

Public Document Pack

Kirklees Council



Council Chamber - Town Hall, Huddersfield

Tuesday 13 March 2018

Dear Member

The Council will meet on Wednesday 21 March 2018 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

Group Business Managers to submit any apologies for absence.

3: Minutes of Previous Meeting

1 - 10

To agree and authorise the Mayor to sign the Minutes of Council held on 14 February 2018.

4: Declaration of Interests

11 - 12

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

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

7: Public Question Time

The Committee will hear any questions from the general public.

8: Devolution Report

13 - 28

To receive and discuss the report.

9: Constitution - Proposed Changes to Terms of Reference of Corporate Governance and Audit Committee

29 - 36

(Reference from Corporate Governance and Audit Committee)

To consider the report.

Contact: Samantha Lawton, Legal Services.

10: Report of Members Allowances Independent Review Panel (Reference from Corporate Governance and Audit Committee) 37 - 52

To consider the report.

Contact: Carl Whistlecraft, Head of Democracy.

11: Amendment to Officer Scheme of Delegation (Reference from Corporate Governance and Audit Committee) 53 - 56

To consider the report.

Contact: Julie Muscroft, Service Director – Legal, Governance & Commissioning.

12: Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons 57 - 64

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 65 - 96

To receive for information; the minutes of Cabinet held on 21 November, 8 December, 19 December 2017, 15 January, 23 January and 30 January 2018, and Cabinet Committee – Local Issues held on 24 January 2018.

14: West Yorkshire Combined Authority Minutes

97 - 108

To receive the Minutes of the Meeting of the West Yorkshire Combined Authority held on 14 December 2017.

15: Holding the Executive to Account

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

16: Minutes of Other Committees

109 -
182

To receive for information the minutes of the following Committees;

- (i) Standards Committee
 - (ii) Health & Wellbeing Board
 - (iii) Corporate Parenting Board
 - (iv) Corporate Governance and Audit Committee
 - (v) Overview and Scrutiny Management Committee
 - (vi) Strategic Planning Committee
 - (vii) Appeals Panel
 - (viii) Personnel Committee
-

17: 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 Board (Councillor Kendrick)
- (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)
-

18: 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, 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.”

19: Motion submitted in Accordance with Council Procedure Rule 14 to address the Clean Air for Kirklees

To consider the following Motion in the names of Councillors Khan, Sheard and Pandor.

“This motion calls upon the Environment Secretary Michael Gove to

urgently take further action to fix the dangerous growing problem of air pollution in our towns and cities. Following a third court order that slams the Government's Air Quality Plan as inadequate and unlawful, the UK Government has been urged to 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.

Kirklees is undertaking a number of projects and interventions to improve the health of our residents and improve the local environment. This includes everything from leading on the West Yorkshire ECO-Stars Freight Recognition scheme, retrofitting school transport buses, Smart Traffic Lights, encouraging low emission taxis, installing a strategic electric vehicle charging network across the District, assessing the impact of housing developments on air quality, and providing concessional parking for low emission vehicles.

This Cabinet therefore requests the Chief Executive to write to the Secretary of State for Environment urging the Government to act immediately to protect the health, wellbeing and economic sustainability for our generation and those of the future. The Government must work with local authorities and industry to make sustainable evidence based changes supported by long-term consistent and stable funding.”

By Order of the Council



Chief Executive

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 14 February 2018**

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 Jim Dodds
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 Edgar Holroyd-Doveton	Councillor James Homewood
Councillor Judith Hughes	Councillor Mumtaz Hussain
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 Marielle O'Neill
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 Rob Walker	Councillor Michael Watson
Councillor Gemma Wilson	Councillor Linda Wilkinson
Councillor Habiban Zaman	

136 Announcements by the Mayor and Chief Executive

Council held a minute of silence in respect to former Councillors Denis Ripley and Bob Mortimer, who had both recently passed away, and also in recognition of the 200th Anniversary of the Colne Bridge Mill Fire, in which seventeen people had died.

Tributes were paid by Councillors E Firth, Sheard, Light, Kane, Marchington, Cooper, Bolt, Sokhal, D Firth and the Mayor.

The Mayor conveyed the congratulations of the Council to Councillor Erin Hill upon the recent birth of her son.

The Head of Legal Services reminded Council, in respect of Agenda Item 5, of the restrictions applying to voting under Section 106 of the Local Government Act 1992.

The Chief Executive provided an update on financial developments subsequent to the publication of the Cabinet Motion, including additional social care funding, Government advice regarding changes to treasury management and potential funding available under the business rates pool budget arrangement.

137 Apologies for absence

Apologies for absence were received on behalf of Councillor Hill (who is currently on maternity leave).

138 Minutes of Previous Meeting

RESOLVED – That the minutes of the meeting held on 17 January 2018 be approved as a correct record.

139 Declaration of Interests

Council received a schedule of dispensations that had been granted in respect of Councillors Ahmed, Allison, Calvert, Cooper, Dodds, Greaves, Khan, Lawson, Lyons, Marchington, Mather, McBride, Palfreeman, Pattison, A Pinnock, A U Pinnock, K Pinnock, Richards, Sims, Smaje, Smith, Sokhal, Stewart-Turner, Walker, Watson and Wilson. In addition, it was declared that further dispensations had been granted to Councillors Smaje, Palfreeman, R Smith, Loonat and A U Pinnock.

Councillors Scott, Pandor, E Firth, Calvert, Bellamy and Iredale declared an 'other' interest on the grounds that either they, or a family member, resided within a KNH property.

Councillor Smaje declared an 'other' interest as a Director of a group currently leasing Birstall Community Centre.

Councillors Scott and Zaman declared an 'other' interest on the grounds that they had family members in receipt of a blue badge.

Councillor Akhtar declared an 'other' interest on the grounds that he was in receipt of a blue badge.

Councillors Bellamy and D Firth declared an 'other' interest as Members of Holme valley Parish Council.

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Councillor Patrick declared an 'other' interest on the grounds that his wife is the Chair of Holmfirth Civic Hall Charitable Trust (part funded by Holme Valley Parish Council).

Councillor E Firth declared an 'other' interest as a Director of Kirklees Community Association.

Councillor O'Neill declared an 'other' interest on the grounds that she is in receipt of single person council tax reduction.

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Budget 2018/2020

It was moved by Councillor Pandor and seconded by Councillor G Turner;

That;

(1) Capital

- the draft Capital Plan 2018-2023 be approved (appendix E refers)
- the Prudential Indicators as detailed at appendix F be approved

(2) Treasury Management (Appendix C)

- the borrowing strategy be approved (paragraphs 2.12-2.18 refer)
- the investment strategy be approved (paragraphs 2.19-2.33 refer)
- the policy for provision of repayment of debt (minimum revenue provision/MPR) be approved (Appendix C refers, reflecting the changes in policy outlined in paragraphs 2.34-2.66) effective from 2017-2018, be approved
- the treasury management indicators be approved (appendix D refers)
- proposals to re-fresh the treasury management strategy for financial year 2019-2020 to reflect revised 2017 CIPFA Treasury Management and Prudential Codes, and updated Government Investment Strategy and MRP guidance to Local Authorities (Government guidance pending), be noted.

(3) General Fund Revenue

- the Draft Revenue Budget 2018/2020 be approved, as attached at appendix A
- the forecast levels of statutory and other Council reserves, as set out at appendix B, be noted
- the strategy for the use of balances and reserves be approved (paragraph 3.73 refers)
- a further reassessment of reserves requirements be undertaken at year end and reported to Members as part of the 2017-2018 financial outturn and rollover report (paragraph 3.74 refers)
- the Council's continued participation on the Leeds City Region business rates pool for 2018-2019 be noted (paragraph 3.26 refers)
- the Flexible Capital Receipts Strategy for 2018-2019 be approved (appendix D refers)
- the Council Tax requirement for 2018-2019 be approved (appendix H refers)
- the Council's Pay Policy Statement for 2018-2019 be approved (appendix I i-iv refers)

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- the Council's Statutory S151 Officer's positive assurance statement be noted (paragraphs 4.4.2 – 4.4.9 refer)
- the Council's Statutory S151 Officer be given delegated authority to amend how the finally approved precepts are recorded in the Council's revenue budget in line with the final notifications received following decisions by the Office of Police and Crime Commissioner, the Fire and Rescue Authority and Parish Councils, should these be received after 14 February 2018 (paragraph 4.1.3 refers)

(4) Housing Revenue Account

- the draft Housing Revenue Account Budget for 2018-2020 be approved (appendix A refers)
- the strategy for the use of the Housing Revenue Account reserves, as set out at paragraphs 3.93 -3.94, be approved.

Whereupon, it was moved by Councillor D Hall and seconded by Councillor J Taylor, by way of AMENDMENT, that

Capital Proposals

Description of proposal	2018-19 £000's	2019-20 £000's
re-profile town centre capital development	-1,537	-7,073
Investment in additional highway maintenance; funded by treasury management savings arising from re-profiling of town centre capital development	1,537	7,073
total	0	0

Revenue Proposal - additional costs

Description of proposal	2018-19 £000's	2019-20 £000's
Removal of libraries saving	700	300
Removal of car parking saving – ref NEW CR6	100	125
Removal of Holmfirth market closure – ref New ER6		40
Extra street cleaning service devolved to ward budgets	115	
reverse year 2 transformation fund reduction- to maintain base budget provision of 250k		180
Revise profile of ASC precept increase across years ; reduce to 2% in 18/19 (reduce from 3%)	1,600	
Council tax increase limited to 2.9% in year 2018-2019	160	
total	2,675	645

Revenue Proposal - additional funding/savings

Description of proposal	2018-19 £000's	2019-20 £000's

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Additional one off funding arising from Kirklees Council being part of the LCR business rates pool pilot	1,600	-1,600
Reduction of subsidy for Trades Union Duties	125	
Removal of transformation fund resources	504	
transfer of some community capacity money to support friends of libraries volunteer groups	100	
Additional procurement savings (new)	46	345
Savings from Customer Contact Centre	100	100
Savings from Comms & Marketing	100	100
Savings from Policy Unit	100	100
Revise profile of ASC precept increase across years ; 1% increase in 19/20		1,600
total	2,675	645

The Amendment, on being put to the vote was LOST.

(In accordance with the requirements of Council Procedure Rule 19 (7), the vote was taken by recorded vote which was as follows;

FOR: Councillors Armer, Bellamy, Bolt, Calvert, Dodds, D Firth, Grainger-Mead, D Hall, Holmes, Lees-Hamilton, Light, McGuin, Palfreeman, Patrick, Sims, Smaje, Smith, J Taylor, K Taylor, Watson and Wilson (21 votes)

AGAINST: Councillors Ahmed, Akhtar, Allison, Asif, Burke, Cooper, Dad, Eastwood, E Firth, Greaves, S Hall, Holroyd-Doveton, Homewood, Hughes, Hussain, Iredale, Kane, Kaushik, Kendrick, Khan, Lawson, Loonat, Lowe, Lyons, Marchington, Mather, McBride, O'Donovan, O'Neill, Pandor, Pattison, Pervaiz, A Pinnock, A U Pinnock, K Pinnock, Richards, Sarwar, Scott, Sheard, Sokhal, Stewart-Turner, G Turner, N Turner, Ullah, Walker, Wilkinson and Zaman (47 votes))

Whereupon, it was moved by Councillor Lawson and seconded by Councillor N Turner, by way of AMENDMENT, that

Capital Proposals

Description of proposal	2018-19 £000's	2019-20 £000's
reduce funding for regeneration of strategic town centres	-1,315	-19,172
unclassified roads and pavements as per ward priorities	1,000	1,000
feasibility study for improvements to Lockwood bar & Longroyd Bridge	100	
feasibility study for a new crossing ; River Colne & Milnsbridge & new access road into Slaithwaite from Manchester Rd	100	
total	-115	-18,172

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Revenue Proposal - additional costs

Description of proposal	2018-19 £000's	2019-20 £000's
events & festivals	100	
remove a proportion of the libraries savings	543	383
proposed 2% ASC in 2018-19; reduced from 3%	1,600	
total	2,243	383

Revenue Proposal - additional savings

Description of proposal	2018-19 £000's	2019-20 £000's
re-profile regeneration of strategic town centres	103	347
remove transformation fund increase in year one	504	
return to committee system	36	36
Additional one off funding arising from Kirklees Council being part of the LCR business rates pool pilot	1,600	-1,600
increase in ASC precept by 1% in 2019-20		1,600
total	2,243	383

The Amendment, on being put to the vote was LOST.

(In accordance with the requirements of Council Procedure Rule 19 (7), the vote was taken by recorded vote which was as follows;

FOR: Councillors Burke, Calvert, Eastwood, Iredale, Lawson, Marchington, A Pinnock, AU Pinnock, N Turner and Wilkinson (10 votes)

AGAINST: Councillors Ahmed, Akhtar, Allison, Asif, Cooper, Dad, E Firth, Greaves, S Hall, Holroyd-Doveton, Homewood, Hughes, Hussain, Kane, Kaushik, Kendrick, Khan, Loonat, Lowe, Lyons, Mather, McBride, O'Donovan, O'Neill, Pandor, Pattison, Pervaiz, AU Pinnock, Richards, Sarwar, Scott, Sheard, Sokhal, Stewart-Turner, G Turner, Ullah, Walker and Zaman (38 votes)

ABSTAINED: Councillors Armer, Bellamy, Bolt, Dodds, D Firth, Grainger-Mead, D Hall, Holmes, Lees-Hamilton, Light, McGuin, Palfreeman, Patrick, Sims, Smaje, Smith, J Taylor, K Taylor, Watson and Wilson)

Whereupon, it was moved by Councillor Cooper and seconded by Councillor Allison, by way of AMENDMENT, that

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Capital Proposals		
Description of proposal	2018-19	2019-20
	£000's	£000's
Play areas at rufford road	50	
Play areas at manor street	35	
Play areas in town centre	50	
mount pleasant development of multi-use games area	190	
traffic calming measures	150	
electric vehicles replacement for KNH and Council fleet (127 units) ; 32 in 18-19 and 95 in 19-20	768	3,690
public rapid charging equipment for electric vehicles	66	
slippage in strategic town centres	-1,309	-3,690
total	0	0
Revenue Proposal - additional costs		
Description of proposal	2018-19	2019-20
	£000's	£000's
ASC precept - 2% uplift in 18-19 (reduce from 3%)	1,600	
rough sleepers; housing solutions officer & flexible pot to facilitate move-on	57	68
public rapid charging equipment for electric vehicles	16	16
community engagement facilities	300	
maintenance for play areas	10	10
total	1,983	94

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Revenue Proposal - additional savings		
Description of proposal	2018-19	2019-20
	£000's	£000's
Additional one off funding arising from Kirklees Council being part of the LCR business rates pool pilot	1,600	-1,600
reduction in transformation funding	349	
savings arising from electric vehicles	34	94
ASC precept - proposed 1% uplift in 19-20		1,600
total	1,983	94

The Amendment, on being put to the vote was LOST.

(In accordance with the requirements of Council Procedure Rule 19 (7), the vote was taken by recorded vote which was as follows;

FOR: Councillors Allison, Cooper and Stewart-Turner (3 votes)

AGAINST: Councillor Ahmed, Akhtar, Armer, Asif, Bellamy, Bolt, Calvert, Dad, Dodds, D Firth, E Firth, Grainger-Mead, D Hall, S Hall, Holmes, Holroyd-Doveton, Homewood, Hughes, Hussain, Iredale, Kane, Kaushik, Kendrick, Khan, Lees-Hamilton, Light, Loonat, Lowe, Mather, McBride, McGuin, O'Donovan, O'Neill, Palfreeman, Pandor, Patrick, Pattison, Pervaiz, AU Pinnock, Richards, Sarwar, Scott, Sheard, Sims, Smaje, Smith, J Taylor, K Taylor, G Turner, Ullah, Walker, Watson, Wilson and Zaman (54 votes)

ABSTAINED: Councillors Burke, Eastwood, Greaves, Lawson, Lyons, Marchington, A Pinnock, K Pinnock, N Turner and Wilkinson.

Whereupon the Substantive Motion was put to the vote, CARRIED and it was therefore RESOLVED;

(1) Capital

- the draft Capital Plan 2018-2023 be approved (appendix E refers)
- the Prudential Indicators as detailed at appendix F be approved

(2) Treasury Management (Appendix C)

- the borrowing strategy be approved (paragraphs 2.12-2.18 refer)
- the investment strategy be approved (paragraphs 2.19-2.33 refer)
- the policy for provision of repayment of debt (minimum revenue provision/MPR) be approved (Appendix C refers, reflecting the changes in policy outlined in paragraphs 2.34-2.66) effective from 2017-2018, be approved
- the treasury management indicators be approved (appendix D refers)
- proposals to re-refresh the treasury management strategy for financial year 2019-2020 to reflect revised 2017 CIPFA Treasury Management and Prudential Codes, and updated Government Investment Strategy and

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MRP guidance to Local Authorities (Government guidance pending), be noted.

(3) General Fund Revenue

- the Draft Revenue Budget 2018/2020 be approved, as attached at appendix A
- the forecast levels of statutory and other Council reserves, as set out at appendix B, be noted
- the strategy for the use of balances and reserves be approved (paragraph 3.73 refers)
- a further reassessment of reserves requirements be undertaken at year end and reported to Members as part of the 2017-2018 financial outturn and rollover report (paragraph 3.74 refers)
- the Council's continued participation on the Leeds City Region business rates pool for 2018-2019 be noted (paragraph 3.26 refers)
- the Flexible Capital Receipts Strategy for 2018-2019 be approved (appendix D refers)
- the Council Tax requirement for 2018-2019 be approved (appendix H refers)
- the Council's Pay Policy Statement for 2018-2019 be approved (appendix I i-iv refers)
- the Council's Statutory S151 Officer's positive assurance statement be noted (paragraphs 4.4.2 – 4.4.9 refer)
- the Council's Statutory S151 Officer be given delegated authority to amend how the finally approved precepts are recorded in the Council's revenue budget in line with the final notifications received following decisions by the Office of Police and Crime Commissioner, the Fire and Rescue Authority and Parish Councils, should these be received after 14 February 2018 (paragraph 4.1.3 refers)

(4) Housing Revenue Account

- the draft Housing Revenue Account Budget for 2018-2020 be approved (appendix A refers)
- the strategy for the use of the Housing Revenue Account reserves, as set out at paragraphs 3.93 -3.94, be approved.

(In accordance with the requirements of Council Procedure Rule 19 (7), the vote was taken by recorded vote which was as follows;

FOR: Councillors Ahmed, Akhtar, Asif, Calvert, Dad, E Firth, S Hall, Holroyd-Doveton, Homewood, Hughes, Hussain, Kane, Kaushik, Kendrick, Khan, Loonat, Lowe, Mather, McBride, O'Donovan, O'Neill, Pandor, Pattison, Pervaiz, AU Pinnock, Richards, Sarwar, Scott, Sheard, Sokhal, G Turner, Ullah, Walker and Zaman (34 votes)

AGAINST: Allison, Armer, Bellamy, Bolt, Burke, Cooper, Dodds, Eastwood, D Firth, Grainger-Mead, D Hall, Holmes, Iredale, Lawson, Lees-Hamilton, Light, Marchington, McGuin, Palfreeman, Patrick, A Pinnock, K Pinnock, Sims, Smith, Stewart-Turner, J Taylor, K Taylor, N Turner, Watson, Wilkinson and Wilson (32 votes)

ABSTAINED: Councillors Greaves and Lyons.

RESOLVED - Budget Motion Approved.

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: 21 March 2018
Title of report: One Yorkshire devolution proposal

Purpose of report

This report provides information on the One Yorkshire devolution proposal submitted to government in March 2018, as the basis for discussion on the potential benefits to Kirklees.

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?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Jacqui Gedman: 12 March 2018
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston: 9 March 2018
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft: 12 March 2018
Cabinet member: Leader	Cllr Sheard

Electoral wards affected: all

Ward councillors consulted: none

Public or private: public

1. Summary

- 1.1 This report provides information on the One Yorkshire devolution proposal submitted to government in March 2018, as the basis for discussion on the potential benefits to Kirklees.
- 1.2 The devolution proposal aims to secure a devolution deal for all of Yorkshire by 2020, with a directly elected mayor, an ambition to secure a broad range of powers and funding and the presumption of devolving powers down from Whitehall to the lowest practical level, in ways that do not create a costly new regional tier of bureaucracy.
- 1.3 The deal package proposes powers and funding aimed at raising living standards for everyone, closing the UK jobs gap by delivering 200,000 jobs, boosting productivity via an extra £12b of economic growth, and moving towards becoming a net contributor to the public purse.

2. Information required to take a decision

- 2.1 Following a meeting of the Yorkshire All Party Parliamentary Group (APPG) on 27 February, at which Sajid Javid (Secretary of State for Housing, Communities & Local Government) was in attendance, Leaders of 18 local authorities in Yorkshire have submitted a detailed plan for a devolution agreement for Yorkshire by 2020.
- 2.2 The detail of that Yorkshire devolution agreement submission is included as Appendix 1.
- 2.3 At this stage, the One Yorkshire proposal above is the only option for devolution making progress. Initial proposals in 2015 for a Leeds city region deal stalled in 2016. The Greater Yorkshire proposal of a geography that includes North, West, East Yorkshire & Hull does not have the support of West Yorkshire leaders.
- 2.4 There remains a South Yorkshire deal which government are clear they do not wish to undermine. Barnsley and Doncaster will support a South Yorkshire deal if it is a stepping stone to a regional deal by 2020.
- 2.5 The One Yorkshire proposal suggests a mayoral term commencing in 2020. For this to include South Yorkshire, there would be a need to change the term of the South Yorkshire mayor from four to two years, following the scheduled May 2018 mayoral election. This would require full local and Secretary of State agreement.
- 2.6 The deal would enable a Yorkshire Combined Authority to create an Investment Fund of more than £3.75b through a 30 year gainshare revenue stream (£125m a year) and locally raised finance.
- 2.7 The deal proposes a directly elected mayor with a clear economic leadership remit, and streamlined and robust governance which create no additional cost burden on the tax payer. The proposal is based on the Yorkshire mayor working as part of a Yorkshire Combined Authority with a cabinet of council leaders.
- 2.8 The deal suggests that this will position Yorkshire to benefit from:
 - Becoming a significant player in an outward looking, competitive and prosperous UK.
 - Creating a compelling basis for government and business investment.

- Rebalancing the economy by increasing local and net national earning power.
- Sharing prosperity across society.

3.9 Government has clearly signalled its interest in working with mayoral areas. Half of the £1.7b Transforming Cities Fund has been allocated to the six areas with elected metro mayors to enable them to deliver local transport priorities while the remainder is accessed by an open competition.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

Devolving powers and funding from a national to a regional level will allow more local choices in terms of how resources are channelled into approaches that focus on early intervention and prevention.

3.2 Economic Resilience (ER)

The devolution proposal is focused on an economic agenda, based on raising living standards, closing the UK jobs gap, boosting productivity and becoming a net contributor to the public purse.

The focus of devolving powers and resources is to play a central role in the UK economy through self-reliance, self-help and self-sufficiency.

3.3 Improving Outcomes for Children

Proposals around strategic infrastructure investment, bus services, smart ticketing and enabling more houses to be built should have a positive impact on children and young people as well as the general population.

There are specific proposals around devolved budget for employer-led skills investment to allow a joined up skills brokerage service to help more employers offer apprenticeships.

There are also specific proposals for powers and devolved funding to drive the improvement of careers and enterprise in education, and inspiration around STEM (science, technology, English and maths) choices.

3.4 Reducing demand of services

Proposals around economic growth and infrastructure investment are designed to lead to improved living standards and the creation of 200,000 jobs, thus reducing the demand for services.

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

As below (next steps) there are statutory requirements to progressing the proposals outlined in the devolution agreement submission. If this is agreed it will be a significant piece of work.

4. Consultees and their opinions

4.1 The devolution proposals and all levels of funding contained in the agreement are subject to political leaders consulting their local communities and businesses on the proposals, and local and combined authority ratification.

- 4.2 One of the identified next steps is ensuring that broadly based local support is demonstrated, including via support from MPs, Peers, and other stakeholders, as well as via statutory public consultation and involvement.

5. Next steps

5.1 A response from government is awaited.

5.2 Other identified next steps include:

- A statutory review to evidence the case that a Yorkshire Combined Authority would improve the exercise of statutory functions and cover a functional economic area.
- Local formal consent from councils and combined authorities.

6. Officer recommendations and reasons

To note the content of the Yorkshire devolution agreement submission and discuss the potential benefits to Kirklees.

This discussion will support Kirklees in playing a strong and focused role in the development of future arrangements that enable to district to best secure progress against its shared outcomes.

7. Cabinet portfolio holder's recommendations

Following discussion at Leading Members this item is now brought for debate at Council.

8. Contact officer

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9. Background Papers and History of Decisions

Various reports relating to the formation of West Yorkshire Combined Authority, including:

- *'West Yorkshire Combined Authority'* Council report, 2 July 2013
- *'Consultation response regarding West Yorkshire Combined Authority'* Council report, 4 December 2013
- *'Progress report on the West Yorkshire Combined Authority'* Corporate Governance & Audit Committee, 31 January 2014

- *'West Yorkshire Combined Authority – Appointments and Nominations'* Corporate Governance & Audit Committee, 6 March 2014

A motion regarding devolution was passed at Council on 2 September 2015.

The Kirklees Democracy Commission report, which was signed off by Council on 15 November 2017, included a chapter on regional devolution.

10. Service Director responsible

Jacqui Gedman
Chief Executive

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Yorkshire Devolution Agreement Submission

Yorkshire Devolution - An historic opportunity for the whole country

This document sets out the proposed terms of an agreement between 18 Yorkshire council leaders / representatives and Government.¹

The delivery of this devolution agreement is central to Yorkshire's collective drive to unleash the full economic potential of a region with an established international brand, an economy twice the size of Wales and a population the same as Scotland.

At its heart is a desire to accelerate the pace of rebalancing prosperity, to play a central role in a confident outward looking UK economy and embrace the opportunities of the digital age and to do so through self-reliance, self-help and self-sufficiency.

The plan to create a single mayoral combined authority for Yorkshire by May 2020 addresses the requirement for these ambitions to be delivered through clear accountable arrangements which avoid duplication and additional costly and burdensome bureaucracy. However, more profoundly, it does so based on the strong, shared, internationally-recognised Yorkshire identity and brand.

Public support for mayoral arrangements to align with an existing identity which complements - rather than competes - with their powerful allegiance to village, town or city, is clear. This proposal will establish a Yorkshire mayor with the capacity to be a powerful symbol of common endeavour within the region and as an ambassador for it nationally and internationally.

This document sets out proposals which reflect and address the diverse needs of a region which spans major cities and national parks, agriculture, coastline and industry, history and innovation by placing powers where they will have maximum impact while retaining the overarching benefits of regional coherence and co-operation.

Covering such a large population and functional economy, this proposed agreement offers the scale to make it a central pillar of the national drive to tackling fundamental weaknesses in the UK economy, notably the productivity challenge and the geographic imbalance in wealth and opportunity.

We seek to address these imbalances in a way which supports the ambitions of other parts of the UK. A Yorkshire enjoying devolved powers and budgets will be a strong partner, offering complementary strengths to those of our partners in the devolved nations, South, Midlands and London while adding fresh momentum towards achieving the ambitions we have set out with our Northern Powerhouse neighbours.

¹ Deal to be based on the widest possible Yorkshire geography conditional on Government enabling all 20 Yorkshire Councils to join - if they so choose - by May 2020. This submission to Government has been agreed by 18 of the 20 Yorkshire Council Leaders and Representatives (Barnsley, Bradford, Calderdale, Craven, Doncaster, East Riding, Hambleton, Harrogate, Hull, Kirklees, Leeds, North Yorkshire, Richmondshire, Scarborough, Selby, Ryedale, and Wakefield, and York). Should Sheffield and Rotherham choose to not join the deal, it is recognised that arrangements may need to be made to ensure the integration of transport across South Yorkshire.

This agreement represents a major acceleration of our work transforming the Yorkshire economy; building on longstanding strengths in areas including energy, financial services, agriculture and tourism and supporting exciting growth sectors including health innovation, logistics and advanced manufacturing. The digital revolution and embracing the opportunities it brings is the golden thread which connects our vision.

The prolonged absence of a devolution agreement for Yorkshire would not only deprive our communities of opportunities open to other parts of the country but would also be a major obstacle to achieving national growth ambitions at a pivotal moment for the UK economy. The Northern Powerhouse will remain incomplete until a thriving Yorkshire enjoying devolved powers and budgets is at its heart.

The determination from this region to overcome previous obstacles to securing an agreement bringing benefits to our communities, our region and the country is evident. This proposal is the culmination of political and geographic collaboration across Yorkshire at a scale and with a degree of consensus unprecedented in recent times.

It represents a clear, ambitious, deliverable roadmap to faster growth, improved living standards for our communities and a significant contribution to the UK's economic ambitions.

Submitting these proposal to government is an important first step. It is however recognised that realising our collective ambition will require a further number of steps:

- undertaking a statutory review which evidences the strong intuitive case that a new Yorkshire CA would improve the exercise of statutory functions and cover a functional economic area
- local formal consent is forthcoming from councils and Combined Authorities, and
- ensuring that broadly-based local support is demonstrated , including via support from MPs and Peers and other stakeholders and through statutory public consultation and involvement using different methods.

Principles and Impact

This deal is built on the following guiding principles:

- **Ambition** – securing a broad range of powers and funding devolved to a Combined Authority covering the widest possible Yorkshire geography and overseen by a new directly elected Mayor to represent the people of Yorkshire by May 2020, in order to ensure that the benefits of devolution are fully realised across the region.
- **Self-determination** and self-help for the region – ensuring Yorkshire can confidently shape its own Industrial Strategy and economic future post-Brexit.
- **Subsidiarity** – ie the presumption of devolving powers to the lowest practical level, whether district or neighbourhood level, sub regional or regional. This is principally about powers coming down from Whitehall but we will work together where it makes sense, eg current CA powers, and where this does not serve to create a costly new regional tier of bureaucracy.
- **Investment, including devolved funding, delivered across the region**, including our rural, coastal and urban areas, ensuring that everyone in Yorkshire is able to benefit from devolution.

- **Streamlined and robust governance** arrangements which create no additional cost burden on the tax payer and comprise the following key elements:
 - **A directly elected Yorkshire Mayor with a clear economic leadership remit**, including skills, business and trade and investment;
 - **A Yorkshire Combined Authority (CA)** based on consensus and having a shared vision and focus on economic, social and environmental challenges including strategic transport, place making/ regeneration, and public service transformation; and
 - **Flexible sub regional arrangements** ‘lifting and shifting’ into the new CA, and building on, existing collaborative arrangements across Yorkshire’s (overlapping and linked) functional economic area.

Yorkshire’s future lies in a new post-Brexit era of global economic opportunity with an ambition that businesses grow and become more productive, leading to a better quality of life. This agreement will enable the people of Yorkshire to begin to fulfil this ambition and benefit from the following opportunities:

- Becoming a significant player in an outward-looking, competitive and prosperous UK
- Co-producing with government a Yorkshire Industrial Strategy to provide a compelling basis for government and business investment and drive to the Northern Powerhouse
- Rebalancing the economy (north / south and east / west) by increasing local and net national earning power
- This prosperity will be shared across society, with the benefits spreading to all.

Furthermore this deal package, comprising a revenue gainshare Investment Fund, Housing Investment Fund, new initiatives and new devolved fiscal powers, would enable accelerated stimulus investment in infrastructure, regeneration and growth across our urban, rural and coastal areas which in turn delivers the following outcomes for Yorkshire as a key driver of a successful Northern Powerhouse²:

- **Raised living standards for everyone**, based on well-targeted interventions delivering balanced and inclusive growth across the region’s urban, rural and coastal areas
- **Closing of the UK jobs gap** - by delivering 200k jobs
- **Boosted productivity** -
 - an extra £12bn of economic growth
 - significantly narrowing the productivity gap, and
- Step towards becoming a **net contributor to the public purse**

The proposals to devolve the significant powers to Yorkshire contained in this deal are driven by the priorities set out in Yorkshire’s 4 Local Enterprise Partnership (LEP) led Strategic Economic Plans

² Source: West Yorkshire Combined Authority Regional Economic intelligence Unit

(SEPs), and going forward will be embodied in a shared Yorkshire Industrial Strategy which will build on the SEPs as the local road map to transform the Region from an overall recipient of government funding to one that delivers extraordinary growth and makes its full contribution to national wealth, creating jobs and prosperity for all local residents and businesses.

Yorkshire is unique, with an innovative, thriving and diverse economy built on a rich industrial, cultural and sporting heritage. The Yorkshire brand is globally recognised; it has a thriving and growing economy worth over £112 billion per year, home to over 5 million residents (half the Northern Powerhouse population), 419,000 businesses and over 2.5 million jobs.

Yorkshire can be characterised in terms of its unique identity, international reach, industrial sectors, and nationally significant economic assets:

The Power Brand and Identity	<ul style="list-style-type: none"> • Coastal, rural, towns, and cities • 5m+ people central to an international region – connected to London, Edinburgh, Dublin & Rotterdam • Industrial Strategy/Northern Powerhouse and UK economic policy/productivity contributor
Economic assets and International Reach	<ul style="list-style-type: none"> • Producer economy; Traded knowledge; HE - R&D and Innovation; Traded services; Visitor Economy; Creative and cultural excellence; International food and drink • Connected by: air (via two international airports); sea (via Humber Ports); rail via ECML and in the future HS2 and Northern Powerhouse Rail; and Road, at the heart of the Strategic Road Network
Competitive Advantage – Our key sectors & Enablers	<ul style="list-style-type: none"> • Advanced Manufacturing; Digital; Energy; Health Innovation/Life Sciences; Agri-tech; Food and drink • Higher Education; Logistics; Professional Services
Rebalancing the Economy	Building on our sector strengths; Economic weight of a £112bn economy; Innovation & R&D; Human Capital; Clean Growth; and Connecting all our working age people to good jobs (inclusive growth)

This agreement will deliver transformational outcomes by enabling the region to tackle its economic, environmental and social challenges. The agreement includes powers to support adult skills provision and co-design employment support, and the ability to create a joined up approach with a focus on

connecting the people of Yorkshire to job opportunities, including through a single Yorkshire smart travel ticket³.

The deal would enable Yorkshire Combined Authority to create an Investment Fund of more than £3.75bn through a 30 year gainshare revenue stream and locally raised finance. An incoming Yorkshire Mayor would have the option, subject to primary legislation, and on the basis of support from local business, to raise a business rates supplement.

This deal would deliver for Yorkshire game changing levels of capital investment in infrastructure, including in regeneration and transport, from devolved funding and fiscal powers, along with supporting additional borrowing powers for non-transport investment, and revenue support for skills and business support interventions, and greater control over the transport system to enable the region to maximise the potential of HS2 and Northern Powerhouse Rail. We believe that a deal of this kind offers the potential to transform productivity in the region, narrowing the growing gap with the UK minus London average, and thereby boosting the earnings power of the people and businesses of Yorkshire.

This agreement is the first step in a process of further devolution. The government will continue to work with Yorkshire on important areas of public service and fiscal reform to enable the people of Yorkshire to reach their full potential.

The agreement is based on the establishment of a Yorkshire Mayor by May 2020 working as part of a Yorkshire CA with a cabinet of council leaders. Given the importance of existing collaboration across the 4 LEP geographies⁴, which are important economic geographies in their own right, the agreement recognises the wider partnership with business through the LEPs and with neighbouring councils (eg South Bank councils).

The devolution proposals and all levels of funding contained in this agreement are subject to local political leaders consulting their local communities and businesses on the proposals and local and combined authority ratification. This agreement is also subject to parliamentary approval of the secondary legislation needed to implement the provisions of this agreement, including establishing the Yorkshire CA and devolving powers and funding to a Combined Authority and directly elected Mayor for Yorkshire.

Summary of the Devolution Deal to be agreed by the Government and Yorkshire Combined Authority Shadow Board, and supported by the 4 Yorkshire LEPs

A new directly elected Mayor for Yorkshire will provide highly visible and democratically accountable economic leadership in terms of driving investment and growth through Yorkshire's Industrial Strategy. The Mayor will review existing LEP structures (geographies, membership and appointing LEP chairs) to ensure these important business led partnerships remain fit for purpose. In addition,

³ recognizing this is an aspiration consistent with TfN proposals for a wider Northern smart ticket, and is subject to local affordability and addressing any fare harmonization issues

⁴ The 4 Yorkshire LEPs cover the following (overlapping) geographies: Leeds City Region; York, North Yorkshire and East Riding; Humber; and Sheffield City Region

the Mayor will Chair Yorkshire Combined Authority and receive the following powers devolved from central Government:

- Devolved 19+ adult skills funding from 2020 to shape local skills provision to respond to local needs
- A Yorkshire Growth Hub to have responsibility for devolved and integrated business support, including DIT export support
- Multi-year consolidated transport budget
- Responsibility for franchised bus services in all (or part) of the region, in line with the Bus Services Act 2017, to secure access to 'fare box' revenues, and for integrating simple smart ticketing across all local modes of transport
- Subject to the necessary primary legislation, power to levy and retain a Supplementary Business Rate in all or part of the region, up to a cap, to provide financing of major strategic infrastructure which will drive growth⁵
- Devolved powers to bring forward strategic sites and assets to promote place making, including the creation of Mayoral Development Corporations, and enhanced Compulsory Purchase powers, supported by the creation of a Yorkshire Land Commission which will be chaired by the Mayor, enabling eg a formal partnering relationship with MOD in relation to surplus assets at Catterick Garrison

The Combined Authority, working with the Mayor, will receive the following devolved funding streams and powers

- Control of a new £125m a year gainshare revenue Investment Fund allocation of up to £3.75 billion over 30 years to be invested in driving growth across the rural, urban and coastal areas of the Region
- Promoting urban, rural and coastal regeneration through control of a new £500m devolved Housing Investment Fund
- 100% Business Rate Retention pilot⁶
- Enterprise Zone / Tax Increment Financing status for major developments at locally determined growth areas and around principal transport hubs
- Powers and devolved funding to drive the improvement of careers & enterprise in education, and inspiration around STEM choices

⁵ Government has proposed a new Mayoral CA power to raise a supplementary business rate to enable investment in infrastructure. It is envisaged that this would be exercisable in Yorkshire in line with the London model which does not seek to deter enterprise, and therefore the Mayor has set a rateable value threshold which in effect excludes micro businesses.

⁶ To encourage local growth and on the basis of safeguards to ensure no detriment compared with existing arrangements

- Devolved DWP national programmes and budgets targeted at addressing unemployment, in work poverty and health barriers to work
- Devolved budgets for employer-led skills investment, to allow joined up skills brokerage service to help more employers offer Apprenticeships.
- Borrowing powers to enable investment in economically productive infrastructure to deliver growth, subject to a cap to be agreed with HM Treasury
- Flexibility to establish a Single Pot combining funding streams to provide maximum flexibility to deliver local priorities
- Broad powers to acquire and dispose of land to enable more houses to be built⁷, commercial space and infrastructure, for growth and regeneration
- A non-statutory Yorkshire strategic infrastructure investment framework

Governance

1. This agreement proposes the establishment of a Combined Authority for Yorkshire with the first elections of a Yorkshire Mayor to be held in May 2020. Yorkshire councils and LEPs have already taken the following bold steps, including securing effective and accountable sub regional governance arrangements, in return for receiving from Whitehall new devolved powers and funding:
 - West Yorkshire Combined Authority and Sheffield City Region Combined Authority were established as conditions of the 2012 Leeds and Sheffield City Deals which conferred new devolved powers and funding to those areas;
 - Yorkshire's four Local Enterprise Partnerships (LEPs) are in receipt of £1.8bn⁸ devolved through ground breaking Growth Deals;
 - 18 Yorkshire authorities have agreed to deepen their collaboration by creating a Yorkshire Combined Authority Shadow Board, building on existing collaborative arrangements including the Yorkshire Leaders Board; and
 - 18 Yorkshire Councils have agreed that they should be free to join a new Yorkshire CA in order to enable the people of Yorkshire to elect a Mayor by 2020
2. The proposal contained in this agreement for a new Yorkshire Combined Authority is subject to final formal consent of a Yorkshire Combined Authority Shadow Board, the constituent councils, existing combined authorities, agreement of ministers, and necessary orders.
3. The strength of the governance arrangements of the CA will be commensurate with the powers and funding devolved to that authority and the mayor, recognising that strong, accountable

⁷ Agreement of Housing numbers would remain an expressly local matter.

⁸ The following funds have been awarded to Yorkshire's four LEPs over three Growth Deal rounds: Leeds City Region (£694.9m plus an additional £420m gainshare); York, NY and ER (£145.8m); Sheffield City Region (£365m); and Hull and Humber (£141m)

governance is an essential prerequisite of any devolution of the new powers and functions contained in this agreement.

- The new Mayor will be elected by - and will be personally accountable to - the local government electors for the areas of the constituent councils of the Combined Authority.
- The Mayor will provide overall economic leadership and chair Combined Authority meetings.
- The Mayor would also hold ultimate responsibility for franchised bus services across all or part of the Combined Authority area⁹, and for integrating smart ticketing across all forms of transport. The Mayor would also be able to levy a supplement on business rates¹⁰ in all or part of the region in order to finance investments in infrastructure. The Mayor would be able to exercise these functions autonomously. The allocation of portfolio responsibilities for the Cabinet would be at the Mayor's discretion.
- The Mayor, supported by a CA Cabinet of leaders, will produce - with LEPs and others - a local industrial strategy for Yorkshire, based upon the existing SEPs, and with a focus on opportunities around Brexit and mitigating risks. The Strategy will set out a programme for accelerated delivery of the aims of the national strategy through maximising the competitive advantages of Yorkshire, bringing together social and economic ambitions to achieve inclusive growth. This agreement is a central to providing Yorkshire with the devolved powers and funding needed to deliver the Industrial Strategy.
- The local authorities covering the widest possible Yorkshire geography, represented by their leaders, will form the constituent membership of the Combined Authority.
- Leaders will form a decision making Cabinet to be overseen by the Mayor, where leaders have a clear portfolio of responsibilities, including fulfilling any deputy Mayor roles.
- In recognition of the importance of the LEP role and the private sector in growth strategies and their delivery, the 4 Yorkshire LEPs will be represented, without voting rights on the Combined Authority by their Chairs. Trade Unions and the two National Parks will also be represented on a non-voting basis.
- The Mayor and Cabinet will be supported by flexible sub regional Area Committees which recognise the functional economic linked and overlapping geographies and will undertake any functions appropriately delegated to these committees consistent with the principle of subsidiarity, including transport functions which will be exercised on behalf of the Mayor and Cabinet for the areas of all or part of South Yorkshire and of West Yorkshire. Transport powers exercisable by the Combined Authority for other parts of Yorkshire will be delegated back from the CA to the existing individual Local Transport Authorities. Overall the strategic integration of transport, and other, infrastructure will be co-ordinated via the Mayor's Industrial Strategy.
- These new arrangements, which will build on existing strong and effective sub regional structures, will help to ensure that the Combined Authority does not create a financially and administratively burdensome additional tier of bureaucracy which it will fall on the people of Yorkshire to pay for. It is therefore intended that the operation of the Yorkshire CA shall not of itself result in any increase in the cost of delivery of the functions ascribed

⁹ by virtue of the Bus Services Act 2017

¹⁰ in line with Government's proposals and subject to primary legislation

to it over and above the current costs associated with the delivery of those functions by the existing constituent councils, Combined Authorities and Whitehall departments.

- The Mayor and the Cabinet will be required to be scrutinised and held to account by the Combined Authority's non directly elected Overview and Scrutiny Committee and will comprise membership of cross-party members drawn from the constituent councils and other co-opted members.
4. There is no intention to take existing powers from local authorities, including transport powers, without agreement and the agreement will protect the integrity of local authorities in Yorkshire. Neighbouring councils may be non-constituent members of the Combined Authority¹¹. The Combined Authority may exercise functions in relation to its area and may invest outside the constituent members of the Combined Authority if that investment is to the benefit of the Combined Authority.
 5. The Yorkshire Mayor and Combined Authority will receive additional devolved powers and funding for infrastructure and certain parts of public service transformation, specifically on transport, business support, rural, coastal and urban regeneration, skills, and the co-design and funding of employment support as set out in this agreement.
 6. The Mayor will be required to consult the Cabinet on Mayoral strategies, including the Yorkshire Industrial Strategy, and the Mayor's budget, either of which the Cabinet may reject if two-thirds of its voting members present agree to do so.
 7. On proposals for decision requiring a vote of the Combined Authority, the Cabinet members and the Mayor would each have one vote and policy would be agreed by a majority vote, except agreeing the CA's annual budget which will require a higher threshold of majority of voting members present.
 8. In the transition period, i.e. before the new Yorkshire Combined Authority can be formed and the Mayor is elected in May 2020, as part of the statutory governance review, various options will be explored for establishing the Yorkshire CA (including dissolving one or both existing combined authorities). A Yorkshire Shadow Combined Authority would by May 2019 receive funding and responsibilities including the revenue gainshare Investment Fund revenue and Housing Investment funding payments, subject to readiness conditions eg the making of orders.
 9. Economic growth is a shared endeavour and is vital in delivering the Northern Powerhouse ambitions. The Mayor, Combined Authority and LEPs will continue to work very closely with the government for the benefit of the public.
 10. Yorkshire Combined Authority and the LEPs commit to working with partners across the North of England to promote opportunities for pan-Northern collaboration, including Transport for the North, to drive productivity and build the Northern Powerhouse.
 11. This Deal represents a first step in a progressive process of devolution of funding, powers and responsibilities to Yorkshire Combined Authority and a directly elected Mayor for Yorkshire. As well as the funding and powers set out in this deal, Yorkshire Combined Authority working with its constituent authorities and Government will continue to consider further opportunities for devolution, including the following:

¹¹ e.g., South Bank authorities

- Devolving responsibility for managing the proposed Shared Prosperity Fund
- A regional approach to rural investment including in relation to the replacement for the CAP following withdrawal from the EU
- Positioning Yorkshire at the forefront of next generation transport. This will include government's ongoing support for HS2 growth strategy delivery, Northern Powerhouse Rail, wider connectivity master planning, zero emission transport, and piloting new approaches, including to: smart cities and towns; smart motorways; and connected communities in rural areas
- An MoU with Highways England with regards to traffic management and emergency management on the M62 and M1 and to include A1m, M18 and A63
- Devolved ownership of identified local rail stations, with associated maintenance and improvement budgets
- A pilot to implement big data sharing agreements across key partners and utilities to support strategic planning
- Responsibility for budgets, including DCMS/BDUK, to deliver ultrafast broadband connectivity and further develop the market
- Exploring devolved energy funding and related powers eg to set planning standards for sustainable design and construction and including clean energy and ULEV
- Exploring responsibility for flood defence capital investment eg to support advanced environmental resilience/sustainability measures (eg Living with Water) for port cities
- Co-design of sector deal pilots for the following sectors:
 - Social Care
 - Rural and Farming
 - Tourism, Heritage, Sport, Arts and Culture, including a formal strategic partnership with Visit Britain around maximising the tourism potential of Yorkshire
- Driving further Public Sector Transformation, including:
 - exploring the opportunities for a devolved and coordinated multi-agency approach to improving the life chances for all our children and young people;
 - Exploring the control of Further Education capital and revenue budgets (including 16-18 funding);
 - early years foundation stage, including the first 1000 days;
 - Integration of Health and Social Care; and
 - collaborating and learning related to blue light services/first responders and the regional role around resilience and mutual aid.



Name of meeting: Council

Date: 21 March 2018

Title of report: Constitution – Proposed Changes to Terms of Reference of CGAC

Purpose of report

To set out proposed changes to the Council’s constitution as described in paragraph 2 and as set out in more detail in the attached Appendix, which show the proposed amendments.

To seek approval in relation to these proposed changes.

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)?	No
The Decision - Is it eligible for “call in” by Scrutiny?	no
Date signed off by Director & name	Yes Rachel Spencer - Henshall 13/03/18
Is it also signed off by the Service Director for Finance, IT and Transactional Services?	Yes Eamonn Croston 13/03/18
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Yes Julie Muscroft 13/03/18
Cabinet member portfolio	Graham Turner and Musarrat Khan - Corporate

Electoral wards affected: All
Ward councillors consulted: None

Public or private: Public

1. Summary

1.1 It is the role of Cabinet to provide strategic oversight and to keep the Council’s use of surveillance under review. The relevant legislation which regulates use of surveillance is the Regulation of Investigatory Powers Act 2000 (RIPA). It receives a report on its use by the Council annually. At its meeting on 19th December 2017 Cabinet reviewed its use of RIPA and agreed to update the policy. It also proposed that CGAC receive regular updates on RIPA compliance throughout the year

2. Information required to take a decision

2.1 The Council is subject to the requirements of RIPA which sets out how and when a local authority such as Kirklees Council, can use covert surveillance. The three types of surveillance regulated by RIPA are

directed surveillance, the use of covert human intelligence sources (informants) and the obtaining of communications data (which does not include obtaining the content of any electronic communication). The Cabinet adopted the current RIPA Policy on 19th December 2017

- 2.2 Surveillance can only be authorised via RIPA where it is both necessary and proportionate to the aims to be achieved and the intrusion into other people's privacy which may result. Accordingly covert surveillance will only be appropriate where other options are not available. The Council cannot authorise "intrusive surveillance" which is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle and it is most unlikely that the Council would wish to use a covert human intelligence source as part of any investigation unless a request was made by West Yorkshire Trading Standards Service.
- 2.3 The Council is regularly inspected by the Office of the Surveillance Commissioners in relation to its use of directed surveillance and of covert human intelligence sources. The Inspector and the Code of Practice advises that councillors are updated regularly on the use of the 2000 Act to ensure that it is being used consistently with the Council's policy and that the policy remains fit for purpose and has suggested that ideally this be more than once a year.
- 2.4 In accordance with this Cabinet propose that update reports are to be brought to Corporate Governance and Audit Committee so that it may monitor the use through regular reports during the year. Accordingly, the terms of reference of CGAC require amending to reflect this and the proposed amended terms of reference are attached at Appendix 1.
- 2.5 Cabinet will continue to retain a strategic oversight, be updated annually, and will set the policy once a year.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

N/A

3.2 Economic Resilience (ER)

N/A

3.3 Improving Outcomes for Children

N/A

3.4 Reducing demand of services

N/A

3.5 Legal/Financial Implications

It is important that the Council's use of covert surveillance is in accordance with the RIPA regime. Failure to do so could lead to legal challenge and/or evidence gathered via unlawful surveillance being ruled inadmissible in legal proceedings.

4. Consultees and their opinions

- 4.1 The following have been consulted on the contents of this report and have approved them:

- 4.1.1 The Service Director – Legal, Governance and Commissioning, as the Senior Responsible Officer.
- 4.1.2 The Head of Legal Services.

The changes have also been considered by Corporate Governance and Audit Committee on 30th January 2018 and they have recommended the changes set out in this report in the Officer Recommendation section. .

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

That:

- 6.1 Members approve the amended terms of reference providing authority to Corporate Governance and Audit Committee to receive regular updates and to monitor the Council's use of RIPA during the year.
- 6.2 Delegate authority to the Service Director – Legal, Governance and Commissioning to make the amendments to the constitution to reflect the changes set out above

7. Cabinet portfolio holder recommendation

N/A

8. Contact officers

Samantha Lawton samantha.lawton@kirklees.gov.uk
Senior Legal Officer 01484 221 000

9. Background Papers and History of Decisions

Cabinet Report dated 19 December 2017 - Proposals to Update the Council's RIPA Policy

Report to Corporate Governance and Audit Committee on 30th January 2018 titled - Constitution – Proposed Changes to Terms of Reference of CGAC

10. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
01484 221 000
julie.muscroft@kirklees.gov.uk

11. Appendices

Appendix 1 – Amended Terms of Reference for Corporate, Governance and Audit committee

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APPENDIX 1

Corporate Governance and Audit Committee

Membership

Seven members, two from each of the three largest groups on the council and one from the minority group.

Four ex-officio members with rights to speak but not vote:

- Member of the Cabinet with responsibility for Corporate Governance
- The Chair of the Overview & Scrutiny Management Committee,
- The Chair of the Standards Committee
- Person having specialist knowledge of treasury management (to be appointed and attend as required).

No leaders of any group shall be a member of the Committee

Proportionality need not apply to this Committee.

Terms of Reference

Delegated authority in respect of all powers and duties set out below and all other Council functions not required to be determined by the full Council and not delegated to any other committee:

1. To be responsible for:
 - 1.1. Monitoring the operation of the council's Constitution and keeping its terms under review, including all procedure rules
 - 1.2. Making recommendations to the council for any change or additions to the procedure rules or Articles of the Constitution or executive arrangements
2. To determine all matters relating to the adoption and operation of the Members' Allowances Scheme including recommendation to the council of the adoption of or amendment to any such Scheme
3. To keep under review the portfolios of the Cabinet and the terms of reference and delegations of Council functions to committees and formally appointed bodies and officers
4. To consider the council's arrangement relating to accounts including
 - (a) the approval of the statement of accounts and any material amendments of the accounts recommended by the auditors
 - (b) to keep under review the council's financial and management accounts and financial information as it sees fit
5. To consider the council's arrangements relating to the external audit

requirements including:

- (a) the receipt of the external audit reports so as to;
 - (i) inform the operation of the council's current or future audit arrangements
 - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the council's accounts
6. To consider the council's arrangements relating to internal audit requirements including:
 - (a) considering the Annual Internal Audit report, reviewing and making recommendations on issues contained therein
 - (b) monitoring the performance of internal audit
 - (c) agreeing and reviewing the nature and scope of the Annual Audit Plan
7. To review the adequacy of the council's Corporate Governance arrangements (including matters such as internal control and risk management) and including to review and approve the annual statement of Corporate Governance.
8. To agree and update regularly the council's Code of Corporate Governance, monitoring its operation and compliance with it, and using it as a benchmark against performance for the annual Statement of Corporate Governance.
9. To designate the Head of Paid Service, the Monitoring Officer and all statutory "proper officers".
10. To approve payments or provide other benefits in cases of maladministration as required and make recommendations arising from any review of a report of the Local Government and Social Care Ombudsman
11. Following a decision of Council to undertake a community governance review to agree the terms of reference for and conduct such a review, making recommendations to Council who will determine the outcome of such reviews.
12. Functions relating to elections and parishes set out in Part D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (or any replacement or amendment of it)
13. Charities and charitable trusts (so far as not the responsibility of Cabinet).
14. Responsibility for reviewing and challenging all treasury management activities.
15. To determine appointments of individuals to outside bodies (except school governing bodies) and revocation of such appointments.

16. To determine nominations for charitable trustees in cases where there has been failure reach agreement.
17. To receive updates and monitor compliance with the Council's Regulation of Investigatory Powers Act (RIPA) policy

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Name of meeting: Council

Date: Wednesday 21 March 2018

Title of report: Report of the Members Allowances Independent Review Panel 2018/19

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
Is it in the Council's Forward Plan?	No
Is it eligible for "call in" by Scrutiny?	No
Date signed off by <u>Director</u> & name	Yes – Chief Executive
Is it also signed off by the Service Director for Financial Management, IT, Risk and Performance?	Yes - 6 February 2018
Is it also signed off by the Service Director for Legal, Governance and Commissioning?	Yes – 2 February 2018
Cabinet member portfolio	Cabinet Member responsible for the Corporate Portfolio, namely Councillor Graham Turner

Electoral [wards](#) affected: All

Ward councillors consulted: Not Applicable

Public or private: Public

1. Summary

This report sets out the recommendations of Corporate Governance and Audit Committee following their consideration of the report of the Members' Allowances Independent Review Panel. If agreed by Council, this will determine the scheme and allowances payable to Councillors for 2018/19. This will be effective from 1 April 2018.

2. Information required to take a decisions

The Corporate Governance and Audit Committee, at its meeting on 9 March 2018, Considered the attached report of the Members' Allowances Independent Review Panel which had put forward recommendations that:

- (i) The current basic allowance be increased in line with the amount awarded to Kirklees Council officers with effect from 1 April 2018. To be backdated if negotiations are still underway on 1 April 2018.
- (ii) All special responsibility allowances (SRAs) be retained at their current rate and banding for 2018/19 unless otherwise referred to below:
 - (a) That the SRA for a Foster Panel Member is changed to the day rate of £114 per day currently paid to Education Appeals Panel Members;
 - (b) That Group Business Managers determine the size of the pool of Councillors from which the Foster Panel should draw;

The draft Members Allowances Scheme for 2018/19, which takes account of the recommendations of the Panel, is attached at Appendix B.

At its meeting on 9 March 2018, Corporate Governance and Audit Committee agreed the following:

- (1) That the report of the Members' Allowances Independent Review Panel be received and noted.**
- (2) That the report be submitted to the meeting of Council on 21 March 2018.**

3. Implications for the Council

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 has regard to the recommendations of its Members' Allowances Independent Review Panel which met on 10 November 2017.

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 (e.g. Legal/Financial or Human Resources)

The proposed increase to the rate of basic allowance, in line with the pay rise for officers, (if confirmed at 2%) will cost an additional £18,009. This can be contained within budgeted resources for 2018/19. Should the rise exceed 2% there will be a funding shortfall.

4. Consultees and their opinions

None applicable to this report as there have been no changes as a result of consideration by Corporate Governance and Audit Committee.

5. Next steps

Following approval by Council the revised scheme will be implemented with effect from 1 April 2018.

6. Officer recommendations and reasons

That Council considers the recommendations of both the Corporate Governance and Audit Committee and the Members' Allowances Independent Review Panel with a view to determining the Members' Allowances Scheme for 2018/19, with effect from 1 April 2018.

7. Cabinet portfolio holder's recommendation and reasons

No applicable to the report.

8. Contact officer

Carl Whistlecraft
Head of Democracy
Carl.whistlecraft@kirklees.gov.uk
Tel: 01484 221000

9. Background Papers and History of Decisions

Report of Members of Allowances Independent Review Panel 2018/19
Recommendation of Corporate Governance and Audit Committee on 9 March 2018

9. Service Director responsible

Julie Muscroft, Service Director for Legal, Governance and Commissioning

Report of The

**Kirklees Council
Members' Allowances
Independent Review
Panel**

10 November 2017

Carl Whistlecraft
Head of Democracy
Civic Centre 3,
Huddersfield, HD1 2TG
01484 221000

1 Panel Membership

The Members of the Independent Review Panel are as follows:

Andrew Taylor (Chair)
Ian Brown
Chris West
Lynn Knowles
Stephen
Thornton
Fiona Weston

The meeting of the Independent Review Panel took place on 10 November 2017.

The following officers attended the Panel meeting:

Carl Whistlecraft, Head of Democracy
Deborah Nicholson, Interim Councillor Support & Development Manager

2 Terms of Reference

The Panel's Terms of Reference are:

- (a) To advise Council on what would be the appropriate level of Remuneration for Councillors having regard to the:
 - Roles Councillors are expected to fulfil
 - Varying roles of different Councillors
 - Practice elsewhere and other Local Authorities.
- (b) To consider schemes of Members Allowances for Town and Parish Councils as and when required.
- (c) To make recommendations and provide advice to the Council on any other issues referred to the Panel by regulation or by the Council.
- (d) Council retains its power to remove a discredited Panel Member.
- (e) The Panel can appoint its Chair from amongst its Members.

3 Constitutional Issues

(a) Term of Office

It was agreed that the current Panel membership be retained and that all relevant terms of office be renewed until December 2018.

(b) Election of Chair of Independent Review Panel

Andrew Taylor was re-elected Chair of the Independent Review Panel.

4 The Kirklees Democracy Commission

The Head of Democracy delivered a presentation to the Panel on the work and recommendations of the Kirklees Democracy Commission, with a particular focus on the findings that may have implications for the Panel's future deliberations. The Panel acknowledged that a number of the Commission's recommendations, should they be agreed, would require more detailed consideration in the context of the wider Members Allowances Scheme. These include:

- Changing councillor roles;
- The rate of allowances and the mechanisms for determining such rates;
- The wider legislation covering Members Allowances;
- The support provided to councillors in carrying out their varying roles.

In conclusion, the Panel agreed that they would wish to make a positive impact in contributing to the Panel's future work and would welcome the opportunity to facilitate and support the development of the Scheme. This would be dependent on the outcome of the discussion planned to take place at Council on 15 November 2017.

5 Members Allowances Scheme 2018-19

The Panel considered changes to the Members allowance scheme for 2018/19.

In particular the Panel considered the following:

- (a) The Basic Allowance;
- (b) Special Responsibility Allowances (SRAs);
- (c) Arrangements and SRA for the Fostering Panel;

Having regards to some of the issues raised in the Democracy Commission report in respect of Overview and Scrutiny the Panel explicitly requested that a number of issues were placed on record. The Panel expressed disappointment that the Commission's report made reference to perceptions that "Scrutiny is not performing its role effectively". The Panel wishes to emphasise the important role played by Overview and Scrutiny, a factor that is reflected in the status placed on scrutiny roles in the Allowances Scheme.

The Panel considered evidence from Cllr Viv Kendrick, Foster Panel Member, regarding the current arrangements for the Fostering Panel. In considering current arrangements and consequential issues the Panel had regard to the following:

- The growing importance of the Fostering Panel;
- The increase in volumes of works and the expectations placed on Foster Panel members;
- The extent to which the current number of councillors involved is sufficient to meet demand and expectations;
- The ways in which the above mentioned issues are best addressed from an Allowances perspective.

Having weighed up a range of considerations the Panel felt that the most effective approach would be to replace the current SRA with a daily rate and widen the current pool of councillors to between 4 and 6 councillors. This would be based on an expectation that no more than 4 councillors serve in any one month. The Panel acknowledged that the final decision in terms of the size of the pool should be one for Group Business Managers.

The Panel recommends:

- (i) The current basic allowance be increased in line with the amount awarded to Kirklees Council officers with effect from 1 April 2018. To be backdated, if negotiations are still underway on 1 April 2018.
- (ii) The maintenance of all special responsibility allowances (SRAs) at their current level for 2018/19.
 - (a) That the SRA for a Foster Panel Member is changed to the day rate of £114 per day currently paid to Education Appeals Panel Members;
 - (b) That Group Business Managers determine the size of the pool of Councillors from which the Foster Panel should draw;

6 Consequential Changes to the Scheme

The Panel noted recommended changes to the Scheme relating to maternity/paternity leave and pay which they had been previously consulted on and supported.

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. 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.

Report produced on behalf of the Members Allowances Independent Review Panel by Carl Whistlecraft, Head of Democracy, November 2017

Appendix B

Kirklees Council Members' Allowances Scheme 2018-2019

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 10 November 2017.

1. The Members' Allowances Scheme will apply from 1 April 2018 to 31 March 2019.

2. Basic allowances for ward duties

- 2.1 The amount allocated per annum to each elected councillor for ward duties is £13,360.(If 2% staff increase is applied).
- 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 2018 or 31 March 2019 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
Day Rate	
Fostering Panel member	114

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 2018 or 31 March 2019 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 are 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.

1

Travel and subsistence rates from 1 April 2018 **(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 £7.38 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.

Name of meeting: Council

Date: 21 March 2018

Title of report: Update in relation to Senior Management Change and amendment to the officer scheme of delegation relating to non-executive risk and performance functions.

Purpose of report: To update Members in relation to a change to the Section 151 officer and the constitutional changes to the officer non-executive delegated decision making required as a result of that.

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 <u>Chief Executive</u>	N/A Chief Executive Jacqui Gedman
Signed off by Strategic Director – Corporate Services	Rachel Spencer-Henshall 13 March 2018
Signed off by the Service Director for Legal Governance and Commissioning	Yes 13 March 2018
Cabinet member portfolio	N/A

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or private: Public

1. Summary

- 1.1 To update Members in relation to a change to the Section 151 officer and the constitutional changes to the officer non-executive delegated decision making required as a result of that.
- 1.2 This report and the proposed changes to Section F of Part 3 of the Constitution (Officer Delegations) has already been considered by Corporate Governance & Audit Committee on 9 March 2018.

2. Information required to take a decision

- 2.1 The Service Director - Finance, IT and Transactional Services is the designated Chief Officer responsible for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and is responsible for the strategic direction and overall management and delivery of that function.

- 2.2 The current postholder leaves the Council on 18 March 2018. Personnel Committee on 13 February asked the Chief Executive to appoint an internal candidate to the post on an Acting basis to fulfil the Section 151 responsibilities. Eamonn Croston has been appointed to do this. This arrangement will continue for up to 6 months or until a permanent replacement is recruited. The Council is carrying out an executive search as part of this process.
- 2.3 The scheme of delegation to officers is set out in Section F of Part 3 of the Constitution. This contains a number of delegations of executive and non-executive functions to officers including to the Service Director Finance, IT and Transactional Services. Those delegations include responsibility for Risk and Performance matters.
- 2.4 It is proposed that the responsibility for the non-executive functions under these headings be changed and responsibility for Risk be delegated to the Service Director Legal, Governance & Commissioning and Performance be delegated to the Service Director Policy, Intelligence and Public Health (who is currently carrying out this role as well as that of the Acting Strategic Director for Corporate Services).
- 2.5 The relevant part of Section F is as follows:

D. Risk and Performance

Non-Executive Functions

1. All functions and responsibilities of the Council relating to risk and performance matters subject to the exceptions that:

Matters are referred to the Council and/or the Corporate Governance & Audit Committee as specified in paragraph 3 of the General Provisions.

Executive Functions

2. All functions and responsibilities of the Council relating to risk and performance matters and not by virtue of any legislation present or future prevented from being the responsibility of the Executive or required by legislation to be carried out by full Council together with any Local Choice functions set out within Section A of this Part that have been allocated to the Executive subject to the exceptions that:

Matters are referred to the Executive in the following cases:

- (i) As specified in paragraph 3 of the General Provisions above.

Without prejudice to the generality of the above, such functions and responsibilities referred to in E1 and E2 above include but are not limited to:

- (a) Performance;
- (b) Risk Management;
- (c) Internal Audit; and
- (d) Insurance.

- 2.6 Members are asked to approve the non-executive delegations proposed as set out above to the Service Directors and recommend the changes to Council. Any changes to the Executive Functions are made by the Council Leader.

3.1 The Council is responsible for ensuring that the appropriate delegations and responsibilities are in place, in particular those designated by statute as in this case, are properly delegated so we can ensure robust, sound and lawful decision making.

4. **Consultees and their opinions**

4.1 The proposed amendments have been discussed with the Chief Executive and Service Director Policy, Intelligence & Public Health and Acting Strategic Director Corporate Services and Service Director Legal, Governance & Commissioning.

4.2 Corporate Governance & Audit Committee have also considered this report and have agreed the changes to the responsibility for non-executive functions as set out in this report in principle. They also recommend that Council agree them as set out in the Officer Recommendations in Section 6 of this report.

5. **Next steps**

5.1 The Monitoring Officer makes the necessary constitutional amendments.

6. **Officer recommendations and reasons**

That Council:

6.1 Note the appointment of the Acting Service Director - Finance, IT and Transactional Services as the Section 151 statutory officer;

6.2 Agree the proposed changes to the responsibility for non-executive functions, as set out in within this report; and

6.3 Delegate the Monitoring Officer with authority to make the necessary amendments to the Constitution to do this.

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

Not applicable.

8. **Contact officer**

Julie Muscroft Service Director Legal, Governance & Commissioning
Samantha Lawton Senior Legal Officer

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

Report to Corporate Governance & Audit Committee on 9 March 2018 with the same title as this.

10. **Service Director responsible**

Julie Muscroft Service Director Legal, Governance & Commissioning.

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COUNCIL MEETING

Wednesday 21 March 2018

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

- (1) **Question by Councillor Rob Walker to the Cabinet Member for Children
(Councillor Masood Ahmed)**

“Following the government’s announcement on the 13th March of changes to the eligibility for free school meals for working families in receipt of Universal Credit how many children in Kirklees are set to lose out on free school meals”?

The Cabinet Member to respond

- (2) **Question by Councillor Habiban Zaman to Cabinet Member for Corporate
(Councillor Graham Turner and Councillor Musarrat Khan)**

“Why are the nation’s roads getting worse”?

The Cabinet Member to respond

- (3) **Question by Councillor Richard Smith to Cabinet Member for Economy
(Cllr Peter McBride)**

“Given that the Secretary of State for Transport has recently announced a specific Bypass Fund” has the Cabinet Member looked at the criteria to see if Flockton or other proposed schemes fit and can the Cabinet Member inform members of his view on an application for a Flockton Bypass”?

The Cabinet Member to respond

- (4) **Question by Councillor Richard Smith to Cabinet Member for Economy
(Cllr Peter McBride)**

“Can the Cabinet member provide timescales and confirm the route for the widely publicised £77M A62 Cooper Bridge Bypass”?

The Cabinet Member to respond

- (5) **Question by Councillor Richard Smith to Cabinet Member for Economy
(Cllr Peter McBride)**

“Could the Cabinet Member explain what Kirklees Council is doing to take advantage of the Major Road Network funding”?

The Cabinet Member to respond

(6) Question by Councillor James Homewood to Cabinet Member for Economy (Councillor Naheed Mather)

“Cllr Mather, in this chamber members of the opposition have said that you would not deliver on housing, can you tell us what the council has delivered”

The Cabinet Member to respond

(7) Question by Councillor Steve Hall to Councillor Darren O’Donovan, West Yorkshire Fire & Rescue Authority

“How has West Yorkshire Fire and Rescue Service responded to the needs of the community following critical incidents in Kirklees”?

Cllr O’Donovan to respond

(8) Question by Councillor Judith Hughes to Cabinet Member for Adults and Public Health – (Cllr Cathy Scott)

“Last week was the National Fire Chiefs Councils national sprinkler awareness week, could you tell me whether Kirklees Council & KNH are going to retro-fit sprinklers into the 4 High Rise buildings within Kirklees”?

The Cabinet Member to respond

(9) Question by Councillor Darren O’Donovan to the Cabinet Member for Economy (Cllr Naheed Mather)

“Cllr Mather, I was very encouraged to see that the Cabinet has agreed to invest significant sum into our Town Centres. Do you agree that this will re-vitalise Huddersfield and Dewsbury”.

The Cabinet Member to respond

(10) Question by Councillor Martyn Bolt to the Leader (Cllr David Sheard)

“Can the Cabinet Member confirm if he still believes the Labour Cabinet’s Local Plan as being investigated to be sound”?

The Cabinet Member to respond

(11) Question by Councillor Martyn Bolt to the Cabinet Members for Corporate – Councillors Graham Turner/Cllr Musarrat Khan

“How many contracts does the Cabinet have with the private sector, and in what Services Areas are they? Does he feel they give best value for money”?

The Cabinet Member to respond

(12) Question by Councillor Martyn Bolt to the Cabinet Member for Corporate – Cllr Musarrat Khan

“Does the Cabinet Member feel that they have sufficient capacity and are taking advantage within the Highways Service of developing new schemes for funding and the benefit of Kirklees residents”?

The Cabinet Member to respond

(13) Question by Councillor David Hall to The Leader

“What support is the Cabinet putting in place for Members of this Council, and our colleagues on the five Town/Parish Councils, in preparation for the GDPR law changes in May”?

The Leader to respond

(14) Question by Councillor M R Watson to The Leader

“Defining one school day as one school being closed for all or part of a day how many school days have been lost in Kirklees as a consequence of weather related events since 1 January 2018”?

The Leader to respond

(15) Question by Councillor M R Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“At present I am receiving a high number of calls from residents in the Emley area regarding potholes that have occurred as a consequence of the recent poor weather. I understand extra resources have been allocated by the Highways Team for repairing potholes and I wish them well with what is clearly a challenging project. Could the cabinet member give an indication of when it is anticipated the teams will be able to attend to the potholes in the Emley area”?

The Cabinet Member to respond

(16) Question by Councillor M R Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter McBride

“Does the council compensate motorists whose tyres are damaged as a consequence of potholes”?

The Cabinet Member to respond

(17) Question by Councillor M R Watson to Cabinet Member for Economy (Strategic Planning, Regeneration and Transport) – Councillor Peter

McBride

“It seems to me that key to keeping on top of the potholes issue is the reporting of potholes as soon as possible and to this end the residents of Kirklees can very much be our eyes and ears so to speak. One option for doing this would be to develop an app which would enable users to photograph a pothole and send its precise location at the click of a button. Does the cabinet member agree this could be a useful tool to assist the highways team”?

The Cabinet Member to respond

- (18) Question by Councillor M R Watson to Cabinet Member for Corporate (Place, Environment and Customer Contact Services) – Councillor Musarrat Khan**

“Whilst out delivering leaflets in Denby Dale advising local residents of the work their Conservative Ward Councillors and Parish Councillors had been doing throughout the last year it came to my attention that the traffic lights at the pedestrian crossing near the library were not working. Clearly problems such as this should be reported as soon as possible and it would be in accord with the principles of new council to encourage members of the public to report faults. What is the best way for them to do this”?

The Cabinet Member to respond

- (19) Question by Councillor Nicola Turner to Cabinet Member for Corporate Councillor Musarrat Khan**

“What is the authority’s definition of a pothole and are potholes graded in any way?”

The Cabinet Member to respond

- (20) Question by Councillor Nicola Turner Cabinet Member for Corporate Councillor Musarrat Khan**

“Currently, how many reported potholes are there across Kirklees? On average, how long does it take for them to get filled, once reported? What was the longest time it took for a pothole to get filled in the past year after being reported?”

The Cabinet Member to respond

- (21) Question by Councillor Andrew Pinnock to Cabinet Member for Corporate Councillor Musarrat Khan**

“Can we have an update on the trial of the pothole MultiHog machines?”

The Cabinet Member to respond

- (22) Question by Nicola Turner to Cabinet Member for Economy – Councillor**

Naheed Mather

“You promised a review on waste services. Has this taken place?”

The Cabinet Member to respond

(23) Question withdrawn

**(24) Question by Councillor Cahal Burke to the Deputy Leader of the Council
Councillor Shabir Pandor**

“You were recently part of a delegation from the Leeds City Region at an international property and investment event in Cannes, in France. Can you give us feedback about this event, whether anything is happening and whether it was a success for Kirklees?”

The Cabinet Member to respond

**(25) Question by Councillor Nicola Turner to the Cabinet Member Corporate
Councillor Graham Turner & Councillor Musarrat Khan**

“Is there a policy on where beehives may be kept in Kirklees?”

The Cabinet Member to respond

**(26) Question by Councillor Cahal Burke to the Cabinet Member for Adults and
Public Health**

“Campaigners fighting to save Huddersfield Royal Infirmary have been granted permission for a judicial review into the plan to downgrade the hospital and move A&E services. What else can the Council do to support the legal case?”

The Cabinet Member to respond

**(27) Question by Councillor Cahal Burke to the Cabinet for Corporate Councillor
Graham Turner and Councillor Musarrat Khan**

“Air quality is a major local, regional and national issue. In Kirklees, there are 7 new areas where the National Air Quality Objectives are being breached, including Ainley Top in Lindley ward and Outlane in the Colne Valley ward, and these areas have been declared as Air Quality Management Areas. I understand that by law, the Council must produce action plans detailing measures it will take to improve the air quality in these areas.

Can you confirm that these Air Quality Management Areas have now been **Page 61**
and how will they help to address the issue of poor air quality?”

The Cabinet Member to respond

(28) Question by Councillor Andrew Pinnock to Cabinet Member for Corporate Councillor Graham Turner & Councillor Musarrat Khan

“There are 7 new areas across Kirklees which have been declared as Air Quality Management Areas by council officers, because of poor air quality. Why isn't Chain Bar, in Cleckheaton, included in this list?”

The Cabinet Member to respond

(29) Question by Councillor Nicola Turner to Cabinet Member for Adults and Public Health Councillor Cathy Scott

“The decision to downgrade Huddersfield Royal Infirmary has been referred to Jeremy Hunt and the Independent Reconfiguration Panel. What else can the Council do?”

The Cabinet Member to respond

(30) Question by Councillor Lisa Holmes to Cabinet Member for Councillor Graham Turner & Councillor Musarrat Khan

“How many reports of fly tipping were received for the Liversedge & Gomersal Ward for the periods 17/3/2017 to 16/3/18 & 17/3/16 to 16/3/17”?

The Cabinet Member to respond

(31) Question by Councillor Lisa Holmes to Cabinet Member for Councillor Masood Ahmed & Cllr Viv Kendrick

“How effective is our CAMHS service in supporting vulnerable young people”?

The Cabinet Member to respond

(32) Question by Councillor Lisa Holmes to Cabinet Member for Children Councillor Masood Ahmed and Councillor Viv Kendrick

“What benefits will we see coming from the Healthy Child Program in the next 12 months”?

The Cabinet Member to respond

(33) Question by Councillor Fazila Fadia to Cabinet Member for Adults and Public Health Councillor Cathy Scott

“How many applications do we have currently for council housing and what stock

is available?"

The Cabinet Member to respond

(34) Question by Councillor Eric for to Cabinet Member for Adults and Public Health Councillor Cathy Scott

"Cllr Scott everyone recognises that Social Care needs a sustainable funding solution. This needs central government to act in the way that this council agreed last year. Whilst there has been some temporary money – how will you use it"?

The Cabinet Member to respond

(35) Question by Councillor Eric Firth to Cllr Darren O'Donovan – West Yorkshire Fire & Rescue Authority

"What is WYFRS doing to support the increasing vulnerability of people living across Kirklees communities"

Cllr O'Donovan to respond

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 21st November 2017

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

Apologies: Councillor David Sheard (Chair)
Councillor Viv Kendrick
Councillor Cathy Scott

354 Membership of the Committee

Apologies for absence were received on behalf of Councillors Sheard, Scott and Kendrick.

355 Minutes of previous meeting

RESOLVED – That the Minutes of the meeting held on 17 October 2017 be approved as a correct record.

356 Interests

Councillor G Turner declared an 'other' interest in Agenda Item 9 on the grounds that he is a Trustee of Denby Dale Community Library and a Member of the Friends of Skelmanthorpe Library.

357 Admission of the Public

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

358 Deputations/Petitions

Cabinet received a deputation, and petition, from Sarah Goldsmith/Fatimah Bint-Hanif in regards to the future of Crow Nest Park Adventure Playground, Dewsbury.

359 Public Question Time

No questions were asked.

360 Member Question Time

(1) Councillor Armer asked questions arising from the response to Question 6 as submitted to the meeting of Council on 15 November 2017.

(It was noted that the questions would be referred to Councillor Scott)

(2) Councillor Patrick asked questions arising from the response to Question 12 as submitted to the meeting of Council on 15 November 2017.

(A response was provided by Councillor Khan)

361 A Partnership Approach - School Swimming and Kirklees Active Leisure
Cabinet gave consideration to a report which sought approval to engage with regards to a potential partnership between the Council, Kirklees Active Leisure and Schools for the provision of swimming.

The report advised that the Council provided a service for primary schools across the district that enabled pupils to have access to swimming and water safety instruction, in line with the key stage 2 national curriculum. It sought approval to engage in order to further develop the partnership whereby the organisation and management of school swimming would be delivered directly between Kirklees Active Leisure and schools from September 2018, with a TUPE transfer at approximately the end of July 2018. Details relating to the TUPE transfer were provided at Appendix 1 of the considered report.

Cabinet noted that the consultation and engagement exercise would take place with schools, staff, and other interested parties in the second half of the autumn term, continuing through to January 2018, and that the feedback received would be used to determine the next steps.

RESOLVED -

(1) That the Director of Children's Services (or nominee/s) be authorised to commence engagement, in partnership with colleagues from Kirklees Active Leisure, (for 8 weeks until 19 January 2018) with schools and Council staff who would be affected by the proposal, in order to seek views regarding swimming instruction services being delivered by Kirklees Active Leisure.

(2) That, subject to consideration of (i) the outcome of the engagement, which would have regard to para 6.1 of the considered report and (ii) Kirklees Active Leisure Board of Trustees approval to a TUPE business transfer, authority be delegated to the Director of Children's Services to conclude negotiations and finalise arrangements for the TUPE transfer; and for the Service Director – Legal, Governance and Commissioning, to enter into and/seal in the Council's behalf any legal and other documentation necessary to give effect to the arrangements.

362 Kirklees Libraries Consultation Plan
(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Dodds and J Taylor).

Cabinet received a report which sought approval for the proposed methodology and timeline for the Kirklees libraries consultation plan. The report reflected that the way in which residents use libraries is changing, and that the service needed to be modernised in order to respond to this. It advised that the library service had delivered over £1.8m of savings within the last two years and was aiming to redesign its services within a budget of £2.238m.

Cabinet - 21 November 2017

A copy of the consultation questionnaire, which had been designed by Qa Research Consultants, was attached at Appendix B of the report. Councillor J Taylor addressed the meeting to request that consideration be given to the re-wording of Question 4 within the Libraries Consultation Survey.

It was noted that the consultation was proposed to commence in January and that a final report from Qa Research would be available week commencing 23 April 2018, at which time, the library service would produce a service review report for consideration. It was proposed that a further report would be submitted to Cabinet in July 2018.

RESOLVED -

(1) That approval be given to the content of the consultation questionnaire as attached at Appendix B to the considered report, subject to the consideration of re-wording of Question 4 within the Libraries Consultation Survey.

(2) That the timeline for consultation and subsequent report to Cabinet be agreed as set out in para. 2.1.2 of the considered report.

(3) That authority be delegated to the Service Director – Policy, Intelligence and Public Health, to finalise the questionnaire and make any drafting/minor amendments as required.

363 Half yearly monitoring report on Treasury Management Activities 2017-18

Cabinet received a report which set out details of half yearly treasury activity monitoring, covering the period 1 April to 30 September 2017.

The report provided assurance that the Council's treasury management function was being managed prudently and pro-actively. It advised that external investments averaged £41.3m during the period at an average rate of 0.20% and that investments ranged from a peak of £59.8m to a low of £23.2m.

Cabinet noted that the treasury management budget was forecast to marginally underspend by £100k in 2017/2018 against an annual budget provision of £22.2m.

The report explained that a new regulatory update was to be effective from 3 January 2018 which meant that the Council would be 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, and the report therefore recommended that the Council formally applies on this basis.

The report also advised that CIPFA were currently consulting on a number of changes to the current Treasury Management and Prudential Codes of practice, to be implemented from April 2018 onwards, and Cabinet noted the summary of the key proposals and implications.

It was also noted that the report recommended the formal adoption of a proactive cashflow management approach between the Council and Kirklees Neighbourhood Housing as an integral to an effective treasury management strategy.

Cabinet - 21 November 2017

Section 2 of the considered report provided an overview of economic context, investment performance, borrowing performance, prudential indicators and risk and compliance issues.

RESOLVED -

(1) That the half yearly treasury management performance in 2017/2018 be noted.

(2) That the CIPFA consultation on the current treasury management and prudential codes be noted, and that any revisions be incorporated into the forthcoming Treasury Management Strategy 2018/2019.

(3) That the report be submitted to Council on 13 December 2017 with a recommendation that;

(a) approval be given to the Council's '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.

(b) approval be given to the changes, as set out within Appendix 6 of the considered report, regarding current Treasury Management Practices wording and the substitution of Director of Resources with Chief Finance Officer

(c) approval be given to the 'liquidity risk' management strategy and approach in relation to the Council and Kirklees Neighbourhood Housing.

364

Corporate Financial Monitoring Report - Quarter 2 for 2017-18

(Under the provision of Council Procedure Rule 36(1), Cabinet received a representation from Councillor J Taylor).

Cabinet received a report which provided information on financial monitoring on General Fund Revenue, Housing Revenue Account and Capital Plan as at Quarter 2, 2017-2018.

The report advised that the General Fund controllable (net) revenue budget for 2017-2018 was set at £294.7m, which included planned (net) revenue savings of £54m in 2017-2018. Additionally, a further £10.3m 'temporary resources' has been added to the budget in-year, reflecting planned drawdown from 'one-off' earmarked reserves to fund a number of one-off deferred expenditure commitments, which resulted in a revised budget of £305.0m at Quarter 2.

The report explained that there was a forecast underspend of £1.0m against the £305.0m revised budget at Quarter 2, equivalent to minus 0.3% variance against the revised budget, and that the forecast underspend indicated the extent to which the Council was likely to achieve its forecast savings against planned budgets in 2017-2018. Quarter 2 monitoring reflected that the Council was on track to manage its resources within its planned budget requirement which included £54m planned savings target in-year. The forecast revenue outturn was summarised at para. 1.5 of the considered report.

Cabinet - 21 November 2017

Cabinet noted that the Council's revised capital budget for 2017-2018 was £110.0m and that revised capital budget proposals as set out in the 2016-2017 financial outturn and rollover report for the allocation of 2016-2017 capital rollover to current 2018-2018 approved budgets, and the re-profiling of the existing approved plan over the 2017-2022 period. The forecast capital outturn at Quarter 2 was £76.0m, resulting in an underspend of £34.0m, equating to 30.9% and was summarised at para. 1.23 of the considered report.

RESOLVED -

(1) That approval be given to the proposed use of additional Better Care Funding monies in 2017-2018, as detailed within the considered report.

(2) That, pursuant to (1) above, the Quarter 2 forecast £1.0m revenue monitoring underspend be noted.

(3) That the forecast reduction in general fund reserves in-year at £21.5m and year end position at £68.6m.

(4) That the favourable in-year financial performance on the Collection Fund be noted.

(5) That the Quarter 2 forecast HRA surplus at £206k and forecast reserves position at year end at £49.7m be noted.

(6) That proposals to incorporate key intelligence from Quarter 2 monitoring, as appropriate, into the forthcoming updated 2018-2022 budget plan proposals, as appropriate, be noted.

365 Highways Capital Plan 2017/18

Cabinet received a report which set out the Highways Capital Plan 2017/2018, which was a detailed programme of work to be implemented over the next two years. The report reflected the changes and additional grants that had been made since Cabinet had considered the 2017/18 to 2021/22 Capital Investment Plan on 30 May 2017.

Cabinet noted that developer funded schemes had been added to the Capital Plan and that there had been some adjustments to grants, as well as the addition of new grants that had been awarded. The report indicated that the combined effect increased the Capital Plan total to £18,283,000.

The detailed Capital Plan attached at Appendix 1 of the considered report.

RESOLVED – That approval be given to the Highways Capital Plan, as attached at Appendix 1 to the considered report.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Friday 8th December 2017

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

Apologies: Councillor Shabir Pandor
Councillor Naheed Mather

366 Membership of the Committee

Apologies for absence were received on behalf of Councillors Mather and Pandor.

367 Interests

No interests were declared.

368 Admission of the Public

It was noted that Agenda Items 11 and 12 would be considered in private session.
(Minute No's 376 and 377 refer)

369 Deputations/Petitions

No deputations or petitions were received.

370 Public Question Time

No questions were asked.

371 Member Question Time

No questions were asked.

372 Council Taxbase and CTR Scheme for 2018

Cabinet gave consideration to a report which provided an overview of the responses to the Council Tax Reduction Scheme consultation exercise and set out options to be considered in 2018/2019 and subsequent years. The report advised that a comprehensive eight week consultation had been undertaken with the public, and major preceptors, and that the comments received were set out in Appendix 3 to the considered report. Details of matters to be included within the scheme, as set out in the Local Government Finance Act 1992 (Schedule 1A), were set out at Appendix 4.

Cabinet - 8 December 2017

The report set out the detail of six options, and Appendix 1 described the high level impact of each option. It was noted that Cabinet had considered all of the options and were mindful of both the financial challenges to the Council and the impact of proposals upon vulnerable people in the context of other significant changes to welfare provision.

It was agreed that that Options 4 and 6 would be the recommended options to submit to the meeting of Council on 13 December 2017. That is, (i) to approve a reduction in the capital limit from £16,000 to £8,000 and (ii) to approve general changes for all options to reduce administration costs.

Subject to approval at Council, it was noted that the residents affected by changes would be contacted and offered help with payment options, and also that the Council taxbase would be based on the assumptions and adopted option/s.

RESOLVED - That the report be submitted to the meeting of Council on 13 December 2017 with a recommendation that (i) Options 4 and 6 as detailed within the considered report be approved and (ii) 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.

373 Update on Children Services

Cabinet received a report which set out an update on activities in Children's Services including (i) the proposed Strategic Partnership with Leeds (ii) the implications of the changes in Children's Services regarding the main IT provider for Children's Social Care and (iii) a general update on discussions with the Department for Education and Ofsted.

Cabinet noted the content of the report which provided an update on progress in relation to discussions with Leeds City Council and the Department for Education regarding partnership working and its implications, an outline of the general terms of the partnership including the governance arrangements, the Improvement Plan and the draft Direction from the Secretary of State. Furthermore, it requested delegation to finalise the details of the Strategic Partnership and authorisation to enter into the arrangements, once concluded.

Paragraph 2.2 of the report provided an overview of the reconfiguration of the Liquidlogic casework management system, which was required following the changes in approach to social work practice.

(Cabinet gave consideration to the exempt information at Agenda Item 11 (Minute No. 376 refers) prior the determination of this item.)

RESOLVED –

(1) That the current position relating to the arrangements with Leeds City Council to establish a Strategic Partnership be noted.

(2) That authority be delegated to the Chief Executive, in consultation with the Leader of the Council and the statutory Portfolio Holder for Children's Services, to

Cabinet - 8 December 2017

finalise the terms of the Strategic Partnership Agreement with Leeds City Council (including the Improvement Plan) and any other documents associated with this, including any funding arrangements.

(3) That the Service Director (Legal, Governance and Commissioning) be authorised to enter into the Strategic Partnership Arrangement and any other documents associated with this, including any funding arrangements with the DfE.

(4) That the Service Director (Legal, Governance and Commissioning) be given authority to enter into the appropriate Strategic Partnership Agreement with Leeds City Council once it has been finalised, as well as any other relevant associated documents.

(5) That the contents of the letter from the Minister, and the draft Direction, as attached at Appendix 2 of the considered report, be noted.

(6) That the proposed changes relating to Liquidlogic, as detailed at Paragraph 2.2 of the considered report, be noted.

(7) That approval be given to extending the implementation timescale of the IT project, from December 2017 to October 2018 at a cost of c£450k to be funded by applying capital receipts.

(8) That the information regarding the visit by the Minister of State for Children and Families, and Ofsted, as detailed within the considered report, be noted.

374 Provision of School IT Services

Cabinet gave consideration to a report which set out details of proposals for the provision of broadband and telecommunications to schools. The report advised that the company providing broadband and telecommunications services to approximately two thirds of schools in Kirklees had gone into administration in October 2017. The company had bought a large proportion of the capacity of City Fibre IT network which had been installed across Kirklees approximately three years ago, and it was considered that it was in the Council's interests to re-enter the market for school broadband services. The proposed offer was for a three year arrangement as the Council would need to purchase devices that would last or be licensed for three years. The report advised that the capital payment cost would need to be met by the Council initially, and would be recovered with each school over the three year contract.

Cabinet noted that the Chief Executive had been required to act under emergency powers on 23 November 2017 to place an order to purchase the relevant hardware and software to enable schools to continue to use broadband and communication services.

(Cabinet gave consideration to the exempt information at Agenda Item 12 (Minute No. 377 refers) prior the determination of this item.)

RESOLVED -

(1) That approval be given to the Council offering a three year package as detailed within the considered report.

(2) That the action of the Chief Executive to place an order to purchase relevant hardware, carried out under emergency powers, on 23 November 2017, be noted and endorsed.

375 Exclusion of the Public

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

376 Update on Children Services

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. It is considered that disclosure of the information could prejudice negotiations regarding the disposal of the land and the Council obtaining best consideration. The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 8 (Minute No. 373 refers).

RESOLVED -The information was considered prior to the determination of Agenda Item 8.

377 Provision of School IT Services

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 9 (Minute No. 374 refers).

RESOLVED - The information was considered prior to the determination of Agenda Item 9.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 19th December 2017

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

Apologies: Councillor Musarrat Khan
Councillor Masood Ahmed

378 Membership of the Committee

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

379 Interests

There were no declarations of interest.

380 Admission of the Public

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

381 Deputations/Petitions

No deputations or petitions were received.

382 Public Question Time

No questions were asked.

383 Member Question Time

No questions were asked.

384 Quarter (2) Corporate Performance Report

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

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

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

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

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

385 Local Development Scheme 2018

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

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

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

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

RESOLVED - That the revised Local Development Scheme be approved.

386 West Yorkshire plus Transport Fund Scheme Update

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

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

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

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

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

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

387 Proposals to Update the Council's RIPA Policy

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

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

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

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

RESOLVED -

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

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

Contact Officer: Helen Kilroy

KIRKLEES COUNCIL

CABINET

Monday 15th January 2018

Present: Councillor Shabir Pandor (Chair)
Councillor Peter McBride
Councillor Naheed Mather
Councillor Musarrat Khan
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Graham Turner
Councillor Cathy Scott

Observers: Councillor Judith Hughes

Apologies: Councillor David Sheard
Councillor Erin Hill (Currently on Maternity Leave)

388 Membership of the Cabinet

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

389 Minutes of previous meeting

RESOLVED – That the minutes of the meetings, held on 21 November and 8 December 2017, were approved as a correct record.

390 Interests

No interests were declared.

391 Admission of the Public

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

392 Deputations/Petitions

No deputations or petitions were received.

393 Public Question Time

No questions were asked.

394 Member Question Time

No questions were asked.

395 Business Rate 100% Retention Pilot

Cabinet received a report which provided information regarding the decision by Government to award the Leeds City Region pool pilot status for 100% business rate retention in 2018/2019 and sought approval of the Council's continued involvement as part of the Leeds City Region pool.

The report advised that an application had been submitted during October 2017 and that the agreed pilots had been announced on 19 December 2017, alongside the draft local government finance settlement. Cabinet were advised that, whilst the submission had been successful, if they took a decision not to proceed with the pilot there was an option to revoke the application as any member of the pilot pool could withdraw.

The report advised that the submitted application reflected that the projected additional growth which could be retained regionally was estimated to be in excess of £30m across the pool authorities, and that the business plan proposed that member authorities would be allocated 50% of the additional growth income to improve financial stability within their authorities, with the pool retaining 50% to continue to support and enable regional economic growth.

The report recommended that Cabinet agree to the Council continuing as a member of the Business Rates Pool for 2018/2019.

RESOLVED - That Kirklees continues to be a member of the Leeds City Region Business Rates Pool and be part of the 100% business rates retention pilot scheme.

396

Council Tax Base Rates

(Prior to the consideration of this item, Cabinet Members were advised of, and noted, the provisions of Section 106 of the Local Government Finance Act 1992).

Cabinet gave consideration to a report on Council's tax base for council tax, prior to its submission to Council on 14 February 2018. Paragraph 2 of the report set out the factors to be considered in setting the council tax and advised that, as there were also parish and town council areas, it was necessary to calculate a taxbase for the whole of Kirklees, as well as for each parish and town council area. The appendix to the considered report set out the current number of properties in each band, the current effect of discounts, exemptions and the collective adjustment.

The report advised of an additional annual percentage increase in council tax due to the adult social care precept, which was in line with the percentage permitted by Government.

The report recommended that the 2018/2019 taxbase for the whole of Kirklees, and the taxbases for the parish and town council areas be; (i) whole of Kirklees £117,770.00 (ii) Denby Dale £5,732.57 (iii) Holme Valley £9,960.21 (iv) Kirkburton £8,861.25 (v) Meltham £2,761.79 and (vi) Mirfield £6,599.19.

RESOLVED - That the report be submitted to Council with a recommendation;

- (i) That the Council Taxbase 2018/2019 for Kirklees, and the five Parish and Town Council areas, be approved as follows;
 - Whole of Kirklees £117,770.00
 - Denby Dale £5,732.57
 - Holme Valley £9,960.21

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- Kirkburton £8, 861.25
- Meltham £2,761.79
- Mirfield £6,599.19

- (ii) That approval be given for the full Government Council Tax Reduction Scheme Grant to be passed to Town and Parish Councils at the same level as previous years and that it be noted that a review will be undertaken in advance of next year's budget to ascertain the appropriate level of funding.
- (iii) That authority be delegated to the Service Director (Finance, IT and Transactional Services) to adjust the taxbase to reflect any changes that may be agreed by Members, and to recalculate the taxbase pursuant to Section 3 1B (1) and S67 (1) and (2A) of the Local Government Finance Act 1992.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 23rd January 2018

Present: Councillor Shabir Pandor (Chair)
Councillor Naheed Mather
Councillor Musarrat Khan
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Graham Turner
Councillor Cathy Scott

Apologies: Councillor David Sheard
Councillor Peter McBride
Councillor Erin Hill (Currently on Maternity Leave)

397 Membership of the Committee

Apologies for absence were received on behalf of Councillors Hill, McBride and Sheard.

398 Minutes of previous meeting

RESOLVED – That the Minutes of the Meeting held on 19 December 2017 be approved as a correct record.

399 Interests

Councillors Pandor and Scott declared an ‘other’ interest in Agenda Item 8 on the grounds that they have family members residing in KNH properties (Minute No. 404 refers).

400 Admission of the Public

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

401 Deputations/Petitions

Cabinet received representations from David Storrie (regarding Agenda Item 10, Minute No. 406 refers), and Suzanne Gannon (regarding Agenda Item 12, Minute No. 408 refers) at the consideration of those Agenda Items.

402 Public Question Time

No questions were asked.

403 Member Question Time

No questions were asked.

404 Housing Revenue Account (HRA) rent and service charge setting report and key housing challenges

Cabinet gave consideration to a report which sought approval for a 1% reduction in dwelling rents in 2018/2019, and for garage rents an annual uplift of 3.9% in

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2018/2019, and similar for the service and other charges, with the exception of Extra Care services, with a proposed annual uplift of 2.87%. The full schedule of proposed weekly dwelling rent, service and other charge increases to Council tenants for 2018/2019 was attached at Appendix 1 to the considered report.

The report provided a background of the key challenges facing housing provision, including the 1% rent reduction. It explained that the new average weekly dwelling rent for 2018/2019 was £69.10 which incorporated the compulsory 1% reduction. It was proposed that the annual increase to average weekly garage rent, service and other charges for 2018/2019 continue to be uplifted in line with the same Retail Price Index figure which for 2018/2019 is 3.9%, and for Extra Care Services, 2.87%.

The report proposed that, in order to comply with the requirements of the Local Government and Housing Act 1989 to have a balanced housing revenue account, and the requirements of the Welfare Reform and Work Act 2016 to reduce rents by at least 1% from 2 April 2018, approval be given to the proposed changes, with effect from 2 April 2018 for the 2018/2019 period.

RESOLVED -

- (1) That the proposed dwelling rent, garage rent, service and other charges as set out at Appendix 1 of the considered report, be approved.
- (2) That the national and local financial challenges as outlined in the report be noted in preparation for the Housing Revenue Account budget discussions in February 2018.

405 New Affordable Housing - Golcar, Huddersfield

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

Cabinet gave consideration to a report which set out a proposal to build eight new properties for general needs social housing rent on Council owned land at Sycamore Avenue and Leymoor Avenue, Golcar.

The report proposed that Kirklees Neighbourhood Housing would lead on the development of the properties, which would comprise of two bedroom four person homes, meeting a high demand for such property types properties in the Golcar area. It advised that the overall budget for the scheme was £1,021,638 and that based upon a financial assessment using the Net Present Value approach, it was indicated that over a 30 year period the return on the investment was positive.

Cabinet noted that the development of the site would deliver new social homes for rent, therefore contributing to the Council's strategic priorities of delivering housing growth and meeting the needs of low income and vulnerable households.

RESOLVED –

- (1) That approval be given to progress the Golcar Housing scheme.

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- (2) That approval be given to the proposed procurement approach, namely the use of the Efficiency North Framework and the appointment of GS Kelsey.
- (3) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to finalise and enter in to all appropriate contracts, deeds and documents in relation to the appointment of the design and build contractor in consultation with the Service Director (Economy, Regeneration and Culture).

406 **Proposed Bradley Urban Extension**

(Under the provision of Council Procedure Rule 36 (1) Cabinet received representations from Councillors Bolt, Calvert and Homewood. Under the provision of Council Procedure Rule 37 Cabinet received a representation from David Storrie, on behalf of Bradley Park Golf Club).

Cabinet received a report which provided an update on the proposed Bradley Urban extension site, the further development of the masterplan, the provision of sports and leisure facilities, and the proposed delivery approach. The report explained that a masterplan of principles, alongside a strategic process to develop sports provision in North Huddersfield, had been agreed during September 2016, and that approval was now sought of a revised masterplan and overall approach to delivery.

Paragraph 2.4 of the considered report set out progress since September 2016, including details of the revised masterplan with a sports and leisure hub which included a revised indicative layout and the inclusion of a nine hole golf course. The report advised that the revisions were consistent with the principles previously agreed by providing a wide range of complementary community facilities to serve the expanded community, which would be created by the Bradley urban extension.

Cabinet noted that the development of the site would be phased throughout the Local Plan period and that it was intended that development would commence during 2021/2022, with a key principle that there would be no break in golfing provision. The report indicated that the proposals would deliver sustainable housing growth, supported by appropriate community facilities.

RESOLVED –

- (1) That the masterplan for the Bradley Urban Extension, including sport and leisure facilities, as detailed in paragraph 2.4.1 of the considered report, be endorsed and that officers be authorised to continue to progress the design of the sports and leisure area.
- (2) That approval be given for the Council, acting as landowner, to pursue the allocation of the Bradley Park site for housing through the local plan hearing process, and authorise officers to commission the necessary work to progress it.
- (3) That it be noted that Officers will prepare a procurement strategy to secure a development partner for the site, and that this will be subject to a further Cabinet report that will seek authority for the implementation of the procurement strategy.

407 Proposals for changes to support and transport for disabled children, adults and older people.

Cabinet gave consideration to a report which provided details on the consultation exercise with service users and the public regarding potential changes to a number of services affecting children and adults with disabilities, and their carers, and sought approval to make changes to a number of services.

The report explained that, following the approval of Cabinet on August 2017, a consultation exercise had now been carried out in regards to (i) the access fund (ii) home to school transport for those with special educational needs and/or disabled children (iii) social care transport for disabled children, working age adults and older people and (iv) short breaks for disabled children. It was noted that all proposals set out within the report had been subject to an equality impact assessment.

Paragraph two of the considered report provided a narrative on each aspect of the consultation, along with a summary of the outcomes of the consultation, and the proposals for the future of the provision.

RESOLVED -

- (1) That, in relation to the Access Fund, approval be given to Option 5 (invest in specialist outreach support as part of the early help offer), as detailed within the considered report, and that work commence to determine the investment strategy for capacity building in the Access Fund.
- (2) That, in relation to home to school transport for children with special educational needs and/or disability, (i) the current home to school transport policy be updated and separated into two policies and submitted to a future meeting of Cabinet (ii) the post 16 home to school transport policy be reviewed and submitted to a future meeting of Cabinet later this year and (iii) work commence to explore the creation of a separate travel assessment unit as detailed within the considered report.
- (3) That, in relation to social care transport for disabled children, working age adults and older people, approval be given to the implementation of a combination of options 3 and 4, as detailed within paragraph 2.3.1 of the considered report, and that it be ensured that all reasonable means have been explored before offering council funded transport to new service users with eligible social care needs, with the adoption of a phased approach to implementation for existing service users.
- (4) That authority be delegated to the Strategic Director (Adults) to implement (3) above, and that consideration be given to working towards a full cost recovery model.
- (5) That, in relation to short breaks for disabled children, approval be given to the proposals as detailed in the considered report, therefore continuing overnight short break provision and developing further after-school services and the provision for breaks within the community.

408 Proposals for changes to home to school transport policy for children attending mainstream school.

(Under the provision of Council Procedure Rule 36 (1) Cabinet received representations from Councillors Bolt and J Taylor. Under the provision of Council Procedure Rule 37 Cabinet received a representation from Suzanne Gannon, local resident).

Cabinet received a report which provided an update on the results of the consultation with service users and public with regards to potential changes to a number of services affecting children attending mainstream schools and sought approval of changes to home to school transport provision for eligible children attending mainstream schools.

Paragraph 2 of the considered report (i) set out information on the consultation process, which had been undertaken from 4 September until 22 October 2017, and to which 543 responses were received which had reflected that the current arrangements were highly valued by users and (ii) outlined three potential proposals relating to home to school transport for compulsory school aged children, aged 5 to 16 years.

Cabinet gave consideration to the option proposals within the report and noted the recommendation that proposal three, which would allow for statutory provision only, should be supported as it would have the greatest financial impact for the authority in view of the financial challenges currently facing the Council.

RESOLVED -

- (1) That approval be given to the adoption of Option 3, as detailed in the considered report, in relation to mainstream provision, ie, applying the nearest geographical school, rather than catchment school, when considering applications for boarding cards/bus/train passes, and thereby returning to a statutory only policy.
- (2) That the proposal at (1) above (i) be applied as a minimum to all new applicants for a train/bus pass/boarding card and for applications relating to school transition points or a change of address from September 2019 and (ii) shall only apply to all new boarding card/bus/train pass holders from September 2019.
- (3) That the Service Director (Commercial, Regulatory and Operational Services) be authorised to investigate the possibility of moving from a system of bus/train pass/boarding card provision upfront to a system based on retrospective reimbursement of the cost of a bus/train pass/boarding card bought by parents/carers for their child/children for journeys to and from school, and that, should this prove feasible and deliver savings that outweigh the cost of delivery, be authorised to implement the system from September 2019 onwards.
- (4) That the Service Director (Commercial, Regulatory and Operational Services) be authorised to investigate the feasibility of setting up a cycling scheme that

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would provide a bicycle, helmet and cycling safety training in lieu of a boarding card/bus/train pass in circumstances where an individual/family decides that this would be the most appropriate provision for their circumstances and be delegated authority to implement the detail of the scheme.

(5) That the existing Home to School Transport Policy be split into two separate policies whereby one will cover mainstream provision and one will cover SEN provision.

(6) That a new mainstream transport policy be prepared for consideration in early 2018.

409 Update on the Priority School Building Programme Rebuild of Mount Pleasant Primary

Cabinet received a report which provided an update on the current position with regards to the new build school for Mount Pleasant Primary School, and outlined the need for further works. The report advised that the project was now reaching its final stages, with the new build school having been in place since October 2017, and the demolition of remaining defunct accommodation and completion of external works being expected by July 2018. Cabinet were asked to approve the allocation of an additional £125k from the Council's Basic Need Capital Grant to provide enhancements to the external areas that were not covered by the funding of the Priority Schools Building Programme.

Paragraph 2 of the considered report set out detail regarding the site clearance and proposed external works, which included landscaping works. The report proposed that the funding of an additional £125k would ensure that the external facilities available to the school matched the excellent new internal facilities offered by the new school building.

RESOLVED -

(1) That it be noted that a Prior Notification of Demolition application for the demolition of the Clock Tower at Mount Pleasant Primary School has been submitted.

(2) That approval be given to (i) the allocation of an additional £125k Basic Need Capital Grant funding to the new Mount Pleasant Primary School scheme and (ii) the authorisation of a revised Section 151 letter to be issued if required by the ESFA.

410 Planning Application Fees

Cabinet gave consideration to a report which provided details on proposals by Government to make changes to planning applications fees and to note that the changes would be applied nationally once the relevant legislation becomes effective.

The report advised that it was recognised that an increase in planning fees was seen as an important step in addressing a national problem of under-resourcing in

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local planning authorities, and that the fees, which are set nationally, had not increased since 2011/2012 when a national increase of 15% had been applied.

The report explained the statutory process for the fee change, advising that a motion to make the increase had been approved in the House of Lords during December 2017, and that the next stage would be for the regulations to be laid before Parliament.

Cabinet noted that, providing application numbers are maintained, or increase following the introduction of the Local Plan, a 20% increase on existing fees would increase income by approximately 250k per annum.

RESOLVED - That approval be given to the implementation of the fee increase, as detailed within the considered report, as soon as is possible following the introduction of the relevant legislation.

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KIRKLEES COUNCIL

CABINET

Tuesday 30th January 2018

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

Observers: Councillor Bernard McGuin
Councillor John Taylor

Apologies: Councillor Erin Hill (Currently on Maternity Leave)
Councillor Cathy Scott

411 Membership of the Committee

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

412 Interests

No interests were declared.

413 Admission of the Public

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

414 Deputations/Petitions

No deputations or petitions were received.

415 Public Question Time

No questions were asked.

416 Member Question Time

Cabinet received questions from Councillor McGuin in relation to (i) the implications of the development of the museum quarter upon Tolson Museum, and (ii) how the Council would ensure that local residents accessing their homes located on the bus lanes in Almondbury would not receive penalty notices.

417 Schools Forum: Report seeking approval for Kirklees School Funding formula for the financial year 2018/19

Cabinet gave consideration to a report which provided detail on the formal introduction of the National Funding Formula for schools from 2020/2021, and how this would impact upon local schools' funding formula for 2018/2019.

The report recommended the outline of the Kirklees funding formula 2018/2019 in terms of (i) specific funding factors to be used and the relative weightings and

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values of the funding factors (ii) exceptions applications submitted to the Education and Skills Funding Agency, and the approvals given (iii) central budget provision within the Dedicated Schools Grant Schools Block of funding, the Central School Services Block and the Early Years Block and (iv) de-delegation arrangements for mainstream maintained schools.

Cabinet were asked to give approval to the outline details of the Kirklees School Funding Formula for 2018/2019 to be submitted by the deadline of 19 January 2018.

Cabinet were advised that, based upon the Education and Skills Funding Agency funding timeline, it was expected that the local authority would inform maintained schools of their 2018/2019 budgets by 28 February 2018, and that academies would be informed by 31 March 2018.

RESOLVED -

- (1) That the changes to school funding arrangements for the two 'soft' National Funding Formula funding years of 2018-2019 and 2019-2020, leading to the full introduction of the National Funding Formula for Schools from April 2020, be noted.
- (2) That the ongoing local consultation with schools and other providers in order to ensure an appropriate local response to national funding formula developments, be noted.
- (3) That the exceptions applications made to the Education and Skills Funding Agency, as detailed in paragraph 5 of the considered report, be noted.
- (4) That approval be given to the submission of the schools funding formula for 2018/2019 (based upon a positive minimum funding guarantee of 0.5% per pupil) to the Education and Skills Funding Agency.

418

Council Annual Budget Report 2018-22 incorporating Capital, Treasury Management, General Fund, Revenue and Housing Revenue Account

(Cabinet noted the provisions on the restrictions on voting, in accordance with Section 106 of the Local Government and Finance Act 1992, relevant to this item).

(Under the provision of Council Procedure Rule 36 (1) Cabinet received a representation from Councillor J Taylor).

Cabinet received a report which set out its recommendation to the meeting of Budget Council on 14 February 2018, and provided the basis upon which other political groups could consider their budget proposals for Capital, Treasury Management, General Fund Revenue and the Housing Revenue Account.

Cabinet noted that the report;

- (i) reviewed the general fund revenue budget strategies over the medium term financial plan and budget proposals to achieve a balanced general fund revenue budget in 2018-2019, and an indicative revenue budget plan for the following year.

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- (ii) incorporated the Government's announcement on the Local Government Finance Settlement for 2018-2019 and indicative government funding forecasts for the following year, and consider the level of general fund revenue budget needed for Treasury management and Central Contingencies.
- (iii) reviewed the current levels of general fund revenue reserves and balances and made recommendations on the level of reserves.
- (iv) incorporated Housing Revenue Account (HRA) budget proposals to achieve a balanced HRA in 2018-2019, and indicative revenue budget plan for the following year, informed by the HRA 30 year business plan.
- (v) reviewed the current levels of Housing Revenue Account reserves, and made recommendations on the level of reserves.
- (vi) reviewed the multi-year plan for Capital Investment (Cabinet is required under Financial Procedure Rules to recommend to Council a multi-year plan for capital investment).
- (vii) reviewed the Treasury Management Strategy 2018-2019 (which Council must consider before the start of the financial year to comply with both the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, and with Department for Communities and Local Government (DCLG) guidance on local authority investments, requiring the Council to approve an Investment Strategy before the start of each financial year).
- (viii) made recommendations on the Council Tax requirement for 2018-2019.
- (ix) incorporated the Council's Pay Policy Statement for 2018-2019.
- (x) incorporated a statement of assurance from the Council's statutory s151 officer in relation to the robustness of budget estimates and adequacy of General Fund and HRA reserves.

RESOLVED - That the Motion be submitted to the Meeting of Budget Council on 14 February 2018 with a recommendation that;

- (i) Capital
 - the draft Capital Plan 2018-2023 be approved (appendix E)
 - the Prudential Indicators as detailed at appendix F be approved
- (ii) Treasury Management (Appendix C)
 - the borrowing strategy be approved (paragraphs 2.12-2.18 refer)
 - the investment strategy be approved (paragraphs 2.19-2.33 refer)
 - the policy for provision of repayment of debt (minimum revenue provision/MPR) be approved (appendix C refers, reflecting the changes in policy outlined in paragraphs 2.34-2.66) effective from 2017-2018, be approved
 - the treasury management indicators be approved (appendix C refers)
 - proposals to refresh the treasury management strategy for financial year 2019-2020 to reflect revised 2017 CIPFA Treasury Management and Prudential Codes, and updated Government Investment Strategy and MRP guidance to Local Authorities (Government guidance pending), be noted.

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- (iii) General Fund Revenue
 - the Draft Revenue Budget 2018-2020 be approved, as attached at appendix A
 - the forecast levels of statutory and other Council reserves, as set out at appendix B, be noted
 - the strategy for the use of balances and reserves be approved (paragraph 3.73 refers)
 - a further reassessment of reserves requirements be undertaken at year end and reported to Members as part of the 2017-2018 financial outturn and rollover report (paragraph 3.74 refers)
 - the Council's continued participation on the Leeds City Region business rates pool for 2018-2019 be noted (paragraph 3.26 refers)
 - the Flexible Capital Receipts Strategy for 2018-2019 be approved (appendix D refers)
 - the Council Tax requirement for 2018-2019 be approved (appendix H refers)
 - the Council's Pay Policy Statement for 2018-2019 be approved (appendix I i-iv refers)
 - the Council's Statutory S151 Officer's positive assurance statement be noted (paragraphs 4.4.2 – 4.4.9 refer)
 - the Council's Statutory S151 Officer be given delegated authority to amend how the finally approved precepts are recorded in the Council's revenue budget in line with the final notifications received following decisions by the Office of Police and Crime Commissioner, the Fire and Rescue Authority and Parish Councils, should these be received after 14 February 2018 (paragraph 4.1.3 refers)

- (iv) Housing Revenue Account
 - the draft Housing Revenue Account Budget for 2018-2020 be approved (appendix A refers)
 - the strategy for the use of the Housing Revenue Account reserves, as set out at paragraphs 3.93 -3.94, be approved

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES

Wednesday 24th January 2018

Present:

Councillor Naheed Mather
Councillor Musarrat Khan

In attendance:

Councillor Bill Armer
Councillor Richard Smith
Councillor John Taylor

Apologies:

Councillor Peter McBride

- 10 Membership of the Committee**
Apologies from Cllr Peter McBride.
- 11 Minutes of Previous Meeting**
That the minutes of the meeting held on the 20 September 2017 were agreed as a correct record.
- 12 Interests**
No interests were declared.
- 13 Admission of the Public**
All agenda items were considered in public session.
- 14 Deputations/Petitions**
Cabinet Committee Local Issues received a deputation from Andy Scott Chair of Friends of Shepley, objecting to the proposed speed limit order.
- 15 Public Question Time**
No questions were asked.
- 16 Member Question Time**
No questions were asked.
- 17 Objection to (Speed Limit) (No 103) Order 2017, Proposed Speed Limit changes in the Sovereign/Birdsedge and Kirkburton Area**
The Committee considered representations made in respect of proposed speed limit changes in the Sovereign/Birdsedge and Kirkburton Area.

Phillip Waddington, Principal Engineer attended the meeting to present a report to Committee on the proposed changes to the speed limit in the Sovereign/Birdsedge and Kirkburton Area. The Committee was advised that in June 2015, Kirklees

Cabinet Committee - Local Issues - 24 January 2018

Council introduced a 30mph limit on the A629 Lane Head Road and A629 Penistone Road Shepley and since the change local residents had raised concerns regarding the lower speed limit.

Local ward councillors had asked the council to investigate the possibility of making a small increase to 40mph.

Committee Members were advised that the speed limit changes were advertised between the 07 and 28 August 2017 and nine objections were received. It was re-advertised on the 07 November and 08 December 2017 and fourteen objections were received. All objections were in respect of the proposed increase to the speed limit from 30mph to 40mph.

Andy Scott local resident – Friends of Shepley attended the meeting to make representations against the proposals. He informed the committee that he had spoken to local residents and most opposed the proposals to change the speed limit on Lane Head Road and that people who lived on that road were not aware of any accidents since the reduction.

Also in attendance at the meeting were Cllrs Richard Smith, John Taylor and Bill Armer, the three local ward councillors who made representations in support of the increase to the limit. They advised the committee that there was a full public consultation which was well attended and there was an overwhelming majority in favour of increasing the limit.

RESOLVED - That the proposed Speed Limit Order be implemented in line with officer recommendations



**MINUTES OF THE MEETING OF THE
WEST YORKSHIRE COMBINED AUTHORITY
HELD ON THURSDAY, 14 DECEMBER 2017 AT COMMITTEE ROOM A,
WELLINGTON HOUSE, 40-50 WELLINGTON STREET, LEEDS**

Present:

Councillor Susan Hinchcliffe (Chair)
Councillor Tim Swift (Vice-Chair)
Roger Marsh OBE
Councillor Nicola Turner
Councillor Andrew Waller
Councillor James Lewis
Councillor Shabir Pandor

Bradford Council
Calderdale Council
Leeds City Region Enterprise Partnership
Kirklees Council
City of York Council
Leeds City Council
Kirklees Council

In attendance:

Councillor Robert Light
Ben Still
Caroline Allen
Angela Taylor
Kersten England
Heather Waddington
Ruth Chaplin

Chair, WYCA Overview & Scrutiny Committee
WYCA
WYCA
WYCA
Bradford Council (minute 69 only)
WYCA (minute 73 only)
WYCA

61. Apologies for Absence

Apologies for absence were received from Councillors J Blake, P Box, A Carter, S Cooke, D Sheard and K Wakefield.

62. Declarations of Disclosable Pecuniary Interests

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

63. Exempt Information - Possible Exclusion of the Press and Public

Resolved: That in accordance with paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, the public be excluded from the meeting during consideration of the appendices to Agenda Item 15 on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information and for the reasons set out in the report

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that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

64. Minutes of the Meeting of the Combined Authority held on 5 October 2017

Resolved: That the minutes of the meeting held on 5 October 2017 be approved and signed by the Chair.

65. Capital Spend and Project Approvals

The Authority considered a report of the Director of Delivery on the progression and funding for the following schemes through WYCA's Assurance Process in line with WYCA's Assurance Framework:

- Leeds City Region Enterprise Zones Programme
- Steeton and Silsden A629 Foot/Cycle Crossing
- East Leeds Outer Ring Road Junctions
- Warm Homes Programme
- WYCA Website

It was noted that the Warm Homes Grant Fund and WYCA Website projects had proceeded directly to WYCA because of either timescales relating to their delivery or governance requirements of the funding stream.

The Authority also considered the following two schemes which had exception reports assessed in line with WYCA's Assurance Framework:

- A641 – Bradford to Huddersfield Corridor
- Strategic Inward Investment Fund

Details of the schemes were outlined in the submitted report.

Resolved:

- (i) In respect of the **Leeds City Region Enterprise Zones Programme (Decision Point 2)** –

That following a recommendation from the Investment Committee, WYCA approves:

- (a) That the Leeds City Region Enterprise Zones Programme proceeds through Decision Point 2 and work commences on Activity 3 (Outline Business Case) for the Phase 2 sites outlined in the submitted report and Activity 4 (Full Business Case) for Phase 1 Leeds EZ.
- (b) That an indicative approval to the £20.000m programme cost is



given from the Local Growth Fund with Full Approval to spend being granted to individual sites once they have progressed through the Assurance Process to Decision Point 5 (Full Business Case with Finalised Costs).

- (c) That development costs of up to £0.302m from the Local Growth Fund are approved in order to progress Phase 2 sites to Decision Point 3 (Outline Business Case).
- (d) That future approvals are made in accordance with the Approval Pathway and Approval Route outlined in the submitted report. This will be subject to the scheme remaining within the tolerances outlined in the submitted report.

(ii) In respect of **Steeton and Silsden A629 Foot/Cycle Crossing (Decision Point 2)** –

That following a recommendation from the Investment Committee, WYCA approves:

- (a) That the Steeton and Silsden A629 Foot/Cycle Crossing proceeds through Decision Point 2 (Case Paper) and work commences on Activity 3 (Outline Business Case).
- (b) That approval to the total project value of £0.210m is given from the CCAG Fund (which incorporates the DfT Grant) for Activity 3 (Outline Business Case) only.
- (c) That WYCA enters into a Funding Agreement with City of Bradford Metropolitan District Council for expenditure of up to £0.210m from the CCAG Fund.
- (d) That future approvals are made in accordance with the Approval Pathway and Approval Route outlined in the submitted report including that Decision Point 3 approval be delegated to WYCA's Managing Director. This will be subject to the scheme remaining within the tolerances outlined in the submitted report.

(iii) In respect of **A641 – Bradford to Huddersfield Corridor (Activity 1 Exception)** –

That following a recommendation from the Investment Committee, WYCA approves:

- (a) That further development costs of up to £0.630m be approved from the West Yorkshire plus Transport Fund to enable further Expression of Interest development, in order to progress the scheme to Decision Point 2 (Case Paper), taking the total project approval to £0.730m.

- (b) That WYCA enters into an addendum to the existing funding agreement with Calderdale Council for A641 – Bradford to Huddersfield Corridor for additional expenditure of up to £0.630m from the WY+TF.
 - (c) That future approvals are made in accordance with the Approval Pathway and Approval Route outlined in the submitted report. This will be subject to the scheme remaining within the tolerances outlined in the report.
- (iv) In respect of **ELOR Leeds Outer Ring Road Junctions (Decision Point 5) –**

That following a recommendation from the Investment Committee, WYCA approves:

- (a) That the East Leeds Outer Ring Road Junctions Project (part of the East Leeds Orbital Road Package of schemes) proceeds through Decision Point 5 (Full Business Case with Finalised Costs) and work commences on Activity 6 (Delivery).
 - (b) That approval be given to WYCA's contribution of £14.047m (which will be funded from the West Yorkshire plus Transport Fund), taking the total project approval for the full ELOR package of schemes to £25.857m (£14.047m plus £3.900m for design and preparation for Phase 1 and the Outline Business Case for the ELOR project plus £6.750m for land costs and a £1.160m contribution from funding approved by WYCA to commence development work on WY+TF projects before the growth deal was established (all funded from the WY+TF)).
 - (c) That WYCA enter into an addendum to the existing Funding Agreement with Leeds City Council for expenditure of up to £25.857m from the WY+TF.
 - (d) That future approvals are made in accordance with the Approval Pathway and Approval Route outlined in the submitted report following a recommendation by WYCA's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the report.
- (v) In respect of the **Strategic Inward Investment Fund (Activity 6 Exception) –**

That following a recommendation from the Investment Committee, WYCA approves:

- (a) That the exception is approved to change the Strategic Inward Investment Fund lower limit for applications from £250,000 to GBP

equivalent (at time of application) to €200,000.

- (b) That the exception is approved to amend the assurance and approval processes for applications of £250,000 or below as outlined in the submitted report, so that these decisions are delegated to the WYCA Managing Director.

(vi) In respect of **The Leeds City Region Warm Homes Programme –**

That WYCA approves:

- (a) That the Warm Homes project proceeds through Decision Point 2 (Case Paper) and work commences on Activity 5 (Full Business Case with Finalised Costs).
- (b) That indicative approval is given to the total project cost of £2,909,600 and WYCA's contribution of £1,619,960 (to be funded from the National Grid Warm Homes Fund).
- (c) That future approvals are made in accordance with the Approval Pathway and Approval Route outlined in the submitted report including at Decision Point 5 through a delegation to WYCA's Managing Director following a recommendation by WYCA's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the report.

(vii) In respect of the **WYCA Website (Web3) –**

That WYCA approves:

- (a) That the WYCA Website (Web3) project proceeds through Decision Point 2 and work commences on the Full Business Case with Finalised Costs (Activity 5); an indicative funding allocation of £0.300m from part of the Authority's overall capital programme, (with the funding source coming from cash, eligible programmes and/or borrowing) with full approval to spend once the scheme has progressed through the Assurance Process to Decision Point 5 (Full Business Case with Finalised Costs).
- (b) That future approvals are made in accordance with the Assurance Pathway with Full Business Case with Finalised Costs (Activity 5) approval made through a delegation to WYCA's Managing Director following a recommendation by WYCA's Programme Appraisal Team. This approval route will be subject to the scheme remaining within the tolerances outlined.



66. Project Beta

The Authority considered a report of the Executive Head of Economic Services which advised of the situation relating to Project Beta and proposed support to the future provision of grant funding of up to £3 million.

Members were given an overview and discussed the proposals regarding the application from a company which was seeking support to establish a new UK-based drug manufacturing facility and the benefits this would bring to the Leeds City Region. It was reported that the request for the grant from the Strategic Inward Investment Fund had been considered and recommended for approval by the Investment Committee. The continued support and approval of the grant will be subject to applications progressing through the WYCA Assurance Process.

Resolved: That support be given in principle to the provision of grant funding of up to £3 million to Project Beta subject to the scheme's progression through WYCA's Assurance Process.

67. HS2 and Connectivity

The Authority considered a report of the Head of Transport Policy which:

- provided an update on the LCR HS2 Growth Strategy
- provided an overview of the LCR HS2 Connectivity Strategy
- sought support to the development of Inclusive Growth Corridor Plans as part of the next stage in work.

Members noted the three emerging strands of the Connectivity Strategy which were detailed in the submitted report. In discussing the regional/pan-northern HS2 'Inclusive Growth Corridors' which had been identified, it was requested that the Bradford corridor be amended to 'Bradford – Halifax – Calder Valley and beyond'. It was noted that York had also been identified as a corridor and the importance of the East Coast Main Line and York as a key hub was recognised. The corridors will connect major communities, including some of the most deprived to HS2 and the importance of providing services to smaller stations in outlying areas was recognised. Members discussed the work being undertaken on the Leeds City Region's Housing Strategy and the need to ensure that this was linked with the HS2 plans for connectivity and inclusive growth.

Resolved:

- (i) That the progress on the LCR HS2 Growth Strategy be noted.
- (ii) That the emerging principles of the LCR HS2 Connectivity Strategy be endorsed.
- (iii) That the development of Inclusive Growth Corridor Plans as part of the next stage in development be endorsed.

68. HS2 and Skills

The Authority considered a report of the Executive Head of Economic Services which provided an update on the skills strategy needed to ensure the most is made of HS2 and to seek endorsement to develop the strategy into an implementation plan.

The report provided a summary of the skills work being undertaken and the strategy for ensuring people have the right skills to make the most of the HS2 opportunity. It also provided an overview of the Skills and Supply Chain Growth Strategy and a summary which provided further detail regarding the proposed programmes was attached at Appendix 1 to the submitted report.

Members discussed the strategy which built on the objectives detailed in the LCR Employment & Skills Plan and the work that WYCA and partners were already doing to support the development of a skilled workforce. It was intended to submit the Skills Strategy to Government as part of the HS2 Growth Strategy and then to turn the strategy into an implementation plan. It was noted that the approach to implementation would depend on how far the Government supports the plan financially and an initial meeting was being arranged with them in the near future.

Resolved: That the HS2 Skills Strategy be endorsed and an implementation plan be developed.

69. Transforming Cities Fund

The Authority considered a report of the Head of Transport Policy which provided an update on the Budget announcement in respect of the Transforming Cities Fund.

It was noted that the £1.7 billion fund was to support transport investment and the Chancellor had set out that half the fund would be allocated via competition for transport projects in cities and the remaining half allocated to the 6 combined authorities with elected metro mayors.

It was expected that guidance would be published in the New Year with bids to be submitted during Spring 2018. It was proposed that a range of options for the bid be considered and developed with partners including the suitability of schemes which came forward in the 'call for projects' and those on the local prioritised corridors as identified in the HS2 Connectivity Strategy.

It was noted that should a devolution deal be agreed for the region, the Transforming Cities Fund would automatically deliver significant additional capital investment for the Mayor to invest in transport.

A report would be brought to a future meeting once further details are known.

Resolved: That the financial position around the Transforming Cities Fund be noted.

70. Local Inclusive Industrial Strategy Update

The Authority considered a report of the Head of Economic Policy which:

- provided an update on the development of a single, bold city region strategy, owned by both WYCA and LEP Board with inclusive growth at its core;
- provided an overview of the headline messages from the national Industrial Strategy White Paper that was launched on 27 November 2017;
- provided an update on the outcome of the LEP Board meeting of 29 November 2017 and sought agreement to the LEP Board's decision to begin the development of Local, Inclusive Industrial Strategy (LIIS) as a replacement for the Strategic Economic Plan (SEP); and
- set out an indicative timetable for the development of a local, inclusive, industrial strategy that reflects national guidance whilst recognising the LEP's ambition around delivering at pace.

It was reported that the proposals to update and replace the SEP with a LIIS were agreed at the LEP Board meeting on 29 November 2017. Members discussed the key themes and messages emerging from the City Region's submission to the Industrial Strategy Green Paper, Autumn Budget and Industrial Strategy White Paper to inform the development of a local inclusive and place based industrial strategy. An emerging vision and statement of intent for the City Region emphasising that good growth delivers good outcomes would be developed in January/February 2018. This would be used as a mechanism for engagement with Government and local stakeholders. A full LIIS would be produced in March 2019 aimed at driving growth, boosting productivity and earning power for a post-2030 economy.

Resolved: That WYCA agree to formally commit to beginning the development of a single, bold Local Inclusive Industrial Strategy (LIIS) as a replacement for the Strategic Economic Plan (SEP), which will be owned by both the LEP and WYCA with inclusive growth at its core.

71. Inclusive Growth in the Leeds City Region

The Authority considered a report of the Managing Director which sought approval for funding the last 6 months of the secondment for the Project Director for Inclusive Growth.

Members noted the progress of the work undertaken to embed inclusive growth across Leeds City Region and of the development of a second work programme. The proposed activities for the next six months were set out in Appendix 1 and it was agreed that the remaining 6 months of the secondment be funded by WYCA. A

report would be prepared for a future meeting outlining appropriate next steps for resourcing after the secondment ends.

Resolved:

- (i) That the work accomplished to date be noted.
- (ii) That the funding of a secondment by WYCA for 6 months until 14 May 2018 be approved.

72. Business Planning & Budget 2018/19

The Authority considered a report of the Director of Resources advising members of the work underway on business planning and budgeting for 2018/19.

Members discussed and noted the latest position regarding business planning and the medium term financial strategy and the successes of the past year. The report also set out a draft budget proposal for 2018/19 and consideration was given to the draft three year position on the revenue budget which was attached at Appendix 2 and the initial capital programme figures for the next two years at Appendix 3.

A full report incorporating the budget and levy for 2018/19 will be brought to the next meeting.

Resolved: That the work being undertaken on the medium term financial strategy and business planning and budget for 2018/19 be noted.

73. Update on WYCA Procurement Strategy 2018-2021

The Authority considered a report of the Director of Resources which provided an update on progress regarding the development of the new WYCA Procurement Strategy.

It was noted that a new procurement function had been created at WYCA and it was proposed that the strategy would outline the vision and work required for the next 3 years in this area.

Members were advised that through the Inclusive Growth Steering Group, work was being undertaken across the region to assist local authorities and other key anchor institutions in defining a set of common principles that will underpin procurement and other activities. Workshops and a meeting had been held with the Heads of Procurement across the region and number of discussions have also been undertaken with the wider Inclusive Growth programme.

It was acknowledged that the final strategy must support the organisation in meeting the key agreed elements and be in line with the new National Procurement Strategy which was being finalised by the LGA and details were outlined in the submitted report.

Members welcomed the progress being made and it was proposed to submit the final Procurement Strategy to the next meeting. It was noted that an update on the Contract Standing Orders would also be required to implement the strategy.

Resolved:

- (i) That the progress made on Procurement within WYCA be noted.
- (ii) That the elements outlined in the submitted report be accepted as forming the basis of the Procurement Strategy document.
- (iii) That the planned update to Contract Standing Orders to implement the new Procurement Strategy be noted.

74. Governance Arrangements

The Authority considered a report of the Director of Resources on the following issues in respect of appointments:

- To note a change to the City of York Council's appointment to WYCA.
- To approve the appointment of private sector and advisory co-optees onto WYCA's Advisory Panels and to appoint the Chair of the Employment & Skills Panel and the Green Economy Panel.
- To approve the appointment of local authority co-optees on the Business Innovation & Growth Panel and the Employment & Skills Panel following receipt of revised nominations.
- To approve a change in membership of WYCA's Governance & Audit Committee.
- To note that the Director of Policy, Strategy & Communications is leaving WYCA at the end of the calendar year and to approve the appointment of an interim Director.

It was reported that Councillor Andrew Waller replaced Councillor Keith Aspden on WYCA with effect from 9 October 2017 and the Chair welcomed him to his first meeting.

Members noted the appointments to WYCA's Advisory Panels which were set out in paragraph 2.5 of the report and Appendix 1 and agreed the appointments of Rashik Parmar as Chair of the Employment & Skills Panel and Simon Pringle as Chair of the Green Economy Panel.

In respect of the Governance & Audit Committee, it was agreed that Councillor Hinchcliffe replace Councillor Sheard.

It was noted that Rob Norreys, Director of Policy, Strategy & Communications was leaving WYCA at the end of the year. Members expressed their gratitude to Rob for his hard work, contributions and support during his long and distinguished service

and the important role he had played in building the foundations for the City Region, creation and development of the LEP and WYCA and in securing significant Local Growth funds.

A process for an internal interim replacement had been undertaken and it was agreed that Liz Hunter be appointed as interim Director of Policy & Strategy.

Resolved:

- (i) That the termination of the City of York Council's appointment of Councillor Keith Aspden and the appointment of Councillor Andrew Waller be noted.
- (ii) That WYCA co-opts members to the Advisory Panels as set out in Appendix 1, and to the Land and Assets Panel, as set out in paragraph 2.5 of the submitted report.
- (iii) That Rashik Parmar be appointed as Chair of the Employment & Skills Panel and Simon Pringle as Chair of the Green Economy Panel.
- (iv) That WYCA notes Wakefield Council's revised nomination to the Business Innovation & Growth Panel and co-opts Councillor Darren Byford onto the Panel in place of Councillor David Jones.
- (v) That WYCA notes North Yorkshire County Council's revised nomination to the Employment & Skills Panel and co-opts Councillor Patrick Mulligan onto the Panel in place of Councillor Cliff Lunn.
- (vi) That WYCA replaces Councillor Sheard with Councillor Hinchcliffe on the Governance & Audit Committee.
- (vii) That WYCA notes that the Director of Policy, Strategy & Communications is leaving WYCA at the end of the calendar year.
- (viii) That the appointment of Liz Hunter as interim Director of Policy & Strategy be approved.

75. European Structural & Investment Funds - Sustainable Urban Development

The Authority considered a report of the Director of Resources on European Structural & Investment Funds – Sustainable Urban Development (ESIF SUD).

It was noted that WYCA has a role, as Intermediate Body, in the consideration and recommendation of projects to be funded through ESIF SUD. The Investment Committee had considered the detail of each project and endorsed the advice and decision at parts 3 and 5 of each of the project assessment forms. They had also considered and were recommending to WYCA the prioritisation list which was detailed in the exempt Appendix 1. Members discussed the outline applications which were attached to the submitted report as exempt Appendices 2-6 and

accepted their recommendations and approved the advice, the selection decision and the prioritisation list.

It was noted that the Managing Authority, DCLG, will finalise the assessment and make its final decision with regard to those projects which will now be asked to progress to the next stage.

Resolved: That WYCA, in its role as the Intermediate Body for the SUD part of the ESIF programme, approves the advice included in the outline assessment forms at Part 3 of each exempt Appendix 2-6, the decision and any respective conditions outlined in Part 5a and the prioritisation list for SUD included in exempt Appendix 1.

76. Minutes of the Meeting of the Transport Committee held on 8 September 2017

Resolved: That the minutes of the meeting of the Transport committee held on 8 September 2017 be noted.

77. Minutes of the Meeting of the Green Economy Panel held on 14 September 2017

Resolved: That the minutes of the meeting of the Green Economy Panel held on 14 September 2017 be noted.

78. Minutes of the Meeting of the Overview & Scrutiny Committee held on 20 September 2017

Resolved: That the minutes of the meeting of the Overview & Scrutiny Committee held on 20 September 2017 be noted.

79. Draft Minutes of the Land & Assets Panel held on 13 October 2017

Resolved: That the draft minutes of the Land & Assets Panel held on 13 October 2017 be noted.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL
STANDARDS COMMITTEE

Tuesday 17th January 2017

Present: Councillor Nigel Patrick (Chair)
Councillor Eric Firth
Councillor Andrew Marchington
Councillor Shabir Pandor
Councillor Mohan Sokhal

1 Membership of the Committee

All Committee Members were present.

2 Interests

No interests were declared.

3 Admission of the Public

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

4 Deputation/Petitions

No deputations or petitions were received.

5 Review of Standards Regime/Member Code of Conduct

Standards Committee gave consideration to a report which sought a review of the operation of the Standards process and to consider options for changes to the Member Code of Conduct and Standards regime.

The report advised that it was an appropriate time to review the Code of Conduct and the Standards process, alongside the review of Member Officer protocol, and in acknowledgement of the introduction of new behaviours for employees and elected members. It was noted that a questionnaire regarding various standards issues had been circulated to relevant officers, elected members, and independent persons, and then more detailed feedback had been sought from Group Business Managers

during August 2016. An online survey was also circulated to all elected members, and the responses were attached at appendix 4 of the considered report. The report set out a breakdown of observations on the regime, alongside a commentary of proposals in terms of moving forward.

The Committee were asked to consider the following recommendations as set out at Paragraph 6.1 of the report;

- (1) To revise the Kirklees Code so that it is more directional on 'poor behaviour' and make reference to the Principles of Public life, making reference to examples of poor behaviour.
- (2) To amend the Code to include a lack of response to complaints by members, subject to relevant extenuating circumstances, as an example of poor behaviour.
- (3) Members to sign the Code of Conduct.
- (4) To amend section 5.1 of the Code of Conduct to simplify the definition of 'other interests'.
- (5) To continue current practice in terms of verbally declaring disclosable pecuniary interests and 'other' interests at meetings.
- (6) That the complaints process be amended so that the Monitoring Officer and one other (or more) make a decision as to whether a complaint should proceed.
- (7) To amend the complaints process so that the decision maker in the resolution of complaints is the Monitoring Officer, and the Chair of Standards Committee, in consultation with the Group Business Manager if it proceeded to Assessment Panel.
- (8) That the complaints process be amended to include a clearer process for early dismissal of complaints which or minor or considered as political 'tit for tat.'
- (9) That the Standards Committee receive 6 monthly reports regarding member behaviour and complaints received, and meet annually for a review meeting.
- (10) That the process for dispensations be amended so that there is provision for the Monitoring Officer to consult with Group Business Managers prior to the meeting of Budget Council, and during the summer.
- (11) That all of the Sanctions as set out at Appendix 8 of the considered report be endorsed.
- (12) That any matters referred to the police whereby criminal investigation ceases shall still be subject to the standards process.
- (13) That the current process continues and there continues to be no right of appeal, other than a complaint to the Ombudsman if a councillor is dissatisfied.
- (14) That elected members be required to undertake appropriate training following the review on the new code and standards process.

The Committee agreed with the recommendations as set above, subject to the amendments of (3) to require re-elected or newly elected members to sign the code from 2018 onwards, (7) for the monitoring Officer, Independent Person and Chair of Standards Committee to act as decision makers, and (9) to require two meetings of the Committee to be included within the Annual Calendar of Meetings. Additionally,

Standards Committee - 17 January 2017

the Committee were also of the view that (i) the Council should have expectations of behaviour from complainants and that the conduct of a complainant should be taken into account in decisions as to the progress of a complaint and (ii) that, in relation to (6) and (7), the remuneration of the Independent Person be reconsidered as the role would no longer be solely advisory.

RESOLVED -

- 1) That the report be received and noted.
- 2) That the recommendations of the Committee be incorporated within the report to be considered by Corporate Governance and Audit Committee to be held on 27 January 2017.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL
STANDARDS COMMITTEE

Wednesday 24th May 2017

Present: Councillor Andrew Marchington (Chair)
 Councillor Eric Firth
 Councillor Shabir Pandor
 Councillor Mohan Sokhal
 Councillor Ken Sims

1 Admission of the Public

The Committee determined that the business for the meeting be considered in public.

2 Appointment of Standards Sub-Committee

It was moved by Councillor Marchington, seconded by Councillor E Firth and;

RESOLVED -

That the appointment of the Standards Sub-Committee be approved; that the Sub-Committee should not be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 but that the membership be drawn from the membership of the Standards Committee at Item 17 of the Agenda of the Annual Council meeting.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STANDARDS COMMITTEE - INQUORATE MEETING

Wednesday 6th September 2017

Present: Councillor Andrew Marchington (Chair)
Councillor Mohan Sokhal

Apologies: Councillor Eric Firth
Councillor Shabir Pandor

1 Membership of the Committee

Apologies for absence were received from Councillors E Firth and Pandor.

2 Minutes of Previous Meetings

RESOLVED –

That the consideration of the the Minutes of the Meetings held on 17 January and 24 May 2017 be deferred (meeting inquorate).

3 Interests

No interests were declared.

4 Admission of the Public

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

5 Deputation/Petitions

No deputations or petitions were received.

6 Update on Standards Related Matters

The Committee received a report which set out the impact of the amendments to the standards process as agreed by Council on 26 April 2017, particularly in regards to (i) increasing the Committee's involvement in considering training and support for Members (ii) the role of the Committee in setting expectations in relation to behaviours (iii) reviewing the effectiveness of the standards process (iv) the role of the Chair in the decision making process (v) receiving an update on any complaints received and (vi) plans for future work.

Standards Committee - 6 September 2017

The report also reflected upon the recommendation of the Council meeting in April 2017 regarding reasonable behaviour and advised that a report was scheduled for consideration by Council which set out expectations for reasonable behaviour.

Discussion took place with regards to the content of and the matters addressed within the report. Arising from the discussions it was agreed that that further work need to be undertaken in relation to conduct and behavioural issues, and improvements in the provision of training. It was determined that there was a need to focus upon (i) the Councillor's role and behaviour in the scenarios of Councillor and Councillor contact, Councillor and Officer contact and acting as a ward representative (eg, attending meetings and responding to emails/correspondence) and (ii) appropriate interaction of Members when addressing the public, both in formal meetings and constituency business. In regards to training it was considered that the provision of generic training skills for all Committee/Panel etc Chairs should be reviewed, including additional support for Chair's presentational skills. It was agreed that all Members of Standards Committee be asked to provide any additional feedback in relation to Paragraph 2.5 of the report (training needs and other support) and that all matters raised be discussed further by Group Business Managers in early November.

RESOLVED –

That the report be noted and that further consideration be given to the matters identified regarding Member conduct and training.

7 Update on Appointment of Independent Person

The Committee received a report which set out an update on the appointment of new Independent Persons following the change to the Standards process in Kirklees. The report advised that the Council has an Independent Person and a deputy whom were reappointed on 9 November 2016 for a period of up to a year pending the review of the standards regime. At the meeting of Council in April 2017 authority was delegated to the Monitoring Officer to agree a process for the appointment of two new independent persons, and arising from the recruitment process, one application was received from Mr Michael Stow. In consultation with the Chair of Standards Committee, it was agreed that it was not necessary to seek the appointment of a further Independent Person, and that it be recommended that Mr Stow be appointed for two years.

The report advised that Mr Stow had acted as an Independent Person for the Council since 2012 and had previously worked at Bradford Council.

It was noted that the report would be submitted to the meeting of Council on 13 September 2017 seeking the appointment of Mr Stow.

RESOLVED –

That the report be noted and submitted to the meeting of Council on 13 September 2017 for determination.

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

HEALTH AND WELLBEING BOARD

Thursday 28th September 2017

Present: Councillor David Sheard (Chair)
Councillor Donna Bellamy
Rory Deighton
Dr David Kelly
Carol McKenna
Dr Steve Ollerton
Richard Parry
Rachel Spencer-Henshall
Fatima Khan-Shah
Councillor Viv Kendrick

Apologies: Councillor Kath Pinnock
Councillor Erin Hill
Priscilla McGuire
Steve Walker

In attendance: Ian Holmes - Director, West Yorkshire and Harrogate
Sustainability and Transformation Partnership
Helen Bewsher – Senior Manager, Public Health
Intelligence
Owen Richards – Public Health Intelligence Senior
Project Officer
Cllr Elizabeth Smaje – Chair of Health and Adults Social
Care Scrutiny Panel
Nina Birt – Interim Head of Primary Care Support &
Development
Rachel Carter – Interim Head of Strategic Primary Care
Projects
Tom Brailsford – Joint Commissioning Manager
Nicola Bush – PH Pharmaceutical Advisor
Phil Longworth – Health Policy Officer

Observers: Catherine Riley – Calderdale Huddersfield Foundation
Trust
DCI Michael Brown – West Yorkshire Police
Carol Harris – South West Yorkshire Partnership MHS
Trust

1 Membership of the Board/Apologies

Apologies from the following Board Members were received: Councillor Kath Pinnock, Councillor Erin Hill, Steve Walker and Priscilla McGuire.

2 Minutes of previous meeting

That the minutes of the 29 June 2017 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions received.

6 Public Question Time

No questions were asked.

7 West Yorkshire and Harrogate Sustainability and Transformation Partnership Update

Ian Holmes, Director, West Yorkshire and Harrogate Sustainability and Transformation Partnership (STP) attended the meeting to update the Board on the development of the West Yorkshire and Harrogate STP. The Board was advised that the West Yorkshire and Harrogate STP footprint is the second largest in the country with a significant geographical footprint covering a diverse population of 2.6 million people. There are six strong places in West Yorkshire and Harrogate and the STP is a collection of these rather than a top down plan. The philosophy is that transformation and change are best delivered locally.

The Board was advised that the document published last year and presented to the Board in November 2016, was not intended to be a reflection of all the work being undertaken in those six places or on a West Yorkshire level. Rather than a plan it is an umbrella partnership of organisations working to a common set of aims and objectives. There are benefits to working together and collaborating across a bigger footprint and when collaboration happens one of three questions needs to be considered.

- 1) Is it a scale issue – does the issue need to be looked at on a bigger than a place footprint for example the cancer programme
- 2) Is it a best practice issue - is there learning from each other and across a West Yorkshire footprint that can be adopted elsewhere
- 3) Is it a wicked issue – is the issue a significant challenge and would it make sense to work together to come up with a solution.

This describes the approach being taken across West Yorkshire and Harrogate. The vision set out in the document is very similar to the vision set out in the Kirklees Strategic Plan.

Health and Wellbeing Board - 28 September 2017

The Board was informed that although each of the six places are different in terms of their relationships and population there are a set of themes emerging. These include: for places to be healthy, stronger focus on prevention and inequalities, for support self-care to be the norm and for people to be empowered to look after themselves. It is also important that when people need services these should be joined up, integrated and planned around their needs rather than organisational structures.

Since the production of the document fairly good progress had been made and progress can be considered in terms of delivery within the programmes of work, strengthening partnership working across the footprints and the capacity that has been built so that the work can be done well across West Yorkshire.

The Board was informed that since November 2016, through the STP, £31 million in transformation funding had been secured from national bodies and the hope is that extra funding for Cancer services will be announced in the next couple of months. Strong bids that describes working in partnerships across the West Yorkshire and Harrogate footprint and the work being done has been recognised and backed by national bodies.

Further work needs to be done on communication and engagement. When the plan was first published concerns were raised that there had been no engagement with the public or with the established democratic processes. Since then a forward plan of all the consultation and engagement that will take place across the footprint and across each place has been published. In addition, there has been a significant piece of engagement work led by Rory Deighton and the results are on the website. There will be engagement on cancer and maternity services and a plan going forward on how there can be meaningful conversations with the public regarding things that are important.

The Board was advised that governance had progressed and a joint committee of Clinical Commissioning Groups had been established with an independent lay chair. This committee met in public in July for the first time and has a work plan and will meet every second month to consider issues where working together across West Yorkshire and Harrogate as commissioners is needed. Acute trusts have established a committee in common a formal vehicle which allows working together on shared priorities across the patch and Mental Health Services are looking to do something similar.

The Board was informed that the next steps will be refreshing the financial strategy across the West Yorkshire and Harrogate footprint, moving to a financial strategy which better describes how the money is spent. In addition, publishing a one year on next steps document which will describe that these were the aspirations in Oct/Nov 2016 and this is what has been achieved. The intention is to work with Health and Wellbeing Boards to finalise that document. The Board questioned whether there was a target date for the next steps document and was advised mid to late November.

The Board was informed that recruitment is currently taking place for a Health partnerships post for West Yorkshire & Harrogate hosted by Leeds Council who are

the health lead for councils across West Yorkshire. The purpose is to improve partnership working and engagement with local councils and develop a way of working with national bodies.

The Board commented that the mental health section was positive in bringing priorities together however, as local authorities have responsibility to have a suicide prevention plan it should be included in the discussions. In response the Board was advised that there does need to be a link between the local authorities the working group of the mental health trust and the CCG's.

RESOLVED - That the information be noted by the Board.

8 Updated Kirklees Joint Strategic Assessment (KJSA) Overview 2017/18

Rachel Spencer-Henshall, Service Director Policy, Intelligence and Public Health introduced the updated Kirklees Joint Strategic Assessment advising that the Health and Wellbeing Board is obliged to produce a KJSA which describes the health and wellbeing of its population. The Board was reminded that at a previous meeting, it had endorsed a new approach that focused on community assets as well as community needs. A Kirklees overview is produced on a twelve to twenty four month basis and gives the high level strategic needs and assets of the community.

Helen Bewsher and Owen Richards presented the updated Kirklees Joint Strategic Assessment Overview 2017/18, which summarised the key population issues and challenges. The Board was advised that the information is updated on a regular basis and is published online. It was agreed to continue with the infographics format as it had been well received.

The Board was given the following overview of information in the KJSA:-

- the key challenges are the same as those highlighted last year and the way to tackle those challenges also remains the same
- There had been a shift to an asset approach, and an emphasis on starting with what is strong and not what is wrong
- The changing profile such as an aging population will place demands on the social and healthcare system
- A significant change in the ethnic make-up in the last 7 years which creates a very diverse population with different needs
- Kirklees has some very deprived areas as well as areas of affluence

The Board raised questions in respect of inequalities and whether there was any information to show the comparison of ethnicity and social deprivation. Questions were also raised in respect of anxiety and depression and how and what was measured. The Board was advised that it was based on self-reported from the CLIK survey.

RESOLVED -

- (a) that the Board continues to receive regular updates
- (b) that the updated Kirklees overview be endorsed and supported by the Board
- (c) that the ongoing development of the KJSA be supported by the Board

9 Kirklees Integrated Healthy Child Programme update report

Tom Brailsford, Joint Commissioning Manager advised the Board that the newly commissioned Kirklees Integrated Healthy Child Programme went live on the 1 April 2017 and operates under a partnership called 'Thriving Kirklees'. The partnership includes Locala, South West Yorkshire Partnership NHS Foundation Trust, Northorpe Hall and the Yorkshire Children Centre and has a clear governance structure in place. Thriving Kirklees brings together a number of services such as Health Visiting, Family Nurse Partnership, School Nursing and Children and Adolescent Mental Health Service (CAMHS) tiers two and three.

The programme has a detailed mobilisation plan which identifies opportunities, threats and mitigation against risks. Since it was established, Thriving Kirklees had achieved a number of things including:

- the continuation of service delivery without disruption
- the development of a number of joint work streams involving representation from Public Health to ensure transformation is evidence based and timely
- the development of a new 24/7 single point of contact for all services within the programme. It is planned to go live on the 2 October 2017.

The Board was advised that an important aspect has been moving away from the traditional Health Visiting and School Nursing Roles, to a skill mix of 0-19 teams. This has now started and is led by Public Health Intelligence Leads and Health visitors and school nurses are now working in dual roles. Another important aspect is the Schools as Community Hubs Programme which will ensure an integrated approach within the community.

RESOLVED -

- a) That the successful implementation of the contract be noted by the Board
- b) That the Board supports the strategic transformation of the Healthy Child Programme

10 Primary Care Strategy Update - Greater Huddersfield CCG and North Kirklees

Carol McKenna, Chief Officer, Greater Huddersfield CCG introduced the Primary Care Strategy advising that the strategies of the two CCG's had previously been presented to the Board and the information being presented was by way of an update.

The Board was informed that in 2016, the General Practice Forward View was published and it was helpful to see that the key messages were largely reflected in the strategies of the two CCGs. Key messages from the national and local strategies include:

- Funding in general practice had not kept pace with investments elsewhere in the NHS. The share of spend on general practice services now needs to be increased.
- There are major pressures on primary care capacity.

The Board's view was sought on the implications for the overall Health and Social Care systems particularly in terms of the development of Primary Care. The Board

was advised that it would be difficult to maintain successful Primary Care in Kirklees without the support of wider partners.

RESOLVED - That the Board note the update on the Primary Care Strategy and endorse the Strategic objectives of the programme.

11 Pharmaceutical Needs Assessment Notification and Preparation for Consultation

Rachel Spencer-Henshall presented the Pharmaceutical Needs Assessment (PNA) advising that the paper provides information on the PNA consultation, information on new updates and changes and details with regard to gaps in pharmacy provision.

The Board was informed that the Regulations require Health and Wellbeing Boards to publish a revised assessment within three years of the previous assessment. The three year term of the current PNA which started in April 2015 will come to an end on 31 March 2018. The report outlines updates that the Board needs to be aware of and to get formal sign off to begin the consultation.

The Board was advised that the intention is to move into public consultation on the draft PNA for a period of 60 days on the 2 October 2017 and close on the 1 December 2017. The draft PNA, taking into account comments received will be reviewed in January 2018. A paper will be brought back to the Board in February 2018.

In summary, the Board was informed that:-

- The Market Entry Change to Regulations which allows NHS pharmacy businesses to consolidate the services provided on two or more sites onto a single site
- The Pharmacy Access Scheme was introduced as one of the elements of the Community Pharmacy Reform
- The flu vaccine previously commissioned locally has become a nationally commissioned Advance Service.
- There are still enough pharmacies in Kirklees.

RESOLVED - That the pharmaceutical Needs Assessment notification and preparation for consultation be noted and endorsed by the Board.

12 NHS Greater Huddersfield - CCG Annual Report and Accounts 2016/ 17

Carol McKenna, Chief Officer, Greater Huddersfield CCG advised that previous practice was for the Greater Huddersfield CCG Annual Report and Accounts to be presented to the Board. In future, the intention is not to put the document on the meeting agenda but to publish it on the website and direct the Board to the website.

RESOLVED - That the NHS Greater Huddersfield CCG Annual Report and Accounts 2016/17 be noted by the Board.

13 Date of next meeting

That the date of the next meeting, 14 December 2017 be noted by the Board.

Contact Officer: Helen Kilroy

KIRKLEES COUNCIL

CORPORATE PARENTING BOARD

Monday 13th November 2017

Present: Councillor Erin Hill (Chair)
Councillor Fazila Loonat
Councillor John Lawson (for Cllr Andrew Marchington)
Janet Tolley, Virtual School Headteacher
John Walsh, Service Manager (Safeguarding Services)
Jo-Anne Sanders, Interim Service Director for Early Help and Learning
Julie Mepham, Head of Corporate Parenting
Martin Green, Head of Localities Officer (Children and Families)

In Attendance: Belinda Cashman, Interim Service Manager (Leaving Care Service)
Helen Kilroy, Principal Governance & Democratic Engagement Officer

Apologies: Councillor Karen Allison
Councillor Andrew Marchington
Tom Brailsford, Head of Joint Commissioning
Scott Deacon, Participation Officer (Commissioning and Health Partnerships)

1 Introductions and Apologies

Apologies for absence were received on behalf of Councillor Andrew Marchington, Councillor Karen Allison and Tom Brailsford.

2 Minutes of previous meeting

That the Minutes of the meeting of the Board held on 18 September 2017 be approved as a correct record.

3 Interests

There were no interests declared.

4 Admission of the Public

The Panel considered the exclusion of the public and determined that agenda items 1 to 13 be considered in public session and that agenda item 14 be held in private.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were received.

7 Drop-in Centre Tour

The Board undertook a tour of the No 11 Drop-in facility for Looked after children carried out by Julie Mepham, Head of Corporate Parenting.

Julie Mepham highlighted the following areas to the Board during the tour:-

- The facility had opened in October 2017 and was open Monday to Friday. The Council was looking into the possibility of opening the facility one evening per week and a day at weekends;
- The facility had been officially opened by Robert Goodwill, MP and Minister for the State on the 2nd November 2017;
- Peer Mentors would be available for young people to talk to and would wear an official hoodie to inform other young people who they were;
- Up to 16-17 young people could visited the facility on a given day;
- Facilities at the centre included a kitchen to cook meals and wash clothes, pcs and laptops, private rooms with windows screened out and a toilet and shower room;
- The Board was advised that a food bank was available which was monitored to pick up any issues and to give appropriate support;
- Christmas bags had been donated from supermarkets last year for young people who were on their own and the facility were hoping for similar donations for 2017;
- The Centre was hoping to get facilities and resources for parents of children;
- A Christmas dinner event will be held during December.

Julie Mepham advised the Board that the LBT Youth Group currently held their meetings at the Centre, but that officers were currently considering how best the space at the Centre should be managed.

RESOLVED - The Board thanked Julie Mepham for the tour of the new drop-in Centre and thanked officers at the Centre for their hospitality.

8 Ofsted update

The Board considered a verbal update following the most recent monitoring visit by Ofsted.

Elaine McShane advised the Board that officers were currently awaiting the formal letter from Ofsted following the recent monitoring visit held on the 8th and 9th November 2017.

The Board was advised that Ofsted had confirmed that the electronic system within Children's Services had showed evidence of management oversight, but that this was not consistent.

Elaine McShane informed the Board that Ofsted had advised that they had not seen as much progress as they would have liked since the last monitoring visit held 12 months ago. The Board was advised, however, that Ofsted had acknowledged the new partnership between Kirklees and Leeds had only recently been established and was still embedding.

Corporate Parenting Board - 13 November 2017

The Board was advised that Ofsted had not yet confirmed when their next monitoring visit would be. Elaine McShane advised the Board that the letter from Ofsted would be available for public view once it had been published.

RESOLVED –

- (1) That the update on the recent Ofsted Monitoring visit be noted.
- (2) That the Board receive a further update once the formal feedback on the monitoring visit held on the 8th and 9th November had been received from Ofsted.

9 Council Tax Exemption for Care Leavers

The Board considered a report advising on the Council's current policy in regards to the exemption of care leavers paying council tax and welcomed Belinda Cashman, Interim Service Manager for the Leaving Care Service, to the meeting.

Cllr Hill advised the Board that a motion would be put to the next Council meeting on the 15th November 2017 on the issue of Care Leavers up to the age of 25 years and Council Tax exemption.

Belinda Cashman advised the Board that the current policy was discretionary and was not open to all care leavers. The Board was informed that the Department of Education was currently consulting on this piece of legislation and whether this would mean that the service just continued for young people, was discretionary or focused on task centre issues. Belinda Cashman advised the Board that the Children's Society Report of 2016 had called for Local Authorities to make care leavers exempt from Council tax up to the age of 25.

The following issues were raised by the Board:-

- What are the numbers of who was exempt and why?
- Were any care leavers paying for council tax when they should not be?
- How many care leavers were living in Kirklees and out of the area post 18, of those how many were exempt and what was the Council doing to support them?
- Which other Local Authorities in the region adopted this policy?

The Board supported the officer recommendation to recommend to Cabinet the introduction of a council tax exemption for all care leavers up to the age of 25 and agreed to reconsider the issue at the Board once further information had been provided on the matters raised and highlighted above.

RESOLVED –

- (1) That the Board noted the report on Council Tax Exemption for Care Leavers and thanked Belinda Cashman for attending the meeting.
- (2) That the Board receive further information on the numbers of those young people who were exempt, lived within Kirklees and out of area, including the reasons for exemption.

Corporate Parenting Board - 13 November 2017

- (3) That the Board receive further information on which other Local Authorities in the region did not use this policy.

10 Peer Mentoring Delivery

The Board considered a verbal update relating to the Peer Mentoring Scheme for care leavers.

Belinda Cashman highlighted the following key issues:-

- 8 young people had expressed an interest to become Peer Mentors;
- training was being rolled out to 4 young people and would be completed shortly;
- peer mentors would initially be based at the drop-in facility, but would visit residential units where there were concerns;
- the Peer Mentor role would be to help young people to think through their decisions;
- there had been interest from other young people about becoming a Peer Mentor;
- opportunities would be available for the Peer Mentors to get involved in other areas of work;
- Officers were looking to arrange some more training for Peer Mentors early in 2018.

Belinda Cashman advised the Board that there was scope for 2 Peer Mentor apprenticeships at the drop-in facility. Julie Mephram advised that a proposal had been written on the 2 apprenticeships and was currently being considered.

The Board had a discussion about the apprenticeship initiative and approach within Kirklees and agreed that it would be preferable for jobs to be available for young people to go to once their apprenticeships had come to an end.

The Board agreed to ask the Peer Mentors to come to a future meeting to feedback on progress of their role.

RESOLVED –

- (1) That the Board noted the report on Peer Mentoring Delivery and thanked Belinda Cashman for the update.
- (2) That the Board receive feedback on progress at a future meeting of the Board from the Peer Mentors – date to be determined.

11 Corporate Parenting Board Agenda Plan

The Board agreed to consider its agenda plan for future meetings at the next meeting in January 2018.

RESOLVED –

- (1) That the Board noted items for future meetings and that the Governance Officer update the Agenda Plan accordingly.

Corporate Parenting Board - 13 November 2017

- (2) That the Board receive an update on the Regional Adoption Work at the January meeting.
- (3) That the Board receive a revised Agenda Plan for consideration at the January meeting.

12 **Dates of Future Meetings**

The Board considered the schedule of future meeting dates for the 2017/18 municipal year.

RESOLVED - That the date of future meetings be noted as follows:

- Monday 22 January 2018, 10am
- Monday 12 March 2018, 10am
- Monday 30 April 2018, 10am

13 **Exclusion of the Public**

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following 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.

14 **Performance Report**

The Board received exempt information in relation to Agenda Item 14. The Board gave consideration to the exempt information prior to the consideration of Agenda Item 14.

RESOLVED –

- (1) That the Board noted the Performance Report and thanked Board Members for their contributions.
- (2) That the Board consider the Head Teacher's report showing the data for 2017 Education Outcomes at their January meeting.

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Contact officer: Helen Kilroy – Tel. 01484 221000

KIRKLEES COUNCIL
CORPORATE PARENTING BOARD

Monday 22 January 2018

Present: Councillor Viv Kendrick (Chair)
Councillors Allison, Loonat
Elaine McShane, Service Director (Family Support and Child Protection)
Janet Tolley, Virtual School Headteacher
John Walsh, Service Manager (Safeguarding Services)
Martin Green, Head of Localities Officer (Children and Families)
Scott Deacon, Participation Officer
Steve Comb, Interim Head of Corporate Parenting

In attendance: Helen Kilroy, Principal Governance & Democratic Engagement Officer

Apologies: Councillors Hill, Marchington, Wilson
J Sanders, T Brailsford, S Tariq

1 Introductions and Apologies

The Board elected Cllr Viv Kendrick as Chair of the Corporate Parenting Board in the absence of Cllr Erin Hill.

The Board welcomed Steve Comb and Ophelia Rix to the meeting.

Apologies for absence were received on behalf of Councillors Hill, Marchington and Wilson and Jo-Anne Sanders, Tom Brailsford and Sal Tariq.

2 Minutes of previous meeting

That the minutes of the meeting held on 13 November 2017 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the public

All items were considered in public session

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were received.

7 Ofsted update

The Board considered a letter from Ofsted summarising the findings of the monitoring visit to Kirklees Children's Services on the 8th and 9th October 2017 and a verbal update from Elaine McShane, Service Director (Family Support and Child Protection).

Elaine McShane advised the Board that the next Ofsted Inspection of the Children's Service was due in March 2018. The Board was informed that a number of concerns had been raised by partners and social workers who had not been spoken to by Ofsted relating to their experience of the Front Door service. The Board noted that Ofsted's focus during the last inspection had focussed on different areas than what had been anticipated.

Elaine McShane informed the Board that Kirklees would need to demonstrate improvements by the next Inspection on the areas outlined within Ofsted's report. The Board was informed that the Director of Children's Service for Kirklees would be meeting with Ofsted to discuss the focus for the next inspection.

The Board acknowledged that staff within the Children's Service had been under tremendous pressure and that Kirklees was hoping to get some positive feedback from the March Ofsted Inspection that could be shared with staff. Steve Comb advised that a significant amount of good work was being undertaken with children and families.

Elaine McShane advised the Board that a Good Practice Newsletter would be shared with staff after the next meeting of the Improvement Board.

Elaine McShane updated the Board to advise that positive feedback had been received from Head Teachers on some improvements they had seen on the Front Door. The Board agreed that the positive feedback from Head Teachers should be shared with staff.

Ophelia Rix advised the Board that officers were looking at putting together a story board to share with Ofsted which would include evidence of improvements made.

Elaine McShane confirmed to the Board that a focused Action Plan had been put in place to demonstrate the action being taken to address the issues raised by Ofsted.

RESOLVED –

1. The Board noted the letter from Ofsted summarising the findings of the monitoring visit to Kirklees Children's Services on the 8 and 9 October 2017 and noted the verbal update by Elaine McShane.
2. The Board agreed that Officers would provide feedback to staff on the positive messages received from Head Teachers on improvements to Front Door and on the good work taking place with children and families.

8 Fostering Network

The Board considered a verbal update on the Fostering Network from Elaine McShane.

Elaine McShane gave an update on the Fostering Network and advised that Colleagues from Leeds had come to look at the Fostering and Placement services in Kirklees in November 2017. The Board was informed that an action plan had been developed following the visit.

The Board noted that Kirklees needed to ensure that long term support was in place to support the family carer and that a clear support package was in place including financial and practical support for foster carers. The Board agreed to consider a future report on the practical and financial support for foster carers.

The Board discussed Special Guardianship Orders and agreed that assessments should be robust to ensure that grandparents did not end up struggling financially.

Steve Comb informed the Board that recruitment of foster carers was being revisited to get positive messages out about fostering and to help children have a better life.

RESOLVED –

- 1) The Board noted the verbal report on the Fostering Network.
- 2) The Board agreed to consider a future report on financial and practical support for foster carers – date to be determined.

9 Update on Regional Adoption Work

The Board considered an update on the Regional Adoption work presented by Elaine McShane on behalf of Sal Tariq.

Elaine McShane advised the Panel that West Yorkshire One Adoption had been in place since April 2017. Elaine McShane highlighted the following key issues:-

- One Adoption had been giving careful consideration to the benefits of sibling groups and keeping children together;
- A Parents Forum have been invited to have their say in terms of contact from Social Workers;
- A Regional Adoption Family Forum was in place;
- One Adoption would be looking at post experience of parents who have had children removed and engage with those parents to ensure they receive the support available.

Elaine McShane advised that it had been recognised nationally that the number of adoptive parents had reduced and the Board agreed that children should not be in foster care longer than necessary. The Board noted that there was significant work to do in this area.

Cllr Kendrick advised the Board that the numbers of Fostering Panels had increased to weekly and that quoracy had been an issue at the Panel meetings. The Board noted that Kirklees was looking into other options to increase the number of Kirklees representatives who could sit on Foster Panels.

RESOLVED –

1) That the Board noted the update on the Regional Adoption Work.

10 Corporate Parenting Board Agenda Plan

The Board considered the Agenda Plan for the remainder of the 2017/18 Municipal year.

The Board agreed to consider future reports on the following issues:-

- Ofsted Updates to become a standard item
- Annual Report on Children's Homes (April 2018)
- CSE and Missing Provision to include work with looked after children and children at risk – date to be determined
- Foster Care Recruitment and future membership of One Adoption Foster Panels – date to be determined

RESOLVED -

1) That the Corporate Parenting Board Agenda Plan for 2017/18 be updated as agreed.

2) That the Board's Supporting Officer be authorised to liaise with attendees to address the agreed actions.

11 Dates of Future Meetings

To note future meeting dates of the Board:

- Monday 12 March 2018, 10am
- Monday 30 April 2018, 10am

RESOLVED -

That the Board noted the meeting dates for the remainder of the 2017/18 Municipal year.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Friday 17th November 2017

Present: Councillor Hilary Richards (Chair)
Councillor Julie Stewart-Turner
Councillor Kath Pinnock
Councillor Linda Wilkinson
Councillor Ken Sims
Councillor Nigel Patrick

Apologies: Councillor Carole Pattison

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor Pattison.

2 Minutes of Previous Meeting

Approved as a correct record.

3 Interests

Cllr Marchington declared that he was a Member of KNH Board, in relation to Agenda Item 10.

4 Admission of the Public

It was noted that Agenda Item 16 would be considered in private session.

5 Deputations/Petitions

None received.

6 Public Question Time

No questions were asked.

7 Changes to the Procedures for the Dismissal of Statutory Officers

(Julie Muscroft and Debbie Hogg, by virtue of their posts as Service Directors, declared and interest in this item).

The Committee gave consideration to a report which recommended changes to the Council's Constitution to reflect changes to legislation relating to the dismissal of statutory officers. It was noted that the Committee had previously received a reports regarding changes to legislation in June 2016, and September 2017, which were attached at Appendix A to the considered report.

The report proposed that, further to discussions at the meeting of 15 September 2017, Option A as detailed in the considered report be supported and that a new Statutory Officer Disciplinary Committee be established. The report advised that the

Corporate Governance and Audit Committee - 17 November 2017

Committee would hear all matters relating to 'disciplinary action' and would comprise of two independent persons and five elected members with at least one being a Member of the Cabinet, whom must be included within a quorum of three.

It was noted that the report would be submitted to the meeting of Council on 13 December 2017 for determination.

RESOLVED - That a report be submitted to the meeting of Council on 13 December 2017 recommending the approval of the establishment of a 'Statutory Officer Disciplinary Committee', in accordance with the terms of reference as attached at Appendix B of the considered report.

8 Code of Corporate Governance (Reference to Council)

The Committee gave consideration to a report which advised of the need to review and update the local Code of Corporate Governance. It was noted that the Committee had previously considered an updated Code on 15 September 2017, a copy of which was attached at Appendix 1 of the considered report, and that the draft Code had now been amended as a result of the comments made, which was attached at Appendix 2.

The Committee were asked to adopt the revised Code of Corporate Governance.

RESOLVED - That approval be given to the Council's Code of Corporate Governance as attached at the appendix to the considered report.

9 Amendment to Councillor Allowances Scheme (Reference to Council)

The Committee received a report which sought approval of an amendment to the Councillors Allowances Scheme to incorporate provisions regarding maternity, paternity and adoption leave. A copy of the revised scheme, incorporating the proposed changes, was attached at Appendix 1 (part 7) of the considered report.

Paragraph 2 of the report set out details of the entitlement for (i) maternity and adoption leave, which would be 52 weeks including 6 weeks at 90% of basic allowance/special responsibility allowance and (ii) paternity leave, which would be up to two weeks.

It was noted that the report would be submitted to the meeting of Council on 13 December 2017 for determination.

RESOLVED - That the report be submitted to the meeting of Council on 13 December 2017 with a recommendation that the proposed changes to the Members' Allowances Scheme, as attached at Appendix 1 of the considered report, be approved.

10 Treasury Management Activities - Half Yearly Monitoring 2017/2018

The Committee received a report which set out details of half yearly treasury activity monitoring, covering the period 1 April to 30 September 2017.

The report provided assurance that the Council's treasury management function was being managed prudently and pro-actively. It advised that external investments

Corporate Governance and Audit Committee - 17 November 2017

averaged £41.3m during the period at an average rate of 0.20% and that investments ranged from a peak of £59.8m to a low of £23.2m.

The Committee noted that the treasury management budget was forecast to marginally underspend by £100k in 2017/2018 against an annual budget provision of £22.2m.

The report explained that a new regulatory update was to be effective from 3 January 2018 which meant that the Council would be 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, and the report therefore recommended that the Council formally applies on this basis.

The report also advised that CIPFA were currently consulting on a number of changes to the current Treasury Management and Prudential Codes of practice, to be implemented from April 2018 onwards, and Cabinet noted the summary of the key proposals and implications.

It was also noted that the report recommended the formal adoption of a proactive cashflow management approach between the Council and Kirklees Neighbourhood Housing as an integral to an effective treasury management strategy.

Section 2 of the considered report provided an overview of economic context, investment performance, borrowing performance, prudential indicators and risk and compliance issues.

RESOLVED - That the report be received and submitted to the meeting of Cabinet on 21 November 2017 and Council 13 December 2017.

11 Risk Management Statement

The Committee received the draft updated Risk Management Statement, which reflected changes to a new approach to risk management. It was noted that the document had been completely rewritten to reflect an approach appropriate to fit the culture and expectations of the Council and that work had been undertaken to change the emphasis of the current arrangements from a process focussed upon reporting to one that actively promotes an understanding of risk, and drives the management of risks.

Appendix A to the report set of a schedule of issues that the Committee may wish to consider.

RESOLVED - That the report be received and submitted to a meeting of Cabinet and Council.

12 Annual Governance Statement 2016/2017

The Committee were asked to receive and approve the draft Annual Governance Statement 2016/2017. It was noted that the Statement was a statutory requirement to accompany the accounts and provide assurance regarding the governance and internal control environment in which they have been compiled.

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The report advised that the draft Statement had been compiled following the annual review of the effectiveness of the overall internal control and governance arrangements and drew upon a number of forms of assurance which had been presented during 2016/2017, including matters to this Committee.

The Committee were advised that the draft Statement highlighted a number of 'significant governance issues', some of which had been brought forward from the 2015/2016 Statement, as well as new issues identified during the last year. It was noted that the controls the Council was taking to address the issues raised had been formulated into an action plan for the Committee to monitor on a quarterly basis.

The report advised that the finalised version of the Statement would be published as an addendum to the Annual Accounts.

RESOLVED - That the approval be given to the draft Annual Governance Statement 2016/2017.

13 External Audit Report 2016/2017

The Committee received the KPMG External Audit Report 2016/2017.

John Prentice provided an overview of the report which included matters relating to significant audit risks, proposed opinion and audit differences, the control environment, a LOBO objection, a PFI objection, financial resilience and the overall conclusion.

The Committee noted the verbal overview and the content of the report.

In recognition that this would be the final Committee that John Prentice and Alastair Newall would attend on behalf of KPMG, the Committee asked that their thanks for their contributions be placed on record.

RESOLVED - That the 2016/2017 External Audit Report be received and noted.

14 Approval of Council's Final Accounts

The Committee received a report which provided an update on the final accounts and audit processes for 2016/2017 and sought approval of the Council's Statement of Accounts.

The report advised that the draft accounts had been signed on 26 May 2017 and that a public inspection period had taken place from 5 June to 14 July 2017. During this time, two objections were raised by local electors and had been formally accepted by the Council's auditors. It was noted that work was ongoing to resolve the objections and that the audit would be completed following their resolution. However, sufficient evidence had been obtained to conclude that the accounts are not materially misstated and so KPMG expected to give an unqualified audit opinion on the financial statements. KPMG also noted that the Council was making progress in implementing the improvements required by the November 2016 Ofsted report.

Corporate Governance and Audit Committee - 17 November 2017

The Committee were advised that, in summary, KPMG intended to issue an 'except for' qualified value for money conclusion in relation to the Council's use of resources in 2016/2017, highlighting the 2016 Ofsted report.

RESOLVED -

- 1) That approval be given to the Statement of Accounts 2016/2017.
- 2) That approval be given to the Chair of the Committee certifying the Statement of Responsibilities as set out on page 16 of the considered report.
- 3) That approval be given to the Letter of Representation, as attached at Appendix B of the considered report, and that the Chair of the Committee be authorised to sign the document on behalf of the Committee.

15 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.

16 Quarterly Report of Internal Audit 2017/2018 (Quarter 2)

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

RESOLVED - That the Internal Audit Quarterly Report (Quarter 2) be received and noted.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Tuesday 30th January 2018

Present: Councillor Hilary Richards (Chair)
Councillor Julie Stewart-Turner
Councillor Carole Pattison
Councillor Linda Wilkinson
Councillor Ken Sims
Councillor Nigel Patrick

Apologies: Councillor Kath Pinnock

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor K Pinnock.

2 Minutes of Previous Meeting

RESOLVED - That the Minutes of the meeting held on 17 November 2017 be approved as a correct record.

3 Declaration of Interests

No interests were declared.

4 Admission of the Public

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

5 Deputations/Petitions

None received.

6 Public Question Time

No questions were asked.

7 Corporate Customer Standards - Interim Update Report

The Committee received the Corporate Customer Standards Officer Interim Report 2017/2018, which provided an update on complaints performance between the period April to October 2017 and set out details of complaints in which fault had been identified by the Local Government Ombudsman. The report also highlighted examples of learning that had arisen from complaints and provided an update on the whistleblowing procedure.

The Committee noted that, during the six month period, a total of 18 Ombudsman complaints had been considered, of which 4 had been upheld. An overview of the upheld cases was set out at Paragraph 2 of the considered report.

Discussion took place regarding the information in the report relating to concerns with the timeliness and accuracy of responses submitted to the Ombudsman and the action that was being taken to address the standard and timeliness of responses.

RESOLVED - That the Corporate Customer Standards Officer Interim Report (2017-2018) be received and noted.

8 Constitution Amendment - Proposed Changes to Terms of Reference (Corporate Governance and Audit Committee)

The Committee received a report which set out proposed changes to the Council's constitution to amend the terms of reference of Corporate Governance and Audit Committee, following a decision by Cabinet in December 2017 for this Committee to receive regular updates on RIPA compliance. Consequently, the terms of reference of the Committee required amendment in order to incorporate a reference that the Committee will 'receive updates and monitor compliance of the Council's Regulation of Investigatory Powers Act (RIPA) Policy.'

It was noted that the matter would be submitted to Council on 21 March 2018.

RESOLVED - That the report be submitted to the meeting of Council on 21 March 2018 with the recommendation that;

- (i) the Terms of Reference of Corporate Governance and Audit Committee be amended in order to provide the Committee with authority to monitor the Council's use of RIPA Policy through the process of the submission of update reports to the Committee and;
- (ii) pursuant to (i), authority being delegated to the Service Director (Legal, Governance and Commissioning) to make the appropriate, and any consequential, amendments to the Constitution.

9 Treasury Management Strategy 2018/2019

The Committee received the Treasury Management Strategy 2018/2019. It was noted that the strategy had been prepared based upon current CIPFA Codes and DCLG guidance and that, in preparation for the 2019/20 financial year, the Council's Treasury Management Strategy would formally adopt the 2017 CIPFA Code revisions and any relevant updated DCLG guidance on local authority investments.

The report set out (i) an outline of interest rates and credit risk, and recommend an investment strategy for Council in 2018/2019 (ii) an outline of the current and estimated future levels of Council borrowing and a recommended borrowing strategy for 2018/2019 (iii) a review of the methodologies adopted for providing for the repayment of debt and a recommended policy for calculating the minimum revenue provision for 2017/18 onwards and (iv) a review of other treasury management matters, including the policy on the use of financial derivatives, prudential indicators, use of consultants and the policy for charging interest to the Housing Revenue Account.

RESOLVED - That the report be submitted to the meeting of Council on 14 February 2018 for decision, with a recommendation that consideration be given to;

- (i) the borrowing strategy as outlined in paragraphs 2.12 to 2.18
- (ii) the investment strategy as outlined in paragraphs 2.19-2.33 and appendix A
- (iii) the policy for provision of repayment of debt (MPR) as outlined in appendix C, which reflects the changes in policy outlined in paragraphs 2.34-2.66), effective from 2017-2018
- (iv) the treasury management indicators as set out at appendix C
- (v) noting officer proposals to re-fresh the treasury management strategy for financial year 2019-2020 to reflect revised 2017 CIPFA Treasury Management and Prudential Codes, and updated DCLG Investment Strategy and MRP guidance to Local Authorities (guidance pending)

10 External Audit Plan 2017/2018

The Committee received the KPMG External Audit Plan 2017/2018. The report set out an update on financial statements and planning, value for money arrangements work, key elements of financial statements audit planning, including pension liabilities, and independence and objectivity requirements.

With regard to 'value for money arrangements' work, discussion took place with replace with regards to the Council's current Children's Services arrangements and it was noted that the issue had impacted upon the VFM conclusion, whereby a qualified 'except for' conclusion had been issued in 2016/2017. It was advised that consideration would be given to the extent to which changes had been made in the Council's arrangements to impact upon the VFM conclusion for 2017/2018.

RESOLVED - That the External Audit Plan 2017/2018 be received and noted.

11 External Audit Progress Report - Technical Update (Draft)

The Committee received and noted the KPMG External Audit Progress report which set out an overview on progress and an update on deliverables, along with a breakdown of technical developments.

RESOLVED - That the External Audit Progress report – Technical Update (draft) be received and noted.

12 Annual Report - Grants and Returns 2016/2017

The Committee received the Annual Report of Grants and Returns, submitted by KPMG, which summarised the work that had been undertaken on the Council's grant claims and returns during the 2016/2017 period. The work undertaken included that completed under the Public Sector Audit Appointment certification arrangements, as well as other grants/returns under separate engagement terms.

Corporate Governance and Audit Committee - 30 January 2018

The report advised that completed work included certification of the Council's 2016/2017 Housing Benefit Subsidy claim, Teachers' Pensions return, Pooling of Capital Receipts return, NCTL Initial Teacher Training return and Skills Funding Agency sub-contracting arrangements, and provided a summary of observations.

RESOLVED - That the External Audit Annual Report on Grants and Returns 2016/2017 be received and noted.

13 Appointment of External Auditor

The Committee received a report which advised of the appointment of Grant Thornton (UK) LLP as the Council's auditors, following a tendering exercise carried out by Public Sector Audit Appointments Ltd (PSAA). The report advised that, at its board meeting on 14 December 2017, PSAA had confirmed the appointment of Grant Thornton (UK) LLP to audit the Council's accounts for a five year period from 2018/2019 to 2022/23, under regulation 13 of the Local Audit (Appointing Person) Regulations 2015.

The Committee noted that the appointment would be effective from 1 April 2018 and that the current auditors, KPMG, would continue for the current financial year, with expected completion during summer 2018.

RESOLVED - That the appointment of Grant Thornton (UK) LLP to audit the accounts of Kirklees Metropolitan Council, for a period of five financial years, from 2018/2019 to 2022/2023, be received and noted.

14 Exclusion of the Public

RESOLVED – That acting under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for 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, as specifically stated in the undermentioned Minute.

15 Quarterly Report of Internal Audit 2017/2018 (Quarter 3)

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

The Committee received the Internal Audit Quarterly Report, Quarter 3, which set out an overview of internal audit activity in the third quarter of 2017/2018, including the Annual Governance Statement 2016/2017 Action Plan.

RESOLVED - That the Internal Audit Quarterly Report (Quarter 2) be received and noted.

Contact Officer: Penny Bunker

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 27th November 2017

Present: Councillor Julie Stewart-Turner (Chair)
Councillor Gulfam Asif
Councillor Elizabeth Smaje
Councillor Rob Walker

In attendance: Carol Gilchrist
Lee Hamilton
Nick Howe
Yolande Myers
Councillor Shabir Pandor
Councillor David Sheard – Leader of the Council
Chief Inspector Ian Mottershaw, West Yorkshire Police

Apologies: Councillor Cahal Burke

122 Membership of Committee

Apologies for absence were received from Cllr Cahal Burke.

123 Minutes of Previous Meeting

The minutes of the meeting of the Committee held on 18 September were approved as a correct record subject to the addition of the agreed action to update the Committee on the progress of flood risk management community pilots.

124 Interests

No interests were declared.

125 Admission of the Public

It was agreed that agenda item 12 would be considered in private session.

126 Council Leader and Deputy Leader Portfolio Priorities

The Management Committee welcomed Councillor David Sheard, Leader of the Council and Councillor Shabir Pandor, Deputy Leader to the meeting to set out their political priorities and vision for the Council over the current municipal year.

Councillor Pandor did a presentation which set out Kirklees vision and values before providing more detail on the administration priorities and achievements by portfolio area. The presentation included the following areas;

- Strategy and Strategic Resources, New Council and Regional Issues
- Adults and Public Health

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- Children
- Corporate
- Economy

Councillor Pandor emphasised how important the Council's work with the community was in engaging different communities to help the Council to achieve its vision. The Council would also need to work collaboratively with partners to address the challenges together.

In considering the presentation Management Committee discussed the relationship between Kirklees and the wider region and how Kirklees played an effective role at the Combined Authority which would maximise the benefits for Kirklees. Councillor Sheard recognised that Kirklees Council needed to sell itself on the national stage and to be proactive in meeting potential investors. The success of Huddersfield Town Football Club had helped to make Huddersfield a more recognisable name. Opportunities to promote the region as a whole, for example through the City of Culture award, would have opportunities for Kirklees.

The committee continued to discuss the outcomes that the Cabinet was looking to achieve, including managing performance, adopting a more intelligence led approach and early intervention and prevention. Management Committee asked that for each of the areas identified within the presentation, a list of the underpinning projects be provided.

The Management Committee discussed the importance of having a strong brand for the Kirklees Council area. Councillor Sheard was asked about the key industries within Kirklees and how strategic work with our partners was seeking to strengthen the opportunities afforded by large employers such as engineering. The importance of attracting young people to the area with a view to them becoming part of the local economy once they had gained appropriate qualifications was explored. The work of the Business Hub was identified and the need to adapt qualifications could be adapted to ensure local employers were able to recruit young people with appropriate skills sets.

Councillor Smaje raised the issue of health and social care training and whether the Council was happy to be an enabler or to be more progressive in trying to address the resource concerns. Councillor Sheard indicated that work had been going on with the Technical College to look at levels of attainment. Within social care Kirklees was seen as the market leader in the Leeds City Region. A report was being considered by the Leeds City Region concerning minimum standards for health and social care employees. The Council needed to consider how that was incorporated within contracts and contract management.

Councillor Stewart-Turner identified that the Transformation Programme had a large IT focus to help drive transformation however, it was questioned how the underpinning cultural shift would be achieved. Councillor Pandor indicated that IT was a small part of the overall programme and the Corporate Scrutiny Panel would

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be looking in more detail at the programme. Councillor Stewart-Turner emphasised that as part of transformation it would be important to ensure that staff and Councillors were 'on board' and understood the transformation journey. Councillor Pandor acknowledged that communications did need further consideration but he welcomed the introduction of the Citizens Account which would help to provide information to individual citizens.

The Management Committee thanked Councillor Sheard and Councillor Pandor for their attendance and agreed to schedule a further discussion at a later date.

RESOLVED -

(1) That Councillor Sheard and Councillor Pandor be thanked for attending the meeting and setting out their portfolio priorities.

(2) That the OSMC be provided with a list of the projects that underpin each of the priority areas.

(3) That the Leader and Deputy Leader of the Council be invited to a future meeting of the OSMC for further discussion of portfolio priorities.

127 Effective Regional Working Progress Report

The Management Committee received an update on regional working from Nick Howe, Corporate Policy Officer. The report indicated that Kirklees Council had been a strong advocate and participant in regional working. Leeds City Region (LCR) Partnership was formed by eleven local authorities at a city region summit in 2004. The current arrangements included informal regional working and consensus to realise the potential for the region for cross boundary working alongside the private sector.

The report highlighted key milestones including;

- Leaders Board formally constituted as a joint committee in 2007
- Establishment of business- led Local Enterprise Partnership and Strategic Plan in 2011
- City deals signed in 2012 with Government to manage devolved transport budget through a new Combined Authority.
- West Yorkshire Combined Authority founded on 1 April 2014 by five West Yorkshire District Councils. City of York Council and Leeds City Region Enterprise Partnership are associate members.

The report outlined the continued importance of regional working for Kirklees communities. The ability to contribute to growth and share in benefits, through the Strategic Economic Plan was highlighted. The City Region Growth Deal Fund was the largest settlement in the country. Future government funding opportunities would be administered through the partnership and the quality of life for communities was dependent on the success of the wider West Yorkshire and Leeds City Region partnerships. Connectivity remained a major issue particularly in the ability to access employment centres across the district. Kirklees has the highest net flow of workers to the Leeds City Region. It was also important for freight movements for numerous small and medium sized enterprises.

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The Leeds City Region provided a strong collective voice and there was widespread recognition that housing markets and connectivity in local economies did not reflect administrative boundaries. Strong partnership working is essential to economic resilience together with the efficiencies and innovations that working together brings.

The Management Committee continued to note the benefits and successes of regional working which included the local growth deal which provided a £1bn package of devolved government investment over a 6 year period. To date Kirklees had benefitted from approximately £37.5 million investment from the WYCA and the LEP to boost the local economy and create jobs. The report listed examples of areas that had realised benefits which included Kirklees College's process manufacturing centre and 96 Kirklees based SMEs.

The report highlighted key projects in Kirklees that had benefited from investment and support which included;

- Involvement in the 20 year West Yorkshire – plus Transport Fund
- Improvements to rail gateways including investment in Huddersfield station and a rail park and ride package across West Yorkshire.
- £6.4 million local transport plan investment in Kirklees
- £15.1 million investment approved for the Kirklees College learning quarter
- Over £1.6 million support for apprenticeships in Kirklees
- A recent award of £500,000 to support people in Kirklees out of fuel poverty.

In considering the report the Management Committee welcomed the ongoing work at a regional level but asked how projects were moving forward. Mr Howe indicated that since the initial tranche of funding as part of the growth deals scheme there had been no additional monies for the Combined Authority. At the next meeting there will be discussion on a key scheme around the M62. In the interim whenever there is the opportunity, the Combined Authority continues to lobby for the additional funding to deliver strategic schemes.

The Scrutiny Committee continued to explore the strength of the Kirklees voice at regional level and the ability to influence Kirklees schemes and objectives. Mr Howe circulated copies of the governance arrangements at regional level which included details of Kirklees's representation. It was acknowledged that the position regarding the devolution of additional powers from central government, in line with an elected mayor model had not yet been resolved.

The Management Committee sought assurance that there were priority bids ready should any pots of funding become available. Mr Howe undertook to supply the Management Committee with details of the pipeline of potential project bids.

RESOLVED -

(1) That Nick Howe, Policy Officer be thanked for his informative update on regional working

(2) That OSMC members be provided with a list of projects that are prepared pending funding.

128 Lead Member Update Reports

The Management Committee received progress reports from the Chair and the four Scrutiny Panel Lead Members on the highlights of panel work since the last meeting of the Scrutiny Committee.

Councillor Stewart-Turner highlighted her attendance to observe meetings of the standing panels and highlighted the range of issues being tackled. She had enjoyed seeing so many people engaged in scrutiny work and making a constructive contribution to the work of the panels. Councillor Stewart-Turner also highlighted the recent discussions at Council of Ad-Hoc Scrutiny Panel reports which had been both constructive and complimentary.

Councillor Stewart-Turner confirmed she had discussions concerning regional decision making, Prevent and community cohesion which had been included within the Overview Scrutiny Management Committee forward work programme. Councillor Stewart-Turner had regular briefings with the Chief Executive. There was an intention that the Leader and Deputy Leader of the Council be invited to join the Chief Executive for future briefings.

The lead member report from Councillor Cahal Burke highlighted the recent work of the Children's Scrutiny Panel which included discussions on Elective Home Education, corporate performance, PHSE and the improvement partnership with Leeds Council. The Children's Panel had agreed to recommend to the Management Committee that an ad-hoc scrutiny panel be established to look at Elective Home Education.

Councillor Gulfam Asif, lead member for the Corporate Scrutiny Panel outlined the work undertaken by the panel at meetings on 20 October and 15 November 2017. The panel had undertaken a visit to the Customer Service Centre and was impressed at the seamless service offer. It was noted that a new scanning system had been developed for the service which had been successfully marketed to other local authorities and generated income for the Council. Panel members were also able to see a demonstration of the new citizens' account and provided feedback. At the next meeting in January 2018 the scrutiny panel would continue to look at aspects of the Transformation Programme.

Councillor Rob Walker lead member for the Economy & Neighbourhoods Scrutiny Panel outlined the work that had been undertaken between September and the end of November 2017. It was reported that the Scrutiny Panel had agreed on three broad topic areas which were;

- Housing

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- Transport
- Towns and communities.

In drilling down into each area it was agreed that the housing item would initially focus on the availability and demand for supported housing and the plans for the review of the housing allocations policy by 31 March 2018. Opportunities to improve on the current figures for affordable new homes for purchase or rental was identified.

Councillor Walker reported that he had a briefing with officers to discuss the approach to corporate performance reports and intended to consider the details of the quarter 1 and quarter 2 reports in December 2017. He'd also met with cabinet members to discuss items in the agenda plan, including key decision items, which may benefit from pre scrutiny work.

Councillor Liz Smaje, lead member of the Health & Adult Social Care Scrutiny Panel updated on her lead member briefings which included meeting with Strategic Directors, portfolio holders, NHS trusts, Locala and the two Clinical Commissioning Groups.

Panel meetings on 3 October and 14 November had included discussions on the robustness of Adult Social Care, the Health Optimisation Programme, podiatry services, integration of health and adult social care and proposed interim changes concerning elderly medicine, cardiology and respiratory services. As a result of the issues looked at the scrutiny panel have made a number of recommendations aimed at improving the quality of health and social care services within the Kirklees district.

Further informal follow up sessions would also be taking place to look at the issues raised by the Ad-Hoc Scrutiny Panel on Adult Mental Health Assessments, in particular issues relating to dual diagnosis.

Looking further ahead the December meeting would look at the work of the Kirklees Health & Wellbeing Board. Early in 2018 there would be an update on the financial position of the Clinical Commission Groups and acute trusts and a look at concerns raised about the quality of wheelchair services in Kirklees.

RESOLVED - Agreed that the Lead Member Reports be received and noted.

129 **Request to Establish an Ad Hoc Scrutiny Panel**

The Management Committee considered a request from the Children's Scrutiny Panel to establish an Ad-Hoc Scrutiny Panel to look at elective home education.

In considering the request it was noted that the numbers of electively home educated children and young people was increasing in the Kirklees district, in line with neighbouring local authorities and national trends. Responsibility for children's education rests with their parents. In England, education is compulsory but school is not.

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In Kirklees the oversight of EHE is the responsibility of the Education Safeguarding team which works in partnership with other relevant teams or agencies to provide support to families when needed. However local authorities have a statutory duty in relation to monitoring the quality of home education on a routine basis. The proposed ad-hoc scrutiny panel would consider the reasons why parents choose home education and how best to support children and parents throughout their education, giving particular consideration to children who would like to sit their GCSE exams. The draft terms of reference for the ad-hoc panel were appended to the report.

RESOLVED -

(1) That an ad hoc scrutiny panel be established to consider Elective Home Education

(2) That the terms of reference be expanded to include progression into higher and further education or employment.

130 Appointment of Scrutiny Co-optee

Following a report at the previous meeting it was noted that an additional voluntary co-optee was required to sit on the Corporate Scrutiny Panel. Following consultation with the Chair of Scrutiny and the panel lead member, Philip Chaloner had been approached to see if he wished to return as a scrutiny co-optee for the remainder of the 2017/18 municipal year.

RESOLVED - That Philip Chaloner be appointed as a voluntary scrutiny co-optee on the Corporate Scrutiny Panel for the remainder of the 2017/18 municipal year.

131 Scrutiny Committee Work Programme/Future Meetings Schedule

The Committee confirmed that its next meeting will be held on Monday 15 January 2018 at 10.00am at Huddersfield and will be followed at 12.30pm by the New Year co-optee gathering. In addition the Management Committee agreed that a further meeting would be held on 26 February 2018. This meeting would include considering scrutiny arrangements within the Combined Authority and looking at the corporate approach to performance management. In considering the items for the next meeting it was requested that the flood risk management update be asked to include an update on work with Yorkshire Water. The update would also include information on the joint work being undertaken with the Combined Authority on flood risk management.

It was agreed that the Democracy Commission item would be removed from the Management Committee work programme and any work covered by the Corporate Scrutiny Panel.

RESOLVED -

(1) That the Flood Risk Management Update be asked to include an update on work with Yorkshire Water.

(2) That the update also include an update on the joint work with the Combined Authority on flood risk management.

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(3) That the Democracy Commission item be removed from the work programme and the issue covered by the Corporate Scrutiny Panel.

(4) That an additional meeting of the Committee be scheduled for the 26 February 2017 at 10.00 a.m.

132 Exclusion of the Public

The Committee resolved that the following item would be considered in private session.

To resolve that 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.

133 Scrutiny of Crime and Disorder

The Management Committee considered a report on the current picture of gang related activity within the Kirklees district and an overview of the partnership approach which emphasised the focus on prevention and early intervention. The report included some of the key areas of work currently being undertaken and recommendation of problem solving and further development to move towards a stronger partnership approach to tackling street gangs and safeguarding communities.

The committee welcomed Carol Gilchrist, Head of Communities, Ian Mottershaw, Chief Inspector Partnerships and Lee Hamilton, Prevent Coordinator for the discussion.

RESOLVED -

(1) That a further progress report be considered in six months.

(2) That consideration be given to raising councillor awareness of the issue, including producing an information sheet.

(3) That consideration be given to the use of social media as part of awareness raising on the issue and early behaviour indicators

Contact Officer: Steve Copley

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 15th January 2018

Present: Councillor Julie Stewart-Turner (Chair)
Councillor Cahal Burke
Councillor Elizabeth Smaje
Councillor Rob Walker

In attendance: Tom Ghee
Councillor Peter McBride

Apologies: Councillor Gulfam Asif
Penny Bunker (Clerk)

134 Minutes of Previous Meeting

The minutes of the Committee meeting held on 27 November 2017 were approved as a correct record.

135 Interests

No interests were declared

136 Admission of the Public

The Committee agreed that the meeting be held in public session.

137 Kirklees Local Flood Risk Management Strategy

Further to the Committee meeting on 18 September 2017, Tom Ghee, Flood Management and Drainage Team, introduced a comprehensive report which described the progress being made with work on those actions and priorities set out in the Kirklees Local Flood Management Strategy, as approved by Cabinet on 15 January 2013.

Appendix 1 to the report provided a summary of the action plan which, following a request made at a previous meeting, had been made clearer to explain the progress being made in delivering the various actions (*Red, amber and green indicators*)

Appendix 2 to the report provided a summary of the flood management initiatives carried out in 2017/18, and a statement on external grant funding over the lifetime of the strategy. This also explained that it was anticipated that similar levels of grant funding will be secured in 2018/19 and beyond, to deliver on further capacity and improvements to the local drainage infrastructure.

In summary, the debate and questions focused on:-

- Progress with the actions, priorities and work associated with the strategy

Overview and Scrutiny Management Committee - 15 January 2018

- The need for those officers involved in the work on the strategy to work more closely and proactively with colleagues in highways to deliver upon the improvements, schemes and solutions that are still required.
- The development of the approach to gulley cleaning to prioritise those areas and routes which are prone to flooding.
- The opportunities for councillors and local people to work more closely with officers to improve upon the level of understanding of local flood risk within the Kirklees area (*Objective 1*)
- The limitations on the duties and responsibilities of the council to encourage proactive, responsible maintenance of privately owned flood defence and drainage assets (*Objective 8*)
- The progress being made with the new initiatives in Calderdale and Kirklees to maximise the opportunities to reduce surface water run-off from the upper catchment areas to help prevent the risk of flooding in lower lying areas (*Objective 10*)
- How the work on the Kirklees local flood management strategy, a five year strategy approved in January 2013, should progress in 2018

RESOLVED - Members of the Committee agreed that:-

- (1). Tom Ghee and Cllr Peter McBride be thanked for their attendance and report for today's meeting
- (2). The Committee would like to see the work on the Kirklees local flood management strategy continue to develop and be refreshed in 2018/19, in view of the changes and improvements which the work on the strategy has created in Kirklees and its surrounding areas in the period since 2013.

Members suggestions included:-

- Review and reappraise the strategy and its priorities and action plan for 2018/19 onwards
 - Consider the key learning points in the period from 2013 to 2018, plus best practice and learning etc. from other local authorities
 - The need for those officers involved in the work on the strategy to work more closely and proactively with colleagues in highways to deliver upon the improvements, schemes and solutions that are still required.
- (3). That a further report on the development of the strategy, the action plan and the priorities for 2018/19 onwards, be shared with the Committee in due course.

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Agenda Plan 2017/18

The Committee considered the agenda plan noting that the next meeting on Monday 26 February 2018, should focus on the following items:-

Overview and Scrutiny Management Committee - 15 January 2018

- The work of the West Yorkshire Combined Authority scrutiny function
- Inclusion and diversity strategy – Update on action plan
- Scrutiny Panels – Reports from Chairs (Lead member reports)

RESOLVED – That Penny Bunker and the Governance Team re-check that the above mentioned items will be ready for debate at the Committee meeting on 26 February 2018.

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Date of Next Meeting

The Committee noted that the next meeting would take place at 10.00am on Monday 26 February 2018, in the Council Chamber, Town Hall, Huddersfield.

RESOLVED – That the next meeting of the Committee take place at 10.00am on Monday 26 February 2018.

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 30th November 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 Minutes of the Previous Meeting

The Minutes of the meeting held on 2 November 2017 were approved as a correct record.

3 Interests and Lobbying

Councillor A Pinnock declared he had been lobbied on application 2016/92298.

Councillor D Firth declared an 'other interest' in application 2017/91888 on the grounds that he was a member of Holme Valley Parish Council.

Councillors S Hall, Armer, D Firth, Kane, Pattison and A Pinnock declared they had been lobbied on application 2017/93326.

4 Admission of the Public

All items on the agenda were taken 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: 2017/93326

Site visit undertaken.

8 Site Visit - Application No: 2017/91888

Site visit undertaken.

Strategic Planning Committee - 30 November 2017

- 9 Site Visit - Application No: 2017/92958**
Site visit undertaken.
- 10 Site Visit - Application No: 2016/92298**
Site visit undertaken.
- 11 Site Visit - Application No: 2017/92997**
Site visit undertaken.
- 12 Planning Application - Application No: 2017/91888**
The Sub Committee gave consideration to Planning Application 2017/91888 Change of use, alterations and extensions to former mill buildings to form mixed use development comprising of food manufacturing, cookery school, cafe, shop, restaurant, cooking demonstration/tasting areas and management offices/suite. Outdoor seating areas, service yard, parking and associated landscaping works Woodlands Mill, Luke Lane, Thongsbridge, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Nick Willock (agent) and Olivia Robinson (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. The standard 3 year timescale to implement permission
2. The standard condition requiring development to accord with approved plans
3. Submission of details of materials for extensions and alterations.
4. Submission of details for surfacing and layout of car park areas including details of drainage.
5. Submission of details for the retaining works that are located adjacent to the public right of way.
6. Submission of a scheme for the protection of users of the public right of way.
7. Submission of specific details for cycle parking.
8. Submission of a construction management plan for accessing the site.
9. Submission of an Arboricultural method statement for works to the protected trees.
10. Submission of a landscape/Ecological design strategy to mitigate for the loss of protected trees and to enhance biodiversity at the site and for removal of Japanese knotweed.
11. Implementation of Landscape/Ecological design strategy and management of strategy.
12. Submission of details for a lighting plan at the site including the car park and servicing area.
13. Restriction on the hours of use of the site, northern building 0900 to 2000, southern building 1000 to 2230, deliveries 0730 to 2000 Monday to Friday, 0800 to 1800 Saturdays, no deliveries Sundays and Bank Holidays.
14. Submission of details of extract ventilation to be used at the site, for both phase 1 and 2.

Strategic Planning Committee - 30 November 2017

15. Submission of details of any other plant associated with the development for both phase 1 and 2.
16. Obscurely glaze windows on the eastern end elevation at both ground and first floor which look towards adjacent mill.
17. Provision of 2 electric charging points within the car park.
18. Limit retail floor space to 250 square metres.
19. No obstruction of within 3 metres sewer which crosses the site.
- 20-23. Contaminated Land Conditions (4 Conditions)

2) The inclusion of the following additional conditions:

1. The planting of replacement trees to mitigate tree loss.
2. A flood warning line.
3. Strengthening the construction/traffic management plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against : (0 votes)

13 **Planning Application - Application No: 2017/93205**

The Sub Committee gave consideration to Planning Application 2017/93205 Development of a 20MW synchronous gas powered standby generation plant Land off Bradford Road, Rear of Batley Frontier, Batley.

RESOLVED –

That consideration of the application be deferred to :

1. Undertake further publicity / neighbour notification of residents on Bromley Street and Mill Lane located to the east of the site;
2. Allow officers to obtain further information on the likely periods of demand and the spread of hours of operation of the facility; and to gather emissions evidence from other operational sites.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Armer, D Firth, Kane, Pattison and A Pinnock (5 votes)

Against : (0 votes)

14 **Planning Application - Application No: 2017/92958**

The Sub Committee gave consideration to Planning Application 2017/92958 Alteration and extension to community and recreation centre and mosque with ancillary residential accommodation, car parking, landscaping and revised boundary treatment including demolition of existing outbuilding Baitul Tauhid Mosque, Spaines Road, Fartown, Huddersfield.

Strategic Planning Committee - 30 November 2017

Under the provisions of Council Procedure Rule 37, the Committee received representations from Munir Ahmed and Malcolm Sizer (both speaking on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Mohan Sokhal (Local ward member).

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. The standard 3 year time limit to implement permission.
2. The standard condition requiring development to accord with approved plans.
3. Hours of use.
4. Material samples.
5. Crime mitigation measures.
6. Condition tying apartment to cleric.
7. Drainage- surface water scheme.
8. Ecology (Landscape plans + eco).
9. Ecology (Lighting plan).
10. Ecology (Survey work).
11. Environmental Health (Charging points to be provided in accordance with plans).
12. Coal (Site Investigation, remediation and validation).
13. Highways (Parking layout provided).
14. Highways (Cycle facilities).
15. Highways (Access kept clear of obstructions).

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Armer, D Firth, Kane, Pattison and A Pinnock (5 votes)

Against : (0 votes)

15 Planning Application - Application No: 2017/92997

The Sub Committee gave consideration to Planning Application 2017/92997
Erection of 70 (over 55) retirement apartments comprising of four blocks, provision of a community building, electricity substation and laying out of internal roads, parking areas and greenspace and associated infrastructure. Lidl, Station Road, Mirfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Darren Smith (applicant).

RESOLVED –

That consideration of the application be deferred to allow the Committee an opportunity to look in more detail at the viability statement including an explanation of the abnormal development costs.

Strategic Planning Committee - 30 November 2017

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Armer, D Firth, Kane, Pattison and A Pinnock (5 votes)

Against : (0 votes)

16 **Planning Application - Application No: 2017/93326**

The Sub Committee gave consideration to Planning Application 2017/93326 Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road Land off Woodhead Road, Brockholes, Holmfirth.

RESOLVED –

That the application be refused in line with the following reasons that were included in the considered report:

1. The proposed access arrangements for the development site would significantly harm highway safety and efficiency and as such the development is contrary to Policies T10 and BE1 of the Kirklees Unitary Development Plan, policy PLP21 of the Kirklees Publication Draft Local Plan and paragraph 32 of the National Planning Policy Framework. The harm to highway safety is not outweighed by any other material considerations, thus the proposal constitutes an unsustainable form of development.
2. In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Armer, D Firth, Kane, Pattison and A Pinnock (5 votes)

Against : (0 votes)

17 **Position Statement - Planning Application: 2016/92298**

The Committee received a position statement and presentation in respect of Planning Application 2016/92298 Outline application for redevelopment of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) Former North Bierley Waste Water Treatment Works, Oakenshaw.

RESOLVED –

That the position statement report and presentation be received and noted.

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 21st December 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 Minutes of the Previous Meeting

The Minutes of the meeting held on 30 November 2017 were approved as a correct record.

3 Interests and Lobbying

Councillor D Firth declared an 'other interest' in application 2017/91676 on the grounds that he was a member of Holme Valley Parish Council.

Councillors Armer, D Firth and S Hall declared they had been lobbied on application 2017/91676.

4 Admission of the Public

It was noted that Agenda Item 13 would be considered in private session.

5 Deputations/Petitions

The Committee received a deputation from Cllr Martyn Bolt that requested Kirklees Council Planning Service and Planning Committees give consideration to allocating, where appropriate, monies from Section 106 agreements to a public safety fund.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2017/91676

Site visit undertaken.

8 Site Visit - Application No: 2017/93205

Site visit undertaken.

9 Planning Application - Application No: 2017/91676

The Sub Committee gave consideration to Planning Application 2017/91676 Formation of new access from existing stone yard to adjacent storage area including excavation/engineering works Haggwood Quarry, Woodhead Road, Holmfirth.

Strategic Planning Committee - 21 December 2017

Under the provisions of Council Procedure Rule 37, the Committee received representations from Yvette Morley, Darren Oldham, Stephen Gale, Steve Molloy, Joanna Martin (objectors), Ashley Bamford, Andy Rushby and Pete Dixon (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Nigel Patrick (Local ward member).

RESOLVED – Contrary to the officer recommendation that the application be refused on the following grounds:

That the engineering operations which are proposed to create an access road constitute inappropriate development within the Green Belt in that the development proposed would be harmful to the openness of the Greenbelt, to the purposes of including land within it and to character and visual amenity of the local landscape. The applicant has not demonstrated that there are very special circumstances that would outweigh the harm, as such the development would be contrary to section 9 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against : (0 votes)

10 **Planning Application - Application No: 2017/93205**

The Sub Committee gave consideration to Planning Application 2017/93205 Development of a 20MW synchronous gas powered standby generation plant Land off Bradford Road, Rear of Batley Frontier, Batley.

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) The standard 3 year time limit to implement permission
- (2) The standard condition requiring development to accord with approved plans
- (3) No plant to be installed until its colour has been approved.
- (4) Development not to be brought into use until vehicle turning facilities have been implemented.
- (5) The implementation of measures to deal with unexpected contamination during construction including the submission, implementation of a site remediation strategy if required and subsequent validation.
- (6) Condition requiring:
 - Finished floor levels of any builds (kiosk) are set no lower than 49.89mAOD.
 - Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the FRA.
- (7) Condition requiring the submission of a surface water management scheme
- (8) Hours of operation restricted to 07:00 to 23:00 on any day

Strategic Planning Committee - 21 December 2017

(9) Operation of Generators restricted to no more than 1500 hours per year and the submission of annual report if required to verify the activity.

(10) The submission of a scheme indicating how the site will be artificially lit to protect local amenity and ensure the protection of local bat populations.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against : (0 votes)

11 **Planning Application - Application No: 2017/92997**

The Sub Committee gave consideration to Planning Application 2017/92997
Erection of 70 (over 55) retirement apartments comprising of four blocks, provision of a community building, electricity substation and laying out of internal roads, parking areas and greenspace and associated infrastructure. Lidl, Station Road, Mirfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Darren Smith (applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Martyn Bolt (Local ward member).

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:

- (a) The standard 3 year time limit to implement permission
- (b) Materials
- (c) Drainage details
- (d) Details of boundary treatments
- (e) Landscaping plan
- (f) Lighting details
- (g) Biodiversity enhancement
- (h) Structural report concerning canal retaining wall
- (i) Contaminated land conditions
- (j) Construction management plan
- (k) Full details of balcony detailing and roof terrace screening
- (l) Noise report
- (m) Details of pedestrian access and gradients from car park
- (n) Turning facilities to be provided
- (o) Cycle storage
- (p) Gates to be set back
- (q) Canal improvement scheme including full details of implementation and date
- (r) Amenity garden space 2015/93074 to be provided prior to occupation
- (s) Occupancy restriction – over 55's.
- (t) Finished floor and ground levels
- (u) Details of surfacing of internal paths

Strategic Planning Committee - 21 December 2017

- (v) Crime Impact and Mitigation Strategy
- (w) Landscaping which shall include a strategy for maintenance

- (2) Secure a Section 106 agreement to cover the following matters:
 - (a) A contribution towards affordable housing
 - (b) Improvements to the canal towpath

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Armer, D Firth, S Hall , Kane, Pattison and A Pinnock (6 votes)
Against : (0 votes)

12 Exclusion of the Public

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.

13 Planning Application - Application No: 2017/92997

The information was considered prior to the determination of Agenda Item 11.

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 11th January 2018

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 Minutes of the Previous Meeting

The Minutes of the meeting held on 21 December 2017 were approved as a correct record.

3 Interests and Lobbying

Councillor D Firth declared an 'other interest' in applications 2017/93503 and 2017/93609 on the grounds that he was a member of Holme Valley Parish Council.

4 Admission of the Public

It was noted that Agenda items 16 and 17 would be considered in private session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

The Committee received a question from Cllr Nigel Patrick on the process that was followed for consulting with Yorkshire Water on planning applications. The Development Management Group Leader responded on behalf of the Committee to the question.

7 Site Visit - Pre-Application No: 2017/20381

Site visit undertaken.

8 Site Visit - Application No: 2017/90620

Site visit undertaken.

9 Site Visit - Application No: 2017/93609

Site visit undertaken.

10 Site Visit - Pre- Application No: 2017/20371

Site visit undertaken.

11 Local Planning Authority Appeals

That the report be noted.

12 Planning Application - Application No: 2017/90620

The Sub Committee gave consideration to Planning Application 2017/90620 Planning permission for demolition of existing buildings, change of use of existing building to mixed uses comprising B1a (offices)/B1c (light industrial) and C3 (up to 27 dwellings) and associated parking and outline permission for erection of 75 dwellings, Dobroyd Mills, Hepworth Road, New Mill, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Nick Willock (agent) and Mike Haigh (commercial agent).

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 consideration of the application be deferred to allow officers to obtain further information on issues relating to: Transportation; Affordable Housing & Vacant Building Credit; Public Open Space; Employment uses; Flood mitigation; and Drainage and Sewerage.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane, and A Pinnock (5 votes)

Against: Councillor Pattison (1 vote)

13 Planning Application - Application No: 2017/93053

The Sub Committee gave consideration to Planning Application 2017/93053 Reserved matters application pursuant to outline permission 2014/93248 for erection of residential development (48 dwellings) Land off, Stoney Bank Lane, Thongsbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Nick Willock (on behalf of local residents), Susan Drake, a statement read out on behalf of Graeme Bird (local resident) by Nick Willock and Keith Overson (all of whom objected to the plans) and Laura Holland (agent).

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 consideration of the application be deferred to allow an opportunity for officers to negotiate with the applicants on the use of natural stone for all the dwellings on the site.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

Strategic Planning Committee - 11 January 2018

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against: (0 votes)

14 **Planning Application - Application No: 2017/93609**

The Sub Committee gave consideration to Planning Application 2017/93609 Erection of 4 dwellings and change of use of land as domestic garden area and areas of public open space Land at, Stoney Bank Lane, Thongsbridge, Holmfirth.

RESOLVED – That consideration of the application be deferred to allow an opportunity for officers to negotiate with the applicants on the use of natural stone for all the dwellings on the site.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall , Kane, Pattison and A Pinnock (6 votes)

Against: (0 votes)

15 **Exclusion of the Public**

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 items 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.

16 **Planning Application - Application No: 2017/93053**

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

17 **Planning Application - Application No: 2017/93609**

The information was considered prior to the determination of Agenda Item 14.

18 **Pre Application No: 2017/20381**

The Committee received a pre-application report and presentation in respect of the demolition of existing building and erection of 695 dwellings Black Cat Fireworks Ltd, Standard Drive, Crosland Hill, Huddersfield.

RESOLVED – That the pre-application report and presentation be received and noted.

19 **Pre- Application No: 2017/20371**

The Committee received a pre-application report and presentation in respect of the reserved matter on previous planning 2016/92122 John Smiths Stadium, Stadium Way, Huddersfield.

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Musarrat Khan (Local ward member).

RESOLVED – That the pre-application report and presentation be received and noted.

20 Pre-Application No: 2017/20424

The Committee received a pre-application report in respect of a revised scheme for mixed use residential and commercial development Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

RESOLVED – That the pre-application report be received and noted.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 8th February 2018

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Donald Firth
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Eric Firth

Observers: Councillor John Lawson
Councillor Nigel Patrick
Councillor Viv Kendrick
Councillor Ken Sims

- 1 Membership of the Committee**
Councillor E Firth substituted for Councillor Kane.
- 2 Minutes of the Previous Meeting**
RESOLVED – That the Minutes of the Meeting held on 11 January 2018 be approved as a correct record.
- 3 Interests and Lobbying**
Councillor S Hall declared that he had been lobbied on Application 2017/93488.

Councillor A Pinnock declared that he had been lobbied on Application 2016/92298.
- 4 Admission of the Public**
It was noted that all Agenda Item 17 would be considered in private session. (Minute No: 17 refers)
- 5 Deputations & Petitions**
None received.
- 6 Public Question Time**
No questions were asked.
- 7 Site Visit - Application No: 2017/94080**
Site visit undertaken.
- 8 Site Visit - Application No: 2017/93488**
Site visit undertaken.

9 Planning Application - Application No: 2017/90955

The Committee gave consideration to Application 2017/ 90955 – Outline application for residential development with details of layout and access only land at Forest Road, Dalton.

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;
 - approval of details of the appearance, landscaping and scale
 - plans and particulars of the reserved matters
 - application for approval of reserved matters
 - timeframe for implementation of the development
 - all conditions required in associations with highways works/parking areas/access
 - details of retaining structures adjacent to highway including facing materials
 - bin storage for each plot
 - electric charging point
 - details of a scheme for the rate of surface water discharge from the site to a maximum of 5 litres per second
 - all areas indicated to be used for vehicles to be paid out with a hardened and drained surface in accordance with the Communities and Local Government and Environment Agency's guidance on the permeable surfacing of front gardens.

- (2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover provision, as a community benefit, of five three-bedroom affordable housing units.

- (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, D Firth, E Firth, S Hall, Pattison and A Pinnock (6 votes)

Against: (no votes)

10 Planning Application - Application No: 2017/93488

The Committee gave consideration to Application 2017/93488 – Outline permission for erection of 96 dwellings and planning permission for infill of land at Walkey Terrace and Brunswick Street, Heckmondwike.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Victoria Harrington, John Salter and Howard Gee (local residents) and Andrew Stoddart (on behalf of the applicant).

Strategic Planning Committee - 8 February 2018

Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received a representation from Councillor Kendrick.

RESOLVED – That the application be refused on the grounds that;

- (i) the proposed temporary access arrangements associated with the landfilling element of this proposal would have significant detrimental impact on highway safety in the vicinity of the site in that the local highway network is not capable of safely accommodating the regular daily movement of the heavy goods vehicles needed to transport infill material to the site. This would be contrary to Unitary Development Plan policy T10 and Kirklees Publication Draft Local Plan policies PLP21, PLP44 and Section 7 of the National Planning Policy Framework.
- (ii) the applicant has failed to demonstrate that the landfill of the site over a period of at least two years will not have a detrimental impact on the amenity of neighbouring uses as a result of noise and dust. This would be contrary to Unitary Development Plan policies EP4, EP6 and WD5 and Kirklees Publication Draft Local Plan policies PLP51 and PLP52 and Section 11 of the National Planning Policy Framework.
- (iii) the applicant has failed to demonstrate that this proposal will not have a detrimental impact on the ecology of the area and that local biodiversity will not be detrimentally affected. This would be contrary to Unitary Development Plan policies D6, WD5 and Kirklees Publication Draft Local Plan policy PLP30 and Section 11 of the National Planning Policy Framework.
- (iv) the applicant has failed to demonstrate that this proposal will not have a detrimental impact on air quality in the area. This would be contrary to Kirklees Publication Draft Local Plan policy PLP51 and Section 11 of the National Planning Policy Framework.
- (v) the applicant has failed to demonstrate that the drainage measures proposed would not increase the risk of flooding in the local area. This would be contrary to Kirklees Publication Draft Local Plan policy PLP27 and Section 10 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, E Firth, S Hall, Pattison and A Pinnock (6 votes)

Against: (no votes)

11 **Planning Application - Application No: 2017/94080**

The Committee gave consideration to Application 2017/94080 – Erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes at CR Longley & Co Ltd, Ravensthorpe Road, Thornhill Lees.

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;
 - the assessment of flood risk and the proposed drainage strategy

Strategic Planning Committee - 8 February 2018

- the impact of HGV movements upon Air Quality Management Areas in Scout Hill and Dewsbury
- hours of operation for deliveries and dispatches to and from the site
- the provision of landscaping within the site

(2) That in circumstances where the matters have not been satisfactorily resolved within three months of this decision, the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable, and if so, be 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, E Firth, S Hall, Pattison and A Pinnock (6 votes)

Against: (no votes)

12 **Planning Application - Application No: 2017/93053**

The Committee gave consideration to Application 2017/93053 – Reserved Matters application pursuant to outline permission 2014/93248 for erection of residential development (48 dwellings) at land off Stoney Bank Lane, Thongsbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Graham Bird, Kevin Overson, Susan Drake and Diane Harper (local residents) and Jim Lomas (applicant's agent).

Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received representations from Councillors Sims and Patrick.

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;
 - approved plans
 - materials to be natural stone to all plots and to be submitted
 - route of drainage scheme to be agreed
 - woodland management and public open space scheme
 - removal of permitted development rights of all dwellings
 - construction management plan including hours of working and deliveries to be agreed prior to commencement of development
- (2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) public open space contribution and future maintenance and (ii) affordable housing.
- (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

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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 E Firth, S Hall, Pattison and A Pinnock (4 votes)

Against: Councillors Armer and D Firth (2 votes)

13 **Planning Application - Application No: 2017/93609**

The Committee gave consideration to Application 2017/93609 – Erection of four dwellings and change of use of land as domestic garden area and areas of public open space at land at Stoney Bank Lane, Thongsbridge, Holmfirth.

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;
 - three year time limit
 - materials to be natural stone, details to be submitted
 - cannot be occupied until such a time that 2017/93053 is built out
 - drainage as per 2014/93248
 - landscaping
- (2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) public open space contribution and future maintenance and (ii) affordable housing.
- (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 E Firth, S Hall, Pattison and A Pinnock (4 votes)

Against: Councillors Armer and D Firth (2 votes)

14 **Planning Application - Application No: 2017/93449**

The Committee gave consideration to Application 2017/93449 – Erection of detached dwelling and stable and demolition of existing dwelling at 675/677 Wyke Lane, Oakenshaw.

RESOLVED – That, in accordance with Section 101 (1) of the Local Government Act 1972, development control powers be delegated to Bradford Metropolitan District Council in respect of Application 2017/93449/E .

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A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, E Firth, S Hall, Pattison and A Pinnock (6 votes)

Against: (no votes)

15 **Planning Application - Application No: 2016/92298**

The Committee gave consideration to Application 2016/92298 – Outline application for re-development of former waste treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) at former North Bierley Waste Water Treatment Works, Oakenshaw.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Alan Wainwright and Sarah Ferriby (Bradford MBC Councillors), Allison Kienlen, Wendy Hamilton, David Rhodes and Brian Pearson (local residents) and Matthew Sheppard (applicant's agent).

Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received a representation from Councillor Lawson.

(The Committee gave consideration to Agenda Item 17 (Minute No: 17 refers) prior to the determination of this Planning Application).

RESOLVED – That the application be deferred in order to enable further consideration to be given to highways safety concerns and explore alternative options regarding access to the site.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, S Hall, Pattison and A Pinnock (5 votes)

Against: (no votes)

16 **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, as specifically stated in the undermentioned Minute.

17 **Planning Application - Application No: 2016/92298**

(Exempt information 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 commercially sensitive information (Information relating to the financial or business affairs of any particular person, including the Authority holding that information). It is not in the public interest to disclose the exempt information as disclosure could adversely affect overall value for money and compromise the interests of the company involved, which outweighs the public interest.

The Committee gave consideration to the exempt information prior to the determination of Agenda Item 15. (Minute No: 15 refers)

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

APPEALS PANEL

Thursday 14th December 2017

Present: Councillor Nosheen Dad (Chair)
Councillor Bernard McGuin
Councillor Hilary Richards

1 Minutes of Previous Meeting

That the Minutes of the meeting of the Panel held on 17th November be considered at a future meeting.

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 (AM & ZTM)

(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.

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Contact Officer: Alaina McGlade

KIRKLEES COUNCIL

APPEALS PANEL

Thursday 25th January 2018

Present: Councillor Nosheen Dad (Chair)
Councillor Bill Armer
Councillor Bernard McGuin

In attendance: Paul Elliott – Appeals Officer

1 Minutes of Previous Meeting

That the Minutes of the meeting of the Panel held on 17th November 2017 and 14th December 2017 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 (FTO)

(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.

5 School Transport Appeal (JS & CS)

(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)

Appeals Panel - 25 January 2018

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be upheld.

Contact Officer: Steve Copley

KIRKLEES COUNCIL
PERSONNEL COMMITTEE

Monday 18th December 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 Nicola Turner

1 Membership of the Committee

No apologies for absence were noted

Members of the Committee also acknowledged that this would be the last meeting which Rosemary Gibson, Head of HR, would attend before retiring from the service of the Council in December 2017

Members offered Rosemary Gibson their best wishes for the future.

2 Minutes of Previous Meeting

The minutes of the Personnel Committee meeting held on 19 September 2017 were approved.

3 Interests

No interests were declared.

4 Admission of the Public

Members resolved to consider items 9-11 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 19 September 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, today's report focused on:-

- The state of the relationships between the management and trade union sides at present
- A number of requests from the trade union side to convene more Central Negotiating Team (CNT) meetings to try to resolve their concerns and issues.
- The outcome of a CNT meeting which had been held on 7 December 2017, to consider issues about the staff and work in Cleansing Services, which is likely to be referred to an Employee Relations Sub Committee in January 2018
- The actions which representatives of Kirklees UNISON have been taking to talk to staff in Cleansing about the outcome of the CNT meeting and previously agreed plans for the holiday and working arrangements over the Christmas and New Year holiday period 2017, which may still result in some unofficial industrial action
- The position of Joint Secretary (Management Side) following the retirement of Rosemary Gibson in December 2017.
- How the Children's Services Management Team are engaging the trade unions on the improvement journey at service level, whilst any issues related to the dispute remain at corporate level.
- Progress with the work being undertaken with managers and staff to improve upon the management of all the requests made by representatives of the trade unions for "time off" to undertake trade union activities.

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 officers to contact the regional union offices to make them aware of the action which Kirklees UNISON may be seeking to promote to follow up on the

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outcome of the CNT meeting on 7 December 2017 regarding the work of managers and staff in Cleansing over the Christmas and New Year holiday period.

(3) Note that, following the retirement of Rosemary Gibson, Debra Ladlow will become the Joint Secretary (Management Side), pending the arrival of Deborah Lucas, Head of People Services, in February 2018.

10 **Director of Children's Services**

(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 explained how the improvement work in Children's Services is progressing, along with the partnership and working arrangements between Kirklees and Leeds City Council.

The report focused in particular on the position and role of the Director of Children's Services for Kirklees in 2018.

RESOLVED - Members of the committee agreed with the recommendations in the report, that:

(1) For the reasons set out above the Director for Children's Services (DCS) for Leeds (who is currently Steve Walker) continue to be appointed as the joint DCS with Kirklees with immediate effect until either the termination of the partnership agreement with Leeds or earlier if agreed with the relevant bodies. This is for the reasons set out in detail in the report.

(2) The Committee notes that the relevant bodies referred to above will be as set out or implied in the final direction or any change to the direction from the DfE

11 **Succession Planning and Managing Change**

(Exempt information relating to particular employees. The public interest in maintaining the exemption, which would protect the rights of the individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the council's decision making)

Following a report at the Personnel Committee on 19 September 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 Service Director – Child Protection and Family Support

- A proposal to create an interim Service Director to ensure the strategic positioning of Kirklees within the region.

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Members of the Committee discussed the proposals described within the report, including the opportunities which the joint working with colleagues in Leeds and West Yorkshire is providing for officers to develop their opportunities, potential and work.

RESOLVED - Members of the committee agreed to:

(1) Note the update provided regarding the senior leadership recruitment, including the news that Debbie Hogg, Service Director for Finance, IT and Transactional Services, will be leaving Kirklees in 2018, to take up a new position with Doncaster Council.

(2) Note the update provided regarding changes to the Heads of Service in Children and Families

(3) Establish a sub committee to make arrangements in association with the appointment of Elaine McShane to the post of Service Director - Child Protection & Family Support

(NOTE: - In light of this decision, a sub committee, consisting of Cllrs David Hall, Shabir Pandor, David Sheard and Nicola Turner, took place at the close of the Personnel Committee to confirm the appointment of Elaine McShane to the post of Service Director - Child Protection & Family Support for the reasons set out in the discussion and report at the Personnel Committee. Notice of this sub committee meeting was provided within the agenda for the Personnel Committee)

(4) To approve the extension of Naz Parkar's temporary contract but as Service Director for a 6 month period to ensure Kirklees is strategically positioned within the region and that the new Strategic Director for Economy and Infrastructure has additional capacity whilst assessing the current leadership in this area.