



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

Julie Muscroft

Governance and Democratic Services

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

CABINET

MONDAY 31 JULY 2017

Andrea Woodside

01484 221000

Chair

Councillor David Sheard

Councillors Attended

S Pandor, P McBride, N Mather, M Khan, V Kendrick, M Ahmed and G Turner

Apologies

Councillor Erin Hill

Observers

Councillor Martyn Bolt

1: Membership of the Committee

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

Apologies for absence were received on behalf of Councillor Hill.

2: Minutes of previous meeting

To approve the Minutes of the meeting of the Committee held on 27 June and 11 July 2017.

Approved as a correct record.

3: Interests

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

Councillor McBride declared an 'other' interest in Agenda Item 14 and left the meeting during the consideration of that item.

4: Admission of the Public

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

It was noted that all Agenda Items 16, 17 and 18 would be considered in private session.

5: Deputations/Petitions

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

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

No deputations or petitions were received.

6: Public Question Time

The Committee will hear any questions from the general public.

Cabinet received a question from Derek Hardcastle regarding the progress of the asset transfer of Kirkburton Library to Kirkburton Parish Council.

A response was provided by Councillor G Turner.

7: Member Question Time

To consider questions from Councillors.

Cabinet received a question from Councillor Bolt regarding the progress of the asset transfer of Mirfield Library.

A response was provided by Councillor G Turner.

8: Property Investment Fund

A report to consider a proposal to create a Property Investment Fund (PIF) which would allow the Council to support major development projects which produce wider economic benefits to the Council and the wider Kirklees economy.

Officer: Paul Kemp, Service Director Economy, Regeneration and Culture, tel: 01484 221000.

Wards: All

That approval be given to the establishment of a Property Investment Fund (PIF) with £25m of provision being made in the Capital Plan, phased as detailed in paragraph 3.5 of the considered report.

9: Options for the future of Council operated older person Residential Care Facilities

A report to consider options for the futures of two dementia care residential facilities (Castle Grange and Claremont House) and two Intermediate Care residential facilities (Ings Grove and Moorlands Grange) currently operated by the Council.

Contact: David Hamilton - Interim Service Director 01484 221000

Wards: Crosland Moor & Netherpton, Heckmondwike, Mirfield and Newsome

- 1) That, in relation to Immediate Homes, (i) approval be given to the alternative provision as set out in Appendix B of the considered report (ii) the terms and timing of any further consultation be delegated to the Chief Executive (or their nominee) in consultation with Cabinet Portfolio Holders for Corporate/ Adults and Public Health (iii) upon receipt and

evaluation of the terms of the proposals as set out in Appendix B, powers to agree the preferred options be delegated to the Chief Executive (or their nominee) in consultation with Cabinet Portfolio Holders for Corporate /Adults and Public Health to inform a final decision (iv) following such a decision by the Chief Executive (or their nominee) authority be delegated to the Service Director (Legal, Governance and Commissioning), to enter into and execute any agreements or instruments relating to the transfer of a business and/or disposal of assets.

- 2) That, in relation to Residential Homes, (i) approval be given to market the residential homes for business transfer and delegate the terms and timing of any further consultation to the Strategic Director (Adults and Health) in consultation with Cabinet Portfolio Holders for Corporate/ Adults and Public Health (ii) upon receipt and evaluation of the terms of the sale of business proposals, authority be delegated to the Strategic Director (Adults and Health) in consultation with Cabinet Portfolio Holders for Corporate/ Adults and Public Health, to agree the preferred options (iii) following such a decision by the Strategic Director (Adults and Health) authority be delegated to the Service Director (Legal, Governance and Monitoring) to enter into and execute any agreements or instruments relating to the transfer of a business and/or disposal of assets.

10: Freehold Asset Transfer of Birstall Community Centre and Library, Market Street, Birstall, WF17 9EN

This report sets out the proposal to transfer the land and buildings on a freehold transfer, which currently makes up Birstall Community Centre and Library, Market Street, Birstall, WF17 9EN to Birstall Community Holdings Ltd or CIO.

Contact: Joe Tingle - Corporate Landlord 01484 221000

Wards: Birstall & Birkenshaw

- 1) That authorisation be given, in principle, to the freehold transfer of Birstall Community Centre and Library to Birstall Community Holdings Ltd or Charitable Incorporated Organisation (CIO) if created in sufficient time for nil consideration, to include covenants for community use with the exception of up to 30% commercial use, subject to Birstall Community Holdings Ltd providing information relating to ongoing CIO governance, details of the Management Committee and its Members, and the outcome of the second round of consultation before the legal completion of transfer.
- 2) That authorisation be given to a requirement within the transfer to lease back part of the asset for use of the Library and Information Centre for a period of five years with a three month break clause at nil rent but with an agreed service charge.

- 3) That it be required that the asset transfer contains arrangements that enable the Council to continue to use the property as an Electoral Polling Station, as this is not outlined within the 2017 Community Asset Transfer Policy.
 - 4) That authority be delegated to the Service Director (Economy, Regeneration and Culture) and Service Director (Legal, Governance and Commissioning) to negotiate and agree the terms and red line boundary of both the freehold transfer of the Centre and the leaseback for the library to Birstall Community Holdings Ltd or CIO, if created within sufficient time to complete the transfer.
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11: 125 Year Leasehold Asset Transfer of Honley Community Centre, Stoney Lane, Honley, HD9 6DY

A report seeking approval in principle to a 125 year leasehold transfer of Honley Community Centre to Netherton Community Centre CIC.

Contact: Joe Tingle – Corporate Landlord 01484 221000

Ward: Holme Valley North

- 1) That authorisation be given, in principle, for the 125 year leasehold transfer of Honley Community Centre to Netherton Community Centre Community Interest Company (CIC) for nil consideration and to include covenants for community use with the exception of up to 30% commercial use, subject to Netherton Community Centre CIC providing information relating to the CIC governance, an increase in Directors on its Board, full details of the Management Committee and their accounts for 2016/2017.
 - 2) That it be required that the lease contains arrangements that enable the Council to use the property as an Electoral Polling Station, as this is not outlined in the 2017 Community Asset Transfer Policy.
 - 3) That authority be delegated to the Service Director (Economy, Regeneration and Culture) and the Service Director (Legal, Governance and Commissioning) to negotiate and agree the terms of the lease (including the red line boundary of the 125 year leasehold transfer) that relate to the transfer of Honley Community Centre to Netherton Community Centre CIC.
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12: Update on the Council Financial Outturn and Rollover Report 2016-17; deferred at Council on 11 July 2017

To receive an update on the Council financial outturn and rollover report deferred at Council on 11 July 2017.

Contact: Eamonn Croston 01484 221000

Wards: None

That the corrections as set out within the report be noted and that the report be submitted to the meeting of Council on 11 September 2017.

13: Investment in Transformation Update

A report outlining the investment required to support the Council's transformation programme.

Contact: Michelle Nuttall, Head of Transformation, Tel: 01484 221000

Wards: All

- 1) That it be noted that the Chief Executive, in her capacity as Chair of the Transformation Board, has given approval for funds to be drawn down from the New Council Development Reserve to support this activity to date, in accordance with the delegation agreed by Cabinet for this reserve in July and August 2015.
 - 2) That the New Council Development Reserve be utilised to support the next phase of the Council's transformation programme in line with the proposals set out in the considered report.
 - 3) That it be agreed that overall budget responsibility for the New Council Development Reserve be delegated to the Chair of the Redesign Board.
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14: John Smith's Stadium Site, Huddersfield - request to restructure existing Lease Agreements

A report to consider a request from Kirklees Stadium Development Ltd (KSDL) to restructure the existing lease arrangements in respect of the John Smith's Stadium site to facilitate the HD One development.

Contact: Paul Kemp 01484 221000

Ward: Dalton

- 1) That the proposal from KSDL to restructure the existing property leases at the Stadium site and dispose of the additional Council land as set out at paragraph 2.5 of the considered report be accepted.
 - 2) That the Strategic Director (Economy and Infrastructure) and Service Director (Legal, Governance and Monitoring) be authorised to negotiate and agree the terms of the new lease restructure.
 - 3) That the Service Director (Legal, Governance and Commissioning) be authorised to enter into and complete all documentation necessary to implement the requested lease structure.
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16: Options for the future of Council operated older person Residential Care Facilities

A private appendix relating to agenda item 9.

Appendix B of this report is recommended to be taken in private because the information contained in it is considered to be exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely affect overall value for money and could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in Council decision-making.

Cabinet received exempt information prior to the determination of Agenda Item No. 9.

17: Investment in Transformation Update

A private appendix relating to agenda item 13.

The main part of this report is to be considered in Public. Appendix A is recommended for consideration in private because the information contained in it is 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 the report contains information relating to the financial or business affairs of any particular person (including the

authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and third party organisations concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

Cabinet received exempt information prior to the determination of Agenda Item No. 13.

18: John Smith's Stadium Site, Huddersfield Request to restructure existing lease arrangements

A private appendix relating to agenda item 14.

Paragraph 3 of part 1 to schedule 12A of the Local Government Act 1972 as amended by the Local Government (access to Information) variation order 2006 contains information regards the financial or business affairs of any person including the Council. It is not in the public interest to disclose the information in the private appendix as disclosure could adversely affect the overall value for money and compromise the confidentiality of the bidders and the council .The public interest in maintaining the exemption outweighs the public interest in disclosure of the information in terms of accountability, transparency in spending public money and openness in council decision making.

Cabinet received exempt information prior to the determination of Agenda Item No. 14.
