an earlier stage, which could be beneficial. In order to enable the Council to underwrite land acquisition costs until approval for reimbursement is secured from West Yorkshire and Transport Fund, the report requested that the Council establish a rolling 'West Yorkshire Land Acquisition Fund' within the Strategic Regeneration Capital Budget with an initial allocation of £0.85m, whereby the initial scheme in Kirklees where land acquisition would be required would be the A629 Halifax Road (Phase 5) but that other schemes would follow.

Cabinet noted that the fund would be monitored through regular finance reports submitted to the Council's West Yorkshire plus Transport Fund Programme Board.

RESOLVED

- 1) That approval be given to (i) establishing, within the Strategic Regeneration Capital Budget, a rolling 'WYTF Land Acquisition Fund' with an initial allocation of £0.85m (ii) commencing negotiations with land owners for land required to

deliver the A629 Halifax Road (Phase 5) project (iii) developing the WYTF A629 Halifax Road (Phase 5) project to an outline business case stage with a target date of submission in October 2017 (iv) seeking funding approval via the WYCA Investment Committee to continue scheme development in order to achieve full business case status which would permit delivery of the scheme, when accepted, and (v) the submission of a report to Cabinet seeking consideration of full scheme approval and implementation, with authorisation in a similar timeframe to (iv), to enable the WYTF A629 Halifax Road Phase 5 to progress to construction.

- 2) That the exercise of the authority for the Council to acquire parcels of land for highway purposes, where the acquisition price is between £250,000 and £500,000 be delegated to the Service Director (Economy, Regeneration and Culture) to be exercised by the Service Director, in consultation with the relevant Cabinet Portfolio Holder.

312 Dewsbury Rail Station Gateway

Cabinet gave consideration to a report which requested the allocation of £450,000 from the Strategic Priorities Capital Plan to support the delivery of the Dewsbury Rail Station Gateway Scheme. The report advised that the scheme would deliver enhancements to the station forecourt which would enable pedestrian connectivity and improve conditions for the efficient movement of transport. The total cost of the scheme was £950k, of which £500 had already been secured, and it was therefore proposed that £450k be allocated from the Regeneration Capital Plan.

Appendix A to the considered report set out the proposed scheme design which included amendments to the current station parking facilities, the part pedestrianisation of the area outside of the railway station building to improve surface connectivity, the creation of greater public realm space, the retention of a drop off zone and the re-design of crossing arrangements to Wellington Road to create a straight crossing.

The report advised that the transformation was considered as integral to attracting inward investment to Dewsbury, improving the impression of the town centre and providing a catalyst for transformation change.

RESOLVED

That approval be given to capital expenditure of £950k to fund the proposed improvements to Dewsbury Railway Station.

313 Air Quality Management Area Declaration and Update

(Under the provision of Council Procedure Rule 36 (1), Cabinet received representations from Councillors Cooper and Wilson).

Cabinet received a report which provided an update on air quality management, and sought approval for delegated authority to make changes and additional to Air Quality Management Areas (AQMA). The report advised that there were currently two AQMAs within Kirklees and that authority was sought to (i) remove the AQMA in Scout Hill as pollution levels are now below national standards (ii) reduce the size of the AQMA at Bradley as the size of the area affected by pollution above national standards has reduced and (iii) declare seven new AQMAs in the areas of Birchencliffe, Birkenshaw, Eastborough, Edgerton, Heckmondwike, Huddersfield Town Centre and Outlane as pollution levels within these areas are currently being breached.

Cabinet noted that the declaration of AQMAs was a legal requirement where pollution levels had been shown to exceed National Air Quality Objectives and that a process of action planning would now commence in the seven areas to reduce the pollution to an acceptable level.

The 2016 Air Quality Annual Status Report was attached as an appendix to the considered report and provided an overview of air quality in the Kirklees area during 2016.

RESOLVED

- 1) That the Air Quality update report be noted.
- 2) That approval be delegated to the Service Director (Commercial, Regulatory and Operational) for changes and additions to Air Quality Management Areas.

314 Consultation about services for children and families, including people with disabilities

Cabinet received a report which sought approval to carry out public consultation and engagement about proposed changes to service that support children and families (i) in early years for children with special educational needs and disabilities (ii) to access short breaks for carers of disabled children (iii) for social care funded transport for disabled children, young people, working age adults and older people to access services within the community and (iv) home to school transport for compulsory school age children. The report provided a more detailed breakdown on the proposed changes to service delivery, setting out information regarding benefits, key risks, issues, mitigation and legal requirements.

The report advised that there was an opportunity for the Council to change the way it delivered services by applying the principles of the All Age Disability Framework in new ways and that feedback from the consultation would inform the proposals to be submitted for consideration at a later date. Cabinet noted that the aim of these proposals would be to deliver services as effectively and efficiently as possible for the benefit of service users and the public. The services as set out in the proposed consultation had been identified in the Council's Medium Term Financial Plan as requiring reviews of the current offer in order to meet needs more efficiently.

The report indicated that, subject to approval, the consultation exercise would commence on 4 September for a seven week period, followed by the submission of a further Cabinet report, scheduled for 19 December 2017.

RESOLVED

- 1) That approval be given to commencing the consultation process, as detailed within the report.
- 2) That authority be delegated to Service Directors for Learning and Early Support, Integration, and Commercial, Regulatory and Operational Services, in consultation with Cabinet Portfolio Holders to finalise the detail and timeline of the consultation.
- 3) That it be noted that the outcome of the consultation will be submitted to a future meeting of Cabinet to inform any further decisions relating to changes to service provision.

315 Food Safety Development Plan 2017-2019

Cabinet received a report which sought approval to carry out public consultation and engagement about proposed changes to service that support children and families (i) in early years for children with special educational needs and disabilities (ii) to access short breaks for carers of disabled children (iii) for social care funded transport for disabled children, young people, working age adults and older people to access services within the community and (iv) home to school transport for compulsory school age children. The report provided a more detailed breakdown on the proposed changes to service delivery, setting out information regarding benefits, key risks, issues, mitigation and legal requirements.

The report advised that there was an opportunity for the Council to change the way it delivered services by applying the principles of the All Age Disability Framework in new ways and that feedback from the consultation would inform the proposals to be submitted for consideration at a later date. Cabinet noted that the aim of these proposals would be to deliver services as effectively and efficiently as possible for the benefit of service users and the public. The services as set out in the proposed consultation had been identified in the Council's Medium Term Financial Plan as requiring reviews of the current offer in order to meet needs more efficiently.

The report indicated that, subject to approval, the consultation exercise would commence on 4 September for a seven week period, followed by the submission of a further Cabinet report, scheduled for 19 December 2017.

RESOLVED

That the Food Safety Development Plan 2017/2018 be approved.

316 Charging for Food Hygiene Rating Score Re-visits

Cabinet gave consideration to a report which sought approval for the introduction of charges for Food Hygiene Rating Score revisits. The report explained that currently a business could request a revisit after a period of three months in instances where it scores between 1 and 4 for its hygiene rating and that there is no charge on this visit. In recognition of the strain on the Council's resources, the Food Standards Agency undertook a trial whereby some local authorities were permitted to charge for revisit inspections. The trial was considered to be a success and the Food Standards Agency had now issued national guidance to enable revisits to be subject to a charge. Appendix two to the considered report set out a breakdown of costs and proposed a revisit charge of £150. Cabinet noted that during 2016/2017, the Food Safety Team had undertaken 37 revisit inspections.

RESOLVED

That approval be given to the introduction of charges for Food Hygiene Rating Score re-visits.

317 Social Work Teaching Partnership

Cabinet received a report which provided an update of the contribution of the Social Work Teaching Partnership to the Children and Adult Services transformation agenda. The report advised that the Council was part of the Yorkshire Urban and Rural Social Work Teaching Partnership which aimed to transform social work education and workforce development, and that it was awarded £700k to drive forward improvements in the education and training of social workers. The report listed the key drivers of the programme as (i) enhancing partnership arrangements between Higher Education Institutions and employers (ii) attracting more able students to the social work profession (iii) embedding knowledge and skills into academic curricula and continuing professional development for existing workers and (iv) raising the overall quality of social work practice.

Cabinet noted the key objectives as set out within the report, and that by working collaboratively the Partnership aimed to grow, develop, inspire and sustain a highly skilled and confident social work workforce.

RESOLVED

That the contribution of the Social Work Teaching Partnership to the Children and Adult Services transformation process be noted.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 19th September 2017

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

Apologies: Councillor Naheed Mather

Observers: Councillor Mussarat Pervaiz
Councillor Mahmood Akhtar
Councillor Gulfam Asif
Councillor Fazila Fadia
Councillor Manisha Roma Kaushik
Councillor Darren O'Donovan
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Rob Walker

318 Membership of the Committee

Apologies for absence were received on behalf of Councillor Mather.

319 Interests

No interests were declared.

320 Admission of the Public

It was noted that Agenda Item 14 would be considered in private session.

321 Deputations/Petitions

Cabinet received (i) a petition and deputations in relation to Agenda Item 9, at the consideration of that agenda item and (ii) a deputation in relation to Agenda Item 10 at the consideration of that agenda item. (Minute No's 326 and 327 refer)

322 Public Question Time

Cabinet received public questions in regards to Agenda Item 9 (minute no 326 refers) to which the Leader of the Council responded.

323 Member Question Time

No questions were asked.

324 Council Budget Update Report 2018-22

Cabinet received a report which set out an update on the Council's Medium Term Financial Plan, prior to its submission to Cabinet on 11 October 2017. The report highlighted that Council was the second lowest funded Metropolitan Authority, in accordance with spend per head of population, and was facing continuing and increasing service pressures, particularly in Children and Adult Services. The report advised that, based upon Quarter 1 financial monitoring (2017/18), the Council was forecast to deliver approximately £49m of planned savings (£54m) requirement in year, equating to 90% and indicating good overall progress against existing plans. Cabinet noted that the specific saving requirement for 2018-2019 was £28m, with a further £16m in 2019-2020 and £5m in 2020-2021.

The key assumptions underpinning the updated Medium Term Financial Plan general fund, specifically relating to Business Rates Retention Scheme, Council Tax, unringfenced grants and the Better Care Fund, were explained within the report. The report also provided detail on the current year financial performance, general fund reserves, the flexible capital receipts strategy, the housing revenue account, and capital.

Cabinet noted that the updated budget plans set out within the report provided the budget planning framework for proposals to be submitted for the remainder of the current budget round in order to deliver a sustainable and balanced overall multi year budget over 2018-2022.

RESOLVED

- 1) That the updated General Fund Revenue, Housing Revenue Account and Capital Budget Plans rolled forward into the Medium Term Financial Plan update over the 2018-2022 period be noted.
- 2) That the underlying cost and funding assumptions underpinning the updated plans at this stage, be noted.
- 3) That approval be given to the budget planning framework, as set out in the considered report.
- 4) That approval be given to the flexible capital receipts strategy, as set out in the considered report.
- 5) That approval be given to the corporate budget timetable and approach, as set out in the considered report.

- 6) That approval be given to the budget consultation approach and timetable, as set out in the considered report.
- 7) That the report be submitted to the meeting of Council on 11 October 2017 for consideration.

325 Dog issues - Joint Working Protocols with West Yorkshire Police and Kirklees Prosecution Strategy

Cabinet received a report which sought approval of (i) Responsibility Protocol for Dog Offences between West Yorkshire Police and Kirklees Council, and (ii) Kirklees Prosecution Policy (Dog Offences). The report advised that the protocols provided clarity and an operational agreement between West Yorkshire Police and the Council as to who would take responsibility and pursue sanctions or prosecutions for dog related offences.

The Responsibility Protocol, which was attached at Appendix 1 of the considered report, set out detail of the legislation, reporting pathways and definition of responsibility between the Council and West Yorkshire Police. Cabinet noted that the purpose of the protocol was to reduce operational duplication and provide clarity as to responsibility.

The Kirklees Prosecution Policy, which was attached at Appendix 2, supported the Responsibility Protocol by detailing the Council's response to dangerous dog offences.

Cabinet noted that, subject to approval, the formal adoption process with West Yorkshire Police for the dog offences would be completed, and the strategy on dog offence prosecutions would be adopted.

RESOLVED

That approval be given to the adoption of (i) Responsibility Protocol for Dog Offences between West Yorkshire Police and Kirklees Council and (ii) Kirklees Prosecution Policy.

326 Bereavement Services – Fees and Charges

(Under the provision of Council Procedure Rule 37, Cabinet received deputations on this agenda item from Khalid Khan and Ayzaz Khaliq (on behalf of Huddersfield Muslim Burial Council), Soyeb Yusuf (on behalf of North Kirklees Muslim Burial Council), Hasan Badat (on behalf of Snowden Mosque and PKWA), Aziz Daji (on behalf of Indian Muslim Welfare Society) and Paula Sheriff MP, and also received a petition.)

Cabinet received a report which sought approval to introduce an updated business model and charging strategy for Bereavement Services, to be reflective and responsive of changing market demands and trends. The report explained that Bereavement Services provided a variety of burial and cremation services, and

memorial items, across Kirklees, and a schedule of existing services was appended at Appendix 1 of the considered report. It advised that the service currently provided approximately 500 burials, 120 internments (burials) of cremated remains (ashes) and 3000 cremations each year.

The report set out details of a proposal to introduce a charging model to cover a five year period which aimed to achieve (i) long term adjustments in pricing to allow the Council to stabilise the market, and retain its market share (ii) benchmarking against competitors and maintaining competitiveness (iii) a gradual increase of the new charges to enable emerging trends and changing market demands to be responded to (iv) funeral choices for residents based on a transparent charging schedule offering scope for personal, cultural and price preferences and (v) the removal of funeral for persons under the age of 18 years. It advised that the introduction of a five year commercial model would ensure that pricing for cremations remained competitive within the market, generating a surplus and managing service demand effectively, and recovering the costs of burials.

Cabinet noted that the impact of the revised service delivery model would be (i) that there would be no charge for a cremation or burial of a child or young person up to the age of 18 (at the time of death) (ii) that fees and charges remain competitive within the region (iii) that customers pay a price that is reflective of the cost of providing the service (iv) that when an 'out of standard hours' burial request is made, a levy of £477 be introduced, reflecting the cost of providing this additional service (v) that where there is demand for a specific timeslot a premium be applied, and that Friday afternoon burials initially attract a premium of £99 (vi) that charges for non-residents of Kirklees be higher and (vii) that charges be introduced for accompanied visits to select a grave.

RESOLVED

- 1) That the considered report be accepted in principle, and noted.
- 2) That approval be given to the implementation of the proposal to cease charges for the cremation or burial of a person under the age of 18 years old.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to make arrangements for an engagement exercise on the proposed changes to fees and charges to be undertaken with affected community groups prior to the submission of a further report to a future meeting of Cabinet meeting.
- 4) That, pursuant to (3) above, any members of the public who wish to be informed of the engagement exercise be asked to register their interest with their local Ward Councillor/s.

327 Huddersfield Town Centre Access and Connectivity Project Impact Assessment Report

(Under the provision of Council Procedure Rule 37, Cabinet received a deputation on this agenda item from Alisa Devlin (on behalf of Huddersfield Town Centre Action Group).)

Cabinet received a report which set out a summary of the Connectivity Project Impact Assessment Report, prior to the consideration of the report by the Town Centre Working Party. The report set out the evidence and indicators that had been considered to provide an evaluation of the impact of the 'Huddersfield Town Centre Access and Connectivity Project', against its original aims, and an overview of the changes that had occurred in the town centre since the delivery of the access and connectivity project in 2015/2016, which had included the introduction of bus gate enforcement cameras on five main streets.

The report provided a summary of business operations, car park income, bus journey times, traffic flow in bus gate areas, retail/commercial occupancy rates, footfall and air quality.

Cabinet noted the content of the report, prior to its submission to the meeting of the Town Centre Working Party on 20 September 2017.

RESOLVED

That the report be noted and submitted to the meeting of the Town Centre Working Party on 20 September 2017 for consideration.

328 Specialist Provision for Kirklees Children with Communication and Interactive Needs.

Cabinet received a report which advised on the outcome of the statutory processes on proposals to (i) create 12 new additional transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs and (ii) decommission 12 transitional places for children with speech, language and communication needs at Ashbrow School.

The report explained that the Council propose to make a prescribed alteration to Ashbrow School and that the information contained within the report advised on both the outcome of the statutory processes for the proposal and the conclusions and recommendations of the School Organisation Advisory Group.

Cabinet noted that the non-statutory consultation had been carried out from 24 April to 22 May 2017, following which Cabinet agreed to proceed with the statutory proposals. The considered report summarised the views of stakeholders for full consideration, giving due regard to the factors for decision making derived from guidance issued by the DfE. The report indicated that, subject to approval, implementation was scheduled for 1 October 2017.

RESOLVED

- 1) That the advice of Kirklees School Organisation Advisory Group that (i) the proposals for Ashbrow School to discontinue the provision of 12 transitional places for children with speech language and communication needs are valid and (ii) that the required statutory processes have been carried out, be noted.

- 2) That it be agreed that the decision regarding the proposals will be taken within the statutory time period.
- 3) That the outcomes and recommendations of the School Organisation Advisory Group from the meeting of 21 August 2017, and associated recommendations, noted.
- 4) That the human resource and financial implication of the approval of the proposals be noted.
- 5) That it be confirmed that, in meeting the obligations of the Equality Act 2010 and the Public Sector Equality Duty 2011, full regard has been given to the Equalities Impact Assessment throughout the statutory process for the proposal including the decision regarding approval.
- 6) That approval be given to the discontinuation of the provision of twelve transitional places for children with speech and language and communication needs at Ashbrow School.
- 7) That approval be given to the creation of twelve new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017.

329 Ashbrow Housing Site – Contract and Land Disposal

Cabinet gave consideration to a report which sought authority for the Council to enter into a contract with a development partner for the Ashbrow Housing site, and to dispose of the land to that partner. The report advised that the site was a key site for housing delivery as part of the Council's programme of work to address the growing housing crisis in Kirklees and that Cabinet had given approval in February 2017 for progress to be made with the scheme and for a preferred development partner to be appointed. The report confirmed that the Council would be entering into a legal contract with the development partner and sought authority to dispose of the land, specifically, to dispose of the land at less than best consideration and delegate authority to complete the disposal, and approve the use of the capital receipt from the disposal of land to subsidise the provision of additional affordable homes.

Cabinet noted that the preferred bidder's proposal was for a scheme of 159 new homes, comprising an extra care scheme, market and affordable homes, and details of the proposal were set out in the exempt information at Agenda Item 14. The report advised that the scheme would provide a mix of two and three bedroom houses, and one and two bedroom flats, and that it would provide a high quality layout with an area of public open space within the development.

(Cabinet gave consideration to Agenda Item 14 (Minute No. 331 refers) prior to the determination of this item).

RESOLVED

- 1) That approval be given to dispose of the land at less than best consideration to the preferred bidder, as detailed in the considered report.
- 2) That approval be given to the use of the capital receipt from the disposal of the land to subsidise the provision of additional affordable homes.

- 3) That the opportunity for Homes and Communities Agency funding, as set out in paragraph 3.3.5 of the considered report, be noted and that approval be given for officers to pursue this funding opportunity.
- 4) That the previous decision of Cabinet (dated 7 February 2017) to delegate authority to the Assistant Director (Legal, Governance and Monitoring), now Service Director (Legal, Governance and Commissioning), to finalise and enter into all appropriate contracts, deeds and documents in relation to the appointment of a preferred bidder, in consultation with the Assistant Director (Place), now Service Director (Economy, Regeneration and Culture) and the Service Director (Commercial, Regulatory and Operational Services), be noted and re-confirmed.

330 Exclusion of the Public

RESOLVED

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

331 Ashbrow Housing Site - contract and land disposal

(Exempt information relating to relating to Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Variation Order 2006 as it contains information regarding the financial or business affairs of any person including the Council. It is not in the public interest to disclose the exempt information as disclosure could adversely affect overall value for money and compromise the confidentiality of the bidders and the Council. The public interest in maintaining the exemption outweighs the public interest in disclosure of the information in terms of accountability, transparency in spending public money and openness in Council decision making.)

Cabinet received exempt information in relation to Agenda Item 12 (Minute No. 329 refers). Cabinet gave consideration to the exempt information prior to the consideration of Agenda Item 12.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 17th October 2017

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

Apologies: Councillor Masood Ahmed

Observers: Councillor Cahal Burke
Councillor Andrew Pinnock
Councillor Elizabeth Smaje
Councillor Mohan Sokhal
Councillor Julie Stewart-Turner

332 Membership of the Committee

Apologies for absence were received on behalf of Councillor Ahmed.

333 Minutes of previous meeting

RESOLVED –

That the Minutes of the Meeting held on 19 September 2017 be approved as a correct record.

334 Interests

No interests were declared.

335 Admission of the Public

It was noted that Agenda Item 15 would be considered in private session (Minute No. 346 refers).

336 Deputations/Petitions

Cabinet received deputations in relation to Agenda Item 9 at the consideration of that Agenda Item (Minute No. 340 refers).

337 Public Question Time

No questions were asked.

338 Member Question Time

No questions were asked.

339 Ad Hoc Scrutiny Panel - Bereavement Support in Schools

(Under the provisions of Council Procedure Rule 36(1) Cabinet received representations from Councillors Burke and Stewart-Turner).

Cabinet received a report which set out the findings of the Ad-Hoc Scrutiny Panel on Bereavement Support in Schools. The report advised that the Panel had been established as a result of concerns that there did not appear to be consistency amongst schools in the approach to supporting young people who were experiencing bereavement. The report advised that a preliminary phase of work had been undertaken in July 2013 and September 2014, and that the issue had then been revisited in 2016 and included within the 2016/17 Overview and Management Committee priorities.

The findings of the Panel were attached as an appendix to the report, alongside a summary of recommendations arising from the investigation and an action plan which set out the responses of the Cabinet Member to the recommendations.

RESOLVED -

- 1) That the findings of the Ad Hoc Scrutiny panel for Bereavement Support in Schools, and the response of the Cabinet Member to the recommendations in the report, be received and noted.
- 2) That the report be submitted to the meeting of Council on 15 November 2017, for information.

340 Proposals for the partial conversions of Batley Sports & Tennis Centre and Dewsbury Sports Centre

(Under the provisions of (i) Council Procedure Rule 37 Cabinet received representations from Simon Barraclough, Gavin Sutcliffe, Catherine Overend and Kate Cross and (ii) Council Procedure Rule 36(1) Cabinet received representations from Councillors A Pinnock and Smaje).

Cabinet gave consideration to a report which sought permission for Kirklees Active Leisure (KAL) to convert elements of Batley Sports and Tennis Centre and Dewsbury Sports Centre to provide alternative leisure facilities with a view to generating income and employment opportunities and increasing the numbers of people who engage in physical activity. The proposed conversion would change part of the sports hall at Dewsbury Sports Centre and part of the indoor tennis facility at Batley Sports and Tennis Centre to accommodate soft play, clip 'n' climb and associated facilities. It was noted that as the Council was the landlord for these facilities, it was necessary for KAL to seek the Council's permission in order to make the alternations to the internal arrangements of the buildings, and that in the case of Dewsbury Sports Centre, the consent of the Head Lessee would also be required.

The report explained that the existing spaces were underutilised and that the development proposals aimed to increase usage considerably, hence improving financial performance and creating additional employment opportunities within the local area. Cabinet noted that the impact upon affected existing users could be mitigated by alternative provision being available within a reasonable travel distance. Furthermore, it was noted that the proposals formed part of the plan of investment to improve leisure facilities in North Kirklees.

RESOLVED -

- 1) That approval be given to redevelop the existing indoor and outdoor tennis space at Batley Sports and Tennis Centre, as set out at Option 4 of the considered report, and the Sports Hall at Dewsbury Sports Centre into a soft play, clip 'n' climb and associated facilities, notwithstanding that officers have, currently, been unable to secure Head Landlord's consent to the alterations.
- 2) That the required capital expenditure and method of funding the financing costs, as set out at section 3.5 of the considered report, be approved.
- 3) That it be noted that the change in provision will enable KAL to increase its surpluses as a way to offset the reductions in funding to the Council over the next three years, and to attract more children, young people and adults to be physically active.

341 Access to Services Strategy

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

Cabinet gave consideration to a report which sought approval regarding future Access to Services model principles, following which they would be developed further prior to the submission of a further report. The report advised that the proposals sought to enable residents and communities to more readily access information, signposting and services in order to improve the customer experience and journey, and also to recognise the customer preference of using one central location to access various services. In order to deliver this outcome, the report identified the key principles underpinning the service provision as being the

advancement of (i) digital by design (ii) telephone and face to face (iii) hub approach and (iv) local access points. Cabinet noted that there were five Kirklees Community Hubs in North Kirklees and eleven in South Kirklees.

The report advised that, subject to approval, Officers would continue to implement the transition to the new Access to Services Strategy as detailed within the considered report and that further reports would be submitted as the proposals are developed.

RESOLVED -

- 1) That the Access to Services model principles be approved.
- 2) That it be noted that reports will be submitted to future meetings, as appropriate, in order to develop the Access to Services Strategy.

342 Reasonable Behaviour Policy

Cabinet gave consideration to a report which sought approval for the implementation of a Reasonable Behaviour Policy, which was attached as an appendix to the considered report. The report advised that the Council was committed to providing a fair, consistent, accessible and respectful service to all residents, and in return, expected employees and Councillors to be treated in a respectful manner. The report highlighted that, in a small number of cases, such standards were not adhered to whereby the actions of some individuals resulted in unreasonable and disproportionate demands which could impact upon the services provided to others, or where communication takes place in such a manner that causes unreasonable offence and upset to employees and Councillors. The report acknowledged that, whilst it was understood that residents could be disappointed or frustrated with outcomes, the Council would no longer tolerate behaviour which was deemed unacceptable, threatening, abusive or unreasonably persistent.

Cabinet noted that the aim of the policy would be to help residents, Councillors and staff to understand the definition of unreasonable behaviour, including examples, and set out a series of measures that the Council would take to try and limit impact and resolve matters. The report advised that the policy covered wider communications including formal meetings and appointments, public meetings, telephone calls, written correspondence and social media.

The report advised that the objective of the policy was to readdress the current situation whereby the behaviour of a number of individuals impacted upon the service delivery to others and aimed to manage the behaviour and expectations of such individuals.

RESOLVED -

- 1) That the introduction of the Reasonable Behaviour Policy be approved, subject to the addition of further text to reinforce the powers of a Chair in terms of managing disruption at public meetings and ensuring that meetings are conducted appropriately.

- 2) That the report be submitted to the meeting of Council on 15 November 2017 to seek endorsement, subject to the additional text as referred to in (1) above.

343 KNH Performance

Cabinet received the Kirklees Neighbourhood Housing (KNH) Annual Report 2016/2017, which provided an update on the performance of NHH in delivering services for tenants and residents over the period of the last financial year. The report set out the organisation's achievements and progress towards (i) the strategic priorities of the Council and its partners and (ii) the Council's core housing management and maintenance contractual requirements of KNH.

The report highlighted key successes over this period which included; creating a new organisation through a merger with building services, achieving 81% tenant satisfaction, 97% tenant satisfaction with repair works, property occupancy of 99.8%, a rent collection rate of 97.4%, and 97.22% of anti-social behaviour cases being successfully resolved. The report also provided detail of opportunities and challenges relating to national policy changes and budget implications.

It was noted that the report would be submitted to the meeting of Council on 15 November 2017, for information.

RESOLVED -

That the KNH Performance report be received and noted, and submitted to the meeting of Council on 15 November 2017 for information.

344 To approve regulations establishing Transport for the North as a Sub-National Transport Body

Cabinet received a report which sought consent for the inclusion of highway powers in the making of regulations by the Secretary of State to establish Transport for the North as a Sub-National Transport Body under Section 102J of the Local Transport Act 2008. The report advised that the consent of each constituent authority was required to the making of Regulations by the Secretary of State. Cabinet were asked to note the transfer of Rail North Limited to Transport for the North following its inauguration and the signing of a new Rail Franchise Management Agreement with Transport for the North, replication as far as possible the arrangements entered into in respect of Rail North Limited.

A report prepared by Transport for the North which explained the development of the proposals and proposed operation was attached as Appendix 1 to the considered report. Appendix 2 set out the draft regulations which all constituent authorities and highway authorities were being asked to approve.

Cabinet noted that once consent had been provided by the 19 constituent authorities, Transport for the North would continue to work closely with the Department for Transport to ensure that Transport for the North was provided with

the statutory powers necessary to carry out functions and that it would keep authorities updated on progress once regulations are finalised and enacted.

(Cabinet gave consideration to exempt information at Agenda Item 15 (Minute No. 346 refers) prior to the determination of this agenda item).

RESOLVED -

- 1) That consent be provided under Section 102J of the Local Transport Act 2008 to the making by the Secretary of state of Regulations to establish Transport for the North as a Sub-National Transport Body, and giving Transport for the North concurrent highway powers.
- 2) That the transfer of Rail North Limited to TfN following its inauguration be noted.
- 3) That the signing of a new Rail Franchise Management Agreement with TfN replicating as far as possible the arrangements entered into in respect of Rail North Limited be noted.
- 4) That the concerns of Cabinet regarding the proposed representation and decision making be noted, and that the Body be asked (a) how the decision making process will operate, and (b) to request the submission of an annual report to the meeting of Council

345 Exclusion of the Public

RESOLVED –

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

346 To approve regulations establishing Transport for the North as a Sub-National Transport Body

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

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 13 (Minute No. 344 refers).

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Wednesday 8th November 2017

Present: Councillor David Sheard (Chair)
Councillor Peter McBride
Councillor Naheed Mather
Councillor Musarrat Khan
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Graham Turner
Councillor Cathy Scott

Apologies: Councillor Shabir Pandor
Councillor Erin Hill

347 Membership of the Committee

Apologies for absence were received on behalf of Councillor Erin Hill and Councillor Shabir Pandor.

348 Interests

No interests were declared.

349 Admission of the Public

It was noted that the agenda item be completed in public session.

350 Deputations/Petitions

No deputations or Petitions were received.

351 Public Question Time

No questions were asked.

352 Member Question Time

No questions were asked.

353 Contract Bid for the Provision of National Driver Offender Retraining Scheme - Lot for West Yorkshire

Cabinet received a report which sought approval to submit an Invitation to Tender to deliver National Driver Offender Retraining (NDOR's) courses to the Officer of the Police and Crime Commissioner West Yorkshire. The report advised that the Council was successful in a tender bid in 2014. That contract was a 2 year contract with the option for further extensions and the contract comes to an in May 2018.

The Invitation to Tender is again for a 2 year contract with an option for two, one year extensions and must be submitted by 10 November 2017. The report advised that the contract would provide income for the Council and would support a number of Services either directly or indirectly.

RESOLVED -

That approval be given to submit the Invitation to Tender.

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Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES

Wednesday 20th September 2017

Present:

Councillor Peter McBride
Councillor Musarrat Khan
Councillor Graham Turner

Apologies: Councillor Naheed Mather

In attendance: Councillor Julie Stewart-Turner

1 Appointment of Chair

Councillor Peter McBride was appointed chairs for the 2017/18 municipal year.

2 Membership of the Committee

Councillor Graham Turner attended the meeting as substitute for Councillor Mather

3 Minutes of Previous Meeting

That the minutes be approved.

4 Interests

No interests were declared.

5 Admission of the Public

All agenda items were considered in public session

6 Deputations/Petitions

No deputations or petitions received.

7 Public Question Time

No questions were asked.

8 Member Question Time

No questions were asked.

9 Objection to Kirklees (TR) (No 8) Order 2016, proposed Permit Parking, Albany Street, Macham Street, Bland Street, Mount Pleasant, St Stephen's Road, Garden Street, Lockwood

The Committee considered representations made in respect of the proposed Permit Parking on Albany Street, Macham Street, Bland Street, Mount Pleasant, St Stephen's Road and Garden Street, Lockwood.

A report presented to the Committee provided an update on current parking patterns, which would allow consideration of objections received to Kirklees (TR) (No 8) Order 2016. The objections were in response to the public advertisement for a proposed Permit Parking Zone on the above named streets.

The report highlighted that in 2014/15 complaints were received that commuters to the town centre, visitor and staff of local businesses, the college and the local mosque would regularly park on these streets for a large proportion of the day which prevented residents parking near their homes. In response, officers undertook site visits to the area and this showed that parking was at a premium during the day on St Stephen's Road. To resolve the issue a Permit Parking Zone was proposed together with a short section of waiting restrictions.

Cllr Julie Stewart-Turner attended the meeting and informed the Committee that she had spoken to local residents and there was overwhelming support for the introduction of permit parking and was unhappy that the proposed scheme was being shelved. She asked officers to consider a compromise of introducing shared use restrictions, permit parking plus two hours limited waiting. Two local residents in favour of permit parking were also in attendance. They explained that residents were unable to park outside their own homes because of the parking situation in the area which at times restricted disabled access. They circulated a number of photographs for consideration by Committee members.

Representatives from the Markazi Jamia Masjid Ghausia Mosque attended the meeting to outline why they were opposing the introduction of the scheme. Mr Rafiq explained that the Mosque had been at the heart of the community for over 40 years and that efforts had been made by the Mosque to ease the situation by staggering prayer times and marshalling the traffic.

The Committee was advised that more recent monitoring of the area showed that the current parking patterns did not meet the criteria set by the Council's Permit Parking Policy. Officers stated that the situation would continue to be monitored and if conditions deteriorated once again and met the criterion it can be flexibly responded to if it is within two years from the date of it being advertised. Officers explained that work is currently taking place on Lockwood Road and would be completed by Christmas. The restrictions on this road would be monitored for its impact on surrounding areas.

The Committee after considering all the representations decided that it would not deviate from the criteria outlined in the policy and felt that the solution presented by officers to continue to monitor the area and provide an appropriate response should the situation change was an acceptable one

Resolved

That officers continue to monitor parking patterns in the area to determine whether the scheme (TR) (No 8) meets the criteria set by the Permit Parking Policy and respond accordingly.

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Learning and Early Support

The make-up of schools across Kirklees

Type	Primary	Secondary /Middle	Allthrough	Special	PRU*	Total
Academy						
- Single	2	6	1			9
- In MAT	17	11		2		30
Maintained						
- Community	67	3	1	3	3	77
- Trust	5	3	1	1		10
- Voluntary Controlled	30	1				31
- Voluntary Aided	18	1				19
Total	139	25	3	6	3	176

* Academy orders granted for PRUs to become a MAT

How well are our schools doing ?

Primary and Secondary only	Percentage of pupils in Good and Outstanding Schools	Primary and Secondary only	Percentage of Good and Outstanding Schools
Kirklees	82.7%	Kirklees	86.2%
Yorkshire and Humber	81.7%	Yorkshire and Humber	84.7%
National	87.5%	National	89%

NB - All Special Schools and PRUs are Good or Outstanding

Improving Educational Outcomes in Kirkees



Priorities for Improvement

- Oracy development all key stages
- Disadvantaged learners: maths and English
 - pupil premium
 - FSM
 - looked after children
- Engagement / aspiration KS4
- Boys' attainment and progress
 - narrowing the gap in English at all key stages
- Attendance/permanent exclusions at KS3 and KS4
- Recruitment and retention of teachers and school leaders
 - Quality first teaching
 - Professional CPD
 - Leadership

Improvement strategies

- Specific school improvement issues
- A more strategic approach to addressing LA priorities
- More data analysis, for example: impact of EAL and disadvantage on our outcomes
- Other factors: school readiness, parenting, aspiration, libraries, children centres .
- Government's *Strategic School Improvement Fund* – Bid of £350k +
 - To fund SI activities, focused on **raising achievement in reading**
 - 27 schools identified
 - Supported by Teaching School Alliances

Challenges

- School Funding
 - Towards a National Funding Formula
 - High Needs
 - Early Years
- Sufficiency
 - High Needs Strategic Review
 - Primary and Secondary places
- Teacher recruitment

Learning Summits

Our children, our families, our area

- Different geographic boundaries are the norm for partners in Kirklees
- Partner footprints are not co-terminus
- Building one shared picture
- Intelligence Hub



- First Annual Learning Summit - 12 June 2017
- Follow up 'Mid-Year' Summits – 16 November and 7 December 2017

And next year....

- Annual Learning Summit – 7 June 2018
focus on Education Improvement



Working together – A Partnership Approach

The Education and Learning Partnership Board

“...holds strategic oversight for the development, leadership and quality-assurance of the Kirklees school and educational improvement strategy and will draw on and complement regional and national strategies.

It will direct, develop and take decisions about services used by schools and education. In doing this, it will ensure that the services the council provides for schools are of the highest quality, are fit for purpose, innovative, draw on best practise and promote financial resilience.”

Kirklees Community Hubs

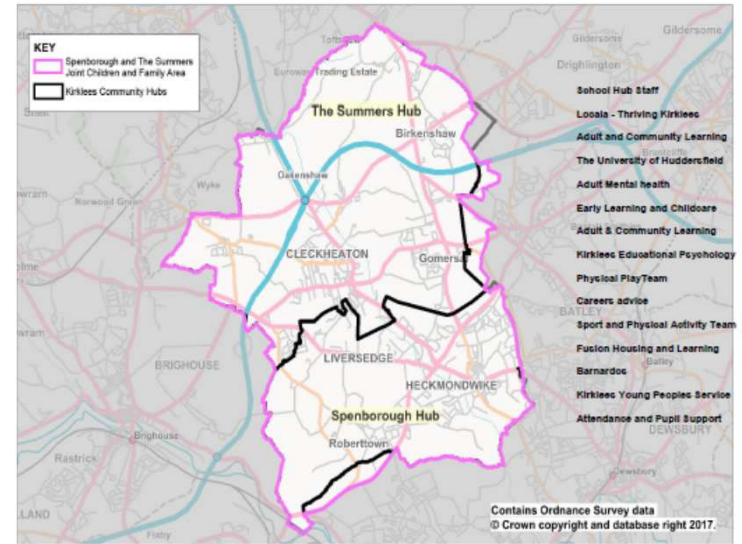
Kirklees Children's Services - Working with Kirklees Schools Community

- Schools provide local leadership in the community.
- Schools underpin strong and cohesive communities.
- Schools enable children and families to access well shaped services.
- They represent opportunity to closely involve and co-produce services with children and families.
- Schools already have many active partnerships with Kirklees residents and agencies
- Schools are a natural place where children and families meet.
- Kirklees education sector is already spending between 32 - 64 million pounds on health and social care of children and families.
- Schools act in the best interest of children and families, working with them continuously to ensure their access to opportunities available to them.
- School Leaders are involved in children's integrated strategic commissioning.

Kirklees Community Hubs

Children and families multiagency teams working together in an area

Strategic Priorities
 (1) Co-located multiagency teams. (2) Combing the effort of everyone in an area to make life for children and families as great as it can be. (3) Maximise money into Kirklees. (4) Embedding coproduction and restorative whole family approaches.



What does Kirklees Community Hubs look like?

- > 186 Schools
- > 200 plus partners
- > 17 Community Hubs
- > 8 Joint Children & Families areas
- > Links to the 4 EIP Hubs
- > Covering the whole of Kirklees

Contact Officer: Alaina McGlade

KIRKLEES COUNCIL

APPEALS PANEL

Friday 29th September 2017

Present: Councillor Nosheen Dad (Chair)
Councillor Manisha Roma Kaushik
Councillor Hilary Richards

1 Minutes of Previous Meeting

That the Minutes of the panel meeting held on 18 August 2017 be approved as a correct record.

2 Interests

There were no interests declared.

3 Exclusion of the Public

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

4 School Transport appeal (OR)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be dismissed.

5 School Transport appeal (BPE)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be dismissed.

6 School Transport appeal (LB)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be upheld for the remainder of LB's secondary education.

Contact Officer: Alaina McGlade

KIRKLEES COUNCIL

APPEALS PANEL

Thursday 2nd November 2017

Present: Councillor Nosheen Dad (Chair)
Councillor Bernard McGuin
Councillor Sheikh Ullah

Apologies: Councillor Manisha Roma Kaushik

1 Minutes of Previous Meeting

That the Minutes of the meeting held on the 29 September 2017 be considered at the next meeting of the Appeals Panel.

2 Interests

No interests were declared.

3 Exclusion of the Public

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

4 School Transport appeal (SB)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be granted.

5 School Transport appeal (IA)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered a submission from the service and:

RESOLVED – That the appeal be withdrawn.

6 School Transport appeal (JLX & JJX)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be deferred.

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

APPEALS PANEL

Friday 17th November 2017

Present: Councillor Nosheen Dad (Chair)
Councillor Andrew Cooper
Councillor Bernard McGuin

1 Minutes of Previous Meeting

That the Minutes of the meeting of the Panel held on 29th September and 2nd November be approved as a correct record.

2 Interests

No interests were declared.

3 Exclusion of the Public

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

4 School Transport appeal (JJX & JLX)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED - that the appeal be allowed until 31 August 2018.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Friday 15th September 2017

Present: Councillor Hilary Richards (Chair)
Councillor Julie Stewart-Turner
Councillor Carole Pattison
Councillor Kath Pinnock
Councillor Ken Sims
Councillor Nigel Patrick
Councillor John Lawson

1 Membership of the Committee

Councillor Lawson substituted for Councillor Wilkinson.

2 Minutes of Previous Meeting

The minutes of the meeting held on 4 August 2017 were agreed as a correct record.

Matters Arising

Pursuant to Minute 9 of the minutes of the meeting held on 4 August 2017, it was advised that KPMG had now agreed to accept the second objection relating to the lawfulness of three of the Council's Private Finance Initiative Schemes and would now initiate a formal investigation prior to being able to provide an audit opinion.

3 Interests

No interests were declared at the meeting.

4 Admission of the Public

All items were considered in public session at the meeting.

5 Deputations/Petitions

There were no deputations or petitions received.

6 Public Question Time

There were no deputations or petitions received.

7 Annual Corporate Emergency Planning and Business Continuity Report

The Committee considered a report providing an update on emergency planning and business continuity issues and developments that had occurred during the financial year 2016/17. The Committee noted that the annual report had been submitted to assist with corporate understanding and create an additional incentive for senior managers to ensure that plans are kept up to date.

The considered report went on to set out the headline developments in relation to emergency planning during the year, including, in addition to work with the Council and the training of officers within the Council in aspects of emergency planning, being active within the local resilience community.

The report advised that the team was involved in the planning, response and/ or recovery to/from over 45 significant emergencies and planned events in Kirklees. The report also provided information in relation to business continuity developments within the Council and the importance of ensuring that plans were in place to maintain critical activities, especially in the light of New Council and the numerous transitions being undertaken by services.

The Committee discussed the Grenfell Towers incident and questioned what learning had been identified as a result of this incident. Officers explained that they were still awaiting formal learning to be published from the formal investigation of the incident but that a number of obvious points had already been picked up and these were reflected in the updated councillor guide. The Committee outlined that one of the clearest failings in the Grenfell Towers incident was the failure to realise the extent of the emergency resulting in extra help not being available in time. Officers explained that Kirklees had an agreement in place with neighbouring authorities to enable help to be called in when needed.

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

The Committee questioned the learning that had been actioned following the NHS IT incident that had occurred earlier in the year. Officers explained that a full debrief was undertaken with a subsequent action plan having been produced. As a result of this, resilience had been built into the Council's IT system so that the Council was not solely reliant on the data centre.

A query was raised over the safety of public buildings i.e. Town Halls and whether additional security checks should be introduced. It was explained that building

security is constantly reviewed but officers advised that it was always more difficult to secure a public building.

RESOLVED - The content of the Report be noted.

8 Information Governance Annual Report

The Committee received the 2016/2017 Information Governance Annual Report. The reports set out the main Information Governance events and activities for 2016/2017 including; (i) Information Governance matters (ii) Information access requests under the Freedom of Information Act 2000 (iii) Environmental Information Regulations 2004 (iv) Subject access requests made under the Data Protection Act 1998 and (v) an outline of the improvements and developments planned for 2017/2018, particularly in the context of supporting the organisation to achieve compliance with the new General Data Protection Regulation.

It was noted that members of the Information Governance Board had been consulted on the content of the report and endorsed its submission to the Committee. The report advised that the learning from the previous 12 month period and planned activity for the next reporting period would form the basis of the work programme for the Information Governance Board, with a clear focus on compliance with the new General Data Protection Regulation. It was explained that this would be closely aligned to the strategic objectives of the Council in the context of the Corporate Plan.

The Committee noted the content of the report and in particular the cost to the Authority of the Freedom of Information Request process. It was requested that a concise training session be provided to councillors on Data Protection, with a focus on the requirements of the General Data Protection Regulation.

RESOLVED - That the Information Governance Annual Report 2016-2017 be received and noted.

9 Corporate Customer Standards Annual Report 2016-2017

The Committee considered a report providing information on complaints considered by the Local Government Ombudsman relating to Kirklees Council during the year 2016/17. The report indicated that the number of complaints received by the Council at the third stage of the process at which point the ombudsman became involved, were broadly consistent with numbers that had been received over the previous 6 year period and that, during 2016/17, the Council had received no formal ombudsman reports as a result of their investigations into complaints made against the Council.

The report also provided information on revisions to both the Whistleblowing Policy and the reporting mechanism for upheld Ombudsman complaints. The revision to the Whistleblowing policy was as a result of learning from a recent matter and the

amendment to the reporting mechanism for upheld Ombudsman complaints was to be consistent with Local Government Ombudsman advice.

Some discussion took place on how the learning from complaints was used by the Council. It was advised that a project involving the Chief Executive was currently underway and that the results of this would be included within the next report to the Committee.

The Committee highlighted their concern regarding the repetition of the wording within the last paragraph on page 26 of the Whistleblowing Policy. The Committee agreed that officers should consider the options available for amendment of the wording and bring the report back for approval at the next meeting of the Committee.

RESOLVED - That:

- 1) the Corporate Customer Standards Annual Report 2016-2017 be noted.
- 2) the amendments as suggested by the Committee be incorporated within the Whistleblowing Policy and brought back for approval at the next meeting.
- 3) the amendments to the reporting mechanism for upheld Ombudsman complaints be approved.

10 Changes to Procedures - Dismissal of Statutory Officers

The committee received a report advising that a previous report about the potential changes to the legislation relating to the dismissal of statutory officers had been considered by the committee in June 2015. It was advised that the regulations amend the Local Authority's (Standing Orders) (England) Regulations 2001 in relation to the disciplinary process for statutory officers, namely the Chief Executive (the Authority's Head of Paid Service), the Service Director for Finance, IT and Transactional Services (as the Authority's Chief Section 151 Finance Officer) and the Service Director for Legal, Governance and Commissioning (as Monitoring Officer). The regulations provide for new arrangements in the disciplinary process, in particular reference to a panel including Independent Persons before a decision is made.

The report explained that, previously the statutory protection in 2001 legislation required an appointment of a designated independent person (DIP) to investigate any allegation of misconduct against the statutory post holders. Those regulations provided that no disciplinary action in respect of these statutory post holders could be taken other than in accordance with the recommendation in a report made by a DIP.

It was advised that the 2015 regulations remove the mandatory requirements that a DIP should be appointed and outline that the decision should be taken by full Council, considering advice, views or recommendations from a panel, compromising

independent persons, the conclusions of any investigation into the proposed dismissal and the representations from the officer concerned.

The report explained that in order to incorporate the requirements the regulations, changes would be required to some of the following: -

- a) Changes to Personnel Committee terms of reference; or
- b) Establishing a new committee
- c) Changes to the Officer Employment Procedure Rules; and
- d) The possible establishment of a panel of independent persons.

The report provided the committee with two options to consider and advised that it was not currently clear whether the Panel is required to be made up of only Independent persons or whether the panel is required to also include elected members:

- A. Council appoint a new committee named the Statutory Officer Disciplinary Committee. The Committee would include two independent persons when considering whether to recommend dismissal to full Council.
- B. Council extend the composition of the Personnel Committee and widen its functions to address the changes made by the 2015 Regulations. In support and to reflect the requirements of the regulations the Council would appoint a Panel made up of Independent persons only, which is to be convened when Personnel Committee is considering whether to recommend dismissal to full Council.

The committee outlined their concerns regarding the impartiality of the Personnel Committee should their function be extended, due to them being involved in the initial recruitment of these roles. They also highlighted their preference for the independent person to be involved in the proceedings from the start. Therefore, through discussions, the Committee highlighted that their preference would be for a separate committee to be established, to include the independent person along with cross party representation of councillors, separate to those already appointed to the Personnel Committee.

RESOLVED - That the proposal outlined by the Committee be developed into a structure for the Committee to approve at their next meeting.

11 Code of Corporate Governance

The Committee considered a report that requested members approve the Code of Corporate Governance. Samantha Lawton, Senior Legal Officer explained that to assess the quality and health of corporate governance it is good practice to adopt a 'Code of Corporate Governance' to set up the principles and standards of governance to which the Council aspires and against which the Council can benchmark the quality of its governance arrangements. She advised that the previous Code had last been reviewed in 2015.

The key changes since the previous report were advised as being the addition of the new seven key principles and sub-principles of corporate governance which were set out in the draft code attached to the report. It was explained that these principles reflected the components set out in the CIPFA/SOLACE Delivering Good Governance Framework 2016.

The committee questioned how the outcomes of the principles would be identified and measured. It was explained that some of these areas are the responsibility of the Service Director – Legal, Governance and Commissioning and are reviewed each year through the Annual Governance Statement. The action plan arising from the Annual Governance Statement was shared which outlined the areas which required review or further consideration. The annual review had highlighted the Code of Corporate Governance required consideration since it had not been reviewed since 2015. The Service Director – Legal, Governance and Commissioning explained that the draft code can be cross referenced with the Annual Governance statement and any gaps identified to the committee at their next meeting if requested. The Committee were advised they can also ask for a piece of work to be carried out in relation to a particular area if they felt it was necessary.

RESOLVED - That the amendments as suggested by the Committee be incorporated within the code and brought back for approval at the next meeting.

12 Arrangements for selecting an external auditor for the year 2018/19 and onwards

The Committee received a report which advised that, at the meeting of the Corporate Governance & Audit Committee on 27 January 2017, the Committee agreed that the Council be recommended to ask Public Sector Audit Appointments Ltd (PSSA) to carry out Auditor Panel duties on behalf of the Council and nominate a proposed External Auditor to the Council in due course. The Council agreed with this action at its meeting on 15 February 2017.

The report advised that PSSA had carried out a tendering exercise and notified the Council that they wish to formally consult on their proposal to appoint Grant Thornton (UK) LLP to audit the accounts of Kirklees Metropolitan Council for five years from 2018/19. It was explained that the appointment will start on 1 April 2018.

The Committee advised that they were in support of the proposal put forward by Public Sector Audit Appointments Ltd by 9 March 2017.

RESOLVED - That the report be noted and officers be authorised to confirm to PSAA that they have no objection to the proposed appointment of Grant Thornton LLP.

Contact Officer: Alaina McGlade

KIRKLEES COUNCIL

CORPORATE PARENTING BOARD

Monday 18th September 2017

Present: Councillor Karen Allison (Chair)
Councillor Fazila Fadia
Councillor Gemma Wilson
Elaine McShane, Head of Children's Social Work
Janet Tolley, Virtual School Headteacher
Kerrie Scraton, Interim Senior Manager – Safeguarding Assurance
Scott Deacon, Participation Officer

Apologies: Councillor Erin Hill (Chair)
Councillor Andrew Marchington
Jo-Anne Sanders, Interim Service Director for Early Help and Learning
Julie Mepham, Head of Corporate Parenting

In Attendance: Cllr Masood Ahmed, Cabinet Member for Children's Services
Alaina McGlade, Governance & Democratic Engagement Officer

1 Appointment of Chair

In the absence of Councillor Erin Hill, the Board appointed Councillor Karen Allison as Chair for this meeting only.

2 Introductions and Apologies

Apologies for absence were received on behalf of Councillors Erin Hill and Andrew Marchington, Jo-Anne Sanders, Interim Service Director for Early Help and Learning and Julie Mepham, Head of Corporate Parenting.

3 Minutes of previous meeting

That the Minutes of the meeting of the Board held on 17 July 2017 be approved as a correct record.

4 Interests

There were no interests declared.

5 Admission of the Public

The Panel considered the question of the admission of the public and determined that all items would be considered in public.

6 Deputations/Petitions

No deputations or petitions were received.

7 Public Question Time

No questions were received.

8 Annual Report

The Board considered a draft version of the 2016-17 Corporate Parenting Annual Report which provided an overview of the the service had achieved over the year and outlined the priorities for the 2017-18 year.

They were advised that the priorities for the forthcoming year were:

- Education
- Looked After Children (LAC) and Care Leavers - Sufficiency
- Children in Care Council and Care Leavers Forum
- Drop in Centre – No.11

The Board was advised that sufficiency was a key focus for the service and that it was important that children were placed through choice rather than availability. It was explained that there would also be review of external placements to consider the suitability of the placement and whether the outcomes relevant to the particular child are being met. It was further explained that the stability index would be a key focus when looking at improving sufficiency and that the impact upon educational outcomes would also be considered when considering future improvements.

The Board recognised the importance of sufficiency and the impact reduced stability can have on the outcomes for children. The Board highlighted that this is a key consideration for the Board and requested that a specific meeting of the Board be arranged to solely focus on the way in which the stability index is to be applied within of Corporate Parenting service.

The Board recognised the importance of the new drop in centre and the role this would play in broadening relationships with Looked After Children and Care Leavers. The Board requested that specific quotes from young people should be included within the report to incorporate the voice of the child.

RESOLVED - That the Board approved the format of the Annual Report subject to the inclusion of the following:

1. a clear explanation of the outcomes required to be achieved by the service over the next 12 months and how these will be measured;

2. inclusion of the Young People's voice within the report by way of specific narrative being included under relevant headings.

9 Missing Statistics Progress Report

The Board was presented with a report that updated the Panel on progress made in relation to the pilot on "Missing" figures in Kirklees.

It was explained that Child Sexual Exploitation (CSE) and Missing were both features of the defined plan that was in place to meet the recommendations identified in the Improvement Plan. It was advised that work was continuing to take place to identify the future vision for the team.

Cllr Ahmed explained that this issue had previously been considered by the CSE and Safeguarding Member Panel. It was explained that Missing episodes increased the vulnerability of young people and that it was important to keep an oversight of any patterns that may emerge. The Board acknowledged that LAC were tracked well through their involvement with Social Services but questioned whether the same interaction was available to children outside of the care system.

The Board also noted the potential for duplication of information sharing across the governance structures within Children's Services and requested that options be brought back to the Board to improve cohesion and communication between the structures.

RESOLVED - That:

1. the Board recommends the CSE and Safeguarding Member Panel to request detailed statistics on Missing figures for both children in care and children not currently known to the care system so that the Panel can be assured that the correct recording procedures are in place to ensure the appropriate support packages are provided;
2. the Board requests officers to consider the governance structure across children's services and identify options to effectively coordinate information and knowledge between the boards.

10 Performance Report

The Board considered a report providing an overview of all the agreed indicators that monitor performance relevant to the Corporate Parenting Board.

The current issues were highlighted as being:

- a slight rise in residential placements;
- children entering care by placement outside of the Local Authority boundary;
- placement type and provider: placed for Adoption;
- children subject to a care order and placed at home;
- duration of stay at home under a care order;
- children who cease to be looked after;
- child participation in reviews;

Corporate Parenting Board - 18 September 2017

- Looked After Children visits within statutory timescale – visited in last six weeks;
- Missing Looked After Children – having more than one Missing episode per month;
- attainment of Looked After Children Key Stage 2 - Reading;
- attendance and persistent absence;
- pupils not in full time educational provision with reasons;
- number of young people who have been looked after continually for 12 months or more, aged between 10 and 17, who have offended and received a substantive outcome;
- Care Leavers in employment, education and training;
- number of Care Leavers with a pathway plan;
- number of children placed in their adoptive placements;
- initial contacts – foster carers;
- fostering approvals;
- foster placements split – family and friends placements and independent fostering agency placements;
- caseload.

The improvements were highlighted as being:

- children entering care - placement 20 miles or more from home;
- children in care – numbers in care per 10,000 of age 0-17;
- children who cease to be looked after by reason – positive outcome and other outcome;
- placement stability within year – Looked After Children with three or more placement moves;
- placement stability within 2 years;
- placement movement reasons;
- number of social worker changes;
- Looked After Children reviews within statutory timescale;
- Looked After Children visits within statutory timescale – visited in line with Practice Standards;
- Number of Independent Reviewing Officer visits held in the month;
- Independent Reviewing Officer visits held within timescale;
- Missing Looked After Children – having at least one Missing episode per month;
- Independent return interviews for Looked After Children offered within 72 hours of the child being located;
- attainment of Looked After Children Key Stage 2 – Writing and Maths;
- Personal Education Plans up to date;
- initial Personal Education Plans completed within 20 working days of a child coming into care;
- health assessments within the last 12 months;
- number of Looked After Children offered and refused substance misuse intervention within the last 12 months;
- initial health assessments completed on time;
- Care Leavers;
- children in care aged between 17 and 18 with an allocated personal advisor;
- Local Authority in touch with Care Leavers;

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- Care Leavers in suitable accommodation;
- number of children waiting to be placed in adoptive placements;
- number of adopters approved by Kirklees Council during a 12 month rolling period;
- adopter initial enquiries;
- completion rate of adopter process from initial enquiry to approval on a rolling 12 month basis;
- foster placements split – in-house placements;
- agency staff – service level.

The Board highlighted their concerns regarding the significant amount of information provided in the report and requested that the report be split into themes to enable smaller, more concise reports to be considered by the Board. The Board felt that this would ensure that all of the information provided to the Board would be considered fully.

RESOLVED - That:

1. the content of the report be noted;
2. the performance data within the report be specific to the theme covered at each meeting to enable a concise report to be provided and considered by the Board.

11 Corporate Parenting Board Agenda Plan

RESOLVED – That:

1. the content of the report be noted;
2. the agenda plan format be re-formatted to include an outcome delivery column;
3. themes be identified within the agenda plan for each meeting.

12 Dates of Future Meetings

The Board considered the schedule of future meeting dates.

RESOLVED - That the date of future meetings be noted.

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Contact Officer: Yolande Myers

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Tuesday 18th July 2017

Present: Councillor Carole Pattison (Chair)
Councillor Mahmood Akhtar
Councillor Richard Eastwood
Councillor James Homewood
Councillor Amanda Pinnock
Councillor Cathy Scott
Councillor Mohan Sokhal
Councillor Jim Dodds

Apologies: Councillor Manisha Roma Kaushik
Councillor Kath Taylor
Councillor Linda Wilkinson

In attendance: Victoria Thomson, Senior Licensing Officer
Paul Bailey, Environmental Health, Team Manager
Stephanie Cooper, Assistant Licensing Officer
Samantha Lawton, Senior Legal Officer
Yolande Myers, Governance Officer
Alaina McGlade, Governance Officer

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor Linda Wilkinson, Councillor Manisha Roma Kaushik, Councillor Kath Taylor and Councillor Karen Allison. Councillor John Lawson substituted for Cllr Linda Wilkinson.

2 Minutes of Previous Meeting

That the minutes of the meeting of the Committee held on 24 May 2017 were approved as a correct record.

3 Interests

Cllr Cathy Scott declared an interest in relation to item 10, Batley Market Place Taxi Rank due to the fact that she commented on the proposal in her capacity as Ward Councillor, but remained and took part in the discussion.

4 Admission of the Public

The committee considered the question of the admission of the public and determined that all items that would be held in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were received.

7 Unmet Demand Survey - 2017

The Committee considered a report outlining the Unmet Demand Survey findings to decide whether to continue to restrict the number of Hackney Carriage Licenses. The report outlined that the survey provided detailed information on:

- A profile of the taxi trade in Kirklees Council
- Current demand and any latent demand, including demand for wheelchair accessible vehicles
- Identified any requirement to provide additional license plates to eliminate any significant unmet demand.

The study concluded that there was no significant unmet demand in the rank based taxi market through the Kirklees area. Therefore the Committee was asked to consider issuing no further Hackney Carriage Licenses until such a time that a policy was created and implemented that would detail the eligibility criteria for plate allocation. This was likely to promote further wheelchair accessible vehicles being added to the fleet and the service would also explore how electric vehicle could be added to it also. The Committee was advised that this policy would be brought before the Committee following the necessary consultation.

RESOLVED -

That:-

- (1) the Committee decided to continue to restrict the number of Hackney Carriage Licenses following consideration of the Unmet Demand Survey Results.
- (2) the Committee noted that a policy detailing the eligibility criteria for plate allocation will be considered by a future meeting of the Licensing and Safety Committee.

8 Intended Use Policy - Private Hire Vehicles

The Committee received a report seeking approval to introduce an Intended Use Policy and a change to conditions in relation to private hire driver and vehicle licenses to enable the Council to protect the safety of the travelling public.

The report outlined that Kirklees Council, in its capacity as Licensing Authority had seen an increase in applications for a Private Hire / Hackney Carriage driver's license from applicants who intend to predominantly and exclusively work outside of the Kirklees area. The report continued that under current procedures Licensing Officers would have a brief discussion with the applicant to confirm their intentions should a license be granted. The applicants were suggested that they were being directed to Kirklees to obtain a licence and being told that they could then work exclusively in other controlled districts outside of Kirklees once a licence from Kirklees was granted. The report suggested that there was evidence that new applicants were being directed to Kirklees because they believed Kirklees processes were perceived as relatively straightforward and cheap compared to other districts which operated a more stringent application process, such as the requirement to pass a geographical knowledge test which applied to all new drivers.

The report noted that Knowsley Council had introduced a similar Intended Use Policy and had found it to be effective in managing drivers who mainly worked outside of their controlled district. However, the Committee was informed that Knowsley Council's policy was being challenged via Judicial Review and that Kirklees would be prudent to await the outcome of the Judicial Review before introducing a policy.

RESOLVED -

That consideration of the report be deferred to a future meeting of the committee.

9 Executive Status of Private Hire Vehicles

The Committee received a report to consider requesting an alteration of the Private Hire License Conditions to enable the Licensing Manager, rather than the Regulatory Committee to determine if a vehicle can have 'executive hire' status and be exempt from most vehicle signage conditions and to agree a policy to enable the Licensing Manager to make such decisions. The proposed Executive Status Policy was appended to the report.

The Committee was advised that Executive Hire was predominately for corporate clients e.g. taking their corporate customers clients to and from the airport, or if their work was entirely made up of airport trips to and from domestic properties or a combination of the two. Following questions from councillors, the Licensing Officer confirmed that test purchases would be carried out to monitor that these vehicles would not be used for anything other than executive hire. Councillors also asked what challenge would be available to drivers if their application was refused by the Licensing Manager. The officers confirmed that they would explore adding a route for appeal to the proposed policy. This would be an internal appeals process, given that it was a Kirklees policy.

RESOLVED -

That:-

- (1) the Committee approved the introduction of the Executive Status Policy.
- (2) the Committee delegated responsibility from the Regulatory Panel to the Licensing Manager to determine all future applications based on the Executive Status Policy.

10 Batley Market Place Taxi Rank

The Committee received a report which requested consideration be given to a review of the current operation of Batley market Place Taxi Rank and to decide whether it should be varied. The report outlined that a number of representations had been received from Ward Councillors and members of the trade to say that the previous changes to the rank were adversely affecting access to the businesses in the area due to the reduction in parking spaces for the businesses and public. The representations claimed that the rank was not regularly used and had requested that the details of the rank revert back to being a night time rank and reduce the amount of vehicles to 2. A further representation was handed out to the Committee where a complaint had been received from a member of the public which claimed that daytime parking by shoppers had migrated to the opposite side of the road, resulting in double parking and tailbacks onto Commercial Street.

Committee members commented that they were concerned about the amount of changes over the years to this taxi rank, and requested that any further change only be brought back if there was a significant change in circumstances.

RESOLVED -

That:-

- (1) the Committee approved the retention of the Hackney Carriage stands in Batley Mark Place.
- (2) the Committee reduced the number of ranks to 2 vehicles and reduced the hours of operation of the rank to between 18.00 and 08.00.

Contact Officer: Penny Bunker

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 18th September 2017

Present: Councillor Julie Stewart-Turner (Chair)
Councillor Gulfam Asif
Councillor Cahal Burke
Councillor Elizabeth Smaje
Councillor Rob Walker

In attendance: Tom Ghee, Group Engineer - Flood Management and PROW

10 Membership of Committee

All members of the committee attended the meeting.

11 Minutes of Previous Meeting

The minutes of the Meeting held on 3 July 2017 were agreed as a correct record.

12 Interests

There were no interests declared.

13 Admission of the Public

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

14 Approval of Scrutiny Panel Work Programmes

The Management Committee considered a report which set out its role in coordinating the work programmes of the four standing Scrutiny Panels and monitoring progress against delivering the work programmes throughout the municipal year. The Committee considered the draft work programmes for the following panels;

- Health and Adult Social Care Scrutiny Panel
- Children's Scrutiny Panel
- Corporate Scrutiny Panel

In respect of the Economy and Neighbourhoods Scrutiny Panel, Councillor Rob Walker, Lead member of the Panel advised the Committee that the initial meeting of the panel had been rearranged. In the interim he had met with the portfolio holders and Strategic Director and identified potential issues which would be subject to further discussions with Panel members before a final programme could be provided to the Management Committee.

In respect of the Health and Adult Social Care Scrutiny Panel, Councillor Liz Smaje, Panel Lead member, advised the Committee that the Panel would be looking at preparation for winter, proposals for podiatry services and suicide prevention at its October meeting. It was noted that the suicide prevention issue had been a referral

Overview and Scrutiny Management Committee - 18 September 2017

from the House of Commons Health Select Committee to seek reassurance that a Suicide Prevention Strategy was in place and being delivered within Local Authorities.

In commenting on the work programme, Councillor Stewart Turner identified the potential size of some of the items on the work programme. Councillor Smaje indicated that issues such as the financial position of the two Clinical Commissioning Groups would be considered together. The Panel would look at both strategy and finance as one item in January 2018. Councillor Stewart Turner welcomed that the Panel was monitoring Care Quality Commission reports and made particular reference to the issues that had been identified concerning midwifery. Councillor Smaje informed the Committee that an action plan was in place and the Panel would be maintaining an overview of the findings of CQC reports and the response to recommendations. It was also noted that Attention Deficit Hyperactivity Disorder (ADHD) within adults would also be revisited in April 2017. Councillor Stewart Turner welcomed the progress that had been made in this area following an in-depth Scrutiny report in 2005, at which time there were no services for adults across the district.

The Committee continued to look at the proposed work programme for the Children's Scrutiny Panel. It was noted that the implementation of the Improvement Plan and the recommendations of the Ad-Hoc Scrutiny Panel would be a significant area of focus. An initial update on the progress against the improvement plan had been requested for the meeting on 9 Oct 17. The panel would also be looking at aspects of performance management to identify specific areas of focus. A further area of scrutiny for the panel would be Corporate Parenting and supporting children and care leavers. The panel wanted to be sure that the Council was meeting its responsibilities and that the voice of the child was clearly heard as part of work in this area. The panel had identified elective home. As another area where the Council needed to ensure it had robust processes for children who were not engaged in traditional education delivery. As part of this work there would be a discussion about the introduction of a pathway to prosecution.

Councillor Cahal Burke continued to explain that special educational needs was a further area of focus. With an Ofsted inspection due in the future, the Panel wanted to ensure that the Council had prepared effectively and could demonstrate effective working in this area.

Councillor Smaje asked how the Panel would be looking at the improvement plan and whether it would seek to involve groups outside of the Council or just internal officers. Councillor Burke indicated that the Panel had not formally agreed how it would be carrying out the work and needed to consider an initial overview before agreeing a way forward.

Councillor Stewart Turner noted that the Scrutiny Panel was intending to continue to receive the minutes of the CSE and Safeguarding Member Panel on a quarterly basis. It was suggested that the work being undertaken by the CSE Member Panel may at some point come into Scrutiny's remit. Councillor Cahal Burke said initially his intention was to ensure that the same work was not being duplicated in different panel arenas.

Overview and Scrutiny Management Committee - 18 September 2017

Management Committee moved on to consider the proposed work programme for the Corporate Scrutiny Panel which was introduced by Councillor Gulfam Asif. The Committee noted that the Scrutiny Panel would be monitoring the on-going financial position of the Council with particular reference to how the identified budget savings were being achieved. The Panel would also be considering the Democracy Commission work streams, focusing initially on those that could be progressed without further political discussion.

The Corporate Scrutiny Panel had a number of broad issues on its work programme and Councillor Asif confirmed that the Panel had tried to identify specific areas of focus. The IT work stream would focus on looking at the operation of the Citizen's Account as well as understanding the support offered for the less IT literate members of the public, to ensure they were not disenfranchised by an increasing move towards IT solutions. The Corporate Scrutiny Panel would also consider the move to the local authority becoming a commissioning authority and how Scrutiny might be able to assist in this area. In respect of procurement, the Panel was going to understand the current process requirement and influence a review that was being undertaken. The Panel would also scrutinise the Deloitte Project and consider how the competing priorities highlighted as part of the Policy Committee's social value work might be considered as part of the Deloitte project work. There was a further work stream on assets, with the Panel gaining an understanding of the legal and policy requirements and looking at the current priorities for the Council.

The Corporate Panel had also considered the possibility of a Scrutiny Charter to explain the purpose of Scrutiny and approach being taken in Kirklees. The Scrutiny Committee felt that such a proposal required further consideration.

Councillor Asif also highlighted that the Bereavement Services charging policy report was due to go to Cabinet on Tuesday 19 September 2017. Councillor Asif acknowledged that it was too late for Scrutiny to have a meaningful input into the proposals however he would be raising his concerns.

In respect of the Deloitte's work stream, Councillor Rob Walker highlighted the work on social value undertaken by the Policy Committee in respect of procurement within the authority. He suggested that the Scrutiny Panel might wish to meet with the Asset Transfer Network, which is made up of groups who had been involved with asset transfers, as they had relevant views to the Kirklees approach. Councillor Burke suggested that the Panel might explore the other options that are considered by the Council where groups were not able to take on a full asset transfer.

There followed a discussion on the need for Scrutiny work to be outcome focused. Panels need to be sure of the outcomes they are intending in looking at a particular issue. Also to explore with services the outcomes they were looking for in taking a particular approach and how those outcomes would be measured.

The Committee welcomed that the Democracy Commission work streams formed part of the Corporate Scrutiny Panel work programme. It was considered important that the excellent work of the Democracy Commission was followed up and agreed recommendations taken forward.

Overview and Scrutiny Management Committee - 18 September 2017

Councillor Rob Walker outlined potential work programme issues for the Economy and Neighbourhoods Scrutiny Panel. It was noted that the Panel was due to meet on 4 October 2017 in order to discuss and agree the Work Programme. The proposed issues included an update on the new Skills Strategy for Kirklees, a look at housing issues including the Age Designation Policy and approach to extra care homes. The Waste Management Strategy was also identified including the approach to recycling and new expectations and targets from Government. The Panel would look at town centres, focusing particularly on Dewsbury and Huddersfield but would also look at the theme of Thriving Towns and Villages. A final proposed item focused on communities and neighbourhoods, looking at the work of Comoodle in supporting communities and the sustainability of the Comoodle project once initial funding had run out. Councillor Stewart-Turner also asked that the wider approach to helping communities to do more for themselves and Councils framework for support could possibly be included as part of the scope of this item. In considering Councillor Rob Walkers update, Councillor Burke suggested as part of the housing item aspects of sheltered housing could be included. Councillor Smaje acknowledged that there was a crossover between the work of the Health and Adult Social Care Scrutiny Panel and the Economy and Neighbourhoods Scrutiny Panel regarding extra care homes. It was an important there was no duplication between Panels and that they were clear regarding areas of focus.

Councillor Smaje also suggested that accessibility to waste management facilities was an issue and explained that one site located in North Kirklees was not fully accessible to people with disabilities. Councillor Rob Walker undertook to include accessibility as part of considerations.

Councillor Stewart-Turner thanked the Lead Members for the work they had done in developing work programmes. It was agreed that lead members would report back on the progress of Panel work to each of the Overview and Scrutiny Management Committee Meetings.

RESOLVED –

That the proposed Work programmes for the Children's, Health and Adult Social Care and Corporate Scrutiny Panels be noted and approved.

1. That the provisional items for the Economy and Neighbourhoods Work programme be noted, subject to further discussion at the Scrutiny Panel meeting on 4 October 2017.
2. That the lead members report back on the work of Scrutiny Panels at each meeting of the Overview and Management Committee.

15 Statutory Item - Update on preparation for winter flooding

As part of Scrutiny's statutory responsibilities the Management Committee considered the work being undertaken in preparation for winter flooding within the Kirklees district. Cabinet member, Councillor Peter McBride and Tom Ghee, Group engineer, Floor Management, attended for this item.

The Management Committee noted an update on the recommendations made on the Local Flood Risk Management Strategy in January 2017 including issues raised around community engagement, the Calderdale Volunteer Project and member

Overview and Scrutiny Management Committee - 18 September 2017

engagement work. The plan has escalated a number of actions that the Council take in response to the forecast of flooding, with actions being triggered by joint decision between the Emergency Planning and Flood Management teams.

The Committee also welcomed that the Council had changed its approach to highway gully emptying to a demand management led process. Routes have been altered to prioritise those gullies on winter gritting routes to be emptied twice yearly and to be able to respond reactively to reports of blocked gullies on all other roads. The programme of assessments and upgrades to trash grilles which protect highway culverts was continuing.

The report also indicated a 6 year programme, funded by a £1.1 million grant from the Environment Agency, had begun to repair and maintain the original capacity of old culverts.

The Management Committee noted the update on working with partners in the local community to deliver areas within the Flood Risk Management Strategy. It was noted that it was difficult to mobilise at risk communities in Kirklees when they had yet to experience flooding. The service continued to take an opportunistic approach and engage with existing community groups wherever possible.

At the previous meeting of the Management Committee where Flood Risk Management had been considered, the Management Committee had felt that local ward members should be better informed about the main drainage and flood risk issues within their ward.

The report continued to set out the proposal to produce an A3 leaflet which would contain local flood information. It was proposed that 2 pilot wards were chosen, Home Valley South and Newsome, to attract consultation feedback from areas that had different characteristics with regard to flood risk.

The Management Committee welcomed the update report and clarified details regarding how gullies that were not on gritting routes were identified. Mr Ghee explained that previous records were used but also a sophisticated Geographical Information System which enabled officers to see the cluster of gully's within the network that were effected at particular locations. The Committee was advised that many of the gully pots were put in place in the 1920's and needed updating to improve their capacity and grille size.

The problem of debris from building sites leading to silted up drains was highlighted. Mr Ghee indicated that this should be picked up as part of planning enforcement.

The Management Committee continued to discuss the challenges facing local people when Yorkshire Water identified a particular issue as requiring council involvement whilst at the same time the council suggest it was a Yorkshire Water responsibility. It was suggested that residents needed guidance to understand the responsibilities of different agencies.

The Committee considered how ward members were involved in the development of the ward based summary. Mr Ghee explained the work that was going on in Newsome and Holme Valley South which would produce a template that could be

refined for each ward. Officers were listening to ward councillors to understand what was required and would be most useful.

Management Committee was concerned that the early involvement work with communities had not progressed as hoped. Mr Ghee explained the work that had been undertaken within the Cleckheaton area, but communities were very passive were they had not been directly affected by flooding.

Councillor Asif suggested social media campaigns might be appropriate to help to make it clear to communities and put across key messages. It was also suggested that the Kirklees representative on the Yorkshire Water Board be made aware of the challenges facing local communities when contacting Yorkshire Water.

RESOLVED –

1. Councillor Peter McBride, Cabinet Portfolio holder and Tom Ghee, Group Engineer, Flood Management, be thanked for attending the Committee and outlining work being undertaken in preparation for winter flooding within the Kirklees District.
2. That officers raise with a Kirklees representative on Yorkshire Water, Management Committee's concerns about public information.

16 Lead Members Update Report

The Chair of Scrutiny and the Scrutiny Panel Lead Members provided an update on work they had undertaken since the previous meeting of the Committee. The Committee also discussed the format for future lead member reports.

Councillor Stewart Turner shared information on briefings she had undertaken regarding Performance Management, the Enforcement Partnership and policy development work. It was also noted that the Scrutiny investigation into the bus gates decision making process had been completed and would be reporting back to Council. The work of the Joint Health Scrutiny Committee looking at the Calderdale and Huddersfield reconfiguration proposals had been approached in a professional way and a decision to refer concerns to the Secretary of State had been agreed at the meeting on 21 July 2017. Councillor Stewart-Turner had met with the Chief Executive to discuss a range of issues including the Ombudsman annual review letter and options to pursue joint briefings with Lead Members and portfolio holders where appropriate.

Councillor Asif updated on his lead member briefing with the Chief Executive where consideration had been given to potential areas for the Panel Work Programme. An initial meeting of the Scrutiny Panel had been held and there had been an effort to provide areas of focus for the broad programme issues that had been identified at the briefings stage.

Councillor Burke, Lead member for Children's Scrutiny Panel updated on the meeting he had held with Directors and officers within Children Services. The relationship with Cabinet members was working well. Councillor Burke raised initial concerns about being able to get all the information necessary for the Panel to look at the issue identified within the work programme. Issues included the social work model used within Kirklees, including looking at the Leeds approach. The Panel

Overview and Scrutiny Management Committee - 18 September 2017

would also be looking at elective home education and special educational needs support in preparation for an Ofsted inspection.

Councillor Smaje provided an update on the work programme and meetings of the Health and Adult Social Care Scrutiny Panel. The Panel would be looking at the new Wellness Model at its meeting in September 2017. The Mental Health Scrutiny report had been to Council and stimulated a good debate on the issues raised by the Scrutiny investigation. Councillor Smaje also indicated that the West Yorkshire Scrutiny Committee would be meeting in October and the Mid Yorkshire Joint Health Scrutiny Committee would also be meeting in due course to oversee the implementation of the Mid Yorkshire Hospitals Trust service reconfiguration.

Councillor Rob Walker, Lead member for the Economy and Neighbourhoods Scrutiny Panel advised that due to unforeseen circumstances the Panel had to delay its work programming meeting. However he had met with cabinet members and Directors to start to identify potential issues for the work programme. A draft of those issues have been circulated to Panel members to enable a meaningful discussion at the meeting to be held on 04 October 2017.

RESOLVED –

1. That the update reports by members of the Management Committee on scrutiny activities since the last meeting, be received and noted.
2. That the proposed Lead Member template, to capture the outcomes of scrutiny work, be noted and Lead Members forward any comments to the Governance and Democratic Engagement Manager.
3. That Lead Members provide an update on panel work to every meeting of the OSMC.

17 Forward Plan of Key Decisions/Private Decisions

The Management Committee received for information the most recent version of the Forward Plan of Key Decisions and private items. The Committee noted the items on the current plan which were broken down into panel areas. Councillor Stewart-Turner highlighted the need for Scrutiny work programmes to be aligned where possible to the timetable for priority decisions within the forward plan to ensure that pre-decision scrutiny was timetabled

Councillor Stewart-Turner also circulated a list of Council priorities within Strategic Director portfolios. The list identified those key areas of work that would be the focus in the next 12-18 months.

Councillor Stewart-Turner asked that the Council priorities be broken down into panel area with each item, having a broad timescale attached to enable effective forward work programming.

RESOLVED -

That the forward plan key decision and private decision be noted.

That timescales for the Council Priorities Schedule be included within future versions of the schedule.

18 Schedule of Meetings 2017/18 / OSMC Work Programme

Management Committee considered proposed dates for the remainder of the municipal year as follows;

27 November 2017
15 January 2018
12 March 2018

It was also noted that outcome based accountability training would take place on Monday 30 October.

The Management Committee also considered the OSMC Work Programme and noted that an update on the Equality and Diversity Strategy would be presented in March 2018. An overview of the Democracy Commission would be included in the January meeting and an update on the Council's corporate approach to performance management would also be scheduled.

RESOLVED –

1. That meetings of the Management Committee be held on 27 November 2017, 15 January 2018 and 12 March 2018.
2. That training on outcome based accountability be held for members of the Management Committee on Monday 30 October 2017 from 10am.

Contact Officer: Steve Copley

KIRKLEES COUNCIL
PERSONNEL COMMITTEE

Tuesday 19th September 2017

Present: Councillor David Sheard (Chair)
Councillor David Hall
Councillor Terry Lyons
Councillor Peter McBride
Councillor Shabir Pandor
Councillor John Taylor
Councillor Graham Turner
Councillor John Lawson

Apologies: Councillor Andrew Palfreeman
Councillor Nicola Turner

1 Membership of the Committee

Apologies for absence were noted on behalf of Councillors Andrew Palfreeman and Nicola Turner.

Councillor John Lawson substituted for Councillor Nicola Turner.

2 Minutes of Previous Meeting

The minutes of the Personnel Committee meeting held on 10 July 2017 were approved.

3 Interests

None declared.

4 Admission of the Public

Members resolved to consider items 9-10 in private session, as they contain exempt information. The details and reasons are set out at the start of each item.

5 Public Question Time

No questions were received.

6 Member Question Time

No questions were received.

7 Deputation/Petitions

No deputations or petitions were received.

8 Exclusion of the public

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

9 Update on Human Resources and Industrial Relations and Trade Union Relationships in the New Council.

(Exempt information relating to consultations or negotiations, or contemplated consultations and negotiations, in connection with a labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. The need to maintain confidentiality around negotiations with the trade unions outweighs the public interest in disclosing the information)

Further to the Personnel Committee on 10 July 2017, the Committee received a verbal update from Jacqui Gedman and Rosemary Gibson on the progress being made in the discussions with the trade unions to try to develop the working arrangements between the management and trade unions.

In summary, the report focused on:-

- The response to the industrial action in the children's social work teams to-date, and UNISON's subsequent requests for further meetings with the management side to deal with a number of issues. It was noted and agreed that these should be progressed through the service liaison team meetings
- Those trade unions that continue to raise issues that have been addressed and are seeking to raise "disputes", both of which are being managed appropriately
- The possibility that the trade unions campaigns could spread to target staff in other key services with new demands and requests for industrial action from Autumn 2017
- The possibility that the trade union campaigns could spread to Highways and their winter maintenance works is a concern. If so, the management side will review how this work may be undertaken by our contractors and then by our employees through their contracts of employment. It was agreed that management need to consider a longer term solution to these issues.
- The progress made by the management side to capture and record details of the requests made by trade union representatives for formal time off for their trade union duties, plus the recording of any "green time", and any other ad hoc and informal time off. It was agreed that management will revisit this once further information was available on current costs.

RESOLVED - Members of the Committee agreed to:-

- (1). Receive this progress report and ask for a further progress report at the next Personnel Committee
- (2). Request a specific report from officers on the results from the work to capture and record details of the requests made by trade union representatives for formal and informal time off for their trade union duties to-date, and a proposal and recommendations for the Personnel Committee to develop the management of these activities, costs and principles further in 2018/19.

10 Succession Planning and Managing Change

(Exempt information relating to particular employees. The public interest in maintaining the exemption, which would protect the rights of the individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the council's decision making)

Following a report at the Personnel Committee on 10 July 2017, Jacqui Gedman introduced a report which provided:-

- A progress report on the appointments to the positions of Service Directors and Heads of Service in the new management structures for 2017/18,
- A progress report on the timetable of events to try to fill the post of Strategic Director for Economy and Infrastructure on a permanent basis by Nov 2017,
- A brief update on the development of the senior management arrangements in 2017/18, plus a look ahead the issues to be addressed in 2018/19
- A request to provide immediate and additional leadership capacity by recruiting, on an interim basis, to a new role of Director of Corporate Strategy (as a Strategic Director), which will also support the development of a long term proposal to provide leadership across the Kirklees Partnership.

Members of the committee went on to discuss the content of the report and, in particular, the merits of creating the new post of Director of Corporate Strategy on a temporary or permanent basis.

Members of the committee agreed that they would prefer to see the post created on a permanent basis, and a Service Director appointed to it on an acting up basis, for an initial period of six months, as soon as is possible.

RESOLVED - Members of the committee agreed to:-

- (1) Note the update provided on the appointments to the positions of Service Directors and Heads of Service in the new management structures for 2017/18

Personnel Committee - 19 September 2017

- (2) Note the update provided on the timetable of events to try to fill the post of Strategic Director for Economy and Infrastructure on a permanent basis by Nov 2017
- (3) Approve the creation of a permanent post of Director of Corporate Strategy (at a strategic director level with the exact details of the post to be confirmed over the next few months) with a Service Director being appointed to it on an acting up basis, for an initial period of six months, as soon as is possible. The appointment will bring in greater strategic capacity and stability and will also support the development of a long term proposal to provide leadership across the Kirklees Partnership.
- (4) The Chief Executive and Head of HR to determine the process for filling this post as soon as is possible, which could include:-
 - The Chief Executive progressing the recruitment process to the point of identifying a preferred candidate for the Leaders and Deputy Leaders of the groups, or the members of the committee, to approve
 - The Personnel Committee convening a member panel, based on a ratio of 2.1.1, to interview the prospective candidates
- (5) The Chief Executive and Head of HR presenting a report back to the Personnel Committee within six months (April 2018) on the development of the management arrangements for 2018/19 onwards, including plans for the post and role of Director of Corporate Strategy from May 2018 onwards

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 7th September 2017

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Donna Bellamy

1 Membership of the Committee

Councillor Bellamy substituted for Councillor D Firth.

2 Minutes of the Previous Meeting

Approved as a correct record.

3 Interests and Lobbying

Councillor Bellamy declared an other interest in application 2017/90207 on the grounds that she was a member of Holme Valley Parish Council.

Councillor S Hall declared he had been lobbied on application 2017/91221.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application No: 2017/92235

Site visit undertaken.

8 Site Visit - Application No: 2017/92268

Site visit undertaken.

9 Site Visit - Application No: 2016/93948

Application withdrawn – at the request of the Applicant.

10 Site Visit - Application No: 2017/92237

Site visit undertaken.

11 Site Visit - Application No: 2017/91221

Site visit undertaken.

12 Local Authority Planning Appeals

That the report be noted.

13 Planning Application - Application No: 2017/92268

The Committee gave consideration to Planning Application 2017/92268 Erection of extensions, alterations to roofs and elevations and installation of sprinkler tank and pump house Cummins Turbo Technology, St Andrew's Road, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Mark Prior (speaking on behalf of the applicant).

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. 3 year Time limit for commencement.
2. Development to be In accordance with plans.
3. Samples of facing materials.
4. Landscape Assessment.
5. Ecological Assessment.
6. Conditions as reasonably required by the Coal Authority.
7. Conditions as reasonably required by the Yorkshire Water

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, Bellamy, S Hall, Kane, A Pinnock and Pattison (6 votes)

Against: (0 votes)

14 Planning Application - Application No: 2017/92235

The Committee gave consideration to Planning Application 2017/92235 Erection of new education building with the associated landscaping University of Huddersfield, Queens Street South, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Colin Blair and Iain Bath (speaking on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Julie Stewart-Turner (Local Ward Member).

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions contained within the considered report and the update list including:
 1. A 3 year time limit for commencement.
 2. Development to be In accordance with plans.
 3. Ecological design and landscape plan and maintenance.
 4. Construction Environmental Management Plan.
 5. Lighting Strategy.
 6. Material samples.
 7. Travel Plan update.
 8. Site remediation / validation.
 9. Dust suppression.
 10. Restricting ground works near pipes.
 11. Systems of drainage.
 12. Disposal of surface water.
 13. Stand-off distances.
 14. In accordance with Arboricultural report
 15. Submission of Environmental Management Plan

16. Provision of litter bins and towpath signage
 17. Submission of site security measures
 18. Provision of loading calculations upon the canal wash wall
 19. Details of SUDS maintenance/adoption
 20. Submission of Flood Risk Assessment, to include disposal of surface
 21. Water during construction
- 2) An additional condition that the applicant provides details of where the 25 parking spaces that will be lost from University Street will be relocated.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, Bellamy, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

15 Planning Application - Application No: 2017/90207

The Committee gave consideration to Planning Application 2017/90207 Outline application for erection of B1 light industry Thongsbridge Mills, Miry Lane, Thongsbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Nick Willock (Agent).

RESOLVED –

That the application be deferred to: allow further discussions to take place with the applicant regarding a refined access plan to the site and to review the proposed hours of operation; and arrange a Committee site visit.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, Bellamy, S Hall, Kane and A Pinnock (5 votes)
Against: Councillor Pattison (1 vote)

16 Planning Application - Application No: 2017/92237

The Committee gave consideration to Planning Application 2017/92237 Erection of extension to warehouse and formation of car parking area J Roberts Bronze Components, St Peg Lane, Cleckheaton.

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to secure details of an improved access and to complete the list of conditions contained within the considered report and the update list including :

1. The development shall commence within 3 years of the date of approval.
2. The development shall be completed in accordance with the approved plans.
3. The car park shall be surfaced of permeable paving which shall be retained.
4. Details of a lighting design strategy for biodiversity.
5. Details of the design of the access layout including visibility improvements and associated highway works.
6. Surfacing and lining of parking and circulation areas.
7. The submission of a Travel Plan.

- 2) An additional condition that a variable messages sign is installed on Spen Bank/St Peg Lane.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, Bellamy, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

17 Planning Application - Application No: 2017/92233

The Committee gave consideration to Planning Application 2017/92233 Outline application for erection of 34 no. dwellings Land at Abbey Road North, Shepley, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Rebecca Housam (Agent).

RESOLVED -

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. Approval of details of the layout, appearance, landscaping, and scale.
2. Plans and particulars of the reserved matters.
3. Application for approval of the reserved matters.

4. The timeframe for implementation of the development.
5. Highways conditions.
6. Drainage conditions (Temporary drainage solutions; overland flood Routing, surface water flow and attenuation).
7. Environmental Health conditions- decontamination/ remediation; electric charging points.
8. Landscape /Bio diversity Management Plan.

2) Secure a Section 106 agreement to cover the following matters:

1. Affordable housing (7 units);
2. Education Contribution £114,211;
3. On site POS and subsequent maintenance (this to include the provision of natural play features) and
4. £36,690, towards public transport enhancement, and improvements to Stretchgate.

3) that, pursuant to (2) above, In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, Bellamy, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

18 Planning Application - Application No: 2017/91221

The Committee gave consideration to Planning Application 2017/91221 Outline application for erection of 12 apartment's adj, 5, Hartshead Court, Hightown, Liversedge.

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr David Hall (Local Ward Member).

RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

1. The site is allocated as urban greenspace on the Unitary Development Plan, and as such the proposal is contrary to Policy D3 of the UDP and there are

no material considerations including the provision of new housing that outweighs the sites value as urban greenspace.

2. The scheme fails to provide any affordable housing, and is therefore contrary to the Councils Interim Affordable Housing Policy, and the guidance contained in part 6 of the National Planning Policy Framework “ Delivering a wide choice of high quality homes”.
3. By virtue of its scale and bulk, the proposal represents overdevelopment of this site, resulting in a development that is out of character with and detracts from the visual amenities of the area, contrary to Policies BE1 and BE2 of the Unitary Development Plan, and part 7 of the National Planning Policy Framework “Requiring good design”.
4. Insufficient information has been provided with this application regarding bin storage and collection, speed survey, and access and access point, to enable an informed highways assessment to be undertaken to ascertain if the scheme is satisfactory with regard to highway safety, accordingly the scheme is considered to be contrary to Policy T10 of the Kirklees Unitary Development Plan.
5. The proposed layout with the use of front and rear garden areas for parking, and turning is considered likely to result in undue disturbance for neighbouring dwellings, and the lower floors of the propose apartment block, detracting from residential amenity contrary to Policy BE1 (iv) of the Kirklees Unitary Development Plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

1. A motion to defer consideration of the application.

For: Councillors Armer, Bellamy and A Pinnock (3 votes)

Against: S Hall, Kane and Pattison (3 votes)

The Chair used his casting vote to defeat the motion.

2. A motion to accept the officer’s recommendation to refuse the application.

For: S Hall, Kane, Pattison and A Pinnock (4 votes)

Against: Councillors Armer and Bellamy (2 votes)

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 5th October 2017

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Donald Firth
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock

1 Membership of the Committee

All members of the committee were present.

2 Interests and Lobbying

Members declared interests and identified planning applications on which they had been lobbied as follows:

Councillors Kane, Pattison, A Pinnock, D Firth, Armer and S Hall declared they had been lobbied on applications 2017/91796 and 2017/91623.

Councillors Kane, Pattison, A Pinnock, Armer, and S Hall declared they had been lobbied on application 2017/91967.

Councillors Kane, Pattison, A Pinnock and S Hall declared they had been lobbied on application 2017/91677.

Councillor D Firth declared an 'other interest' on application 2016/90376 on the grounds that he knew the applicant.

3 Admission of the Public

All items on the agenda were taken in Public Session.

4 Public Question Time

No questions were asked.

5 Deputations/Petitions

No deputations or petitions were received.

6 Site Visit - Application No: 2017/90955

Site Visit undertaken.

7 Site Visit - Application No: 2017/91796

Site Visit undertaken.

8 Site Visit - Application No: 2017/90207

Site Visit undertaken.

9 Site Visit - Application No: 2016/90376

Site Visit undertaken.

10 Site Visit - Application No: 2017/90557

Site Visit undertaken.

11 Site Visit - Application No: 2017/91677

Site Visit undertaken.

12 Planning Application - Application No: 2017/91623

The Committee gave consideration to Planning Application 2017/91623 Erection of 58 dwellings and associated means of access at land at, Dunford Road, Hade Edge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Steve Sykes, John Dalton, Julie McDonald, Penny Sykes and Kevin MacMillan (objectors) and Jonathan Ainley (speaking on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local Ward Members).

RESOLVED –

1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. A 3 year time limit for commencement.
2. Development to be implemented in accordance with the plans.
3. Samples of all construction materials.
4. Unexpected Land Contamination.
5. Construction operations hours.
6. Visibility Splays to be provided.
7. Areas to be surfaced and drained.
8. Internal adoptable roads.
9. Footway to be provided.
10. Soakaways.
11. Overland Flood Routing.
12. Temporary Drainage Provision.

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13. Vehicle Charging Points.
14. Low emissions Travel Plan.
15. Yorkshire Water- satisfactory outfall.
16. A mitigation plan for the SPA/SAC including signage in the SPA/SAC, leafleting and a program of path maintenance.

2) An additional condition that the construction of the development includes the use of natural stone and slate.

3) Secure a Section 106 agreement to cover the following matters:

1. 12 dwellings to be affordable with a tenure split of six being Social Rented and six being Sub Market.
2. £246,834 towards Education requirements arising from the development.
3. £287,546.50 towards Highway Improvement works

4) that, pursuant to (3) above, In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Kane, Pattison, A Pinnock and S Hall (4 votes)

Against: Councillors D Firth and Armer (2 votes)

13 Planning Application - Application No: 2016/91967

The Committee gave consideration to Planning Application 2016/91967 Outline application for residential development and convenience store, and provision of open space Land at, Dunford Road, Hade Edge, Holmfirth.

RESOLVED –

That following the decision of the Committee to approve application 2017/91623 that consideration of the application be deferred.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane, A Pinnock and Pattison (6 votes)

Against: (0 votes)

14 Planning Application - Application No: 2017/91796

The Committee gave consideration to Planning Application 2017/91796 Demolition of existing building and erection of Class A1 foodstore, formation of car parking,

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landscaping and associated works Land off, Huddersfield Road, Thongsbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Carl Brier (objector), Elizabeth Varley (in Support) and Mark Stringer (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local Ward Members).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. A 3 year time limit for commencement of the development.
2. Development to be in accordance with submitted plans.
3. Samples of materials.
4. Landscaping.
5. Tree protection.
6. Environmental Health to include: decontamination/remediation; Provision of electric charging points; and Hours of use and delivery.
7. Drainage to include: greenfield run off rates; attenuation details; and finished floor levels in accordance with FRA.
8. Bio diversity enhancement measures.
9. Lighting scheme.
10. Limitation of floor space and net sales area for comparison goods.
11. Highways to include: Access details; parking areas provided and surfaced; and provision of Travel Plan.
12. Crime Prevention condition.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

15 Planning Application - Application No: 2017/90207

The Committee gave consideration to Planning Application 2017/90207 Outline application for erection of B1 light industry Thongsbridge Mills, Miry Lane, Thongsbridge, Holmfirth.

RESOLVED –

1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report and the update list including:

1. A 3 year time limit for commencement.
2. Reserved matters within 2 years.
3. Contaminated Land conditions to cover intrusive investigation, remediation and validation.

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4. Ecological enhancement.
5. Drainage.
6. Travel Plan.
7. Highway access detailed design.
8. Landscaping to include a buffer in North West corner of site closest to residential property.
9. Operating hours and Construction hours to be determined as part of reserved matters.
10. Construction management plan.
11. Details of external plant.
12. Floodlighting details and a scheme to manage and control lighting.
13. Details of drainage to accompany reserved matters – layout.
14. Flood evacuation plan.
15. Electric Charging Points 10% of spaces.
16. The submission of a Road Safety Audit and final details of the design access to be agreed.

2) An additional condition that noise attenuation details are provided at reserved matters.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

16 Planning Application - Application No: 2017/90557

The Committee gave consideration to Planning Application 2017/90557 Erection of 99 dwellings Calder View, Lower Hopton, Mirfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Brian Reynolds (applicant).

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report and the update list including;
 1. A 3 year time limit for commencement.
 2. Approved plan.
 3. Boundary Treatments in accordance with details prior to occupation.
 4. Details of acoustic fence.
 5. Drainage details (excluding site access details if no adoption is agreed).
 6. Finished floor levels.
 7. Details as to how the site to be accessed in emergency at times of flooding (emergency access) to include details of proposed signage and a schedule for maintenance.
 8. Ventilation of windows closest to railway.
 9. Contaminated Land – in case contaminants found on site.
 10. YW – separate system of drainage for foul and surface water.

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11. Measures to reduce crime in accordance with submitted report.
12. Construction method statement.
13. Landscaping to be implemented.
14. Details of how any existing watercourses within the application site will be dealt with.

2) Secure a S106 agreement to cover the following matters:

1. £22,162 for the purposes of highway maintenance, monitoring and cleaning following any flooding event.

3) that, pursuant to (2) above, In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorises to determine the application and impose appropriate reasons for refusal under Delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, S Hall, Kane, A Pinnock and Pattison (4 votes)

Against: Councillor D Firth (1 vote)

Abstained: Councillor Kane

17 **Planning Application - Application No: 2017/91677**

The Committee gave consideration to Planning Application 2017/91677 Erection of 43 retirement living apartments, 83 bed care home with provision of communal facilities, landscaping and car parking and erection of 7 affordable dwellings Land at, Serpentine Road, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Georgina Crabtree (on behalf of the applicant).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. A 3 year time limit for commencement.
2. Approved plans.
3. Phasing plan.
4. Buggy store elevations.
5. Materials.
6. Elevations of substation.
7. Yorkshire Water condition to ensure protective measures submitted to ensure existing infrastructure not adversely affected.
8. Full drainage details.
9. Lighting Strategy.

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10. Landscaping for each phase to be submitted before each phase occupied and planted no later than first planting season following occupation of first unit.
11. Boundary treatment for each phase to be provided and implemented prior to occupation of any phase.
12. Occupation of Retirement Apartments and Care Home limited to over 55's.
13. Bin collection details for each phase of development.
14. Parking to be implemented prior to occupation.
15. Highway works along Serpentine Road to include footway lighting and other works required to facilitate safe pedestrian access.

2) Secure a section 106 agreement to cover the following matters:

1. 7 dwellings to be affordable with a tenure split to be agreed with the Council. Affordable units provided prior to 50% of the Retirement Living units being occupied.

3) that, pursuant to (2) above, In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

18 **Planning Application - Application No: 2017/91208**

The Committee gave consideration to Planning Application 2017/91208 Outline application for erection of industrial development of up to 3684 sqm B1c/B2/B8, with means of access (to, but not within, the site) from Colnebridge Road Land adj, Colnebridge Waste Water Treatment Works, Colnebridge Road, Bradley, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Alastair Flatman (on behalf of the applicant).

RESOLVED -

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. Standard condition outlining all reserved matters to be submitted.
2. Reference to approved plans.
3. Reserved matters to be submitted within 3 years and development commenced within 2 years of final reserved matters.

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4. Drainage conditions covering details of existing culverts within the site to be submitted with Reserved Matters (Layout).
5. Foul and surface water drainage. To be submitted with Reserved Matters (Layout).
6. Contaminated land conditions.
7. Noise report.
8. Ecological enhancement measures to be incorporated into landscaping.
9. Boundary treatments.
10. Cycle parking.
11. Finished floor levels to be raised in accordance with FRA.
12. Landscaping scheme shall include trees to be retained.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

19 **Planning Application - Application No: 2017/90955**

The Committee gave consideration to Planning Application 2017/90955 Outline application for residential development. Land at, Forest Road, Dalton, Huddersfield.

RESOLVED –

That consideration of the application be deferred to allow the applicant to arrange a structural engineers report to outline the technical details of how the scheme could be implemented when taking account of the high sloping nature of the site.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, S Hall, Kane, A Pinnock and Pattison (5 votes)
Against: (0 votes)
Abstained: Councillor D Firth

20 **Planning Application - Application No: 2017/92312**

The Committee gave consideration to Planning Application 2017/92312 Demolition of existing three storey mill and associated buildings and erection of factory extension adjoining the existing mill building Ravensthorpe Mills, Huddersfield Road, Ravensthorpe, Dewsbury.

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report and the update list including:

1. A 3 year time limit for commencement.
2. Development to be in accordance with the plans and specifications.
3. Unexpected contamination.

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4. Development to be in accordance with submitted Flood Risk Assessment.
5. Provision of oil separator for surface water drainage from areas of hardstanding.
6. Turning area for HGV's to be provided.
7. Development carried out in accordance with submitted bat survey.
8. Mitigation measures in form of bat roost features required.
9. Prior to commencement of the development a scheme to dispose of surface water to be submitted and approved.
10. Development to be carried out in complete accordance with the proposed mitigation measures in the submitted Bat Survey.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, S Hall, Kane, A Pinnock and Pattison (5 votes)

Against: (0 votes)

Abstained: Councillor D Firth

21 Planning Application - Application No: 2016/90376

The Committee gave consideration to Planning Application 2016/90376 Outline application for erection of 7 dwellings with associated works Land to NE of Wickleden Gate, Scholes, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Robert Small, Joan Small and Sheila Smith (Local Residents) and Noel Scanlan, Charlie Moore and Dudley Parker (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local Ward Members).

RESOLVED –

That the application be refused in line with the following reasons that were included in the considered report and the update list:

1. The site forms part of an Urban Greenspace allocation on the Council's Unitary Development Plan (UDP) Proposals Map as well as on the Draft Publication Local Plan. Policy D3 of the UDP and Policy PLP 61 of the Local Plan relate to development on Urban Greenspace sites. The site (and the wider allocation) is considered to have visual amenity value by providing open green space within the built-up area of Scholes where similar open land is scarce. It is considered that the development does not meet the criteria for development on Urban Greenspace sites as set out in Policy D3 of the UDP, including the provision of a specific community benefit. Furthermore, the development would not be consistent with PLP 61. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.
2. The proposed layout would prejudice the long term viability of adjacent mature protected trees by introducing a new dwelling in very close

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proximity that would experience significant shading by these trees. This would result in the likelihood of pressure to fell or prune the trees in the future which would consequently be to the detriment of the visual amenity of the area, including the Urban Greenspace allocation. This would be contrary to Policies NE9, BE2 and D3 of the Kirklees Unitary Development Plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, S Hall, Kane, A Pinnock and Pattison (5 votes)

Against: (0 votes)

22 Pre-Application - Application No: 2017/20041

The Committee received a pre-application report and presentation in respect of a potential major planning application for a mixed use development on the former Kirklees College site located to the North of Huddersfield Town Centre, Castlegate.

Under the provisions of Council Procedure Rule 37, the Committee received the presentation from Richard Irving (I D Planning) and Ryan Groves (Enjoy Design).

RESOLVED –

That the pre-application presentation be received and noted.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 2nd November 2017

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Nigel Patrick
Councillor Mohan Sokhal

1 Membership of the Committee

Councillor Patrick substituted for Councillor D Firth.
Councillor Sokhal substituted for Councillor Kane.

2 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the meetings held on 7 September and 5 October 2017 be approved as correct records.

3 Interests and Lobbying

No declarations were made.

4 Admission of the Public

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

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2017/92286

Site visit undertaken.

8 Site Visit - Application No: 2017/91213

Site visit undertaken.

9 Site Visit - Application No: 2017/90143

Site visit undertaken.

10 Site Visit - Application No: 2017/92743

Site visit undertaken.

11 Local Authority Planning Appeals

The Committee received a report which set out decisions which had been taken by the Planning Inspectorate in respect of decisions submitted against the decisions of the Local Planning Authority.

RESOLVED - That the report be noted.

12 Planning Application - Application No: 2017/90443

The Committee gave consideration to Application 2017/90443 – Erection of 3 units for B1 (light industrial) and B1 use, erection of two storey office and alterations to existing building at Ratcliffe Mills, Forge Lane, Thornhill Lees, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Nick Willock (applicant's agent).

RESOLVED – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- the standard time limit for implementation of permission (3 years)
- development to be carried out in accordance within approved plans
- no development on the buildings superstructure until samples of facing and roofing materials have been approved
- no occupancy until 2.4m x 43m site lines have been provided at the access
- no occupancy until access radii indicated have been implemented
- no occupancy until areas to be used by vehicles have been surfaced, sealed and parking spaces marked out
- land set aside for potential cycle route link not be developed or permanently obstructed
- the submission of a scheme providing drainage details for the site before development commences
- the submission of a surface water management scheme before development commences
- the floor levels of the development to be above 39.96 AOD
- the implementation of an intrusive contaminated land survey
- the submission of a site remediation strategy if required
- implementation of site remediation strategy if required
- submission of remediation validation if required
- the submission of a scheme detailing how noise sensitive properties are to be protected
- all windows on western elevation of the office building to be non-opening and obscurely glazed
- no occupancy until details of extract ventilation systems have been approved
- no occupancy until details of refuse bin storage areas have been submitted and agreed
- the installation of electric vehicle charging points
- the submission of a low emissions travel plan
- the submission and approval of a landscaping scheme (including maintenance arrangements) the submission of a scheme indicating how the suite will be artificially lit

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors Armer, S Hall, Patrick, Pattison, A Pinnock and Sokhal (6 votes)
Against: (no votes)

13 Planning Application - Application No: 2017/91213

The Committee gave consideration to Application 2017/91213 – Extraction of minerals and subsequent reclamation to agriculture land to east of Arborary Lane and north of Whitehead Road, Crosland Moor.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Jonathan Standen (applicant's agent).

RESOLVED –

- 1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
 - Time limit: (i) standard condition requiring implementation of permission within 5 years of date of approval and (ii) condition requiring development to be completed by 31 December 2037
 - Plans: (i) copy of planning permission and all approved documents to be available at all times at the site (ii) development to be carried out in accordance with complete accordance with approved plans and (iii) a condition to deal with the prior cessation of development
 - Access: (i) all vehicular access to be taken from Arborary Lane (ii) requirement to provide wheel washing facilities on site (iii) limit on HGV movements at the site to 25 in and 25 out (iv) scheme detailing the vehicle passing places on Arborary Lane and Nopper Road (v) provision of access and sight lines prior to development being brought into use (vi) provision and agreement of a vehicle management plan and (vii) provision of a highway inspection regime
 - Land Stability: condition requiring the submission of a geotechnical stability assessment
 - Working Programme: (i) condition and requiring construction specification for screen mounds (ii) condition requiring the construction of screen mounds prior to commencement of mineral extraction (iii) condition requiring site to be worked in accordance with approved phasing plans (iv) condition requiring that the extraction void is not worked below approved topographical levels (v) requirement to provide an annual report regarding mineral extraction and backfilling operations (vi) requirement to maintain monthly records of mineral extracted (vii) no discharge of foul or contaminated water into existing water regimes (viii) drainage to pass through appropriate settlement ponds or similar system (ix) screen hedge around overburden storage area to be planted within first planting season following approval of planning permission and (x) overburden stored above ground not to exceed 2m in height from surrounding ground level
 - Soil stripping and storage: (i) no soil stripping until a scheme has been agreed to protect brown hare and ground nesting birds (ii) topsoil and subsoil to be stripped separately prior to mineral extraction (iii) soils to be stripped in dry weather conditions (iv) condition requiring details of the quantities of soils stripped and (v) soil storage mounds to be grass seeded
 - Restoration: (i) submission of a detailed site restoration scheme and (ii) submission of an ecological enhancement centre
 - Soil replacement: (i) final backfill levels to be 500mm below final site level in order to accommodate soils (ii) spreading of soils to be carried out in dry conditions (iii) areas to receive soils to be ripped to relieve compaction and all objects larger than 75mm to be removed (iv) top soils to be spread on restored areas to appropriate depths (v) a grass sward to be developed on restored areas to be used for grazing and grass/wildflower sward to be developed on areas restored to nature conservation (vi) requirement to carry out remedial works

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should the grass swards fail within two months of any restoration being completed a plan to be submitted to the MPA indicating extent and nature of restoration

- Aftercare: (i) condition requiring the submission of an outline aftercare scheme (ii) condition requiring the implementation of the outline aftercare scheme (iii) requirement to provide an annual aftercare programme and (iv) requirement to organise an annual aftercare site meeting to review progress
 - Protection of amenity: (i) hours of operation restriction 07:30 to 18:00 Monday to Friday, and 07:30 to 13:00 on Saturday (ii) noise level restrictions as measured from noise monitoring locations (iii) noisy operations allowed for eight weeks per year only to be carried out between 09:00 to 17:30 Monday to Friday, and 09:00 to 12:30 on Saturday (iv) no crushing or screening to take place at the site (v) all plant and machinery to be operated and maintained in accordance with manufacturers specifications (vi) proposed vehicle reversing systems to be submitted and approved by the MPA (vii) no blasting to be carried out (viii) submission of a noise monitoring scheme (ix) submission of a noise suppression scheme (x) prior to any excavation commencing, a clean supply of water shall be installed at the site (xi) submission of a dust suppression scheme (xii) suppression of a dust monitoring scheme (xiii) the site shall not be used for the storage of plant or equipment not directly associated with the operation of the quarry (xiv) removal of permitted development rights to erect buildings, plant or machinery etc.
 - Cultural heritage: (i) condition requiring archaeological assessment to be carried out prior to the development commencing and (ii) the MPA to be notified of and archaeological finds during operation of the site.
- 2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover the following matters;
- the provision and maintenance of passing places along Arborary Lane and Nopper Road
 - linking the restoration of the airfield extension the construction and subsequent dedication of the proposed footpath link from Turbid Lane to Arborary Lane
 - the establishment of a Liaison Group
 - the agreement of and subsequent implementation of a formal road cleaning scheme
 - the control of vehicle routing
- 3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Strategic Investment shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors Armer, S Hall, Patrick, Pattison, A Pinnock and Sokhal (6 votes)
Against: (no votes)

14 Planning Application - Application No: 2017/90143

The Committee gave consideration to Application 2017/90143 – Outline application for residential development at land adjacent to Lockwood Scar, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Steve Mitchell (applicant's agent).

RESOLVED – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- standard outline conditions relating to submission of reserved matters, implementation of reserved matters, reserved matters submission time limit and reserved matters implementation time limit
- highways
- ecology
- drainage
- affordable housing (if reserved matters exceeds 11 dwellings)
- crime prevention
- noise report
- contamination reports

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors Armer, S Hall, Patrick, Pattison, A Pinnock and Sokhal (6 votes)
Against: (no votes)

15 Planning Application - Application No: 2017/92923

The Committee gave consideration to Application 2017/92923 – Formation of temporary car park (retrospective) at land off Gasworks Street, Huddersfield.

RESOLVED – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- approved plans
- use to cease two years from the date of the decision notice
- highways conditions relating to the phasing of development and management
- development to be carried out in full accordance with flood risk assessment
- details of CCTV
- the access/egress of the car park using St Andrew's Road must be managed at all times when in use during stadium events and enforced by the stadium traffic management plan
- a scheme for the detailed design of the pedestrian improvements to St Andrew's Road/Gasworks Street signal junction (consented as part of HDOne and installation to accommodate the safe movement of pedestrians
- a car park operation plan detailing spaces, uses, charging and control measures within two months
- a scheme detailing CCTV and lighting scheme to address safety and crime with two months
- a scheme detailing the location and cross sectional information for all proposed construction works adjacent to the existing private boundary wall along Gas Works Street/St Andrews Road including any modifications to it shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be

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implemented prior to the commencement of the proposed development and thereafter retained during the life of the development

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors Armer, S Hall, Patrick, Pattison, A Pinnock and Sokhal (6 votes)
Against: (no votes)

16 **Planning Application - Application No: 2017/92743**

The Committee gave consideration to Application 2017/92743 – Outline application for erection of three dwellings at land adjacent to Upper Blacup Farm, Halifax Road, Hightown, Liversedge.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Mr Laher (in support of the application).

RESOLVED – That the application be refused on the grounds that (i) the site is allocated as Urban Greenspace on the Kirklees Unitary Development Plan Proposals Map and the loss of the site is given significant weight (ii) the proposed development is contrary to Policy D3 of the Unitary Development Plan and Policy PLP 61 of the Draft Publication Local Plan which relates to development on such sites (iii) the loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing and (iv) the application has failed to demonstrate that the ecological impacts of development on the semi natural habitats on the site are acceptable and that to approve the application without this information would be contrary to Policy EP11 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors Armer, S Hall, Patrick, Pattison, A Pinnock and Sokhal (5 votes)
Against: (no votes)
Abstained: Councillor Sokhal

17 **Planning Application - Application No: 2017/92286**

The Committee gave consideration to Application 2017/92286 – Change of use from existing industrial use (B1) to mixed use brewery with on-site public tasting room (brewery tap) and storage of alcohol/function at Unit 15, Heath House Mill, Heath House Lane, Golcar.

RESOLVED – That authority be delegated to the Head of Strategic Investment to approve the application for a temporary 12 month period, issue the decision notice and complete the list of conditions including matters relating to;

- development in accordance with approved plans
- restriction on hours to those proposed within the application
- restriction on number of visitors to the tasting room/function area at any one time (excluding staff) to a maximum of 150
- details of existing extract ventilation system for brewing process
- noise mitigation strategy
- detailed car parking management scheme for the business

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors S Hall, Patrick, Pattison, A Pinnock and Sokhal (5 votes)
Against: Councillor Armer (1 vote)