



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

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

CABINET

TUESDAY 21 AUGUST 2018

Andrea Woodside

01484 221000

Chair

Councillor David Sheard

Councillors Attended

Councillor Musarrat Khan
Councillor Naheed Mather
Councillor Peter McBride
Councillor Graham Turner

Attendees

Councillor Elizabeth Smaje
Councillor Mohan Sokhal
Councillor John Taylor

Apologies

Councillor Shabir Pandor (Chair), Councillor Masood Ahmed, Councillor Erin Hill (Currently on Maternity Leave), Councillor Viv Kendrick and Councillor Cathy Scott

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 Councillors Hill, Ahmed, Kendrick, C Scott and Pandor.

2: Minutes of previous meeting

To approve the Minutes of the meeting of the Committee held on 29 June and 10 July 2018.

That the Minutes of the Meetings held on 29 June and 10 July 2018 be approved as correct records.

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.

No interests were declared.

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 Agenda Items 20, 21, 22, 23 and 24 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.

No questions were asked.

7: Member Question Time

To consider questions from Councillors.

No questions were asked.

8: Proposed appropriation of Cemetery Road Allotments, Huddersfield

A report seeking Cabinet approval for the appropriation of a defined section of Cemetery Road Allotments, Huddersfield from general estate purposes to education purposes.

Wards: Greenhead and Newsome

Officer: David Martin – Head of Capital Delivery and Facilities Management

- 1) That the responses to the non-statutory advertisements, as listed in the Huddersfield Examiner on 16, 21 and 23 March 2018, which gave notice of the Council's intention to appropriate the land edged blue, as set out at Appendix C to the considered report, from general estates purposes to education purposes, be noted.
 - 2) That, having considered the responses pursuant to (i) above, authorisation be given to the appropriation of the land edged in blue, as set out at Appendix C, from general estates/temporary allotment purposes to education purposes, to enable the provision of playing fields and other ancillary uses for the new Brambles Primary Academy pursuant to Section 122 of the Local Government Act 1972 with effect from the date that Officers complete the formal appropriation.
 - 3) That Officers be authorised to provide a formal three months' notice to the affected plot holders to quit the plots and to work with the plot holders to ensure a smooth transition to the new allotment plots.
 - 4) That Officers be authorised to defend any Judicial Review in relation to the appropriation decision, in a manner that protects the Council's stated legal position regarding the current status of the existing allotments as general estates purpose for temporary allotments and not statutory allotments.
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9: Kirklees Libraries Service Redesign

A report to update Cabinet on the next steps in re-designing the library service.

Wards: All

Officer: Carol Stump, Chief Librarian

- 1) That approval be given to the framework, as set out in paragraph 2.4 of the considered report, and that there be a period of time to establish how the service, with support from communities and partners, will contribute towards Council priorities and outcomes in a local context with reduced financial resource.

- 2) That approval be given to the procurement of an external partner to provide the Home Service, on behalf of the Council.
 - 3) That the current library fine charging system be reviewed.
 - 4) That the risks as set out at paragraph 2.2 of the considered report and that it be agreed that the Council retains the delivery of service provision.
 - 5) That authority be delegated to the Strategic Director (Adults and Health), in consultation with the Cabinet Member for Corporate Services, to make individual change service decisions.
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10: The New Spen Valley Leisure Centre

A report to update Cabinet on the progress to date and seek Cabinet approval to move to the detailed design of the proposed £15m new build facility.

Wards: Cleckheaton, Heckmondwike, Liversedge and Gomersal

Officers: David Martin - Head of Capital Delivery and Facilities Management

- 1) That approval be given to a capital budget of £15m for the delivery of the new Spen valley Leisure Centre, and associated revenue financing costs.
 - 2) That it be noted that the approximate two year closure will have a financial impact upon Kirklees Active Leisure (KAL), but that Officers will work with KAL to understand the impact, provide support and develop mitigation measures that will lessen the impact upon both the Council and KAL.
 - 3) That the requirement for a cumulative £100k revenue budget, over the next four financial years, starting in 2019/20, for additional costs for marketing, communications, stakeholder engagement and potential relief support costs.
 - 4) That Officers be authorised to progress the project into the detailed design, planning application and tender stages.
 - 5) That Officers be requested to develop detailed stakeholder engagement and communications plans for future consideration.
 - 6) That it be noted that Cabinet will receive further reports as the project develops setting out updates on progress.
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11: Kirklees Council Fire Safety Policy

A report seeking approval of a refreshed and updated Council Fire Safety Policy.

Wards: All

Officer: David Martin - Head of Capital Delivery and Facilities Management

- 1) That approval be given to the updated Corporate Fire Safety Policy, as attached at Appendix A of the considered report, and that Officers be authorised to implement the policy.
- 2) That authority be delegated to the Strategic Director (Economy and Infrastructure) to approve the Supplementary Fire Guidance documentation, and make amendments as necessary.

- 3) That the legal and financial implications of the policy, as set out at paragraphs 3.1 and 3.2 of the report be noted.
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12: Dewsbury Heritage Action Zone

A report seeking Cabinet approval for a number of recommendations to ensure an efficient and timely implementation of the Heritage Action Zone and wider regeneration of Dewsbury Town Centre.

Wards: Dewsbury East

Officer: Peter Thompson, Economic Resilience Project Manager

- 1) That it be agreed that the Council funded part of the Heritage Action Zone (HAZ) can be used to support a variety of interventions that support delivery of the HAZ objectives, as outlined in paragraphs 2.10-2.16 of the considered report.
- 2) That the Service Director (Economy, Regeneration and Culture), or, the Service Director (Housing), in consultation with relevant Cabinet Members, be authorised to approve individual items of expenditure of up to £500k from within the HAZ fund, the 'Private Sector Housing – Other' and 'Regeneration of Strategic Town Centre – Dewsbury' elements of the approved capital plan.
- 3) That the offer of the grant from Historic England be accepted to enable the effective delivery of the programme.
- 4) That the Service Director (Economy, Regeneration and Culture), or, the Service Director (Housing), be authorised to negotiate and agree the terms of the grant offer from Historic England.
- 5) That the Service Director (Legal, Governance and Commissioning) be authorised to enter into any related funding or ancillary agreements(s) with Historic England.
- 6) That approval be given to the principle of acquiring key properties within the HAZ, as set out within the considered report, and that the Service Director (Economy, Regeneration and Culture) or the Service Director (Housing), in consultation with the relevant Cabinet Member(s) agree individual purchases.
- 7) That approval be given for the property acquisitions, and any related works described in the considered report, to be funded from capital plan allocations, as detailed in paragraph 3.5.
- 8) That approval be given to the principle of acquiring key properties within the HAZ by the use of Compulsory Purchase Order powers and that the Service Director (Economy, Regeneration and Culture), or Service Director (Housing), in consultation with the relevant Cabinet Member, agree the individual purchases.
- 9) That approval be given to the property acquisitions and any related works described in the report, to be funded from the capital plan allocations as described in paragraph 3.5 of the considered report.
- 10) That approval be given to the principle of acquiring key properties within the HAZ by using Compulsory Purchase Order powers and that the Service Director (Economy, Regeneration and Culture), or the Service Director (Housing), in consultation with the relevant Cabinet Member, agree the individual properties.

- 11) That it be noted that, in instances where it appears unlikely that it will be possible to acquire by agreement, further reports will be submitted on individual groups of properties with proposals to make Compulsory Purchase Orders for those properties.
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13: Corporate Financial Monitoring Report Quarter 1 for 2018/19

To inform Cabinet of the financial monitoring for general fund revenue, Housing Revenue Account (HRA) and Capital Plan, as at Quarter 1 (month 3), 2018-19.

Wards: All

Officer: James Anderson, Senior Finance Manager

- 1) That approval be given to the offset of the High Needs Pressure in-year with £5.0m Minimum Revenue Provision saving released back into the general fund.
 - 2) That the Quarter 1 forecast £4.4m revenue monitoring overspend be noted.
 - 3) That the expectation that Strategic Directors work to identify opportunities for spending plans to be collectively brought back in line within the Council's overall budget by year end be noted.
 - 4) That approval be given to the proposal to place the additional £2.8m adult social care resources into a reserve and draw down against spend over a two year period.
 - 5) That the forecast reduction in general fund reserves and balances in-year at £2.6m and year end position at £86.2m be noted.
 - 6) That the overall neutral in-year financial performance of the collection fund be noted.
 - 7) That the Quarter 1 forecast HRA deficit at £293k and forecast reserves position at year end at £47.8m be noted.
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14: To consider a request for loan support from the Property Investment Fund towards the refurbishment of 103 New Street Huddersfield

A public report with private appendix for Cabinet to consider the request for loan support from the Property Investment Fund towards the refurbishment of 103 New Street Huddersfield

Wards: Newsome

Officer: Joe Tingle, Strategic Lead – Assets and Capital

- 1) That approval be given to the disposal of 103 New Street to SKA properties, or a Special Purpose Vehicle created by SKA properties, on the terms as set out in the (exempt) appendix to the report (Agenda Item 20), to facilitate the redevelopment of the property.
- 2) That it be agreed that a loan be offered from the Property Investment Fund up to the amount as set out within the (exempt) appendix, to support the redevelopment of 103 New Street, subject to due diligence being carried out.

- 3) That the Strategic Director (Economy and Infrastructure), in consultation with the Cabinet Member – Corporate Services, having sought appropriate advice from the Service Director (Legal, Governance and Commissioning), and the Acting Service Director (Finance), be authorised to carry out appropriate due diligence on the proposal to offer a loan from the Property Investment Fund.
- 4) That the Service Director (Legal, Governance and Commissioning), be authorised to enter into any documentation required to agree the Property Investment Fund loan and to protect the Council's position as lender.

15: Dewsbury Townscape Heritage Initiative Grant Application DTHI-012 The Black Bull

A public report with private appendix seeking Cabinet approval for a Dewsbury Townscape Heritage Initiative (THI) grant towards improving The Black Bull, Dewsbury and to seek delegated authority for the Strategic Director, Economy and Infrastructure to authorise payment of the grant.

Wards: Dewsbury East

Officer: John Lambe, Dewsbury Townscape Heritage Initiative (THI) Officer

- 1) That approval be given to the award of a Town Heritage Initiative grant in accordance with the amounts specified within the (exempt) appendix (Agenda Item 21).
- 2) That authority be delegated to the Strategic Director (Economy and Infrastructure) to authorise actual payment of the grant, subject to receipt of a completed application form, satisfactory completion of the due diligence process and all necessary supporting information being supplied, in accordance with the terms of the grant agreement.
- 3) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and seal all grant agreements, legal charges and ancillary documents relating to the grant.

16: Disposal of Surplus Land and Property Assets

A public report with private appendix seeking Cabinet approval for the disposal of a number of surplus land and property assets.

Wards: Almondbury; Ashbrow; Batley East; Birstall and Birkenshaw; Cleckheaton; Colne Valley; Crosland Moor and Netherton; Dalton; Dewsbury South; Dewsbury West; Greenhead; Holme Valley North; Holme Valley South; Liversedge and Gomersal; Mirfield; Newsome;

Officer: Joe Tingle, Strategic Lead – Assets and Capital

- 1) That approval be given to the disposal of assets as listed in Appendices A and B of the report (Agenda Item 22 refers – Appendix B).

- 2) That authority be delegated to the Strategic Director (Economy and Infrastructure) and Service Director (Legal, Governance and Commissioning) to negotiate and agree the terms and the disposal of each asset as listed within the appendices, including sale price, except where an auction is the preferred route and Contract Procedure Rules will apply).
 - 3) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute any agreements or instruments relating to the disposal of any assets as listed within Appendices A and B.
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17: Bradley Business Park, Huddersfield – Phase 3

A public report with private appendix for Cabinet to consider the offer received from Aflex Hose Ltd for the purchase of the council owned land off Dyson Wood Way, Huddersfield known as Phase 3 Bradley Business Park.

Wards: Ashbrow

Officer: Joe Tingle, Strategic Lead – Assets and Capital

- 1) That approval be given to the disposal of Bradley Business Park Phase III by the Council to Aflex Hose Ltd for the purchase price as set out in the Heads of Terms, as attached at Appendix 3.
 - 2) That the disposal shall be (i) conditional upon the grant of an unchallengeable planning permission for the proposed manufacturing unit and (ii) subject to the Council being granted an option to repurchase Bradley Business Park III in the event that no contracts have been put in place for the construction of the proposed development within six months of completion.
 - 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree with Aflex Hose Ltd the terms of the disposal and the option to repurchase, and any other ancillary deed or document that may be required.
 - 4) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute any agreement transfer and option in relation to the disposal of Bradley Business Park Phase III to Aflex Hose Ltd, together with any ancillary documents and agreements.
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18: Proposals to allocate funding from the Corporate Landlord Asset Investment Section of the Capital Plan for replacement cremator systems at both Dewsbury Moor and Huddersfield Crematoria

A public report with private appendix seeking Cabinet approval for the replacement cremator systems at Dewsbury and Huddersfield.

Wards: Ashbrow and Dewsbury West

Officer: Paul Hawkins, Operational Manager, Commercial Services

- 1) That approval be given for the allocation of £3.3m from the Corporate Landlord Asset Investment budget to fund the investment in the replacement of the existing cremators, together with the condition and modernisation works, and the associated internal and external fees in relation to these works.
 - 2) That authority be delegated to the Service Director (Legal, Governance and Commissioning) in consultation with the Service Director (Commercial, Regulatory and Operational Services), to finalise and enter into all appropriate contracts and documents in relation to the outcome of the tender process as set out in the (exempt) appendix at Agenda Item 24).
 - 3) That approval be given to undertake front of house works via Kirklees Neighbourhood Housing Limited Property Services Teams.
 - 4) That the information as set within the private appendix (Agenda Item 24) be noted, including; the tender process, timing of the works, the intention to appoint the successful bidder after the standstill period, the supply and installation of equipment in compliance with emission control and entering into a 15 year maintenance contract with the successful bidder in order to ensure adequate ongoing maintenance of new cremators for 15 years and to achieve continuity of service.
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19: Exclusion of the Public

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

20: To consider a request for loan support from the Property Investment Fund towards the refurbishment of 103 New Street Huddersfield

A private appendix relating to item 14.

Wards: Newsome

Officer: Joe Tingle, Strategic Lead – Assets and Capital

The information was considered prior to the determination of Agenda Item 14.

**21: Dewsbury Townscape Heritage Initiative Grant Application
DTHI-012 The Black Bull**

A private appendix relating to item 15.

Wards: Dewsbury East

Officer: John Lambe, Dewsbury Townscape Heritage Initiative (THI) Officer

The information was considered prior to the determination of Agenda Item 15.

22: Disposal of Surplus Land and Property Assets

A private appendix relating to item 16.

Wards: Almondbury; Ashbrow; Batley East; Birstall and Birkenshaw;
Cleckheaton; Colne Valley; Crosland Moor and Netherton; Dalton; Dewsbury
South; Dewsbury West; Greenhead; Holme Valley North; Holme Valley South;
Liversedge and Gomersal; Mirfield; Newsome;

Officer: Joe Tingle, Strategic Lead – Assets and Capital

The information was considered prior to the determination of Agenda Item 16.

23: Bradley Business Park Huddersfield - Phase 3

A private appendix relating to item 17.

Wards: Ashbrow

Officers: Joe Tingle, Strategic Lead – Assets and Capital

The information was considered prior to the determination of Agenda Item 17.

**24: Proposals to allocate funding from the Corporate Landlord
Asset Investment Section of the Cap Plan for replacement
cremator systems at both Dewsbury Moor and Huddersfield
Crematoria**

A private appendix relating to item 18.

Wards: Ashbrow and Dewsbury West

Officer: Paul Hawkins, Operational Manager, Commercial Services

The information was considered prior to the determination of Agenda Item 18.
